

This work covers the whole ground of Moral Theology, and includes many pastoral notes for the guidance of pastor and confessor. In this work on the Sacraments, the author has followed the order of the canons of the Code of Canon Law, and has based his treatment of that part of the subject very strictly on the canons. The contribution of the author to the many medico-moral problems that confront both pastor and doctor is original and timely, the author has also observed the developments, not always commendable, in modern social life, and has applied Catholic principles to them, carefully and impartially, but at the same time along the traditional lines marked out by his predecessors.

There exist, of course, a few standard works in English dealing with the same subject, but none of them treats fully enough of the Sacraments, and, for the pastoral office, this matter is of the greatest moment. It was necessary, particularly with the Sacrament of Marriage, to pay great attention to the canons of the Code of Canon Law. Furthermore, many decrees and replies have issued from the Roman Congregations since the publication of earlier works.

The following brief analysis will give students an idea of what the volumes contain:—

- | | |
|-------------|--|
| Volume | Principles. Scope of Moral Theology; human acts; probabilism; law, sin; virtue; faith; hope; charity. |
| Volume | Precepts. The Decalogue; problems connected with sterilization, medico-moral matters (as abortion, feticide, ectopics, placenta praevia, hydramnios, hyperemesis gravidarum, eclampsia, twilight sleep, curetting, irradiation by X-rays, embalming, etc.); forbidden books; precepts of the Church. |
| Volume III. | The Sacraments (I). The Sacraments in general; baptism; Confirmation; Holy Eucharist; penance; indulgences; censures. |
| Volume IV. | The Sacraments (2). Extreme Unction; Holy Orders; Marriage; the Clerical State; the Religious State; the duties of certain lay people, namely, judge, juryman, witness, advocate, doctor, surgeon; ecclesiastical burial; list of canons referred to; index to the four volumes. |

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HEYTHROP SERIES II

MORAL AND PASTORAL
THEOLOGY

IN FOUR VOLUMES

BY

HENRY DAVIS, S.J

PROFESSOR OF MORAL AND PASTORAL THEOLOGY AT HEYTHROP COLLEGE

VOLUME ONE

HUMAN ACTS, LAW, SIN, VIRTUE

FOURTH EDITION, REVISED AND ENLARGED

NEW YORK
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This work covers Moral Theology, moral notes for the confessor. In this the author has followed the canons of the Council based his treatment) subject very strongly contribution of medico-moral pastor and doctor. The author has comments, not always social life, and principles to them but at the same lines marked clearly.

There exist, works in English, but none of the Sacrament office, this sacrament. It was the Sacrament attention to Canon Law. and replies Congregational-earlier world.

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Volume I

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“ Multa in populi Christiani mores rerum cursus induxit, patruin nostrorum inaudita temporibus ; quæ pernovisse hodie sacerdotem oportet, ut nova novis remedia malis in Jesu Christi virtute reperiat, et salutarem Religionis vim in omnes venas afferat humanæ societatis.”——*Apost. Pii PP. XI; i Aug., 1922 (A.A.S., 1922, p. 456).*

PREFACE

Several manuals in English on Moral Theology have been published within recent years. The Manual of Moral Theology of Fr. T. Slater, S.J., held an honoured place for many years, but its author was unable to incorporate in the later editions of his work, as much of the codified Canon law as he would have wished. Frs. McHugh and Callan, O.P., in their Complete Course of Moral Theology, have dealt at considerable length with the first part of the subject, but have compressed the treatment of the Sacraments into a portion of the second volume. Again, in the Handbook of Moral Theology of Dr. A. Koch, adapted and edited by Arthur Preuss, the author has dealt with the strictly moral aspect of the subject as fully as one could wish, but has treated of the matter on the Sacraments somewhat briefly.

Since a knowledge of Canon law is essential to the student of Moral Theology, and since frequent reference must be made to the canons that bear on the Sacraments, there seems to be justification for yet another book on the subject, to supply the omissions of other works, especially in all that pertains to the administration of the Sacraments.

Furthermore, since Moral Theology is closely connected with Pastoral Theology, some attention should be given to the duties of pastors, and this practical aspect of the subject should be emphasized. Consequently, in this work, many Pastoral Notes have been embodied in the text.

A writer on Moral Theology today must be indebted beyond measure to the labour of past writers, for the matter is one that has been treated with the greatest acumen and scholarship during well-nigh three centuries, and there is no room for originality. The author therefore acknowledges his special debt to the modern workers in this field, such as Vermeersch, Cappello, Prümmer, Aertnys-Damen,

Wouters, Merkelbach, Ayrinhac (for Canon law), Génicot-Salsmans, Lehmkuhl, Ferreres and Noldin.

During the progress of this work, the author has derived very great benefit from the help and criticisms of his censors, and particularly from Fr. Leonard Geddes, S.J. To them his special thanks are due. He is grateful also to Dr. Mary Cardwell, M.D., for help in the medical sections of the work, and to Mr. Stanislas Baron, LL.B., for help in the legal sections. But if there is any error in fact or terminology in these two sections, it is the author's own. It is certainly a perilous excursion for an outsider to wander into the fields of medical science and jurisprudence. Consequently, the writer has endeavoured to lay down only the most general principles, where moral conduct has a direct impact on medical practice and legal procedure, and for the rest, would urge the reader to consult experts in these respective spheres, for a Moral theologian cannot hope to have exact knowledge in any other science than his own.

The author also thanks Fr. Provincial of the English Dominicans for permission to use their English version of the *Summa Theologica* of S. Thomas Aquinas, and the Secretary of the English Catholic Truth Society for having obtained for him permission to use its English translation of recent papal encyclicals.

When reference has been made to the canons of the *Codex Juris*, their meaning has been, it is hoped, faithfully given in substance ; the author is not entitled to present a translation of them. The reader who wishes to make a serious study of the subject should have at hand the *Codex Juris* for verification.

The chief aim of this work is to present the common teaching of modern Catholic authors on Moral Theology, and not to cover again the ground that has been so carefully traversed by them in comparing the opinions of the classical writers on the subject. The repetition of ancient controversies would merely weary the reader. If, then, references

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to some of the older authors appear to be infrequent, that will not, it is hoped, be taken to mean that those authors have not been consulted, or that even now they may be disregarded. They have laid the foundations of this science securely and beyond all cavil.

It may be that in the endeavour to state a multitude of facts, and to apply correct moral principles to human life, the author has failed in accuracy or judgment, for he is painfully aware how easy it is to misapply a principle to a concrete case, especially when several principles which appear to be mutually antagonistic have to be co-ordinated. If, in the attempt, any error has been made, it is hereby retracted.

It remains to thank Mr. John Griffin, the director of Manresa Press, for his patience and skill in the production of the volumes.

HENRY DAVIS, S.J.

The Feast of the Nativity

September 8, 1934.

PREFACE TO THE FOURTH EDITION

Some emendations and additions have been made in the fourth edition of this work, which are necessary in view of both recent Instructions issued by the Sacred Roman Congregations, and replies given by the Pontifical Commission for the Interpretation of the canons of the Code of Canon Law. The Author has embodied in this edition all necessary material published in the *Acta Apostolicæ Sedis* up to December 1941 inclusive.

HENRY DAVIS, S.J.

May, 1943.

The author cites here only those books which he has had most frequent occasion to consult. Methods of reference are given, where necessary, in brackets after the name of the work. Authors on Moral Theology are referred to by the volume and number (vol., n.) of their work.

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TREATISE I

MORAL THEOLOGY—ITS MEANING

CHAPTER I

DEFINITION AND SCOPE OF MORAL THEOLOGY

Moral Theology is that branch of Theology which states and explains the laws, of human conduct in reference to man's supernatural destiny, the vision and fruition of God. As a science, it investigates the morality of human acts, that is, the moral and the moral conduct in relation to God's ultimate end. It is a practical science because it has to regulate action.

Since this branch of Theology presupposes the existence of God, the fact of a supernatural human destiny, the possibility of attaining it by human acts with the help of divine grace, the freedom of the will, the existence of a teaching infallible Church, these truths are here assumed ; if reference is made to any of them, or their implications pointed out, it must be stated at the outset that these truths have been already proved in Fundamental and Dogmatic Theology.

Pastoral Theology is not a separate science having its own subject-matter ; but it is the practical art of applying the conclusions of Moral Theology. This is done by the pastor of the Christian flock, in preaching and directing souls, and most especially in administering the Sacraments. Where Moral Theology has a direct bearing on the pastoral office, this will be indicated, without, however, interfering with the strictly scientific treatment of the main subject.

Moral Theology is distinct from, and much more comprehensive than, ethics, for it assumes the fact of a Divine Revelation, ecclesiastical tradition, and the supernatural order, whereas ethics considers what is right or wrong, in so far as human reason unaided by Revelation can judge.

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The science of ethics, however, has its proper object and method of treatment, and may be considered as a handmaid of Moral Theology*. If certain acts are proved to be in accordance with rational human nature, or if certain other acts are proved to be contrary to it, these conclusions are accepted and reinforced by Moral Theology, for rational nature is not destroyed or supplanted by its supernatural elevation, but is perfected and adorned by it. Consequently, it may rightly be considered within the province of Moral Theology' to establish on the basis provided by its own special sources the laws of rational human conduct, since these laws have to be fulfilled by every man, notwithstanding his elevation by divine grace to a higher order.

As Moral Theology presupposes Divine Revelation, it presupposes and accepts the proved conclusions of Dogmatic Theology. The two sciences differ in their subject-matter. The latter deals with the articles of Faith, to be presented systematically to the intellect.

Canon law is the body of church law which regulates man's conduct as a member of the visible society of the Church, that is, it imposes a certain discipline on man in his external relations within that society. Human acts must conform to the laws of the Church, since it is, for man, a divinely appointed teacher and ruler. But it is only in this external relationship, in *the forum externum* as it is termed that Canon law imposes specific conduct, whereas Moral Theology* considers the obligation in conscience, termed *the forum internum*, that arises whenever the Church, through its canons, imposes such definite rules of conduct.

Ascetic Theology formulates rules for the more certain realization of Christian perfection.

Mystical Theology enunciates the method of the ascent of the mind and will to God, the contemplation of and the union with God in this life, so far as such graces are given to men. Since these two parts of Theology deal with perfection, it would seem better that they should not be formally included in any treatment of Moral Theology as such.

Casuistry is merely the reasoned application of law to concrete cases, and it determines, with all possible exactitude

cases. It is no part of Moral Theology nor, indeed, of jurisprudence. But casuistry is as necessary in the determination of morality in conduct, as it is in the reasonable interpretation of all Civil and Ecclesiastical law, and of treaties and concordats. The atmosphere of Law Courts is, as it were, charged with casuistry. All men are casuists in the innumerable affairs of everyday life, and, therefore, when the term is correctly understood, casuistry must commend itself to everyone. But casuists may be carried away by their enthusiasm for their own point of view ; casuistry may be abused, or rather strained beyond reasonable limits. That is the abuse of casuistry. The extravagances of some of the casuists in the seventeenth and eighteenth centuries rendered a disservice to Moral Theology. Pascal pilloried the excessive casuistry of his day, but he missed the real point of casuistry, was badly briefed, and overshot the mark.¹ As a refutation of Probabilism in moral systems the work of Pascal, though of the highest literary merit, is antiquated and of no account.

Moral Theology has been described by those who are impatient of refined analysis, as the obsession of the Decalogue, the poison and virulence of systems that make all Christian conduct to consist in obedience to a law. It is thought, by them, to be too juristic, yet it is also condemned as a system that enables one to evade obligations. It must be admitted, however, that the science cannot be anything but juristic. There is a body of law, Divine, Natural, Ecclesiastical, and Civil, which has to be explained. The quarrel with a juristic system should logically be a quarrel with the Ten Commandments ; indeed, it should be a quarrel with human nature itself, for nature forbids certain human acts, because human reason reveals to man a Lawgiver Who has imposed laws on human beings, and reason imposes on man certain obligations as from a Supreme Lawgiver. As all men are casuists, so, too, are they legalists,

¹ This is well brought out by H. Belloc in *Studies*, Sept., 1920. His conclusion is that of the 132 selected cases criticized by Pascal, three only can be unfavourably judged.

if they pay any attention to the dictates of conscience. A sane legalism, as a sane casuistry, will determine the reasonable and necessary implications of all law, and it is precisely about law that Moral Theology is concerned. It is not a mirror of perfection, showing man the way of perfection. It shows him the way of salvation, which will be attained by the observance of the Commandments of God and of the Church. It must, at the same time, be admitted, that a man who aims only at keeping within the four corners of the law, will sometimes wander outside the pale, and will find himself in a very perilous situation, may even jeopardize his salvation, not because Moral Theology offers him the broad road and lax principles, but because man himself does not act up to the principles offered. The standard for the pastor of souls to put before his people is certainly not the standard of Moral Theology alone ; he must lead his people to aim at Christian perfection, for as all men fall below their ideals, ordinary Christians who aim at keeping law substantially will sometimes fail to do so.

It will be admitted that in moral questions absolute certainty is very difficult to reach. It is therefore reasonable, on occasion, to investigate the views of those divines who have given serious thought to moral questions. It would be unreasonable, in a conflict of opinions, to maintain one's own view as the only correct view, where the evidence for it is not conclusive, or where the given evidence impresses minds in different ways. In many cases, reasons may prove in the abstract that a given line of conduct may be adopted, but in the concrete, taking human nature as it is, one would say that the line of conduct should be avoided. Many of the eminent divines who have written on Moral Theology were men of wide experience, and knew what was true and just in the concrete, much as the medical practitioner of long experience will succeed where the bookish physician would fail. In doubt, therefore, one has recourse to the common opinion of divines, and it is prudent to incline more to an opinion that is accepted by the larger number of competent moralists. When authorities are, more or less, equally divided, it is justifiable to choose either opinion.

This procedure is not an abdication of reason and the substitution of authority for argument. The point is of considerable moment, since it is greatly misunderstood ; for when a doubt arises and persists concerning a line of moral conduct, who will be so presumptuous as to maintain that his particular view is the only true one ? But by this consulting of authorities it is not implied that the mere authority and pre-eminence of an author can settle a question finally and irrevocably. The matter, as we suppose, remains doubtful in the abstract, but my line of conduct in the concrete is justified if regulated in accordance with good opinion. I do not act in doubt, but with certainty. To accept human authority as final would be contrary to the principle of S. Thomas and of all the Scholastics, who, if they had a fault, erred on the side of rationalizing. Apart, then, from decisions by the Church, we have to follow the fight, of reason, but we may be guided by competent divines in determining whether the light of our individual reason shines true, or is distorted through a medium of prejudice. We thus come to the paradoxical conclusion that where we appear to have reasonable doubt as to conduct, we may adopt the ruling of the majority, or even of a great number of divines against our own judgment. In so doing, we act correctly and reasonably. This is to act on the extrinsic probability of an opinion, about which more will be said when dealing with Probabilism.

CHAPTER II

SOURCES AND SUBJECT

SECTION 1. Sources of Moral Theology

The science of correct moral conduct is based on the teaching of legitimate authority and the principles of right reason. The sources, therefore, of this science are the following.

Divine Revelation embodied in the Old and the New Testaments ; Ecclesiastical tradition from Apostolic times ; the teaching of the Church, as well in papal and conciliar documents as in the ordinary preaching and teaching of its accredited pastors ; the teaching of the Fathers and the divines of the Church, amongst the latter S. Thomas Aquinas and S. Alphonsus Liguori being pre-eminent. Furthermore, there is human reason, investigating the principles of sound doctrine, examining the force and application of church teaching, and prudently applying these principles and that teaching to particular problems, as explained in the preceding chapter ; there is right reason, which reveals the moral law of nature, and reason illuminated by divine faith, since in many matters, faith precedes reason, and in all matters, reinforces it.

There is need to insist on right reason as a source of our knowledge of correct moral conduct, for it is right reason alone that is the participated light of Divine Wisdom. There is no possible contradiction in moral standards if right reason is the norm of conduct.

SECTION 2. The Subject of the Laws of Right Moral Conduct

Man, in this life, is the subject of the laws of right moral conduct. Since he may be viewed as a moral or an intelligent or a physical being, it is necessary to state under which aspect he comes into subjection to the laws of right moral conduct. He does so as being one who is endowed with reason and free will, having a nature created by God, placed

in the hierarchy of nature to preserve the order established by God, an order that is made known to him by the light of reason, and by God's positive legislation in his regard. He is, moreover, to be regarded in his personal relations to the purpose for which he was created, having been endowed with appetencies for what is true, good, and beautiful, objects which culminate in the Absolute Truth, Good, and Beauty. Man, too, must be regarded in his social relations as a member of the human race, with consequent obligations towards that society. But as Moral Theology presupposes the state and condition of man as he now exists under the Christian Dispensation, he must be regarded as a being elevated by divine grace to a supernatural order, and destined, by God's salvific Will, to possess and enjoy the Supreme Good ; redeemed, too, by Christ, his brother by adoption, designed in God's Will to be like to the Son of God, and a member of that mystical body, whose Head is Christ. All this high achievement has to be attained by means of human faculties, assisted, it is true, and elevated by divine grace. Human acts are the expression of these human faculties. Man must aim, therefore, at right moral conduct. It will be necessary to explain more at length this ultimate destiny of man, and those human acts by which he can compass it.

SECTION 3. Man's Ultimate End

Since Moral Theology deals with human acts in relation to the ultimate end of man, it will be necessary to answer the question : What is man's ultimate end ?

It is, objectively, God's extrinsic glory, subjectively, man's eternal happiness through the vision and fruition of God, that is, by means of the complete satisfaction of intellect and will, and this is, at the same time, man's own perfection. To deal with this subjective end first, we must say that, just as the perfection of an artist consists in his activity in producing works of art, so the chief good of man consists in the activity peculiar to him. The highest activity of man is that of the intellect ; truth pervades the mind as light suffuses itself

in a glass medium, but with this difference, that the comprehension of truth is a vital activity of the intellect. The life of contemplation is, therefore, the most perfect life possible to man. For this reason, many theologians, after S. Thomas, think that man's eternal happiness consists essentially in the vision of God rather than in the will's complacency and delight in the possession of its adequate object, namely, the Absolute Good, which is God. This is not, however, to deny that the vision of God is accompanied by the love for God, as the necessary complement of happiness, for it would be a strange kind of happiness if the intellect were ravished with truth, whilst the will was left striving after an unattainable good. This beatitude is called in Holy Scripture eternal life :

“ He that doth the will of God, abideth for ever ” ;
 “ He that believeth in the Son of God, hath the testimony *of God* in himself. . . and this is the testimony, that God hath given us eternal life.” It is called “ the vision of God,” “ the being called Sons of God,” “ the kingdom of heaven,” “being like unto the angels in heaven,” “being with Christ,” “and therefore being ever with God ” (i Jn. 2, 17 ; 5, 10, ii ; Mt. 5, 3 ; Phil. 1, 23 ; 1 Thess. 4, 16).

But though this happiness is the ultimate end of all men, there is a proximate end to be first achieved in this present life, namely, the knowledge, love and service of God, which lead to the attainment of the ultimate end. This proximate end is both an obligation and the perfecting of our nature by the exercise of its functions. It is an obligation, because, as God created man, wishes to save him, and has given him a revelation in both the Old and the New Dispensations, it is obviously man's duty to hearken to that revelation, to know Who He is that gives it, and to accommodate himself to His law of love and service, so frequently expressed by Jesus Christ.

Furthermore, the knowledge, love and service of God are the perfecting of our nature, because no finite truth can satisfy the intellect, since all finite truth is found to be an insufficient point of repose for the restless intellect of man, and no finite good is so necessary, so sufficient, or so irre-

versible, as to be an adequate resting place for the restless heart of man with its ever unsatisfied power of loving. God alone, with His infinite Attributes of Truth and Lovableness, is not only the worthy object of man's strivings, but also the only all-sufficing object of understanding and love. Experience and the history of human endeavour prove clearly enough that no finite good, such as riches, honour, ambition, power, pleasure, or self-realization of any sort, can satisfy man completely, and since man can be, and often is, unhappy in spite of possessing any or all of these things, they cannot be the purpose of man's existence on earth.

The objective ultimate end of man is God's extrinsic glory, both on earth and in the life to come. This is the only adequate reason of creation. Viewed materially, this glory is always present by the very fact of creation and of God's external action, since His greatness, power, wisdom, and other perfections are thus expressed ; but when we add to this the knowledge and acknowledgement by rational creatures of these manifested perfections, God is then glorified in His works by rational creatures. This extrinsic glory of God, being the reason of creation, is necessarily the only complete object of man's life in this world, and of man's unchangeable state, whether through personal happiness or damnation, in the next :

“ Everyone that calleth upon my name, I have created him for my glory ” ; “ The beast of the field shall glorify me, the dragons and the ostriches ; because I have given them waters in the wilderness, rivers in the desert, to give drink to my people, to my chosen. This people have I formed for myself, they shall show forth my praise ” ; “ The heavens show forth the glory of God, and the firmament declareth the work of His hands ” ; “ For My Name's sake I will remove my wrath far off . . . behold I have refined thee, but not as silver, I have chosen thee in the furnace of poverty. For my own sake, for my own sake will I do it, that I may not be blasphemed ; and I will not give my glory to another ” (Isaias 43, 1 sqq. ; Ps. 18, 1 ; Isaias 48, 9-11).

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The glorifying of God by rational creatures is ultimately achieved by their own eternal beatitude :

“ But now being made free from sin, and become servants of God, you have your fruit unto sanctification, and the end life everlasting ” (Rom. 6, 22). But it may also be achieved even in the case of those who are eternally lost, through their own fault, but not because God wished for His glory by their misery : “ What if God, willing to show His wrath, and to make His power known, endured with much patience vessels of wrath, fitted for destruction ” (Rom. 9, 22).¹

This extrinsic glory of God is the only reason that can be assigned for creation, since God’s love of creatures is entirely gratuitous, He can derive no intrinsic benefit from the praise of creatures, He was certainly not moved by anything outside His own perfections to create, and could not so refer everything to Himself as though He were receiving a benefit.

The glorifying of God by rational creatures is founded on the right order of things, and is for the benefit of those who give Him glory.

¹ S. Aug., *de Cat. Rud.*, c. 18 : “ Novit enim Deus ordinare deserentes se animas et ex earum justa miseria inferiores partes creatura* suae convenientissimis et congruentissimis legibus admirandae dispensationis ornare.” In the same chapter he speaks of God being glorious in the equity of His punishments. S. Augustine [*Retract. 9II*, c. 14) corrects | animas | to * spiritus, for he was speaking of the Angels.

TREATISE II

HUMAN ACTS

CHAPTER I

NATURE OF HUMAN ACTS

SECTION 1. The Specific Human Act

Acts which are freely exercised by man are called human acts, because free acts are peculiar to man, who differs from irrational creatures inasmuch as he is master of his own acts. This dominion he possesses by virtue of his reason and will. Human acts, therefore, proceed from deliberate will. We do not deliberate about necessary physical acts, such as the act of breathing, nor yet about the first spontaneous act of thinking. Man can deliberate only about such objects as have some goodness, real or apparent, that attracts the will, with some admixture of evil, real or apparent. We could not deliberate about a perfect good, for that is the natural and adequate object of the will-act. Loving God in heaven is indeed an act of the will, but not a free act, for there could be no reflection of the mind as to whether or not God is a worthy object of love. The object that is the Absolute Good, when proposed to the will, is at once necessarily accepted. Human acts, therefore, which are the proper objects about which Moral Theology is concerned, are the free deliberate acts of man that mark him off as a moral agent.

A specifically human act is, therefore, an act that issues from the will acting freely, with antecedent knowledge of the end or purpose, and accompanying advertence. Human acts are not to be confused with those actions that are instinctive and inadvertent. Revenge taken in a sudden outburst of anger is a human action indeed, but it is irresponsible and spontaneous ; an act of cool calculated revenge is deliberate, and is a true human act.

SECTION 2. Constituents of the Human Act

Every human act—and by the term is henceforth always meant the free act—must have three elements, namely, advertence of the intellect, voluntariness and freedom. It must have advertence, because we cannot will anything unless we know the object of our willing ; it must be voluntary, inasmuch as it actually proceeds from the will, being either elicited or commanded ; and it must be free, being the result of free choice. This freedom is in the true human act, whether in the natural sphere, under the influence of the most attractive object, or in the supernatural sphere, under the influence of divine prevenient or assisting grace.

Acts of faculties other than the will are also called voluntary acts, and objects of an act are called voluntary, but only by analogy. Thus, to study is a voluntary act, because done under the command of the will, and erudition is a voluntary object for the scholar.

An act is perfectly voluntary, when done with full advertence and full consent ; it is imperfectly voluntary, if advertence or consent are partial.

SECTION 3. The Voluntary Object

An object of the will is directly voluntary, when a positive will-act is elicited in its regard, as in deliberate homicide ; it is indirectly voluntary, when the will refrains from acting when it could and ought to act, as in conscious neglect of duty.

An object of the will is voluntary in itself and for its own sake, when it is intended as such ; an object is voluntary not in itself but in its cause, when the cause of an effect is itself intended, but the effect is merely foreseen, though not in itself wished. In the siege of a city, the enemy general wishes to destroy the fortifications, but does not necessarily intend to compass the deaths of women and children, though these inevitably follow from the destruction of the city, and he knows and foresees such a possibility. The cause of

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their deaths is for him voluntary in itself, but their deaths are not in themselves voluntary, they are only voluntary in the cause which he sets in operation.

That an effect, voluntary in its cause and not in itself, should be imputable and blameworthy, it is necessary that the effect should be an evil effect, secondly, that it should have been foreseen in some way, thirdly, that the cause should naturally produce the effect, or should be accidentally connected with the effect, so that there is some special reason, or some particular precept, that obliges one to refrain from setting the cause in motion, fourthly, that the agent could have refrained from putting the cause, or, at least, could have withdrawn the cause. The reason why the first condition is necessary, is that while good is imputed to us only if it be willed in itself and for itself, evil, on the other hand, such as the physical evil of manslaughter, is attributed to us, if the cause of it was wished, and the death of another was connected with the cause. Evil is to be avoided by us, and we are to take means that it should not result from any action of ours, in so far as we can do so. That good may be ascribed to us as moral agents, the good has to be rationally chosen ; but evil cannot rationally be chosen, for we are always bound to avoid evil. Furthermore, that moral goodness may be in a given act, the will itself must be good, but no moral goodness that is merely foreseen, and happens contrary to one's intention, can be said to be the outcome of a will that is good.¹

Therefore, an evil result voluntary only in its cause is imputable and blameworthy, if it was foreseen in some way, if though foreseen it could have been prevented, and if it ought to have been prevented. The three conditions must be simultaneously verified, since in the absence of any one of them, it cannot be said that the evil effect, as such, was avoidable.

It is permissible to set a cause in motion, in spite of its foreseen evil effect, provided that the act which produces the evil effect is not itself a morally wrong act ; secondly,

¹ cf. Ball.-Pal., I, n. 38 ; Frins, *de Acibus Humanis*, n. 185.

provided that a good effect also issues from the act, at least as immediately and directly as the evil effect, that is to say, provided that the evil effect does not first arise, and from it, the good effect ; thirdly, provided that the agent has a justifying and sufficient reason for acting, one that is commensurate with the evil effect, foreseen and permitted.

On these principles, and prescindng from international agreements, it would be permissible, in war, to sink a neutral ship carrying munitions to the enemy, provided that mere capture and confiscation of the munitions were not possible. In this case the gun or torpedo discharged has for its first, immediate, and intended effect, the disabling and sinking of the ship ; the second effect, not so immediate and not intended on its own account, is the destruction of neutral property' and the lives of non-belligerents ; the sufficient justifying reason is self-defence, for we may rightly defend ourselves against all hostile acts, even those that are constructively hostile.

As a corollary to the doctrine stated, it must be added that it is wrong to apply a cause whose first and immediate effect is evil, even if, by consequence, a good effect follow. Thus, it is obviously wrong to administer poison in order to kill another, that a great good to oneself may ensue.

An object or effect of a will-act is said to be actually voluntary', when there is actual advertence of the mind to what is being done. It is virtually voluntary, when the effect continues to issue from the original will-act, without the actual advertence of the mind to what is being done. Virtual intention of the will is admitted by all divines to have some influence on a continued effect or action, but it is very difficult to offer a satisfactory psychological explanation. A labourer, let us suppose, continues to work all day for a given wage, though often, during the day, he does not think of his original intention. But he continues to work, and if asked at any moment the reason for his working, he would reply that he did it for the sake of his wages. His original actual intention induced him to begin work, and we must suppose that that intention is operative all the time, in some subconscious manner, otherwise he would stop

working. This supposed continuous operation of his will is called a virtual intention, and we may perhaps best explain its existence by saying that the original urge of his will remains present in a remiss sort of way, until it is withdrawn or allowed to be displaced by some other intention.

If, at any given moment during a continuous action, one deliberately ceases to act, it will be necessary to form another

virtual intention persists until the original intention is withdrawn or displaced. This explanation of the force of what is called a virtual intention, though not the only one, makes it possible to understand why a virtual intention is universally acknowledged to be sufficient for the valid and licit consecration of hosts in a ciborium, placed on the corporal, but not adverted to during the actual words of consecration at Mass. It will be true, therefore, to say that every so-called virtual intention has something of actuality in it, and is sufficient to move one to go on acting. It may be admitted that we do not remember many things which are done in consequence of a virtual intention, but that is no proof that such intention cannot exist, for we often fail to remember what even our actual intention has produced. Furthermore, when the will has elicited an actual intention of acting, and commands the other faculties or the members

without renewal of intention, and that it appears to be a quality of the will that its influence persists and is not

to the contrary, when they are habituated to disobey, as also in ourselves, when we continue to act wrongly in spite of resolutions to the contrary. The fact is that the will has immense driving power and naturally revolts against any thwarting influence.

CHAPTER II

OBSTACLES TO THE HUMAN ACT

SECTION 1. The Obstacles Defined

Every factor or influence that impedes the due and proper working of the intellect or the free choice of the will, is an obstacle to a true human act in the moral sphere. The intellect may judge incorrectly or perversely in that sphere, especially in regard to suprasensible objects, and the will may be influenced in its choice of moral good by its own inclinations to evil. In both cases, free election and free choice are interfered with.

These obstacles to the free act may be actual or habitual. The actual obstacles are transient ; the habitual obstacles are permanently present. The former are ignorance, concupiscence, fear and violence, the last named referring not to the elicited act of the will, which is always free, but to the acts of the other interior faculties or of the bodily members, in so far as these acts may be subject to duress from an extrinsic cause. The latter, namely, the habitual obstacles, are the evil propensities of the will, and acquired evil habits, both of which incline the will to moral evil, and on the part of the intellect, false views and mental aberrations.

Thus, the actual obstacles to the free human act are : Ignorance, violence, concupiscence or passion, and fear. Ignorance affects the mind only ; concupiscence and fear affect the will, and may also easily affect the advertence of the mind, and violence affects external activities of bodily powers, and may even affect the mind, but not the will itself, as a free faculty.

SECTION 2. Ignorance

1. Ignorance, in its moral aspect, that is, relatively to the moral aspect of an act, is the absence of that knowledge which we ought to have when we act.

2. In regard to its subject-matter it may be ignorance of

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a law, or of a fact, or of a penalty attached to violation of law. In regard to the agent, it may be invincible or vincible. In relation to the act done in ignorance, it may be antecedent, consequent or concomitant.¹

3. The existence of a law may be unknown, as when Catholics are ignorant of the laws of the Church. A fact may be unknown, as when two parties about to marry are unaware of an existing impediment to the marriage. A penalty may be unknown, as when a citizen is ignorant of a penalty for trespass.

4. Ignorance is invincible, when it cannot be got rid of by such reasonable diligence as is commensurate with the issue of our act, and with our opportunities. In some situations reasonable diligence would mean considerable diligence, as when important issues are at stake, such as saving another's spiritual or physical life. Such ignorance clearly excuses from moral fault, since the agent is unaware, through no fault of his own, of his obligations.²

5. Vincible ignorance, on the other hand, could have been got rid of by reasonable diligence. Generally speaking, an act done in vincible ignorance is imputable because the act is voluntary in its cause, but the imputability depends on the kind of vincible ignorance.

(a) If this kind of ignorance be fostered, it is styled affected* or studied ignorance.

(b) If hardly any reasonable means are taken to dispel it, it is styled crass or supine.

(c) If some, but insufficient, diligence has been used in trying to dispel it, it is styled simply vincible.

6. Wrong done in simply vincible ignorance or in crass ignorance is less imputable than if done with full knowledge,

¹ This last division is not logical, for antecedent and consequent ignorance are terms used in respect of an act of the will relative to ignorance, and both sorts of ignorance are causes of the subsequent act done in these respective states of mind ; whereas the term 'concomitant' is relative to the act done in such a state of ignorance, without any connotation of causality. To suppose that these three species of ignorance have only a time relation to the main action would be to misunderstand the terms. Though the division is not logical, it is generally employed and is intelligible.

² Pope Alexander VIII condemned the proposition that invincible ignorance does not excuse from formal sin.

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because the act is less voluntary. Studied ignorance would increase or diminish the blame according to circumstances.

If this studied ignorance is fostered lest full knowledge might deter the agent from wrong, the agent would appear to have some respect for the law, and consequently, such ignorance excuses from the full malice of a deliberate and advertent transgression.

If, however, the wrongdoer so foster his affected ignorance that he is willing to act as he does, law or no law, his malice seems to be increased rather than diminished, because he acts in contempt of the law. This distinction is made by most modern authors and appears well founded.

7.(a) Ignorance is antecedent, if it has not been itself the object of an act of the will prior to the action performed in consequence of it. Thus, if one is entirely unaware of some penalty, and so could not have wished to remain ignorant of it, such ignorance is antecedent to any act of the will having this ignorance as its object. Material wrong done in such a state of mind is not imputable, either in itself or in its cause, for, *ex hypothesi*, the ignorance is never adverted to and never wished.

(b) Ignorance is consequent if a person has wished to remain ignorant, and therefore actions done in this state of mind are voluntary.

(c) Ignorance is concomitant where an act is done in ignorance, and would have been done in any case, but the ignorance cannot be said to be in any sense the cause of the act, as it simply accompanies the act. The action done in this frame of mind has to be judged on its own merits, without any reference to the state of ignorance at the time.

8. Ignorance of a law that only binds the conscience, such as the law of fasting, will excuse from sin or diminish the sin, in accordance with the principles set forth above.

Ignorance of a law that affects the validity of an action has no bearing at all on the effect ; thus, ignorance of the annulling or diriment impediment of consanguinity will not have the effect of making a marriage within the prohibited degrees valid, nor will the inadvertent use of invalid matter or form in bestowing Baptism or Sacred Orders or

any Sacrament prevent the Sacrament from being invalid. So far as validity is concerned, it makes no difference whether a false form is used deliberately or ignorantly. On this principle, Anglican Orders bestowed in accordance with the original rite were invalid ; the form of the attempted Sacrament was substantially defective, not to mention the intention of doing just the contrary to what the Church does, namely, of attempting to ordain priests without the power of sacrificing, indeed, of positively excluding and repudiating a sacrificing priesthood.¹

SECTION 3. Violence

Violence is force applied by some agent extrinsic to the will of him against whom such force is employed. It obviously interferes with freedom of external action, though no violence can ever force the will interiorly. That it may be a true obstacle to the will's freedom, it should issue from an extrinsic cause, and it should be resisted by the will with all possible energy.

Violence, as described, cannot affect the internal or elicited acts of the will, such as intention, desire, motive. If we are to maintain the freedom of the will, it is impossible even that God should force the will and at the same time leave it free. This would be a manifest contradiction.

But violence can affect external acts, or the commanded acts of the will, in thwarting the exercise of the will over the members of the body or the internal faculties of imagination and thought. Thus, Christians could be forcibly led to pagan altars and made to throw incense into the fire ; the imagination can be affected, by being obsessed with phantasms, through the agency of the devil, in spite of the reluctance of the will ; the intellect can be tempted, against our will, to sins of disbelief.

¹ Canon 207 safeguards penitents against any result of inadvertence in the case of a confessor who has received faculties for absolving in the Sacrament of Penance for a definite number of cases or for a specified period. If his faculties have ceased, either in regard to time or number of cases, and if then he inadvertently absolve, the absolution is valid. But in such cases the Church, of course, supplies the necessary jurisdiction.

If the will resists violence as far as possible, that which is performed by faculties external to the will under the influence of such violence is in no way voluntary, and therefore not imputable as sin, so long as the will resists.

^Where, however, resistance on the part of the will is altogether absent, that which is performed, when violence has been applied, is voluntary ; where resistance is only partial, the act is partially voluntary.

Resistance must always be offered to sin. Even if the external violence cannot be effectively resisted, it is sometimes necessary to give the appearance of resistance, in order to avoid giving scandal to others. Thus, the Christian martyrs were bound, under sin, to offer such resistance as was possible, at the least by way of protest, to the violence of their persecutors ; the Christian Virgin martyrs, who sacrificed their lives for their virginity, were conspicuous examples of this. The Church, too, opposes unjust laws so far as possible ; when her resistance is useless, she protests against the injustice.

Moral violence is common enough in social life ; Catholics have to face obloquy and derision in the practice of their religion and the maintenance of moral principles. They are bound to offer resistance to this species of violence, and w'hen their resistance fails to have any effect, they must protest, if not always and actually in word, at least by their upright conduct.

SECTION 4. Passion or Concupiscence

The third obstacle to the complete freedom of the human act is passionate desire or concupiscence. We shall here use the word concupiscence, not in the sense of inclination to evil, still less in the sense of inclination to impurity, but to express the inclination of any sensitive appetite towards sensible good or away from sensible evil, as apprehended by imagination.¹ The word 'passion' connotes excite-

¹ The word 'concupiscence' is frequently used in Holy Scripture to denote the inclination to moral evil or sin, this being one of the effects of original sin (Gal. 5, 17 ; Rom. 7, 23), an effect that certainly persists after Baptism, as experience proves.

ment in an intense degree, whereas the human act may be only partially disturbed by concupiscence in the sense in which it is used here. We may also accept, as quite sufficient, the Scholastic analysis of the sensible or animal appetencies (passions). These are grouped into two classes, the concupiscible and the irascible. The first class comprises joy, sadness, desire, aversion, love, hatred. The second class comprises hope, despair, courage, fear, anger. But whatever division is accepted, in Moral Theology we are only concerned with the actual tendency of all natural sensitive appetites, and for these tendencies the word concupiscence is fitly used.

It must be at once obvious that concupiscence has no connotation of evil. The appetite stretches out instinctively towards its own object, and exercises its own natural activities. Thus, a child spontaneously stretches out its hand to some bright object in order to grasp it. When, as sometimes happens, it finds the bright object also hot, its experience will teach it to curb its concupiscence. The first movements of our appetites are like undisciplined children ; they do not wait upon reason, but anticipate it. They have to be taught to obey.

Now God has endowed man with these appetites, which run through the whole gamut of his sensitive life. They are instruments for self-preservation. A man without them from his birth, if we could imagine such, would be like an inert, immovable and homogeneous mass of jelly, with no capacity for change, growth, evolution or improvement. Indeed, God has most wisely, we may be sure, added to our natural activities a sense of pleasure, as He has given to our intellects an innate desire for truth, and to our wills an innate striving after the good, so that we may truly live and exercise all our faculties with pleasure, but according to right reason, which should dominate every activity, an orderly and harmonious microcosm. Concupiscence in this sense, as is evident, is in itself neither good nor bad ; it is simply natural tendency. One might speak analogously of the mechanical forces in some delicate piece of machinery, with their mutual interdependence and play, all of them

directed to one grand effect by some ruling power extrinsic to them. We may look upon reason as the ruling power extrinsic to concupiscence, although man is so constituted, as we know from experience, that the movements of concupiscence sometimes distort the clear vision of reason, and baulk the activities of the rational will. In such circumstances, it is our duty, as reasonable beings, to adjust the focus of our vision, to reset, as it were, the standard of our will. If we act irrationally, fully conscious that we are doing so and wilfully doing so, we sin. Consequently, it is important to consider the bearing of concupiscence on our human acts, since it may diminish or augment our responsibility, and therefore affect the morality of our actions.

Firstly, this concupiscence may be what is termed antecedent, as when a man breaks out into a violent frenzy of anger without any premeditation. It is called antecedent, not with reference to an action performed under its influence, but with reference to an act of the will that might have accepted it. The distinction is of importance, since it clearly indicates the influence of concupiscence on the morality of human acts. In the example just cited, the man in a violent fit of temper has not, as we suppose, consciously worked himself into a passion of anger ; the irascible motion came upon him inadvertently and without his deliberately willing it. In this case, his anger is said to be antecedent, that is, prior to any act of his will in its regard. His anger is, it is true, antecedent to an act of homicide, for example, which he may have committed in that state ; but every passion is in this sense antecedent to an action done under its influence. We do not here speak of this latter kind of priority, because to conceive priority in that sense will never tell us whether the act done under the influence of passion is blameworthy, and this is the question at issue, in order that we may determine the morality of actions done under the influence of concupiscence as their cause.

It makes the greatest possible difference whether the cause of the homicide, in the case stated, was voluntary or not voluntary ; the cause of it was the man's anger, and it is

important to know whether he was antecedently blameworthy in having this passion at all, and in foreseeing the consequences of it.

Now if we suppose a case in which concupiscence arises spontaneously and inadvertently, it has certainly anticipated the will, and is, therefore, in itself and before advertence, not blameworthy. But what of the effect of it? That depends on its violence. If it use its momentum to carry the will with it, at the same time clouding the clear vision or advertence of the intellect, it is obviously interfering very materially with the true human act. Therefore, if an action in itself wrong under ordinary circumstances, were done in this disturbed state of mind and impetuous state of will, it would certainly not be a free act, and therefore not blameworthy, and that, in exact proportion to the force, violence or paroxysm of the passion. Thus, it may happen that an overwhelming desire for some object or a feeling of intense pleasure in the presence of some object may render an action, in such circumstances, altogether blameless. Consequently, at the moment of acting, vicious inclinations, whether acquired or transmitted by heredity, if they can be so transmitted, excuse a man from sin, if they rob him of advertence or of the power of free choice. He may be antecedently blameworthy for his remissness in trying to overcome his vicious propensities, but that is another matter. The victims of these passionate movements are, therefore, to be pitied, not always to be blamed. God gives every man many actual helps, which are sufficient to keep him from deliberate indulgence in his gross evil inclinations. Furthermore, He has instituted the Holy Sacraments both to bestow grace for every state of life, and to help man to overcome himself by the frequent renewal of his good will.

Secondly, concupiscence, far from anticipating the will, is deliberately fostered, encouraged, strengthened or even excited. This is consequent concupiscence, and actions done under the influence of such concupiscence as this, are of a different moral character from those others just spoken of. Here we are certainly responsible for the passionate

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tendency in ourselves and its foreseen effects ; we have adverted to its presence, and we have willed to let it stay. It may come to be present in one of several ways. Firstly, the activity of the rational will towards some object may, by a species of natural affinity and sympathy, affect the sensitive part of our nature, and create the physical craving. Secondly, the will may go further than that, by deliberately exciting the craving, so that the whole man, spirit and flesh, may be carried along with the greater momentum to realize his desire. Thirdly, the concupiscence may have arisen spontaneously, with no reference to reason or will, and the will may consent to the movement, or may hold itself passive in its regard, not checking it when it could and should do so.

This consequent concupiscence is voluntary, and if the object to which it tends is wrong, the will is morally blameworthy if it deliberately aim at that object. A man will sometimes nurse his indignation till it reaches a white heat ; all the time he is conscious of what he is doing. If, ultimately, he is hurried by the force of passion into a serious offence, he knew what he was about, and if he foresaw the effects of his passion, he is surely to be held morally responsible for them. Practically speaking, the whole process of moral education, both of the young and of persons in maturer years, is a process of gaining command by repeated acts over all the movements of the sensitive appetite. By the continual warnings of conscience, a man is restrained from giving way to inordinate concupiscence. Reason has so often been allowed to work, that it does so almost insensibly. The will has so often been balked in its desires, that it waits upon reason before acting. The sensitive appetite has so often not been allowed at all or only partially allowed to gratify itself, that, if we may so speak of irrational faculties, it is well content to take what it is told to take by reason. In other words, the appetites have been subdued to the yoke of reason, and though they may be, in the first instance, as vehement as ever, reason and will combine to check their irrational strivings, to assert a proper dominion over them. Man thus eventually becomes master of himself.

The recognition of the dangers of the ungoverned sensitive appetite is one of the reasons why stress is laid in Catholic teaching, if not in all Christian teaching, upon the prompt resistance to temptation. Hence the advice of all spiritual directors to those who are the victims of evil thoughts is to run away from them, to shun occasions. Personal strength and good will are not to be trusted. Nature is to be regarded, at least in certain of its tendencies, as a *massa damnata*, not, of course, in a Manichean sense, for even the passions are gifts of a most wise Creator, but in this sense, that even natural tendencies are often so strong, sudden and impetuous, that they capture the citadel of the reason. The Saints never considered themselves immune from violent and sudden attacks ; we may well learn from them the wisdom of being on the alert.

The Catholic Church insists, therefore, in season and out of season on the religious education of the child, explicit, dogmatic, determinate moral education in a religious atmosphere, thus giving him something to cling to against the time of vehement temptation. It indoctrinates its children during many years, until resistance to evil becomes almost a second nature. It does not wait till the passions have grown strong then to offer the youth the free choice of religious dogmas or moral antidotes. It says to the child : You must be good in the way I teach you to be good, so that afterwards you may know how to be good.

Anyone would say that from a natural point of view alone this is a wise proceeding. With centuries of knowledge of human failings and proclivities in its ever-living consciousness the Church knows what is best. It has not to be making experiments in order to diagnose human spiritual diseases. It knows them all, both because human experience is the same in all ages, and because it has the Spirit of Truth to enlighten and guide it.

It will be clear from what has been already said that if the first movements of concupiscence, even in the direction of what is wrong, anticipate all consent of the will and advertence of the intellect, they cannot be said to be sinful, though indeed they may lead to sin. They are natural in our

present state of fallen nature.¹ But they will be the occasion of sin if they are accepted consciously and deliberately. Secondly, even when these incipient movements to evil have presented themselves to the intellect and to the will as a desirable good, if there be neither full advertence nor full consent to them, they will not constitute grave sin, because grave sin requires the fullness of a human act. The gravity of sin is proportionate both to the gravity of its inordinateness and to the degree of advertence and consent. The third and final stage in the moral progression of these movements is reached when they are thoroughly appreciated by the intellect and consented to by the will. Then the human act is complete, and if they are movements towards serious evil, the acquiescence in them becomes a grave sin.²

It remains to say, in this context, that since by nature men are prone to give consent to vehement temptation, it is the more important to resist movements to evil by some positive contrary act of virtue, or at least to divert one's thoughts into another channel. If the movements of the sensitive appetite still persist, and positive and violent resistance would only serve to increase them, it may be, and often is, best to go about one's ordinary business and to take no more notice of them than one does of an excess of heat or cold. They must be endured with patience in the hope of relief. Men of good will do not readily consent to serious evil. In doubt as to our consent, we may quite honestly judge ourselves by our average. Harassing doubts about past sins, especially about full consent to evil desires, may be set at rest by reflecting' that consent in a grave matter is not likely to have been given, if we cannot now clearly remember to have given it. If it be asked : What, if we remain neutral and passive under vehement temptation ; is it a sin to do so?—the number of theologians after S. Thomas, who say that it is not a mortal sin but venial (provided there is no proximate danger of consent to grave sin), is sufficiently great and impressive to warrant us in

¹ Pope Innocent XI (1687) condemned many Quietist propositions of de Molinos, which favoured the total passivity of all our faculties.

* The three stages are called : *mo/w primo-primi; secundo-primi; deliberati.*

adopting their opinion. Their reason is that there is no consent of the will, and therefore no mortal sin, but that normally it is a venial sin to remain neutral, because we are commanded positively to rule our appetites and keep them in subjection. Thus, the following doctrine of de Molinos was condemned by Pope Innocent XI : “ On the occasion of temptations, even if very vehement, the soul should not elicit explicit acts of the contrary virtues, but should remain in the state of love and resignation.”

SECTION 5. Fear

Although what has been said of the passions applies to fear as an obstacle to the human act, nevertheless, in Moral Theology, this passion is usually treated separately on account of several practical applications in the body of positive Ecclesiastical law.

Fear is defined as a shrinking from impending evil. This emotion sets the mind in a state of excitement, in which judgment is easily distorted and freedom of choice thwarted. Fear therefore diminishes the responsibility of the human agent, if he act in consequence of it and under its influence. The greater and the more overwhelming the fear, the less human will be the act.

Ecclesiastical law, and we may add English law also, is extremely sensitive to the bearing of undue influence on contractual relations, because, as is evident and equitable, when an obligation is undertaken, a man should be complete master of his choice. English law assumes undue influence to have operated in certain transactions, where an advantage accrues to one of the parties who stands in certain close relationship with the other. According to the accepted principles of Moral Theology, no degree of fear, unless it deprive a person of the use of reason, vitiates the human act completely. However great the fear, short of frenzy, a man is still responsible for his actions, at least to some extent, with the limitation just mentioned. He can at least discern with sufficient clearness the difference between what is grievously wrong and what is right. Thus, in the crisis of the early Church, the fear of death was not taken as an

excuse for apostasy ; nor, in the common opinion of mankind, does the fear of death excuse a soldier from remaining at his post till death, or from rushing to certain destruction at the call of duty. The imminent approach of shipwreck and the consequent fear of drowning have never yet justified a crew taking to the boats and leaving women and children to their fate on deck. The principle seems to be thus universally accepted, because the wickedness of apostasy, for example, and the utter poltroonery of cowardice, where the issues are great, are so deep-rooted in human consciousness and feeling, that no fear, short of frenzy, can obscure the distinction between a great good and a terrible evil. Nevertheless, fear is reasonably judged to diminish culpability.

But where we come to deal with matters of positive enactment, the case is very different. Grave fear is often held to excuse a man from complying with positive human law, because no human legislator can be supposed to make laws which it is morally impossible to observe. Thus, grave fear would usually excuse a man from immediate compliance with human law, divine positive law, and the affirmative Natural law, such as the obligation of restoring ill-gotten goods. But it would not excuse from compliance with those obligations of the Natural law, which forbid what is wrong under all circumstances, such as theft, murder, lying, because evil may never be done. However, even in cases of positive enactment, fear cannot be held to excuse always ; as, for example, when the law is of such a nature that its violation would cause great harm to the common good. A lawgiver cannot ever be supposed to jeopardize the common good for the sake of the individual good. The common good of the State, for instance, requires that its vital existence should be entrusted to the loyal keeping of men who may not shrink from death. Similarly, the interests of religion demand that a priest, if commanded by his lawful superior, should remain at his post during the time of pestilence, to administer the necessary rites of religion to his subjects, so that their salvation may be the more certainly secured. Again, it is never lawful for a priest, under any

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circumstances, to reveal confessional secrets, for if he could ever do so, the Sacrament of Penance, a divine institution for a definite purpose, namely, the forgiveness of sins, would be reduced to an act of supererogatory piety and the faithful would abandon the practice of confession. This would be such a reversal of the Church's teaching and discipline as to stultify it and stultify the action of Christ our Lord in instituting this Sacrament. Thus, also, in the matter of incurring ecclesiastical censures as a penalty for external crime, grave fear never excuses from incurring the legal penalties, when the crime, so punishable, results in contempt of the Faith or of ecclesiastical authority or in public harm to souls (cc. 2229-30).

When the Ecclesiastical law renders null and void an act performed under the influence of fear, the fear in such a case must have been induced by some extrinsic rational agent, acting wrongfully, and for the purpose of compelling at least the outward acquiescence of the person who is intimidated. This is of practical importance in the marriage contract. The Church has given declarations of nullity in cases where the bride has been compelled to enter the marriage state against her wish. Thus, canon 1087, treating of fear as a diriment impediment to marriage, says: "Marriage is invalid if entered upon in consequence of grave fear induced unjustly and by another, so that the intimidated person is forced to choose the married state so as to be freed from such fear."¹

Reverential fear is the shrinking of a subject from the possible displeasure of and punishment by another in a position of authority. This fear is a very real factor in diminishing liberty of choice and action, and therefore it is rightly considered by theologians among the obstacles to the free human act. It is usually accounted a slight obstacle, but obviously its intensity may be increased indefinitely according to circumstances and temperament, and therefore it is a matter of fact whether in any given case

¹ Other cases when grave fear invalidates an act in church law are those of admission to novitiate (c. 542), religious profession (c. 572), vows (c. 1307), renunciation of office (c. 185).

it is slight or grave. According to its nature it will affect freedom, and its effects must be determined by the principles already stated in regard to fear in general.

SECTION 6. Habitual Obstacles

The obstacles to human acts thus far considered are ignorance, concupiscence, violence and fear. It is easy to see how these diminish the wrongfulness of actions performed under their influence, and therefore how, in certain obvious cases, sin may be absent altogether, or if not entirely absent, its gravity diminished.

Many other aspects of these obstacles have been brought to light with the advance of medical science, inasmuch as it has studied and analysed the various neuroses. These may be considered as habitual obstacles to free acts. These diseases add their own momentum, as it were, to the motions of the sensitive appetites ; at other times, they prevent the full and free advertence of the intellect. Accordingly, the will is diverted from the pursuit of the true good, and consequently these sufferers are the less responsible.

It is the human agent who makes his own choice of moral good or moral evil. That choice is an act of the will, and of the will alone, acting without constraint, without extrinsic predetermination, or internal necessity. Any other concept of liberty, is, as it seems to us, a contradiction in terms. But it is obvious that in its striving after what is good the will may be swayed this way and that.

Motives of varying degrees of intensity are represented by the intellect, some of them so vividly at times, as to produce an almost insuperable tendency towards what is wrong. Such tendencies, due to temperament, habit, disease, and perhaps to heredity also, seriously interfere with the free play of mind and will, as though numerous shore lights attracted the attention of the steersman to different and dangerous parts of the coast. The victim of these tendencies has come under their influence in one of several ways.

Natural inclinations of the physical organism to excitation, so different in different persons, are one fruitful source of evil. If wilfully adhered to, these movements may lead to sin ;

even if not wilfully sustained, they may be the groundwork and substance of moral evil, not that these inclinations are in themselves evil, but that the object to which they naturally tend may be evil, as explained above. The movements of our physical sensitive nature have, as experience plainly proves, their psychical concomitants. The flesh lusteth against the spirit ; if the spirit be ever so little unguarded, it is carried away and in a weak moment makes for the false lights on the strand that bode shipwreck. These involuntary physical movements seem to be woven into the very texture of our nature. Children evince the taint from their tender years ; they have surely come into possession of life with the sad prospect of serious temptation before them. They, more than all others, need tender and sympathetic training, that they may be gently schooled to exercise their will, and so overcome these evil inclinations by means of natural and supernatural helps, by exercising contrary acts, and acquiring habits of sobriety, continency, meekness and the other Christian virtues. The natural helps are, indeed, good and in the opinion of some they are sufficient. But the Catholic Church does not admit their sufficiency, if taken by themselves ; there must be added to them the indispensable assistance of divine grace.

Evil habits increase the violence of evil inclinations ; repeated acts induce a deep-rooted habit and thus the will loses much of its power of resistance. For this reason, the Catholic Church takes the child at a very early age and teaches it who God is and what sin is. It tells the child to become a practising Catholic, to go to confession and Holy Communion frequently. Even if the child do not appreciate the fact that these Sacraments give grace and strength, a fact that it will appreciate as it grows older, nevertheless, the frequent endeavour to be good, leaves its impress upon the character. From every point of view this practice of the Church is wise and far-seeing. It is performing an act of the greatest kindness to the individual and of service to the State.

The bearing of habits on the morality and imputability of human acts may be summarized as follows :

I. If a person, notwithstanding a habit of sinning, fully

advertis and consents to each act of sinning, each act is fully imputable.

2.If, in consequence of the force of habit, he do not advert to each act as he performs it, then each act is not in itself imputable as sin, but the habit itself is imputable as sin, if it is voluntarily fostered or retained or not disposed of as far as possible. If the habit be involuntary, then the separate inadvertent acts issuing from it are also involuntary, if the habit is responsible for them.

3.A habit is clearly voluntary' if one deliberately contract it, or do not check the habit, when one could and ought.

Habit becomes involuntary if it is renounced by a definite act of the will, or by sorrow in the case of habits of sin. Therefore, if one seriously endeavour to break off a habit of sinning, no sin is committed by an inadvertent act done from such a habit, for the act is not voluntary in any way.

If, from habit that is neglected, one commits material sins inadvertently, each sin is voluntary in its cause, but there is one sin only, namely, the sin of not getting rid of such a habit. If the acts are grave material sins, the obligation of getting rid of the habit is grave, and therefore grave negligence in the matter will be a serious sin. There will not, however, be grave sin, if some measure of diligence be used to get rid of the habit, even though such diligence is, in point of fact, insufficient.

Education is not less powerful than habit. It is, practically speaking, the foundation of mental habits. A bad education, therefore, that is to say, a non-moral and non-religious education, insensibly deflects the will from what is morally good, because without the sanction of God and of His rewards and punishments, there is no motive to be found which can appeal in time of severe temptation. Regard may, indeed, be paid to natural virtue or conventional morality ; how weak the sanction of these is, we know too well. Therefore, in order to set the will in the right direction and to give it a bias in that direction, the Catholic Church counts no sacrifice too great in order to secure for its children doctrinal and moral education.

Again, evil communications corrupt good manners. The

judgment is sometimes perverted and false standards adopted in practical conduct, in consequence of daily intercourse with men of all creeds and of no creed. In great communities of men and women, all shades of belief have their votaries. Every imaginable code of morals finds some to defend it in theory and to live by it. Intercourse with persons of such various moral standpoints will insensibly distort the clear outlines of the Catholic code. One need but refer in passing to the standard of commercial morality set up by large and successful bodies of men ; it requires a self-denying ordinance on the part of honest men not to adopt that standard. The tension is great, and moral levers are apt to break with the strain. The principle, therefore, of avoiding the occasions of adopting false standards is hard to put into practice, and it becomes doubly hard when the occasions of error are so many, when the true moral principles are obscured, and the good, that is only specious, exercises such a powerful magnetism.

Morbid conditions of the organism, especially of the nervous system, exercise a powerful influence for evil, no less, perhaps, than bad education and hereditary disease. As our spiritual faculties depend so intimately for their rightful exercise on the organic functions of the body, it is an integral part of true charity to ourselves, and therefore a pressing duty, to have a moderate care of our health, which is an instrument given to us by God to use for His glory and our own sanctification. The special inspirations of some of the Saints, greatly to weaken their bodily strength, are given to few and for a wise purpose. When morbid conditions have got beyond the control of medical science, we find other distressing phenomena, such as compulsory ideas, melancholy, hysteria, neurasthenia, paranoia, which render the unfortunate victims of them practically incapable of clear thought or deliberate volition. The victims have become to a great extent mere automata and of course are not responsible, before God, for their actions.¹

¹ cf. O'Malley and Walsh, *Essays in Pastoral Medicine*, p. 282 sqq. Sandford, *Pastoral Medicine*, p. 269 sqq.

CHAPTER III

MORAL, SUPERNATURAL, MERITORIOUS ACTS

SECTION 1. The Moral Act—Its Nature

In the broadest sense, the morality of an act is that characteristic in a human act, which is calculated to begin or perpetuate a manner of acting. In the restricted sense, as used here throughout, morality is the quality in an act, of its rectitude or the reverse, whereby an act is said to be and is morally good or morally bad. This rectitude has obviously, reference to some standard. The moral act is a full human act, since no man is praised or blamed if he cannot act freely. Only those acts are primarily called moral which are immediately elicited by the will ; external acts, such as those of walking, eating, etc., and internal acts of a faculty other than the will, as thinking, studying, etc., are moral acts, only in so far as they are commanded and directed by the will. Thoughts and fancies which arise in the mind without advertence are not moral acts, because they are not free. They may, however, become the occasion of subsequent moral acts when the mind adverts to them and the will retains them. Before the will begins to act at all in regard of certain objects, we know that some objects of desire and achievement are good, other objects are bad. Our criterion of this objective goodness and badness is derived from our own rational human nature, viewed in all its essential relations. Some acts befit human nature, because they maintain and perfect it and conduce to the final end ; other acts are opposed to human nature, because they destroy it or degrade it and deter it from its final end. The act of sustaining life is naturally a good physical act ; the act of destroying life is naturally an evil physical act ; the one act can conduce to the end, the other can impede it ; they can, therefore, be objects in the moral order. Thus, too, acts which obscure the knowledge of God or impede the love of Him—God being our last end—are

naturally bad, and those acts which lead to knowledge and love of God are naturally good.

The distinction between acts morally good and acts morally bad being established by criteria, one of which only has been mentioned, but that a sufficient one, it remains to state the objective norm or standard that formally, essentially, and always, discriminates good from evil.

Since this objective standard is not itself due to man and his human nature, it must be outside and above man and independent of him, immutable amidst all the vicissitudes of time, place and race, and something objective and changeless. This supreme, objective and ultimate standard or norm is the Eternal Law of God, because that is the ruling of Divine Reason, determining from eternity all the acts of all creatures, in accordance with the nature of each. By the word 'determining' is not meant the predetermination of free acts, for though God has determined that there should be free acts in the moral order, they are done in accordance with the nature of the free agent.

In this concept of God's action, we must include both the divine exemplary ideas,¹ and the divine decrees, but we may not conclude that only the Divine Will is the norm of morality, for God always commands what is in itself good and forbids what is in itself evil. The Divine Essence is the norm, standard and foundation of all good. The Divine Wisdom impresses this norm on rational nature by way of law, since law is a function of reason primarily ; the Divine Will, indeed, wishes the law to be obeyed.

But we must find in man himself some rule or law of right action, which shall be a proximate and immediate rule, since logically, man must begin from himself and his own consciousness, though ontologically the Eternal Law is primary. This proximate rule is right reason. A human act is morally good because it is conformed to right reason, and in being so, it is conformed to the Eternal Law. Right reason is a practical judgment of reason, issuing a general

¹ Bœthi, *de Cons. Phil.*, lib. iii, metrum ix. "Tu cuncta superno ducis ab exemplo ; pulchrum pulcherrimus Ipse mundum mente gerens, similique in imagine formans."

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dictate that good is to be done and evil is to be avoided ; it is the proximate, immediate and general standard of right moral action.

But since our acts are concrete and particular, the act of right reason, which dictates a particular act, is the practical judgment which is called 'conscience.' This is the proximate, immediate and particular standard of concrete moral acts.

The command which conscience issues is not issued by reason as itself commanding but as proclaiming and imposing the command of a higher authority. Conscience is a herald issuing the command on behalf of his prince. This is a fact of experience. But it is necessary to discover some criterion that reason is right in its dictates. This criterion is the evidence afforded by a consideration of human nature not only in itself (as a whole made up of parts), but also in its relation to God, to human beings, and to irrational creatures.

Human nature, in the concrete, like every other nature, has appetencies for its own good, that good which befits it and perfects it. The child, using its reason, though yet only vaguely and generally, formulates its idea both of its own good, its preservation, the satisfying of its needs, and also of its own evil, namely, that evil which is harmful and repugnant to a child's nature. If it were able to use its practical judgment and say : "This is to be done, that is to be avoided," we know that it would be exercising right reason, for we know that its human nature is the radical criterion of what is right. When it has come to the use of reason, its judgments—apart from passion and ignorance—will be absolutely correct.

The tendencies, however, of a young child are towards its physical well-being. It has not begun to live the moral life. But the child comes to know naturally what is good and what is evil, and its first glimmerings of reason formulate the concept of what will preserve and perfect its nature, and what will not, and at once it understands that its good is to be sought and its evil avoided. The natural propensity, whereby the child formulates to itself and forever retains

this first principle of action, is simply the habit of first principles (*synderesis*). It is as natural to man, as are the first principles of action of every creature.¹ Man, then, finds in himself tendencies and appetencies, which maintain and perfect his nature. The dictate of his own right reason is that since he wishes happiness he must live the true rational life that befits him, when he has regard to all the essential relations of his nature. His right reason is, as it were, the efflorescence of the Divine Wisdom.

We may summarize this doctrine as follows :

1. The objective ultimate standard of right moral action is the Eternal Law of God.

2. The subjective and proximate standard of such action is right reason for action in general ; conscience, for concrete acts.

3. The radical objective criterion of right moral action is human nature.

4. The knowledge of the first principle, that good is to be aimed at and evil to be avoided, is natural.

5. Applications of the principle are the outcome of reasoning and experience.

6. Human reason is naturally correct in arriving at conclusions.

7. Man is conscious of an authority outside and above him, which imposes an obligation on him of acting in accordance with his rational nature.

8. The dictate of his practical reason is the dictate of conscience.

All moral obligation is therefore derived in three stages, from the Eternal Law, from right reason, from conscience.

It must be added that the primary inclinations of nature are directed towards physical good such as being, living, happiness. Nature's inclination to moral good is natural, but it is consequent on the judgment of reason dictating the moral law. This natural inclination is the natural rectitude of the will.

¹ We do not imply that these first principles are innate, but that the mind comes quickly and easily to acquire them without reasoning and cannot help doing so : cf. Cronin, *The Science of Ethics*, I, p. 50g.

SECTION 2. Good, Bad, Indifferent Acts

We speak of morally good acts and of morally bad acts, but only the good act is the moral act, for there is not a twofold species of morality, good and bad, just as there is not a twofold species of vision, sight and blindness, nor a twofold species of audition, hearing and deafness. As in the physical order blindness is a defect, so in the moral order, morally bad acts are defective acts, which are bad to the extent to which they fall away from the standard which should regulate the human act. Every being tends to the preservation of its own existence and the achievement of its own perfection. The moral good which a man should aim at is everything that pertains to his perfection. Moral evil is contrary to man's good ; he cannot, therefore, desire it for its own sake. But men do desire and compass moral evil, such as intemperance, cruelty, injustice.

We must, therefore, say that in desiring and compassing moral evil, men desire a good to which is annexed the privation of another necessary good.¹ Thus, in taking irrational pleasure, the pleasure itself, as an object, is good, but there is absent the measure or mean of reason. No one desires evil for its own sake ; it is desired *sub specie boni*. But some other and true and necessary good is absent. This defect constitutes the evil of the act.

The morality of an act is a quality of the act, a relation to the standard of right action ; but we also speak of the action of almsgiving as a good moral act, morally good by analogy. If almsgiving be considered an object of human action, it may rightly and conveniently be called objectively and materially a good object. Subjective morality has reference to the agent's convictions and conscience, both of which may or may not be false.

Extrinsic morality is that moral goodness of an act which is derived from its conformity to the legitimate precept of some superior, whereas it is intrinsic, if the goodness of the

¹ S. Th., S., I, q. 48, a. 1, ad 2.

act is founded on the nature of things, that is, on essential relations. The worship of God, the love of the neighbour, just dealing with others, are in this latter category.

Every human act is morally good or morally bad. Some actions viewed in the abstract, as walking, eating, always prescind from motive and circumstance, are said to be morally indifferent. Acts, taken in the concrete, that is, human acts considered in all their fullness, embracing object, motive and circumstance, are never morally indifferent. This opinion is now almost universally accepted and has been established by the following reasoning.

When we say that a book was read or a journey taken, we state something on the morality of which we can pass no judgment. But when we come to know why our friend read the book or took the journey, and under what circumstances he did so, we can determine the moral character of the act. When we say that an employer paid no wages to his employees, before condemning his act as unjust we must inquire why he did not do so. If all the circumstances are present that befit rational nature, and if the object in the moral sphere is good and the motive good, then it will be possible to say that the act is good, but we can pass no judgment whatever on an act if we are ignorant of its circumstances. Since, therefore, there are innumerable operations which, viewed in the abstract, are neither right nor wrong, we must admit that such operations are, in the abstract, indifferent in the moral sphere. But in the concrete, acts are never indifferent. They are and must be either morally good or morally bad. The theological proof of this statement is as follows : " But I say to you that every idle word that men shall speak, they shall render an account for it in the day of Judgment " (Mt. 12, 36). To render an account for an action at the Judgment means nothing else than that the action is worthy of punishment, and therefore that it was morally evil.¹ If, then, every idle word is evil, so is every idle act. Therefore every act that is not

¹ This meaning of the text is sufficiently certain, and this is the interpretation of SS. Hilary, Jerome, Ambrose, Gregory Nazianzen, Chrysostom, Basil, Gregory the Great, Bernard and others.

necessary or useful in some reasonable way is evil, and every human act that is not morally good is morally evil.

The same conclusion is enforced by reason. For the free will always acts for a motive. If the motive befits rational nature, it is a good motive, and, therefore, provided that the object of the act is itself not morally evil, and that none of the circumstances are morally evil, the act is good. If, on the contrary, the motive is evil, the act is evil. Thus, although the act of eating viewed in the abstract is morally indifferent, every specific act of eating, if it be a deliberate human act, must be done for a motive. Since every motive will be found to be within the content of the moral sphere, every human act must be morally good or morally bad. There are no indifferent human acts in the concrete.

In regard to the motive of an act, it is right reason that judges whether it is good or bad. If the will tends towards what is morally good in itself, as is the case in all acts that perfect man, viewed as a rational being—such as to worship God, to be just to others—then such a motive is good. Even where the will is moved by what is pleasurable, if the pleasure be sought moderately, and if the object and circumstances of the pleasurable act are rational, the will may legitimately desire such an object. The virtue of temperance inclines man to use pleasure in accordance with right reason, and it does not regard that pleasure only which is strictly necessary, but also pleasure without which man cannot live conveniently. Furthermore, pleasure in some activity that is not forbidden by any law, though not necessary under either of the aspects mentioned—neither for the *esse* nor for the *bene esse*—if used in moderation as to time, place, occasion and suitability to environment, is a rational pleasure, and to compass it is a morally good act. Thus, the exercise of bodily activity in play is an expression of a natural need, as it were, and is a morally good act and eminently reasonable, provided that pleasure in play is not sought in what is morally wrong or hurtful, provided also that the mind is not wholly engrossed in play to the exclusion of duty, and that the manner of it befits the person, the time, the place, and other circumstances that might in

any way affect the moral character, that is, the reasonableness of the act.¹

SECTION 3. Goodness and Evil in the External Act

A man is good or bad, worthy of praise or blame, deserving of reward or punishment, only on account of his own human acts. But this personal goodness or the want of it depends on the object of his act. If an object is proposed to the will as morally good, that object is said to be a good object in itself, and diffuses, as it were, its own goodness to the act of the will. The primary goodness of an act in the order of being (ontologically) is derived from the object. Similarly, the primary evil of an act is derived from the object, namely, one that does not benefit rational nature. There is, then, a goodness and an evil in the object, and a goodness and an evil in the act. The former is objective, the latter, subjective and formal. The moral rectitude of an act depends first of all on the object of the act. It is this objective goodness that is the primary cause, in the moral order, of the rectitude of the will. Thus, it is in accordance with right reason, and therefore it is objectively a worthy, befitting and praiseworthy object of the will, to love God, to seek final happiness, to serve the State.

Even the rectitude of the will may be an object of the will and may be considered, separately, as worthy of desire. The objective goodness, then, of such objects of the will as the love of God, the service of others, just dealings, is first of all in the object, inasmuch as that object is related to rational nature. When the will accepts such objects and activates itself, the moral goodness resides in the will, and is then transferred, as it were, to the external act, so that we say that the love of God is a morally good act.

Since, therefore, we always speak of moral goodness and moral evil in a human act, it is obvious that if an external act is called morally good or morally evil, the connotation comes from the internal act.

The external act, then, is called morally good or morally

¹ cf. Cathrein, *de Bonitate et Malitia Actuum Humanorum*, p. 53 sqq.

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evil, only in reference to the act of the will ; it derives all its formal goodness or evil from the act of the will. To say this is not to say that to serve the sick, for example, is, in itself, neither a worthy nor an unworthy object of the will, nor is it to say that theft is neither an unworthy nor a worthy object of the will. Sendee of the sick is truly an act in accordance with rational nature ; theft is truly an act opposed to rational nature. It is obvious, then, that no good motive could justify theft, and make it a rational or morally good act. There is a ' soul of evil ' in some objects, which can never be anything but evil, though the doer of an act may be subjectively excused through ignorance. Furthermore, though an external act is distinct, in the physical order, from the internal act of the will that commands it to be done, nevertheless, in the moral order, in the order of human moral conduct, both external and internal acts are one moral whole, and the external act is of precisely the same- formal moral character as is the internal act. This is true, even although, independently of the will, an act such as almsgiving is a good and worthy object.

When the external act is indifferent in the abstract, such as walking, the moral goodness of the act is determined by the motive, if all other circumstances are rational or at least indifferent. When the external act is a worthy act, it may add another specific goodness to the act of the will, if the will is acting from a good motive. Thus, for example, if one prays for another's salvation, the object is good and the act is good. If one prays for the same object, and also intends the prayer to be an act of worship of God, the act has a twofold goodness, namely, the goodness of charity and of religion. The goodness of charity is imputable to the will, in so far as the will commands the act of prayer ; the goodness of religion is imputable, in so far as God's worship is the immediate object of the act of the will. When the external act is evil and known to be such, as in conscious theft, no motive, however good, can make the external act other than it is. The act of the will, whatever the motive may be, is necessarily evil, since its immediate object is evil.

Does the external act add to the goodness or evil of the internal act ?

If we consider the formal goodness or evil of the will, the external act can add nothing, since all the formal goodness in an external act is derived from the internal act. But an external act can increase the goodness or evil of the internal act accidentally, in so far as the internal act of the will can become better on the occasion of the external act, either because the internal act is repeated, or because it is continued for a longer time, or because it is intensified.

Thus, we repeat the 'Hail Mary' in the Rosary, we continue the act of thanksgiving after Holy Communion, we force the mind, through the will, to attend to Mass and prayers, in spite of fleeting distractions or bodily discomfort.

SECTION 4. The Morally Good Act

That an act may belong to the moral, as opposed to the physical, order, and so deserve praise or blame because it is either good or bad, it must be free, adverted to, and if good, intended as such.

It must be a free act, because only the free agent, being subject to obligation, can deserve praise or blame. It must, furthermore, be adverted to, since the will cannot act in the moral sphere except in so far as the intellect has proposed to it an object that falls within the moral sphere. Thirdly, the will must intend the act, if good, as a moral act, otherwise the will cannot be said to tend towards this object. Thus, for example, man would be incapable of any moral acts if his will were coerced ; man is not responsible for movements of violent passion to which he does not advert, nor is he responsible when the movement of passion is adverted to but the will tries to reject it. It is obvious, therefore, that there are many human actions, such, for example, as those performed from instinct, habit, or want of deliberation, which are not moral at all.

It is held by some that there can be and are many human acts that are not moral acts, for lack of advertence to the moral order ; others hold that every human act is at least confusedly apprehended as within the moral order.

An act will be morally good if it is in accordance with the dictate of right reason, and is apprehended and intended as such, without any reference to any further end than the fulfilment of even natural convenience or rational pleasure. This is now the common opinion of divines, and was undoubtedly that of S. Thomas.¹ The reasons given for this view are :

1. To act from a motive of convenience or pleasure and in a reasonable way—taking all circumstances into account—is to act as a rational being. It is even an act of temperance, which is morally good.

2. Morally good people appreciate the fact that, as God has annexed feelings of physical pleasure to the exercise of physical functions, He wants men to be moved to the exercise of such functions by the attractiveness of pleasure, since men would not exercise many most necessary functions, such as eating, unless they were so moved ; and these people do not apprehend sin in such temperate use of pleasure on suitable occasions.

3. The reasonable and temperate use of pleasure, when circumstances permit of its use, conduces to man's physical and mental well-being on this earth, and is not inconsistent with higher and ulterior ends.

Nevertheless, actions performed merely for the sake of pleasure, to the positive conscious exclusion of every natural end, would be sinful because irrational. Pleasure cannot be the ultimate end of any human activity, for the obvious reason that it is a means only to the easier and more constant exercise of functions ; the truth of this can readily be admitted by realizing the consequences and absurdities of hedonism. Pope Innocent XI has condemned two propositions bearing on this point, namely : “ To eat and drink to repletion for pleasure alone is not a sin, provided health be not damaged, for we may lawfully enjoy the functions of natural appetite ” ; and “ Marital intercourse used merely for pleasure is without fault or venial sin.”

It does not, however, follow that actions done for pleasure

are always grievous sins or sins at all, for pleasure in itself is not an evil object ; it is only the immoderate, irrational use of it that is evil. “ Pleasure ” says S. Thomas, “ is good and desirable, if it accompanies good activities.”¹ But pleasure sought for its own sake, to the exclusion of our ultimate end, is a grievous inordination and mortally sinful ; such was the sin of those mentioned by S. Paul : “ For many walk, of whom I have told you often, and now tell you weeping, that they are enemies of the cross of Christ, whose end is destruction, whose God is their belly, and whose glory is their shame, who mind earthly things ” (Phil. 3, 18).

The opinion of S. Alphonsus was that all actions must be referred, at least virtually, to the glory of God,² according to the words of S. Paul : “ Whether you eat or drink or whatsoever else you do, do all to the glory of God ” (1 Cor. 10, 31). These words do not, however, impose an obligation, but suggest a counsel, otherwise all the works of infidels would be sinful, a proposition condemned by Popes Pius V and Alexander VIII. Even if they can be said to imply an obligation, nothing more is meant than that every action should be implicitly and of its nature referred to God, or in other words, that all actions should be morally good, and being so, are of their nature referred to God’s service and glory. S. Thomas thinks that there is a precept here given by S. Paul, but one not always actually to be consciously fulfilled. In his view, union with God by charity refers all our actions to Him.³

A third explanation of the text is that S. Paul is warning the Corinthians to avoid giving scandal. But, indeed, the majority of Christians do not refer their actions to God’s glory, not even virtually, yet we cannot doubt that their morally good actions glorify God. S. Augustine commenting on Ps. 34, 28, says : “ Whatever you do, do it well and you have praised God. When you sing a hymn,

¹ *c. Gent.*, III, c. 26, n. 6.

* lib. 5, n. xliv, where S. Alphonsus must be understood to mean implicit not explicit virtual reference, and this appears to be nothing more than a general apprehension that the act is a rational and a good moral act.

• S. Th., *S.*, I. 2, q. 88, a. 1, ad 2.

you praise God, but what good is there in your tongue's performance, unless your mind and heart also join in the praise? You have given over hymn-singing and go away for a meal, be temperate and you have praised God. You are in business, practise no fraud and you have praised God."¹ Furthermore, such an obligation would be practically impossible to observe, and as a fact good Christians often do what we must reasonably admit to be morally good actions, such as almsgiving, without any reference whatever to God or to His glory, and if such reference were necessary, it would appear to follow that, as this reference is a matter *of* divine charity, every action performed, without at least a virtual relation of charity, would be sinful, an opinion hardly to be endorsed. Lastly, it is allowable to infer from a proposition condemned by Alexander VIII (pr. 9) that it is not sinful to detest sin, merely because it is repugnant to nature, without any conscious reference at all to God.

SECTION 5. The Supernatural Act

Since the attainment of man's last end is the attainment of a supernatural reward, in no way commensurate with man's unaided natural powers, and since it is a personal achievement with the help of divine grace, it follows that, in some way or other, the acts of man which bring him to eternal life must be supernatural. What conditions are necessary that they should be so? ²

1. The act, free and human, must be morally good, because it would be absurd to think that any morally evil act could possibly lead to God, Who necessarily abhors evil. Neither could it be a morally indifferent act, for such acts do not exist in the concrete, if they are human, for all objectively indifferent acts such as walking, eating, are rendered good or bad at least by the motive, however implicit, which we have in performing them.

2. The morally good act must be supernatural in this sense, namely, that it is elicited by the help of a supernatural

¹ Quoted by Rickaby, *Notes on S. Paul*, p. 79.

² cf. Pohle-Preuss, *Grace, Actual and Habitual*, p. 93 sqq.

principle, and is therefore elevated to a plane above the natural.

These two conditions probably suffice and no other seems necessary, though many authors maintain that there should be a third condition, namely, a supernatural motive. But though these two conditions appear to be sufficient—as will be presently shown—every Christian is well advised to elicit positive acts of faith, hope and charity, for such supernatural motives undoubtedly add to the supernatural worth of good moral actions.

If the motive of faith is unnecessary, it would seem that every other motive is still less necessary, since faith is the foundation and root of all justification.¹ Now when a man disposes himself to accept divine faith for the first time, he is thereby turning to his ultimate end, which is supernatural. But he cannot do this unless God helps him by His divine grace, for man cannot tend to that which is supernatural by merely natural powers. If, therefore, this turning to God is a supernatural act, it does not presuppose faith, nor the motive of faith. It must be added that when the Council of Trent speaks of faith as the foundation and root of all justification, it means that all the supernatural life of the soul begins with and depends on faith, and that justification is preserved and strengthened, because faith urges us to the exercise of good works.

SECTION 6. The Meritorious Act

We speak here of the supernaturally meritorious act that merits a supernatural reward. Human acts do, as a fact, merit eternal praise or blame, as we know from Revelation: “God will render to every man according to his works” (Mt. 16, 27; Rom. 2, 6).

The moral goodness or evil of an act, inasmuch as it is related to God’s service or not, is the cause, so far as man is concerned, of merit or demerit.

Merit is twofold, condign and congruous. Condign merit is that to which is awarded a return in justice, dependent

¹ Heb. ii, 6; Cone. Trid., s. 6, ch. 8.

however on God's promises.¹ Congruous merit is that to which is awarded a return in equity, and more than any strict proportion of justice would warrant. Condign merit is perfect merit and is the merit of the just only, that is, of those who are in the state of grace. Congruous merit is imperfect, and is within the capacity of sinners to achieve. The conditions that the act of a just man may be meritorious in the strict sense are as follows :

I. On the part of the meritorious work itself :

(a) The work or act must be morally good, for as already stated God could not reward an evil act.

(b) The work or act must be a morally free act, free both from all external compulsion and interior necessity, for this condition is necessary for a morally good act.

(r) The work or act must be supernatural, that is, as already explained, it must be done under the influence of divine actual grace, because this is necessary in order that human acts may be elevated to the supernatural plane.

These three conditions on the part of the act itself, namely, moral goodness, freedom, and the influence of actual grace, appear to be quite sufficient to constitute an act meritorious. A large school of divines insist, however, on a fourth condition, namely, a supernatural motive for the act, whether that motive be one of charity or of some other virtue. The reasons, however, for thinking that this is not necessary are as follows :

(i) A man who is in the state of grace, and who intends, however implicitly, to remain in that state, has his will permanently turned towards God, and every morally good act that he performs is performed with the consciousness that he is certainly not turning away from God. He is very much in the position of a traveller who sets out for some distant town, whose every step of the journey is bringing him nearer to his destination, provided that, as a fact, he is not diverted from it. The just man does all

¹ Some divines, as Lessius, Vasquez, Lugo, explain this equality between reward and condign merit as due both to the intrinsic value of the good work and to the free acceptance by, and promise of, God.

his morally good acts with a similar consciousness and is thus doing what is pleasing to God and is thereby meriting.

(ii) The just man is in possession of divine charity, and therefore all his actions, if morally good, possess an objective and natural relation to God ; they are all directed to his last end and are all giving glory to God.¹ Therefore they are pleasing to God and exactly fulfilling God's wishes. This being so, they can bring man to his final end, since God fulfils His promise to accept them : " He shall receive the crown of life which God hath promised to them that love Him " (Jas. i, 12). They are therefore meritorious.

(iii) The just man, so long as he remains in sanctifying grace, is keeping all God's Commandments, and is therefore meriting eternal life. It appears true to say that a man in sanctifying grace, being a friend of God, implicitly and habitually wishes to remain in that state until he positively repudiates it by grievous sin. He may, therefore, be said to act from an implicit motive of faith and charity all his life, because his permanent conscious state is that of one who certainly believes in and loves God. To this extent we may admit the necessity of a supernatural motive. However, the view here taken is at most probable, and therefore it behoves us to renew our supernatural motives from time to time and even frequently, and best of all, to renew the motive of Divine Love. In this way, our merit is assured, and the more sublime motive is clearly more pleasing to God and wins more merit. Such renewal of motive, though difficult to those who seldom make acts of charity, becomes easy and fruitful, and Saints have spent their lives in conscious union with God by charity.

2. On the part of the agent, the requisite conditions of merit are :

() That he should be a free agent and still a wayfarer in this life.

() That he should be in the state of sanctifying grace, for

¹ S. Th., 2 S., d. 40, q. i, a. 5 ; *de Malo*, q. 2, a. 5, ad 7. " Omnis actus habentis caritatem vel est meritorius vel est peccatum et nullus indifferens." S. Aug., *In Ps. 36*, sermo 2, n. 16 (M.P.L. 36, 372).

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the sinner cannot merit in the strict sense. Only the just are sons of God and heirs of heaven.

3. On the part of God, the condition which we must presuppose is the divine promise to accept man's acts as meritorious.¹

Pastoral Note

The pastor will insist on the great loss which the grievous sinner suffers, in that he is deprived of gaining any merit whilst he is in the state of enmity to God. Since the sinner has put himself outside God's friendship, he cannot win it back without God's help. His state is therefore deplorable. Divines admit that in the sinner and in the infidel there can be morally good acts,² which, however, without divine grace are ineffectual for salvation. With the help of divine grace, these acts prepare the way for justification.

The pastor will also enlarge on the universality of the salvific Will of God, and furthermore that it may be held as probable that every morally good act of the sinner has been preceded by divine grace, in order that he may be moved to repentance and conversion.³ In addition, all the morally good acts of those who are in the state of sanctifying grace are the good acts of the Sons of God, because the state of habitual grace ennobles and sanctifies these acts. At the same time, the more fervent the charity which inspires our actions, the greater the merit.

Love of God is, of course, the highest possible motive. The pastor will, therefore, urge the people to make acts of Divine Love frequently, and acts of other virtues, when possible, from the motive of love.

It is not only reasonable, but it is theologically a sound practice, to offer prayer for specific intentions, always with the implied condition that what we ask for is good for

¹ Cone. Trid., s. 6, c. 32 ; NoIdin, I, n. 104 ; S. Th., *In Isaiam*, c. 3, *sub fin.* : 'Ad quod dicendum' ; Terrien, *La Grace et la Gloire* ; Joyce, *Catholic Doctrine of Grace*, s.v. Merit ; Pohle-Preuss, *Grace, Actual and Habitual*, p. 413 sqq.

² It is not permitted to hold that all the acts of infidels are sinful : Popes Martin V ; S. Pius V ; Alexander VIII (Denz., nn. 642, 1025, 1035, 1062, 1298).
³ S. Th., *de Malo*, q. 2, a. 5, ad 7 ; 25., d. 38, q. 1, a. 2, ad 4 ; Verm., I, n. 141.

ourselves or others in respect of salvation. We do not lessen our own merit (*de condigno*), nor fail to gain merit by praying for others or for some particular grace. God accepts all our good works in the state of grace as meritorious and as supplications to Him, but it is in accordance with the nature that He has given us to ask for special graces ; this practice, too, enables us to pray the better.

It is wrong to think that our love for God should oblige us first to cleanse ourselves from every stain, even of venial sin, and from every debt of temporal punishment due to sin, before we apply any satisfactory works to the Souls in Purgatory or ask graces for others. The 'heroic act' has the sanction of the Church.¹ Members of the Apostleship of Prayer offer their prayers and works for specific intentions each month. Our Divine Saviour Himself offered His life and Sacred Passion for God's glory, for the expiation of sin, in thanksgiving and for all graces.²

Since the gaining of merit is of great importance, it behoves us to act on certainties rather than on probabilities. It is best, therefore, to renew acts of faith, hope and charity as often as reasonably possible. They should be part of our daily prayer. Such acts and others are recited before the Sunday parochial Mass in many places. The faithful are to be exhorted to come in time for those prayers. The prayers themselves should be recited slowly, and preferably repeated phrase by phrase by the people, and their meaning explained in sermons. Only thus can the faithful retain the meaning of these supremely important prayers. Every pastor knows that these prayers are very often forgotten altogether shortly after boys and girls have left school.

Since a meritorious act requires some sort of intention if it is to be a human act at all, the question arises : Should this intention be actually elicited before every meritorious act ? If not, will a virtual intention suffice ?

¹ The 'heroic act' as it is called is a deliberate act of the will by which we transfer all our works of satisfaction and all the indulgences we may gain in life, and those applied to us after death, to the relief of the Holy Souls, in accordance with the Divine Will.

² Venn., I, n. 146 ; Lehm., I, n. 373 sqq.

S. Alphonsus thought that there was an obligation of offering all our actions to God, at least in some general way, in order to fulfil the precept of doing all to the glory of God, and that the act of offering should be made often during the day, or at least, at the beginning of the day.¹ It appears more correct to say that we must, in all actions, glorify God, and that we do so by every good moral act, unless we exclude its essential relation to God's glory. We must, at every conscious moment of our lives, love God above all things, and we do so, if we avoid sin because it displeases Him: "If you love Me, keep My Commandments."

All the good acts of Christians glorify Christ, and even those of non-Christians do so. Since the Mother of God is the Mediatrix of all graces, all good actions redound to her honour also. Furthermore, when a good action is done consciously to the glory of God, the Mother of God, and the Saints, it becomes an act of worship, that is, of religion. A good object—as almsgiving—dignifies the act itself when we take delight in the virtuous act. A good motive—as the honour of God—glorifies God. A temperate and rational use of pleasure glorifies God, since a rational pleasure is a good object: "Qualis est operatio, talis est eam consequens delectatio"; i.e., the moral character of any pleasure is determined by the moral character of the act that produces the pleasure.²

A pure intention is to be highly commended and with prudence aimed at. It consists in the exclusion of all that is opposed to the love of God for His own sake, such as vanity, sloth, sensual ease, selfishness. The highest and purest intention excludes every element of self-interest. Thus, S. Francis Xavier excluded, in his hymn of love, the motive of seeking his own celestial happiness, and loved God with a love that had no admixture of self-interest. Nevertheless, a less exalted motive may rightly be urged and acted upon, when its appeal to our good natural tendencies—as the desire of happiness—would render an act more spontaneous and even more ardent. It will be right to suggest

¹ cf. lib. 5, *de Act. Hum.*, n. xlv.

² cf. S. Th., S., i. 2, q. 34, aa. 1-4, for the ethical reasoning on pleasure.

sometimes the less exalted motive to sinners, for it may well be that they would not rise to anything higher. Merit can be gained by acting from any good supernatural motive. The motive of avoiding hell or gaining heaven is a good motive, since happiness in heaven is the Will of God for us and the goal of all meritorious life.

The renewal of a good intention is an act of religion, and may be an act of charity. Even the recollection of a good intention previously made, and its implicit or subconscious renewal, increases our merit. The offering at the beginning of the day of all subsequent good acts during the day, as impetratory or satisfactory, transforms these acts into acts of impetration and expiation, for an habitual intention is sufficient, since the acts are offered as a gift and an offer is valid until it is withdrawn.

From these considerations it will be seen how valuable, for the meritorious life of the faithful, are exhortations, sermons, retreats, missions, for these occasions are calculated to help the faithful to perform their daily good actions with reference to some supernatural motive, to the exclusion of merely automatic and indeliberate actions, and the inclination of passion.¹

SECTION 7. The Determinants of the Moral Act

The act of the will can be morally good or morally bad. It is morally good, when it wills what is good; it is morally bad, when it wills what is evil. The character, therefore, of the act of the will in the moral sphere, is determined by the object of the will-act. This object is that which is proposed to the will to be accepted as good or shunned as evil. This complex object is, then, the only determinant of morality, but as it comprises motive, object strictly so called, namely, that to which the will primarily tends, and circumstances, these three are to be considered separately, for they are rightly called the specific determinants of the moral act. It is obvious that none of these may be contrary to the moral order—provided they enter into the order—if we wish the act to be a morally good act. An evil motive

¹ Verm., I, n. 153.

is, in point of fact, one that must be set aside, if we wish to act as reasonable beings ; an evil object is obviously opposed to right order ; and evil circumstances, if within the content of conscious volition, will necessarily vitiate morally any object and any motive however good. It is untrue to say that motive alone determines morality, in the sense that motive alone need be attended to. Very often, motive does determine the character of the moral act, because either both object and circumstances are indifferent, or because there is ignorance or good faith in the agent, who falsely imagines that he is acting as he ought. In Moral Theology we do not consider, except occasionally, subjective states of mind. We deal rather with the moral act as it ought to be. This means nothing else than that there is a right order into which all human acts must be put. It will be found that there are no other determinants but the three already mentioned, and it is necessary to regulate these determinants in accordance with the moral order, so that the human act may be objectively, in point of fact, and in the concrete, apart from all subjective hallucinations, false reasonings, prejudices and so forth, accommodated to what is the right order for rational human nature. Thus, when an object, such as to walk, to eat, to play, is desired by the will, and is chosen by it to gratify some personal purpose, we must consider whether or not such object may be adopted in accordance with right reason and law, and therefore the object of human acts must first be considered, and its bearing on the moral act determined, for if the object be evil—such as direct murder of an innocent person, lying, calumny—we need not trouble ourselves in discussing motive or circumstance. The same must be said, separately, of motive and circumstances. Consequently, the maxim is true : *Bonum ex integra causa, malum ex quocumque defectu*, that is, in effect, all moral determinants in an act must be good ; moral evil in any of them will render an act evil.

An act is morally good, only if it is good under every moral aspect and in every moral essential relation ; it is morally evil, if either motive, or object, or circumstance is morally evil.

1. The Object

The object here means that to which the will immediately and primarily directs itself and its activity, such as walking, praying, almsgiving. But as we are speaking of the moral order, the object is to be conceived of as an object in the moral order, not one in the physical order. Thus, the object as here understood of the theft of money is not the taking of money, but the taking of it from its rightful owner against his reasonable will, and that this act may be in the moral order, the mind must advert to its wrongfulness, and the agent must desire it, intend it, or do it. It is clear that if an object can determine the moral character of the will, and therefore of the act of the will, whether or not that act is externalized, the object must be itself already constituted as good or bad in the moral order. But the objects of human activity are indeed so constituted ; there are some objects, such as the love of God, which are necessarily good ; there are others, such as blasphemy, which are necessarily bad, because these and such objects are in accordance with or are contrary to rational nature, viewed in all its relations. Objects that are said to be indifferent in themselves, such as walking, which in the abstract is neither in accordance with reason nor opposed to it, are not indifferent in the concrete, when we perform them with definite motives and in concrete circumstances, for motives determine morality, as we shall see, and circumstances also can, no less, influence the morality of an act. Objects, then, may be good or bad of their very nature, and they are then said to be intrinsically good or bad ; other objects may be good or bad on account of some positive precept binding us to perform or to omit them. Examples of the first class are love or hatred of one's neighbour ; examples of the second class are the ecclesiastical fast or the violation of it ; the former are commanded or forbidden because they are good or bad respectively ; the latter are good because enjoined, or bad because forbidden.

Certain objects, as hatred of God, are so essentially evil, that God could not make them to be other than they are ;

other objects are repugnant to human nature because they oppose the good of human nature as it is constituted ; but since God created human nature, He can secure its good by means of His own choosing, and the order of this good is not an indispensable order. It is not repugnant to the sanctity of God and to any higher order if, in given cases, God, Who has supreme dominion over life, property and bodily integrity, should command or permit the taking away of another's goods. This *altum. dominium* is so obviously a fact, that appeal to it to justify what would otherwise seem sinful or disorderly in the pages of Holy Writ—provided we have justification in making the appeal—is most reasonable and proper. But God alone can exempt man from fulfilling certain laws of his human nature. Man cannot do so, since he is not, in any sense, master of the law that has been imposed upon him.

This doctrine of essential good and essential evil—a doctrine that is an immediate and obvious deduction from the relations of man to his Creator—is opposed to the ridiculous theories, which, at one time or another, had—and perhaps still have—their exponents, such as that good is what is desired, or what is determined by the State, or by custom, or by geographical habitat.

Now the reason why the object, in the moral order, is a determinant of morality, that is, a determinant of the moral character of the will-act, is that every human act is immediately concerned about something, act, operation, achievement, possession, and every act is thus specifically determined as such an act and no other by the object it sets before it. The object here meant is that object which is apprehended as within the sphere of right reason and moral conduct, and which, as such, is desired, sought after, loved by the will ; for if the object be not loved, if its intrinsic worthy appeal is neglected, the moral goodness of the object will not be shared in by the will-act.¹

¹ Verm., I, n. 115.

Principles

1. A human act derives its moral character before all else from the object, and this morality of an act is, in consequence, spoken of as objective and essential, because the will aims, most of all, at the attainment of its object. If one object, good in itself—as a generous donation—is used as a means of achieving another object which is evil, the former cannot make the latter good, nor, in fact, is the first act a morally good one, because the first object is not sought nor loved for its own sake, but as a means to evil.

2. But it is not sufficient that the object be apprehended as good, it must be deliberately intended as a good, otherwise it cannot specify the moral goodness of the will. A man who gives an alms to the poor because the obligation of doing so has been imposed on him by legitimate authority, could, if he wished, achieve a twofold moral goodness in his act, namely, the goodness of obedience and of charity. He could also, if he wished, exclude the latter.

2. The Motive

The motive is the reason for acting, and it is obviously the first element in a human act.

Motive determines the morality of an act, because the will is moved to act in virtue of its motive, and morality primarily belongs to the will. It is against right reason that the internal act of the will should be exercised in desiring or intending anything that is unreasonable, immoral, or forbidden. God has given man all his faculties to be exercised solely in regard to what is morally right and good. This is the essential reason why all unreasonable interior exercise of will is wrong, and the denial of this leads to the repudiation of God's dominion over our interior acts :
 “ But I say to you, that whosoever shall look on a woman to lust after her, hath already committed adultery with her in his heart ” (Mt. 5, 28).

The motive is obviously an object of the interior act of the will, because the will first has the motive proposed to it and then accepts it. Again, if we regard the external act

itself, such as the act of theft, motive is only a circumstance of it, for there may be an indefinite number of motives corresponding to the one external act of theft, such as avarice, revenge, hatred, injustice, jealousy, etc. An evil motive, as the motive of avarice, cannot possibly be justified by a good external act, nor can a good motive justify a bad act ; the end, that is, the motive for acting, can never justify any evil act. Consequendy, those who try to excuse themselves by saying that their motives are honourable, see only half a truth ; on their principle, anything, however wrong, such as theft, lying, injustice, could be condoned by the presence of a good motive. No one would be found to admit this, more especially if the evil were perpetrated against him by another.

The following aspects of ends are of importance :

1. The proximate end of an action is that which is immediately intended ; the remote end is that which is intended secondarily, and as a consequence of the former. A man who steals to support his family, intends the getting of money as the proximate end or motive, and his family's support as the remote end.

2. The ultimate end is intended for its own sake ; an intervening end is intended for the sake of the ultimate end. A man who steals, in order to buy medicine so as to recover his health, intends health as an ultimate end, and theft and the purchase of medicine for the sake of health as intermediate ends. The absolutely ultimate objective end of all man's actions must be the extrinsic glory of God, for no other ultimate end is possible ; but for such activities as study, training, travelling, pleasure-seeking, there are relatively ultimate ends, each in its own order, which, however, are only relative, and must be subordinated to the one end of man's existence.

3. A man may be moved by several motives, each of which might be sufficient to move him to act ; such motives are partial. If only one motive would move him, that one is the complete adequate motive.

4. If, of two motives of action, one would move him in the absence of the other, that one is primary.

Principles

1. An act derives its moral character from motive.¹

2. If the object of an act is good but the motive is bad :

(o) If the motive is the only one, it vitiates the act and renders it morally bad ; grievously bad if the motive is such, not grievously but only venially bad, if the motive is slightly bad.² Thus, the act of giving an alms for the purpose of seduction would be grievously immoral ; if an alms be given out of vanity, it would usually be venially inordinate. In each case, the will desires an evil object under the guise of good.

(/>) If the evil motive, venially bad, be a partial motive or a secondary one, the whole act is not vitiated ; it is substantially good but with concomitant evil. Thus, an alms given really for the relief of the poor out of pity, with a slight secondary intention of ostentation, is still substantially an act of pity, but it is accompanied with venial vanity.

(c) If a good act is done for two co-ordinate motives, one of which is good, the other bad, the act is virtually multiple, and is good under one aspect, bad under another.

(d) If the evil motive, though partial or secondary, be grievously evil, then it vitiates the whole act, as if a man should help another in a serious predicament, intending at the same time to rob him of a large amount of money. In such an act, God is seriously offended, the agent is completely turning away from God, and therefore however good the immediate object and the motive may be, the whole moral act is grievously bad.

3. If the object of an act is bad, neither good motive nor an indifferent motive can make it a good act, because the will is all the time wishing evil ; but it will certainly not be so evil as when the motive is also bad.

4. An act that is, in the abstract, indifferent, such as walking, will be morally good, if done from a good motive,

¹ S. Th., S., I. 2, q. 18, a. 4, ad 3.

² We assume here that coordination against right reason may be grievous or slight.

as to visit the sick ; it will be morally bad, if done from a bad motive, as to walk in order to steal.

5. The motive must be consciously present in order that it may affect the morality of an act.

3. The Circumstances

Circumstances sometimes alter the morality of an act entirely, sometimes slightly, whilst at other times, not at all. Thus, the murder of a parent is essentially different in its moral aspect from the murder of a stranger, by reason of the special duties of love that ought to subsist between child and parent. It is an immaterial circumstance whether a man murder with a pistol or a knife. An increase of inattention at prayer is a slightly aggravating circumstance.

Circumstances are defined as those conditions which are accidental to the substantial act. They are seven, namely, circumstances or status of agent, quality or quantity of object, place, means, motive, manner, time.¹

In stating that circumstances are a determinant of the morality of an act, it is meant that when this is so, they have, as a fact, their own moral implications, whether in respect of aggravating the good or the evil of an act, or of putting an act into another moral category, adding, as it were, another and quite specific element of right or wrong to the substantial act.

Certain grievous sins, such as murder, committed in a sacred place, are morally worse than if committed elsewhere ; intense and less intense hatred, advertence and inadvertence, cruelty in a greater or lesser degree, correspond to the circumstance of manner, and obviously make a moral difference. Motive may be good or bad. Status of agent may change the malice of a sin, as in the case of a person under vow of chastity sinning against this virtue. To do harm to another is sinful, and to do harm by deceit or lying is an added sin. Greater quantity in theft increases the sin against justice. Quality of the thing stolen, for example, the theft of a consecrated chalice, adds to theft

¹ *Quis, quid) ubi, quibus auxiliis, cut, quomodo, quando.*

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another species of evil, namely, the violation of the virtue of religion. Thus, some circumstances add an element of evil to an act that would, however, be wrong without them ; parricide is a sin against both justice and piety, and not merely against justice, as mere homicide would be. Other circumstances aggravate the moral evil of an act, as when hatred is fostered for a long time rather than for a short time. Other circumstances determine the theological species of an act, that is to say, whether an act is grievously or venially sinful ; thus, theft great or small, is a sin against justice, but a great theft is a grievous injustice, a light theft is normally a slight injustice.¹

Principles

1. Circumstances of the kind mentioned above can and do determine morality, because they can and do render actions conformable or not to right reason, or less conformable to it. It is reasonable and morally good to take sufficient bodily rest ; it becomes unreasonable and wrong to indulge in sloth by taking too much. But in order that circumstances should change the moral character of an act, they must be adverted to and intended, if good, and adverted to and not prevented, if bad, and thus by becoming part, though an accidental part, of the object as it is in the concrete, they determine morality as does the object itself.

2. Circumstances can change what is, in the abstract, indifferent, such as eating, into a good or bad moral act. Thus, to eat in moderation is, viewed in itself, a good moral act ; to eat immoderately is morally wrong.

3. An act good in itself can be vitiated by circumstances, as to devote time to prayer that should be given to work.

4. A good act can be rendered better by circumstances, as can also a bad act be rendered worse.

5. A circumstance that is grievously wrong vitiates the whole moral act and cannot be anything else than a grievous sin in the concrete. A circumstance, slightly wrong, that

¹ It is not here implied that sin is a genus, and mortal and venial sin are species.

accompanies a good act, such as to give alms impatiently, does not indeed vitiate the whole moral goodness of almsgiving.

6. There must be no evil circumstance in an act.

Note on Circumstances

It has been stated, and it is the teaching of all Catholic divines, that a good motive cannot render good what is against right order. Thus, theft is unjust, whatever may be the motive for it. Conscious and deliberate adultery is opposed to right reason and right order, and no motive, however good, can render it good. In much non-Catholic writing, great confusion of thought and positive error intrude themselves into this matter. It is stated that since all morality resides in the will, morality is determined only by the motive. How false this principle is can be seen in the case of adultery. The confusion arises from the fact that in stating that all morality is determined by motive alone, it is forgotten that when Catholic divines maintain that morality is determined also by the object, they mean an object in the moral order, not an object considered merely as a material act. Of course, the further question arises: Must we consider objects as ever capable of belonging to the moral order? Undoubtedly we must do so, for injustice and adultery are always opposed to the right order of human nature and human activity, even if they are committed by an insane or a drunken person. Though ignorance and inadvertence can excuse from sin and moral obliquity, theft remains theft and a violation of right order. Must we not admit, that if a drunken man has inadvertently taken my watch, he may be reminded, when he becomes sober, of his moral obligation to restore it? How could there be any moral obligation on him if there were no right order to restore? It would be absurd to say that unnatural vice is of no account, in the moral order, if committed by people who have persuaded themselves that it is aesthetic and blameless. Such material acts as theft, vice, adultery, murder, are opposed to the good of human nature, whether committed wilfully or in ignorance. It is the business of every one to keep

clear of murder, and not to allow himself to get into such a state of intoxication, as would expose him to the risk of committing it. It is not the intoxication, but it is the murder, that is opposed to the right to life that every man has. It is a duty, therefore, to be certain that not motive only, but object and circumstances are within the right order of conduct. It is so obvious that a man must pay attention to what he does as well as to why he does it, that it is deplorable that so many writers think only of the subjective state of mind in discussing the morality of the human act. Though it is perfectly true that a man acting inadvertently, and doing a great evil, may not be morally blameworthy, nevertheless, it cannot be said that the right moral act is determined by motive alone. The subjective state of will cannot be morally blameless, if a man ought to have attended to the evil object and evil circumstances of his act and did not attend to them, and if, as a fact, the object of his act is disorderly, though his motive be as good as possible.

Note on the Fullness of Good and Evil

1. That an act may be morally good, its goodness must not only be known but must be intended and wished in some way. The goodness that remains wholly extrinsic to the will cannot make the will a morally good will. But an explicit and reflex intention is not required.

2. That an act may be morally evil, all that is required is that the evil be adverted to and the act done. It is not necessary that the evil itself be wished, because, since the act is evil, we must avoid it. If evil is done consciously, the will is evil. It is only a refinement of malice to say : “ Evil, be thou my good,” and such an intention is diabolical, and very abnormal and unusual.

CHAPTER

CONSCIENCE

SECTION 1. Introductory

In free human conduct, we find from experience that we possess a consciousness of our acts, and we pass judgment on them, considering whether we may or may not or ought to do such and such an act, and whether we ought to have done or omitted such and such another act. This judgment is the moral conscience. The judgments which we formulate are based upon certain moral principles of the most general character, such as that good is to be done, evil avoided, legitimate commands are to be obeyed, justice is to be maintained, promises are to be kept. The most general judgments are immediately evident to all men and are the general moral principles of human action. They have their origin in the natural habit or aptitude, called *synderesis*, which is an endowment of the nature that we have. This moral judgment, then, is a judgment on any specific act done or to be done, omitted or to be omitted, in accordance with general moral principles.

This judgment is the proximate general rule or standard of right action. It assumes the obligation of law to be known, and it imposes on us the obligation of acting in accordance with the law.

Conscience that is certain, that is, where its possessor is clearly convinced that his conscience unhesitatingly imposes a definite obligation here and now, in the concrete, must be obeyed. Therefore, whether the speculative judgment which precedes the dictate of conscience is true or false in point of fact, the dictate following upon such judgment must be obeyed, if it is certain. Thus, Abimelech (Gen. 20, 3-6) did what was objectively wrong, but God excused him saying: "I knew thou didst it with a sincere heart," and S. Paul (Rom. 14, 14): "To him that esteemeth anything to be unclean, to him it is unclean."

SECTION 2. Definition of Conscience

Conscience is an act of the practical reason. It tells us that an action which appears to us to be morally bad must be omitted, that an action which is here and now commanded must, if possible, be performed. The dictate of conscience is an act of the practical, not of the speculative, judgment. The intellect must, therefore, be considered as conscious of obligations. When, in considering the reasons for and against a given action, it expresses its approval or reprobation of that action, it goes through a process of reasoning, concluding with a practical judgment, namely, this may or ought to be done ; that ought not to be done. But as it is an act of the practical reason, it addresses its premonitions to the will, putting before the will objects that are to be desired or shunned.

The intellect is and must be conscious that the source of the obligation to do or to omit an action is extrinsic to human nature, because it is inconceivable that man should be a law unto himself. Conscience has, therefore, a moral import. It is an undoubted fact, within ordinary experience, that in evil-doing we are conscious of offending, not against nature and reason only, but against some law, deep-rooted in nature, which must have its justification outside us. Human beings recognize a Supreme Cause and Lawgiver ; offences against reason are sins against God. It is with the utmost difficulty that a man argues himself into believing, for a time, that he can act against his conscience without violating some law.

SECTION 3. Kinds of Conscience

Now if conscience were never interfered with by passion or ignorance there would be only one kind of conscience, namely, the true conscience, whose dictates would correspond with objective obligations. But passion and ignorance do interfere with advertence and free choice, so that we may rightly distinguish various kinds of conscience.

I. An erroneous or false conscience bases its judgment on what is *defacto* false ; a true or correct conscience bases it on

what is true, that is, on the actual objective law. The false conscience may be vincibly false, if a man could and ought to have made his intellectual inferences more carefully ; it may be invincibly false, if he could not have done so.

2. Conscience is certain when the motive for practical judgment is certain, that is, when the conviction is apprehended to be a sound one. Conscience is a doubting conscience when the motive for action appears to be not certainly but only doubtfully valid.

3. Conscience is probable when one's judgment is based on reasons that are probably true but may, quite as well, be more probably false.

4. Persons of excessively strict conscience magnify obligations, or declare them to exist where they do not exist ; those of lax conscience minimize obligations.

5. The scrupulous conscience is one that has no sound reasons for judging one way or the other, and yet gives its commands now in one way, now in another, basing its dictates on what it knows to be insufficient motives, yet in fear and apprehension leaning to the strict side. In brief, its motives are foolish and it knows them to be so when the mind is not obsessed by fear.

6. The judgment that goes before an act is called the antecedent conscience. It is the antecedent conscience that settles the morality of our actions. Remorse, repining, terror, that sometimes follow upon an act, are called the consequent conscience ; this consequent conscience has obviously no effect in respect of morality on the act that is already past and gone. The knowledge, therefore, that comes with years and experience cannot possibly affect the morality of our past actions ; they were good or bad when they took place. Subjective culpability is derived from the will at the time of acting. When, therefore, we speak of conscience in respect of the morality of our actions, we mean conscience that is antecedent to an act.

From the definitions given above of the various kinds of conscience it will be at once evident that the conscience which is strict, lax, or scrupulous is a false conscience and should be corrected.

1. The True Conscience and the False Conscience

The false conscience, that is, the conscience that bases its judgment on what is *de facto* false, may be culpably or inculpably false, according as the ignorance, in consequence of which it exercises its command, is vincible or invincible. If this ignorance be wholly invincible before and during the act, it is clear that the false conscience is rather a misfortune than a fault. If, on the contrary, this ignorance be vincible, if it might have been dispelled and ought to have been dispelled by diligence commensurate with one's general opportunities and the importance of the issue, it is culpable. When, however, an act is performed whilst the mind is in the state of such culpable ignorance, the moral inordination of the act performed in consequence of this ignorance is to be measured by the degree of inordination of the ignorance, for at the time of acting, advertence is not directed, as we suppose, to the wrongfulness of the action. The guilt of an action, therefore, done in consequence of culpable ignorance is strictly measured by the guilt of the cause. Such an action is said to be voluntary in its cause ; the wrong was done when ignorance was not dispelled, and when the evil consequences were foreseen in some way or other. Now we must obey the dictates of conscience, whether it be true or false *de facto*, whether it be strict or lax, provided always it speaks to us with certainty. A man with a false conscience acts in good faith, it is supposed ; he would act wrongly if he did not act according to the conscience which he has, since it is quite impossible for him to act according to a conscience which he ought to have but does not now possess. Therefore S. Paul says : " All that is not of faith is sin," that is to say, actions are sinful, if done without the conviction of doing what is right (in accordance with religious convictions).¹

Since, then, a person may sin formally, that is, may be

¹ Rom. 14,23. The text refers to believers only, and to the interior standard of religious convictions. But the application of the rule of right conduct to all men appears justified, viz., that they are to act in accordance with their conviction of what is right. This is the interpretation given by S. Chrysostom and generally by all modern divines.

guilty in conscience of violating law if he do not obey his conscience, and since wrongful actions done under the influence of a false conscience but in good faith, though not formally sinful are, nevertheless, objectively opposed to the moral order, it is of supreme importance that the conscience should be educated to discern right from wrong.¹ This education must be acquired not only for more serious matters but for those which are less serious. Moreover, since there is a strict obligation on man to act rationally, to act as God would wish him to act, he must educate himself to appreciate that moral order which God has bound up with human nature, and the fulfilment of which is the good, the happy, and the rational life. Furthermore, it is a fact that if a man wants to become good he should try to become good. In the matter of conscience, religious education, being the only education that will create and foster a true conscience, should be most assiduously sought after. This must be obvious, because such education both teaches him what is right and provides the necessary sanction, namely, the will of the Author of Nature. Without this sanction, in time of stress and violent temptation, the conscience is apt, as we know, to lose its power ; its voice is drowned in the clamorous insistency of passion, and fades away, a faint echo of its former self, or is even stifled altogether in the tumult of conflicting appeals. Right reason of itself will reveal to us its own first principles, and that very soon, for it is reasonable to think that we cannot remain long in ignorance of the great first principles of the Natural law. The child's reason soon tells it that it is wrong to steal, to tell lies, to disobey its parents. Apart, however, from the first principles of the Natural law and their immediate conclusions, the true conscience is a matter of education, mental, moral and religious. The true conscience, viz., that which tells one to do what is *de facto* in conformity with objective law, is the conscience that all men of good will

¹ A false conscience commands one to do what is, in point of fact, and objectively, wrong. The error is one of the antecedent judgment. If a false conscience is not obeyed, a sin is committed, because then a man knowingly and freely acts against what he considers to be the law of God.

strive to acquire by repeated reflection and moral education, thus preventing ignorance from misleading them and passion from anticipating reason. There is a certain conscientiousness in every art and science, whereby a man is circumspect in the use of materials, sources, inferences, and so on ; in the good moral life, the true conscience is preceded by this intellectual circumspection in regard to obligations.

2. The Certain Conscience and the Doubting Conscience

Certainty of conscience depends on the certainty with which I draw my conclusions, consciously or implicitly, as to the morality of a given concrete act. Certainty based on evident principles is absolute certainty ; if it is based not on evident principles but on what appear to be such good reasons, or on such sufficiently good authority that prudent doubt is excluded, the certainty is said to be perfect moral certainty. Neither absolute nor perfect moral certainty can always be obtained ; we must, therefore, be satisfied sometimes with a degree of certainty that is imperfect, where a mistake is quite possible but not likely. A doubting conscience, on the other hand, is one in which I cannot make up my mind with anything like certainty as to a given line of conduct, either because I have discovered only moderately good reasons in favour of it, or because I have discovered excellent reasons on one side, whilst I am conscious of equally excellent reasons on the other.

If I doubt only in the abstract and speculatively, my doubt is speculative ; if I am in doubt, here and now, as to the morality of a given concrete act which I am about to perform or to continue, my doubt is said to be a practical doubt. Obviously, I may not act in such circumstances, because I must act with a certain conscience, that is, with a conscience morally certain of the rectitude of a given act. If I did not wait for certainty but acted in doubt, I should be placing myself, quite deliberately, in the way of doing what my conscience cannot certainly approve. But the certainty here meant is not speculative certainty, for that is often impossible. What is here meant by certainty is practical certainty, that is, certainty that one may act correctly.

What then is to be done in the case of doubt? Can we say that it is generally better to choose wrong than to spend the whole day in deciding? Surely not. Doubt must be dispelled to the best of one's ability, either by asking advice, or by reflection, or by acting on what appears to be a sufficiently good reason. Certainty, however, must be got. If, at the moment, there is no opportunity of asking advice or of discovering sufficiently cogent reasons, what is to be done? There are certain principles admitted by everybody in ordinary life and acted upon. The consideration of some of these principles may help one to arrive at that moral certainty which is sufficient. Some of these principles suggested for practical guidance are as follows:

I. Possession in good faith is a presumption of good title. For instance, I have come by some object or other, honestly, as I think, but I am not quite sure that the object really belongs to me. After taking the ordinary means of finding out the rightful owner and having failed, I may justify myself in retaining the object, on the presumption that actual possession gives me a good title to it, until the con-

2. In positive doubt,¹ a well-grounded presumption of title is a sufficiently good title.

3. Obligations may not be presumed to exist, they should be clearly established. Thus, if I doubt whether or not I have broken the fast before Holy Communion, should it appear to me after reasonable investigation that I did not, I may rightly say: The obligation to abstain from Holy Communion is not certain; I may, therefore, receive Holy Communion with a good conscience, for the law of the Church is that Holy Communion may not be received after conscious violation of the Eucharistic fast.

4. That which ought to have been done in a given definite way to secure its valid performance may be presumed to have been correctly done. For example, a priest, in the habit of giving absolution with the correct form of words, remembers to have given absolution, and begins

¹ Positive doubt about the morality of an act is present when there are reasons for and against the obligation or lawfulness of the act.

to doubt if he used the correct form. He may reasonably make up his mind that he did so ; he cannot be obliged to repeat absolutions when mere passing doubts as these occur to his mind. He has acted in an ordinarily human way and may rest satisfied, unless his doubts are so strong as to amount to moral certainty.¹

It is obvious that one has to be circumspect in the use of such principles, for they are not meant so much for general guidance as for cases where persistence in doubt would lead to great mental anxiety ; nor does such a principle as the above, which is sound in itself, excuse a man from using diligence proportionate to the importance of the issues at stake. This is especially so when a penitent is in need of absolution, a matter which will be dealt with later.

5. In doubt concerning an accessory circumstance of an act, I may presume that the whole act in substance is good and valid, and I need not repeat the act nor any portion of it.

6. In doubt, the safer course must certainly be followed, where a very definite object is to be attained at all costs. Thus, for example, when Baptism is to be administered, it would be wrong to run the slightest risk of invalid administration, except, of course, in a case of extreme necessity, when the best that can be done must be done at once, even if there be some misgiving as to the validity of the act. The Sacraments are for man's use, so that where it is a matter of the salvation of a soul, means, even the least likely to be of any use, may and must be used where no other means are available. But even in such cases, the safer course, that is, the course which best guarantees the result, is obviously to be followed, if possible under the circumstances, although there be only the slightest probability of the result being achieved. It is better to do so much than to do nothing at all.

With the help of these few principles, which are found to be nothing more than enunciations of common sense, one

¹ This principle has to be carefully applied. In cases where the validity of a Sacrament is at stake, we may not act on anything short of moral certainty, except in extreme cases, in which we must adopt the safer of two probably valid courses open to us.

may succeed in arriving at moral certainty in regard to the lawfulness of a given act, whereas, without some such reflection, the doubt may remain, and may render a man inactive when action is imperatively called for.

3. The Perplexed Conscience

This is the state of conscience of one who has alternatives set before him, each of which seems to be sinful. The perplexed conscience is not a scrupulous conscience ; the latter is in constant dread of past and present sin, basing its erroneous judgment on ridiculously insufficient reasons. The perplexed conscience is in a worse plight, because sin appears to be simply inevitable. What is the victim of a perplexed conscience to do ? The following practical rules have been suggested by S. Alphonsus and others :

1. He should seek the counsel of a good director or some prudent friend and follow it.

2.If this cannot be done and the perplexity remain, he should choose that which seems the less of two evils. No sin will be then committed because he is not a free agent. Thus, for example, it may appear absolutely necessary to do one or other of two wrongful acts. It is clear that, under the circumstances, the victim of a perplexed conscience thinks himself obliged to do wrong ; that conviction is so obviously subversive of morality, that he may be assured that in avoiding what appears the greater evil and choosing the less he is doing right, and, therefore, doing a good action.¹

Of course, in point of fact, it is never necessary to do wrong ; there never is, in fact, a choice to be made between two necessary moral evils. An example of the perplexity contemplated would be the case of one who thought, erroneously, that in a Court of Law he ought to perjure himself, in order not to bear witness against a friend. The fact is that one must tell the truth always for no loyalty

¹ If the two alternatives appear equally wrong, and one must be chosen, either may be chosen without sin, for the agent is not free. If, of two alternatives, one appears to be a greater evil than the other, but the excess is not great, it is held that to choose the greater will not be a serious sin (Verm., I, n. 349)-

to a friend can ever justify the smallest he. Again, a mother might erroneously think it a sin to miss Sunday Mass in order to attend to her sick child ; she has the two alternatives placed before her, and she must, so she thinks, stay at home and sin. But a true conscience would tell her that to miss Mass under the circumstances is not a sin, because there is no obligation of going to Sunday Mass under every conceivable circumstance. Her perplexed conscience is an erroneous one.

4. The Scrupulous Conscience¹

The scrupulous man is the victim of an imaginary spiritual impediment to his free action ; he is tormented in every action, even the most harmless, with the thought that he may be committing sin, or that he is out of the grace of God. He then does his best to recover divine grace, and is momentarily satisfied ; but the demon of unrest comes again to suggest that his choice was wrong. The fear of sin is a waking nightmare ; the victim knows, in his saner moments, that his fears are groundless, yet he falls back again into his sad state, and there alternates between despair and hope. At almost every step of his spiritual journey, some personal agency, God, his Angel, or Satan, is at his side warning him, as he thinks, to clear his house of the seven devils that inhabit it. When he has chased them out, other seven have taken their place. He has no peace ; he is seldom happy. Nobody understands his case ; others have been scrupulous, but not quite exactly as he is. Though his anxiety is groundless, his malady is very real.

The scrupulous conscience is not to be confounded with the conscience that is tender. A person is often said to be scrupulous when his conscience is very delicate. We have sanctioned this confusion by speaking of a very honest man as scrupulously honest ; his honesty is said to have the

¹ A scruple is a spiritual obstacle to the free progress in Christian life. It is defined as an unfounded apprehension and consequent fear and anxiety that sin is committed where there is no sin at all, or that a sin committed was greater than, in fact, it was. Scruples produce a mental obsession, an *idée fixe*, a mental and volitional malady. A scrupulous conscience is a dictate of the practical judgment based on scruples.

defects of this good quality. The tender conscience, if a true conscience, is, however, an eminently desirable conscience to possess, for its owner will rightly regard even slight sins as matter for regret and avoidance. The tender conscience differs from the scrupulous in that it is true and is founded on reasonable convictions ; whereas the scrupulous conscience is always erroneous.

Scruples may have their origin in the natural temperament or in the physical state, each acting upon the scrupulous to render him timorous, nervous, dejected. In that state, scruples once getting possession, the victim goes from bad to worse, action and reaction succeeding one another with painful regularity.

Secondly, God may permit the presence of scruples in the soul, whatever their source may be. He cannot, however, be supposed to wish the scrupulous state to persist, if it lead to moral evil, such as despair, distaste for His service, neglect of prayer, or preoccupation with worldly pursuits.

Thirdly, Satan may, with God's permission, so effectually disturb the imagination, that the soul almost insensibly and as a natural consequence falls into the scrupulous state. If God permits scruples, He does so for a good purpose. This purpose will be evident at least to the spiritual director of the scrupulous. The divine purpose in permitting scruples to oppress a soul is that the sufferer may have greater humility, greater confidence, and achieve more rapid sanctification.

If Satan is the source of scruples, since he is man's enemy, they will never lead to peace or any spiritual benefit ; more usually they will lead to disquiet, despair and moral disorder.¹ If scruples are due to temperament or physical defect, they may be said to arise from one of several sources, such as a tendency to melancholy, fickleness, timidity, want of well-balanced judgment, pride and obstinacy, adherence

¹ cf. the example of Br. Rufino's despair, when he thought that Christ Himself had appeared to him and revealed his certain damnation. S. Francis of Assisi, his Master, dispelled the scruple by stating the simple truth, that Christ does not turn a heart of flesh into a heart of stone.

to a species of rigorism, by which a man tries, under all circumstances, to choose the safer course, and forces himself to adopt ideals that are either not true at all, or not meant for him in particular. Since, therefore, scruples so often lead to great disorders both in the spiritual and in the physical life, it is of first importance to get rid of them, unless, indeed, God manifests in some way or other His Divine Will that we should endure them as we endure other spiritual afflictions permitted by Him. If, in spite of implicit obedience to our spiritual director, the state still persists, God knows how to draw good from scruples, and we must wait upon His good pleasure to deliver us from them. They will bestow this amount of good at least, namely, they will increase obedience, humility, self-distrust, confidence ; they will teach us by our own sad experience how to sympathize with and direct others in a similar state.

The scrupulous conscience is usually exercised about three distinct classes of actions :

1. Firstly, about past confessions. These are judged to have been sacrilegious, either from want of true sorrow, or from having concealed a grave sin, or from lack of lucid explanation. This morbid state of mind is supposed, by the enemies of the confessional, to be a necessary consequence of Catholic practice ; but like a good and wise physician, the Church has ready remedies for this state, and it is no more a consequence of the good practice of confessing sins, than hypochondria is a consequence of the study of medicine.

2. Secondly, the scrupulous conscience is exercised about possible or probable consent to evil thoughts in the past.

3. Thirdly, scruples are entertained concerning the pervading presence of sin ; it is lurking in every action of the waking life ; what appears quite harmless to ordinary people is moral poison to the scrupulous. He is so pre-occupied with the thought of possible or unforgiven sin, that he has no peace ; he becomes diffident, hesitating, introspective. From whatever point of view he examines the past, he cannot give a reasonable or even a coherent account of his motives. They may have been good, but they must have been wicked, so he thinks. A dissection of

motives is hopeless ; it is too complex a process and brings no lasting peace with it, even if it be attempted and appear to succeed for a time.

Ordinarily, it is of little use to suggest remedies to the scrupulous. The remedies proposed by spiritual directors may, however, be of some help to those who are not scrupulous, so that at the slightest indication of the advent of scruples in themselves or in those whom they can direct, such remedies may be ready at hand, and may be applied with kindly but firm insistence. The following rules of conduct for the scrupulous person have been suggested by experienced directors :

1. He should convince himself that he is really scrupulous, and that scruples do not necessarily lead to sanctity ; that, therefore, he will make up his mind to attend to the health of both body and soul.

2. He should seek the guidance of one good confessor and not of many confessors. He should render obedience to his director, convinced that even if the director should err now and then, the penitent will not be held responsible for such occasional errors of judgment, which, most probably, will be very trivial.

3. He should be humble and resigned to God's Will, looking upon Him as kind, generous and merciful, and he should frequently make acts of confidence and love.

4. He should be brief in examining his conscience and in stating his difficulties.

5. He should never give way to scruples on the plea that for once in a way, it is better to have peace of mind than to continue resistance. The enemy grows stronger by every victory gained over the scrupulous.

6. He must boldly follow the advice given to him, convinced that by so doing he cannot be committing sin.

7. After gaining a victory now and then, he should learn to rely upon his own judgment without frequent recourse to his confessor.

8. He should be thoroughly convinced that doubtful sin is not certain sin, and that he need not confess doubts but only certainties.

9. He should act as other good people act. What is right for them is right for him. Therefore, he should not pry into his motives curiously and persistently, but do what he is doing with despatch and vigour.

10. When he is in doubt concerning his consent to evil thoughts, he may take it for granted that there was no consent. When in doubt about the quality of past confessions, he may assume that they were good. When in doubt about sufficient sorrow in confession, he maybe assured that the very act of going to confession is, in his case, a sufficient act of sorrow. When in apprehension about final perseverance, he should say : “I will leave that to God. He will see to it. In Thee, O Lord, have I hoped. I shall not be confounded for ever. I can do all things in Him Who strengtheneth me.”

The scrupulous person may well take any one of the proposed remedies without trying to use several. But if he should think that not even any one of them suits his case, he would be giving but one more manifestation of the protean character of his conscience. Rather, he should persuade himself that all these rules, derived from the experience of confessors during many centuries, exactly suit his case, and he should proceed to act upon some of them without delay.

5. The Lax Conscience

This kind of conscience is an erroneous one ; it is a minimizer. It falsely judges actions to be harmless which are gravely sinful. Since this conscience is an erroneous one, it is obvious that if a man knows that he has such a conscience, he cannot lawfully follow its dictates without some endeavour to correct it, because otherwise he is deliberately exposing himself to violate God’s moral order ; that, in itself, is a contempt of law. It is quite true that in any given concrete case, such a man may be acting in good faith, for without advertence to his state and to the possibility of wrong-doing, he will not be guilty of formal sin. Nevertheless, God has established an objective moral order and cannot be supposed to be indifferent to its

maintenance. By neglecting to correct what we may call his personal error, the owner of a lax conscience is allowing the error to become so great that he may become warped to such an extent as ultimately to confound right and wrong.¹ These men shelter themselves under the comfortable doctrine of predestination in view of Christ's infinite merits, without any personal co-operation ; a theory, or rather what does sendee for a theory', that makes the lax conscience still more lax, until conscience and caprice come to be indistinguishable. Such a conscience is the essential outcome of the principle of private judgment. The man who is a law unto himself in beliefs and morals has no sure foothold on which to take his stand when assailed by passion and temptation. If greater evils have not followed in the wake of this pernicious principle, we may be sure that they have been held back by God's preventing grace and His loving providence.

The remedies for a lax conscience are to meditate on the great truths of Christian doctrine, to frequent the Sacraments, to examine the conscience, and to read good spiritual books.

6. The Probable Conscience

The probable conscience is the conscience of one who, antecedently to action, has good and solid reasons for thinking that a certain line of action is morally correct, though he is aware at the same time that there are better, sounder and more cogent reasons for thinking that it is not. His convictions, or perhaps it would be better to say, his inferences, are not certainly true but they are only probably true ; they may be false, but they may be true and in accordance with fact. He does not know for certain in which category they are, otherwise he would be said to have a certain or sure conscience ; as it is, his speculative judgment is only probably correct, so far, that is, as he knows. It is to be observed that in the analysis of moral action, the speculative judgment precedes the practical dictate of reason. In this context, when speaking of the

¹ i Tim. 4, 2 : " Speaking lies in hypocrisy and having their conscience scared?"

probable conscience, we are considering only the speculative judgment, or that intellectual act which weighs and ponders reasons for and against an action, and not being able to arrive at certainty, arrives at probabilities only. With this proviso, we may adhere, without danger of confusing the issues, to the term commonly applied, and call that species of conscience a probable conscience which, before action, has arrived at speculative reasons that are probably true.

It is not claimed that the moral system to be presented in this section is the official teaching of the Church. There are several systems permitted to be taught in the Church, and each system is held and defended by able theologians. In this matter, as elsewhere in Moral Theology, very great latitude is allowed until the Church expresses its mind.¹

To prevent misunderstanding, it is necessary to say at once that no Catholic theologian of any school teaches that it is a good moral proceeding to take the benefit of the doubt, and to act on probable reasons, so as wilfully and consciously to expose oneself to commit formal sin. The concept of the moral system of Probabilism formulated by its opponents is something as follows : “ This act is probably wrong ; therefore, so long as I am not certain, I may do it.” Such a procedure could not be dignified with the name of any moral system ever in vogue in the Church.

Dr. H. Rashdall thus caricatures Probabilism. He says : “ Everything was done to attenuate the discrepancy between the ordinary pleasures and practices of the world and the requirements of Christianity, to offer the man of the world the maximum of indulgence which was compatible with submission to the minimum requirements of the Church, and with the use of his influence and authority in its sendee ” . . . “ Valuable assistance was given by the intrinsically immoral doctrine of a fundamental distinction between

¹ It is not an argument against Probabilism, as Prümmer—an opponent of the system—states, that the Church never favoured Probabilism (I, n. 350). He alleges, as proof of this statement, the words of Popes Alexander VII, Innocent XI, Clement XI, Clement XIII, truly an impressive array of authorities. But if the extracts (*loc. cit.*, n. 345) are examined, it will be seen that some of these Popes condemned propositions which are obviously absurd, whilst others simply preferred the teaching of Probabiliorism.

two classes of sins—mortal and venial—a distinction depending upon the nature of the external act, and not upon the degree of moral guilt which it implies.”¹ Of all people to quote, Dr. Rashdall quotes Pascal (*Les Provinciales*), whose criticism is very witty but very irrelevant. One more amazing misrepresentation : “ Men were taught,” he says, “ how, if they wished to sin, they could nearly always—so long as they recognized the authority of the Church, and complied with certain ecclesiastical regulations—ensure that new sins should be only venial, even when the casuists’ ingenuity failed to remove even this barrier to inclination.” Possibly, like Pascal, he might find one or other lax casuist speaking thus, but it was not common teaching. And yet, Dr. Rashdall is himself a Probabilist, as witness what he says (p. 442) : “ Consulted as to what a man ought to do under such and such circumstances, the Moral Philosopher will not, *qua* Moral Philosopher, say : ‘ You should do this or that,’ but rather he will explain the relevant ethical principles, apply them to the facts of the case, and then say : ‘ If you think, for instance, that these experiments have such and such a *chance* of saving pain ; if you think that the pain they *may* save is equivalent to what they must cost ; if you think that the good to humanity which they *may* effect is morally more than equivalent to any hardening of the heart which they *may possibly* bring with them, then perform these experiments ; if not, don’t.’ ”²

7. The Need of Some Moral System

The making up of one’s mind in respect of certain lines of action is not always an easy matter, if we regard speculative reasons alone ; no more easy is it to come to conclusions on philosophical matters. In the latter, when faced by the apparent contradictions involved in one’s concepts of Time, Space and Motion, we are well content to adopt that system which has already approved itself after some thought, keeping at the same time an open mind for further enlightenment.

¹ *Theory of Good and Evil*, vol. ii, p. 430 sqq.

¹ Italics ours.

MORAL SYSTEM

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Fortunately, our practical behaviour in the events of ordinary life, such as walking, eating, sleeping, does not depend in any way on the particular philosophical system which we may have adopted. The Idealist enjoys his exercise and meals equally with the Dualist, though he may or may not have quite the same intellectual satisfaction. But in matters of moral conduct it is very different. Here, we have to make up our minds that our line of conduct is certainly upright. To make up our minds, we possibly may have recourse to the advice of others ; but that advice is sometimes conflicting. We may weigh the *pros* and *cons* and find ourselves no nearer a solution after hours of thought than we were before we began to reflect. Therefore, a correct moral system for cases of speculative doubt is necessary. In matters of ordinary conduct, men have not much difficulty in arriving at clear conclusions, because the force of habit, convention, the general consensus of mankind, common sense, all of these help to sanction or reprobate certain actions. But there must come occasions in life when we honestly doubt, and really cannot, on speculative grounds, choose between alternatives.

What are we then to do ? If we act in doubt as to the rectitude of an action, we are acting with a bad conscience ; if we go on weighing reasons, we shall never act. Consequently, in order to be able to act conscientiously and without unreasonable delay, it is important to discover some guiding principles. The theologians of the Catholic Church have formulated several systems, some of them now obsolete, others still held by the various schools, but they have so laboured over the task for centuries, that the conclusions arrived at seem to these various schools to be completely justified by argument, and therefore several of these systems have nowadays their capable defenders and are used freely and unrestrictedly to guide personal conduct and to direct others.

It would be superfluous to describe at any length each of the systems hitherto devised ; but it is necessary to present three of them, being those that have supplanted all the others, so that the arguments in favour of that system which

is here presented as the most reasonable may be the better appreciated, without of course unfairly belittling the force and cogency of the other two. The three systems go by the names of Probabiliorism, Equiprobabilism and Probabilism.

It may be asked, why should there be any system other than one's own honest convictions? The answer to the question is that there need be no other, if we regard the matter subjectively. But we may be permitted to ask a question in turn, namely, if, as is said, you take each case as it comes before you, and act according to your honest convictions, how do you arrive at your conclusions in cases of doubt? That is the test of any system that claims to deal with doubt. A teacher who sets about the task of showing us how to behave so as to behave well both morally and meritoriously, must present us with some definite system of conduct where a system is most of all needed, namely, in cases of indecision, insoluble doubt and anxiety. He must prove his system to be reasonable in these crucial cases, otherwise he will have omitted to offer that guidance and help that are needed most of all.

Catholic theologians, therefore, boldly faced this task of formulating a moral system for cases of doubt. But they have certainly found the task no light one, since for centuries they have been sifting and reviewing the reasons alleged for and against each system, as it has been proposed by one school and another. It will be to our purpose to state and examine very briefly two of the three prevailing systems, and to devote more careful consideration to the system of Probabilism, which, as it seems to us, may be adopted to the exclusion of the other two.¹

8. Probabiliorism

The fundamental axiom of this system is that it is wrong to act on an opinion that favours liberty, unless the opinion is more probable than that which is in favour of the obligation.

The system of Probabiliorism, though in existence long

¹ The three systems are set out in full and with great impartiality by T. A. McHugh, O.P., and C. J. Callan, O.P., in *Moral Theology*, p. 241 sqq.

before the sixteenth century, gained many capable defenders in consequence of the reaction against certain lax doctrines, propounded and defended by a school of writers who, in their efforts to extend the domain of reasonable liberty, fell into grievous error, and whose system, which has been called Laxism, was condemned by Pope Innocent XI in 1679. The revival of Probabiliorism, due mainly to the patronage of Popes Alexander VII and Innocent XI, was widespread and vigorous ; it was the system adopted by the foremost writers amongst Dominicans, Franciscans, Augustinians, Carmelites and others. Some notable Jesuits also defended it. The system was, in fact, more generally taught than any other up to the nineteenth century.

The arguments used to establish the truth of this system of Probabiliorism were and still are as follows :

i. If the arguments in favour of liberty, as opposed to the obligation of a doubtful law, are distinctly less probable than the arguments in favour of the obligation, it would seem that in the conflict of these two sets of arguments, those that are the less probable should never avail to exert any influence whatever on a reasonable and prudent man. The more probable arguments become practically convincing. In everyday life, men certainly feel that they act with sufficient moral rectitude, when they act in accordance with an opinion that is more probably true than its contrary, and in fact, they judge that to act upon the less probable view would be unreasonable and hazardous, more especially where the issues at stake are important.

But this argument in favour of the system is not satisfactory, because, if a system is to be of any practical utility, it must be applicable to all cases. But we find, as a fact, that it is impossible to appreciate the various degrees of probability, and to say, even after long reflection, that such and such an opinion is really more probable than its contrary. In such cases we are still left in a state of doubt and are unable to apply this particular system to action.

It would, of course, be quite different if the probabilities on the one side were so obviously and overwhelmingly greater than those on the other, that the contrary opinion

appeared highly improbable ; but, as a fact, obvious ways out of difficulties do not present themselves when we need them most. Furthermore, in addition to the unpractical nature of this system, it is not true to say that, when an opinion is much more probable than its contrary, the lesser probability of this latter vanishes altogether and ceases to be probability at all. To maintain that, would be to do away with probability altogether, because it is of the very nature of probability that a more probably true opinion is not a certainly true opinion, corresponding with fact ; therefore, a contrary^l opinion that is less probable may be really the true one in point of fact ; it still retains its own degree of probability.

2. A second argument used by Probabiliorists is this : In the sphere of abstract reasoning, we ought to assent to that view which is the more likely to approach truth and to exclude error ; that is to say, if we must assent at all, we should surely not assent to what is apparently the less likely to be true. Of course, we may withhold assent altogether ; yet, as a fact, men do usually assent to what seems to them to be nearest the truth. So, too, in practical matters of conduct ; if one line of action is more likely both to be conformed to moral order and to exclude moral disorder than the opposite line of action, then a man who wishes to act honestly and conscientiously ought to run no risks, and ought to adopt the more probably correct line of conduct.

The argument is unconvincing. For it is to be observed that if the system is consistently held and is applied all along the line—as it ought to be applied—then it follows that we should always choose the more probably correct line of conduct in everything we do. From this it would seem to follow that we should be obliged to try to follow the way of the Counsels rather than merely the way of the Commandments, since in the former way we should assuredly be travelling along a more secure road to salvation, for one who aims at perfection is the more likely to attain to salvation.

The conclusion is so obviously absurd that the fundamental axiom of Probabiliorism must be exceedingly wrong. In

other words, the system logically leads to the obligation of choosing the safer course in all matters. But since we shall have done our duty if we choose the safe course, it is clear that we need not be Probabiliorists, and certainly should not impose such a system on others. Thus, then, on its practical side, the system of Probabiliorism would lead to very great inconvenience. But if we examine the second argument from another standpoint, it is surely not necessary to maintain that one is obliged, either in intellectual honesty or in practical life, to adopt an opinion which seems to be more probably true than its contrary. For if the less probable opinion be nevertheless really probable, it may afford us sufficient grounds for practical conduct, without troubling about our assent to it. We are not intellectually forced to assent to anything short of evidence ; the more probable opinion will never oblige us to assent to anything except its greater probability. When two contrary probable opinions are in conflict for one's adherence, one can never assent absolutely to either. Though one must admit that the less probable opinion is the less likely to be true, nevertheless, if it is really probable at all, it may really be true, and may, therefore, be quite a reasonable opinion to act upon.

9. Equiprobabilism

Certain theologians of the eighteenth century, not willing to adopt the system just explained, and at the same time dreading the laxity in moral conduct and principles to which Probabilism was thought to lead, effected a sort of compromise.¹ They were greatly encouraged by the prestige of S. Alphonsus, who seems to have abandoned Probabiliorism and to have adopted a less rigorous system, namely, that under discussion. But he certainly seems to have passed through several stages of thought in the matter, concluding, as it is supposed, by being a firm and convinced Equiprobabilist, and rejecting quite explicitly the milder doctrine

¹ Probabilism may at once be defined as that system of moral conduct which permits one to act on a solidly probable opinion in favour of liberty although the contrary opinion in favour of law is more probable. It will be seen later that we are speaking of lawful, not of valid, action;

of Probabilism.¹ However that may be, for there is some doubt as to the exact meaning of his terms, this great theologian has had followers of insight and erudition, who have adopted Equiprobabilism, and have persistently rejected the milder system. These two systems, namely, Equiprobabilism and Probabilism are now the chief systems left in the field.² Each is openly taught in the Catholic schools ; anyone is free to adopt either system, though, in point of fact, the tendency of the great majority of modern theologians is towards the gentler and more liberal system :

Quod si res dubia est, vincat humanitas et facilitas,” S. Gregory of Nazianzen well says in another context ; that is to say : “ If the matter is doubtful, let humanity and gentleness prevail.” Since, therefore, Equiprobabilism is still taught and defended by a large school of theologians,³ it will be of interest to present some of their arguments, and briefly to examine the cogency of them. The system is expressed in the three following propositions ⁴ :

1. When conflicting opinions in regard to the existence of a law are equally or nearly equally probable, one may follow the opinion in favour of liberty ; that is, the doubtful law need not be obeyed.

2. When in doubt whether a definite law has ceased to bind or not, in the conflict of equally or nearly equally probable opinions, one must follow the opinion in favour of the law, that is, the law must be obeyed, because the law is in possession.

¹ Though S. Alphonsus, in his later years, favoured Equiprobabilism, there is no doubt that over and over again he enunciates the fundamental principles of Probabilism. Thus : *Lex dubia non obligat ; non potest lex incerta certam obligationem inducere ; nemo ad aliquam legem servandam tenetur, nisi illa ut certa ei manifestetur* ; cf. Pighi, I, n. 99, B. His thought certainly went through a definite development, from Probabiliorism (ann. 1726-1735), through Probabilism (Πβo-Πθo)» to the system which he ultimately made his own (1762-1787) ; cf. Aertnys-Damen, *Theol. Mor.*, I, n. 100.

² It would seem unnecessary to explain at length the system of Compensationism and the Principle of the Sufficient Cause, because it appears to the present writer to be a form of Probabiliorism ; but a note will be added later in reference to this system, see *infra*, p. 113.

³ e.g., Marc, Aertnys, Ter Haar, Gaudé, Wouters.

⁴ cf. Marc, *institutione\$ Alphonsiana* (Rome, 1911), pp. 55-70 ; Aertnys-Damen, *Theol. Mor.*, I, n. 85 sqq.

3. When the opinion in favour of a law is certainly more probable than the contrary, it is unlawful to follow the less probable opinion in favour of liberty.

The first of these propositions is directed against Probabiliorists ; the second and the third propositions are against Probabilists. The first proposition need not detain us, because all Probabilists accept it. The proof of it is that a law that is doubtful in the strict sense, that is to say, whose existence is doubtful, is one that does not and cannot bind here and now, for the reason that man's liberty should not be curtailed by a doubtfully existing obligation. It is obvious that a law should be known to be binding in order to bind in conscience ; but the reasonable doubt as to its existence is equivalent to absence of promulgation. Furthermore, in strict doubt, liberty is in possession.

The second proposition, namely, in doubt as to the cessation of a law one must fulfil the law where the conflicting opinions for law and liberty are equally or nearly equally probable, is proved by Equiprobabilists by the following arguments :

(a) Just as when a law is not certain, human liberty is in possession and need not be curtailed, so it would seem that when a law has been certainly promulgated but its revocation is doubtful, law is in possession until its revocation is known to have taken place.

In reply to this reason it must be obvious that there is no valid distinction to be drawn between the existence of a law and the obligation of the same law. If it exists for me, it binds me ; if it does not exist, it does not bind. Now when its revocation is doubtful, its persistence is also doubtful ; consequently, its continued existence and obligation are both doubtful. If, then, the probabilities are evenly balanced or nearly so, between revocation and continued existence, what sensible man would impose on others the definite and certain obligation of fulfilling a law that may have been revoked ? It is of little use to say with Equiprobabilists that the law is certain, because the phrase under the circumstances means nothing ; no law is certain when it

has probably been revoked. Human liberty is always in possession until certainly curtailed by law. Obligation is inconceivable without the connotation of something subject to obligation, which antecedently was free. The human will must be considered antecedently free before any obligation is laid upon it. Therefore, the burden of proof is upon the law ; it must be proved certainly to exist before a certain obligation is imposed upon an antecedently free agent. It is not correct, therefore, to say that in the conflict of two nearly equal probabilities for and against the cessation of a law, the law must be obeyed.

(A) A second proof is based on the moral aspect of an action performed when the law probably still binds. It is said that if the law probably still exercises its binding power, the non-fulfilment of it cannot be morally right, since in such a case, the conscience cannot arrive at moral certainty as to the lawfulness of acting. But the conscience, it may be answered, can quite legitimately arrive at moral certainty in favour of liberty for this reason, that a law which does not certainly bind, does not exercise a clear and certain obligation. That is a fact, and the conscience can be morally certain of it. What would be the state of the anxious and scrupulous conscience, if its possessor were obliged to fulfil all obligations a second, a third and a fourth time, which he had probably already fulfilled ? To say this is not to misrepresent the Equiprobabilist position ; but it shows into what painful situations the system would inevitably bring anyone with a tender conscience ; this is, in fact, a *reductio ad absurdum*.

The third proposition of Equiprobabilists is no more defensible. It is this : When the opinion in favour of a law is certainly more probable than the contrary, it is unlawful to follow the less probable opinion in favour of liberty. It must be stated at once, so as to avoid misconception, that there is no question here of moral certainty in favour of the law. If that were so, all schools would concur. But we are still in the region of probabilities, and it must be insisted that greater probability is not any more than probability ; it is not certainty.

The arguments brought forward to prove this third proposition are as follows :

(a) Pope Innocent XI strongly urged the defence and teaching of the system expressed by this third proposition. That is admitted, but there is no suggestion that he urged it from any other point of view than as a personal opinion.¹ It was at that time the personal opinion of many eminent teachers. But a strong recommendation of one opinion cannot be regarded as the condemnation of the contrary opinion, except perhaps on disciplinary grounds in the case of those to whom the recommendation was personally addressed. Others were left free to teach in their own way, and the two systems continued to be taught side by side, until, in course of time, the opinion of Pope Innocent XI was set aside by many theologians. Furthermore, the toleration in the Church during the last three centuries of the milder system, and the well-known tendency of later theologians to adopt Probabilism, are sufficient proof that Pope Innocent XI did not wish to impose the severer system on theological schools.²

(/>) A second argument in favour of the third proposition of Equiprobabilists is that a law is sufficiently promulgated and therefore binding, if it have in favour of its existence a greater probability, because this greater probability amounts practically to moral certainty. As stated above, the obligation of the law is obvious in the case of moral certainty as to its existence, since existence and obligation are correlative. But probability, however great, will never amount to moral certainty, provided always that there exists a solidly probable opinion to the contrary. It is quite true to say that a man who acts on greater probabilities is acting reasonably, and men usually act in this frame of mind ; but it is another thing to say that there is an obligation to act in virtue of greater probabilities. On the contrary, one would be quite

¹ Pope Clement XI (1702) is also cited to similar effect : cf. Acrynys-Damen, I, n. 100, IV, n. 3.

* It has been stated by Müller and d'Annibale that Equiprobabilism was till 1870 almost universally taught. We doubt the correctness of this generalization. /

as reasonable if one said : I am not convinced ; I choose to act on the contrary view, which, being really probable, may be quite true. The greater probability of a view, if short of moral certainty, will never oblige one intellectually to assent to that view.

(c) The third argument in favour of the third proposition is that a man is bound to act in conformity with the moral order. Now, just as a more probable opinion approaches the more nearly to objective truth and recedes the more certainly from error, so a more probably good action approaches the more nearly to the objective moral order, and recedes the more certainly from inordination.

In reply to this argument we may urge two considerations :

Granting that the proof were a valid one, it would follow that one should become a rigorist and always follow the most probable, nay even the most safe opinion, and thus be the more sure of acting in conformity with moral order, since this would be the most effectual method of getting at truth and at absolute goodness. But such a conclusion is admitted by no theologian, not even by the severer Probabiliorist, and has been condemned by the Church,¹ because it is untrue, it is an impossible ideal to carry out in practice, and would lead to an utterly false concept of God's justice and goodness.

But the proof labours under the false assumption that greater probability more nearly approaches the truth. This is by no means the case. Opinions that have been held as more probably true, have often, in the event, proved to be false. Degrees of probability are not degrees of truth. Similarly, an action is either conformed to the moral order or it is not ; it cannot, under identical circumstances be partly conformed to objective morality and partly at variance with it. Thus, a statement that is made on evidence that is even very probably true, may, nevertheless, be no statement of fact at all, and similarly, an action that is most probably a good moral action may, in point of fact, be objectively

¹ Decree of the Holy Office, Dec. 7, 1690, pr. 3.

entirely out of order. Thus, I might have very strong reasons for thinking that I had paid a certain debt, but my creditor quite possibly might never have been paid at all.¹

10. Probabilism

The principle of Probabilism is that in cases of doubt as to the lawfulness of any concrete action, if there exists a really probable opinion in favour of liberty, i.e., of disregard of the law, although the opinion in favour of the law is more probable, I may use the former opinion and disregard the latter, and in doing so, I am acting with complete moral rectitude.

This moral system of Probabilism did not spring ready-made from the head of some Olympian. It was a slow process of growth, having traces of its presence far back in theological speculation, and in the writings of the Fathers, not unlike many of the conclusions, now so readily accepted in the Church, that once were vague, uncertain, debatable, and had to be elaborated by the diligent care of very many theologians.² The theory was, it is said, first formulated with something like clear consistency by the learned Dominican, Bartholomew Medina, about the year 1577. Neither in its origin nor in its early elaboration can it be attributed to Jesuit theologians. In fact, far from having invented Probabilism, Jesuit theologians moderated its application.³ One of the Superiors General, Fr. Gonsalez, was anxious to impose on all the members of the Order the obligation of teaching the stricter system of Probabiliorism. He failed, and before his election to his high office, his book in defence

¹ The other arguments of Equiprobabilists are no more valid than these which have been examined. It is impossible to appeal to the Canon law of the Church, as Aertnys-Damen (I, n. 96, IV) does, in favour of Equiprobabilism on the ground that “in doubt, revocation of a pre-existing law is not presumed” (c. 23), for all schools of thought would be obliged to pay respect to this canon, and the canon is referring to the *forum externum*.

² Caramuel (*princeps laxistarum*) ventured to claim that Probabilism was employed by Adam and Eve, which excused them from many grave sins before the fall (cf. Prümmer, I, n. 350, note).

³ cf. Slater, *Questions of Moral Theology*, p. 407.

of this system was refused publication by Ins censors. After his election, he published his book—somewhat modified—but his teaching was not adopted. He even engaged the sympathy of the Pope, Innocent XI, who highly praised the opinions of Fr. Gonzalez, and ordered that all Jesuits should be allowed freely to teach Probabiliorism, and to attack Probabilism. This order was issued by the Holy Office (an. 1680). The order was really unnecessary, for all members of the Society were and had been allowed freedom in the matter.¹

Until about 1638, the theologians of all Catholic schools with few exceptions followed the teaching of Medina. The most honoured names are found in the list of those who defended the theory'. It was thus put on a firm basis, and subsequent opposition to it, extensive and vigorous, has not been able to shake its foundations so well laid by the theologians of the seventeenth century'. As stated above, the theory' did not make a sudden appearance in theological consciousness. Clear indications of it were traced by those who first formulated it, in the writings of SS. Augustine, Jerome, Ambrose, Gregory Nazianzen, vBasil ; still clearer indications were traced in the works of certain theologians who lived at least 'a century before Medina. It is true that it suffered partial eclipse during the Jansenistic controversies. It was thoroughly misunderstood and ridiculed by Pascal with much pleasantry and great unfairness. It was even misapplied by too ardent devotees, whose chief fault was that they' unwarrantably extended the meaning of the term 'probable' in supposing that any opinion held by any author might be looked upon as probable, a phenomenon that is not very uncommon in young students today.

The system was, however, applied in unreasonable ways ;

¹ We have outlived that bitter controversy, and now smile at the ponderous arguments of Fr. Gonzalez, one of which is set forth in his *Fundamentum Theol. Mot.*, d. 4, c. 2, n. 2, where he represents the unfortunate Probabilist bandying words with Almighty God at the judgment and, of course, reduced to complete silence. In the same chapter, n. 7, he represents the departed Chancellor of Paris appearing to Bishop Thomas, and telling him that he is in hell for three reasons, one of which was for acting on a probable opinion, which S. Thomas Aquinas himself admitted as probable.

some casuists arrived at absurd conclusions which shocked common sense. But these excrescences were soon cut away, and the system was gradually understood and was applied, as it is applied today, in a sane logical way.

The Basis of Probabilism

In its ultimate analysis, Probabilism is common sense ; it is a system used in practical doubt by the majority of mankind. People rightly say : I am not going to debate all day before acting in doubtful matters ; there must be some very obvious way of making up my mind. At all events, if I cannot make up my mind for myself, I will act as some good people act, though many other good people might disapprove. That practical solution of doubt is common sense, and it is Probabilism. It is also morally correct, as will be shown.

Degrees in Opinion

Among men of all classes, some opinions are held to be morally certain, some are held as very probably true so that the contrary opinion is thought to be very improbable, others are held to be more probably true than their contrary, others, in fine, are merely probable, because they are motivated by good reasons, although the contrary opinion has better and more numerous reasons in its favour. In every case, either of the two contrary opinions may be the true one.

When the truth of an opinion or the sufficiency of available evidence is debatable, one can never say that either the affirmation or the negation of it is certainly true. The greater probability of one opinion does not and cannot destroy the probability of its contrary. Therefore, it must be admitted that in the conflict of two opposite probable opinions, since either may be false, it is not paradoxical to say that the less probable opinion may be the true one. This is a fundamental presupposition of Probabilism and it is reasonable. Unless this is admitted, the system of Probabilism would be considered very lax. For want of appreciation of this basis of the theory, it is taken for granted by its

opponents that Probabilism is a method of searing the conscience and of turning human liberty into licence. It is not maintained by any Probabilist, as we here understand the term, that the system ought to be the rule and standard of conduct in all circumstances ; everyone is perfectly free to adopt any approved system of solving his doubts. He may, if he so choose, be severe with himself, but he may not exaggerate the obligations of other people.¹

The Value of Probabilism

The whole value of the system lies in this, that in the case of persons in a state of intense and painful doubt who seek advice, it is of first importance to console and help them by any legitimate means, and not the least reassuring amongst these means is to explain to them that obligations which are not clearly and certainly manifested in conscience are not certainly binding. A confessor may well advise the timorous and the scrupulous to act in accordance with the theory of Probabilism, and at the same time exhort those who are morally strong not to confine themselves within the limits of strict obligations, but to be generous and magnanimous. It is certainly to be feared that one who is everlastingly debating about his strict obligations will become deadened to higher ideals ; but the good and earnest men who believe in Probabilism as a reasonable system of conduct in speculative doubt, would never advise others to be for ever prying into the precise extent of their obligations. Nevertheless, in quest of some system to be applied to the difficult and harassing moments of doubt, they would think it a veritable perversion of truth and common sense to impose doubtful obligations.

¹ Prümmer (I, n. 350) rightly quotes Noldin—who, of course, is a confirmed Probabilist—to the effect that if a Christian acted in the service of God only in accordance with what law strictly demands of him on the principles of Probabilism, he would live a life unworthy of a Christian. That is true, and it is not for Christian living that Probabilism is enunciated, but for the crisis of doubt. We might go further and say that if a man aimed only at a life on such principles, he would infallibly fall short of doing what is necessary for salvation, now and then at all events, for every man sometimes falls short of his ideals.

Probability—Intrinsic and Extrinsic

It is, furthermore, to be observed that probability is said to be intrinsic when the reasons for an opinion are cogent but not conclusive; it is called extrinsic, when the authority, learning, prudence, of other people are taken as a proof that the opinion in question is a probably true opinion.

Of course, the opinion of any chance theologian is not contemplated in this context as constituting a probable opinion, unless he is pre-eminent in his treatment of a given question ; for when Probabilists speak of probable opinions, they define their own terms and these have to be accepted as they are defined. They define a probable opinion as that opinion to which a prudent man would give his assent, and they lay it down as fundamental to the system that a prudent man often does give his assent to one of two contrary probable opinions, although he fully admits that there is a good deal to be said on the other side.

Again, oncè given a probable opinion as the basis of good moral action, it might seem consistent to be able to use several probable opinions at one and the same time, and thereby to claim privileges and shake off obligations. Thus, for example, a man might accept a particular legacy because it is probably valid in conscience though void in law, and at the same time feel tempted to repudiate the obligations annexed to the legacy, on the ground that, being void in law, it is probably void in conscience also. The mere statement of this supposition shows this application of the system to be inconsistent and unreasonable ; in fact, such cases do not and cannot fall within the scope of Probabilism. It is a misrepresentation of Probabilism to say that when two particular laws regarding one and the same act only probably bind, they may both be disregarded. Either may be disregarded, because neither is certainly in possession, but both cannot be disregarded in one and the same matter, because one or the other would certainly be violated. The example usually cited is that of a person whose watch on Friday night points to 11.45 p.m. and whose

clock points to 12.15 a.m. Such a person could not lawfully eat meat on the ground that Friday was probably past, and also consider himself probably *fasting* from midnight in view of receiving Holy Communion on Saturday.¹

If we accept a favour, we accept it as it is with its circumstances ; to evade obligations annexed to it is not reasonable or just. Whatever may be the sanction a man finds for keeping the legacy mentioned above, he will find contained within that sanction the implication that he must take on obligations as well. No Probabilist could defend any other line of action, because no Probabilist can condone an act that offends one or other of two laws.

No Exceptions to Probabilism

Since the system is one that has been formulated chiefly to help those who are in a state of doubt, it would be of little practical use if there were numerous exceptional circumstances in which the system could not be applied. The remedy for the scrupulous or timorous conscience, offered by Probabilism, would be almost as disquieting as the disease. We should never be quite sure whether or not this or that circumstance prevented the application of the system in our case.

It is the merit of Probabilism that there are no exceptions whatever to its application ; once given a really probable reason for the lawfulness of action in a particular case, though contrary reasons may be stronger, there is no occasion on which I may not act in accordance with the good probable reason that I have found.

This point has not, it seems, been appreciated by some recent writers, who import into the question the danger there may be in invading other people's rights, who lay great and unwarrantable stress on the sanctity of even a doubtful law, the scandal that others may take from such action. All these considerations must have already been taken into account in forming one's probable opinion ;

¹ This point against Probabilism is ably stated in *Z. E. R.*, vol. XI (1918), pp. 50, 237, 324, 419. It is there maintained, but wrongly, that a Probabilist, if faithful to his system, would be logically driven to such absurdities.

they are very pertinent indeed to every system of forming one's conscience. Without due weight being given to accidental circumstances that may quite easily render an otherwise good action decidedly inopportune and disorderly, there is always a manifest danger of violating specific laws that are certain.

If it were a question of probable danger only, probabilities would have to be measured ; where it is a question of manifest danger, law is already in possession and urges its claims here and now. There is no room for Probabilism in such cases, because the obligations are not doubtful. There is, therefore, no exception to the application of Probabilism. But there are apparent exceptions as they have been called ; cases that stand altogether outside the scope, not only of Probabilism, but of every other system that has been invented, except the system of choosing the most secure means to the end, the system called Tutorism.

But the reason is not that Tutorism, which has been condemned,¹ holds a place of honour for certain typical cases, but because everyone must be a Tutorist, must choose the safest means, in certain clearly defined cases, because he is antecedently bound to do so. These cases, however, are not exceptions to Probabilism. It is necessary, therefore, to examine briefly these so-called apparent exceptions ; it will readily be understood that they are not matters of dispute between the defenders of the various systems.

Limitations of Probabilism

I. Probabilism cannot be applied to those cases where a definite object, such as salvation, real Baptism, valid Orders, has to be secured beyond possibility of doubt ; for the actual and objective attainment of such an object can be secured only by the actual and objective fulfilment of certain specified conditions. Such conditions are absolutely essential, and it is obvious that no amount of probability on the side of any opinion will avail, unless that which is necessary is actually done. Thus, no probably valid administration of

¹ Pope Alexander VIII (1690) : Denz., n. 1293.

Baptism can avail to establish the certainty of valid administration ; in such a case, since actual Baptism, and not probable Baptism, is necessary' for salvation, it is no use invoking probabilities ; the child to be baptized will benefit only by having received actual Baptism, and will not benefit because the minister's opinion was a highly probable opinion.

2. Probabilism cannot be applied to cases which have speculative probability in their favour but are in practice unlawful, whether on account of some positive enactment, or by reason of an express or virtual contract, whereby we may be bound to relinquish one line of action in order to adopt another that is more probably correct, or safer, or absolutely safe.

The following illustrations of these tw'o classes of apparent exceptions will explain these limitations.

(a) In the matter of salvation we must follow that road which is quite safe, not that which is probably safe.

(£) In the matter of the Sacraments, we cannot invoke probabilities outside cases of extreme necessity. For example, certain liquids, as rose-water, are doubtfully though probably valid for Baptism. It would obviously be absurd, outside those cases of extreme necessity w'hen no other liquid could be got, to confer Baptism with such probably valid matter, when valid matter could be got, since the child will not be baptized at all if the matter happen to be invalid. It is, therefore, altogether unlawful to use such doubtful matter when other matter, that is certainly sufficient, can be got. It is not a probable opinion that such matter might be employed. Probabilism as a moral system is not applicable to such cases ; neither are they exceptions to Probabilism. Similarly, it is not permitted to use, in conferring the Sacrament of Extreme Unction, the oil of Catechumens instead of the oil of the Sick, however probable it may be that the Sacrament would thereby be validly administered. But in cases of real necessity, doubtful matter may be used when no better can be got, because charity demands that in such cases we should do the best possible under the circumstances, even though there be only the very slightest probability that what is done is of some

avail. But in such cases, the Sacraments must be administered conditionally, so that we may safeguard the reverence that is due to them, as being the institutions of Christ.

(c) A third series of cases, specifically outside the scope of Probabilism, are those where our neighbour has acquired definite rights by virtue of express or virtual contract. For example, a physician may not employ probably safe remedies when he is at liberty to employ such as are more probably safe, or such as are absolutely safe, that is, of course, if the patient is willing to accept them. In desperate cases he may, obviously, employ probably safe remedies when he can use no others, because he is then doing all that it is humanly possible to do. The physician, surgeon, solicitor, judge, juryman, overseer, agent, have all of them entered into contracts with their neighbours, who, in consequence, have acquired rights that are quite certain. Probabilism can never be extended to those cases where our neighbour's rights are certainly in possession. But such cases are not exceptions to Probabilism.

(dj) Lastly, others may have certain natural rights which it is wholly unlawful for us to invade ; even a probable invasion of such rights will be entirely wrong, where there is no countervailing probable right on our side. Thus, for example, an innocent man has a right to his life. Consequently, I may not shoot at an object which is very probably not a man at all, though probably it is. My very probable conviction that it is a wild beast will not, as a fact, safeguard the man, if a man happens to be there, and every man has a right that I should not take the risk of injuring or killing him. In the cases just passed under review, it will be seen that there is not a question merely of the lawfulness of an action, but that manifest obligations, real and pressing, intervene to change the whole character of the act.

Since, then, these obligations already exist, there is no ground for applying principles of Probabilism. It will thus be acknowledged that such cases are no exceptions to the principles of Probabilism, for Probabilism is altogether engaged in solving doubts when an obligation is doubtful.

In all of the cases mentioned above, obligations are not doubtful but certain.

Enunciation of Probabilism

Probabilism is a practical working moral system in which it is maintained, as a clear guiding principle of correct moral action, that where obligations are doubtful, it is permissible to follow the line of action indicated by a probable opinion in favour of liberty, although the opinion in favour of the obligation is the more probable. By the enunciation of such a principle it is not meant to convey the impression that we may do that which is probably right but more probably wrong. Every Probabilist, as indeed every man of sense, holds that we may never consciously do what is even probably wrong. The objections that are raised against the system are founded, for the most part, on a serious misconception of it. When we act, we must do that which is certainly right, so far, that is, as our judgment of the matter is concerned. It would be sinful to risk committing a sin, and to act in only a probably correct manner would be to act wrongfully. What the system carefully formulates is this principle, namely, that when I have a solidly probable opinion in favour of my liberty as against law, then the obligation of law does not bind me, I shall certainly act morally correctly if I disregard the doubtful obligation. To act with such a conviction is to act with moral certainty as to the rectitude of my action. Probabilism as a system must establish that if it is to establish anything. If it succeed in establishing that principle of action it will be a system of good moral action.

It is also to be observed that the Probabilism here defended is a moderate Probabilism, that is, a system that takes as its starting point a really probable opinion such as any prudent man could assent to in the ordinary business of life.¹

¹ The writer does not, however, wish to add one more to the several systems already enumerated. He is adopting Probabilism as explained by practically all modern authors, such as Buccroni, Génicot, Noldin, Slater, Lehmkuhl, Ferreres, Sabetti-Barrett, Vermeersch, Ballerini, etc. ; the Probabilism, in fact, which is taught in most of the schools and has been taught for centuries. There are a few modern authors who teach Equiprobabilism, and a few who teach Compensationism.

Opinions that are only just remotely probable, to which a prudent man would be slow to give his assent in the practical issues of life, are here ruled out of court. The same arguments will appeal to various minds in very different ways and with widely varying cogency. If some persons buttress their actions by flimsy opinions which, they aver, are probable to them, we can only say that they are mistaken in their estimate ; it is the business of the true and prudent Probabilist to apply principles sincerely and cautiously, since natural inclination adds its own momentum to all judicial decisions where self is concerned. But, as stated above, the abuse of Probabilism is no reason for denying its reasonableness.

Proofs of Probabilism 1

I. A law does not bind unless, in respect of the object which the law envisages, such as almsgiving, it imposes on our will a strict moral necessity of action or of omission. Now a law cannot do this when it is really probable that either action or omission is permissible. Thus, for example, on seeing a beggar, I may reflect that I am bound to bestow an alms on him ; I have, however, other obligations which probably cannot be fulfilled if I part with my money. The probability in the latter case is real and solid, but yet it is not so great as the probability that I am bound, here and now, to assist the beggar. Would anyone insist on the bestowal of alms under pain of sin ? Not at all ; the obligation of almsgiving does not clearly exist in the case, precisely because the contrary obligation may exist. Most people, however, would doubtless bestow the alms. They would do well and would be acting charitably, and yet when it is not a question of a graver obligation superseding a lighter one, but only

1 cf. Frins, *de Actibus Humanis*, III, n. 246 sqq. It is stated by Priester (I, n. 350) that " Probabilism was unknown before Medina's time, and that it is perilous to employ a system that for sixteen centuries was neither known nor employed in the Church." We are not so sure that it was unknown before Medina's time. We strongly suspect that confessors used the system freely. It was not formulated, as a system, for casuistry practically came in with S. Raymond of Pennafort. But it takes centuries to synthesize rules of conduct into a system. One should not say that Probabilist principles were unknown to the early confessors. We know nothing certain in this matter.

a question of greater or less probabilities, either course may be rightly chosen. To insist on the bestowal of an alms in the case would be to adopt a system of conduct wherein more probable obligations would have to be always fulfilled.

2. Conscience is the ultimate arbiter of right action. Now conscience does not and cannot tell me to act in accordance with a law if its existence is uncertain. Thus if after reasonable investigation, I conclude that the law probably does not exist at all or does not bind me, how can conscience tell me that I am, here and now, certainly bound to fulfil a law that probably does not exist? I have, for example, good reason for thinking that I have already performed an obligatory task, but I am not sure; indeed, there are more probable reasons for thinking that I have not done so. However, the fulfilment having probably taken place, can conscience tell me to do the task here and now under pain of sin? Once given a really good reason for thinking I have fulfilled an obligation, I am at present free. Of course, I may come to realize the obligation more clearly later on; but provided that here and now I am not conscious of a clear and certain obligation, my conscience cannot issue any command.¹

3. It is reasonable to adopt a line of action that is probably right where the contrary line of action, more probably right, is not manifestly the only right one. That is, when in speculative doubt concerning the lawfulness of a given action, is it not eminently reasonable, after sufficient care has been taken to weigh the arguments on both sides, to act on a reasonable opinion? One can say: Seeing that I cannot solve my doubts, I believe it reasonable to act on either of two contrary opinions, each of which is

¹ This is the argument of S. Thomas, *de Verit.*, q. 17, a. 3; *S.*, 1. 2, q. 90, a. 4. S. Thomas states: "No one is bound by any precept, except through the knowledge of the precept." If, therefore, knowledge of the precept is uncertain, there can be no true certain obligation of the precept. The passage (with a. 2, ad. 2) is cited by Aertnys-Damen, I, n. too, in disproof of Probabilism. The learned author minimizes S. Thomas's word '*scire*,' and in a second passage cited (*Quodlib. VIII*, q. 6, a. 13), he proves too much, for he proves that a Probabilist is *bound* to act on his principles, a conclusion wholly alien to the words and mind of S. Thomas,

probably true. What I do in thus making up my mind is quite reasonable. Consequently, a man who acts on a really probable opinion in cases where obligations are doubtful, acts prudently and reasonably. It is important, however, not to confuse speculative and practical doubt.

4. A man must be considered as a free agent first, and as subject to law secondly, for he cannot be subject to law unless he is conceived to have some faculty which is antecedently capable of being subjected.

Consequently, in the conflict between the obligation of law and the freedom of man's will, the *onus* lies on the law of proving possession and priority. Now where a man is probably free from obligation, although the obligation more probably exists, his freedom is in possession, for the reason that it is so and always remains so, until law can point to prior claim on account of certain and clear possession. Law certainly cannot do that, if its existence, here and now, is only probable, however high the degree of probability for it may be. Therefore, in doubtful obligations, a probable opinion in favour of liberty may be followed in spite of a more probable opinion to the contrary in favour of law.

It cannot be urged that since man is born subject to God's law, the law is, therefore, antecedent to liberty. Man is, indeed, born thus subject to God's law in general, but he is not as a moral agent bound by any particular law, until he comes to the knowledge of such law and realizes that he must subject a free will to it. He certainly could never realize such a possibility unless he were conscious of the priority of liberty. "God made man from the beginning and left him in the hand (under the command) of his own counsel. He added His Commandments and Precepts" (Ecclus. 5, 14).

5. A law that is uncertain (i.e., not certainly existing or not certainly applicable) cannot beget an obligation that is certain. In practice, an uncertain obligation is no obligation at all, since a true and certain obligation implies the following absolute judgment: "I am bound to do this or omit that." Now when the law is uncertain, the conscience need never admit the necessity of such absolute

practical judgment, because the command of the legislator is not absolute and certain, and cannot, therefore, be revealed as such in consciousness. Law must re-echo in conscience with no uncertain sound.

6. In Religious Orders a subject may lawfully bind himself to obey his Superior in all that is not manifestly sinful; consequently, he can bind himself to do what is only probably but not certainly and manifestly right, or in other words, to obey in matters that, so far as his private judgment is concerned, are less safe and less probably right. Indeed, in doing so, he may be sure that he is obeying God. It might be urged that when a Superior commands what is not manifestly sinful, the subject must look upon the order as manifestly right by reason of the jurisdiction of his Superior, who is in the place of Christ our Lord. But this plea is hardly pertinent, for we are considering the subject-matter of the Superior's orders and not the sanction which they have. Now it is obvious that the subject-matter of precepts varies greatly in the moral sphere, since the moral value of what Superiors command, apart from the added worth of obedience, differs objectively in different cases; the objective moral value of an act of charity that is commanded is not the same as the objective moral value of an act of temperance. The subject judges for himself, and cannot help judging the amount of apparent worth and lawfulness in that which is commanded. The order of the Superior does not add or take away from the apparent probabilities, otherwise there would be no point in permitting subjects to exercise their own judgment on the matter of commands, as they do when they apprehend, as is supposed, the lawfulness of an object in itself. This being so, it is obvious that Superiors may order what is probably right.

Now the subject in a Religious Order may take a vow to obey in matters that are less probably right, so far as his private judgment is concerned, always of course short of manifest sin. If, then, a vow can be taken to perform such actions, they must be in themselves perfectly lawful to perform. It is, then, lawful under these circumstances to follow the less probable opinion, and therefore if this is

permissible in the case of those who have taken a vow of obedience, it must be permissible in general.

7. In the case of real doubt concerning the obligation of a law, that is to say, when there are good reasons for thinking that the law does not exist, a solidly probable opinion in favour of personal liberty as against the law is equivalent to invincible ignorance of the law, because, in order to be bound by law, a man must clearly apprehend its manifest obligation here and now. It is surely not sufficient that he is conscious of a doubtful obligation. It might be urged that, under the circumstances, he ought to be conscious of the obligation of choosing the safer course, and of fulfilling the law, doubtful though it may be. Such a plea undermines every system of moral action except Tutorism.

Objections to Probabilism

I. “Those who defend Probabilism on the ground that a doubtful law cannot bind, might ask themselves whether non-observance of such a law may result in material sin, however you may have convinced yourself that the non-observance is justified.”¹

This objection may be urged against every system of moral conduct, for whenever, acting even upon a morally certain opinion that a law does not bind, an agent considers himself free from obligation, the law may nevertheless exist. Subjective certitude and high degrees of probability do not settle objective facts ; they settle only obligations here and now.

Therefore, even in the most rigorous system of conduct, the law can be actually invaded, and material violation, that is, material sin may result. Probabilists, therefore, quite freely admit that material sin may result from the employment of their principles, but by the same reasoning it may result in every moral system except absolute rigorism. It certainly will result in any human system whatever, because one who does not possess divine knowledge cannot always be certain that his resolution of doubt results in an absolute equation between his conduct and objective moral

¹ Dr. W. McDonald, *The Principles of Moral Science* (2nd ed., 1910), preface.

law. All that we are bound to do is to be morally certain in our consciences that we are acting in accordance with what we conceive to be objective morality. Being endowed with only human intellects that have their limitations, we cannot do more. Moral certainty of right conduct is quite sufficient. We cannot always get metaphysical certainty. Material sin, then, may result from the employment of any system of conduct, but Probabilists maintain that their system certainly guarantees what is necessary in order to avoid material sin ; to expect more than this, would be to expect man to be omniscient.

2. The objection continues as follows : “ In case they [Probabilists] find it so [find that non-observance of a doubtful law may result in material sin], they might think out the question how a law that does not bind can beget even material sin.”

The question is not difficult to answer. A law that does not bind, here and now, because a man is invincibly ignorant of it, assuredly can beget material, though not formal sin, because the actual transgression—viewed materially—of a law that really exists, but is not manifested in his conscience because he is ignorant of it, is an actual transgression of law and order. This law and order exist, whether he thinks of them or not.

But since such an order objectively exists, when a man inadvertently performs an act in violation of the order, he must certainly be conceived as committing a disorderly act, in other words, a material sin. A drunkard, for example, who, in a fit of intoxication, inadvertently commits homicide, has committed material sin, but being irresponsible at the time and not having foreseen the possibility of homicide, he is not formally guilty of the sin. The distinction between formal and material sin is too obvious to need further comment.

3. An opinion that is said to be solidly probable appears to lose all its probability when opposed by an opinion that is much more probable, just as in a pair of scales, the heavier weight exercises a necessarily overwhelming influence, so that the force of the lighter weight is counteracted.

In reply to this often repeated objection it may be stated that provided the less probable opinion is still really probable, as it may be, if founded on good reasons, it will retain its power of appealing to me on its merits as probable. This is known to be the case in actual life, where a question is raised that cannot be demonstrably settled ; there is found room for contrary opinions, even though one opinion be much more probably true than another. The human mind is not like a pair of scales, because assent to probable reasons, if they are good, is freely but not necessarily given. Assent is necessarily given only to reasons that are evidently true, but probably true reasons never oblige the mind to assent, and consequently, when I act on the strength of a probable opinion, I am always conscious that though I am morally right in so acting, since I act prudently, nevertheless, the opinion of others who do not agree with me may be the true view of the case. But that consciousness does not rob my present assent of all its value for me. I have once for all assented, quite freely and reasonably, to sufficiently cogent reasons. Who will say that I am deluding myself, and that I can never act on an opinion while admitting the probability of its contrary ? Who will say that the reasons which influence me to give my free assent are not only not true reasons at all—which we may admit—but are not even sufficient reasons to warrant reasonable action ? So long as a set of reasons does not demonstrably prove an opinion based on them to be absolutely correct, I am perfectly free to think that these reasons do not oblige me to assent to the opinion. I may, therefore, quite reasonably hold a contrary opinion based on fewer and less good reasons, provided always that they are sufficiently good.

4. It might be said that it is more prudent to assent to more probable reasons, and that it is imprudent and unreasonable to assent to less probable reasons.

Probabilists reply that it is entirely prudent to assent to good probable reasons, and that they admit that it is also entirely prudent to assent to more probable reasons, but that there can be no question of any degree of prudence in the matter, because even very probable reasons are not

strictly evidence, and it is quite possible, though less likely, that the better reasons may be false.

If, then, it will be urged, the more probable reasons are more likely to be true, why should we not accept the more probable reasons and so become Probabiliorists? The answer is that good probable reasons may be true and may represent objective fact; this being so, should we not admit that a man is prudent and reasonable when he adopts an opinion that may be quite true, though other opinions may be true also. Is he not acting correctly if he do so?

The Probabiliorist may continue: "But since more probable reasons more nearly approach truth, the Probabilist consciously recedes from truth by following a less probable opinion." More probable reasons do not evidently approach truth more nearly than a less probable reason; they, indeed, probably do so, but they may also be false. We cannot be obliged to give assent to greater probabilities.

5. The Probabilist, it is urged, exposes himself to the danger of violating law, and consequently he sins, because he might, if he wished, act upon a more probable opinion, and thus be less likely to violate law. This objection may be urged against every system short of absolute Tutorism. Even the most probable opinion leaves one still open to material violation of law. Furthermore, by acting according to a less probable opinion, a man does not expose himself to the danger of certainly violating law; he is consciously violating no law at all, because the obligation is doubtful, and therefore for him non-existent.

6. Probabilism, it is said, is an easy road to self-indulgence, it leads to the blunting of the moral sense, and it minimizes obligations.¹ The objection, as stated, is valid in greater or less degree against every system yet invented by man, because personal error is certain to intrude itself into the

¹ This objection is strongly urged by Prümmer (I, n. 350, 4) in saying that Probabilism leads to Laxism, as has been proved in the past, in the cases of Tamburini, Moya, Caramuel, Diana, some of whom, if not all, taught opinions afterwards condemned by the Holy See. But Prümmer confuses one Probabilism (that which we defend) with another so-called system, which no one now defends, though at the beginning, in the very natural exaggerations to which writers were liable, many statements were made that offended common sense. The Probabilism which, in the opinion of Prümmer, leads to Laxism,

application of any system. The Probabilist does not admit that his system is essentially conducive to laxity ; a good tiling may always be abused. Every system, Probabilism, no less than others, must be used prudently.

It is an entire misconception of Probabilism to take any chance opinion as a solidly probable opinion, or to suppose that any group of five or six chance writers on Moral Theology is sufficient to constitute a probable opinion. They must be noted for their learning and prudence. If their reasons on a given subject have been completely met and rebutted, their opinions will have become improbable.

Furthermore, Probabilism does not minimize obligations, it reduces obligations to their true proportions. It possesses this merit above other systems, that it does not impose obligations on one, unless it has been clearly proved that they exist. But as it is not a system to be used in every event of life, but only in cases of doubtful obligations, it cannot be said to be a method of driving a bargain with God. It is a reasonable application of sound principles. The Probabilist is quite conscious of many and serious obligations already existing, but he objects to adding doubtful obligations to the human burden.

7. A man who rejects the more probable reasons on the side of law, and acts on the less probable in favour of liberty, seems to be acting irrationally, since his judgment should be inclined to the greater probability.

This is an argument against Probabilism that derives its force from the confusion between the necessary assent given to evidence, and a free assent given to probability. The Probabilist always admits the greater probability, where it exists, of the contrary opinion, but he maintains that this is not evidence but probability only. So long as we confine our attention to probabilities, we are not obliged to give assent to them, however probable they may be. Since, therefore, there can exist, as we suppose, a good solid presumption on one side against even greater presumptions

does not exist. Prümmer says that in Probabilism dreadful errors are almost inevitable, but is not that due to misapplying true principles, and is not every system, short of Tutorism, equally liable to misapplication?

on the other, one may say : “ I am not bound either by any moral law that I know of, or by the exigencies of intellectual honesty, to subscribe to an opinion that is only probable. I am free to choose either opinion and to act upon it. If, therefore, I freely assent to and act upon the less probable opinion, I am acting as a rational being, I am guilty of no intellectual dishonesty, I am using free will in a perfectly reasonable manner.” Though we might elect to follow the more probable reasons in favour of law, and willingly curtail our own liberty of action, could we honestly impose that obligation on others ? If we could not, that which is morally right to advise, is morally right to do, under similar circumstances.

8. I ought to aim in all my actions at conformity with the objective moral order. How can I be said to do so, when I follow a line of action that is opposed to it more probably than not, having abandoned a standard of action that is more probably conformed to the objective standard of God’s Eternal Law ?

The objection is valid if it confine itself to the enunciation of the general principle that in all actions of life we ought to aim at regulating action with right order. But although we all admit this in the abstract, when we come to particular concrete cases, in which it is impossible to discern what is certainly the right moral order, then such clear perception being, as we suppose, impossible to attain, how can it be said that we are obliged to conform our actions to a standard that is not discernible ? For it cannot be said to be discernible, if we do not and cannot, in a concrete case, perceive it. Furthermore, if it be said that we are obliged at least to tend in a direction towards more probable conformity with law, the Probabilist will reply that we must always tend towards absolute conformity with law. It is to be presumed that we do so in reality, whenever we fulfil manifest obligations, so soon as they become manifest. The Probabilist is in the habitual disposition of desiring to conform to law whensoever it imposes obligations upon him • that are manifest ; he does not feel bound to conform to law that is doubtful.

9. The Probabilist contention seems to be that you may do that which, more probably, is wrong.

Probabilists reply that if a less probable opinion in favour of liberty be acted upon, the action is altogether right. It is not true to say that it is only probably right and more probably wrong ; it is certainly right. The greater antecedent speculative probability has nothing to do with the morality of the action in the concrete. The same argument might be employed against every system of conduct, short of Tutorism, for however a man acts, he would, if judged by antecedent speculative reasons, probably be wrong, unless he chose absolutely the safest course.

But, in truth, the objection takes no cognizance of this important fact, namely, that action on a probable opinion against doubtful law is right, if the opinion is sufficiently probable to give good guarantee that the law is truly doubtful ; and furthermore, such action being right, it cannot at the same time be more probably wrong, even although the law more probably exists.

10. In Ecclesiasticus (37, 20) we are told : “ In all thy words let the true word go before thee, and steady counsel before every action ” ; our Divine Saviour is the Truth by which we must guide all our lives ; the gate is narrow and the way is strait that leadeth to life. It is urged against Probabilists, that they attempt to make the gate very wide and the way very broad that leads to life, that they aim, not at truth, but at probabilities by which to guide life, and that before every action they expect and are satisfied not with the true but with probable reasons. He is, therefore, it is said, sophistical, and is under the condemnation uttered in Ecclesiasticus : “ He that speaketh sophistically is hateful, he shall be destitute of everything.”

The objection is specious ; it arises from a radical misconception of the theory. Even Probabilists teach without any uncertainty whatever that the law must be obeyed to the letter ; they teach that we may not expose ourselves to probable sin ; that the truth is that standard of conduct by which we must endeavour to guide our lives, and that

the gate still remains narrow and the way strait in every approved system of moral conduct. But what they are at pains to make clear is this, namely, that where we cannot get at manifest truth, where we are the prey to anxious doubt, where there are reasons for and against a particular line of action, it is not the part of a wise counsellor to impose on others obligations that do not clearly exist. Such a system of morality would impose intolerable burdens ; it would lead to a species of rigorism, which, as a fact, good people do not feel obliged to adopt in their own case ; it would be a remedy that is worse than the disease it is intended to cure, and finally, it has no sanction in Holy Scripture, nor in the universal teaching of the past.

It is true, indeed, that he who loves the danger shall perish in it (Ecclus. 3, 27), but the Holy Writer speaks there of the man of hard heart, who loves the perilous state of grievous sin, and in spite of grace, perseveres in such a state ; it becomes a moral certainty that he will persist in his grievous state. The Probabilist, far from loving the danger of sin of any sort, makes it his special purpose before

law of God. In such an attitude, he maintains and rightly so, that his conscience is correct and conformed with obligations. That is the sum and substance of his contention ; that is what, as it seems to him, he succeeds in proving.

If it be said that S. Paul warns us against Probabilism in these words : “ But prove all things ; hold fast that which is good ; from all appearance of evil refrain yourselves ” (i Thess. 5, 21, 22), because in following the less probable of two opinions we do not seem to be avoiding the appearance of evil, it may be replied that if these words referred to a standard of moral conduct, they would be equally effective against the severer systems mentioned above, and would lead to a definite Tutorism. S. Paul cannot be thought to convey such an impossible view. His words, on the contrary, primarily refer to prophecies that have to be tested and approved by competent authority. Secondarily, they may relate to conduct, but they should undoubtedly be

read : “ Keep yourselves from every form of evil.”¹ The exhortation of S. Paul is, of course, carried out in every Catholic system of moral conduct, not excepting that of Probabilism.

To sum up : The entire controversy between Probabilists and every other school of thought on the subject of right moral action really turns on this question : Is it incontrovertible that *a doubtful law does not bind* ? If that proposition is certain, Probabilism is certain. It appears obvious to Probabilists that the statement is incontrovertible. They find it in S. Thomas² and even in S. Alphonsus, two of the greatest masters of Moral Theology, not to speak of a vast array of other theologians. Indeed, the difficulties that issue in every system that rejects the proposition are so serious as to make right moral conduct extremely difficult, if not, indeed, humanly impossible.

11. Compensationism, or the Principle of the Sufficient Cause

Some authors, dissatisfied with the current moral systems, thought out what they have-called a system of Compensationism. The most notable writers on this system were Manier, Laloux, and Potton. The latest adherent to the system, Prilmmer, thus states the case for it (I, n. 351) : All former systems labour under grave objections, and in practice impede rather than help the confessor. Every lover of truth adopts what is certainly the more likely to be true. In order to avoid a greater evil, a confessor may adopt a probable opinion in preference to one that is more probable, but it is never permitted to act thus without a grave and proportionate cause. In practice the system of Compensationism, or of Sufficient Cause, or of Christian Prudence, is to be preferred to all others.

In this system, when the case arises in which we wish to know if it is permissible to follow a really probable opinion

¹ The word ‘ εἶδος ’ in the New Testament always means ‘ visible form ’ ; cf. Lk. 3, 22 ; 9, 29 ; Jn. 5, 37 ; 2 Cor. 5, 7 ; 1 Thess. 5, 22. In the papyri, it never means ‘ appearance,’ but ‘ kind,’ ‘ class,’ ‘ material conditions,’ ‘ effects,’ ‘ report.’ In Modern Greek ‘ εἶδος ’ means ‘ kind,’ ‘ species ’ : cf. Moulton and Milligan, *Vocabulary of the Greek Testament*, s.v.

² cf. *Gregorianum*, vol. III (1922), p. 447 sqq.

in favour of liberty' and to abandon the more probable opinion in favour of law, we must prudently examine all the circumstances. The holier and more important the law, and the more probable its obligation, the more cogent ought to be the reason we allege for favouring liberty ; contrariwise, the greater the benefit that is hoped for in respect of the penitent, the more easily shall we permit the use of a probable opinion that favours liberty. Having stated the terms of the system, Prümmer proceeds to explain it. In practice, he maintains, this system is advised, for by employing it we avoid splitting on the rocks of Probabilism, Equiprobabilism, and Probabiliorism, and we act in accordance with Christian prudence, a virtue that directs all the other moral virtues, and is very necessary' for the good life. Up to the time of Medina, he continues, none of the other modern systems was known to confessors, and yet very holy and prudent confessors administered the Sacrament of Penance, and did so with great fruit. Are modern confessors wiser than those ? Are the sins committed to-day different from the sins of former times ? The confessor who prudently examines the conditions of life of his penitent and the circumstances of his acts will pass a correct judgment if he attend first of all to the principle, ' In doubt, we are to be guided by presumptions' ; and then carefully consult good authors, and not trust too much in his own judgment. Acting on such principles, he will be applying the best of all systems, one that is rightly called the system of Christian Prudence. Of that virtue, it is written : " Her ways are beautiful ways and all her paths are peaceable" (Prov. 3, 17).

Criticism of Compensationism

The adherents of the three modern systems, set forth in these pages, adopt all the principles as explained by Prümmer, and, indeed, they could not fail to do so, for they all regard presumptions, they consult good authors, and they distrust their own judgment to the extent of admitting the probability of the contrary system, but like Prümmer, they think their own system the best. If they are faithful to their own principles, they will act with the utmost Christian prudence,

and in settling obligations they must always weigh the gravity of the law and the spiritual benefit of the penitent.

It seems, then, that Prümmer's quarrel with modern systems is not so serious as would appear, but it is useless to invoke another system and call it the system of Christian Prudence, if, as we maintain, that system already exists in Probabilism. If, on the other hand, Prümmer believed that a more serious law, if really doubtful, had any advantage, so to speak, over a less serious law which is also doubtful, he would have gone some way towards Tutorism. The system of Compensationism, as explained by others than Prümmer, appears to approach Tutorism, a system which ordinarily we are not bound to adopt. Yet other writers invoke, in proof of Compensationism, the strange principles : " A law imperfectly known imperfectly binds," and, " a law that is doubtful has greater binding force than no law at all." These principles are meaningless.

TREATISE III

LAW

CHAPTER I

DEFINITION AND QUALITIES

Conscience discerns obligations but does not create them. Obligations arise from law, which determines a certain standard of action, according to which we must act. The Eternal Law is nothing else than the standard or norm existing in the Divine Mind, that directs all actions and movements. As a rule of human action, law is an ordinance of reason for the common good, made by him who has care of the community, and promulgated.¹ Law that directs human acts must be possible, useful and just. Law must be accommodated, not only to the physical capacity of its subjects, but also to their moral capacity. Human law, therefore, as such, cannot impose heroic acts. When heroic conduct is obligatory in a particular crisis, as in defence of the Faith, or of one's country, the safeguarding of divine honour or of the common good may impose the obligation of heroism even to death.

Law must be useful, so as to advance or safeguard the common good of society. If, in a particular case, a law is unnecessary, it must still be observed, if scandal would ensue from non-observance, or if it is a law framed to guard against a common danger ; the subject is not entitled to judge of the absence of the danger.

Internal acts do not conduce to the common good of States, which are engaged only with the external progress of society, as a social organism. Civil law, therefore, cannot impose purely internal acts. But acts that are called mixed, such, that is, as are constituted by an external act and the required internal act—as the taking of the oath—may be

¹ cf. S. Th., S., I. 2, q. 93, a. i, c. : q. 9^o a. 4.

exacted, for without the internal act, the external act is not human, and may not be a valid act at all. Thus, if an oath is legitimately imposed, it must be sincerely taken.

The Church, being a visible society, cannot, in the opinion of many divines, impose purely internal acts.¹ Nevertheless, it can command its subjects to perform certain external acts, with which internal acts are inseparably and essentially connected. Thus, confessors impose pious meditation, the Church imposes meditation as a condition for the gaining of some indulgences, Religious under vow may be bound to devote some time to mental prayer, parish priests are bound to offer Mass for their people, and the application of a Mass is an internal act of the will. Confession and Holy Communion enjoined by the Church must be worthily made ; in the case of the Apostolic blessing at the hour of death, the Holy Name must be conceived in the heart if it cannot be expressed by the lips. Clerics are to spend some time daily in mental prayer. From such cases it would appear that the Church can impose internal acts for personal sanctification. The exercise of jurisdiction *in foro interno* is not, however, legislative.²

Law must be just, because it should conduce to the common good, and may not be opposed to the sanctity of God. It must be just in distributing burdens, suited to the capacity of subjects, neither favouring nor penalizing any classes of the people, nor exceeding legislative power, nor intruding into provinces that are beyond its scope. But an obligation may arise of conforming to an unjust law, when the common good, or the avoidance of great evils, demand such conformity. The higher law that due order is to be preserved then issues its reasonable command.

Law must be relatively permanent, with a certain stability, in order that it may not be brought into derision and that a succession of experimental law-making may not do harm. But stability is not a fetish, so that a law that is no longer

¹ S. Th., 5., i. 2, q. 91, a. 4 : 2. 2, q. 104, a. 5. So, too, many of the older theologians. But some moderns hold the contrary : cf. Verm., I, n. 254 ; van Hove, *de Leg. Eales.*, n. 173.

* cf. van Hove, *loc. cit.*

useful should be allowed to fall into abeyance, or better still, be repealed. Examples of temporary laws are the ceremonial and judicial laws of the Old Dispensation, and the prescription against Modernism.¹

¹ S.O., March, 1918, A.A.S., 1918, p. 136,

CHAPTER II

GOD THE LAWGIVER

God is the first, the supreme and the universal Lawgiver from Whom all human lawgivers derive their authority and all laws their sanction : “ There is no authority that is not from God and the existing authorities are appointed by God. Wherefore, he that opposeth the authority, resisteth the ordinance of God, and they that resist purchase to themselves damnation.”¹

God is the first Lawgiver in order of time, for He is the Author of human nature, and gave it its natural tendencies to work its way to the accomplishment of its end both here and hereafter.

Furthermore, as man naturally tends to form society, and as society cannot persist without guidance and authority, He has given to the leaders of human society the power of directing it to the end of all society, namely, the ultimate happiness of man and the glory of God through the progress of society itself.

God has also instituted the Church, a supernatural society of men, in order that the rulers of the Church may direct man to his supernatural end. There are, therefore, on earth, the Church and the State, two societies with two distinct objects to achieve, “ each supreme in its sphere, each with fixed limits. One has the well-being of this mortal life as its object, the other, the everlasting joys of heaven. Whatever belongs to the salvation of souls or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority. Jesus Christ has Himself given command that ‘ What is Caesar’s is to be rendered to Caesar, and what is God’s to God.’ ”²

¹ Rom. 13, I, 2 : or “ shall bring upon themselves a judgment ” (i.e., from the temporal powers, but ratified by God).

² Pope Leo XIII, *Encycl. Immortale Dei*, 1885 ; *Sapientia Christiana*, 1890.

CHAPTER III

KINDS OF LAW

SECTION 1. General Aspects

In respect of its author, law is either divine or human. Divine law is Eternal, Natural, or Positive. Human law is Ecclesiastical or secular, the latter, commonly called Municipal or Civil law, though the second term is ordinarily applied to Roman law. Municipal law is Statute or written law, or Common or unwritten. The former is the outcome of Act of Parliament, the latter represents immemorial maxims and customs, as interpreted by judicial decisions.¹ Judiciary law is based on the Common law, and on the Canon law, the Roman law, and the Law Merchant—so far as these are a part of English law—and lastly on Equity.

In respect of obligation arising from law, it is moral, when the obligation is laid immediately on the conscience of man, so that deliberate transgression of a moral law is sinful ; it is penal, when the obligation is to acknowledge the just penalty for transgression and to undergo it obediently.²

Law is affirmative when it enjoins some act ; it is negative or prohibitory, when it forbids some act.

Law may be founded on a presumption, and this presumption may be that of common danger, as in the church law against the reading of forbidden books ; or it may be founded on presumed facts in cases where the facts usually occur. This latter presumption may admit of proof to the contrary, in which case it is called presumption *de jure* : if, however, the presumption is so strong that it does not admit of proof

¹ Law, when a political arbiter is present—as in every State,—is often called Municipal to distinguish it from International law, which has no arbiter except the opinion of the civilized world (Holland, *The Elements of Jurisprudence*, ed. 1916, p. 134). Criminal law and Civil law are differentiated by their respective sanctions (Jenks, *Book of English Law*, p. 249).

² Many authors define a penal law as imposing a disjunctive obligation, viz., either of obeying the law or of undergoing the penalty when exacted. This concept of the law appears to many indefensible, because the obligation would arise only when the penalty had been exacted.

to the contrary, the presumption is *juris et de jure*. Such presumptions exist both in Canon and in Civil law. Thus, the paternity of a child may be presumed in law, subject or not to contrary proof. Though such laws rightly exact penalties and are enforced, they do not bind the conscience if the presumption is false, but obedience will usually have to be given on account of the common good or of scandal.

Laws are sometimes said to be founded on a fiction, which is a certain disposition of law contrary to facts, but applying to a case for an equitable reason. Thus, when an invalid marriage is convalidated, as from its inception, by dispensation of an impediment (*sanatio in radice*), the marriage is regarded as having been valid from its inception, so far as its effects are concerned, and children may thus be legitimated in many cases by the subsequent convalidation of the marriage of their parents. Strictly speaking, no law is founded on a fiction, but the legislator extends the law to embrace cases outside the letter of the law, for the sake of the common good and equitable treatment of hard cases.

Laws void an act when an act is declared legally void from the beginning ; other laws void an act because they incapacitate the doer of the act. Such laws are not the same as laws that bar legal action. Thus, the Statutes of Limitation bar action for recovery of debt after six years, if the debt has been unclaimed during that period ; minors are protected by law in contracts for the purchase of luxuries ; in the former case the debt is still due, and in the latter case, a minor cannot conscientiously keep and use goods without paying for them, but the Courts will not enforce payment for a minor's luxuries supplied to him by a tradesman.

In church law, certain laws are voiding, others are incapacitating (c. n). The effect is the same in respect of the act done contrary to these laws, but* the former directly affect the act, the latter, the person, or the individual benefit. Such laws are enacted for the common good, as when conditions must be fulfilled for a valid contract. Cases are found in the canons dealing with impediments of marriage, the form of celebrating marriage, alienation of church property, protection of minors.

Ignorance of voiding or incapacitating laws does not prevent the effect of the law. Thus, ignorance of a diriment impediment to marriage does not affect the invalidity of marriage attempted when such impediment exists.

In Ecclesiastical law, ignorance that is invincible of a merely penal law, one, that is, which determines a penalty for its violation, excuses from the penalty (c. 2202), but ignorance merely of the penalty diminishes but does not take away imputability (c. 2202, 2).

SECTION 2. The Eternal Law

Law is an ordinance of reason for the common good, instituted by him who has care of the community, and promulgated. Law is a function of reason, because reason is the first principle of human acts. Divine Wisdom is the fount of Eternal Law.

Although the Natural law which, as we shall see, is nature's means of attaining her ends, comes first in the order of our consciousness, the Eternal Law, on which it is founded, comes first in the order of being and causality.

“ A law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by Divine Providence, that the whole community of the universe is governed by Divine Reason. Wherefore, the very idea of the government of things in God, the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. 8, 23, therefore it is that this kind of law must be called eternal.”¹

This law existed in God from all eternity. It was the plan and exemplar of the Divine Wisdom before the universe was made.² It was even promulgated from eternity, because it was the actual expression of the Divine Mind

¹ S. Th., 5., I. 2, q. 91, a. i, c. The translations of S. Thomas are usually those of the Dominican English version, to which the writer here acknowledges his indebtedness.

² Cicero stated this when he wrote : “ Law did not then begin to be when it was put into writing, but when it arose, that is to say, at the same moment with the Mind of God ” (*de Leg.*, ii, 4).

whose every act, one in Essence, though to our human thought manifold, existed from eternity. All persons and things are subjects of this Eternal Law ; all relations that are necessary', as well as all that are contingent, fall within its scope : even man's free will, but in such a way that in complying with the plan of the Divine Wisdom man remains free. But man, no less than all else that exists, is directed by God to obey Him, and this directive guidance is rooted in man's very nature, so that the fulfilling of God's plan is the highest achievement of human intellect and will, and their most supreme felicity. This divine plan, so far as it affects mankind, regards the order of pure nature before man's elevation by grace, the order of man's elevated nature, the order of nature as restored after the fall. Though law is looked upon as something rigid and exacting, divine law, the exemplar of all human law', is permeated with mercy and love.

SECTION 3. The Natural Law

The existence of the Natural law is thus proved by S. Thomas¹ : " Law being a rule and measure is in one way in him that rules and measures, in another way in that which is ruled and measured, in so far as it partakes of the rule or measure. Wherefore, since all things subject to Divine Providence, are ruled and measured by the Eternal Law, it is evident that all things partake somewhat of the Eternal Law, namely, in so far as, from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine Providence in the most excellent way, in so far as it partakes of a share of Providence, by being provident both for itself and for others. Wherefore, it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end : and this participation of the Eternal Law in the rational creature is called the Natural law. Hence the Psalmist after saying (Ps. 4, 6) : ' Offer up the sacrifice of justice,' as though someone asked what the works of justice are, adds : ' Many say,

¹ S. Th., s., I. 2, q. 91, a. 2.

Who showeth us good things?' in answer to which question he says: 'The light of Thy countenance, O Lord, is signed upon us,' thus implying that the light of natural reason, whereby we discern what is good and what is evil, which is the function of Natural law, is nothing else than an imprint on us of the Divine Light." It is evident, therefore, that the Natural law is nothing else than the rational creature's participation in the Eternal Law. S. Thomas's profound description of nature is as follows: "The principle of a divine act impressed upon things, in virtue of which they move towards determinate ends." Nature, he explains, is a sort of act: "As if a shipbuilder were to endow his materials with the power of moving and adapting themselves so as to form and construct a ship." The proof that there is an intelligent purpose behind nature is that physical activities are regular, uniform and mutually useful, or in other words, that they are productive of order.¹ Furthermore, the existence of the Natural law is a necessary result of creation, for given the natural order, the Wisdom of the Creator must be interested in His work, especially as the work continues so long as Providence maintains nature in existence. Consequently, Divine Wisdom must wish reasonable creatures to be directed towards their ultimate end conformably to the nature proper to them, and must, therefore, wish man to choose what is in accordance with his nature and to reject what is not.

The very existence of the Natural law is denied by many Moral philosophers. Thus Sidgwick: "But both the theory of hereditary rights of monarchs, and the theory of a law of Nature, by which all persons have rights prior to the social compact that binds them into a community, are regarded as more or less antiquated by most educated Englishmen at the present day."² One wonders if the writer would have stopped an incendiary about to set fire to his library, and would have apprehended a clear natural right to do so without invoking the sanction of positive law. But such views are not now entertained by most Englishmen.

¹ cf. Dr. Coffey, *Ontology*, p. 416.

³ *Method of Ethics* (1890), p. 19.

Thus Fairbrother: "From the time (at least) of Sophocles, men have consciously appealed from the laws that they are bidden, as citizens, to obey, to higher rules even more valid and binding... Any rule or institution which can be shown as tending to weaken or destroy the true nature of man, to hinder the development of his 'natural' capacities, to put obstacles in the way of the realization of that ideal of character which is his true self, is *eo ipso* condemned. The phrase, *Jus Natura*—Law of Nature—has often been misused, but understood rightly it bears witness to fundamental truth; for

‘There’s on earth a yet auguster thing

Veiled though it be, than Parliament and King,’

viz., Humanity itself. Civic responsibilities, as well as moral, or rather because they too are moral, must be deduced from the essential nature of man.”¹

The precepts of the Natural law which are the results of natural appetites are many, but they are all based upon this first precept, namely, that “good is to be done, and evil is to be avoided,” for this is the first obvious principle of all action that tends to realize the natural appetites of man. For man has natural inclinations whose objects of pursuit are apprehended by reason as being good. So, too, there is an order of precedence in the precepts of the Natural law, for a man first of all has a natural inclination to preserve his life; secondly, he wishes to perpetuate the race; thirdly, as a rational being he wants to know the truth about God and all other truths, and he has an inclination to live in society. All things, therefore, all means and all pursuits that belong to the above tendencies are within the content of the Natural law. But since natural appetites are the same in all men, the Natural law is universal; it is the same for all men so far as first principles are concerned, because man has essential relations to God as Creator and Lord; he has essential duties towards himself, his neighbour and society. But Natural law is not universal so far as all conclusions from it are concerned, for much depends on

¹ *The Philosophy of T. H. Green* (1896), p. 113 sqq.

character, environment, heredity, passion and habit, in the practical application of a first principle.¹ Therefore, though the Natural law is common to all, it does not impose the same duties upon all, since actual life and circumstances are so very different in the case of different people.² Again, the Natural law can be supplemented by both divine and human laws, but it is invariable in this sense that it can suffer no diminution.³

To the question : “ Can the Natural law be abolished from the heart of man?” S. Thomas answers that as to its general principles it cannot be blotted out of men’s hearts, but as to its secondary precepts (i.e., conclusions following from first principles) it can be blotted out, either by evil persuasion or by vicious customs and corrupt habits ; as among some men, theft, and even unnatural vices, as the Apostle states (Rom. i, 28), were not esteemed sinful.⁴

Practically, therefore, Natural law means for us that which is in accord with right reason. Certain actions, such as blasphemy, are forbidden, and certain others are exacted by our nature, such as the worship of God, because these actions are respectively opposed to or in accordance with human nature as God has created it. Such actions are not bad or good because forbidden or positively commanded. The goodness of a certain class of actions is ultimately founded on the Divine Essence and not merely on the Divine Will. Thus, God is essentially good, and what is conformable to our nature is essentially good, and contrariwise, what is discordant with it is essentially evil. This distinction between what is bad in itself and what is bad because forbidden is an important one in our days, when the moral code is apt to be thought by some to be a matter of convention, or of utility, or of the greatest pleasure, or of anything but the fundamental fact that it is.

Many precepts of Natural law are clearly apprehended by men of good will and moral education, which, however,

¹ S. Th., 5., I. 2, q. 94, a. 4, c.

² cf. Cronin, *The Science of Ethics*, I, p. 164 : p. 610 ; *Diet. Apologétique de la Foi*, col. 1902, s.v. *Loi*.

³ S. Th., S., I. 2, q. 94, a. 5, c. ; Cronin, *op. cit.*, p. 610.

⁴ S. Th., S., I. 2, q. 94, a. 6, c.

do not appear to be evident to others. It is, therefore, the duty of confessors and teachers to instruct others in what is rational. It may be confidently stated, with the consensus of theologians, that the great primary principles of the Natural law are immediately evident to all who have the full use of reason ; also that the precepts of the Natural law embodied in the Decalogue cannot remain for long outside the consciousness of one who has the use of reason developed, but that such precepts as require considerable thought may easily do so. Thus, the malice of interior acts of the will, of evil thoughts and evil desires is not, in very many cases, at once apprehended. Also the malice of certain evil external acts may not be apprehended, at least, by the young and the very uncultured ; such acts, for example, as lying, theft, perjury and even some unnatural vice under exceptional circumstances. It is disputed whether a person who knows that the exterior act of theft, for example, is wrong, is necessarily conscious of the malice of seriously wishing to steal.

It has been stated above that the Natural law is universal and invariable, and therefore the question arises, can it not cease to bind in some particular cases, or cannot the Author of it ever dispense from its obligations ? To this question the following answer is given by most theologians :

1. The Natural law cannot be changed essentially, because natural tendencies, appetites and necessities are unvarying.

2. Its primary precepts cannot be dispensed, because these are necessary to the preservation of nature itself. Examples of these primary precepts are : Good is to be done, evil is to be avoided, fruitful and peaceful marriage is necessary.

3. The secondary precepts are said to be dispensed, but this is a less accurate way of speaking. No real natural precepts are dispensed, for Natural law is founded on God's immutable Essence. Thus, as polygamy, slavery' and divorce, have been permitted by the Author of nature, they cannot be conceived as being against any natural precept that affects the essence of nature. The Natural law is sometimes

said to be modified, when an obligation ceases because the subject-matter of the law has become quite different from what it was. Thus, Natural law forbids self-murder, the murder of an innocent person, the theft of another's goods. But personal life, the life of another and his property, are really under the dominion of God and at His absolute disposal. If, therefore, for a good reason and for a higher purpose, God commanded any of these things to be done, He would be removing life and property from the dominion of the possessor of them. The taking of life is evil because man has not absolute dominion over it but only the use of it under God, but to take another's life when God permits one to do so, is not to invade the rights of another, but it is to take that which God Himself owns, which therefore He can allow us to take.

Thus, God's command to Abraham to sacrifice Isaac, and His permission to the Hebrews to ravage the Egyptians, were not dispensations from the Natural law. Isaac had his right to life from God, and for a good purpose God could take away that right ; the Egyptians had a right to their property, but God has a higher right. So, too, the legalizing of polygamy among the Hebrews was not legalizing the infraction of any strict precept of the Natural law, because the ends of marital union, namely propagation of the race and the care of offspring, can be achieved under God's providence in certain states of society by polygamous unions.¹

In a similar way, the Church can dispense vows made to God, though it might seem to be against Natural law not to keep one's vow. But the object of a vow, having once come under the dominion of God by the free act of him who takes the vow, can be freely remitted by God, and therefore by His Church, which can act in His Name in all that pertains to binding or loosing the will or conscience of man.

Content and Sanction of Natural Law

I. Natural law is the basis, and—if we may so speak—the condition precedent even of divine positive law, because

¹ cf. *Calh. Encyclopedia*, s.v. Natural law, vol. IX, p. 78, a.

man must first acknowledge God and His dominion over the human will, before he realizes the obligation of a divine positive law. Natural law is truly the basis of all human law, since man, as such, has no dominion over the will of other men. Rational human nature is the embodiment and the authentic instrument of the promulgation of Natural law, but the precepts of Natural law are revealed in consciousness, though at times, obscurely, so that in human nature as it is, and in consequence of sin, ignorance, weak intuition and concupiscence, some Divine Revelation even of the Natural law is morally necessary.¹

2. But the Revelation that has, as a fact, been given to man, is the Revelation of a supernatural destiny, and this includes all that Natural law commands. Though the first principles of Natural law are easily known and the proximate conclusions therefrom, yet there are some conclusions, not at all remote from the first principles, which, for a time, it may be difficult to appreciate, more especially if false teaching and evil custom add their influence. Thus, in the view of S. Thomas, fornication, theft, unnatural vice, have been thought not to be immoral,² and in our own days, the practice of so-called birth control is defended, outside the Church, by specious arguments, and we can well believe that it is defended conscientiously though erroneously. There are other conclusions which are both derived from the first principle and are immediately evident, but to establish them by reasoning is no slight difficulty.³

3. It is important also to observe that there are certain things forbidden to us by Natural law, simply because we are members of the human race, for which God has established an order which admits of no infringement, although, in a particular case, the apparent purpose of the order does not seem capable of fulfilment. Thus, though a particular married pair may not be capable of having children, owing

¹ Venn., I, n. 238. It may be stated generally that Revelation of religious and moral truths of the natural order (that is, prescinding from a supernatural destiny) is morally necessary for mankind, and assuming that man has a supernatural destiny, Revelation is absolutely necessary : cf. Pesch, *Comp.*, I,

¹ S. Th., S., I. 2, q. 94, a. 4, c : a. 6.

* Verm., I, n. 239.

to some inherent or accidental defect, it does not follow that they may misuse their natural generative powers. The lack of a few children would do no harm to the species as a whole, but man and woman, being subject to the Natural law in respect of procreation, may not positively thwart the primary intentions of nature, that is of God, whilst using the powers which nature has given them for a definite purpose and for that purpose alone. Furthermore, since men are constituted in such a way that they have natural tendencies to preserve the order of nature, if they act in open violation of these tendencies they violate Natural law. Thus, even if the offspring of fornication could be adequately nurtured and educated in a given case, the act of fornication is opposed to Natural law.

4. Every human being is subject to the Natural law. Even infants and the irresponsible can act contrary to the good of their human nature. Those offend against the Natural law who, in any way, violate the perfection, the exigencies, the harmony of human nature in others, even in the irresponsible.

5. It has been implicitly stated above that man is not free to violate Natural law. He is under the obligation of observing it, because he is what he is, a rational animal, bound by the law of his being to seek and achieve his own preservation and perfection, and the ultimate end of his existence. Man is bound to be morally good. This is not to deny his free will. He is so bound, because ultimately he is subject to the Eternal Law. But this law manifests itself to man in the law of his own nature. The law of his human nature as such is that man, by absolute and natural necessity, must wish his last end, and he must do so from the very nature of that last end itself, namely, because it is man's perfect good, the object of his perfect happiness. There is nothing in it which the will can repudiate ; there is in it all that the will can desire. Furthermore, every movement of the will must, of necessity, begin with the desire of some fixed and inevitable and immutable good. This good is happiness ; objectively, it is the object of perfect happiness. If, then, man must desire the perfect end, he must do that

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which leads to it and must avoid that which withdraws him from it. Consequently, as good moral acts lead to, and bad moral acts lead from, the final end, the Natural law puts an obligation on man of doing good and avoiding evil, that is, of acting in accordance with his rational nature.

6. It must be observed that though the will is not free to repudiate its perfect good, it can nevertheless do evil freely, because the will has the power—as we know from experience—to direct the reason to consider some motives or to cease from considering them. It is then responsible for evil done, if done through lack of due regard. Thus, though the will is fixed on its final end, it is possible for it to desire bad acts. Violation of the Natural law is possible in a free human agent, even though his will is naturally and irrevocably fixed upon his perfect good.¹

7. What, then, is the sanction of the Natural law? Since the observance of the Natural law leads man to his ultimate end, and its violation debars him from it, it is obvious that the sanction of Natural law is the attainment or the loss of man's perfect good and happiness, which is God. It has been pointed out that this sanction of Natural law suggests the nature and consequences of grievous sin, and helps one to understand how the grievous sinner is the creator of his own ruin.²

SECTION 4. Divine Positive Law

The divine positive law is superimposed on Natural law, and has been explicitly promulgated. Its existence is known to us only by Revelation, and it comprises the Mosaic Law and the New Law. The Mosaic Law, as such, no longer binds man. It comprised precepts, moral, judicial and ceremonial. These were abrogated as the formal Mosaic Law, though its moral precepts were confirmed and promulgated in the New Law. Concerning the exact time of its abrogation, theologians are not agreed. It was certainly abrogated, either on the death of Christ our Lord, since S. Paul speaking of the Blood of Christ cleansing the con-

¹ Cronin, *The Science of Ethics*, I, p. 203.

* S. Th., c. *Gent.*, III, c. 140 ; Verm., I, n. 243.

science from dead works, says : **“ For a testament is of force after men are dead ; otherwise it is as yet of no strength, whilst the testator liveth ”* (Heb. 9, 17) ; or it may have been abrogated on Pentecost, when the New Law was solemnly promulgated. That it was, as a fact, abrogated, the Apostolic Council of Jerusalem implicitly declared.¹ After such abrogation, therefore, to fulfil the ceremonial laws of the Old Testament would have been and would still be false worship of God, because it would be a repudiation of the Messiahship of Christ. Consequently, when the New Law became, in point of fact, sufficiently promulgated—though that point of time is uncertain—the works of the Old Law were both dead and sinful (*mortua et mortifera*).

The New Law was instituted and promulgated by Christ our Lord, as Supreme Lawgiver and Infinite Wisdom, but in such a way as rather to fulfil than to destroy the Mosaic Law.² He instituted and promulgated it by enunciating, either to the people in a body or to His Apostles alone, numerous precepts, both such as had been already contained under the Old Law and such as were in some sense new.

These precepts are theological, as referring to Faith, Hope, Charity ; they are moral, as contained in the Decalogue and confirmed and perfected by our Lord : *“ You have heard that it was said to them of old : Thou shalt not kill . . . But I say unto you, that whosoever is angry with his brother shall be in danger of the judgment ”* (Mt. 5, 21, 22). Thirdly, these precepts are sacramental, as referring to the Sacraments and the Sacrifice, and these may be called new moral precepts in a wide sense. Lastly, Christ left to His Church the power of framing such other ordinances as should be vitally necessary for discipline, for divine worship and ecclesiastical order. These ordinances constitute Ecclesiastical law. This legacy is the legacy of supreme jurisdiction over the wills of all the members of the Church.

Our Lord, furthermore, to crown the Evangelical law,

¹ Acts, 15, 28. *“ For it hath seemed good to the Holy Ghost and to us, to lay no further burden upon you than these necessary things.”*

² Luther foolishly maintained, against the clearest teaching of Holy Scripture (1 Cor. 10, 13 ; Jas. I, 12), that Christ abrogated even the Ten Commandments, for we cannot observe them, he said, on account of concupiscence.

added, not as precepts but as counsels of perfection, many moral counsels, chief of which are those of poverty, chastity and obedience.

The New Law binds all mankind : “ Going therefore teach all nations . . . teaching them to observe all that I have commanded you ” (Mt. 28, 19).

This New Law is not subject to change, and it is to remain in force for all time, because Christ is with His Apostles and their successors for all time, as they expound this identical Law. There is none more perfect to take its place and there is no power that can abrogate it.¹

Since our Lord was Himself the founder of this New Law, it is obvious that He could dispense from any portion of it, and that He could, if He wished, empower others to do so. Whether He has done so is another question. Such divine precepts as are absolutely necessary to the Church which our Lord founded, and those also which are necessary for the salvation of man, are clearly immutable ; others, which in themselves are not immutable, can be dispensed by the supreme power in the Church, which acts in the place of God in respect of its subjects. Or it may be maintained that in apparent dispensations, the Church is but declaring the scope of divine law, a power which it can exercise infallibly, and which it has a right to exercise.

SECTION 5. *Jus Gentium* or World-Law *

The *Jus Gentium* or world-law is formally neither the Natural law nor the positive laws enacted by States to regulate their relations with one another. This world-law is not based, as to its existence, immediately on any necessities of human nature, as is the Natural law, but it is based immediately on the will of mankind. It differs from State law and International law, in that it is customary and

¹ Mt. 5, 17, 18: 28, 19, 20 ; 2 Cor. 3, 11. Those who claim to see in Spiritism the possibility of a new revelation, should, we submit, obey the Revelation already given. If they did so, they would abandon their attempts and would, at once, acknowledge the futility of them.

* Lehm., I, n. 287 sqq. ; Verm., I, n. 246 ; S. Th., S., 1. 2, q. 95, a. 4 ; Suarez, *de Leg.* II, c. 20, n. 6 ; Prof. O’Rahilly in *Studies*, Dec., 1920.

unwritten, and has been introduced by custom and the implicit agreement of mankind. It has arisen, therefore, in consequence of a moral necessity, and men have, as it were, under the guidance of nature, agreed to abide by this law. Thus, the law of prescription, the division of property, slavery, the inviolability of Ambassadors, the freedom of the high seas, the legitimate claims to sovereignty over a tract of the sea adjoining national territory, the respect paid in war to the white flag, are examples of this world-law. It is a matter of dispute as to whether such law should be called Natural law or purely positive human law or something intermediate.

It is obvious that such law must have arisen by agreement, so soon as men were forming themselves into independent States, for without any explicit compact and without any clear legislation, men must have agreed to the division of one State from another, and to the partition of spheres of occupancy and influence ; and the need for such agreement was obvious. So far, indeed, as Natural law is concerned, it appears indifferent whether goods should be held individually or collectively, but when the practical necessities of mankind impose these agreements, Natural law seals them and renders them obligatory. The law would operate amongst pioneers on virgin soil.

This law is obviously neither universally necessary nor unchangeable. Slavery, of the more humane kind, for example, was tolerated, but now the same *Jus Gentium* has extinguished it. The States of Europe are now independent ; they might become a confederacy of States.

Whatever be the origin of the *Jus Gentium*, it appears to owe its entire validity, formally and essentially, to human consent, but the analysis of the concept of this *Jus Gentium*, as distinguished from Natural law and from purely positive law, appears to be that institutions have come into existence by the tacit or formal consent of man ; these institutions are valid ; they demand our obedience and allegiance in virtue of Natural law. The institution of private property is one of world-law ; the observance of the principle of it is an obligation of Natural law. The case may be illustrated

by contracts. It is universally agreed that contracts may be entered upon ; it is the business of State law to determine the manner of contracting ; it is an obligation of Natural law to fulfil just contracts.

By the term *Jus Gentium* is not meant International law, because the former embodies moral precepts governing mankind ; it is not merely international, it is intra-mundane. It has been pointed out that the majority of the greater theologians, who, it must be observed, were singularly penetrating in all discussions on law, maintained that the *Jus Gentium* was positive law. It was due to non-Catholic writers that the *Jus Gentium* was confused with International law, and the terms were employed indifferently. Their alleged reason for denying any *Jus Gentium* as positive law that bound all States, was that there is no supranational Sovereign who could impose his will on all mankind. As this view gained currency, writers restricted their theories of the law between States to International law, and when they spoke of *Jus Gentium*, they imported a new meaning into the phrase and came to regard it as simply the Natural law. This was not the teaching of S. Thomas and the other Scholastics.

The application of the matter to modern States is well pointed out by some writers,¹ when it is mentioned that the *Jus Gentium* is binding on all States, for the customary and unwritten law must be observed for the sake of peace and security. It appears reasonable to take as an example for illustration, the abhorrence felt by civilized States, should the accredited Ambassador to a State arouse sedition and disloyalty in the State that has accepted him and that extends to him the conventional guarantees. Since most modern jurisprudence bases law on the will of the electors expressed in written statutes, it is obvious that the *Jus Gentium*, and even the Natural law, are regarded as unreal abstractions. Nevertheless, States have experienced the insistence of Natural law more, perhaps, in modern times than ever before, and have been constrained, in self-defence, to formulate international agreements, which are expressions,

¹ e.g., Lehm., I, n. 28g.

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it may be confidently stated, of the Natural law in the consciences of mankind. These agreements are nothing else than embodiments of the *Jus Gentium*. Thus, since the Congress of Vienna, 1815, there have been over one hundred Congresses of representatives of nearly all the civilized nations. They have agreed upon rules for the protection of industrial property, patents, copyright, for the prevention of disease, for the abolition of the slave trade and of privateering, for the humane conduct of war, for the prevention of the white slave traffic, for the protection of ocean cables, for arbitration, which derives much of its force from public opinion : the Hague tribunal and the League of Nations are accepted, up to a point, as arbiters between nations. All this is a proof, if one were required, of the need that mankind feels for these agreements, and of the reality and the moral binding force of the *Jus Gentium*.

SECTION 6. International Law

Definition

The body of agreed rules regulating mutual conduct, in which both of the contracting parties are States, is called International Law. It is obvious, as Holland says, that it differs from ordinary law in being unsupported by the authority of a State ; it lacks any arbiter of disputed questions, save public opinion, which gives expression to itself in the employment of force.¹

This law in its positive aspect subsists only between organized States, for the collection of independent States in Europe need not recognize a tribe of savages in Africa, nor consider such a tribe entitled to enjoy the privileges of International positive law, though all States must respect the principles of Natural law in their dealings with all other peoples, however degraded, or whether collected in a State or not. A State is defined, for purposes of International law, as a community of individuals possessing internal organization and complete independence ; it is thus seen to be self-sufficient and sovereign. For self-sufficiency, some degree

¹ Holland, *The Elements of Jurisprudence* (ed. 1916), p. 391, to which the writer is indebted for this Section.

of economic, judicial and military organization is required; for sovereignty it must have complete original jurisdiction over all its people in all internal and external relations. This definition is accurate so far as moral relations between people and people are concerned, for in dealing with them under this aspect, we need not adhere too closely to the definition given by the jurist.¹

The true nature and functions of International law have never been better described, says Holland—paying a well-merited tribute to one of the greatest theologians—than in the following passage of Suarez, in which they were for the first time adequately set forth : “ The foundation of this part of law (namely, International) is that the human race, how much soever divided into different peoples and kingdoms, possesses some unity, and that, not only specific but also quasi-political and moral, a unity that is indicated by the natural precept of mutual benevolence and mercy, to be extended to all men, of whatever nation they may be. Wherefore, though all several States, organized republics and kingdoms are themselves a perfect community compacted of their respective members, yet each is also a member of the great body, the human race, and therefore each requires some law whereby it is to be directly and rightly disposed in its relations and bondship with others. This is effected indeed by natural reason, in great measure, but not sufficiently nor very directly in every aspect of their mutual relations, and therefore it has been possible to introduce some particular laws through the usage of these several peoples.”²

There is a large school of jurists and philosophers who do not admit any moral obligations arising from International law, but base them, such as they are, altogether on quite arbitrary convention and the sanction of armed force. This view, and it is one that is very generally held in regard to all human law, cannot be admitted by Christian ethics or Catholic theology, and it is the purpose of this section briefly to point out that there are moral obligations arising from positive International law itself, and that some parts

¹ cf. Cronin, *The Science of Ethics*. II, pp. 633, 634.

² Suarez, *de Leg.*, II, c. 19, nn. 5, 9«

of this law are simply the expression of Natural law, with its sanction in conscience.¹

The Content of International Law

The whole science of International law may be summarily described as treating of International Status, Peace, Belligerency, Neutrality. States being conceived of as persons in their mutual relations, the Substantive law of nations investigates the rights of States, whether antecedent, that is, independently of any wrong-doing, or remedial, that is, by way of compensation for injury done, whereas the Adjective law prescribes the procedure by which the Substantive law may be enforced. This Adjective law is the law of belligerency in so far as it relates to disputants ; it is the law of neutrality, in so far as it relates to the conduct between belligerents and non-belligerents.

Antecedent International rights comprise the secure existence of a State, Reputation, Ownership, Jurisdiction, Protection of subjects and Treaty.

Remedial international rights are rights to compensation for injury inflicted, which may be by way of apology, as by salute to a nation's flag or by any other formal declaration of regret, or by restitution of territory or property, or by money indemnity. The Adjective law prescribes the procedure by which these rights may be lawfully enforced, which may be either by any way of friendly settlement or by war.

International law as it affects neutrals comprises rights and duties. The rights include sovereignty, security of a neutral's public ships, and of its subjects and their property ; the duties include restraints of various sorts, such as restraints on the neutral States, as to forbid the supply of troops, etc., to either belligerent, restraints on its own citizens and aliens residing under its protection, and acquiescence in the rights of either belligerent to punish a neutral's subjects for action prejudicial to the belligerent in certain cases.

¹ Frederick II expressed whole-hearted contempt for the precepts of International law : " Que ce Droit public manquant de puissance corrective n'est qu'un vain fantôme, que les souverains étalent, dans les factums et manifestes, lors même qu'ils le violent." cf. Holland, *op. cit.*, p. 393.

True moral obligation arises from International law. On the supposition that several States are in existence and have dealings with one another, any law that harmonizes these relations and without which States could not well subsist, must necessarily be part of the moral law, that is, binding in conscience, because the peace and order that ought to be maintained normally between States is a prime necessity of human life. Furthermore, if any International law at all is based on treaty, which is a contract and binding as such, this itself must have some sanction in honour and conscience, otherwise no treaty and no law would ever have any binding force from its inception, and a nation might violate treaties at any moment. The universal sense of mankind is opposed to such a view. It has been well observed that when treaties are violated, the parties who suffer are not slow to express abhorrence of the view that treaties exercise no moral obligation, and they are right, for otherwise the value of any treaty whatever would not be worth the paper on which it is written.¹

Some International law is an expression of Natural law. There are some rules of mutual conduct as between States that are morally binding on them, and where these are formulated as law they are simply the expression of antecedent obligations. The State is not a merely artificial person, but it is natural; States are independent of one another, they have natural rights, just as individuals have natural and not merely legal rights.

That these rights are truly natural is evident from the fact that no State can subsist without them. To deny this would be to make force the ultimate appeal, so that when men come together in a polity, they would be carrying on a precarious existence at the mercy of the strong. As such an existence could not possibly conduce to peace, happiness and progress, it would not be in accordance with the dictates of reason.

Some of the natural rights of States have been embodied in International law, others have not been so embodied

¹ Cronin, *The Science of Ethics*, II, p. 641, note.

because they are too obvious. As an individual, so a State, has the right to continued existence unless it has forfeited it, and since existence implies proprietorship of its lands, it has a natural right to property and its inviolability. If attacked unjustly, a State has a right to defend itself, and it can, therefore, enter into defensive alliances with other States ; furthermore, it can help other States which are unjustly attacked, so that the principle of non-intervention, as it is called, is false, and as such has been condemned by the Church.¹ A State, like individuals, can enter into contracts or compacts, and these contracts bind in conscience, unless we are to say, what no State dare publicly admit, that a nation binds itself to respect a treaty so long as it is profitable. Of course there are occasions when a treaty may be justly repudiated, but such occasions are rare ; the only clear cases are those in which the nation's existence or its serious well-being would be jeopardized by keeping the treaty, or when the other contracting party has violated it. A nation has to foresee, and its diplomats are paid for the purpose of foreseeing, future awkward contingencies ; it is unjust to repudiate a treaty when it ceases to benefit a State, unless, as already stated, its continued observance entails very serious consequences. All treaties are entered upon—and this is understood—in this spirit, and on that understanding.

The Russian Government, on October 28, 1870, addressed a circular to the signatory Powers of the Treaty of Paris announcing that it no longer considered itself bound by the clause of the Treaty which limited its sovereign right in the Black Sea. “It would be difficult to affirm,” it said, “that the written law founded on the respect for treaties, as the basis of public right and rule of the relations between States, has preserved the same moral sanction as in former times.” Bismarck suggested a Conference in London to arrange the affair. While conceding the Russian demand, the Conference, in order “to reconcile facts with principles,” agreed to the formula announcing, “that contracting Powers could

¹ Pope Pius IX, *Syllabus*, pr. 62.

only bind themselves of their treaty engagements by an understanding with their co-signatories.”¹

In addition to its natural rights to retain its own territory', a State can annex unclaimed territory and even territory overrun by nomadic uncivilized tribes, if these tribes simply wander about from place to place with no settled organization. By positive law, States exercise independent jurisdiction over the so-called territorial portion of the sea, within a three-mile limit, and this is a reasonable convention. Furthermore, as an individual has a natural right to amass a fortune, provided in doing so he is not unjust to others, so a State has a right to full development of all its resources, even to the extent of winning a world-empire, provided it do so without injustice.

SECTION 7. Law of the Land or Municipal Law

Where man lives in society, it is obvious that some supreme authority is necessary so as to safeguard rights, enforce duties, and coerce offenders, since man cannot live peaceably nor, in view *of his* ultimate end, fruitfully in society, unless he is helped by some authority which, in the nature of things, he assuredly requires. Indeed, so much does man feel the need of supreme legislative and coercive authority that he has set it up himself in many cases.

It is not to our present purpose to inquire into the origin of the State nor its authority, but assuming that a State is established on a firm basis, we inquire as to its actual power of binding the consciences of its subjects by its positive laws. That the civil authorities have power to impose obligations for the common good is evident, because this power is derived from Natural law, which dictates that men who live together in an organized State must pursue the good and refrain from the evil, in so far as the State is affected. Furthermore, as S. Thomas points out,² just human laws have the power of binding in conscience in accordance with the Eternal Law whence they are derived, according to

¹ cf. Philips, *Λ/οώππ Eurofte*, p. 47g, and note.

Prov. 8, 15 : “ By Mc kings reign and lawgivers decree just things.” But it may be difficult at times to discriminate between what is just and what is unjust, and assuredly it is not always within the power of the individual to determine the injustice of a law which he is asked to obey. Consequently, for the common good, it is necessary sometimes for individuals to submit to manifestly unjust laws, where appeal from them is impossible, and in matters of doubt, to give the benefit of the doubt to the law, if not for conscience sake, at least for the peace of the State. However, positive civil laws are manifestly binding in conscience in so far as they are just, and they are certainly just in so far as they are either the clear conclusions of Natural law, as would be the case of a law that obliges parents to educate their children, or when they are particularizing determinations of Natural law where this is vague, ambiguous or uncertain, as would be the case of a law that determines prescriptive rights, the rights of authors to a profit from their works, the laws of civil contract and others of a like nature.¹ A law, however, that merely bars action is a law that is designed to check undue litigation and protect citizens against old claims, and when that end is secured the whole law is fulfilled ; thus, by the Statutes of Limitation, action to recover a debt unclaimed for six years is barred, but the debt has to be paid like any other debt, and this obligation is one of conscience, since mere time does not extinguish such obligations.²

Laws are, on the other hand, unjust when they are contrary to human good,³ as when laws are imposed conducive only to the lawgiver’s vainglory or cupidity, or that exceed his power, or that impose unequal burdens. Such laws are acts of violence. So, too, are laws that are opposed to the divine good, such as the law forcing citizens to acts of

¹ Civil laws that impose—as they may—acts of virtue, as of justice, impose such acts as necessary, and violation of the law will be violation of the virtue imposed (Verm., I, n. 251). »

¹ This is the common teaching of Catholic theologians. The principle is not to be understood as applying to bankruptcy cases, for which see *infra*, vol. II, pp. 322—323, with note.

• S. Th., *loc. cit.*, ad 3.

idolatry or anything else contrary to divine law. A practical illustration of this principle is the law that voided legacies for 'superstitious uses' as they are called. Where the Courts interpreted Masses for the dead as a 'superstitious use,' and have voided legacies for Masses, two errors have been made; the one, that Masses for the dead are a superstitious use at all; the other, that the Church as a society cannot validly become seised of legacies left to her to be used at her discretion, even though such bequests do not fulfil all civil legal formalities.¹

Apart, however, from cases where civil law is manifestly just or unjust, it is of practical importance to know if it can be said that in the concrete, civil law as such does bind the conscience. On this subject there are various opinions.²

I. Blackstone and others think that "where laws determine rights, as that such or such a field belongs to Titius, it is a matter of conscience no longer to withhold or invade it. So, also, in regard to natural duties and such offences as are *mala in se*; here we are bound in conscience, because we are bound by superior laws, before those human laws were in being, to perform the one and abstain from the other. But in relation to those laws which enjoin only positive duties and forbid only such things as are not *mala in se*, but *mala prohibita* merely, without any intermixture of moral guilt, annexing a penalty to non-compliance, here I apprehend conscience is no farther concerned, than by directing a submission to the penalty, in case of our breach

¹ This point is not now upheld in English Law Courts. On appeal to the House of Lords (June, 1919), judgment was given by a majority of four to one in favour of the legality of bequests for Masses for the dead. The judgment was a reversal of previous decisions (1834, 1860, 1861, 1875, 1917), all of these misconstruing, so the Lord Chancellor said, the original Chancery Act (1 Ed. VI, c. 14). Masses for the dead ceased to be a superstitious use when Catholicism became openly tolerated. Mr. Justice Luxmoore in giving judgment (Nov., 1933) in *re Caue; Lindeboom v. Camille*, stated that "a gift for the saying of Masses constituted a valid charitable gift." Though legal advice should always be taken before bequeathing money for Masses for the dead, it is stated that gifts for Masses may now take the form of a trust, that such a trust will be entitled to remission from taxation, and will not be in danger of failing on the ground of its infringing the rule against perpetuities.

² cf. Slater, in *The Month*, Aug., 1898.

of these laws ... It must, however, be observed that we are here speaking of laws that are simply and purely penal, where the thing forbidden or enjoined is wholly a matter of indifference, and where the penalty inflicted is an adequate compensation for the civil inconvenience supposed to arise from the offence. But where disobedience to the law involves in it also any degree of public mischief or private injury, there it falls within our former distinction, and is also an offence against conscience.”¹

2. The school of Austin maintains that every law is a command: “A command is distinguished from other significations of desire by this peculiarity, that the party to whom it is directed is liable to evil from the other, in case he comply not with the desire. Being liable to evil from you if I comply not with a wish which you signify, I am bound or obliged by your command, or I lie under a duty to obey it . . . But it is only by the chance of incurring evil, that I am bound or obliged to compliance. It is only by conditional evil that duties are sanctioned or enforced.”²

According, therefore, to this school, the evil incurred for the violation of law is the only sanction of law. There is no question of any moral obligation.

3. Holland may be considered the most recent exponent of a large school of jurists, and, therefore, his opinion is valuable to us in this discussion. He says: “The real meaning of all Law is that unless acts conform to the course prescribed by it, the State will not only ignore and render no aid to them, but will also, either of its own accord or if called upon, intervene to cancel their effects. This intervention of the State is what is called the ‘Sanction of the law’ . . . Before the commission of the wrong, the announcement of State intervention in case of its commission operates upon the general mind by way of threat of punishment. Law is, in fact, formulated and armed public opinion, or the opinion of the ruling body.”³

4. Pollock clearly admits the obligation in conscience to

¹ *Commentaries*, I, p. 57.

¹ *Lectures on jurisprudence*, I, p. 90.

³ Holland, *The Elements of Jurisprudence* (ed. 1916), p. 89.

obey positive human laws.¹ He says : “ There is no law of nature that prescribes driving on either right or left hand side of the road . . . But in a land of frequented roads, there must be some fixed rule in order that people who meet on the road may know what to expect of one another. And the rule being fixed either way for the sake of general convenience, we are bound in moral, as well as in legal, duty to observe the rule as we find it.”

5. Others, as T. H. Green, deny that any moral obligation is or can be imposed by a legislator.

6. Modern Catholic theological opinion is as follows :

(a) Archbishop Kenrick speaking of the laws of the United States thought that besides the civil laws which explain the Natural and divine positive law, there are others which are binding in conscience, namely, such as promote the good morals of the subjects, as, for example, the law prohibiting the sale of intoxicating drinks without a licence.

(b) Noldin thinks that most laws nowadays are penal, that is, unless they are naturally preceptive, because modern Governments have the means of coercing subjects, they rely on external coercive measures, and thus imply that they do not go beyond penal measures, and good people do not commonly suppose otherwise.

(c) Slater thinks that the common opinion in England favours this view of Noldin.

(d) Lehmkuhl thinks that modern legislators hardly think about serious obligations in conscience when framing laws, and he quotes in support of his view an Instruction (June 23, 1830), given by the Sacred Congregation *de Propaganda Fide*, and therefore we need not regard the formal intention of the legislator, but only the matter of the law (I, n. 312).

(*) Génicot is of opinion that most civil laws are merely penal, and that this is the common conviction of the people.

(f) Bucceroni, quoting Suarez, thinks that if a strict precept is not expressed by the wording of a penal law, the law is presumed to be merely penal, that is, it binds one in

» Pollock, *First Book of Jurisprudence* (ed. 1896), p. 49.

conscience either to observe the law or undergo the penalty when it has been imposed, if the penalty is a reasonable one. But this presumption is not to be made, if the circumstances or the matter or the penalty itself suggest a virtual precept. Some laws, though once not merely penal, have become so because they have been observed as penal only. Again, laws which are effectually enforced by public authority are to be considered penal.

(g) Barrett, speaking of the United States, asserts positively that it cannot be maintained that all laws there are merely penal. His chief reason is that those who make the laws know that the greatest factor that makes for unity and obedience is the respect due to authority, and that laws for the safeguarding of public morals and for the prevention of crime are consciously made for the necessary peace of the State. His appeal is ultimately to the intention of the legislator.

(A) Ferreres thinks that civil laws bind in conscience unless it was the intention of the legislator to bind under penalty only, and this intention can be gathered from the matter or words of the law, and from the custom of good citizens. In doubt, however, they are not to be presumed to be merely

(:) Vermeersch (II, n. 348) thinks that civil laws, as such, do not bind the conscience, but that in the matter of justice they do, to the extent necessary to safeguard public order and peace.

Practical Conclusions

In view of the opinions quoted, it seems reasonable to maintain that in England, law is merely penal, except where it more exactly determines Natural law. The main reasons for thinking so are that the observance of law is effectually secured by public authority, every law has a penalty attached to its infringement, law is strictly administered, legislators and judiciary never appear to rely upon anything except penalty, and common opinion regards law as strictly penal. It must not, of course, be concluded that no civil laws bind in conscience. Very many indeed do so, because they are

by their nature conducive to the protection and peace of the State, and so far forth are simply applied Natural law.

J. A. Ryan, D.D., takes the view that some civil laws may be purely penal but that their number is probably small; this view cannot, we believe, be maintained. We think that the opinion of Vermeersch (I, n. 253), namely, that only those laws bind the conscience and are, therefore, to be obeyed under sin, which ought to have such moral force for the sake of the common good, is a very tenable one.¹ Lest the reader think that this view on the actual binding force of modern civil laws is peculiar to some Catholic theologians, it may be of interest to record the view of a thoroughly representative lay spokesman of the Anglican Church, Lord Hugh Cecil. He wrote: "No one does, in fact, ever dream of obeying any law merely because it is the law. This is true of every law', so far as I know, without exception. . . The obligation to obey the law as nude law is not regarded by anyone; there must be some consideration of religion or morality or social order or general or individual right or public convenience or the like, clothing the law with moral force, if it is to secure the obedience of citizens."² The purpose of the letter was apparently to repudiate the binding force of the Act of Uniformity of Queen Elizabeth. This contention is a return to the true view, that the Church exists in the world as an independent Society, and that the State has not the power to make laws that affect the Church in its spiritual relations with its members, or in the means which it employs for the purpose of its existence.

SECTION 8. Ecclesiastical Law

I. As the Church is a Society, perfect and independent, with a definite end, namely, to teach, guide and help men to salvation, it has the power of ruling its subjects in the manner, and only in the manner, prescribed by its founder, Jesus Christ, in order to secure this end. The power, then, of making laws is vested in those who have supreme authority

¹ Dr. Ryan submits it to lengthy criticism in *The Catholic Church and the Citizen*, c. iv.

² Letter to *The Times*, on 'Church and State' Jan. 19, 1929.

in the Church, and in others to whom such power is delegated.

The Pope is the shepherd and teacher of the faithful and has by divine right and delegation the primacy of jurisdiction, being successor, *de jure* and *de facto* of S. Peter, so that he is the supreme lawgiver in the Church, jurisdiction being the power of ruling subjects in matters over which the Superior has control. The Pope, then, can make laws for the whole Church because he is the successor of S. Peter.

This power is truly episcopal, ordinary and immediate over all churches taken together or separately, over all the pastors and faithful of the Church (c. 218, 2).

2. An Ecumenical Council can make laws for the whole Church, but only if convoked by the Pope, presided over by him or at his direction, and if its decrees have been confirmed by him and promulgated by his orders (cc. 222, 227, 228). If, during a Council, the Pope dies, it is *ipso jure* prorogued, until a new Pope orders its deliberations to be resumed (c. 229).

3. A Plenary Council comprising several ecclesiastical provinces is to be convoked and presided over by a Papal

4. A Provincial Council, for each separate ecclesiastical province, is to be convoked every twenty years by the metropolitan, who also presides over it (cc. 283, 284). The deliberations of the members of these Councils are to regard the exercise of faith, the guidance of conduct, correction of abuses, settling of controversies, preservation of discipline. The acts and decrees of such Councils have binding force, only after they have been submitted to the Holy See, and after they have received revision and recognition by the Sacred Congregation of the Council, and subsequently promulgated, but this action does not constitute the Acts of the Council papal decrees, though it guarantees them with added authority.¹ Local Ordinaries cannot dispense from any of these decrees except in particular cases and for a just cause (cc. 290, 291).

¹ Verm.-Circus., *Epit.*, i, n. 360.

5. Bishops are the successors of the Apostles, and by divine institution are appointed over particular churches, which they rule by their ordinary power under the authority of the Roman Pontiff (c. 329). They have the right and duty to govern their several dioceses. Their laws bind at once after promulgation unless the contrary is therein expressed (c.335).

6. Superiors of Religious have also legislative power, within the limits of the constitutions of each Institute. In this context the following definitions are of importance (c. 488) :

(a) Religious are those who have taken vows in an approved Institute.

(Z) A Religious Institute is one that is approved by legitimate ecclesiastical authority, wherein the members, in accordance with the laws peculiar to each Institute, take public vows, whether perpetual or temporary, the latter being renewable after a fixed time, and aim thereby at evangelical perfection.

(r) A clerical Religious Institute is one in which most of its members are ordained priests.

(d) An exempt Religious Institute is one that is exempt from the jurisdiction of the local Ordinary.

7. The Superiors and Chapters of Religious Institutes have dominative power over their respective subjects, in accordance with their several constitutions and the common law of the Church. But in an exempt clerical Religious Institute they have ecclesiastical jurisdiction in both the internal and the external forum (c. 501).

8. The title of Patriarch, or of Primate in the Western Church, carries with it no special jurisdiction, unless by a particular law the contrary is stated in some special cases

9. The metropolitan or archbishop has the same legislative power in his diocese as a bishop, but he cannot make laws for the dioceses of his suffragan bishops ; he can, however, exercise some other acts of jurisdiction determined by Canon law, such as granting certain indulgences, hearing confessions, absolving from episcopal reserved cases, inflicting censures, but only in accordance with the canons at the time of visitation (c. 274, 5).

io. The Superioress of nuns has no legislative power, though she can issue particular precepts and insist on domestic discipline by orders that are strictly binding.

SECTION 9. The Roman Congregations, Tribunals, Etc.

Congregations

As frequent reference is made in all books of Moral Theology to papal documents and to the decrees of Roman Congregations, it will be of interest to give a brief account of these.

Congregations of the Cardinals were first instituted in the sixteenth century. Pope Sixtus V in 1588 reformed the previous administrative machinery, and established fifteen such Congregations to maintain discipline and administer justice. In the course of time the work of several of them overlapped, some were overwhelmed with business, whilst others had very little. A few modifications were made by Pope Leo XIII and later by Pope Pius X in the early years of his pontificate, but by the Constitution of June, 1908, *Sapienti Consilio*, Pope Pius X revised the work of all of them, and subsequently, in 1917, the New Code of Canon law, promulgated by papal authority, settled the present discipline (cc. 247-264).

1. The Congregation of the Holy Office is the guardian of Catholic doctrine in Faith and morals, it passes judgment on heresy and crimes which excite suspicion of heresy, it deals with the Pauline Privilege,¹ the marriage impediments of disparity of worship and difference of religion, the prohibition of books, the Eucharistic fast of priests. Pope Benedict XV merged the Congregation of the Index into that of the Holy Office by the *Motu Proprio, Alloquentes*. The Holy Office has now exclusive competence in all matrimonial causes between a Catholic and a non-Catholic (S.O., May, 1928).

2. The Consistorial Congregation prepares the *agenda* for the Consistories, settles new dioceses, provinces and

¹ Briefly, the Pauline Privilege is the privilege which a Christian enjoys, by which he or she may be divorced from an unbaptized spouse under certain circumstances. For a fuller explanation, see the treatise on Marriage.

chapters, outside the jurisdiction of the Propaganda, proposes bishops and their auxiliaries, investigates the government of dioceses.

3. The Congregation of the Discipline of the Sacraments sees to the discipline regarding all the Sacraments—excepting what belongs to the Holy Office and to the Congregation of Sacred Rites—to all concessions in the matter of the discipline of the Sacraments and in the celebration of the Eucharistic Sacrifice, except what has been reserved to other Congregations. It judges also of the non-consummation of marriage and of causes of dispensation. It may also pass judgment on the validity of marriage. It sees to the obligations of those in major Orders, and examines the validity of ordinations.

4. The Congregation of the Council has charge of the universal discipline of the secular clergy and of the faithful, of the precepts of the Church, of dispensing in them, of parish priests and canons, sodalities, pious legacies, Mass stipends, benefices, offices, church property, diocesan taxes, ecclesiastical immunity, the celebration and recognition of Councils, where the jurisdiction of the Propaganda does not operate.

5. The Congregation of Religious sees to the ruling, discipline, studies, property privileges of Religious of both sexes, whether of solemn or of simple vows, of others living in common like Religious, and of secular Third Orders; also to dispensations from the common law for Religious, except in the Eucharistic fast for priests.

6. The Congregation for the Propagation of the Faith presides over the missions and has under its care Seminaries that are founded for foreign missions, the administration of them and concessions in respect of such Seminaries. Its power is restricted in matters of Faith, matrimonial causes and sacred rites.

7. The Congregation of Sacred Rites examines into and frames decrees on all that relates immediately to the sacred rites and ceremonies of the Latin Church, particularly in respect of the celebration of the Mass, administration of the Sacraments, performance of the divine service, granting

of dispensations in these matters, and bestowing insignia and privileges relating to sacred rites and ceremonies ; it deals with beatification and canonization and sacred relics.

8. The Congregation for Ceremonial regulates the ceremonies of the pontifical chapel and court, the sacred functions which Cardinals perform outside the pontifical chapel, the order of precedence of these same and of representatives sent by the Holy See.

9. The Congregation for Extraordinary Ecclesiastical Affairs deals with matters submitted to it for examination by the Roman Pontiff, especially those which relate to civil laws and pacts between the Holy See and different States, also with the constitution and division of dioceses, promotion to vacant dioceses, whenever civil governments are to be consulted in such arrangements.

10. The Congregation of Seminaries and Universities of Study sees to the government, discipline, temporal administration, and studies in Seminaries, except in matters within the cognizance of the Congregation of the Propagation of the Faith, the regulation of the government and the studies in Universities and faculties which depend on the authority of the Church, including those directed by members of any Religious Institute ; it examines and approves new institutions, grants faculty for conferring academic degrees, and itself grants such in special cases.

11. The Congregation for the Eastern Church deals with all matters relating to the persons, discipline or rites of Eastern Churches. It was constituted as a distinct Congregation from May 1, 1917, and has full powers just as other Congregations have for churches of the Latin rite, without prejudice, however to the powers of the Holy Office.

12. There is also a Congregation for the fabric of S. Peter's, Rome.

Tribunals

I. The Sacred Penitentiary has jurisdiction only over the internal forum of conscience, non-sacramental as well as sacramental ; it grants favours, absolutions, dispensations,

commutations, sanations, condonations, and examines and decides questions of conscience. It settles all that pertains to the use and granting of indulgences, without, however, touching the rights of the Holy Office as to the dogmatic doctrine involved in these indulgences or in new prayers and devotions.¹

2. The Sacred Roman Rota takes cognizance of all contentious cases, except major ones, without prejudice to the rights of the Holy Office and the Congregation of Sacred Rites.

3. The Apostolic Segnatura deals with particular cases regarding the sentences and the auditors of the Rota, and can settle controversies as to the jurisdiction of inferior tribunals.

The Offices

1. The Apostolic Chancellery forwards Apostolic letters for the provision of Consistorial benefices and offices, for the institution of new provinces, dioceses and chapters and other greater affairs of the Church.

2. The Apostolic Dataria takes cognizance of the fitness of those to be promoted to non-consistorial benefices reserved to the Holy See, draws up and forwards Apostolic letters conferring these benefices, dispenses from conditions required for conferring these benefices when the local Ordinary has not the right of conferring them, sees to the pensions and charges imposed.

3. The Apostolic Chamber sees to the property and temporal rights of the Holy See, especially during vacancy.

4. The Secretariate of State deals with extraordinary ecclesiastical affairs in the Congregation *ad hoc*, and sees that other affairs are submitted to their respective Congregations; secondly, it deals with ordinary business; thirdly, it sees to the despatch of Apostolic briefs.

¹ The faithful may have recourse to this Congregation either directly or through a confessor. The letter may be written in any language and addressed: Sacra Penitenziaria, Via del S. Officio, Roma. Usually, the petition should employ pseudonyms, and should give the address to which the reply may be sent.

5. The Secretariates of Briefs to Princes and of Latin letters compose in Latin the acts of the Supreme Pontiff.

Nothing serious or out of the ordinary may be done in the above-mentioned Congregations, Tribunals or Offices, unless previously notified to the Roman Pontiff by their presidents (c. 244).

All sentences, whether of grace or of justice, require pontifical approval, except in cases where special faculties have been granted to the presidents of the said Offices, Tribunals or Congregations, and excepting the sentences of the Tribunal of the Sacred Rota and of the Apostolic Segnatura (c. 244).

Commissions

1. The Pontifical Biblical Commission issues its rulings on Holy Scripture, and these decisions are binding as the doctrinal decrees of the Sacred Congregations approved by the Pope. So Pope Pius X expressly declared in the *Motu Proprio, Præstantia Scriptura*, of November 18, 1907.

2. The Pontifical Commission for the authentic interpretation of the canons of the *Codex Juris*.

3. The Pontifical Commission for the revision and correction of the Vulgate.

4. The Pontifical Commission for Religious works.

In addition there are three Commissions of Cardinals, the first for the preservation of the Faith in Rome, the second for Historical Studies, the third for the administration of the property of the Holy See.¹

SECTION 10. Papal Documents

Apostolic Constitutions

Legislation issued by the Roman Pontiff is embodied in a Constitution.

Papal Rescript

A Papal Rescript is a reply of the Pope or of a Sacred Congregation, in writing, to a petition or query of an

¹ For the practical working of these Congregations today, cf. *The Papacy* being Papers read at the Cambridge Summer School, 1923, edited by Rev. C Lattey, S.J., p. 203.

individual. If a favour is granted, the rescript is said to be *informa gratiosa* : if the execution of the favour asked for is delegated to another, the rescript is said to be *informa commissoria*.

Encyclical

An Encyclical is a letter addressed by the Pope to the Patriarchs, Primate, Archbishops and Bishops of the Universal Church in communion with Rome. It is, however, sometimes used in a restricted sense for a letter addressed to the Archbishops and Bishops of some particular country. The more solemn are called encyclical letters, the less solemn, encyclical epistles.

Bull

A Bull is a patent papal letter issued in solemn form concerning grave matters. The word 'Bull' signifies 'seal' and such letters are termed '*litteræ bullata*' or letters under seal.

Brief

A Brief is a less formal document than a Bull, being an Apostolic letter written by command of the Roman Pontiff and signed by the Cardinal Secretary of State or substitute. It is given '*sub anulo Piscatoris*' the seal being a red seal portraying S. Peter, the Fisherman.

In addition, the Pope issues allocutions *viva voce*, as Consistorial allocutions.

SECTION 11. The Canons

The Canons of the *Codex Juris* are the several ecclesiastical laws collected under one form. The Sacred Congregations issue decrees, with special approbation of the Pope. The term Statute is restricted usually to episcopal or diocesan law. Provincial Councils, as those of Westminster, issue their laws as decrees, such as the Provincial decrees of Provincial Synods and decrees of a National Synod. In view of the recent codification of Canon law we may here

confine our attention to the Canon Law strictly so called, as this is the common law of the Latin Church.

The word ' canon ' means a rule or practical direction, and it was first applied in the legal sense to the ordinances of Councils. In the twelfth century, the distinction between Canon law, the rule of the Church, and Civil law, the rule of the State, became current.

That collection of the Canons, called the *Corpus Juris*, is the most celebrated. It is a compilation beginning with Gratian's *Decretum* in the twelfth century, the first methodical digest of Canon law. The second book of the *Corpus Juris* contains official series of Canons made by the Popes ; they are the Decretals of Gregory IX, the Sext and the Clementines, the *Extravagantes* of John XXII and the *Extravagantes Communes*. The last two collections and the *Decretum* of Gratian were mere private collections. After the *Corpus Juris* was closed, the sources of law were still, of course, the decisions of Councils, especially those of Trent (1545-1563), the Apostolic Constitutions of the Popes, the decrees and decisions of Roman Congregations, the Canons of Provincial Councils and diocesan statutes. In the growing mass of Ecclesiastical law, which gathered momentum in every decade, it became practically impossible to trace any unity. Pope Pius X, therefore, in 1904 determined to inaugurate the codification of Canon law ; it was to be the authoritative code for the Latin Church from Whit Sunday 1918. The reason for the new codification is given in the *Motu Proprio, Arduum Sane*, of Pope Pius X in these words : " The very mass of the collections (of Ecclesiastical law) produced no slight difficulty, for in the course of time a very great number of laws had been made ; not a few of them suited to their own times became obsolete or were abrogated, some others, owing to changed circumstances, proved either difficult to observe or less useful to the general good of souls."

This new Code is, therefore, the common law of the Latin Church at present. It comprises two thousand four hundred and fourteen canons, and eight papal constitutions. The Canons are divided into five books, under the five titles,

General Directions, Persons, Things, Processes, Crimes and their penalties.¹

Besides this common law, each province and diocese will have its particular laws and customs, to be determined from time to time, as occasion requires, by the archbishops and bishops in Provincial Council or by the bishop for his own diocese.

¹ For the history* of this codification, cf. Ayrinhac, *Central Legislation in the New Code of Canon Law* p. 70 sqq.

CHAPTER IV

SUBJECTS OF LAW

Law is presumed to be territorial unless the contrary is evident ; it therefore binds subjects within its territory only. This principle has been accepted since Pope Boniface VIII.¹ Law is sometimes particular and personal. The common law of the Church appears to be personal² and thus always binds its subjects everywhere.

Ecclesiastical law does not directly bind the unbaptized nor those who, though baptized, have not the habitual use of reason, nor those who, baptized and having the habitual use of reason are under seven years of age, unless in the last case the contrary is expressly stated (c. 12) ; the contrary has been stated in respect of confession and annual Holy Communion (cc. 859, 906), and Confirmation (c. 788).

Those who have not reached puberty (males 14 years, females 12 years), do not incur censures *lata sententia* (c. 2230). It is probable that the age of fourteen applies to females also.³ The censures referred to are those which would be incurred *ipso facto* after conscious delinquency against the known law.

Heretics and schismatics are subject to Ecclesiastical law, unless the Church dispenses them, as it does in the case of heretics from the form for marriage celebrations (c. 1099), and implicitly for the impediment of disparity of worship (c. 1070). Baptism enrolls the baptized in church membership.⁴

It is, however, held by most divines that the Church does not impose those laws on heretics which regard personal sanctification only, whereas it does impose on them such

¹ c. 2, *de Constit.*, I, 2, in 6°.

² Ojetti, *Comm. in Cod.*, I, p. 82, note 8.

* Génicot, II, n. 566 ; Venn., I, n. 283, relying on pre-Code teaching, which may still be accepted.

⁴ Acts 2, 4T ; i Cor. 12, 13 ; Eugenius IV, *Decret. pro Armenis* : “Per ipsum enim baptismum de corpore efficiamur Ecclesiae.” Baptism by water is meant ; not baptism of desire (cf. Wernz, *Jus Decret.*, I, n. 103, note 81).

laws as regard the common good of the Church as a Society, such as the laws that regulate the validity of Christian marriage. Those who have apostatized or who proclaim their infidelity do not enjoy the favour of any exemption from church law.¹

Though Catholics are not forbidden to co-operate materially with non-Catholics when the latter violate church law which does not bind them, nevertheless, they may not positively induce heretics to act against the law, for this would savour of contempt, scandal and formal co-operation. The opinion stated above is probable, though canon 87 might appear to be opposed to it, for the canon speaks of Baptism enrolling a person as member of the Church of Christ, with all the rights and duties of Christians, yet goes on to say that in regard to rights, there may be some element present that is an obstacle to the bond of union, or some censure may have been inflicted by the Church. There is no explicit declaration that heretics are not subject to church law. Nevertheless, the opinion referred to above is commonly taught. It may be acted upon when the confession of a convert is heard, that is to say, no attention need be paid to violation of church precepts, since converts have not been guilty of formal sin. But there is no doubt that heretics are subject to matrimonial impediments—with the exceptions mentioned above—so that, if they marry invalidly with any ecclesiastical impediment present, their marriages are merely putative, and the offspring, if any, will be legitimate by favour of the Church.²

The excommunicate are subject to Ecclesiastical law though they have been cut off from visible union with the Church ; else their contumacy would favour them. But there are some acts of fulfilment of law forbidden to them, as being present at divine offices as a matter of right (c. 2259, 1).

State law binds the subjects of a State if they have habitu-

¹ Verm., I, η. 280.

* cf. Wernz (*Jus Duret.*, I, n. 103, note 80), who rejects the opinion that heretics are exempt from church law ; cf. also van Hove (*op. cit.*, n. 193), citing many authorities in the same sense.

ally the use of reason. Whether the obligation is penal only or also moral (*antefactum*) is a disputed point.

Clerics are not bound by such civil laws as are contrary to their state, its dignity, or duties, or to the Canon law. They are bound by all other laws, indirectly at least, that is, by the consent of the Roman Pontiff, though probably directly by virtue of the power of the State law itself.¹ But the Church has established methods of procedure for the citation of clerics to the civil or criminal Courts (cc. 120, 2341). These methods are modified by Concordats.

Strangers (i.e., those who have a domicile or quasi-domicile outside their actual place of present residence) are not bound by the particular ecclesiastical laws of their own territory whilst absent from it, unless their violation produce its effect in their own territory—as if a parish priest violate the law of residence or if a libel is published against church authority in a given place,—or unless the laws are personal (c. 14) ; nor are they bound by the particular church laws of the place where they are—even if in force in their own territory—unless such laws are designed to secure public order or determine legal formalities. They are, however, bound to observe the common law in force where they actually reside, even though it is dispensed in their own territory. They are also subject to the reserved cases of the Ordinary of their actual place of residence, since reservation by the Ordinary is not a particular law but a limitation of jurisdiction² ; they are perhaps exempt from the general censures of the local Ordinary, but the opinion appears to have very little justification.³

Persons who have no fixed abode (*vagi*) are bound by the common law, and also by the particular laws of the place where they reside (c. 14, 2).

¹ cf. Verm., I, n. 335.

¹ P.C.C.J., cf. A.A.S., 1920, p. 575.

* Layfolk residing in a house of exempt Religious are probably not exempt from particular diocesan laws and episcopal censures : Verm., I, n. 288 ; Verm.-Creus., I, n. 85 ; van Hove, *op. cit.*, n. 211. The contrary view, however, is defended by some modern authors : Gén., I, n. 114 ; Noldin, I, n. 151 ; Capp., *de Cens.*, n. 20 ; and by S. Alphonsus, lib. 1, n. 157. This view is probable ; cf. also Ojetti, *Comm. in Cod.*, I, p. 119.

A few practical applications of the foregoing principles may be pointed out :

1. A stranger (as defined above) is not bound to observe a particular local law of fasting, abstinence, attendance at Mass, if no scandal arises.

2. A stranger, before departure from a place where the common law of fasting and abstinence is not binding, may avail himself of the exemption. If he arrive home on the same day, and by common or particular law the day is one of fasting and abstinence, he is not bound to fast if the fast is no longer possible, as would be the case, had he already taken more than fasting fare ; but he would be bound to abstain from flesh meat.

3. A stranger, before departure from his abode where the common law of fasting and abstinence is in force, is bound to abstain, but is not bound to fast, if he intends to arrive at a place, on the same day, where the law of fasting is relaxed, for the law of abstinence can be violated and observed more than once in the day, not so the law of fasting.

4. Before departure from his home where the Mass precept is in force, he would not be bound by the precept, if, before the hour of the last Mass in his territory, he will reach a place where the precept is not in force.

5. Strangers are bound to conform to local custom in the matter of fasting fare (c. 1251).

6. The substance of the precept of abstinence in Lent is that there are two days of abstinence each week. If, therefore, a stranger visits a place where the days of abstinence are Wednesday and Friday, though they are Friday and Saturday in his own territory, he must abstain on Friday, and on either Wednesday or Saturday, but in any case he must avoid scandal (S.C.C., Feb. 9, 1924).

7. A stranger may not now—as probably he could formerly—go from his territory to be absolved from an episcopal reserved case, if the same case is reserved in the place to which he goes, for, as has been said, reservation of sin directly affects a confessor's jurisdiction over that sin.

CHAPTER V

PROMULGATION OF LAW

Promulgation of law is its authentic publication made to the community by the legislator. Laws are enacted when they are promulgated (c. 8). Promulgation is necessary that the obligation may arise, and in order that a law may bind the conscience, both promulgation and personal knowledge of it are necessary. An obligation in conscience cannot be imposed on a rational being except through knowledge of a law,¹ but in the external forum knowledge is presumed when a law is in force.

Private knowledge of a law before its promulgation begets no obligation.²

Laws of the Apostolic See are now promulgated by the fact of publication in the official Commentary (*Acta Apostolicæ Sedis*), unless another method is indicated. Such laws begin to bind three months after such publication, unless they obviously bind at once from the nature of the case, or unless some other provision is expressly stated in the law (c. 9).

Doctrinal decrees which concern Faith or morals bind at once, as also declarations of divine law.

Episcopal laws are promulgated as determined by the bishop; they bind at once on publication, unless the contrary is stated (c. 335).

Municipal law binds from the time indicated in the promulgation.

An authentic interpretation of a law requires promulgation if it limits or extends law, or explains what was doubtful.

¹ S. Th., *ω Verit.*, q. 17, a. 3.

² Holland (*The Elements of Jurisprudence*, p. 42, note) states that in Japan, down to the year 1870, laws were addressed only to the officials, whose duty it would be to administer them, and might be read by no one else, in accordance with the Chinese maxim: "Let the people abide by but not be apprised of the law."

CHAPTER VI

OBLIGATIONS OF LAW

At.t. divine laws and all ecclesiastical laws bind the conscience.

State law that is just can bind the conscience immediately and directly if the legislator so wishes, for legislative authority is derived from God and has divine sanction : “ Let every soul be subject to the higher powers. There is no authority that is not from God, and the existing authorities are appointed by God” (Rom. 13, 1).

It is, indeed, disputed whether State law is anything more than penal in England, but penal laws beget a moral obligation of accepting a just penalty and undergoing it.

Negative or prohibiting laws bind on all occasions and never cease to bind ; positive laws, as : “ Honour thy father,” never cease to bind, but do not bind to uninterrupted acts of compliance. A child must always honour its parents, but need not be always honouring them.

The obligation of law is grave or light in accordance with the matter enjoined and the will of the legislator. Grave matter may be enjoined under light obligation, light matter cannot be enjoined by human legislators under grave obligation, but what appears to be light may' be very grave in view of circumstances, scandal, the common good, and the prudent unbiased citizen will usually judge aright.

To determine whether the matter of law is grave or light, it will be necessary to consider the words of the law, its object, its motive, the circumstances, its sanction, and its customary' interpretation. In general, matter will be grave, if the object which the law aims at securing is of very great importance, such as paschal Communion.

Violation of law even in light matters will be a grave sin, if there is implied a serious contempt of all legitimate authority, because such contempt is virtually contempt of God.

A law based on presumption of a fact does not bind if the fact is falsely presumed.

A law based on presumed danger always binds, even if in a particular case the danger is absent, or may be reasonably presumed to be absent. The Church forbids universally the reading of prohibited books, and the State punishes negligence that is calculated to jeopardize the safety of citizens.

Law binds not only to its observance but to the taking of ordinary means to come to the knowledge of it, to employing ordinary care to observe it, to removing or anticipating obstacles that would prevent its fulfilment (though not so, in remote contingencies), and to the avoidance of the proximate danger of violating it ; otherwise laws would be foolish and authority futile.

CHAPTER VU

FULFILMENT OF LAW

To satisfy the moral obligation imposed by a law, one must have the intention of doing, in a rational way, what the law actually enjoins, though not necessarily of acting from the motive of obedience, nor of adopting the motive or purpose of the law. Thus, the precept of abstaining from flesh meat is fulfilled by one who eats fish by preference : * *Finis legis non cadit sub praeceptum legis*' Thus, too, sacrilegious confession or Communion does not fulfil the Church's precept, because worthy reception is enjoined,¹ whereas the precept of hearing Mass is fulfilled, if Mass is heard so as to be externally an act of divine worship, even though the hearer be in the state of grievous sin, or have concomitant evil intentions, or sin during Mass, or go to hear Mass with evil motives, or is unwilling to fulfil the obligation—provided always that he gives sufficient attention to the Mass so that he can be said to hear Mass.

Several laws can be fulfilled by one and the same act, if the matter or motives of them are not mutually exclusive. A sacramental penance of fasting cannot be fulfilled by a fast already due on other grounds, unless so intended by the confessor, an intention not to be presumed, whereas, a vow to pay a debt is fulfilled by paying the debt. The obligations of justice and of religion are then fulfilled by one and the same act.

When a law fixes a time for its fulfilment, it continues to bind, if the time is assigned merely for the inception of the obligation, as the precept of paschal Communion ; but if the law assigns a time-limit or fixes a day, it ceases to bind after the time has passed, as the precept of Friday abstinence.

Though the intention of fulfilling the purpose of a law is not necessary for its fulfilment, yet one must intend to do what the law enjoins. Thus, law is not fulfilled by a priest

¹ Pope Alexander VII condemned the proposition that a sacrilegious confession fulfils the Church's precept, and Pope Innocent XI, that sacrilegious Communion fulfils the precept (cf. c. 861).

who reads the lessons of the second Nocturn merely from curiosity, nor by one who goes to Mass merely to hear the music without paying any attention to the Mass itself, nor by one forcibly kept at Sunday Mass under duress, being unwilling to hear it.

A law that forbids an action is fulfilled if one refrains from the action from any motive whatever ; a law that imposes a tax is fulfilled, even if the tax is paid by proxy.

When the entire matter imposed by law cannot be completed, part must be done, if possible, and if the matter is capable of being divided. Thus, if one cannot abstain from meat on the evening of an abstinence day, abstinence is obligatory up to that time ; if a priest cannot recite all the divine office of a given day, he is bound to recite what he can ; if one must be a little late for Sunday Mass, this circumstance does not exempt one from Mass altogether.

If no time is determined for the fulfilment of a law or of an obligation, compliance may take place at any time, unless the matter become urgent, as it might in the case of debts, or unless delay prejudice the case in some way, as it might in the case of a vow.

Law need not be fulfilled before the legal time, even if it be foreseen that it will never otherwise be fulfilled. But in a case of debt for goods received, if the debt cannot be met when payment becomes legally due, it must be met beforehand, if reasonably possible, or the goods restored, for creditors may not be exposed to loss by delays.

If legal time is running as, v.g., paschal time, and the precept can be fulfilled, it must be fulfilled without undue delay if an obstacle to its fulfilment is foreseen to be likely to arise. The case would happen if a long voyage were undertaken after the paschal time had begun.

When Canon law urges instant fulfilment, three days' delay is allowed. When it urges fulfilment as soon as possible, a longer delay is permissible, except, according to common opinion, in the case contemplated by canon 807, when a priest conscious of grievous sin has celebrated Mass without previous confession, though having made an act of perfect contrition, as he is bound to do.

CHAPTER VIII
CAUSES WHICH EXCUSE FROM FULFILMENT
OF LAW

One is excused from fulfilling a law by ceasing to be subject to it. The case would be verified where a resident left a diocese in which there was a local precept of fasting or abstinence imposed for some special reason.

Law need not be fulfilled even by a subject, if it has become impossible, or harmful, or unreasonable, or useless in general.¹ But its observance may still be urged *in foro externo*. The individual may easily be biased in his own favour, and therefore only in rare and obvious cases would he be excused.

A subject of law ceases to be subject by withdrawing from the place where the law binds, law being territorial. But no one can withdraw from the incidence of such divine positive law as affects all mankind, nor of Natural law, nor, if a subject of the Church, from common church law.

Human law does not bind one in invincible ignorance of it, nor when its observance is morally impossible, that is, attended with serious inconvenience, if the inconvenience is only accidentally or extrinsically connected with compliance. Thus, serious inconvenience excuses from the law of fasting and abstinence. But even such inconvenience will not excuse, where the good of society, or of religion, or extreme spiritual harm to the individual is at stake. With the same limitations, some divine positive law may cease to bind—such as the law of integral confession—as also Natural law that is affirmative. Prohibiting Natural law as, “Thou shalt not steal,” never ceases to bind.

Positive precept—such as that of fasting Communion—

¹ Useless in general, not if it has become useless for an individual, since common good and general subjection require compliance. If, however, its uselessness is obvious, and if there is no scandal likely to ensue, a law which is useless need not be observed except when it is founded on the presumption of common harm (c. oH «.m.]law against reading forbidden books.

which is interpreted by the legislator, the Church, to be always binding unless a dispensation is obtained, always binds even under the gravest inconvenience, for a member of the Church is bound to accept the Church's interpretation of its own law, where such interpretation has been given.

Prohibiting law binds more strictly, in general, than affirmative ; divine law binds more strictly than human, and church law more strictly than State law. In apparent conflict between laws, as between the law of hearing Sunday Mass and the law of charity towards those in grave need, the higher law is to be obeyed, for the lesser duty is extinguished.

It is permissible intentionally to withdraw beyond the scope of law, for it binds subjects whilst they remain subjects, it does not bind them to remain subjects.

It is not permissible deliberately to put an obstacle, whether proximate or remote, that would prevent one, though still a subject, from fulfilling a law, because it is wrong to wish to violate a law. It is, however, held by a few divines, that one may do so indirectly, in cases of positive law.¹ This is the more apparently true, if the law is not yet in possession, that is, if it has to be observed only after a lapse of time. The law of Friday abstinence is not in possession on Thursday, nor is the precept of hearing Sunday Mass in possession on Saturday. The reason alleged for this opinion is that one who places an obstacle to law when the obligation, as in the cases stated, is somewhat remote, is in like case with one who withdraws from his legal territory in order not to be obliged to fulfil a territorial law. There is no necessary contempt of law in such a case.

It is not permissible without good reason, even indirectly, that is, with prevision but without deliberate intention, to render oneself incapable, whilst still a subject, of fulfilling laws that are actually or practically in possession. If they are not so, one may indirectly put remote obstacles in the way of their fulfilment. It is, however, not easy to determine

¹ Indirectly, i.e., for some motive other than avoidance of the law : if the law is not, as yet, in possession, no special reason is required ; if it is already in possession, some proportionately valid reason is required.

LAW

when obstacles are remote, and when proximate, and the matter is better left to the decision of a prudent counsellor. It is certain that the nearer the time approaches for the fulfilling of law, the graver must be the excusing cause for placing obstacles in the way of its fulfilment.

Where a great common good is matter of a law, no personal inconvenience will excuse from fulfilling it. Thus, in war, a soldier may not desert his post ; in pestilence, a pastor may not desert his flock.

In times of persecution the Church never condoned apostasy, for the law of fidelity to the Church is the law of fidelity to God, and obviously, nothing, not even life, may be preferred to the Divine Will.

Practical Applications

1. One may go on a journey, for a good reason, such as needed rest or change, on Saturday, with the knowledge that it will be impossible to hear Mass on the Sunday following. For a lesser reason, the journey could be undertaken earlier in the week. But good Catholics try to secure Sunday Mass always.

2. One may not, on a fast day, undertake labour—without sufficient reason—that is incompatible with fasting ; one may do so on the day before, with the knowledge that fasting will, in consequence, be impossible, if such a case can be verified.

3. In the cases given, a graver reason would be required for frequent actions of this kind.

CHAPTER IX

INTERPRETATION OF LAW

Interpretation of law is the genuine explanation of it in accordance with the mind of the legislator. It is authentic, if given by the legislator, or any other authorized to do so. It is usual, if in accordance with custom ; doctrinal, if given by jurists ; comprehensive, if in accordance with the ordinary meanings of the words ; extensive, if it goes beyond the words of the law taken in their literal sense.

Authentic interpretation may be given :

1. After the manner of law itself, and then it has the force of law. If it merely declares the obvious meaning of the law, it requires no promulgation and is retrospective, but if it limits or extends the meaning, or if it explains what was doubtful, it is new law and requires promulgation

2. After the manner of judicial sentence or rescript in special cases. It is not then general law, and it binds those only to whom it is delivered, and in the matters dealt with

Principles of Interpretation

1. The natural sense of the words must be retained (c. 18).

2. If the meaning is doubtful or obscure, recourse must be had to parallel passages in the body of the law, to the purpose and circumstances of the law, and to the mind of the legislator.

3. Laws that impose penalties or restrict the free exercise of rights or contain an exception from law, must be strictly interpreted (c. 19).

4. In the absence of express disposition of law for a given case, one must be guided—except in exacting penalties—by laws in similar cases, general legal principles, style and practice of the Courts, the common and unvarying opinion of divines (c. 20).

5. Lav*may not be extended from case to case on account of identical circumstances where it is penal (c. 2219, 3). It may be so extended in the case of other laws, when, by not so extending it, the law would work injustice or would appear imprudent.

CHAPTER X

ACCEPTANCE OF LAW

A law is said to be accepted when the majority of its subjects begin to observe it ; it is not accepted, when, after promulgation and knowledge of it, the subjects do not observe it.

Acceptance by subjects is not necessary to the binding force of law, because the lawgiver has power to impose law on the will of his subjects. This is true of State law for the maintenance of peace and order. The contrary doctrine has been explicitly condemned by Pope Alexander VII when he condemned this proposition : “ The people do not sin even if, without any cause, they do not accept a law promulgated by their Prince.” If law depended on acceptance by the people, the supreme authority in Church or in State would more truly be said to be governed than to govern.

In the case of church law the doctrine is even more obvious, because the Supreme Pontiff has received from Christ legislative power independent of the will of the faithful, or of civil rulers.¹

If, however, in any ecclesiastical territory a legitimate custom has obtained which is opposed to law, the custom will prevail unless explicitly abrogated, for custom has the force of true law. The custom, however, must conform to the canons that deal with the legitimate establishment of a custom (c. 27).

A law may be said not to bind, if, after promulgation, it was never enforced, and a contrary custom was tolerated by the lawgiver. He is then presumed to revoke his law. If, at its inception, a law is openly disregarded—it being more than a merely penal law—the transgressors certainly offend against due obedience, unless the exemption is

¹ The contrary error of the *Placitum Regium* was condemned by Pope Pius IX (*Syllabus*, n. 28 ; Cone. Vat., c. 3), and in the Allocution *Luctuosis agitati*, March 12, 1877.

reasonably presumed or tacitly permitted ; but when prescription runs in favour of the contrary custom, they who subsequently disregard the law do not sin.

Representations against the observance of a new papal law may be made by a local Ordinary or the Episcopate of a country. The consent of the Pope to the temporary suspension of the law may then be presumed—unless the Pope has ruled otherwise—and the law need not be enforced.

Similarly, an inferior prelate, for good reasons, may delay enforcing a Superior's law.¹

¹ cf. van Hove, *Comm. in Cod.*, II, n. 10g.

CHAPTER XI

CESSATION OF LAW

Law may cease either automatically (*ab intrinseco*), or by revocation on the part of the legislator, or his successor, or his Superior.

Law ceases automatically :

1.If, through changed conditions, it has become harmful, impossible, irrational.

2.If its very purpose has ceased to be verified for the whole community.

But if, on the contrary, its purpose has ceased to be verified for an individual :

1. A law that is based on the presumption of common danger—as the law against reading forbidden books—continues to bind the individual (c. 21). In such cases, the legislator, it appears, urges observance, and does not allow the individual to judge for himself of his supposed immunity from danger.

2.In the case of other laws, it is more commonly held that the individual must comply with the law, for there is always danger of delusion, and compliance with law being a common good, social solidarity is thereby manifested. However, when, by non-compliance, there is no scandal given, and if the law is manifestly useless, it appears right to claim exemption.

Law ceases through the act of the legislator, or his successor, or his Superior :

By revocation, that is, complete abrogation of the law.

2. By partial revocation, that is, derogation.

3. By the framing of a contrary law.

In doubt as to the revocation of a law :

Canon 23 states that revocation is not to be presumed, and the later laws are to be reconciled, as far as possible, with the earlier laws.

2. Canon 22 states that a general law does not abrogate

the statutes for particular places or individuals, unless the contrary is stated.

A later law revokes an earlier law, if it expressly states that it does so, or if it is directly contrary to it, or if it completely deals with and re-arranges the matter of the former

If law is purely territorial, it does not bind outside the limits of its territory. Law ceases to bind those who are granted dispensations or privileges against the law.

Law may cease through such contrary custom, as is in accordance with the canons (cc. 27-30).

CHAPTER XII

DISPENSATION FROM LAW (cc. 80—86)

Dispensation is the relaxation of an ecclesiastical law, granted for a sufficient reason by competent authority. It is an act of jurisdiction and requires an act of the Superior's will. Dispensation is always contrary to existing law, and therefore differs from privilege, absolution, *epieikeia*, permission, interpretation.¹

Since jurisdiction is ordinary, when annexed to an ecclesiastical office, or delegated, when held from one who has ordinary jurisdiction, dispensation may be granted by the legislator, or his Superior or his equal, or successor. Power to dispense may be delegated in general by law or for particular cases by a Superior.

Persons who can dispense

I. The Pope can dispense in all ecclesiastical laws by his own proper authority. In virtue of his power as Vicar of Christ he can dispense in such divine laws, as well Natural as positive, as depend for their binding force on the antecedent voluntary act of the human will. It is generally held that he does so, not directly, by extinguishing the obligation of such laws, but indirectly by affecting the matter of the obligation.² In this way, the Pope is said to dispense in the case of vows, oaths, ratified non-consummated marriage.

Such acts should not be termed acts of dispensation in the strict sense, but exercise of jurisdiction, as to the extent of which the Church itself is the best judge: "Whatever ye shall loose on earth, shall be loosed in heaven." In such cases as are dispensable, God has accepted an act of the human will, and He can relinquish His right, if He

¹ A simple confessor usually has no power to dispense penitents, but he can, on occasions, interpret the law in a favourable sense.

² Wenz, I, n. 122; Suarez, *de Leg.*, II, c. 14.

choose. The Church, too, can act in His Name. Some divines maintain that, in such cases the Pope merely declares the cessation of divine law.

From explicit divine positive law, the Pope cannot dispense except indirectly as already indicated, nor is it necessary for the good of the Church or the salvation of souls that this should be possible, for the unity of the Church will be the more striking, if the precepts of its Founder are immutable. Nevertheless, the Pope can give an authentic and infallible interpretation of such divine law', as he has done in the matter of the Sacraments.

2. Bishops and other local Ordinaries, that is, those inferior to the Roman Pontiff, cannot dispense in the general or Canon law of the Church, and not even in a particular case (c. 81), unless the power to do so has been given to them explicitly or implicitly. Such power has been given explicitly in respect of:

(a) Dispensing from all irregularities due to occult crime (c. 990), with the exceptions of those due to voluntary homicide or abortion (c. 985, 4), and of irregularities that have been brought to the Courts and are still *sub judice* (c. 990).

(ā) Dispensing from the common law of fasting and (or) abstinence and observance of feast days, their subjects anywhere, and all persons within their territory, in particular cases and for a special reason ; and also on the occasion of some public concourse or for health sake, they could dispense the whole diocese or any part of it (c. 1245).

(c) Dispensing in cases of urgent danger of death, for the quieting of conscience, and for legitimation of offspring—should the case allow of it—in the following matters, viz., the juridical form of the celebration of marriage, and each and all ecclesiastical matrimonial impediments, whether public or occult, even if multiple, except in the impediments that arise from priestly Orders and from affinity in the direct line after consummation of marriage. Such power of dispensing can be exercised over their own subjects anywhere, and over all who are actually residing in the territory', and they must insist that any scandal that has arisen or

may arise should be checked, and if they have granted a dispensation from the impediment of difference of worship or of religion (*disparitas cultus* and *mixta religio*) they must insist on the usual guarantees being given (c. 1043). The same power of dispensing is given for celebrating a marriage when the marriage cannot be delayed owing to probable risk of serious harm, and also for validating a marriage, if delay is impossible, and there is no time to apply to the Holy See, with the limitations stated above (c. 1045).¹ The presence of the two witnesses is necessary.

(d) Remitting the penalties incurred *ipso facto* by virtue of common law in public cases, with the exception of cases *sub iudice*, of censures reserved to the Holy See, of penalties in respect of ineligibility to or deprivation of benefices, offices, dignities, functions in the Church, active and passive voice ; also of penalties involving infamy of law, loss of the right of patronage, and of privilege or favour granted by the Holy See (c. 2237).

(e) Remitting penalties incurred *ipso facto* in occult cases, except censures reserved specially or most specially to the Holy See, but these latter may be dealt with, in urgent cases, in the manner prescribed in canons 2254, 2290, which give explicit power to deal with all such censures under clear and definite conditions, for the Church does not wish any penitent of good will to be deprived of absolution in pressing circumstances (c. 2237).

(f) The power of dispensing in the common law of the Church has been granted to local Ordinaries, in that they can dispense, if recourse to the Holy See is difficult, and there is, at the same time, danger in delay, and it is a matter in which the Holy See is accustomed to dispense (c. 81).

(g) Similar explicit powers of dispensing have been granted *de jure* to Ordinaries, in respect of the publication of the names of those who are to receive Orders (c. 998), of non-reserved

¹ The case would arise when an impediment comes then, for the first time, to the knowledge of Ordinary or parish priest (A.A.S., March, 1921, p. 178). It is disputed whether or not the local Ordinary can, outside the danger of death, dispense from the presence of two witnesses. Cappello (III, n. 234) thinks he cannot.

vows (c. 1313)» an[^] of promissory oaths (c. 1320), without prejudice, however, to the acquired rights of others.

(A) In doubt of fact, local Ordinaries can dispense in those voiding and incapacitating laws in which the Roman Pontiff is wont to dispense (c. 15).

(:) Local Ordinaries are sometimes granted additional faculties for periods of five or ten years, such as faculty to issue *sanationes in radice*—a species of validation of marriage—up to a certain number. These faculties can be subdelegated (c. 199, 2), unless restriction is imposed in the grant.

(J) They can also dispense in the intervals to be observed between the several ordinations with some limitations set forth in canon 978.

(A) They can grant permission in urgent and particular cases to read a forbidden book (c. 1402).

(Z) They can dispense their subjects from the bans of marriage, even in respect of another diocese (c. 1028).

(m) They can dispense a prospective parish priest from examination with the consent of the Synodal examiners (c. 459, 3).

By their ordinary power, bishops and other local Ordinaries can dispense in diocesan statutes, as also in the decrees of Provincial and Plenary Synods in individual cases, and for a just reason (cc. 82, 291). They cannot dispense in laws which the Holy See has enacted for a particular territory, unless such power has been explicitly or implicitly granted to them, or unless recourse to the Holy See is difficult and at the same time there is danger of serious harm by delay, and provided the matter dealt with is usually dispensed (c. 82).

3. Parish priests cannot dispense in a general or particular law unless given express power to do so (c. 83). They can dispense for a just reason from the common law of fasting and (or) abstinence, and from the observance of feasts, their subjects anywhere, and strangers residing in their territory, but the power is limited to dispensing individuals and families (c. 1245). Curates have precisely the same power as parish priests in these matters, if their local Ordinary has given them delegated powers to that extent.

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Parish priests can also dispense in matrimonial cases in urgent danger of death as an Ordinary, provided they cannot apply to their Ordinary (c. 1044). Outside the danger of death, they can dispense as an -Ordinary, in those cases mentioned above, when marriage cannot be delayed, but only in occult cases when they cannot apply to their Ordinary, or could do so only with danger of violating secrecy (c. 1045).

4. The Ordinary of Religious can dispense his subjects from the observance of fast and abstinence, from vows, oaths, irregularities, the observance of feasts, penalties for occult cases, and can grant permission to read forbidden books in particular cases.

5. Religious Superiors in a clerical exempt Institute can dispense as an Ordinary can dispense, from the observance of feasts, abstinence, fasting, vows, oaths, and their power extends to members of their Institute, novices, and others who reside in the religious house day and night, whether foreducation, hospitality, sickness, or service (cc. 1245, 3 j 514»1 ; 1313 ; ^so).

6. Simple confessors have the power to dispense in the marriage impediments, as stated above, but only in the act of sacramental confession and as affecting the forum of conscience ; this power may be exercised only in occult cases, when their Ordinary cannot be applied to, or if there is risk of violating a secret (c. 1045, 3). The term occult cases is not restricted to occult impediments. An impediment might be capable of proof *in foro externo*, but still be a *casus occultus*.

They can also dispense from irregularity arising from crime in occult circumstances, and then only if the Ordinary cannot be applied to, and there is imminent risk of grave infamy ; but the dispensation is good only that the penitent may lawfully exercise those Sacred Orders which he has already received (c. 990, 2). The exception mentioned above, in respect of voluntary homicide and abortion, is an exception here also.

They can also commute pious works enjoined for the gaining of indulgences (c. 935).

7. A priest, being neither the parish priest nor a priest with legitimate delegation, who assists at a marriage in danger of death, in accordance with canon 1098, can dispense as the Ordinary' can dispense. Canon 1098 states, so far as the present context is concerned, that in cases where marriage is celebrated in danger of death of one or both of the parties, or in circumstances when a legitimately officiating or delegated priest could not be got for a month to come, any priest available can and should assist at such marriage. But the marriage would be valid without his assistance.

Conditions for Valid Dispensation

1. Dispensation in Ecclesiastical law by ordinary power is valid even without a just and sufficient cause.

2. Dispensation by delegated power without just and sufficient cause is invalid (c. 84), but in positive and probable doubt as to the sufficiency of the cause, dispensation may be asked for and both validly and lawfully granted (c. 84).

3. Just and sufficient causes for dispensation would be: Difficulty in observing a law, securing a greater good, generosity of a Superior, the personal good or merits of the petitioner, common good, such as the avoidance of frequent transgressions, or increase of general happiness.¹

4. The conditions that rule rescripts rule dispensations also, and both the dispensation itself, and the power of dispensing, granted for an individual case must be strictly interpreted, if the case is one that affects the right of others, or is opposed to law (c. 50).

Conditions for Lawful Dispensation

Both the grantor who gives dispensations by his own authority, and the grantor who does so by delegation, must act only for a just, reasonable and proportionate cause, the greater cause being required for the graver dispensation ; but in reasonable doubt, dispensation may be given. No emolument may be exacted for dispensations without express leave of the Holy See, otherwise restitution must be

¹ Suarez, *de Leg.*, VI, c. 18 : quoted by Verm., I, n. 224.

made (c. 1056) ; a small offering may be asked to cover clerical expenses from those who are not poor (c. 1056).

Interpretation of Dispensation

Canon 85 states that the faculty to dispense in a particular case must be strictly interpreted, and the dispensation itself must be strictly interpreted, if it is opposed to law and in favour of individuals, or if it prejudices acquired rights of others (c. 50). But the faculty, if granted, to dispense generally, *ad universitatem negotiorum*, is to be interpreted widely (c. 200).

Cessation of Dispensation

1. Dispensation that is continuously effective (*qua habe tractum successivum*), as dispensations from recital of the divine office, the Lenten fast or abstinence, where dispensation is virtually multiple, ceases in the same way as privilege ceases, and also when the motive cause of the dispensation has certainly and completely ceased.

2. Such dispensations, therefore, cease :

(a) By revocation on the part of the Superior, validly always, lawfully, if for a just reason. Revocation on the part of one delegated to dispense in particular cases would be invalid, for his only power was to dispense ; if, however, the delegation was for general dispensation, revocation would be valid.

(b) By renunciation on the part of the dispensed, if accepted by the grantor.¹

(c) By cessation from office of the grantor, if the dispensation was limited by some such clause as, *ad beneplacitum* ; not, however, if the limiting clause were *ad beneplacitum Sedis*, or *donec revocavero*.

(d) By lapse of the time for which dispensation was granted.

(e) On the death of the grantor, if dispensation was limited as in (c).

¹ A dispensation cannot be lawfully renounced if harm would thereby ensue to another. Thus, renunciation of a dispensation to many could, quite possibly, harm another.

3. When the reason for a dispensation has certainly and completely ceased—dispensation having been granted—the common opinion is :

(a) In dispensation that has an indivisible and single effect, as dispensation from irregularity or from matrimonial impediment, the dispensation remains valid and effectual, even if the reason for it has ceased. The reason given is that by a dispensation, the obligation of law is extinguished, and this obligation cannot, in the case, reassert itself, without a new act of the Superior. The example given is that of a person who has received a dispensation from some matrimonial impediment for the sake of the offspring. If the dispensation was granted, but the offspring died before the marriage of its mother, the dispensation remains good.

(b) In dispensation that is virtually multiple, as in dispensation from the fast during the whole of Lent, if the only reason for the dispensation vanishes, the dispensation lapses (c. 86). The example given is that of one who, on account of travelling, is dispensed from the Lenten fast ; if he ceases to travel, it is obvious that the dispensation lapses ; or if one is exempted from the Lenten fast on account of indisposition, on the complete recovery of health and strength the dispensation lapses.

4. Dispensation does not lapse by non-use, nor by contrary use. If A has dispensation from fasting, he may fast or not at pleasure. If A has received dispensation to marry B, but marries C instead, on the death of C, the dispensation remains good.

5. Dispensation, if personal, does not cease on the person quitting the territory of the grantor : if local and territorial, it does.

CHAPTER XIII

PRIVILEGE (cc. 63—79)

Privilege is a special and not necessary right granted to individuals or societies by an act of benevolence of the legislator. It is here called a not necessary right, inasmuch as it imposes no obligation on the grantee.

Privilege may be contrary to law, superadded to law, favourable, i.e., granting a favour to the prejudice of no one else. It may be restrictive, with prejudice to another, as, v.g., freedom from taxation. It may be personal, local, real, common, private, direct, communicated, given *Motu proprio*, or *ad preces (ad instantiam)*.

Privileges can be acquired by direct grant, communication, legitimate custom or prescription (c. 63, 1). Centenary or immemorial possession, both actual and legal, establishes presumption of privilege, subject to rebuttal (c. 63, 2).

Interpretation of Privilege

Privileges must be interpreted by their tenor, i.e., wording and purport, and may not be extended nor restricted (c. 67). If the sense is doubtful, it must be interpreted like a doubtful rescript (c. 50), but always so that the privileged person should be deemed to have received some favour (c. 68). A privilege granted orally by the Holy See cannot be upheld -against others in the external forum, unless it be legitimately proved (c. 79).

Cessation of Privilege

Privilege is to be esteemed perpetual unless the contrary is evident (c. 70).

Privilege lapses :

1. By revocation by the grantor or his Superior or successor.

2, By renunciation accepted by a competent Superior.

3.If, in the judgment of the Superior, it has become harmful or its use unlawful.

4.On removal from office of the grantor if given *ad beneplacitum* or similarly.

5. Personal privilege lapses on the death of the grantee.

6.Real privilege lapses on the complete destruction of the thing or place privileged, but local privilege revives, if the place is restored within fifty years after destruction.

7. Privileges lapse on the period for which they were granted lapsing, or on the completion of cases for which privilege was given, except that in the case of faculties granted for the forum of conscience, an act done inadvertently is valid, even after the lapse of the period or on the completion of the cases covered by privilege. Thus, a confessor receives by law an extension of special faculties though the original grant may have lapsed (c. 207, 2).

8.Privileges embodied in the Code are revoked by a general law that is directly contrary' to them (c. 71).

9.Privilege not prejudicial to others does not lapse merely by non-use or by contrary use ; if prejudicial to others, it can lapse through legitimate prescription against it or tacit renunciation (c. 76).

Renunciation of Privilege

A private person can renounce a privilege granted in his sole favour, but cannot do so, if granted to a thing or to some community, dignity or place. A community cannot renounce a privilege granted to it after the manner of law, or if the renunciation prejudices the Church or others.

Use of Privilege

1. No one is obliged to use privilege granted only to him, unless by reason of some extrinsic obligation, as in the use of the faculty of absolving reserved cases, or a Superior's precept for the common good.

2.Strangers (*peregrini*) may use privileges of the place where they are, but not those of their own territory, unless the use of the latter is not forbidden, nor productive of scandal.

CHAPTER XIV

EPIEIKEIA OR EQUITY

Epieikeia is an interpretation of law in a particular case against the letter of the law, but in accordance with the spirit of it, as reasonably supposed to exist in the mind of the legislator. It is, in the words of Aristotle, “not different from justice, but as being an intensified form of the just, and not as being distinct from the just in kind. The essence, in a word, of equity is that it should correct positive law wheresoever positive law fails from its over abstractness.”

Elsewhere, he speaks of it as ‘the correction of the law,’ and ‘the application of good sense to practice.’ Again, his account of it in his Rhetoric is memorable: “Equity makes allowance for human weakness, looking not to the law but to the meaning of the lawgiver, not to the act but to the intention, not to the part but to the whole, not to what a man is at the moment, but to what he is as a rule. Equity remembers benefits received rather than benefits conferred; it is patient under injustice, it is readier to appeal to reason than to force, to arbitration than to law. For the arbitrator looks to what is equitable, whereas the judge sees only the law; indeed, arbitration was devised for no other purpose than to secure the triumph of equity.”¹

In Gerson’s words, “It is justice, which, taking all special circumstances into account, is tempered with the sweetness of mercy. It overrides the rigour of the law.”²

The two great historical instances of a resort to equity, Holland says, are the action of the Prætor at Rome and of the Chancellor in England. So it was sung of S. Thomas à Becket:

“Hic est qui regni leges cancellat iniquas
Et mandata pii principis æqua facit.”

The fundamental reasonableness of epieikeia is that no

¹ Cited by Muirhead, *Chapters from Aristotle's Ethics*, p. 313.

² *Regula Morales*, op. ii> 7, cited by Holland, *Jurisprudence*, p. 71, note.

human legislator can possibly foresee all circumstances ; there must be cases in which his law will bear harshly on some of his subjects, and he would wish it to be always humanely administered ; therefore, in framing a law, the legislator must be presumed to intend it to apply to ordinary contingencies only. Thus, *epieikeia* is not strictly an interpretation of law, nor is it presumed dispensation from it, but it is rather the interpretation of the mind and will of him who made the law. It is therefore not a violation of law. S. Thomas explains this point in dealing with the power of human law. He says : “It often happens that the observance of some point of law conduces to the common weal in the majority of instances, yet, in some cases, is very hurtful. Since the lawgiver cannot have in view every single case, he shapes the law according to what happens most frequently, by directing his attention to the common good. Wherefore, if a case arise wherein the observance of that law would be hurtful to the general welfare, it should not be observed.”¹

Epieikeia may be used without recourse to any higher authority than ourselves, but it is obvious that its use should be prudent and reasonable, since self-interest is apt to mislead us. It may be used especially in the following cases, namely, if the observance of a law would result in proportionately grave inconvenience or sin or injury to another, or where it is prudently thought that the law does not bind. In the last case, doubt may be set aside by recourse to reasonable and equitable presumption. The principle is not admitted in State law, for the individual is not allowed to interpret the law in his own favour. Nevertheless, hard cases are leniently dealt with, and in the words of Lord Hardwicke, “When the Court finds the rules of law right, it will follow them, but then it will likewise go beyond them.” There are legalists who never see beyond the words of the law ; anarchists repudiate all law. The equitable man will steer a middle course, for laws are made, more especially by the Wisest of all Lawgivers, God Himself, not to restrict

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liberty but to enable us to use it aright. The Church also thus frames its laws, and the State does so, for the most part. Moral Theology attempts to assign principles of interpretation, so that law may be reasonably applied. Natural law and divine law do not admit of the use of epieikeia, since the Divine Author of such law has foreseen every contingency.

CHAPTER XV

RESCRIPTS (cc. 36—62)¹

A *rescript* is a written reply to a petitioner given by the Holy See or an Ordinary, directly or through a Tribunal. It may contain a grant of favours only, as of indulgences, unconnected with any judgment, or it may contain favours in respect of justiciable matters between contending parties. Rescripts, as custom, may be in accordance with law, in addition to law, or contrary to law ; matrimonial dispensation is an example of rescript contrary to law.

A rescript that grants a favour without an executor has force from the moment of the date of the rescript ; other rescripts, from the date of execution (c. 38).

Conditions laid down in rescripts, if expressed by conditional words as, ' if,' ' provided that,' and similar terms, must be fulfilled for validity (c. 39). In every rescript this condition is supposed, viz., ' If the request is founded on fact.' But the following rules are laid down by the canons :

1. Rescripts *Motu proprio* are valid, even if in the petition some fact that otherwise ought to have been disclosed is not disclosed ; this is subreption.

2. Rescripts *Motu proprio* are not valid, if the only motive cause alleged is false ; this is obreption.

3. Rescripts granting dispensations from the minor impediments of marriage (cf. cc. 1042, 1054) are, however, not invalidated by either subreption or obreption.

4. In rescripts without an executor, the request must be founded on fact when the rescript is granted ; in other rescripts, at the time of execution.

Subreption does not make a rescript invalid, if what had to be expressed in accordance with the *Stylus Curia*² has been

¹ For a full treatment of Rescripts the reader may consult Canonists. In the text, a summary of canons more commonly invoked is given, without literal translation.

² The *Stylus Curia* means the uniform method of deciding certain causes, or of procedure in the examination of a cause submitted to the ecclesiastical tribunal. In petitions, the form must be in accordance with the will and practice of the Roman Congregation to which the petition is made.

expressed ; nor does obreption make a rescript invalid, provided that either the only motive reason or one of the several reasons alleged is true ; nor do subreption or obreption affecting one part invalidate another part, if several favours are granted together (c. 42).

A rescript is not invalid through mistake in the name of the person to whom or by whom it is granted, or of the place or residence or of the subject-matter, provided that, in the judgment of the Ordinary, there is no doubt as to the petitioner or the thing asked for (c. 47).

No rescript is revoked by contrary law, unless the law so states, or unless the law is made by the Superior of the grantor (c. 60, 2).

If a rescript grant a privilege or dispensation, the canons on privilege and dispensation must be observed (c. 62).

Rescripts must be interpreted according to the proper meaning of the words and common mode of speech, and are not to be extended to cases other than those mentioned in the rescript. But in cases of doubt, rescripts may be interpreted generously, unless they refer to matters in dispute, or matters which prejudice the acquired rights of others, or which, being in favour of individuals, are opposed to law, or which are given for reception of an ecclesiastical benefice. These four classes must be strictly interpreted (cc. 49, 50).

The executor of a rescript cannot act validly before he has received the letter granting the petition, and is satisfied as to its authenticity and genuineness, unless he is apprised beforehand by authority of the grantor (c. 53). Thus, dispensation from marriage impediment and faculty to absolve cannot be used validly unless these conditions are fulfilled.

After refusal of a favour by one's own Ordinary, it is forbidden to petition another Ordinary without mentioning the refusal. When the vicar general refuses a favour, this fact must be mentioned if the Ordinary is petitioned for the same favour, and that, under pain of invalidity. If an Ordinary has refused to grant a petition, the vicar general cannot grant it without the consent of the Ordinary (c. 44).

CHAPTER XVI

CUSTOM (cc. 25—30)

Custom is legalized usage. A continued manner of acting becomes customary with the majority of a body of men. This usage becomes custom and is appealed to as privileged. “Custom,” says Holland, “exists as law in every country, though it everywhere tends to lose its importance relatively to other kinds of law. It was known at Rome as the *jus moribus constitutum*. It is known in England as the Common Law or Custom of the Realm.”¹

“The men who first drew, accepted and endorsed a Bill of Exchange did as much for the law as any lawgiver has ever accomplished . . . they began a practice which grew into custom and as such was recognized by the tribunals as a law-creating one.”²

If custom is invoked, it must be proved and upheld as reasonable and certain, commencing from time immemorial and continued without interruption. A regular usage for twenty years, uncontradicted, will warrant a jury in finding for an immemorial custom. In cases of contract, the Courts will uphold the reasonable usage and custom of the trade or place. It has been upheld as reasonable custom that a person buying corn by sample must, on the day the corn is bought, examine the bulk and accept or reject it, or refuse to pay the price agreed upon.

Custom in Ecclesiastical Law

Custom in Ecclesiastical law is also legalized usage introduced by repeated acts or omissions of a community with the consent of the legislator. The formal element that gives custom the force of law is the consent of competent authority. Custom may be general, if applicable to the

¹ Holland, *Jurisprudence*, p. 59.

² Muirhead, *Roman Law* (1916), p. 233.

whole Latin Church, or particular in a part of it, if the part is capable of receiving law (c. 26).¹

Custom may be in accordance with written law, or contrary to it, or in addition to it. Custom is the best interpreter of law (c. 29). Since the competent ecclesiastical Superior is the fount of law (c. 25), custom obtains its legal force only from his consent. The consent need not be express, it may be tacit. Legal consent is sufficient, namely, that consent which the legislator antecedently gives when he allows, by a general law, a future legitimate custom to obtain the force of law. Legal consent is absent when a legislator reprobates a custom or declares it to be irrational (c. 27, 2). As custom derives its force from human legislators, it cannot affect divine law, Natural or positive (c. 27). That custom may be rational and legitimate it must not be opposed to the common good ; it must not be forbidden expressly by law ; it must be relatively universal, that is, introduced by at least the greater part of the community, and that, freely, with the intention of introducing it by acts repeated during the legitimate period, that is for forty years uninterruptedly, but for one hundred years or for a period immemorial if contrary to law forbidding future contrary custom, and finally, it must be assented to, legally at least, by the competent legislator.

Customs in vogue, general or particular, against the canons, if expressly reprobated by the canons, are to be corrected as corruptions of the law, even though they be immemorial, and they are never to be allowed to revive (c. 5). Customs not so expressly reprobated, although contrary to the canons, if immemorial or of a century duration, will be tolerated, if Ordinaries think they cannot prudently be suppressed (c. 5).

A custom contrary to or superadded to law is revoked by contrary custom or law, but unless law make express mention of them, it does not—subject to canon 5—revoke custom of a century duration or immemorial, nor does a

¹ An individual and a family are not capable. A diocese, a Religious Order, a College of Clerics, a Chapter, are capable (Ojetti, I, p. 175).

» general law revoke particular customs unless it expressly says so. Diocesan laws are not general laws, and they therefore revoke all contrary particular customs without express mention of them. The reason of the difference between the abrogating force of general law and of particular law is that the Pope cannot be presumed to have knowledge of particular local custom, whereas a bishop may be so presumed.¹

Custom is an interpreter of law in the sense that it interprets that law which exists, not, however, in the sense that it is an interpreter of law if it goes beyond the law, or is contrary to it, for then it would destroy an old law and equivalently establish a new law. Custom also interprets the obligations of law, and this gives rise always to doctrinal interpretation and sometimes to authentic interpretation of law.²

¹ cf. Kinane, *I.E.R.*, Jan., 1918, p. 37 sqq., for the development of this statement.

² Ojetti, I, p. 187.

APPENDIX 1

Computation of Time (cc. 31—35)

The following method of computing time is legalized, without prejudice, however, to liturgical laws and to express definitions in particular canons 1 :

A day consists of twenty-four consecutive hours reckoned from midnight ; a week consists of seven consecutive days ; a month, of thirty consecutive days; a year, of three hundred and sixty-five consecutive days, unless it is stated that the month or year is to be computed in accordance with the calendar (c. 32).

I. In regard to the time of day :

(a) Local convention is to be adhered to for public functions, such as the public recital of divine office.

(b) For private celebration of Mass, divine office, reception of Holy Communion, fast—both ecclesiastical and natural, abstinence, it is lawful to follow local time, whether it be true solar or mean solar time, legal time, regional or any other conventional time (c. 33, 1).

(r) In fulfilling contracts, the time prescribed by civil law is to be followed, unless some other time has been expressly agreed to (c. 33, 2).

If month or year is named, expressly or equivalently, the calendar is to be followed.

If a period is assigned but no starting date named, either explicitly or equivalently, time is computed from moment to moment ; if the period is consecutive, the calendar is followed ; if discontinuous, week, month and year are computed as above.²

2. If a period is named and consists of one or several months or years, or of one or several weeks or days, and the

¹ Liturgical laws concerning the ecclesiastical year remain unchanged ; special regulations have been made concerning indulgences (cc. 921, 923, 930) ; civil time for fulfilling contracts is to be adhered to. The text is an explanation of the canons and not a translation.

² An example of time computed from moment to moment would be from 10.30 a.m. Jan. 15th to 10.30 a.m. March 15th : a period of two months.

starting date is named expressly or equivalently, the method of computation is as follows :

() Month and year are reckoned by the calendar.

() If the starting point is the beginning of a day, v.g., two months from August 15th, the starting day is reckoned, and the end of the period is the beginning of the corresponding date, v.g., October 15th in the example given.

(r) If the starting point is not the beginning of a day, the starting day is not counted, and the end of the period is the end of the corresponding date.

(J) If the month do not possess a corresponding date (v.g., a month from May 31st) the period ends on the last day of the said month (v.g., June 30th), at its beginning or end, as in the cases mentioned above: (ó), (c).

(<j) In renewals (v.g., of vows) at fixed intervals, the interval ends on the corresponding dates and the renewal may be made any time on that day (v.g., annual vows taken June 15, 1927, renewed any time on June 15, 1928).

Time is said to be legally continuous that admits of no interruption, v.g., time is continuous when a debt is due ; useful time is that which is assigned for the exercise or establishing of some right, as in prescription, or for the fulfilment of an obligation, so that the time is said not to run against a person if he is ignorant of the obligation, or is prevented from acting, v.g., the last three days of Holy Week need not be taken into account in computing the month during which a stipend Mass is to be said.

APPENDIX 2

Precept

A precept is a command issued by a Superior to an individual or to several individuals or to a community, and it differs from law in that it is a personal command issued to individuals, or if to a community, it is issued as a temporary injunction for a particular condition of things.

All Superiors can issue precepts, namely, those Superiors

who have ordinary or delegated jurisdiction in the external forum, the Superior or Superioress of a community, others who have dominative power, as parents, husband, master, and all who have the good ordering of society committed to them. It is held that a confessor cannot issue a strict precept ; what he enjoins—as sacramental penance—he enjoins for the payment of debt already due.¹ An oath of allegiance or a vow of obedience to an individual implies obligations to fulfil what is enjoined as obligatory in respect of God.

Precepts issued to individuals bind everywhere, and therein they differ from laws. They cannot, however, be urged judicially, and they cease on cessation from office of him who commanded, unless they have been imposed through a legitimate document or in presence of two witnesses (c. 24). Precepts issued to a corporate body also bind everywhere, and will retain their force so long as the necessity of the precept remains. Precepts issued by one who has only dominative power—not jurisdiction in the external forum—lapse on the death or cessation from office of him who issued them ; not, however, as it seems, in the case of a corporate body. Its precepts endure until revoked.

APPENDIX 3

Counsels

Counsels of perfection, as they are sometimes called, are good actions which are not commanded but are better than their opposites, as for example, virginity is, in general, a better state of life than the married state. This does not, of course, mean that in concrete circumstances it is always so, for marriage is practically necessary for some men and women. The Counsels are not divine precepts, because they are obviously impossible for all men as we find man to be in concrete life, nor is there any saying of our Lord which can be so construed. Their whole binding force is derived

¹ Verm., III, n. 6.

from the will of those who have promised to observe them.¹

That there is an essential difference between precept and counsel has always been evident to the mind of the Church from Christ's own words : " 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" (Mt. 19, 17, 21).

Secondly, in the matter of virginity, we have S. Paul's explicit teaching, received by him through divine inspiration : " Therefore, he that giveth his virgin daughter in marriage doth well, and he that giveth her not shall do better" (1 Cor. 7, 38).

Amongst all the Counsels, the three, poverty, chastity and obedience are pre-eminent, and they are called evangelical because they are presented in the gospels by word and example, as a means of the ideal perfect Christian life, and not only that, but the particular state of life in which these Counsels are put into practice is presented in such a way that a Christian may freely bind himself to lead that life, helped by divine grace. Thus : Poverty is commended in the words : "If thou wilt be perfect go sell what thou hast and give it to the poor" (Mt. 19, 21). Chastity is commended in these words : " All men take not this word, but they to whom it is given (to take it) . . . There are eunuchs who have made themselves eunuchs for the kingdom of heaven. He that can take, let him take it" (Mt. 19, ii, 12). Obedience is commended : " If any man will come after Me, let him deny himself, and take up his cross daily and follow Me" (Lk. 9, 23). In these words, that complete daily abnegation of self is counselled which consists in complete abnegation, namely, that of the intellect and the will in obeying the commands of another.

The constantly repeated objection of non-Catholics to the Counsels is that universal virginity would depopulate

¹ The statement frequently met with that there are not two standards of Christian life, one of strict obligation, the second of greater perfection, is obviously false. If true, our Lord's words to the rich young man would have meant nothing, as the life of greater perfection would be obligatory on all men.

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the world and universal poverty would be contrary to sound economics. But such objections are really foolish, because men do not, as a fact, in any great numbers, embrace this life of the Counsels. God has left human freedom intact, and He perfectly well foresaw what would actually happen. For those who choose the life of the Counsels, there are better things than money, family and independence, and furthermore, it is a plain historical fact that the good people who live the lives of the Counsels make the world better and happier by teaching men the right use of riches, pleasures of appetite, and intellectual independence, and their example has ever been, with good people, and even sometimes with the wicked, an incentive to remember that the gifts of body and mind are but means to attain to true happiness, the service of God here, and eternal happiness hereafter.¹

Luther, as is well known, raised his voice against the vow of chastity and priestly celibacy ; he denied the existence and the authority of the evangelical Counsels ; he even went so far as to say that when Christ our Lord counselled acts of great virtue, He was really giving strict commands. But men could not possibly live up to that level which Luther claimed to find in the gospels ; indeed, he persistently inculcated by his own immoral sentiments a level a great deal lower than average Christianity. “ By discarding the so-called Counsels, Luther reduced morality to a dead level. In the case of all the faithful, he abased it to the standard of the Law, doing away with that generous, voluntary service of God, which the Church has ever approved and blessed.”²

The Counsels, therefore, are proposed to all Christians as a more certain and more expeditious way of attaining heaven, but the way of the Commandments is sufficient. No sane person would quarrel with a man who wants to make a fortune for employing the best means, provided of course that these means are honest. Some of the children

¹ cf. on this matter of virginity the admirable words of S. Robert Bellarmine, *de Monachis*, II, c. 32, especially his refutation of the very material-minded contentions of Erasmus, in the Colloquy of the latter, ‘ Proci et Puellae.’

² cf. Grisar, *Luther*, II, p. 166 : V, pp. 47, 57.

of light are at least as wise as the children of the world, in that they adopt the readiest and surest means of compassing their fortune—the pearl of great price which is salvation.

APPENDIX 4

Domicile and Quasi-domicile in Church Law (cc. 90—95)

The importance of this section is that residence determines subjection to particular laws, the legal authority of local Superiors, use of privileges and dispensations, validity of marriages, rights of pastors and subjects in respect of the Sacraments.

i. Domicile is secured in parish or quasi-parish or diocese or Apostolic Vicariate or Apostolic Prefecture in either of two ways, namely :

(a) By taking up residence there with the intention of permanent residence if nothing call one away.

(b) By actual residence continued for ten years.

Residence may be personal or real. It will be personal, as one resides in a home, when it is made the place of rest, sleep, permanent abode, and a place to which return is regularly made, even if absences from it be long, and even if there be—as there nearly always is—the possibility of an unforeseen change of residence. Intention of permanence can easily be presumed to exist, but if it has to be proved juridically, many obvious circumstances could prove it. Residence with the intention of a permanent abode in the place establishes domicile from the first moment of residence.

Residence will be real if, for instance, one choose a country or summer residence as a permanent place to which to resort in addition to one's ordinary place of residence.

Domicile is also secured by actual residence continued for ten years, no regard being paid to intention. The fact establishes the legal status. Absences even for a short time, with the intention of not returning, will probably break the continuity. Absences for a long time, or frequent brief

absences, either of which would be equivalent to more than six months will probably break the continuity.

2. Quasi-domicile is secured in either of two ways :

(a) By actual residence with the intention of remaining for the greater part of a year, if nothing call one away.

(ò) By actual residence for the greater part of a year.

The greater part of a year appears to mean a part longer than six months, probably just six months, but no less. Intention may be presumed in accordance with the reason for residence, but in litigation it would have to be proved. Continuity is broken by a brief absence with intention not to return, or by a notable absence of (probably) a month.

It is possible to have several canonical domiciles at the same time, and also several quasi-domiciles, and also a domicile together with a quasi-domicile. Since the latter can be acquired by the intention of remaining in a place for the greater part of a year, a person could go from his place of quasi-domicile, with no intention of abandoning it, to another place, intending to remain there for the greater part of a year, or actually doing so.

3. Legal or necessary domicile.

This kind of domicile is a legal fiction, for it does not connote personal residence but relation to another who has such residence, as in the state of marriage (for the wife), and in cases of minority and insanity.

(d) A married woman, not legitimately separated from her husband, has the domicile of her husband. She cannot acquire a domicile of her own, though she can acquire a quasi-domicile. Legitimate separation is explained in the canons (cc. 1129-1131).

(b) A minor has the domicile of the guardian. After infancy (seven years complete) the minor can acquire a quasi-domicile also. Residence sufficient for domicile may (probably) be begun in minority if concluded after majority is reached.

(c) An insane person has the domicile of the civil guardian, unless an ecclesiastical one has been appointed. If none is appointed, he is a *vagus*.

4. Loss of domicile and quasi-domicile.

These are lost by departure from the places where they were secured, with the intention of not returning (c. 95), but a wife, not legitimately separated, a minor, and an insane person, retain them in spite of contrary intention. Thus, a minor retains legal domicile even on majority, until it is definitely renounced.

5. Effects of domicile and quasi-domicile.

A person's Ordinary and parish priest are determined by domicile and quasi-domicile ; if a *vagus*, the parish priest and Ordinary are determined by actual residence, as is also the case when a person has a diocesan domicile or quasi-domicile, but not a parochial one.¹

¹ On this matter, cf. Farren, *Domicile and Quasi-domicile*.

TREATISE IV

CHAPTER I

SIN IN GENERAL

SECTION 1. The Concept of Sin

Sin is a morally bad human act, a privation of some obligatory good, a deflection from the order of right reason, and therefore from the law of God. It is a voluntary transgression of some moral law, of a law that imposes an obligation on the will. The first and fundamental moral law is the Eternal Law. Therefore S. Augustine defines sin as a deed, word or desire against the Eternal Law. This law is manifested to us by Revelation and conscience, the practical dictate of our reason. “Although the Eternal Law is unknown to us according as it is in the Divine Mind, nevertheless, it becomes known to us somewhat, either by natural reason, which is derived therefrom as its proper image, or by some sort of additional revelation.

SECTION 2. Kinds of Sin

1. Actual sin is sin as defined above ; habitual sin is this unforgiven sin whose guilt perseveres in the soul, and is the continued stain of guilt (*reatus culpa*), and, if mortal, consists in the privation of divine sanctifying grace. It is therefore rightly called the stain of sin, being the extinguishing of the refulgence of Divine Wisdom and Grace.²

2. Personal sin is sin which we ourselves commit ; original sin is that guilt, or privation of sanctifying grace, which we inherit from Adam : “Wherefore, as by one man sin entered into this world and by sin death ; and so death passed upon all men, in whom [or, because] all have

¹S.Th.ji., 1.2, q. 19, a. 4, ad 3.

²For a fuller explanation of the stain of sin, cf. *Lamentations* 1, 6 : 2, 4 : 4, 8 ; S. Th., S., 1.2, q. 86, a. 1 ; Prüminger, I, n. 392.

sinned” (Rom. 5, 12, 19). If anyone says that the sin of Adam did hurt to him alone and not to his posterity, or that the sanctity and justice which he received from God he lost for himself and not for us also, or that he did not transmit sin, which is the death of the soul, to the whole human race, let him be anathema.”¹

3. Mortal sin is that sin which destroys divine friendship, robs man of sanctifying grace and the right to eternal happiness, and so kills the spiritual life of the soul. Venial sin is an offence against God which does not destroy divine friendship but leaves grace and the right to eternal happiness substantially intact, does not imply complete aversion from God, and is more easily pardoned than mortal sin. Mortal sin and venial sin are not species of one genus. Mortal sin is sin strictly so called ; venial sin is sin by analogy'.²

4. Formal sin is a voluntary transgression of the dictate of conscience ; material sin is not a violation of the dictate of conscience, but is an act in disaccord with unsuspected moral obligation.

5. Sin may be due to malice, weakness, or culpable ignorance ; sins may be wholly deliberate if fully consented to, or semi-deliberate ; they may be against God, or oneself, or one's neighbour ; they are spiritual, if opposed to what is a spiritual good ; carnal, if opposed to the goods of sense ; there are sins of the heart, if completely realized in the internal faculty of will ; sins of speech ; sins of deed ; lastly, there are sins of commission and sins of omission.

6. The essential deformity of actual mortal sin is that it is a violation of rectitude or order. That order is ultimately founded on the Divine Essence. Sin is not explained merely by saying that it is opposed to the Divine Will, for in sinning against the Natural law, as for example by theft, we apprehend the disorder of theft, and know at the same time that it is so out of harmony with Nature, that it must be forbidden by the Divine Will. But the moral obligation imposed on the human will must come from the Will of God ; it cannot come from the human will itself.

¹ Cone. Trid., s. 5, c. 2.

² cf. Mahoney, *Sin and Repentance* c. vi.

The act that constitutes sin is the act of him who chooses an object, under the guise of good,¹ but so as to know at the same time that he should not do so, because it is a good both of an inferior order and of a nature that contradicts a good of a higher order. The act that constitutes a mortal sin is the act of one who completely turns away consciously from the Supreme Good to find satisfaction in some created finite good to the exclusion of the Supreme Good. Though such a one may not, indeed, intend to turn away from God by deliberate choice, for this would be necessarily true only in the case of a formal act of hatred of God, nevertheless, he knows that he is doing what is seriously evil, and this constitutes the fact of his aversion from God. It is, therefore, an upsetting of right order, the breaking asunder of necessary and essential relations between man and God.² It is a deliberate and conscious repudiation of the Absolute Good.

Since mortal sin is the severing of the ties of love that bind man to God, it is, in itself, an offence against right reason and the dignity of man, since man's fundamental duty is to act in accordance with his rational nature ; it is contempt of God, the Lawgiver, disobedience to His precepts, injustice in depriving God of His right to service ; it is a dishonouring of God, Who is supremely worthy of adoration, and since God is present everywhere, it is contumely against Him.³ Furthermore, as God is good and generous to man, mortal sin is an act of ingratitude ; it is apostasy from God and idolatry of creatures ; it is at least an implicit act of hatred, it is an act of foolhardy and audacious presumption. It is deicide, for it is making a mockery of Christ crucified⁴ ; it is breaking the new covenant of mercy and love made by God with man through Jesus Christ : "A man making void the law of Moses, dieth without any mercy under two or three witnesses : how much more, do you think, he deserveth worse punishment, who hath trodden underfoot the

¹ S. Thomas, therefore (*S.*, I, q. 48, a. 1, ad 2), explains that moral evil is not pure negation but is a certain good accompanied with the privation of another good.

² cf. Mahoney, *op. cit.*, c. ii.

³ cf. Lchm., I, n. 325 sqq.

⁴ Heb. 6, 6, where the phrase is used of apostasy.

Son of God, and hath esteemed the blood of the testament unclean, by which he was sanctified ? ” (Heb. 10, 28, 29). Sin is a sacrilege, inasmuch as it is the dishonouring of the temple of God : “ Know you not that you are the temple of God, and that the Spirit of God dwelleth in you ” (1 Cor. 3, 16). By sinning grievously man commits spiritual suicide, robbing his own soul of sanctifying grace, and becoming the slave of the Evil One : “ He that committed! sin is of the devil.” “ Amen, amen I say to you, that whosoever committed! sin is the servant of sin ”

That there are sins which are mortal is most clearly expressed in Holy Scripture : “ The beginning of the pride of man is to fall off from God, because his heart is departed from Him that made him : for pride is the beginning of all sin, he that holdeth it shall be filled with maledictions, and it shall ruin him in the end ” (Ecclus. 10, 14, 15) ; “ The wages of sin is death ” (Rom. 6, 23) ; “ Neither fornicators nor idolaters nor adulterers nor the effeminate . . . shall possess the kingdom of God ” (1 Cor. 6, 9).

Mortal sin is said to be an infinite offence against God. How is this to be understood ? In order to be really infinite on the part of the sinner, it would be necessary, not only that the Infinite Being should be offended, but that there should also be a complete appreciation of God’s Majesty on the part of man who sins. But this is certainly not the case, and so, because no man has a perfect knowledge of God, many people falsely think that mortal sin is impossible. This mistaken view would extinguish the eternal fires of hell, so far as man is concerned, and would make all sin a relatively trivial matter. What, then, is the meaning of saying that mortal sin is an infinite offence against God ? It is that a grievous offence against God is an attempt to inflict evil upon God, and such evil is manifestly greater than any other evil. It is, in fact, the greatest possible evil, for it strikes at the greatest possible good, which is God. In another sense mortal sin is infinite, namely, that although man can offend God’s Majesty, he cannot offer full satisfaction for such an offence, because God is in no way obliged

to accept the satisfaction offered by a sinner ; if He were so obliged, there would be some relation of equality between man and God. Only a God-man can offer full satisfaction for a mortal offence against God. Since, then, mortal sin is the greatest of all evils, and since no creature can offer adequate satisfaction to God for a mortal sin, it is correct to speak of mortal sin as an infinite offence.

Furthermore, mortal sins are not all equal, but differ in degree and kind. They differ in degree, because our deliberateness in sinning can be greater or less, our will-effort in offending God can be stronger or less strong in intensity, shorter or longer in duration. Thus, full deliberateness, profound intensity and long-continued duration in hating God will obviously be a more aggravated sin than when these elements are less ; and the same is true of all sins. So, too, many sins are worse than one sin of the same kind and degree ; a life of grievous injustice is worse than one sin of the same injustice. Again, as regards quality, mortal sins can differ. Our Lord Himself said that the sin of those who had delivered Him to Pilate was worse than that of Pilate (Jn. 19, 11). A man can completely turn away from God to gratify his hatred of God, or he may do so to disobey legitimate authority in a serious matter ; or again, he may turn from God to satisfy his thirst for revenge in killing another, or to satisfy his avarice in robbing another. In all these cases he can completely turn away from God, so that in these acts of aversion itself there are no degrees ; but the degree of his guilt depends on what he turns towards, whether to blasphemy, robbery, murder and so on. In such cases, the moral order, right reason, the law of God, are violated in different respects. The degree of inordination in the choices made by a sinner when he prefers his satisfaction to the service of God, is what makes one mortal sin worse than another. Therefore, though mortal sins are infinite, in the sense explained, they differ in kind and degree. It must always be borne in mind that every man who commits a mortal sin, quite deliberately chooses some object of his desire which his conscience tells him is grievously wrong. He knows he is making a wrong choice in a most serious matter.

In the definition of sin given above, it is implicitly stated that all sin is theological, namely, an offence against God, and that there is no such sin as merely philosophical sin, namely, an act which violates rational order, but is not an offence against God. The latter contention is, of course, that advanced first of all by atheists, who deny all divine law, and our concern at present is not with them. Secondly, the opinion is maintained by those who assert that, as a fact, in the present order of things, there are some morally evil acts which do not include an offence against God, because, though in opposition to the dictates of conscience, they are done in ignorance of God's existence, or in actual inadvertence to His law. The distinction between theological and philosophical sin, as a normal distinction, is condemned as erroneous by Pope Alexander VIII, and the obvious reason is that Holy Scripture frequently asserts in the clearest terms that God punishes all evil works of man, and that He manifests Himself to man's conscience as the avenger of evil deeds, and that if man's understanding is darkened in this respect, it is due to the wilful blindness of his heart: "And as they liked not to have God in their knowledge, God delivered them up to reprobate sense"; and, "professing themselves to be wise, they became fools" (Rom. i, 22, 28; Ephes. 4, 18). S. Paul writes to the Romans (Rom. 2, 9, 11): "Tribulation and anguish upon every soul of man that worketh evil, of the Jew first, and also of the Greek. For there is no respect of persons with God." Our Lord Himself says universally that, "they that have done good things shall come forth unto the resurrection of life; but they that have done evil, unto the resurrection of judgment" (Jn. 5, 29). There is then no evil act which is not a violation of the divine law. What might happen in another order of creation it is not to our purpose to inquire; the condemnation of Pope Alexander VIII limits itself, most probably, to the present state of man's existence.¹

Another view of the question is that of Lugo,² namely, that philosophic sin would be possible if a man were in-

¹ cf. Viva, *in loc.*

² *Incarn.*, d. 5, sect. 5; and Suarez, Vasquez, Lessius

vincibly ignorant of God, and did not, even implicitly, advert to God's existence. The supposition has to do with the psychological possibility. In opposition to this view it is maintained that at the moment of sinning there cannot be invincible ignorance or inadvertence to God's law, for the dictate of conscience involves acknowledgement of divine law as the foundation of moral obligation. Furthermore, every action apprehended as morally evil is apprehended as forbidden, and that in a sphere where no human authority intervenes.¹ Therefore, any man who is capable of distinguishing between moral good and moral evil, realizes, however obscurely, that he is subject to the power of a Supreme Being, Who commands right order to be kept and forbids its violation. The recognition of any dictate of conscience is the recognition of the law, derived from One who is superior to rational nature. We must, therefore, say that there are not two kinds of sin, namely, the philosophical and the theological. Every sin is theological, objectively and subjectively.

SECTION 3. Distinction between Mortal Sin and Venial Sin

The distinction between sin and sin is derived from the essentially different nature of sins. Mortal sin is essentially different from venial sin, because in the former alone there is the malice of total aversion from God, which is opposed to the end and consummation of the law, namely, charity or friendship with God.

“Mortal and venial sins are infinitely apart as regards what they turn away from, not as regards what they turn to, namely, the object which specifies them.”² This distinction is indicated in Holy Scripture. S. Paul enumerates a list of sins which exclude from the kingdom of God. The words of our Lord : “Whosoever is angry with his brother shall be in danger of the judgment . . . and whosoever shall say, Thou fool, shall be in danger of hell fire” (Mt. 5, 22), clearly indicate a very great distinction between sins, and

¹ Billot, *de Peccato*, p. 27.

² S. Th., S., 1. 2, q. 72, a, 5, ad 1.

the passage is interpreted by the Fathers of the Church as discriminating between mortal sin and venial sin. Our Lord also blamed the Pharisees for straining at gnats whilst they swallowed a camel, and He indicted them in the following terms : “ Why seest thou the mote in thy brother’s eye, but the beam that is in thine own eye thou considerest not?” (Mt. 7, 3). S. Paul to the Romans speaks of death as the wages of sin. S. James, on the other hand, writes that : “ In many things we all offend ” (Jas. 3, 2) ; words which cannot be taken to mean that even good men constantly commit grievous sin, for experience contradicts this. We read in Ecclesiastes : “ For there is no just man upon earth that doth good and sinneth not ” (Eccles. 7, 21) ; and in the New Testament : “ If we say that we have no sin, we deceive ourselves and the truth is not in us ” (I Jn. 1,8).

S. Pius V condemned (1567) this proposition of Baius (pr. 20) as heretical: “No sin is of its nature venial, but every sin deserves eternal punishment.” The Council of Trent asserts the distinction in dealing with the necessity of confessing all mortal sins, whereas “ venial sins, by which we are not excluded from divine grace, can be expiated by many remedies ” other than the Sacrament of Penance. Reason, too, points out this distinction, for God’s Will is that the moral order should be preserved. It is, therefore, necessary that divine law should impose under the gravest obligations those things which safeguard this moral order in its essential features, whereas the obligation need not be grave in those features which affect the perfection but not the essence of that order, and deal only with such things as conduce to this order, but whose violation does not completely vitiate and destroy it.

“ The difference between venial and mortal sin is consequent on the diversity of that inordinateness which constitutes the essence of sin. For inordinateness is twofold, one that destroys the principle of order, and another that, without destroying the principle of order, implies inordinateness in the things which follow the principle. Now the principle of the entire moral order is the last end ; therefore, when the soul is so disordered by sin as to turn away from its

last end, namely, God, to Whom it is united by charity, there is mortal sin ; but when it is disordered without turning from God, there is venial sin.”¹ It may be disordered in matters which refer to the last end, though not in respect of the last end itself.

Again, man’s essential relations to God are violated seriously by such sins as blasphemy and idolatry, his relations to himself are seriously violated by unbridled drunkenness, and his relation to his neighbour by murder. Such acts, must, therefore, be mortal sins essentially. On the other hand, certain actions do not subvert the moral order, such as voluntary distraction in prayer, or only a slight measure of advertence or deliberation even in what is materially a grave matter. These, therefore, are venial, so that there are two classes of sins which never can be mortal, namely, those that are slight by reason of their matter, and those that are slight by reason of an imperfect human act.

Lastly, experience clearly proves that good Christians ordinarily do many actions which they know to be displeasing to God, but which they certainly do not apprehend as extinguishing their appreciation of Him.²

SECTION 4. Effects of Mortal Sin

The effects of actual mortal sin are, first, the loss of sanctifying grace and of the infused virtues and gifts, except

¹ S. Th., S., I. 2, q. 72, a. 5, ad i : q. 87, a. 5, ad 1.

² It is common experience that many non-Catholics reject the distinction between mortal and venial sin. They either maintain that all sin is venial, a very comforting doctrine, but one without any foundation in Holy Scripture, or they maintain that there is no sin at all, because God is impassible, or they maintain that every sin is mortal because an Infinite God is offended. Even pagan philosophers and satirists (Seneca, Horace) saw the distinction, and S. Augustine ridicules the contention (M.P.L. 33, 394) : “ Could anything be more absurd or foolish than to consider one who has indulged in immoderate hilarity guilty of as great a sin as the wretch who has brought ruin upon his native land ; if two acts are equal because they are both offences, then mice and elephants are equal because they are both animals, and flies and eagles are equal because they can fly through the air.” Furthermore, he speaks of slight and daily faults which can be cleansed by daily prayer and especially by the ‘ Our Father ’ which is, as it were, our daily baptism. All such contentions and arguments as have been set forth in the text and in this note establish the conviction and the fact that there are sins which are not mortal.

that faith and hope are not destroyed by every mortal sin.¹ The second effect is consequent guilt, or the necessity to which the sinner is subjected of enduring the just anger of God. The third effect is the consequent penalty to be undergone by way of restoring, through compensation, the outraged honour of God, a penalty which God imposes without a conflict between justice and mercy. The fourth effect is the loss of all merit, and incapacity of gaining new merit, so long as the sin is unforgiven, for mortal sin is irreparable since on the loss of divine love there is no principle in man that can repair the loss. Punishment is due to the sinner, because, having indulged his own will contrary to God's Will, he must endure some pain contrary to his own will. In the case of mortal sin, this punishment is eternal, for so long as the guilt remains and the sin is unforgiven the penalty must be endured. In the case of venial sin it is temporal. Eternal punishment comprises the pain of the loss of God and the pain of sense, namely, positive sensitive suffering ; the former pain is retribution for turning from God during life ; the latter pain is retribution for wilful satisfaction.² The temporal punishment for sin that has been forgiven is undergone either in this world or in the next ; if endured in this world, that is entirely due to God's mercy.

Habitual mortal sin, or more strictly, the habitual state of sin, is the permanent aversion from God due to unforgiven actual mortal sin. It comprises, therefore, this permanent aversion, permanent guilt and permanent voluntary privation of sanctifying grace. Its forgiveness is asked for in those words of the * Our Father' : ' Forgive us our sins (debts), ' and by these others : ' Behold the Lamb of God Who taketh away the sins of the world.' The stain of sin in the soul in consequence of mortal sin, consists in the privation of sanctifying grace which had previously endeared the soul to God as an object of His love, and as grace was the adorn-

¹ Cone. Trid., s. 6, c. 28 ; cf. 1 Cor. 13, 2 ; Jas. 2, 14.

² The eternity of punishment is not to be ascribed to the subjective infinitude of mortal sin, for that does not exist, but to the irremediable state of enmity to God.

ment of the soul, so the soul in the permanent state of mortal sin is represented in Holy Scripture as stained.

SECTION 5. Conditions Requisite for Mortal Sin

Three conditions must always be verified in mortal sin. These conditions, excluding for the moment sin due to an erroneous conscience, are : Serious matter, full advertence to the gravity of this matter, and full consent in the act of sinning. If any one of these is absent, the sin is not mortal. In regard to the matter of sins, to determine what is and what is not grave matter in positive human laws, ecclesiastical or civil, we must have recourse to the ordinary canons of interpreting laws, having regard, when in doubt, to the sanction, motive, intention, circumstances of laws, and to the commonly received understanding of them.

1. Serious Matter

In positive divine laws we must have recourse to Holy Scripture, traditional teaching, rulings of the Church and received opinion. These are, as it were, an extrinsic standard by which our judgment is determined.

As it has been stated that some mortal sins are greater than others, it will not be out of place to suggest some considerations that may help one to discriminate between them. These considerations are not of great practical use for the faithful generally, nor always for the confessor ; but they are of considerable service to the pastor and preacher, in order that he may represent the heinousness of mortal sin in its true light, as being primarily an attack upon God's dominion, majesty and love. At the same time, one must be slow to determine, without very clear evidence, what is mortally sinful and what is not, and still slower to impute grave moral guilt to others. S. Augustine wisely said : " What those sins are which exclude from the kingdom of God, it is most difficult to determine and most dangerous to assign " ; yet he spoke of certain crimes, such as adultery, as obviously mortal. S. Raymond of Pennafort speaks in the same sense : " Be not too prone to judge sins to be mortal when you have not the fullest

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evidence ” ; and S. Thomas : “ It is dangerous to decide what sins are mortal, unless we have positive teaching to guide us.”¹ With such warning before one, it is permissible to lay down only some very general rule to serve as a rough and ready standard, by which to measure the relative gravity of sin.

Those sins are the gravest sins of all, which attack God's Divine Nature and His Attributes ; they are followed, next in point of gravity, by sins which are directly contrary to the sanctity of Christ's Sacred Humanity and the Sacraments, the divine order of the Church, the good of the race and of society, the spiritual essential goods of oneself and neighbour, and then the temporal goods. Therefore, in respect of God, the following are serious sins : Hatred of God, of His Attributes, unbelief, apostasy, heresy, despair, blasphemy, idolatry, superstition, perjury, sins against our Lord in His Humanity, sins against the Blessed Sacrament, simony, sacrilege, violation of vows and of oaths.

In respect of man's person, those sins are more grievous which are against oneself, than the same sins against parents, relatives, superiors, and others.

In respect of spiritual and of temporal goods, those sins are most grievous which do serious harm to life of soul or body, then those which seriously violate conjugal rights, good name, external goods.

In the case of sins that affect the person more immediately, the serious sins are suicide, parricide, murder, impurity, and in this last category, sins against nature are worse than other sins.

The sins that cry to heaven for vengeance are : Wilful murder, sodomy, oppression of the poor, defrauding labourers of their wages. This category of four grievous sins is not a class of the worst possible sins, for none of them are opposed directly to God, but of sins that must provoke God's anger in a way that we do not attribute to His Divine anger against many other sins, and because Holy Scripture speaké of them as a class apart and as crying to God for

¹ S. Aug., *de Civ. Dei*, lib. 21, c. 27 ; S. Raymond, *de Pccat.*, n. 21 ; S. Th., *Quodlib.* VIII, q. 9, a. 15.

vengeance. In the four sins mentioned above, the offence is directly opposed to nature and natural instincts, and therefore to the order in this world which God has taken supreme care to establish. Thus, wilful murder is directly opposed to God's sovereignty, Who alone is master of life ; sodomy is a perversion of the true natural sexual instinct, which is designed to perpetuate the race ; oppression of the poor extinguishes the ingrained sense of pity in the human heart ; defrauding labourers of their wages is opposed to the social instinct that safeguards the property of the members of the body politic. It is obvious that these sins tend to the destruction of the human race.

There is good warranty in Holy Scripture for putting these four sins in a class apart and considering them very heinous crimes. Thus : “ The voice of thy brother crieth to Me from the earth ” ; “ The cry of Sodom and Gomorrah is multiplied, and their sin is become exceedingly grievous ” ; “ I have seen the affliction of my people in Egypt, and I have heard their cry because of the rigour of them that are over the works ” ; “ Behold the hire of the labourers, who have reaped down your fields, which by fraud has been kept back by you, crieth ; and the cry of them hath entered into the ears of the Lord of Sabbaoth ” (Gen. 4, 10 : 18, 20 : 19, 13; Exod. 3, 7 ; Deut. 24, 14 ; Jas. 5, 4).

Certain sins are named in Sacred Scripture sins against the Holy Ghost, because they are viewed as specially offensive to the Holy Spirit, who was manifested in Christ Himself as man, in His miracles, in Divine Revelation, in the action of the same Spirit in our souls or outside of us. These sins are enumerated : Presumption of God's mercy, despair, resisting the known truth, envy of another's spiritual good, obstinacy in sin, final impenitence. Sins against the Holy Ghost issue in final impenitence, which is, as a fact, unpardonable ; before death they sometimes issue in the worship of the devil and positive hatred of God and love of evil, the most terrible forms of such spiritual degeneracy being diabolical scandal and compact with Satan.¹

¹ cf. Koch-Preuss, II, p. 91 sqq.

2. Full Advertence

Actual advertence by the intellect is a necessary condition for all mortal sins.¹ It may be advertence to the act of sinning here and now, or advertence to a serious doubt as to the sinfulness of an act about to be done, or advertence to a state of culpable ignorance whilst acting, or advertence to the future natural effect of a voluntary sinful cause here and now set in motion ; in this latter case, the effect need not be adverted to when it actually takes place, for the sin has already been committed, and the effect is said to be voluntary in its cause, so that one who puts the cause deliberately is responsible for natural and foreseen effects.

A lamentable amount of confusion has been created by writers who speak of virtual advertence as sufficient to constitute mortal sin.¹ In any true sense such a term is unintelligible, for when a person sins, he must actually know that he sins. To quote one example only, Gonzalez allows himself to say that “ a man can sin mortally against a law, though at the very time of acting he does not know he is sinning, nay, even though he thinks it certain that he is doing right.”² Such confusion of thought is the result of not clearly defining terms, and also—which is almost worse—of departing from the commonly-received meaning of terms.

No less lamentable confusion has been caused by writers speaking of confused advertence being sufficient for mortal sin.³ What should be stated is that if a person acts with a doubtful conscience in a concrete case, deliberately taking the risk of a grievous offence against God, he is said to have a confused idea of the wrongfulness of the action. As a fact, he has not a confused idea ; he knows perfectly well that it is a grievous sin deliberately to risk offending God grievously. Of that he has the clearest possible idea. We should, therefore, in order to avoid confusion, dismiss these

¹ cf. Marc, *Inslit. Alphms.*, I, n. 318, 20.

¹ The words quoted in the text could possibly have a true sense if they refer to sin that is voluntary in its cause, but they require a good deal of explanation. *Prima facie* they are indefensible (Ball.-Pal., I, nn. 440, 447).

* Authors rightly state that consciousness *in confuso* of a grave sin is sufficient, but they do not mean confused consciousness.

misleading terms and say that for mortal sin advertence must be full, actual, and distinct.

Persons of a tender conscience wonder sometimes if they really adverted sufficiently to what they did and are much disturbed about the possibility of having committed grievous sin. Theologians lay down a few wise rules for guidance in such cases. The signs of insufficient advertence are :

1.If one is half asleep or drowsy or not in full possession of one's faculties.

2.If one thought of the sin in a very superficial kind of way, as though one were really only half attending. This must often be so with children.

3.If one was disturbed by vehement passion or distraction.

4.If, on mature deliberation, one can honestly say that such a sinful act would certainly not have been done if one had fully adverted to its gravity.¹

3. Full Consent

As the consent of the will is necessary in every human act, so is it necessary in the case of sin, and in the case of mortal sin it must be full consent. As in advertence, so in consent, a man need not know nor intend the full malice of a grievous sin in order to commit a mortal sin, nor need he intend to offend God in a particular way ; it is sufficient that he know and intend the grievous wrongfulness of an act. Real malice usually exists only in an impious heart, but mortal sin may be committed by a person who does not intend to be formally malicious. We rightly, therefore, say that some sins are of malice prepense, whilst others are not strictly malicious ; they may be grave nevertheless. Malicious sins only exist in the will of one who is subject,

¹ When it is stated that full and clear advertence is necessary for a mortal sin, it must be added, as of great moment, that advertence at the beginning of the act and even before the act is sufficient. Distinct advertence to the malice of a sin is not necessary, but advertence to the fact that the sin could be a grievous one is sufficient, nor is explicit advertence to the sin as an offence against God necessary, nor any reflex consciousness of its gravity. All that is necessary is direct knowledge of its substantial gravity (Verm., I, n. 405 ; Lehm., I, n. 343).

at the time of sinning, neither to ignorance of any sort, nor to frailty, nor to sensitive passion, and these sins may be truly termed diabolical, such as diabolical scandal. Such sins are cold and calculated. It would, therefore, be untrue to say that all mortal sins connote formal malice, though they all certainly connote grave formal offence against God's law.

Consent, then, to a mortal sin must be full and perfect. A man must wish to choose the wrong quite deliberately. Temptation, passion, fear, do not necessarily rob a man of the freedom of full consent, though if they are very violent they will usually disturb advertence and impede full consent.

Persons of tender conscience are sometimes worried as to whether or not they gave full consent to grievously evil thoughts or desires. It may generally be assumed that consent is imperfect.

1. If there is habitual determination rather to die than to commit a mortal sin.

2. If the sin intended might have been easily realized in act but was not.

3. If, on reflection, a person is at once grieved and turns the mind away from such evil thoughts.

4. If a person doubts about having given full consent.

A person who well knows that a certain act is grievously sinful and nevertheless deliberates with himself whether he will do it or not, is obviously guilty of grievous sin. Such deliberation does not mean the consciousness of being tempted.

Pastoral Note

The confessor will bear in mind that the habitual sinner commits many grievous material sins without full consent or advertence. Indeed, consent may be thought to be only partial in many sins of drunkenness and unchastity, after a habit of sinning has been acquired. The almost intolerable temptation to take too much intoxicating liquor, and the vehement movements of lust, must be taken into account, for these tendencies are much more a matter of physical than of psychical desire. The confessor, therefore,

will do well to advise such penitents to go to the root of the matter and attack the habit. The first victory gained makes the second victory easier. The penitent should be urged to resist with the whole force of his will the next temptation at its inception, before it has become strong. If relapse follows, the same advice must be given, for even a half-hearted resistance is better than no resistance at all. In addition to this personal effort against the habit, the grace of frequent confession should be sought, and what is commonly called sublimation or the directing of the desire into higher and nobler channels should by no means be despised. This last factor is especially valuable in cases of pre-nuptial sin, for sincere love may act as a sublimation of passion. The prospective husband especially should esteem and honour the integrity of his partner.

Children, if uncorrected, contract habits of lying and stealing. Other considerations should be offered to them, such as that they offend a good and generous Saviour, and that they do themselves harm in losing the trust and confidence of others.

CHAPTER II

SPECIES OF SINS

SECTION 1. Distinction of Sins

Since, in the Sacrament of Penance, we are bound to confess all mortal sins, according both to number and kind (c. 901), it is necessary¹ for confessor and penitent alike to differentiate sin from sin. Thus, if a person had committed one grievous sin of theft and one of blasphemy, to confess that he had committed two mortal sins would not be to confess his sins according to their species. How, therefore, are we to distinguish between sin and sin?

I. S. Thomas assigns the object in the moral order as the essential distinguishing factor in sins; thus, since, in the moral order, theft and blasphemy are essentially different, for they offend against utterly different relations of an agent to the moral order, and are opposed to right reason under differing aspects, they are distinct sins, and this rule is in accordance with the rule laid down in discussing moral acts in general, namely, that moral acts differ if their objects in the moral order differ.¹ Thus, S. Thomas says: "Pride seeks excellence in reference to various things, and avarice seeks abundance of things adapted to human use"; so that pride and avarice, as voluntary acts, being concerned about different objects, also differ from one another. S. Thomas does not differentiate sins by their motives (*finis operantis*), for theft is theft and blasphemy is blasphemy independently of motives. It is, therefore, important to see how S. Thomas, consistently with his previous teaching on moral acts, understands the specific distinction of sin from sin.

They are distinguished according to their different objects, because every end which the will seeks is an object of the will, and to say that sin differs from sin because end differs from end, is to admit that objects in the moral order differentiate sins.

¹ cf. Billot, *de Pacato*, p. 47, for a defence of this view; S. Th., S., I. 2, q. 18, a. 2: q. 72, a. 1.

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They are not distinguished according to the different aspects of evil in them, for sin is not merely a privation of good, but it is a positive act that falls short of its due order. We should, then, differentiate sins by their actual and positive objects, sought by the will, rather than by their opposition to contrary virtues, though even here, virtues are differentiated by their objects in the moral order, and the distinction would lead to the same result, though it is less fundamental.

In every sin there are two elements, the one, the voluntary act, the other, the disorder of the act. It is the voluntary act which the sinner intends, whereas the disorder of the act is accidental, for no one intends evil as such and for its own sake. We must, therefore, distinguish sins by what is essential in all sins, not by what is accidental. Therefore, sins are to be distinguished by the diverse voluntary acts in them, and the voluntary act differs in accordance with the object in the moral order.

If we consider venial sins only, this teaching of S. Thomas is obviously the true method of distinguishing sin from sin, for venial sins essentially differ from one another, entirely in accordance with those objects towards which the will inordinately turns itself. The kind of the inordination is determined by the object. This is evident in every case ; we might take, as examples, venial sins of vainglory and intemperance.

If we consider mortal sin, we find in it three elements, namely, the voluntary act, the inordination in the object itself (as in murder and adultery), and the aversion of the sinner from his final end, God, by turning to some finite and mutable object of desire. If mortal sins were measured solely by their relation to God, all mortal sins would be of the same species ; but this is not so, for it is one thing to turn away from God by pride, and another thing to turn away from Him by injustice. Since the objects to which the will turns differ in the moral order, mortal sins also differ from one another in accordance with their objects.

But since a man can turn towards avarice, for instance, in small matters as well as in great, with only a slight inordination as well as with a very great one, it follows that in the

moral order, mortal sins can be in the same species as venial sin, although theologically they are not so.

2. Two other methods of differentiating sins have been suggested. They are helpful and sometimes easier to apply, but they are not so scientific as the method given by S. Thomas.

(a) Sins are specifically different if they are opposed to different virtues. Thus, theft as opposed to justice, and lying as opposed to veracity, are distinct sins. It must be added that two sins may also be distinct, theologically, if they are opposed even to one and the same virtue, but the one only slightly, the other grievously. Thus, a very slight theft from a wealthy man is theologically different from a very serious theft from the same man ; the former is a venial sin, the latter mortal ; but this apparent qualification of the rule does not affect its fairly universal application, in distinguishing sin from sin in the moral order by reason of their contrary virtues.

S. Thomas also admits this as a principle of differentiation : “ Sin is not pure privation but an act deprived of its due order ; hence sins differ specifically according to their opposites, although, even if they were distinguished in reference to their opposite virtues, it would come to the same, since virtues differ specifically according to their objects.”¹ But his own method of distinguishing sins is the more scientific, since, as he truly says, virtues also differ according to their objects, and if it be difficult to discriminate objects in the moral order, it is obviously as difficult to discriminate virtues. Furthermore, the rule fails to apply in cases where specifically different sins, as idolatry and blasphemy, are violations of the same virtue, namely, religion.

(b) Sins are specifically distinct if they are violations of laws that are distinct. Thus, the law of charity is distinct from the law of fasting, and therefore sins against these laws are distinct. It is to be observed that if one and the same sin be forbidden by several legitimate Superiors, as, for instance, theft which is forbidden by Divine, Ecclesiastical, and Civil law, a single act of theft would not in such cases

be a triple sin of disobedience, as well as a violation of justice, but simply one sin of injustice, so that if only a single virtue be violated by sins that are against several founts of law, a single sin would be committed. On the other hand, if fasting is imposed by the Church, by a confessor as a penance, and by a religious Superior as a matter of the vow of obedience, on one and the same day, a culpable violation of this fast would be a violation of a triple obligation, for three distinct laws are violated, in that the several motives or causes of the precepts are quite distinct. Similarly, a Religious under a vow of chastity would be guilty of a double malice in the one sin of unchastity, namely, violation of the two laws enjoining chastity and fidelity to vow. This method of differentiating sins by reason of prohibiting laws is an easy one to apply, both for penitent and confessor, especially in the case of positive law, and so we usually examine our consciences in view of confession, by considering how we have disobeyed the Commandments of God and the laws of the Church.

SECTION 2. Changes in the Character of Sins

Sins that are objectively grave may be subjectively light. Thus, sins that are of their nature grave, such as theft, may be light :

1. When there is want of either full advertence or full consent.

2. When a person acts with an inculpably erroneous conscience as to the gravity of the sin in itself, thinking it to be only venial.

3. When a grave precept is violated in a slight matter, if it admit of slight matter, as when a very small quantity of flesh-meat, less than two ounces, is eaten on a day of abstinence.

Certain matters do not admit of venial violations, whenever the *adequate reason* of the precept is always present, as in the precept of preserving inviolable the sacramental seal of confession, or whenever a *complete inordination* exists in all acts of a particular category. Hence :

I. There is never slight matter in sins which are directly

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opposed to God or to any Divine Perfection. Therefore, heresy, despair, hatred of God, blasphemy, perjury, formal contempt of divine authority, superstition, simony opposed to divine law, that is, the sale of spiritual things as such, are always grievous sins, if committed with full advertence and consent.

2. There is never slight matter in sins committed by the unmarried in respect of directly voluntary venereal pleasure.¹

On the other hand, there can be slight matter in sins against religion, such as those that are against the Third Commandment of God, 'Keep holy the Sabbath day,' and in sins of sacrilege, and in those matters, as abstinence, where the exercise of the virtue of temperance is divisible into many acts, as also in sins which violate the rights of others in the matter of personal integrity or honour or material goods. When it is stated that there can be slight matter in these sins, it is not, of course, implied that there can never be grave matter.

Contrariwise, a sin that is of its nature light may become grave :

1. Through an erroneous conscience, when, for example, one thinks that to be grave which is really light : this error is common in children and should be corrected prudently, without giving scandal.

2. When a light sin, as a small theft, is committed for a grievously bad purpose ; the act then is a grievous sin, though not really a grievous sin of theft.

3. When by sinning slightly a person puts himself into the proximate danger of sinning grievously. Thus, the reading of a slightly bad book, which, in itself, is usually a venial sin, may result in a proximate danger of mortal sin.

4. On account of grave scandal foreseen and easily avoidable from a slight sin, as when parents give scandal to children by what is not mortal sin, or indeed may not be sin

5. On account of formal contempt of law and of God the Lawgiver, when one thinks seriously, for example, that God

¹ This point is treated under the Sixth Commandment

is foolish to forbid slight sins. This contempt, however, must be formal, as explained. Material contempt, which is present if a person should ridicule an obligatory human law as one of slight moment, would not be grievous.

6. When a person would rather give up God and heaven than forgo a present slight sinful gratification. But the comparison would have to be formal and serious.

7. When a slight sin, being added to foregoing sins, as could happen in the case of accumulated small thefts, constitutes at last a grave transgression. This last sin in the series, though in itself not grave, can coalesce with its predecessors, so as to be a completed grave injustice. But there must be a moral continuity between the several small sins, that is, they must be regarded as constituent parts of one whole act.

It is well pointed out that confessors should always be conscious of those elements which make sins subjectively light though grave in themselves, for what is committed out of ignorance, moral weakness, fear, human respect, is often less sinful than it would be, if these factors were absent. The confessor should point out the danger of venial sins leading to mortal sins. It is also necessary for the confessor to remember that what, in itself, appears a grave sin, if considered by itself, may in point of fact be only a small part of a total that is grievous matter.¹ A vow to give a very large sum of money (£10,000) would not be seriously violated if a relatively small sum (£100) were withheld. But the principle is to be carefully applied, for it is not generally admitted that if one hundred Masses have to be celebrated for the one intention, the omission of one Mass would be only a venial sin,² nor that in onerous and bilateral contracts such as sale, barter, exchange, a large sum of money—though relatively to the whole sum rather insignificant—may be withheld without grievous injustice.

Since there is an essential difference between mortal sin and venial sin, no number of venial sins can coalesce into a mortal sin. If, therefore, one were to propose to commit

¹ Verm., I, n. 419.

² *Contra Lehm.*, II, n. 269.

many venial sins, this kind of resolve would not of itself be a grave sin, though the committing many deliberate venial sins would dull the moral sense and might easily dispose one to commit mortal sin.¹

But a succession of venial sins of injustice by theft or damage can coalesce into a mortal sin of injustice as explained in the chapter on the Seventh Commandment.

SECTION 3. Numerical Distinction of Sins

1. The Council of Trent defined that for the remission of sins in the Sacrament of Penance it is necessary by divine law to confess every mortal sin.³ It would not, therefore, be sufficient to confess grievous sins in general ; we are bound to say both in what ways and how often we have sinned. We are speaking now, of course, of confession in normal circumstances. We must, therefore, know when sins differ numerically as well as specifically in order to fulfil this obligation.

2. Sins that are distinct acts specifically, such as calumny and theft, are also distinct numerically, since they proceed from entirely distinct acts of the will. A sin that offends against two or more specifically different laws is virtually multiple, as sacrilegious theft, and the twofold malice is confessed when the species of the sin is confessed.

3. If, however, several acts of injustice, for example, are committed against the same person, as would be the case in inflicting blows, wounds and ultimately death, a difficulty sometimes arises in determining if such several acts are several sins or only one sin. The matter is of great consequence in view of the obligation of integral confession, and therefore two principles have been laid down to meet the difficulty :

(a) The first principle is that sins are numerically distinct if the acts of the will are distinct ; thus, the acts of murder and of calumny are two distinct acts ; therefore, these are two distinct sins.

¹ Venn., I, n. 41g *bis* ; S. Alph., lib. 4, n. 12.

¹ Canon 7 : *de Penitentia*.

(i) The second principle is that if several complete objects are apprehended as distinct objects of one and the same human act, then there are several sins ; thus, if a crime of arson has for a secondary object the death *of* several persons, apprehended as several and distinct, then several acts of injustice have been committed by this act.

The First Principle explained

(i) In regard to several merely internal acts, such as acts of hatred, there will necessarily be different sins, if one act is separated from another by a sufficient interval, for where there is continuity in an internal act or between several internal acts, there is only one sin. This continuity is broken, either by such cessation from the internal act as is completely deliberate, or by cessation that is involuntary. The former would take place if a person elicited an act of sorrow for an internal sinful act, but, shortly after, relapsed into the same sins. The latter, namely, involuntary cessation would take place if attention were distracted for a time or if suspended by sleep. In the case of involuntary cessation by distraction, it is not easy to determine what interval would break the continuity ; a brief interval would not, an interval of two or three hours certainly would do so.¹

(ii) In regard to internal acts which it is proposed to realize externally, as the desire to steal, these acts are multiplied and therefore the sins are also multiplied by interruption through voluntary or involuntary cessation from the internal act ; through voluntary cessation, which may take place by revoking the act altogether, or by deliberate cessation from it, especially if no means to execute it have yet been taken ; through involuntary cessation from it for a longer time, even if some means have been taken to execute it. But it is impossible to determine this period of time exactly. S. Alphonsus thought that a period beyond three days would effectually break the continuity.²

¹ Lugo truly says that some internal sins are easily interrupted and therefore multiplied, such as internal blasphemy, whereas others are easily continued and not so readily multiplied, such as evil desires, hatred and the like (*de Pamil.*, d. 16, n. 570).

² S. Alph., lib. 5, n. 39.

(iii) External consummated sins are numerically distinct when they are complete and independent of one another ; they will not be thus distinct if they are component parts of one whole sinful act, or if some are employed as means in the same order of moral evil to the consummated act.¹ Thus, if murder be intended and at once led up to by blows and wounds, these being sins in the same order as murder, namely, the order of personal injustice, the whole series of acts will be one sin and need not be confessed as separate sins. Also, in the case of many sinful thoughts succeeding one another almost continuously, or of many unchaste actions due to one and the same impulse of passion, or of many blasphemies due to one impulse, these will severally be one sin only.

The Second Principle explained

(i) In regard to merely internal acts, if one act of the will is exerted about several distinct objects, as the intention of missing Mass for several Sundays without just reason, there will be one grave sin, because there is only one complete object of the will, namely disobedience. When, later on, the Masses are actually missed, each time there will clearly be another grave sin, but for the present we are speaking only of several objects relatively to one act of the will.

It must be obvious also, that one could not intend by a single act of the will to miss Mass and to steal, because these two objects are completely distinct specifically and are necessarily apprehended as distinct.

(ii) In regard to external acts, if the several external objects are apprehended as distinct, then there will be as many sins as objects ; thus, if in setting fire to premises a person wished to do injustice to each of its several owners, there are several sins of injustice in the one act. This opinion, though the stricter, appears to be more reasonable, but the contrary,

¹ It is paradoxical to say that the desire to do evil and the evil means employed to compass the evil, which, however, did not ensue (as in attempted murder), are two distinct sins, whereas actual murder together with evil means employed are probably only one sin.

as explained in the note, may be admitted to be probable.¹ But if the several objects are apprehended as one whole, there will be one sin only. Thus, if a person calumniate a family or a body of men, taking them as one entity, there is one sin only and there are not as many sins as there are members in the family or body, even if one knew the number. The number is an aggravating circumstance and need not be confessed. But in the case of the murder of several people by one act, such as an explosion, it would be insufficient to confess merely murder, because this expression means the murder of one person only, and to confess in such a way would be implicit deception of the confessor, who must know the sin in order to judge. The sin of murdering one is not the same as that of murdering several.

SECTION 4. Internal Sins

Internal sins are consummated by an act of the will without any external expression. Sin is not in the mind but in the will. When, therefore, we speak in this context of sinful thoughts in general, we mean thoughts about some forbidden object which the will approves, accepts and takes pleasure in, eliciting in its regard approval, desire or delight. Internal sins are commonly enumerated as three ; desire, joy and complacency, the last being also called deliberate complacency or morose pleasure. The word morose, however, has a meaning in English quite other than *morosa* in Latin, and therefore we shall here speak of deliberate pleasure rather than of morose pleasure. Joy and deliberate pleasure in the will do not differ ; the only difference is accidental, namely, that joy concerns a past object, but pleasure concerns a present one. Pleasure and desire do differ however, and that essentially, for to take pleasure in the present thought of another's misfortune

¹ Suarez (*de Pœnit.* d. 22, s. 5, nn. 34-36), however, and others deny this and maintain, with good show of reason, that it is not possible to commit several numerically distinct sins by one individual act. S. Alphonsus replies that the act is virtually multiple. There is no doubt, however, that restitution would have to be made to each individual : cf. Verm., I, n. 432, where the opinion of Suarez is adopted.

is very different from desiring that misfortune ; we can distinguish the two both morally and psychically.

Desires

1. An evil desire is an act of the will, a wish to do something forbidden. It is efficacious and absolute, if it includes the intention of taking the necessary means to fulfil it ; it is inefficacious, if it is conditional, as : ‘I would do this if I had the power.’ An efficacious desire to do wrong is a sin of the same species and gravity as the desired external act with all its circumstances, because desire is directed to an object just as it exists, and the interior act derives its moral character or moral species from its object, namely, the external one. Thus, the desire to steal a sacred thing is a sacrilegious desire ; the desire to injure a parent is a sin against dutifulness ; the desire to tell a lie is a sin against veracity ; all are internal indeed, but of the same species morally as would be the corresponding external acts if carried into execution. An inefficacious evil desire is equally wrong, because it is no less an act of the will directed towards a wrong object, and therefore there is no moral difference between the efficacious and the inefficacious desire.

2. Evil desire, then, is of the same moral species and gravity as the external evil object with all its circumstances to which desire is directed. If the desired object is grievously wrong, so is the desire, such as the desire to do grave injustice, and if the object has a double malice, such as adultery, the desire also has a twofold malice, namely, that against chastity and justice, and therefore in the Sacrament of Penance the distinct nature of evil desire—if grievous—must be explained. This doctrine, however, is not realized by many penitents, and the confessor must instruct them, but with great prudence.

3. But inefficacious and conditional desires are sometimes not sinful and it is necessary to explain the principles to guide one in determining when they are sinful and when they are not :

(a) A conditional desire is not sinful, if the condition take

away all the evil of the external object. Such would be the case in matters of some positive law. Thus, eating meat on a day of abstinence is sinful, only by reason of Ecclesiastical law ; taking what belongs to another is not always sinful, and therefore conditional desires of doing such things if they were allowed would not be sinful, but desires of this nature are foolish and might be dangerous.

(à) A conditional desire to do what could never be lawful is sinful. Thus, blasphemy is never lawful, and to desire such a sin conditionally, would be a great dishonour to God. Similarly, it would be sinful to elicit a conditional desire when the condition could not, as a fact, make the act lawful ; thus : “I would steal if I could do so secretly,” would be a sinful desire.

(c) The mere statement of fact, such as : “ If it were permitted by God’s law, I would exact vengeance,” may merely state temperamental disposition and need not be sinful, certainly would not be gravely sinful ; but such statements may be scandalous.

Is it permitted to desire harm to come to others ? *To* answer this question we must first exclude really efficacious desires, such as would include the wish to take some means in order to inflict harm, for this is against charity. Secondly, we must exclude all desire of harm, as such, to others ; that is to say, we may not lawfully desire what is harmful just because it is harmful to others ; we may not desire the death of an enemy just because death is a physical evil to him. Speaking then of inefficacious desires alone, the principle is that we do not sin when we wish harm to others in order that greater harm may be avoided, and this is in accordance with true charity. That this is permissible is obvious, because if the order of charity be observed, to wish such harm is to wish it as a real good. Thus, it is wrong to wish anyone to suffer eternal loss. It is also wrong to desire the death of another on account of an inheritance or legacy, because it is against the law of charity to prefer temporal advantage of small moment to the life of another.¹

On the other hand, it is lawful to desire some misfortune

¹ Pope Innocent XI condemned the contrary assertion ; cf. ppr. d. 13, 14, 15.

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to befall another not as his misfortune but that he may be corrected or converted to God ; or to desire the death of another in innocence rather than that he should live a bad life or die in sin ; or to wish for the death of one who is doing great public harm—but not for his death as an evil to him but that harm may cease. Similarly, it is lawful to desire the death, but not as another's evil, of one who is likely to compass my death or that of another innocent person or what is equivalent to death, such as dishonour and persistent grave injury ; or to desire the retribution of death to be inflicted as a just punishment on a criminal. In all these examples the order of charity is maintained, for the higher good may always be preferred to what is lower, and to wish the higher good is not necessarily to wish evil; but it is best to refrain from such, even licit desires, since human nature is easily diverted by passion from the guidance of right reason.

2. Joy-

Desire refers to a future act, but joy refers to a past act, whether done by oneself or another, and it consists in an exaltation of spirit in which the will takes complacency in the act done and this complacency can, obviously, have reference to a morally eval act.

1. This joy is approbation of the evil, just as it took place, and it is, therefore, of the same moral and theological species and gravity as the evil itself with all its circumstances, for the will sins by approving of the evil object in the exact way in which the object is apprehended. Thus, if a person rejoices in his own or another's theft of a sacred tiling, knowing this to be sacrilege, he is guilty of the internal sin of sacrilege, and it would be untrue to say that he rejoiced at simple theft.

2. Secondly, if the manner or method in which a sin was committed, as in the case of an astute burglary, is the object of joy, then if there is nothing sinful in the method, to rejoice at it is not sinful, though it may in some cases be dangerous. To admire the art displayed, where displayed, in pictures of the nude, is not in itself sinful, but

it is in many cases decidedly dangerous, and for that reason it would be sinful to expose oneself to danger of sin without a sufficient excuse.

3. If the object of joy be the good effect which a sin has caused, it is not a sin to rejoice in such good effect, though here again it may be a source of danger. Even the Church sings in the *Exsultet* on Holy Saturday: *O felix culpa, qua tantum ac talem meruit habere Redemptorem.*

4. If the object of joy be an evil object that had a good effect, one may not lawfully rejoice in the evil in any sense at all, though one may rejoice in the fact that it had a good effect, and in the causal connexion between the two. Thus, the proposition is condemned, that a son may rejoice in parricide committed by him in a state of intoxication, on account of a large inheritance coming to him in consequence of the parricide.

5. One may lawfully rejoice in the physical evil of another, provided, as stated above, the order of charity is observed. Eternal life is better than temporal life, and therefore we may rejoice at the death of an innocent child because through death it has entered heaven.

There is analogy between joy for sin done and sadness for good done. If the good was of obligation, the sadness is sinful in proportion to the gravity of the obligation. If the good was not of obligation, the sadness is a venial sin, because

If the sadness was fostered because of the effects of some good action done, it will be sinful in accordance with the effect itself. Sometimes the effect of a good work, as of fasting, for instance, is personal inconvenience, and it will be no sin to grieve for this, but it would indeed be highly meritorious to rejoice in it. Annoyance on account of the trouble entailed in overcoming oneself may be merely natural and instinctive. If, however, it is wilful, it would usually be a sin of sloth.

3. Deliberate Pleasure or Complacency

I. This is the psychical pleasure or complacency we take in an object presented to the will by the intellect.

Thus, we can take deliberate pleasure in the mental representation of some success, or in the imagination of some act of revenge, hatred, pity, love. In all cases of deliberate psychical pleasure, the object is present to the will through thought. That object may be an act or event or the thought of either, or the act viewed in itself, or some accidental quality' of the act.

It is obvious that there is a great difference between taking pleasure in an actual event as represented to us by the imagination, and taking pleasure in the mere thinking about it. We must, therefore, distinguish between pleasure in the object itself, and pleasure in the thought about such object.

2. When we picture to ourselves something as if actually going on and approve of it, taking complacency in it, then if that object be evil, the approbation of it is evil, because it is approving a wrong thing. Our pleasure takes on the specific morality of the object represented. Thus, the approbation of murder as another's evil, or of serious sacrilege represented to our imagination, is grievously sinful, and these two internal acts are sins as distinct from one another as are the actual sins of murder and sacrilege themselves.

3. Not all pleasure in the thought of morally evil objects is necessarily sinful. A doctor or student may reasonably take professional pleasure in the study and thought of what is, in actual fact, grievously wrong. Theologians, for example, must study delicate and even dangerous cases of all sorts of sins, but they could not be said to sin, even though they took great professional interest and pleasure in such study.

The principle is, therefore, that if one has a proportionately good reason for thinking speculatively of evil acts, analysing their nature, placing them in categories, there is no sin in the thought of them, prescind of course from danger of consenting to evil. If one thinks of them out of mere curiosity and thus takes pleasure in thinking of them, there will be a venial sin, and in certain dangerous matters, one may be led to grievous sin on account of the natural propensity of human nature to go from bad to worse.

4- Complacency in the manner in which some evil act was performed, if the manner was skilful, astute, artistic, vigorous—as we might speak of an artistic forgery or a skilful burglary—is not sinful, since the object of complacency is in no way sinful.

5. Complacency that is conditional is not sinful, if the condition deprive the act or event of its wrongfulness or inordination. Thus, purely psychical and intellectual complacency in the prospect of marriage on condition that marriage was permissible to one under vow, would not be a sinful complacency, nor complacency in the imagined children of such a marriage. On the other hand, complacency in the physical and sensual pleasure of the sexual appetite, which such imaginings sometimes produce, would be sinful in the unmarried, because this complacency would obviously concern a sinful object.

6. There is a great difference between the sins of evil desires and of evil volitional pleasures. Desire always takes on the specific moral character of its object with all its circumstances, but deliberate pleasure does not necessarily do so. Thus, if a person desires to steal a sacred thing with full knowledge of what the thing is, the desire is certainly sacrilegious : if he takes only deliberate pleasure in this same evil object, viz., theft, he will usually not take pleasure in the thought that it is a sacred thing, for that circumstance will not add to his satisfaction ; he will usually be taking pleasure in the thought of simple theft. Therefore it is generally true to say that desire is specified by circumstances as well as by object, but deliberate pleasure is specified by the object alone, as apprehended.

CHAPTER III

THE CAPITAL VICIES AND CONTRARY VIRTUES

Certain distinct Hees are found to be the source of other kinds of sin, and are therefore called the capital vices, or the deadly sins. But they are not called capital or deadly in the sense that they are all grievous vices, or the greatest of all sins, for hatred of God is a greater sin than any of them ; they are called capital, because they are the inevitable source of other sins ; deadly, because they easily lead to mortal sin, and vices, because they are regarded not as distinct acts but as habits or passions. Seven are generally enumerated : Pride, Covetousness, Lust, Anger, Gluttony, Envy, Sloth. Men are moved, says S. Thomas, to happiness through appetite. Excellence or renown, satiety, pleasure, avoidance of what is evil in respect of one's own good or that of another, are ways of achieving happiness, and excess or inordinateness in these ways are respectively the seven capital sins. But of the seven, Pride, being a universal vice, is the source and origin of them all. These vices, furthermore, are not only the occasions of other sins but the causes of them, for a man who is subject to one of these vices directs most of his energies to satisfying his passions in many ways. Strictly speaking, these capital vices should be considered here as habits only, but it is customary to treat of the several acts of these sins. In this treatment, we will consider them first as capital vices, and will then give examples of the sins to which they give rise.

SECTION 1. Pride

I. Pride is the inordinate desire to excel. It springs from inordinate self-love, and a proud man, considering what he has and what he is capable of doing, conceives an exaggerated idea of his own importance, attainments and merits, wants to manifest his qualities to others, to domineer over them, to avenge himself for supposed slights, to despise others,

to forget that all he has is from God and belongs to God, to take the first place as of right, to be, in fact, a world in and for himself.

Consummate pride is such desire to excel as to refuse to be subject to anyone even to God Himself. Such a sin is doubtless rare and would be a grievous sin under all circumstances, even in the slightest matter, because it is a complete aversion from God and a repudiation of His right of dominion over man.

A lesser degree of pride is the desire to excel so as to disregard those in legitimate authority over one, and to exalt oneself over others unduly.

2. Though pride is the root of all sin, for in all sin there is manifested the root-evil of want of subjection to God, nevertheless, there are some sins to which it more especially disposes a man on account of the undue striving after pre-eminence. These are :

(a) Presumptuousness, rather than presumption, which inclines the proud man to attempt what he knows to be beyond his powers. This is a venial sin in itself, unless it leads a man to offend God or injure his neighbour seriously, by undertaking important duties of Church or State without adequate preparation.

(à) Ambition that is inordinate and sinful is the unreasonable inclination to aim at honour and dignity, whether these are utterly beyond our deserts, or are sought too eagerly or through sinful means. This sin is in itself venial, because honour is an indifferent object and may be good under circumstances ; to seek honour in a reasonable way is the sign of a magnanimous man. Ambition will be a serious sin, if the means used or the results of it in one's own case are seriously sinful, or if the object desired is seriously evil.

(c) Vainglory is the inordinate effort to manifest one's own excellence, real or fictitious. It is called vain, because it is concerned either with things of small moment, such as personal beauty, or with praise that is not due or is unduly sought. Vainglory is in itself a venial sin, but may become mortal if the praise of men is exalted above God's love, or if grievously sinful means are used to win praise, or if a

man glories in grievous sin. Vainglory is manifested by boasting, an inordinate manner of speech to win praise, by ostentation, if displayed by deeds such as the ostentation of wealth, or by hypocrisy, if virtue is positively feigned.

3. The remedies against pride are to realize one's utter dependence on God for existence and all benefits of soul and body : to consider how insignificant are the objects of pride, how hateful to God the sin of consummate pride is : to shun unmerited praise : to seek, love and rejoice in humiliation, without giving cause of sin to others : to appreciate one's insignificance in respect of men, Angels, Saints and God Himself: to be alert to the indications of a proud spirit, such as boasting, envy, self-praise, and to pray with childlike submission to God.¹

4. The virtue contrary to pride is humility, which is explained in the treatise on Virtue.

SECTION 2. Covetousness or Avarice

I. Covetousness is the inordinate love of temporal things, usually of riches. It will be inordinate if one is not guided by a reasonable end in view, such as suitable but not exaggerated provision for one's family, the future, or others, or if one is too solicitous in acquiring wealth, to the neglect of one's duties, or too parsimonious in dispensing it. Covetousness is a venial sin in itself, since riches are indifferent things. But it will become a grievous sin if it lead to any grievous sin, such as injustice or uncharity, or if the means employed are grievously sinful.

“According to S. Paul (i Tim. 6, 10), this vice is a source of all evils, for by riches man acquires the means of committing any sin whatever and of satiating his desire for every sin, since money helps one to obtain all manner of temporal goods ; and according to Eccles, 10, 19 : ‘All things obey money,’ so that in this sense, desire for riches is the root of all sins.”²

Other commentators explain S. Paul by saying that covet-

¹ cf. Reuter, *Neo-Confessarius*, s.v. *Superbia*.

ousness acts as a motive or spur to the commission of all kinds of sins, for there is nothing a man will not do—as experience proves—whose master passion is the desire of wealth ; his vice is insatiable and cruel. Thus, S. Ambrose : “The more avarice has got, the more it believes itself to be indigent ; it envies all and is poor in its own eyes ; needy in the midst of riches, it thinks little of its abundance.”

2. The results which this vice ordinarily and easily produce are :

(a) Hardness of heart towards the poor, whether in not giving alms to those in need, or harshly exacting payment of debts.

(b) Disquietude concerning the possible loss of wealth or impossibility of getting it.

(c) Deceit in compassing wealth, commercial dishonesty, overreaching others in trade by unjust methods, and violation of inconvenient contracts.

3. The remedies against this vice are to consider how fleeting are the riches of this world, how precarious is fortune, how contemptible the world in comparison with heaven : to meditate on the poverty of Jesus Christ our Lord : to oppose all tendency to avarice by being generous and merciful in almsgiving : to look upon all gifts of fortune or nature as a loan for use to the greater glory of God.

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4. The virtue contrary to covetousness is liberality, which inclines one to expend money or any of one's possessions reasonably, moderating one's desire to get rich quickly by whatever means, or greatly, at whatever cost to self or others.

SECTION 3. Lust

I. Lust is the inordinate appetite for the carnal pleasure which is experienced in the functioning of the generative organs. This pleasure in itself is no more sinful than the pleasures attached to taste, smell, the comfortable feeling of warmth and all other sensitive feelings, and just as the pleasure of eating is implanted by God in man so that he may willingly sustain his own life, so the carnal pleasure, of which we speak, is given to man that he may willingly

propagate the race. The appetite for this carnal pleasure is inordinate when the pleasure is sought, either in a way that cannot possibly subserve the purpose for which man has the appetite, or when it is excessively sought although in a legitimate way.¹

It is sought in a way that cannot subserve rational ends when it is sought outside true wedlock, whether by the means of the generative act or otherwise. This is always grievously sinful if the pleasure is directly procured, or even deliberately consented to after it has arisen spontaneously. However slight the pleasure, it is matter of grievous sin,² provided there are present full advertence and full consent; the causes, however, which lead to the excitation of the pleasure may be venially sinful only, if they are slight causes. This distinction is important, for it is not an uncommon error to think that on the one hand a small amount of deliberate venereal pleasure is a venial sin, and on the other hand that the most insignificant cause that produces such physical pleasure, though not desired, is necessarily a grievous sin.

Nevertheless, the Catholic conscience, especially in the case of those who have had a careful religious training, is very sensitive and instinctively shrinks from even slight causes, such as the slightest immodesty, which might lead further on the road to self-indulgence. This sensitiveness is instinctive in all children after a certain age and long before they have experienced any tendency to lust, but it is unfortunately deadened by evil surroundings and non-

The pleasure is excessively sought after in wedlock, when marital relations are indulged in with an unnecessary risk to health and vigour, but as in everything else, what is moderation for one person may be excess for another.

¹ The method of procuring sexual gratification in such a way as positively to eliminate the purpose of the sexual function appears to the writer the palmary argument against artificial birth-control. The natural function is used in such a way that its very purpose is defeated in the use of it. This is to abuse natural functions. The same principle determines the malice of lying, where man uses speech in such a way that the purpose of speech is defeated.

² This point is fully developed in the chapter on the Sixth Commandment.

Lust is a capital vice, because the carnal pleasure of which we are speaking is so attractive to the majority of mankind that man is led into all kinds of disorders in order to gratify his fleshly desires. In certain periods of the world it has raised its head shamelessly and has worked great havoc ; it threatens to devitalize the peoples of today through race-suicide, a practice that has become so widespread, that the nations appear to be on the steep slope of vital exhaustion. There are, of course, exceptions ; some nations are more infected than others, and some few not at all. The consequences of this sin are a proof of its enormity.

2. The results to which lust more generally gives rise are :

- (a) Blindness of intellect in respect of divine things.
- (b) Precipitancy in acting without judgment.
- (c) Want of regard for what befits one's state or person.
- (J) Inconstancy in good.
- (e) Hatred of God as an Avenger of such sins.
- (/) Love of this world and of its pleasures.
- (g) Inordinate fear of death.

3. The remedies against this vice are to ask God humbly for the gift of continency : to shun pride which is often punished by a fall into this vice : to be moderate in food and drink : not to expose oneself to temptation in this matter, however great one's imagined strength : to avoid unnecessary and familiar intercourse with those of the opposite sex : to meditate on the Passion of our Lord and on the Four Last Things : frequently to approach the Sacraments of Penance and the Holy Eucharist, to walk in the presence of God, to have a special devotion to the Immaculate Mother of God, to shun idle curiosity, to be natural and not morbid nor prurient in one's outlook on life.

4. The virtue contrary to lust is chastity, a moral virtue, moderating or excluding the desire to indulge in carnal pleasure ; a virtue moderating this desire in the case of the married and excluding all such desire in the case of the unmarried. Chastity may be the chastity of the unmarried before marriage, that of married people, which is

called conjugal chastity, or that of one whose consort has died. Chastity is neither celibacy nor virginity, and the three must be carefully distinguished, especially when we speak of the three distinct vows in respect of the impediments to marriage.

SECTION 4. Anger

i. Anger as a vice is the inordinate inclination to take revenge. It may be inordinate, either in regard to the object on which anger is vented, or in the degree in which anger is fostered or expressed. If the object be not deserving of anger at all, such as the indeliberate faults of children, or if anger be expressed without a proportionate cause or for an improper motive, such as the motives of hatred and private vindictiveness, then it will in general be a mortal sin, if seriously inordinate, because it is directly contrary to charity and justice. These virtues are so important and necessary that a violation of them, unless small, is a grievous offence against God Who commands us to love our neighbour and forbids injustice.

Anger will be inordinate in its manner, if the passion is unduly vehement both interiorly and in its external expression. This is in general a venial sin, unless it is so felt or expressed as seriously to offend charity and justice. On the contrary, anger, as the inclination to express indignation and to punish is sometimes an act of virtue, for we are bound to express righteous indignation on occasions, if it be practically the only way to correct those under our charge. Parents and Superiors may, therefore, express anger without sinning, but they may do so, only when the object and the manner of their anger are reasonable : 'Be angry and sin not.'

2. The results to which anger as a vice easily leads are :

(a) Unreasonable indignation at supposed slights, generally a venial sin, unless it issues in hatred of others or in grave contempt.

(b) Pre-occupation of the mind with thoughts of the various means of revenge.

(r) Clamorous attacks on others.

(</) Blasphemy, contumely, imprecation of evil, quarrelling, fighting, sedition, striking, wounding and killing.

3. The remedies against this vice are to consider the clemency of God towards oneself: the mildness of Christ our Lord: how necessary it is to put up with the faults of others, since we also have faults: how many graces anger prevents and how many misfortunes even in this life it causes: to act calmly, without precipitancy: not to be impatient with oneself and one's own faults: to grieve for faults: to pray for a gentle spirit: to see how the gentle diffuse happiness all round them, whereas the passionate make everybody unhappy and ill at ease.

4. The virtue contrary to anger is meekness.

SECTION 5. Gluttony and Drunkenness

Gluttony is the inordinate indulgence in food or drink, It is sinful because right order demands that food and drink be taken for the necessities and conveniences of nature, but not merely for pleasure. Gluttony will, therefore, be committed if food or drink are used in such quantity, quality or with such avidity, as exceed reasonable requirements so as to harm the health of body or the due disposition of mental faculties.¹ The sin will also be committed if pleasure alone is the object of eating or drinking to the exclusion of every other rational end. The contrary is condemned by Pope Innocent XI, namely: "To eat and drink to repletion for pleasure alone is not a sin, provided no harm is done to health, for one may lawfully enjoy the acts of natural appetite."² It is, indeed, true that we may enjoy the acts of natural functions, provided they are exercised legitimately, moderately and not to the explicit exclusion of right order. As already stated, we may lawfully be moved to take food or drink for the satisfaction, not only of hunger and thirst, but of the physical craving for pleasure, but this last must not exclude all other rational motive. It is sufficient that in taking such pleasure as

¹ ' *Prepropere, laute, nimis, ardentem, studiosam* ' : i.e., too soon, too expensively, too much, voraciously, too daintily.

¹ Pope Innocent XI, pr. d. 8.

eating and drinking afford, we should, at least in a vague way, be conscious that food and drink are necessary or even convenient or useful to the *bene esse* of life, including the pleasure of social intercourse, and that the pleasure attached is natural and reasonable. A person, therefore, as S. Alphonsus says, when taking food and drink, may be thinking only of the pleasure they give and yet not sin. But if he is acting reasonably, he will be faintly conscious that the pleasure is a necessary concomitant of the reasonable act. This principle is true of the use of all pleasurable acts.

(a) Gluttony in the matter of food is, generally speaking, a venial sin. It may accidentally be grievous in several cases :

(i) If it lead to violation of serious precepts, such as the grave obligation of fasting and abstinence.

(ii) If immediate serious harm is done to health by over-feeding, or if one becomes incapable of performing serious duties of life ; not, however, if the glutton merely foresees trivial ailments or the risk of a slight shortening of his life.

(iii) If it renders a man incapable of paying serious debts, or fulfilling other serious obligations.

(iv) If it induces a man to find all his contentment in the gratifying of his appetites.

(£) The same may be said of drinking to excess short of complete intoxication. Complete voluntary intoxication by alcoholic drink to the entire loss of the use of reason without any necessity for it, and for a considerable time, so that the person cannot distinguish right from wrong, is a grievous sin. The reasons given are as follows :

(i) S. Paul (Gal. 5, 21) numbers drunkenness amongst the sins which exclude from heaven.

(ii) The drunkard deprives himself of the use of reason which he cannot soon recover should some grave necessity for doing so arise.

(iii) This state is induced for no sufficient reason and for gratifying his desire for pleasure : if the pleasure of taste be absent, as sometimes it may be, he induces the state for some other gratification.

(iv) The drunkard makes himself resemble the irrational brute beast, destroying in himself the likeness to God, letting loose his animal passions, or at all events running that risk, for anger and lust are usual accompaniments of drunkenness.

But in order that the sin of drunkenness may be really grievous it is necessary that it should be foreseen and intended, and this would usually be the case with habitual drunkards, but not so with those who inadvertently drink too much occasionally. Furthermore, the loss of reason should be total and continuous for some time. What period of time is sufficient to constitute grave sin, it is difficult to say ; certainly three or four hours, perhaps even one hour, would be sufficient. It is also a sin of drunkenness to take drink sufficient for intoxication and then go to sleep, for the means taken are sinful, and during a drunken torpor a man cannot easily be roused from his slumber so as to come into possession of his wits. It is maintained that intoxication induced in any way for no sufficient reason would not be a grave sin, if loss of reason lasted only for a short time.¹

(c) Any state short of complete intoxication, as described above, will not be a grievous sin in itself ; all lesser degrees are venial sins, though accidentally they may be grievous on account of foreseen scandal given, or of injury and losses arising from such state, as when a man loses one occupation after another on account of his drinking propensities, and eventually unfits himself to fulfil his duties. The extremely disgusting habit of taking emetics in order to eat and drink again for pleasure, and the equally disgusting fact of eating or drinking until actual sickness and vomiting ensue, are sinful, but not grievously so.

In the case of real famine, it would not be sinful to feed on the flesh of human corpses, but apart from extreme necessity it would be a grave sin, because it is seriously repugnant to the respect due to the dead. It is obvious that a living person could not be killed in order to supply

¹ S. Th., S., 2. 2, q. 150, a. 2, teaches that drunkenness is a mortal sin. In his *de Malo*, q. 2, a. 8, ad 3 : q. 7, a. 4, ad 1, he held that it was of its nature a venial sin ; cf. Ball.-Pal., I, p. 583.

food to others, even though lots were cast to determine a willing victim, however extreme the necessity happened to be.¹ For a really good reason fresh human blood may be extracted from a living person, for transfusion into the organism of anaemic persons, but not at the risk of life.

(\sphericalangle) Actual intoxication by alcoholic drink is not sinful if accidental, because both advertence and consent are absent. It may also be blameless even when full advertence and consent are present. The following examples illustrate the principle :

(i) When loss of consciousness is induced because this is necessary to cure disease, for if drugs are then lawfully used, so also may alcohol, be employed, nor is it irrational to deprive oneself of the temporary use of a faculty in order to save all one's faculties.

(ii) When unconsciousness is necessary or even useful in undergoing surgical operations, or to take away severe physical pains.

(iii) When excessive drink, with the prévision but not the intention of loss of consciousness, is the only means of escaping a serious danger or threat to life.

But in the case of those dying in great pain, it would not be lawful to take away consciousness so that death should supervene without pain, if the dying person was not spiritually prepared for death. If he has been and continues to be well prepared—but who can know this save God alone?—*and* continued consciousness will certainly be dangerous to him by giving him opportunities of falling from grace, then the priest may indeed keep silence, allowing the doctor to act as he thinks best, though the practice cannot be positively advised. Even if the danger of falling from grace is not probable, the practice of drugging robs dying persons of opportunities of great merit, and this spiritual good is far superior to the cassation of physical pain.²

¹ Lord Coleridge (1884) rightly condemned to death two mariners who had killed a boy and eaten his flesh for four days. Their ship, the 'Mignonette,' had foundered, and the three were drifting in an open boat without provisions.

² Lehmkuhl, I, n. 893 : but Vermeersch (I, n. 478) takes a milder view. The matter is extremely difficult. It may reasonably be maintained that if the dying

Similarly, it is wrong to drug criminals before execution or soldiers going into battle, if the drug is apt to rob them of the conscious discrimination of good from evil.

(d) It is not lawful directly or indirectly to supply another with an opportunity of becoming drunk except for a sufficient reason. Such a reason will exist in the following circumstances :

(i) When intoxication is the only means of diverting another from committing a graver evil which he is determined to commit, such as homicide. This is not to do evil that good may come of it, but it is to prevent a greater evil by permitting—not wishing—a lesser one. We may not ever wish another to commit sin, however slight ; but in the case stated, to offer another the opportunity of sinning less than he is already determined to sin, is not necessarily to wish sin. But even if the evil could be averted by persuading another to commit a lesser sin than that which he is determined to commit here and now, this will be lawful according to many divines, since to persuade another to commit a lesser evil is not sinful. The principle has to be carefully understood that it may not appear to be the immoral principle of a good end justifying evil means.¹

(ii) For reasons less grave than that already mentioned, it will be lawful to be the occasion—not the moral cause—of another's involuntary and not sinful intoxication, as would be the case when one had the right to escape from enforced and unjust detention, or the right to discover a secret of very great moment, which another is unjustly

person is, to all appearances, prepared for death by having received the Sacraments, and if also he or she is in considerable pain, which could be alleviated by drugs, the priest may allow the doctor to do what he thinks best, but should not, we think, positively approve of drugs to destroy consciousness. If there are drugs which take away the sense of pain but not consciousness, they should certainly be employed.

¹ This principle has frequently been attributed to Jesuit writers. In 1852, Fr. Roh, S.J., issued a public challenge, offering 1,000 guineas to anyone who, in the judgment of the Law Faculty at Heidelberg University, could prove that any Jesuit had ever taught this doctrine or any equivalent of it. The money has never been claimed. The signal failure of Hoensbroech, an ex-Jesuit, to establish before the Civil Courts of Trier and Cologne, July 30, 1905, any such example of Jesuit teaching should silence the accusation.

concealing.¹ But to cause another to commit formal sin by getting drunk, when he is not already determined to commit greater sin, is certainly sinful. The stupid practice of challenging another to bouts of intoxicating liquor is to expose both parties to the sin of drunkenness.

(/) Sins committed in the state of intoxication if not in any way foreseen are not, of course, morally imputable. If, however, before intoxication they were foreseen as certain or even probable, they will be imputable and voluntary' in their cause, that is, in the drunkenness. The guilt of them will be grave or light in so far as they were foreseen as grave or light. This principle is true of all sins of deed, such as damage done to others, and of some sins of speech, such as perjury and obscenity, which are scandalous to others. In reference, however, to other excesses of the tongue in drunkenness, such as contumely and blasphemy', the former are not sinful, since they are not seriously regarded by those who hear them coming from a drunken man, the latter are probably not sinful—prescinding from scandal—because they do not dishonour God in fact, if they are inadvertent and mechanical. But it will usually be impossible for the drunkard to foresee the absence of scandal in such cases, especially where children are likely to be present.²

2. The sins and vices to which gluttony and drunkenness ordinarily lead are :

- (a) Neglect of duties to God and the neighbour, and of the duties of one's state of life.
- (á) Immoderate and unreasonable hilarity.
- (c) Loquacity, which is the inordinate use of speech.

1S. Alph., lib. 2, n. 58 : lib. 5, n. 77 ; Lehm., I, n. 894 ; Gén.-Sals., I, n. 186, *contra* Venn., I, n. 479, who adopts the more probable opinion that the principle stated in the text may not be employed when the lesser sin is in character different from the sin it is wished to prevent. It has to be remembered that the principle expressed above is, at most, a probable opinion. It must also be observed that the harm it is sought to prevent is moral harm, not physical or political. No end or purpose, however good, justifies one in wishing another to sin even venially or in sinning oneself.

¹ To provoke a drunken man to blasphemy or obscene language is sinful, as it is using another as an instrument to do irreverence to God (Verm., I, n. 483).

- (d) Buffoonery in conduct.
- (e) Filthiness in bodily habit.

3. The remedies against these vices are to avoid, at least occasionally, what is the more pleasant to the taste : to use food, not for mere pleasure but consciously for health : to be master of one's appetite so as to be able to desist from eating and drinking before repletion : to consider how bestial these vices make a man, the diseases, mental and bodily, which result from them : to set the image of Christ our Lord before one : to consider carefully what one can easily do without, and to abide by a sensible decision : to be especially moderate on festive occasions lest pleasure get the mastery : to consider the wonderful moderation of the Saints of God, for if one cannot imitate the excessive fastings of some, one can imitate their moderation.

4. The virtue contrary to gluttony and drunkenness is temperance. It moderates the desire for food and drink, and limits such desire to what is either necessary or convenient. Thus, though it may not be at all necessary to partake of a considerable amount of festive fare on occasions, it is, nevertheless, suitable for health and it is reasonable to do so, for the sake of natural joy, hospitality, charity and so forth, provided it be not taken to excess. In these cases temperance is not violated.

SECTION 6. Envy

i. Envy is wilful grieving on account of another's good, spiritual or temporal, which is regarded as diminishing one's own ; thus, the honour paid to another is regarded by the envious man as reflected disgrace on himself and he is sad in consequence.

Envy is not emulation, which may be good or bad, but it is rooted in uncharitable sadness at the absence in oneself of some good possessed by another ; nor is it hatred, which loathes the good of another as that other's good ; nor is it sadness at the power of another in so far as that power may be harmful to oneself; nor is it indignation at the unworthiness of another to possess something good. Envy

is rooted in pride and self-esteem, and inclines a man so to love his own excellence as to wish another to be without some good that lessens or appears to lessen what the envious man has, just because another has it. The vice is fostered usually in respect of those who are our equals or nearly so.

Since envy is opposed to charity, it is, in general, a grievous sin, though it may be accidentally venial, if the envied excellence is slight. In order to be a grievous sin the good envied must be a great and momentous one, and the envious man must deliberately wish another to be without that good, in so far as it is a diminution of his own. There are, of course, degrees even in grievous envy, in accordance with the magnitude of the good envied; thus, envy of another's spiritual gifts of a high order is most grievous.

2. The sins to which envy ordinarily leads are : hatred, detraction, murmuring, resentment at another's good fortune and joy in his adversity.

3. The remedies against this vice are to love one's neighbour and ask God to increase that love : to rejoice in his success as though it were one's own, to congratulate him in success, to pray for his success, to thank God for it : to consider that one's neighbour is better than oneself, as explained under the virtue of humility : to consider that naturally envy spoils one's relations with others and one's character, and may, if grievous, deprive one of heaven : that envy is truly diabolical because by it one begrudges God His glory : that the envious persecute themselves : that they are most unlike Christ with His boundless love, and God, Who wishes not the death of the sinner, but that he be converted and saved.

4. The virtue contrary to envy is love of one's neighbour, which will be treated under charity.

SECTION 7. Sloth

I. Sloth, as a spiritual vice, is defined in general as an oppressive sorrow which so weighs upon a man's mind that he wants not to exercise any virtue.¹ This sorrow is always

¹ s. Th., s., 2. 2, q. 35.

evil when it is exercised about spiritual good. Sloth is both a circumstance of every vice, inasmuch as it is sorrow at the spiritual good in each act of virtue, and a specific vice, because it is sorrow in the divine good, about which charity should rejoice. Sloth seeks undue rest in so far as it spurns the divine good. Sloth is essentially and always a mortal sin when it is viewed as contrary to charity towards God, that is, if it is sorrow about spiritual good inasmuch as it is a divine good, since man is then grieved because he has to maintain the love of God at the cost of personal effort. This would be to violate the very first commandment of the Law.

It is, however, venial when it leads to the violation of only slight precepts, or when, in the case of serious precepts, it is not fully deliberate. Physical weariness will then often prevent sloth from being a mortal sin.

Furthermore, sloth is a capital vice because, "As we do many things on account of pleasure, so again we do many things on account of sorrow, either that we may avoid it, or through being exasperated into doing something, under pressure thereof. Wherefore, since sloth is a kind of sorrow, it is fittingly reckoned a capital sin."¹

2. The sins to which sloth especially leads are :

(a) Hatred of all spiritual things which entail effort, and this properly is malice.

(b) Spite against others who try to lead us to spiritual goods.

(r) Despair, which is the avoidance, through inordinate sorrow, of salvation.

(d) Faint-heartedness in matters of difficulty which come under the counsels of perfection.

(e) Sluggishness about the observance of the Commandments.

(f) Wandering in affection and thought after the pleasure of external things opposed to the exercise of what is spiritual.

3. The remedies against this vice are to consider the labours of Christ for one's salvation, the bounty of God which

¹ S. Th., *loc. cit.*, a. 4.

deserves some grateful return : to reflect how trifling are the tribulations of this life in comparison with the eternal weight of glory : that great labour for the world is hardly recompensed and soon forgotten, but labour for God is bountifully rewarded and never forgotten : that the wicked put one to shame in their diligent service of the world compared with one's remiss service of God : that sloth is an insult to God and Christ our Lord, and that the time is short for working out one's salvation, and even if it appear long, it is doubly and trebly long, and insufferably so, to the slothful.

4. The virtue contrary to sloth is diligence, and in order to be the direct contrary, it must connote joy in the fulfilment of all virtues and especially of the virtue of Divine Charity. As sloth makes all things difficult in the natural order and still more so in the supernatural order, where the immediate reward of effort is unseen and must be taken on faith, so diligence makes all things easy, inasmuch as it does not allow us to count the cost in joyful service of God or neighbour.

TREATISE V

VIRTUE

CHAPTER I

KINDS OF VIRTUE

SECTION 1. Virtues, Natural and Supernatural

Perfect virtue, ethically considered, is an essentially good operative habit, that gives both the power and the impulse to do readily that which befits rational nature so as to achieve true happiness. Perfect virtue dwells in a free faculty, viz., one that is itself free or one that is under the control of freedom. Imperfect virtue may be in a power not under the control of freedom or independent of it. Wisdom, Science and Understanding are imperfect virtues of the speculative reason ; Art is an imperfect virtue of the practical reason. Prudence is a perfect virtue of intellect. The moral virtues are perfect virtues ; justice referring to actions, fortitude and temperance to the passions. Imperfect virtues make a man capable of good work ; perfect virtues make a man good.

Theologically considered, virtue is a habit that inclines us to act in view of our supernatural duty, and gives us the capacity to do so, in imitation of the perfect exemplar of Christian life, namely, Christ our Lord, and so to achieve our supernatural happiness. The natural virtues differ from the supernatural virtues in the following ways 1 :

1. In respect of the different kinds of good to which they dispose one. The natural virtues aim at rational good manifested by reason; the supernatural, at Christian conduct manifested by reason illuminated through faith, revealing more than rational good, namely, a supernatural good.

2. The natural moral virtues, if acquired, give facility in action and induce one to act rightly ; the supernatural

¹ *Lehm.*, I, n. 842 sqq.

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give the faculty of supernatural action, each in its proper sphere, but they do not give facility of action.

3. Natural virtues are strengthened by natural acts ; supernatural virtues are strengthened by God on account of meritorious acts.

4. Natural virtues, if acquired, exclude their contrary vices ; supernatural virtues exist and are exercised in spite of their contraries, for they are given in order that passion may be subdued.

The Moral theologian is concerned with the acts rather than with the habits of supernatural virtues. The exercise of the supernatural virtues, in accordance with opportunity and state of life, is commanded in the different precepts of the Decalogue, but the acquisition of the natural virtues may make it easier to exercise conscious acts of Christian supernatural virtue, for the more a man is possessed of an acquired natural moral virtue, the less difficulty he will have in accepting divine grace to exercise that virtue supernaturally.¹

The natural virtues are intellectual and moral. The intellectual virtues dwell in the speculative or in the practical Reason. These virtues are Wisdom, Science, Understanding, for the speculative intellect ; Art and Prudence for the practical intellect. The theological virtue of Faith is to be included amongst the virtues of the intellect, because it perfects and inclines the human intellect by a supernatural light, so that assent is given to the truths of Revelation, under the influence of the will, which receives a supernatural impulse. The assent of faith is based, however, not on motives of intrinsic evidence, but on the motive of God's infallible authority in revealing.

SECTION 2. The Moral Virtues

Iw M I h

The moral virtues perfect the appetitive powers, namely, the will and the sensitive appetite, giving them facility to act well, and causing them to act well. Together with the intellectual virtues, they are necessary for right human

action, because reason and will have disparate activities, and it is necessary that both the reason should be well disposed by intellectual virtue, and the will by moral virtue.

It is easily intelligible that prudence should guide the intellect, enabling it to discern what is the reasonable thing to do, and that justice should determine the will to act justly. But it is not so very obvious how we can speak of the sensitive appetite, as the subject of temperance and fortitude. The point is explained by S. Thomas : “ The irascible and concupiscible powers, in so far as they are parts of the sensitive appetite, are not competent to be the subject of virtue. But they can be considered as participating in the reason, from the fact that they have a natural aptitude to obey reason. And thus, the irascible or concupiscible power can be the subject of virtue . . . An act which proceeds from one power, according as it is moved by another power, cannot be perfect, unless both powers be well disposed to the act ; for instance, the act of a craftsman cannot be successful, unless both the craftsman and his instrument be well disposed to act . . . The virtue, therefore, which is in the irascible and concupiscible powers is nothing else but a certain habitual conformity of these powers to reason.”¹

The rational will needs the virtue of justice ; the sensitive appetite, fortitude and temperance. Justice makes the will act reasonably in respect of the rights of others, fortitude urges us, through our sensitive impulses, to go forward in enterprises where we should unreasonably be apt to shrink from difficulties, whilst temperance holds us back in checking sensitive impulses in the pursuit of sensible pleasures, where appetite would urge us, unreasonably, to go forward. All the moral virtues make us morally good, as reasonable beings ; the intellectual virtues help us to be good in a restricted sense, as for instance, to be wise, intuitive, artistic, though prudence, having as its subject-matter the acts of the moral virtues, may be said to be to that extent and directly a moral virtue.

SECTION 3. Virtues, Infused and Acquired

Virtues may be infused or acquired. They are essentially infused when immediately given by God ; they are acquired when we obtain them by repeated acts. The Church teaches that the theological virtues are infused,¹ and according to the common opinion, the supernatural moral virtues, at least the four cardinal virtues, are also infused. The natural virtues are usually acquired, but they may also be infused.

The infused virtues, theological and moral, have God for their immediate efficient principle ; they are infused with sanctifying grace, and they are supernatural in their effects. By every mortal sin the virtue of divine charity is lost,² but faith and hope are lost, the former by infidelity, the latter by despair. A sinner usually retains faith and hope. The infused virtues most probably give us the power of eliciting supernatural acts, but not the facility of doing so, since they do not necessarily remove the obstacles to such acts, namely, concupiscence and evil habits. But facility in eliciting supernatural acts issues from the exercise of the infused virtues at least indirectly, since those acts and that exercise remove contrary dispositions. On the other hand, acquired natural virtues do not give the power of acting, for that is derived from our natural faculties, but they give facility in acting, since their repetition, as is clear from experience, diminishes concupiscence and contrary habits.

SECTION 4. The Gifts of the Holy Ghost

The gifts of the Holy Ghost are supernatural habits accompanying sanctifying grace ; by them man becomes well-disposed to the action of the Holy Spirit. The Holy Ghost inhabits the just man by sanctifying grace, and bestows His

¹ Cone. Trid., s. 6, ch. 7.

³ Since the supernatural moral virtues are infused with charity, so the loss of charity by grievous sin unplies the loss of the infused moral virtues ; the acquired moral virtues, however, may persist (Pesch, *Comp.*, III, n. 340)

gifts on him.¹ These gifts are wisdom, understanding, counsel, fortitude, knowledge, piety, the fear of the Lord. They are the complements of the supernatural virtues, and by them we are promptly moved by divine inspiration to our supernatural end.² They are habitual qualities in the soul, disposing the just man to be attentive to the voice of God, to be susceptible to grace, to be docile to divine impulses, and to act in accordance with the impressed movements of the Holy Spirit. In acting in accordance with these movements the just man reaps the fruits of the Holy Spirit, and these are not habits, but acts of the virtues, and include charity, joy, peace, patience, benignity, goodness, longanimity, mildness, faith, modesty, continency, chastity. These acts are performed with ease and delight.

SECTIONS. The Mean of Virtue

1. Theological Virtues

We usually say that virtue lies in the golden mean between two extremes, but the theological virtues have no absolute mean. “The measure and rule of theological virtue is God Himself, because our faith is ruled according to Divine Truth, charity according to His Goodness, hope according to the immensity of His Omnipotence and Loving-kindness. This measure surpasses all human power, so that never can we love God as much as He ought to be loved, nor believe and hope in Him as much as we should. Much less, therefore, can there be excess in such things. Accordingly, the good of such virtues does not consist in a mean, but increases the more we approach to the summit. The other rule or measure of theological virtue is by comparison with ourselves; for although we cannot be borne towards God as much as we ought, yet we should approach to Him by believing, hoping and loving, according to the measure of

¹ When we speak of the gifts and fruits of the Holy Ghost, and of sins against the Holy Ghost, we speak in the terms of ‘appropriation/ as it is called. We attribute certain gifts to the Holy Ghost, because they occur to us to be more immediately connected with Him, just as we attribute Omnipotence to the Father, Wisdom to the Son, and the gifts of Grace to the Holy Ghost.

¹ S. Th., «S., I. 2, q. 68, a. 3.

our condition. Consequently, it is possible to find a mean and extreme in theological virtues, accidentally and in reference to us.”¹ Thus, we can never be excessive in our love of God, but we can love Him according to our capacity, and to the measure of grace which is given to us. In the latter sense, theological virtues may be said to have a measure or mean.

2. Moral Virtues

All the moral virtues must be exercised in conformity with right reason, and must have a rational mean : thus, what would be true moderation in one man might be excess in another, men differing greatly in respect of their passions.

The mean depends upon circumstances. Justice, however, in addition to having a rational mean, has also a true objective mean, which determines that another’s due, no more and no less, must be rendered to him, and thus the rational and the objective mean coincide, constituting the golden mean of justice. In this respect it differs from all other moral virtues, and it must differ, because it “ deals with external things wherein the right has to be established, simply and absolutely.”²

The moral virtues are distinguished from one another in accordance with the different aspects of the rational good to be attained. The four cardinal virtues, prudence, justice, fortitude and temperance, though distinct, each having its proper object, also determine the manner in which the good is to be attained, and the manner in which every virtue is to be exercised.

CHAPTER II

THE CARDINAL VIRTUES

SECTION 1. Prudence

Prudence is the virtue that disposes us to discern the golden mean of all moral virtue, and inclines us in the choice of right means of action. It is a virtue of the practical reason ; without it, no other moral virtue could be truly exercised, because no other could attain the golden mean, unless that mean is discerned. The virtue of mercy bids us help the needy, prudence tells us how and when to do so. It is the function of prudence to discern the means, to pass judgment on them and to direct, but in doing so, many different applications of prudence may be necessary, and therefore prudence is said to have parts. These parts are called integral, when they are special functions of the virtue, indicate the right means and impel us to adopt them : they are memory, reason, intellect, docility, conjecture, providence, circumspection, caution, the three last being preceptive, the others being cognitive.

2. Subjective parts of prudence are species of the general virtue. These are personal prudence, by which one guides oneself ; ruling prudence, by which one guides others ; and this may refer to the family or the State or the Army, and is then called economic, political and military prudence respectively.

3. The potential parts of prudence are annexed virtues that have reference to secondary acts belonging to prudence, as in particular circumstances where ambiguity arises and the application of the law is not clear. These parts are eubulia, synesis and gnome, which are the habits of seeking wise counsel, of judging aright from general principles, and of judging aright in abnormal circumstances from the higher principles of interpretation of law.

4. Every formal sin is opposed to prudence, because every sin is committed in defiance of conscience, but certain vices are directly opposed to the rules which a prudent man would

follow if he wished to act in a prudent way, just as every grievous sin is contrary to the love of God, but hatred of God is the only formal contrary of charity.

5. Sins by defect against prudence are precipitancy, want of thought, inconstancy, negligence ; sins by excess against prudence are the prudence of the flesh in seeking means to gratify the works of the flesh,¹ astuteness in weighing the means to deceive, deceit, fraud, solicitude for things of this world.

SECTION 2. Justice

i. Justice is a moral virtue which moves us to give others their due ; this presupposes that others no less than ourselves have rights. What, then, is a right ? It is, subjectively, the inviolable moral power to have, do, or exact, something ; objectively, it is the object of this moral power, the thing about which this moral power is exercised. In the former sense we say : ‘ We have a right to life ’ ; in the latter sense we say : ‘ We claim our rights.’ Right must be founded on law, and legal rights are founded on positive law, natural rights are founded on Natural law. An erroneous concept of right is that it depends entirely on the positive law of the State ; the State, it is said, is omnipotent and both creates and extinguishes rights ; that which it enforces is a right, that which it will not enforce is no right. “Jurisprudence is specifically concerned only with such rights as are recognized by law and enforced by the power of the State.”² This, no doubt, is true, but there is an almost universal tendency in these days to import this concept of the jurist into all discussion about right, so that what we call natural right is, in the view of the jurist, a misnomer, and moral rights are founded on the shifting sands of public convention. Thus : “ If it is a question of moral right, all depends on the readiness of public opinion to express itself upon his (i.e., the agent’s) side and,

¹ “ Fornication, uncleanness, immodesty, luxury, idolatry, witchcraft, enmities, contentions, emulations, wraths, quarrels, dissensions, sects, envies, murders, drunkenness, revellings and such like ” (Gal. 5, 18—21).

² Holland, *The Elements of Jurisprudence*, p. 83.

³ *ibid.*, p. 87.

“moral right implies the existence of certain circumstances, with reference to which a certain course of action is viewed with general approbation.”¹ In jurisprudence all this may be true, for the jurist defines his own terms, but in philosophy and theology we are on another plane, and we insist that man has natural rights, quite independent of convention and the State, and these natural rights are amongst the objects of the virtue of justice. That there are some natural rights must be evident from the fact that there is a Natural law, the existence of which has been already established. Thus, amongst natural rights may be enumerated the right to life, to good name, to fidelity in contract, a child’s right to support from its parents, a State’s immunity from invasion or oppression, and many others, all of which are but the expression of natural, invariable and necessary tendencies, without the fulfilment of which life would be impossible. Such rights are the expression of the Divine Wisdom and Will manifested in human consciousness.²

Rights may exist in regard to persons ; thus, a father has rights over his children, a king over his subjects ; or they may exist in regard to things, as the right over one’s property. Rights in regard to things may be the right of actual proprietorship in the thing whilst we have it (*jus in re*), or the right we have to claim a thing, as the payment of a debt (*jus ad rem*).

When we say that justice is a special moral virtue, we distinguish it at once and all through Moral Theology from other virtues to which the name of justice has been given. Thus, when we read : “Blessed are they that hunger and thirst after justice,” the word means the sum-total of all virtues ; or again, the term is used, as by Aristotle, to mean every virtue, being then what we should call a general virtue ; or it is employed for some other special virtue, as it is used for almsgiving by our Lord : “Take heed that you do not your justice before men ” (Mt. 6, 1).

Justice, then, as a moral and cardinal virtue is a special virtue, having its own specific material object, namely,

¹ *ibid.*, p. 91.

² cf. Cronin, *The Science of Ethics*, I, p. 631 sqq.

that which is another's due. The concept of justice, therefore, includes three elements ; it regards not self but another; it has for its specific material object another's due ; and that which is due must be given, neither more nor less. Consequently, the mean of this virtue is to be found, as stated above, in what is objective, so that we cannot be more or less just, but only exactly just, and when we have paid a debt, justice is, in that instance at least, completely fulfilled. That objective due of another is the material object of the virtue ; the motive or formal object is the reasonableness in giving everyone his due, and this again is founded on the fact that as God has proposed to us a final end to be achieved, He gives all men the means to that end, and they have inalienable rights to those things in life which are practically necessary for the attainment of the end.

2. Since there are different kinds of rights, so are there distinct kinds of justice :

(a) The rights which exist as between one individual and another, or between one community and another, constitute the object of commutative justice, and this alone is justice in the strict sense.

(b) The rights that an individual may claim from society, or a part of society from the whole, constitute the object of distributive justice.

(c) The rights that society may claim from an individual or from a part of society constitute the object of legal justice.

(d) Vindictive justice belongs partly to legal justice, in that it inclines the supreme authority to punish those who break the law, and to punish such is for the common good ; on the other hand, this kind of justice partakes of distributive justice, in that he who violates right order should be willing to make commensurate reparation by undergoing the exact penalty due to his illicit self-satisfaction.

3. The subjective parts of justice are those just enumerated. The integral parts are the positive and the negative acts of justice, namely, the doing good in respect of restitution, and the refraining from evil in respect of not violating the rights of others.

4. The potential parts are all those virtues which in any way have reference to others. They are : Gratitude, truthfulness, affability, friendship, liberality, mercy, piety or dutifulness towards God, parents, country and relatives, respect shown by giving honour to another, obedience.

5. Vices opposed to justice are all those vices by which the rights of others, personal or real, are violated, such as sins against religion, murder, mutilation, theft, calumny, detraction, lying, flattery, moroseness, avarice, prodigality, ingratitude.

Formal ingratitude, by which one who has received a benefit despises the benefactor or the gift in order not to appear dependent upon him, is contrary to justice, and is sinful in proportion to the contempt.

Material ingratitude is a less grievous offence, since it does not include contempt, but rather a passive acceptance of benefits, such as children are unconsciously guilty of, but it is none the less offensive to any reasonable benefactor. It finds expression in not offering any material return of any sort for a benefit, in not thanking the benefactor, in not acknowledging a benefit, in returning evil for good.

Restitution

The violation of commutative justice begets the duty of restitution, and this duty is a serious one, since the safeguarding of rights is a serious matter in respect of public peace, mutual good will, and the free and independent exercise of human activity. A serious violation of such duty is obviously a serious prejudice to these necessary ends of life. Wherefore, S. Paul says : “ Know you not that the unjust shall not possess the kingdom of heaven . . . neither thieves nor extortioners shall possess the kingdom of God” (1 Cor. 6, 9, 10). This justice may be violated by invading the property of others, their lives, their bodily integrity, their good name. The violation will be grave which men would ordinarily object to very seriously, either on account of their personal loss, or on account of the prejudice to public security. Nevertheless, not every violation of justice would do serious harm, either to individuals or to public security,

and therefore there can be a slight violation of justice ; but even this comes with it the obligation of restitution.

Commutative justice alone begets the duty of restitution for the harm done, and this restitution has to be made in that kind to which the violated right belonged. Thus, no monetary compensation will avail to restore the good name of another which we have destroyed, but such compensation can quite justly be imposed by legitimate authority for the sake of public peace and security. The only true compensation is to restore the good name of another in that matter in which it has been damaged.

For reparation to be obligatory in consequence of harm done, the action whereby the harm was done must have been consciously or formally unjust, must have been a sufficient cause of the harm, and must actually have produced the harm. In default of any of these three factors it will be obvious that reparation is not obligatory in conscience, though it may be justly imposed by legitimate authority.

As the subject of justice is very extensive and intricate, it will be treated at greater length under the Seventh Commandment.

SECTION 3. Fortitude

I. Fortitude, in a wide sense, enters into the practice of every virtue, for virtue has to be practised even in difficult circumstances. This requires a spirit of perseverance and stability of will.

Fortitude, in its strict sense, is a moral virtue, which inclines a man to face all grave dangers, but most especially the greatest of all physical evils and dangers, namely, death.

True fortitude is best exemplified in the case of the martyr who both meets death bravely and endures all antecedent tortures, and of the soldier who faces death without cowardice.

The matter, then, of fortitude regards the passions of fear and recklessness, for fear would lead one to act against right reason, recklessness would lead one to rush into unnecessary danger.

This virtue, therefore, curbs the irascible appetite, and

makes it exercise itself according to reason, and in this sense the virtue resides in the sensitive appetite. The motive or formal object of fortitude is the reasonableness of this moderation of fear or recklessness, because it is most fitting the dignity of man that he should not be overcome by either.

Since fortitude is a virtue and is not merely animal instinct, the dangers which it helps one to face must be such as can be reasonably and honestly faced, otherwise it would degenerate into ferocity or temerity. These dangers are the dangers of war or of private hostility or persecution for conscience' sake, of death, exile, sickness, imprisonment. Christian fortitude, being based on higher motives than merely natural motives, makes death desirable in circumstances where natural fortitude would fail, as in the case of the martyrs, and moderates the influence of natural terror in the case of Christian peoples, enslaved, tortured and mutilated.

2. The integral and potential parts of fortitude are magnanimity, munificence, patience and perseverance.¹

(a) Magnanimity is that virtue which inclines one to great and heroic exercise in every virtue ; it therefore makes a man act with moderation both in prosperity and adversity, being not overmuch affected by either, but reposing his thought and will upon God. The contraries of this virtue are pusillanimity, presumption, ambition and vain-glory, the first by defect, the others by excess.

(b) Munificence inclines one to undertake great expenses in external works and with a royal generosity, but always in accordance with reason. Its contrary by excess is unreasonable expenditure ; by defect, niggardliness.

(c) Patience is that virtue which moderates the feeling of sadness in the endurance of evils so as not to be unreasonable. Where sadness is experienced from protracted delay in getting some expected benefit, and where this sadness is moderated by reason, patience of a special virtue is exercised

¹ cf. Prümmer, II, η. 625, for the parts of the virtue of fortitude and a discussion of them.

and called longanimity. The vices contrary to patience are insensibility and impatience.

(J) Perseverance is that virtue which inclines one to continue in some good work so long as it is reasonable to do so. Its object is, therefore, the continued exercise of every virtue, and it is shown by overcoming the difficulty usually annexed to what is protracted and at the same time troublesome. The vices contrary to it are pertinacity in continuing to act when it is unreasonable to do so, and inconstancy.

3. Two vices are opposed to fortitude by defect, namely, unreasonable fearlessness, which arises either from contempt of life, as if one should uselessly expose oneself to death, or from overweening pride or stupidity ; secondly, cowardice, shown chiefly by sloth in facing danger.

Two vices are opposed by excess, namely, timidity, which is an excess of fear, and temerity, which is an excess of boldness.

Note on Martyrdom

By martyrdom, the Church means, primarily, the endurance of death for the Faith or Christian virtue. It is the principal act of fortitude when it is endured from the motive of this virtue, but it need not, in the theological sense, be endured from this motive ; the motive of any Christian virtue will suffice, as that of charity, obedience, desire to imitate Christ and so forth.

Children, before the use of reason, can suffer martyrdom and are honoured by the Church as true martyrs, though by it they do not exercise any virtue nor gain any merit, except by a special privilegel ; it supplies the place of Baptism, if this had not been received. The only condition in their case is that death should have been inflicted from hatred of the Faith.

In the case of adults, there are three conditions which the Church lays down as necessary, before it will acknow-

i. Death, or its sufficient cause, must have been actually inflicted. Those who sacrifice their lives in the service of

¹ S. Th., S., 2. 2, q. 124, a. 1, ad 1, states that infant martyrs win the palm of martyrdom by the merits of Christ. Some divines thought that the infant's will was miraculously stirred to premature exercise.

the plague-stricken are called martyrs of charity, but they are not martyrs in the technical sense. S. Alphonsus quotes an opinion in their favour.¹

2. Death, or its sufficient cause, must have been inflicted out of hatred of the Faith ; by the Faith is understood not only every truth of faith but every Christian virtue.

3. Death, or its sufficient cause, must have been endured patiently and unresistingly, though fighting in the cause of Christ or virtue or to protect a Christian people would not preclude true martyrdom.¹

Even when all these conditions are verified, the privileges of martyrdom cannot be won by one in the state of grievous sin, unless sorrow for sin has been elicited ; but imperfect sorrow or attrition is sufficient.

The privileges of martyrdom are that it bestows sanctifying grace and remits all punishment in one who is duly disposed. This is the unanimous opinion of the Fathers. It also adds to the essential reward of salvation an accidental one, namely, the aureole of the martyrs.

SECTION 4. Temperance

1. Temperance as a special virtue is that virtue which regulates, according to reason, the sensitive appetite in the pleasures of taste and touch, so as to preserve the mean in the use of food, drink and sexual matters. As it is the mean between insensibility to pleasure on the one hand,³ and lust and gluttony on the other, it will be obvious that it is an important virtue for the preservation both of the individual and of the race. The appetites which this virtue moderates are the most imperious in human nature. The mean is relative, for what would be temperate for one person would not be so for another.

2. The material object of this virtue is the pleasure of taste and touch, as explained ; the formal object is the natural rectitude in such moderate use of them as befits a man's dignity.

¹ *Thol. Mor.*, lib. 6, n. 100.

¹ *Verm.*, III, n. 216.

³ Insensibility here does not mean physical insensibility but psychical, that is, unwillingness to use sensitive pleasures when they should reasonably be used.

Since God has annexed to these natural functions a feeling of pleasure, it is neither contrary to His Divine Will nor to right reason to be moved to the exercise of these functions by the concomitant pleasure, provided that the end of their exercise, namely, the preservation of the individual and of the race is not positively excluded, and the pleasure is used in a rational degree and in due order.

3. Many virtues are rightly annexed to temperance in a secondary sense which have no reference to the pleasures of taste or touch ; such are those which moderate psychical pleasure and satisfaction in matters other than the physical pleasures already mentioned. The following are the virtues annexed to temperance :

(a) Meekness moderates anger, so that a man does not burst out into uncontrollable passion, nor become incited by trivial objects. Its contraries are anger and supineness or insensibility to affronts of all sorts. Anger sins by excess in striving after unjust revenge or in being excessive ; in supineness by defect. It is necessary at times to excite anger so that the soul may be strengthened to resist instead of remaining inert and passive, especially where the rights of others are invaded. It is praiseworthy to be angry when cherished objects are attacked, as when another attacks God's honour or the goodness of beloved parents and so forth. Parents may rightly be angry with their children, but they must be so in moderation : ' Be angry and sin not ' (Ephes. 4, 26).

(£) Clemency moderates punishments so as not to offend either by excess or by defect. It diminishes the penalty deserved but does not remit it altogether, except when it would be reasonable to do so. It is an adornment of Superiors, whereas meekness is a virtue for all men. Its contraries are excessive mildness, and cruelty ; the latter inclines the Superior to be excessive in the amount or the manner of punishment.

(c) Modesty moderates the external manner, in style of dress, comportment, conversation, so as to order all things by reasonable decorum, having regard to place, time and person. This virtue is an index of the mind, for no one

can consistently act with moderation unless his mind is restrained : “ The attire of the body and the laughter of the teeth and the gait of the man show what he is” (Ecclus. 19, 27). The contrary vices are insolence in external behaviour and hypocrisy ; by defect, rusticity or clownishness, shown in a neglect of what is externally becoming.

(if) Eutrapely (courtesy, urbanity) is concerned with moderation in the use of recreation, laughter and merriment, so that a man should neither decline all such relaxations nor exceed in them. Its contraries are an austere moroseness by defect and buffoonery by excess.

(«) Studiousness moderates, according to the measure of right reason, the desire of knowing and learning so that a man should not desire to acquire knowledge unreasonably, and yet should be diligent in acquiring necessary knowledge. Under the latter aspect this virtue belongs to fortitude. Its contrary vices are excessive curiosity, and negligence in acquiring necessary knowledge.

(/) Humility moderates the desire for one’s personal aggrandizement by honour and the esteem of others. It is defined by S. Thomas as “ a praiseworthy depreciation of oneself to the very lowest degree ”¹ but such depreciation will not be praiseworthy if untrue ; therefore, humility is founded on truth, namely, the recognition that of ourselves we are nothing and can do nothing, though we have gifts, perhaps great gifts, from God, and in spite of personal defects can do great things by divine assistance. It is, therefore, not in the least incompatible with magnanimity.

Its proper object, however, is not to extol man in view of his great gifts from God, but to abase him, both in interior affection and external act, in accordance with man’s knowledge of his own inherent nothingness. Therefore, the humble man can always truthfully and quite reasonably choose the lowest place and the meanest occupations whenever he regards himself in his relation to God, because in doing so he is simply acting truthfully in regard to God’s dominion and gifts. This recognition of the truth must

¹ S. Th., S., 2. 2, q. 16i, a. i, ad 2.

be pleasing to God and must glorify Him. But is it reasonable to abase oneself below others who are our inferiors in every way, and is it truthful to act as though we were inferior to all others? It is; for when we do so, we can regard what we have of ourselves, which is nothing, in comparison with what others have from God, which is a great deal. We have our eyes open both to our own defects and to the gifts of others. This is eminently reasonable. The Saints could, therefore, truthfully call themselves the greatest of sinners when they considered their great gifts from God and the inadequate return that they had made. A humble man truly esteems himself unworthy of God's favours and fit for nothing, and shuns honours and praise as undeserved, for it is the painter of the great picture that deserves to be praised more than the picture. He therefore truthfully wishes others to see him as he really is in comparison with God, that is, as being of no worth whatever, but at the same time it is quite compatible with humility to accept the honour due to one's position, office, or dignity, for such honour redounds to God's glory and munificence. A humble man may, therefore, legitimately exact the respect that is due to his position, for this also is to act truthfully, but he must do so at the proper time and in proper circumstances, else he fails in humility. There is, then, no shadow of hypocrisy about the humble man, as worldly people sometimes imagine; is it not true, on the contrary, that worldly people are subject to overweening pride, because they do not acknowledge the God who has given them all things?

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But how is humility consistent with magnanimity? It is consistent if we take the true view of both virtues, for the humble man shrinks from great undertakings when he considers his own personal powers, and when he thinks of the reflected glory they may give him instead of God, whereas the magnanimous man embarks upon great undertakings, commensurate only with his powers, which are, as he knows, from God, and the glory of his achievements are reflected on himself, not, however, as being due to himself, but to the Giver of all gifts. The humble man would, if it were necessary, undertake great things, as

S. Francis Xavier did, and contrariwise, the magnanimous man would, if it were necessary, take the meanest place ; both virtues are founded on truth, so that whether we view these two virtues in the supernatural or in the natural sphere, truth reconciles their apparent inconsistency. Christ was magnanimous in the highest degree, yet He said, “Learn of Me, for I am meek and humble of heart.” He was also humble, and yet He undertook the greatest of all achievements, the Redemption of the human race.

The vices contrary to humility are excessive and imprudent self-depreciation, and pride. The former is not a vice in this sense, namely, that one can sin by thinking too little or too meanly of oneself, so far as human dependence on God is concerned, for that dependence is so profound, that no man could continue even to exist or to exercise any natural function whatsoever without God’s act of providence in preserving him ; but it is vicious in this sense, that in man’s relations to others, a moderate self-respect is necessary for the common good, for edification and for the right discharge of the duties of one’s office. Specious humility which is not tempered by prudence is a falsehood in fact.

4. The vices opposed to temperance are, insensibility by defect and intemperance by excess.

(a) Insensibility is that contrary of temperance which men are guilty of, though very rarely, when they so abhor pleasures of taste and touch, that they will not use them when and in the fitting measure in which right reason demands. The error of thinking that all sensitive pleasure is wrong in itself is a grievous one, but the contrary error of thinking that all such pleasure is always right and may be always legitimately used, merely because it is implanted in human nature, is an even grosser error and leads, as events prove, to debauchery and drunkenness.

(b) Intemperance is that contrary of temperance which a man is guilty of in using pleasures when and in the measure in which right reason condemns. It may be intemperance in the use of food, which is gluttony, or in the use of intoxicating drink, which is drunkenness, or in the use of sexual pleasures, which is lust.

CHAPTER III

THE THEOLOGICAL VIRTUE OF FAITH

theological virtues are Faith, Hope, Charity. They differ from the moral virtues in that their immediate object, as well as their motive, is God or some Divine Attribute, and consequently having a nobler object, they are on a higher plane than any other virtue and in a different category altogether. These three virtues are supernatural virtues, infused into the soul by God ; but as in Moral Theology we are dealing with acts, we must consider the obligations of eliciting acts of these virtues.

SECTION 1. Definition and Nature of Faith

The act of divine faith is the firm assent of the intellect,

God ; an assent that is motivated by the authority of God, Who, in revealing, can neither deceive nor be deceived. The material object of faith is, therefore, any and every truth so revealed. The motive of faith is God's Authority, for God, Who is the essential Truth, cannot Himself be deceived in His Divine Knowledge, nor can He deceive us when He vouchsafes to give a Revelation. Even human faith is founded upon the authority of another, whose knowledge we presume to be sufficient and whose veracity we respect. As divine faith is founded on God's Wisdom and Veracity, when He speaks we can believe without misgiving. Faith ennobles us, because the mind is illuminated by God ; faith glorifies God, because we subject to Him our understanding ; faith is meritorious in the just man, because it is a willing subjection of human faculties to divine dominion. The act of faith is an act of the intellect not of the will. It is assent and not hope nor trust nor feeling. This is clearly defined by the Council of Trent : " If any one shall say that justifying faith is nothing else but trust in the divine mercy, which pardons our sins for Christ's

sake, or that it is by such trust alone that we are justified, let him be anathema ”;¹ and again by the Vatican Council, which speaks of the signs of Divine Revelation as being suited to the intelligence of all.² The doctrine is also made clear by the oath against Modernism prescribed by Pope Pius X : “ I hold as most certain and I profess sincerely that faith is not a blind religious feeling issuing forth from the secret places of subconsciousness, but a genuine assent of intellect to truth received from without through hearing.”³

But it must not be thought that the will has nothing to do with the act of faith, for it is to be observed that when we are convinced that God has spoken, our intellectual assent to the truth of what He has said becomes reasonable and obligatory, yet dependent on our free choice. Thus, S. Augustine : “ A man may enter a Church unwillingly, he may approach the Altar unwillingly, he may receive the Sacrament unwillingly, but he cannot believe unless he wills it.”⁴ We are not forced to assent to revealed truths, because they are not self-evident, nor do we hear God speaking to us. We can doubt, if we wish, that God has spoken at all ; we cannot, it is true, doubt reasonably, but we can close our eyes to the sufficient evidence, because it is not compelling evidence. But the evidence, as a fact, excludes all prudent fear of error, for miracles, prophecies fulfilled, the propagation of Christianity, the holiness of its code and its effects on the human race are so striking as to be reasonably convincing that it is a divinely revealed religion.

If, on the contrary, we do not doubt, but give an intellectual assent to a revealed truth, it is our will having a supernatural good put before it, namely, the reward of eternal life, that influences us to do so. Such an act of the will is free, supernatural, and in the just man meritorious. The will is assisted and the intellect is illuminated by grace. The act is entirely supernatural ; it is only

¹ Cone. Trid., c. 12, *de Justificatione*.

² Cone. Vat., s. 3, ch. 3.

³ Pius X, ‘ *Sacrorum Antistitum* ’ Sept., 1910. The reader is referred to Finlay, *Divine Faith*, and McKenna, *The Act of Faith*.

* Cited by Finlay, *op. cit.*, p. 149.

the remote preliminary' preparations for the act that are partly natural.

SECTION 2. Content of Faith

We are bound to believe all that God has revealed, and since God does not speak to each of us directly, we are bound to believe what God has revealed to us through the medium of another, if He has really done so. God certainly spoke to the Jewish people through the prophets, and to all mankind through Jesus Christ.¹ Furthermore, Jesus Christ instituted His Church to be the pillar and ground of truth, to preserve the deposit of Revelation, to safeguard it from error, and to deliver it to all succeeding generations. The Church, then, is a living voice, transmitting and explaining what we have to believe, and therefore we rightly say that we know what God has revealed by the testimony, teaching and authority of the Church. It is obvious that in matters of such high moment there should be no risk of error, and therefore we firmly hold both that it is reasonable to think, and that it is clearly proved from Holy Scripture, as an historical document, that the Church is an infallible guide in this matter. It is not, however, to our purpose to set forth in detail the proof of this fact, since the proof belongs to Apologetic and Fundamental Theology.

SECTION 3. Kinds of Faith—Habitual, Actual

Habitual faith is the infused habit of divine faith. When informed by charity it is living faith ; it becomes dead, when charity is extinguished, but is not necessarily lost. It is not a living faith.²

Actual faith is faith that is expressed in act. This will be internal, if the act is elicited by the intellect ; it will be external, if there be an actual external profession of faith, as when we recite the Creed. Actual faith is private divine faith when we believe a truth revealed by God through a private revelation, but not also proposed to our belief by

¹ Heb. 1,2:“ [God] in these days hath spoken to us by His Son.”

² Cone. Trid., c, 28, *de Justificatione*.

the Church. It is Catholic faith, when we believe a truth both revealed by God and proposed by the Church. In this case, faith is founded primarily on God's authority and secondarily on the authority of the Church. When, therefore, a Catholic says that he believes a truth on the testimony of the Church, his faith is ultimately based on God's authority, because Christ our Lord founded the Church to be the obvious and tangible means of proposing revealed truths to mankind.

Actual faith is explicit when an article of faith is believed in accordance with its set terms, as when we make the act of faith : I believe in God.

It is implicit, when one article of faith is believed, inasmuch as it is contained in some other article of faith, as when we believe in the twofold will of Jesus Christ, divine and human, because we make an act of faith in His Godhead and manhood both.

Tonnai actual faith is that act of faith which is made with conscious reference to the motive of faith ; virtual faith is that faith which accompanies the act of some virtue other than faith, as when we elicit an act of supernatural sorrow for sin, for this act of sorrow must include faith.

SECTION 4. Necessity of Faith

For all who have come to the use of reason, actual theological faith is necessary for salvation, for unless we are moved by a true act of faith to believe in God, we could not even begin to conceive our supernatural relation to Him.¹ We are able, indeed, to know God's existence and our necessary natural tendency by reason alone, but as our end is supernatural, reason alone could not efficaciously influence us to dispose ourselves to that end with that certainty and fixity of purpose which are necessary in a matter of such importance. Faith must, therefore, come first, as it is the beginning and root of all justification. There may not be any vagueness or uncertainty about our faith ; it must be the strongest of all possible assents. This priority is

¹ Lehm., I, n. 386.

explicitly stated in Holy Scripture : “ Without faith it is impossible to please God, for he that cometh to God must believe that God is and that He is a rewarder of them that seek Him” (Heb. 11, 6). So firmly rooted is this truth in Catholic teaching, that the Council of Trent declared that there has never been justification without faith.¹ S. Thomas maintained that we should hold with the greatest certainty that God would send, if necessary, a preacher, or would give an interior revelation to those pagans who do what lies in their power.²

Furthermore, we are bound by divine precept to elicit acts of faith : “ He that believeth not shall be condemned ” ; “ He that believeth not is already judged ” ; “ This is His commandment, that we should believe in the name of His Son, Jesus Christ ” (Mk. 16, 16 ; Jn. 3, 18 ; 1 Jn. 3, 23).

SECTION 5. Truths to be believed explicitly as necessary for Salvation

We do not here inquire what truths must be implicitly believed, for every truth which God is known to have revealed must be believed, but our inquiry is, which are those truths that we must believe explicitly and in set terms and essentially for salvation. The truths which must be believed by all who have the use of reason, as an essential condition for salvation, are at least two. The two necessary articles of faith are that God exists and that He rewards them that seek Him. Every person who is saved has had belief in both these truths, though we need not maintain that this belief was preceded by very definite knowledge. The knowledge which a pagan, converted on his death-bed, has of the everlasting sanctions of Divine Justice may be very much less clear than our knowledge of them, yet his faith may be just as strong as ours, and certainly it is just as necessary for him as our faith is for us. It is not lawful, therefore, to receive any adult into the Church or to absolve any sinner, if they do not explicitly believe these two truths, according to their capacity.

¹ *Gone. Trid.*, s. 6, ch. 8 ; cf. *Cone. Vat.*, s. 3, ch. 3.

* *S. Th., de VeriL*, q. 14, a. 11, ad 1 ; cf. *Billot, de Eccles.*, p. 122.

It is probable that explicit belief in the mysteries of the Blessed Trinity and the Incarnation of the Son of God is necessary under the New Dispensation,¹ but whether the opinion is true or not, it would, in practice, be grievously wrong to baptize or absolve an adult, not in immediate danger of death, who did not explicitly believe in these two mysteries, because to do so would be wilfully to expose the Sacraments to the danger of invalidity. In danger of death, when there is no time to instruct the dying adult in the chief mysteries of the Faith, it is sufficient for Baptism if he manifest his readiness to assent to these truths, and seriously promise to keep the precepts of Christianity (c. 752).

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Besides the truths just mentioned, every Christian inbound to believe explicitly certain other truths in virtue of the command of Christ our Lord. The Apostles were commissioned to preach the Gospel to every creature, and there is a correlative obligation on all men to accept and believe what they are thus taught. The practice of the Church in the matter is our best guide. It is the common opinion of divines that every Christian must know and believe the substance of the Apostles' Creed, the necessary Sacraments, namely, Baptism, Penance, the Holy Eucharist, and the other Sacraments when there is need of receiving them, the Commandments of God and those of the Church which affect all men. The knowledge of these truths need not, in every case, be clear knowledge, but should be proportionate to the intelligence of the person. Some knowledge of how to make-facts of Faith, Hope, Charity and Contrition is necessary.

The obligation of the precept of faith is a grave one, because without such knowledge, at least in substance, it would be impossible to lead a Christian life. Practically, therefore, parents are bound to teach their children these truths, unless the children are taught in school or church ;

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¹ It is possible to hold with Suarez (*de Fide*, d. 12, s. 4, n. 11) and Lugo (*de Fide*, d. 12, n. 91) that belief in these two mysteries is as necessary as is Baptism, but as the *votum baptismi* is enough, in some cases, for salvation, so too is the *votum fidei* in these two mysteries, i.e., implicit faith in these two mysteries (Pesch, *Comp.*, III, n. 407).

penitents who are ignorant of these truths cannot normally be absolved ; adults who wish to become converted to the Catholic Faith must, if time permit, be instructed in the same truths.

SECTION 6. Obligation to elicit an Act of Faith

1. There is an obligation to elicit an interior act of faith on certain occasions during life. To do so only once in a lifetime is certainly not sufficient, as this false opinion has been condemned by Pope Innocent XI (pr. d. 17).

2. The act of faith may have to be elicited to fulfil the obligation of doing so, or on account of the duty of eliciting an act of some other virtue which presupposes faith. In eliciting an act of faith as such, it need not be an explicit and formal act, but an implicit one will suffice, such a one as Christians elicit when they receive the Sacraments in good dispositions.

3. The act of faith must be elicited as such, and at least in the sense explained :

(a) When a person first comes to the knowledge of Divine Revelation, for then he is conscious that God is appealing to his intellect, and he must bring it under the yoke of faith. When a child, first realizing that God has issued His Commandments, accepts them as its rule of life, it has elicited the necessary act of faith.

(á) When infidels or heretics have the faith so proposed to them that they recognize the obligation of believing. Thus, it would be a grievous sin against faith if such persons deferred making the act of faith.

(t) When a new definition of faith is proposed by the Church to the belief of Christians.

(d) More than once during life. It is, however, impossible to say how often the act of faith must be made. Divines are agreed that, although the faithful should be exhorted to make explicit acts of faith frequently, the precept is sufficiently fulfilled by the implicit acts of faith made when people hear Mass, receive the Sacraments, or say their prayers.

(«) After lapse into heresy or apostasy.

(/) In temptations against faith, such as cannot be overcome except by eliciting an act of faith. This case would not be common, as temptations against faith can usually be overcome by prayer, or even by directing one's attention to other things.

(g) An act of faith is probably, though not certainly, necessary when death is at hand. S. Alphonsus was of opinion that the act is then necessary, for it is then, most of all, that one is obliged to tend to God as one's last end, and to offer that worship of mind and will that is due to God. But if the dying person had fulfilled all such obligations beforehand and is in the state of grace, no obligation seems to exist ; if he is in the state of sin, he is bound to reconcile himself with God, and this could not be done without an implicit act of faith, contained either in perfect contrition or in the worthy reception of the Sacraments.

4. The act of faith must be elicited, at all events implicitly, on account of some other virtue, when obligations have to be fulfilled which presuppose faith, such as the worthy reception of the Sacraments, or when one is tempted against some virtue and the temptation cannot be overcome without recourse to the motive of faith. It must also be elicited when a profession of faith is enjoined by the Church, because the Church presupposes conscientious adherence to her formulas. A person who does not fulfil the obligation of eliciting an act of faith when it is enjoined on its own account, sins against faith. In other cases, namely, when faith is presupposed for fulfilling the precepts of other virtues, failure to fulfil such precepts—such as that of Easter Communion—will not be a special sin against faith, but against the virtue violated ; in the example given, it would be a sin against obedience. *

SECTION 7. External Profession of Faith

I. We are bound both by divine and by ecclesiastical precept to profess our faith externally ; we are forbidden by Natural and by divine law ever to deny our faith even virtually, when for example silence, subterfuge, or some manner of acting would be equivalent to denial of it

(c. 1325,1). But it is to be observed that to dissemble one's faith is not necessarily to deny it; the faith may sometimes be concealed of set purpose, but it may never be denied. A denial of faith is a grave sin: "Whoso shall deny Me before men, him shall I deny before My Father Who is in heaven" (Mt. 10, 33; Rom. 10, 10; 2 Tim. 2, 12). We receive the Sacrament of Confirmation that we may be able to profess the Faith fearlessly.

2. Divine precept obliges us to profess our faith:

(a) When God's honour demands an external profession of it, as would be the case if one were legitimately interrogated concerning the faith, and if failure to profess it openly would then be equivalent to a denial of it.¹

(5) When our neighbour's good requires us to make open profession of it.

(c) At some periods of our lives, in order that the visible bonds between the members of the Church may be manifested. But as we are not bound to satisfy the curiosity of every impertinent and unauthorized inquirer, therefore, where it would ordinarily be permitted, for good reasons, to use ambiguous expressions and mental restriction, with the upright intention of guarding one's secrets by the use of words intelligible to one who understood the circumstances, the same would be permissible in respect of concealing one's faith.

3. Ecclesiastical law also requires an external profession of faith in certain cases. The cases are enumerated in canon 1406. A few examples may be given, to show how particular the Church is to safeguard the purity of her doctrines. Thus, the following, amongst others, are bound to make a profession of faith in presence of authorized witnesses: Bishops elect, parish priests, rectors, professors of theology, canon law or philosophy, confessors, censors of books, preachers, religious Superiors, subdeacons elect.²

¹ Pope Innocent XI condemned the contrary assertion (pr. d. 18).

² An oath against Modernism is to be taken by subdeacons elect, confessors, preachers, parish priests, lecturers in theology and philosophy in clerical Seminaries or colleges of Religious, etc. This is not a prescription of the Code of Canon law, but a temporary precept which remains in force until revoked (S.O., March 22, 1918).

SECTION 9. Co-operation in non-Catholic Functions

All active, direct and intentional assistance in the distinctive religious functions of non-Catholics is grievously sinful and forbidden (c. 1258), for it is obviously taking part in a form of worship of God disapproved of by His Church. All such worship of God, if distinctively non-Catholic, though offered in good faith by non-Catholics, could not please God if offered by Catholics, for He established, as we know, through Jesus Christ, only one form of worship for all mankind, and that form alone has been developed and is sanctioned by His own Church, to whom, we firmly believe, He committed this one manner of corporate praise and worship. Personal approach to God is, of course, possible in many ways ; how else could many sinners be reconciled or pagans saved ? God, indeed, graciously hearkens to the prayers of all sincere men, but as Christ our Lord established one Church and gave it authority to teach all men, there is only one authorized way of worshipping Him.

All passive presence with non-Catholics at their religious functions is also, in general, forbidden, on account of the danger of perversion, scandal, and even the external profession of a false worship. But such passive presence may be tolerated for a grave purpose and with sufficient safeguards. In the absence of a general custom in favour of this kind of presence, it is for the Church, through the bishop of the diocese, to determine the sufficiency of reasons and safeguards.

SECTION 10. Particular Applications

Absolution

It is not allowed to ask for absolution from a schismatic priest outside the danger of death, and not even then, if there is scandal, danger of perversion, probability that the priest will not administer the Sacrament according to the rites of the Church (S.O., July, 1864).

Baptism

A Catholic is never allowed to ask for Baptism from an heretical or schismatic minister—even to avoid a heavy fine (S.O., 1672)—unless in case of extreme necessity, when no one else can baptize (Pope Pius VI, Instruction, May 28, 1793) ; but a Catholic parent might allow—though not ask for—such Baptism for her child, if resistance had been tried and found useless.

It is not allowed to stand sponsor nor to be a sponsor's proxy in heretical baptism, nor to permit heretics to be sponsors in a Catholic Baptism (S.O., 1770 ; P.F., 1869).

Joining in non-Catholic Prayers

It is not allowed to join with schismatics or heretics in their prayers, but it is not necessarily sinful to be present at, without taking part in, non-Catholic services ordered by the State authority as a matter of daily routine or discipline, such as would be the case in Army, Navy, Orphanages, etc.¹

Servants at non-Catholic Services

Just as it is not a sin to visit heretical places of worship, even during religious services, out of curiosity—apart from scandal, danger of perversion, or particular prohibition by the bishop of the place—so it would not be sinful for a Catholic servant to accompany non-Catholic master or mistress or the children of the family to their habitual place of worship, if this were merely a matter of personal attendance, and with the same restrictions as already mentioned. The servant, however, would not be allowed to take any part in the service.

Russian Catholic Boys

A lengthy reply was given by the Holy Office (April 26, 1894) concerning Russian Catholic boys joining their non-Catholic fellow-students in their religious functions, such as kissing the Cross, genuflecting, receiving blessed bread from Russian priests. The Sacred Congregation replied

¹ cf. Lehm., I, n. 809 note, following Kenrick and Konings.

that such presence was undoubtedly wrong, as being contrary to divine and Ecclesiastical law, and confessors were told to instruct such Catholic boys and their parents to desist from the practice, and sacramental absolution should be refused unless a promise were given to abstain in future. If, however, the boys were in good faith and apprehended no sin in such practices, then in extreme cases their good faith need not be disturbed, lest worse evils result to their souls, but that all cause for scandal should, in any case, be removed.

Nurses in Hospitals

It is not, as a general rule, permitted to Catholic nurses in hospitals to send for non-Catholic ministers to attend non-Catholic patients for religious purposes ; they must be passive in such cases (S.O., March 14, 1848). This was further explained (Feb. 5, 1872) to mean that nurses might tell some non-Catholic attendant that a patient wanted the non-Catholic minister, and this was declared not to be active co-operation. Furthermore, if even this were found impossible, then for very grave reasons and to prevent enmity arising against the Church, nurses might themselves send for the non-Catholic minister if asked to do so. It would not be unlawful co-operation in false worship to make preparations on behalf of such minister, such as to arrange a small table with candles and flowers by the sick person's bedside, for this is not distinctively religious and still less heretical ; but it would not be allowed to join with the non-Catholic minister in saying prayers—such even as are common to all Christians—for this would savour of indifferentism and give cause for scandal.

Presence at non-Catholic Services

It is forbidden to make it a regular practice of being present at heretical or schismatic sermons, baptisms, or marriages (S.O., May 10, 1770), or to be present at all so as to assist at Masses of schismatics ; the Church's precept of hearing Mass lapsçsjf Mass can be heard only in such churches (S.O., 1668, 1704). Catholics should not listen in to non-Catholic sermons, nor to expositions of false doctrines.

Mass and the Sacred Host

The question was asked, if Catholics might adore the Blessed Sacrament when carried by a schismatic priest to the sick. The answer was that they not only might but should adore It, but should refrain from accompanying It (P.F., Dec., 1764). In some countries, even this amount of respect was discouraged lest scandal should ensue. Pope Pius VI reminded French Catholics that they should genuflect before Hosts consecrated by intruded French priests, but should try to avoid meeting the said priests when they carried the Blessed Sacrament to the sick. Catholic priests are strictly forbidden to celebrate Mass in heretical or schismatic churches, even though they use separate altars (c.823); exception was made for Missionaries in Ethiopia under special circumstances and with careful safeguards (S.O., April 12, 1704), but it has been forbidden to admit heretical or schismatic priests to celebrate Mass in Catholic churches (P.F., Sept. 16, 1695 > S.O., May 10, 1753). It is also forbidden to offer Mass stipends for Masses to be said by schismatic priests (P.F., 1789). During the war of 1914-1918, permission was given to perform Catholic services in non-Catholic buildings.

Marriage in non-Catholic Churches

Catholics may not contract marriage in presence of a non-Catholic minister acting as religious minister, though he does not, in point of fact, administer a Sacrament at all in the case, since the marrying parties are the ministers; nor may Catholics ask for or accept the nuptial blessing from such ministers (S.O., 1817), nor, of course, receive Sacred Orders from them (S.O., 1709).

In Protestant marriages in a Protestant church, a Catholic should not, in general, take any part as witness—though mere presence, for a good reason and scandal apart, is not so objectionable—but in some places this is tolerated where no scandal is given. The custom of the place should be inquired into and loyally retained, for though to act as best man or bridesmaid may be regarded merely as a mark

of courtesy, Catholics are often rightly scandalized, and ven' little good comes of Catholics taking part in non-Catholic functions. This does not apply to a Catholic registrar if he were required to be present, for he is only a witness to the civil contract. But assistance at a mixed marriage in a Protestant church would not be tolerated, since this would be co-operation in violating a serious church law that forbids mixed marriages without dispensation, and such a marriage would now be invalid. A decree bearing on assistance at non-Catholic marriages was issued (S.O., May 10, 1770) : “ Catholics are not regularly allowed to take part in the marriage of heretics or schismatics.”

Organ Playing

It is wrong to play the organ in a non-Catholic church as a help to the religious sendee (S.O., Jan. 19, 1889), or to be a member of the choir during sendees, but it is not wrong, scandal apart, to take part in musical festivals in such places. A Catholic organist might continue in his post so long as he was in grave necessity, apart from serious scandal.

Idols and Images

It is obviously sinful to convey images or idols to pagan temples for the purpose of worship (S.P.F., 1789), or to make idols for purposes of worship, or to construct pagan temples (S.O., 1636, speaking of the time of the Japanese persecution), or pagan symbols of superstition.

Architects

It is not *per se* wrong for a Catholic architect or a Catholic workman to co-operate in erecting Protestant churches or adorning the interiors ; but in some countries this would give rise to scandal and should, therefore, be omitted, especially when the false religion has not as yet been generally established in those places.

Hosts

It w'ould be scandalous to make Communion hosts or to supply them for Anglican Communion, where these hosts

are thought to be validly consecrated. The reception of such hosts is sometimes material idolatry ; the adoration of them is always idolatry.

Schools and Hospitals

Though it is sinful to contribute to the building and upkeep of non-Catholic institutions, it would be permitted to help non-Catholic hospitals and even non-Catholic schools, for a good reason, since the objects of both are secular. It is sinful to contribute to the erection or upkeep of non-Catholic churches, unless a tax is levied for public worship, or all religions benefit by the contributions.¹ But to contribute to the preservation or restoration of an architectural, ancient and artistic cathedral or monument would not be objectionable if there was no scandal.

Disputations with Heretics

Catholics are not allowed to hold public debates or conferences with non-Catholics without permission of the Holy See, or, in urgent cases, of the local Ordinary (c. 1325, 3). The prohibition is against conferences on dogmatic truths which non-Catholics deny. Casual disputes are not forbidden. Inter-denominational conferences, when each religion is given a patient hearing, easily savours of indifferentism. Pope Leo XIII (Sept. 18, 1895), and the decree of the Holy Office, July 4, 1919 (re-enforcing its previous decree of Nov. 8, 1865, A.A.S., XI, 309), and the prohibition against Catholics taking part in the Lausanne Conferences on Faith and Orders (1927), all emphasize the view of the Church against such conferences. The Encyclical letter on Fostering True Religious Union, published to the world by His Holiness, Pope Pius XI (Jan. 6, 1928), states the matter in such a way as to leave no room for further discussion : “It seems opportune to

¹ It was permitted (S. Pœnit., 1822) to contribute to the erection of heretical temples, only that Catholics might have their own churches and Protestants theirs also, in order to avoid a common church for both. It was considered as a kind of ransom tax.

expound and refute a certain false opinion on which that complex movement by which non-Catholics seek to bring about the union of Christian Churches depends. They add that the Church, in itself, or of its nature, is divided into sections, that is to say, that it is made up of several churches or distinct communities, which still remain separate, and although having certain articles of doctrine in common, nevertheless, disagree concerning the remainder ; that these all enjoy the same rights ; and thus, in their contention, the Church was one and undivided from, at the most, the Apostolic age until the first Ecumenical Council. Controversies, therefore, they say, and long-standing differences of opinion, which have kept asunder till the present day the members of the Christian family, must be entirely put aside, and for the remaining doctrines a common form of faith drawn up and proposed for belief, in the profession of which all may not only know but feel that they are brothers . . . They go on to say that the Roman Catholic Church also has erred, and has corrupted the original religion by adding and proposing for belief certain doctrines, which are not only alien to the Gospel, but repugnant to it . . . meanwhile they affirm that they would willingly treat with the Church of Rome, but on equal terms, that is, as equals with an equal . . . This being so, it is clear that the Apostolic See cannot on any terms take part in their assemblies, nor is it in any way lawful for Catholics either to support or to work for such enterprises ; for if they do so, they will be giving countenance to a false Christianity, quite alien to the one Church of Christ . . . Who, then, can conceive a Christian Federation, the members of which retain each his own opinion and private judgment, in matters which concern the very object of Faith, even though they be repugnant to the opinion of the rest ? . . . Unity can arise only from one teaching authority, one law of belief, and one faith of Christians . . . the union of Christians can only be furthered by promoting the return to the true Church of Christ of those who are separated from it, for in the past they have unhappily left it.

Masonic Emblems

A very grave reason would be required for Catholics to be justified in making Masonic insignia.

Public Prayers for Kings

In Catholic churches, prayers are publicly recited for the King and Royal family after the parochial Mass. Since, in the past, conditions varied in accordance with time and place, the matter evoked many replies from Rome to local bishops for their guidance. All the replies will be found to be as tolerant as Catholic principles allow (cf. S.O., Feb. 23, 1820 ; May 12, 1841 ; P.F., Aug. 2, 1830).

Non-Catholic Homes, etc.

It would be sinful and scandalous for Catholics to contribute specially to the upkeep of Dr. Barnardo's homes or Salvation Army shelters, for though these institutions appear to be merely philanthropic, there is a more or less proximate danger of proselytism connected with them. It is eminently reasonable to help one's co-religionists before all others, unless others be in extreme necessity.

Blessing Houses

For a grave reason Catholic priests have been allowed to bless the houses of schismatics (P.F., April 17, 1758, cf. c. 1149).

Marriages

Non-Catholics may be present at Catholic marriages, but they may not act as witnesses without permission of the local Ordinary (S.O., Aug. 19, 1891).

Oath

It was permitted to take the oath in Law Courts (Quebec), and in doing so, to touch or kiss the non-Catholic Bible (S.O., Feb. 23, 1820), but in England the oath may now be taken by merely raising the right hand without touching or kissing the Bible.

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Blessed Candles, etc.

It was forbidden to give blessed candles to non-Catholics (P.F.,Jan.,1761),or to hand them lighted candles in Catholic services, or to invite heretics to sing in choir, or to give them the Pax or the blessed Ashes or blessed Palms, or to receive such things from them.¹

Bazaars

Apart from scandal, it would not be sinful for Catholics to take part in non-Catholic bazaars, social reunions, private sales of work, whist-drives, provided that the object of them was wholly philanthropic. But in many cases, the object of such gatherings might be such that no Catholic could honestly approve of them. In all such cases scandal must be avoided and local customs respected.

SECTION 11. Sins against Faith

1. Sins against Faith are committed :

1. By credulity in believing, as of Divine Revelation, what is not revealed. This would usually be a venial sin.

2.By denying the faith, externally or internally, by disbelief, apostasy, heresy, holding communion with infidels, pagans, or heretics, in their religious rites.

3.By omitting to learn what should be known about the faith, or omitting to elicit the act of faith when necessary.

4.By exposing oneself to the danger of losing the faith through reading books against the faith, or by wilful connivance at conversations against it.

2. Infidelity

Infidelity in general is absence of the assent of faith to what has been revealed by God to be believed.

I. Infidelity may be mere absence of belief in the case

¹ Canon 1149 now allows blessings to be given to non-Catholics to obtain the light of faith, or, together with that, bodily health. They may now be given candles, blessed ashes and palms (S.R.C., March 9, 1919). They may not be given the nuptial blessing, but, we believe, a non-Catholic mother may be given the blessing after child-birth. Superstition and scandal must, in all cases, be avoided. Non-Catholics may sing in Catholic church choirs, if there is no irreverence or scandal.

of those who have never had the opportunity of hearing anything about Divine Revelation. This infidelity is not sinful,¹ it is rather a great misfortune, one that the Church endeavours to repair through her missionary activity.

2. Positive infidelity in the case of those to whom the faith has been sufficiently proposed is a grave sin. “He that believeth not shall be condemned” (Mk. 16, 16).

3. Privative infidelity, such as would exist in the case of those who neglect their opportunity, is a grave sin, because faith is necessary for salvation.

3. Apostasy

Apostasy is a complete repudiation of Christian Faith by one who has been baptized (c. 1325, 2). Thus, rationalists, freethinkers, materialists, who after Baptism, forsake Christianity, are apostates, and if they maintain their tenets externally are treated as such by the Church. Apostasy is a grievous sin, as it is a denial of the Truth of God and the authority of the Church.

4. Schism

Schismatics are they who, though baptized as Christians, refuse to be subject to the Pope or to hold communion with the members of the Church. Schism is a grievous sin against obedience and charity, since Christ wishes all the faithful to be united to the visible Head of the Church; it is also opposed to the social supernatural good of mankind and our common fellowship with Christ (1 Cor. 1, 10).

5. Heresy

Heretics, in the strict sense and in that employed here, are they who, though baptized and retaining the name of Christian, adhere to a religious sect that repudiates any truth which has to be believed by divine and Catholic faith (c. 1325).

Those truths are to be believed as of divine and Catholic faith which are contained in the Word of God, written or

¹ M. du Bay maintained that it was sinful. His opinion was condemned by S. Pius V (1567), pr. d. 68.

handed down, and proposed by the Church through her solemn definitions or her ordinary and universal teaching to be believed as having been divinely revealed (c. 1323).

If the error be voluntary' and pertinacious, the heretic is a formal heretic, otherwise he is a material heretic. For true or formal heresy the rejection of the truth must be internal, that is, deliberate, and also conscious, namely, with full knowledge that what is rejected has been proposed by the Church as an article of faith.

The pertinacity consists in maintaining an heretical opinion against the clear claims of the Church, and it need not be continued or acrimonious or even externally manifested by favouring one or other heretical sect. One who seriously doubts about the truth of his own non-Catholic religion and deliberately neglects to satisfy his doubts because he does not want and would decline to become a Catholic, should Catholicism be proved to be true, is a formal heretic before God. Since the Church proposes to our belief all that is contained in Holy Scripture, one who denies an article of faith clearly contained therein is a heretic. The Church does not propose private revelations to our belief, and therefore it is not heresy to doubt or disbelieve them.¹

All formal heresy is a grievous sin because it is a repudiation of God's Wisdom and Truthfulness. One heresy, therefore, does not differ in sinfulness from another, nor heresy from apostasy, inasmuch as they equally reject God's Truthfulness. " Whosoever revolteth and continueth not in the doctrine of Christ, hath not God " (2 Jn. 9).

6. Doubts about Faith

A difficulty is not a doubt. It is not only difficult, it is impossible, to understand, for example, how Christ our Lord

¹ One who has been brought up in an heretical sect may very well have the virtue of supernatural faith, and so long as he entertains no doubts about his own religion he remains a material heretic. Such a one is a Catholic at heart though not united with the faithful. He may not, however, be given the Sacraments by a Catholic minister, since it is expressly forbidden (c. 731). Nevertheless, when he is in danger of death, there are means of helping him, as will be seen later, and if he is young, under 14 years, no abjuration need be made (Verm., II, n. 36).

is in the Blessed Sacrament, but one need not, therefore, doubt the fact of the Divine Presence. Most people are unable to explain very many natural processes, but they accept them as facts on the word of another. God's Word is a more valid ground for belief than the testimony of all men together. If we merely hold our judgment in suspense concerning an article of faith, we are not heretics, since we are not guilty of either positive error or pertinacity, but there will usually be sin in such negative doubts.¹

The following remedies are suggested for doubts about matters of faith.

1. To turn the mind away from the subject altogether.
2. To make acts of faith frequently.
3. To pray for an increase of faith.
4. To act towards God as a simple child acts towards its parents.
5. To shun occasions that are dangerous to faith.
6. To appreciate the gift of faith very highly, more than one values life and health.

7. Liberalism

Liberalism as opposed to faith is that body of doctrine or philosophy which asserts that man is completely autonomous in the moral order. It deifies man's faculties, and by repudiating the existence of all authority in the sphere of religion and morality it leads logically to atheism. It has been condemned within recent years by Pope Pius IX in the Encyclical, *Quanta cura* (Dec. 8, 1864), and by Pope Pius X in the Encyclical, *Pascendi dominici gregis* (Sept. 8, 1907). In the latter, Modernism, as it is called, is condemned as being a system of agnosticism, in that it confines human reason within the field of phenomena, denies that God can be the direct object of knowledge or even an historical subject. On its positive side, Modernism is a system of

¹ When a Catholic seriously doubts about some article of faith, proposed by the Church to his belief, a sin against faith is committed. When a Protestant doubts about the authority of his own Church, or about an interpretation of Holy Scripture, he is not guilty of a doubt about faith. He doubts about the validity of his own reasoning. This, at least, is highly probable, owing to his fundamental principle of private judgment.

vital immanence, in that all religion, supernatural and natural, must be sought for in man himself, and as religion is a form of life, its explanation must be sought in the life of man. This is religious immanence, lurking in the subconsciousness, in which a special sense of man possesses the divine Reality Itself and unites man with God. This sense is called faith by Modernists, and this, they say, is the beginning of religion, for they find in this sense not only faith but Revelation also. In this religious sense we must find, they say, a kind of intuition of the heart, which puts man into immediate contact with the reality of God. It is this experience that makes a man truly a believer. Hence they lay it down as a universal standard that this religious consciousness is to be put on an equal footing with Revelation, and to it all must submit, even the supreme authority of the Church, whether as teacher or legislator. Dogmas are merely symbols or images of the truth, the instruments and vehicles of truth, and must be adapted to man in his relation to the religious sense. Dogmas, therefore, not only can change but they ought to do so. There is to be nothing stable, nothing immutable in the Church's dogma. It will readily be seen that such teaching is a denial of historical religion, a farrago of false mysticism, agnosticism and individualism in religion, and ultimately a return to subjectivism and private judgment. It dispenses with any actual Revelation by God and the necessity of a teaching Church.

8. Oxford Group Movement

This pseudo-religious revival, founded by Dr. Frank Buchman in the year 1921, was popularized in Oxford; hence its English name. Its aim is to reconsecrate individual and social life. Its practices are (or were) : sharing, by which members testify to a change of life ; surrender, namely, complete severance from past sin and a dedication to God ; restitution for or reparation of past sins ; seeking the guidance of the Holy Spirit. The members of this Movement are genuinely sincere in their ideals of absolute honesty, purity, unselfishness and love. Since the Movement is a form of religion wholly independent of Catholicism,

it is obvious that it is at least dangerous to faith, so that no Catholic can join it or give it favour.

SECTION 12. Temptations against Faith

A difficulty is not necessarily a temptation ; the temptation begins to be actualized when, moved by a difficulty, we allow our will to waver in its command to the intellect to maintain its firm assent. When a difficulty of believing presents itself and fear ensues—as is sometimes the case with good Catholics—this is not a temptation against faith but a mark of appreciation of the Faith. But a sin against faith is committed by one who half consciously fosters an inclination to doubt, and it will be a grave sin if he assents to a fully deliberate doubt. He has then lost his faith. We are bound to reject doubts about faith, as we are bound to resist temptations to any sin. Since difficulties against faith may be very specious, when they are specious it would be rash, to say the least, to revolve the difficulty in one's mind. The good Catholic will put it away, and later on will find out the solution of it.

Pastoral Note

The pastor will carefully teach his people—and especially the children—the necessary articles of faith, the doctrine of the Church on the Sacraments, the meaning of the Apostles' Creed, how to make acts of Faith, Hope, Charity and Contrition, and the meaning of the 'Our Father.' On Sundays, where the approved custom of reciting these acts before Mass obtains, he will do well to recite them in a clear voice, preferably phrase by phrase, that the people may repeat them, and so come to remember them, for it is astonishing how many Catholics forget how to make these acts. Therefore the pastor would do well to give a sermon on the articles of Faith, acts of the virtues, the Sacraments, the meaning of the Lord's Prayer, being careful to have an order in his sermons, so that the people may hear a consistent exposition of the Faith. The preparation of the sermon should be careful, for even the most erudite theologian would find it necessary to think out the subject beforehand, so as to be accurate and logical.

CHAPTER IV

THE THEOLOGICAL VIRTUE OF HOPE

SECTION 1. Definition and Nature of Hope

Hope, as a supernatural infused virtue, is a habit that moves us to a confident expectation of eternal happiness and all the means in this life that are necessary to help us to attain it. In Moral Theology we are concerned with the act of this virtue, which is defined as an act elicited by the will, under divine grace, by which we trust with unshaken confidence to obtain eternal happiness and all the means necessary to attain it, if we do what God requires of us. In such an act, we distinguish what we hope for and the motive of our hope. What we hope for is the material object of the virtue, and this is the possession of God as our Good, and subjectively, the fruition of God by vision and love, and the supernatural aid in this life to help us attain that end.

The motive of our hope is a complex one ; it comprises God's fidelity to His promises, His Almighty power to fulfil them, and His mercy to us. We are not, of course, nor need we be always conscious of the complexity of our motive, for now one element is emphasized, now another, but if we carefully analyse an act of hope we shall find these elements certainly included. Hope necessarily presupposes faith in what we hope for and in the motives of our hope. Hope necessarily includes love for God, not indeed for His own sake, but because He is our own Supreme Good, for we cannot possibly want to attain what we do not love. Hope being founded on God's fidelity cannot possibly have any admixture of uncertainty lest God should not fulfil His promises ; but since we have to co-operate with God's grace in order to merit heaven, from the point of view of the uncertainty and fitfulness of our co-operation, hope is tinged with uncertainty. We have to work out our salvation with fear and trembling (Phil. 2, 12), not because we mistrust God, but because we ourselves may fail : " Fear, as a movement of the will that shrinks from evil, cannot have God

as its object, for God Who is Goodness Itself cannot inspire us with fear, though we can consider His justice, in respect of which He punishes those who sin. This consideration gives rise to fear. If a man turn to God through fear of punishment it will be servile fear, but if it be on account of fear of committing a fault, it will be filial fear, for it becomes a child to fear offending its father. The fear of the Lord is the beginning of wisdom, that is, the beginning of wisdom is the point where wisdom begins to work, and in this way fear is the beginning of wisdom, yet servile fear is one way and filial fear is another. For servile fear is like a principle disposing a man to wisdom from without, in so far as he refrains from sin through fear of punishment: 'The fear of the Lord driveth out sin.' On the other hand, filial fear is the beginning of wisdom as being the first effect of wisdom, for since the regulation of human conduct by divine law belongs to wisdom, in order to make a beginning, man must first of all fear God and submit himself to Him. It is this filial fear that is a gift of the Holy Ghost, and it is not opposed to the virtue of hope, for thereby we fear, not that we may fail of what we hope to obtain by God's help, but lest we withdraw ourselves from this help. Wherefore, filial fear and hope cling together and perfect one another.

Again, filial fear increases when charity increases, for the more one loves a man, the more one fears to offend him and to be separated from him. On the other hand, servile fear decreases as hope and charity increase, for the more a man loves God the less he fears punishment, because he thinks less of his own good to which punishment is opposed, and the faster he clings, the more confident he is of this reward, and consequently the less fearful of punishment. If, then, filial fear increases with charity, it will remain with us in heaven, not as though we should then have any solicitude or anxiety about evil or losing God, but we shall have that fear that holds fast to a good which we cannot lose, and as fear implies a natural defect in a creature, in so far as it is infinitely distant from God, this defect will remain even in heaven, and hence fear will not be cast out altogether."¹

¹ S. Th., S., 2, 2, q. 19, 33. 1> 2> 7> IO> 1*.

If, therefore, charity is consistent with fear, still more so is hope. We may, therefore, hope in God with the greatest possible firmness, and still fear to lose Him through our own fault. Since this kind of fear of loss cannot exist in heaven, hope there passes into the joy of possession.

SECTION 2. Necessity of Hope

The act of hope is absolutely necessary for salvation for all who have come to the use of reason. Since we cannot love God—and love of God is essential to salvation—unless we apprehend Him by faith as our Good and love Him as our Good, hope is necessary for the just as well as for sinners, since both must attain to eternal happiness by their own personal merits under God's grace, and they could not attempt to do so without hope. It is necessary for sinners, because without hope they cannot trust for forgiveness of their sins, and thus could not dispose themselves to receive the grace of conversion.¹ “He that cometh to God must believe that He is, and is a rewarder to them that seek Him” (Heb. ii, 6). The act of hope being necessary, it is also a matter of divine precept. We are taught by our Lord to pray with hope, and are constantly urged in Holy Scripture to pray with unwavering hope : “ But let him ask in faith nothing wavering. For he that wavereth is like a wave of the sea, which is moved and carried about by the wind. Therefore let not that man think that he shall receive anything of the Lord ” (Jas. i, 6, 7).

This duty of hope is both affirmative, in that we must positively elicit hope, and negative, in that we may not despair of God's help nor inordinately presume upon it. But to fulfil this duty, the act of hope need not be very explicit. It is sufficient to pray, to perform the ordinary duties of the Christian life, and to receive the Sacraments worthily. However, although our obligations are then fulfilled in respect of hope, explicit acts of hope are valuable to our wavering wills and most pleasing to God.

¹ Cone, 1ad., s. 6, ch. 6.

SECTION 3. Obligation to elicit an Act of Hope

1. As in the case of faith, hope must be elicited when a person comes to the use of reason, and the reality of God's existence and man's destiny are sufficiently apprehended, for at that moment he must consciously wish to attain to his destiny. It is presupposed, of course, that we are here speaking of Christians. We need not inquire how or when God gives a knowledge of Himself and the grace of divine faith to infidels. Furthermore, the act of hope must be elicited:

2. In temptations against hope when they cannot be overcome except by eliciting hope.

3. After the sin of despair, whereby man loses the virtue of hope.

4. Sometimes during life in order to preserve the virtue of hope. It is, however, not possible to determine how often hope must be exercised. The proposition of the Jansenists, which asserted that hope need never be elicited by virtue of divine precept, was condemned by Pope Alexander VII (1665, pr. d. 1). Many divines thought that the act of hope should certainly be made at the end of life. Even if this view is not certain, the priest will always help the dying to make such an act.

5. When temptations against virtues other than hope cannot be overcome without hope.

6. When a precept cannot be fulfilled without at least implicit hope.

SECTION 4. Sins against Hope

Sins against the virtue of hope are, firstly, those of omission, when we deliberately fail to elicit an act of hope when we ought to do so, secondly, those of commission, which are three, aversion from God and heaven, an act which is directly opposed to the act preceding hope, namely desire of God and heaven ; secondly, despair, which is a lack of trust and confidence in God ; thirdly, presumption, which is the unreasonable expectation of obtaining heaven by means other than those appointed by God. Presumption is not an excess of hope, for our hope can never be too great.

I. Aversion from God and heaven is not that hatred of God which is opposed to charity when a man wishes evil to God, but it is a turning from God as from one's own Supreme Good and turning to creatures instead. This is a grievous sin, for to prefer earthly joys to God is contempt of Him. This aversion from God, as from a Good that is too arduous to attain, is the sin of those people who are taken up with the pleasures of this world, or of those who are addicted to lust or to spiritual sloth. Aversion from God and even despair arise from lust, because by it a man is infected with the love of bodily pleasures, and such love induces a distaste for spiritual things. God and heaven then become too troublesome to strive for. Sloth also causes aversion from God, because it is a kind of sadness that casts down the spirit, and in this state it seems to a man that he will never rise to any good, and he thinks that an arduous good is impossible to attain.¹

To desire to live on earth for ever in possession of its pleasures would usually be a foolish desire, because so obviously unattainable, and therefore it would not usually be a grievous deliberate sin. It would, however, be grievously sinful to wish to relinquish God and heaven for the joys of earth, if that were possible. On the other hand, the often expressed but ill-considered wish to die rather than endure the sorrows of a longer life is no sin, if thereby a person expresses mere natural repugnance to sorrow, and not rebellion against God's providence or impatience under misfortune. The wish never to have been born or to be utterly annihilated may be the mere expression of overpowering grief, otherwise it would be a sin against hope.

2. Despair is a deliberate distrust of God's goodness, fidelity and power. It is an act of the will, based upon a false though deliberate judgment that either God does not want to save us, or that He cannot do so in view of our sins, or that He is not ready to give us sufficient graces for salvation. This sin is essentially grievous, because it is an attack on God's ineffable Attributes of mercy, fidelity and power.

¹ S. Th., S., 2. 2, q. 20, a. 4.

This sin is, therefore, greater than sins against the moral virtues—such as justice, temperance, religion—because the good to which it is opposed is so much greater than moral good, but it is not so great a sin as that against divine Goodness or Truthfulness, which are aversions from God's essential Attributes. A sin of despair is rather aversion from God's Goodness to us. In disbelief, for example, a man will not believe God's own Truthfulness, and in hatred of God, man's will is opposed to God's Goodness Itself, but despair consists in this, that a man ceases to hope for a share in God's Goodness. Nevertheless, despair is usually more dangerous than other sins, because when hope is gone men rush headlong into sin and are drawn away from good works.¹

Pusillanimity, dejection and anxiety are not despair. These are usually due to temperament or physical causes. Even if a person should give up prayer out of despondency, he does not necessarily despair, nor does he always sin grievously. He would truly despair, if he gave up prayer simply because he deliberately thought and wished to think that God would not or could not hear his prayer.

3. Presumption is an unfounded expectation of obtaining eternal happiness and the means necessary for it in ways other than God has willed. Thus, 'it is a sin of presumption to expect eternal happiness through one's own efforts alone, or through the merits of Christ alone without personal good works. It is similarly a sin of presumption to expect salvation by the mercy of God without keeping the Commandments, or by expecting God's help in sin, or by trusting to attain to extraordinary sanctity outside the ordinary course of God's providence. It is likewise presumption to sin and continue sinning, trusting to God's readiness to forgive.

The sin of presumption is grievous when it includes the heresy and blasphemy of expecting God to condone evil.

To sin many times because it is as easy to confess many sins as to confess one is not presumption, since the motive for sinning is not reliance on God's readiness to forgive, but on the facility of confessing many sins. But such a state

¹ S. Th., 5., 2. 2, q. 20, a. 3.

of mind is very dangerous and may easily lead to presumption. To sin many times because God forgives many sins as easily as one sin, or to sin because God forgives easily, is true presumption and is a grievous sin, if this conviction lead one to commit grievous sin.

It is not presumption to put off confession till a more opportune occasion present itself, as people sometimes do who have neglected to receive the Sacraments for many years. This is rather spiritual indolence ; nor is it presumption to persevere in sin out of frailty or passion with the concomitant hope of pardon. To expect extraordinary help from Gôd, over and abôve the working of His ordinary providence, will usually be a venial sin of presumption, unless it includes the tempting or making trial of God's longanimity in serious matters.

SECTION 5. Remedies against Despair

The remedies against temptations to despair are to make acts of hope, to pray, to despise the temptation, to divert one's thoughts into other channels, not to think of predestination but rather of God's universal salvific Will, to meditate on the efficacy of the Sacrifice of Calvary, to have recourse to the Wounds of Christ, to commend one's troubles to the Blessed Mother of God and the Saints, to repeat short ejaculatory prayers, to remember that others with fewer graces than we have can be saved.

Pastoral Notes

i. The pastor will point out the importance and efficacy of hope, even though the act is elicited from the motives of reward or of the fear of hell. The reward of the possession of God is essentially the loving God as our Good, and this affection of our soul is a communication from God of His own most holy Love, whereby He loves and must love His own Beatitude. The fear of hell is not a servile fear, as though one would be prepared to offend God grievously if there were no hell, but it is that fear which excludes all affection to sin, because we dread to lose One who is our

Supreme Good. To love what is our own personal good is deep-rooted in nature, and is so rational that we have to make it the starting point of all else. Far from being selfish, it is highly natural. Those who oppose all desires of salvation as unworthy of one who truly loves God, wish to change the human nature that God has given us, and, indeed, if they analyse their every act, they would see that it is altogether impossible to act at all except from some motive that appeals to them.

2. The Catholic who realizes that his hope takes account of his own insufficiency as well as of God's mercy will not delay his conversion from sin. Many Catholics, unfortunately, fall away from their good practices, and receive the Sacraments only at the times of missions. These are the very people whom it is impossible to address, since they do not come to the church, except, perhaps, for a few Sundays after the close of the mission. It will be most important, therefore, during a mission, to insist on the supreme necessity of man's co-operation if he sincerely expects God to save him from hell, and after the mission, to be assiduous in visiting the people, in order to give the slothful the additional stimulus of the priest's encouragement or admonition. Every missionary realizes the advantage of memorial cards of a mission.

CHAPTER V

THE THEOLOGICAL VIRTUE OF CHARITY

⁴ SECTION 1. Definition and Nature of Charity

By divine charity we love God above all else for His own sake, and ourselves and our neighbours for God's sake. Charity is the greatest of the theological virtues and of all virtues. Although the theological virtues "refer to God as their proper object, one of them cannot be said to be greater than another in the sense that it refers to a greater object; but it can indeed be greater inasmuch as it approaches nearer to its object, and in this way, charity is greater than the others, for the others, of their nature, suppose the object removed some distance. For faith is about the things that are not seen, hope is concerning the things that are not yet in possession, but the love of charity concerns that which is already possessed, for the thing loved is in some way in the person loving, and the lover is drawn by attraction to union with the object loved, as S. John says in his first epistle: He that abideth in charity abideth in God and God in him." Again, "Faith and hope attain God indeed, so far as we derive from Him the knowledge of truth or the acquisition of good, whereas charity attains God Himself that we may rest in Him, but not that something may accrue to us." ¹ "The other two virtues, faith and hope," as Cardinal Wiseman finely said, "dwell in the porch of God's house; they are as the lamp and the perfume of the outer Sanctuary, placed here to enlighten and refresh us, who worship without the veil."

Now true love is true friendship, unselfish and disinterested. The love of divine charity has the characteristic of friendship, for by it we do not wish anything for ourselves, as we do when we hope, but we wish good to God and our neighbour, and this element in charity is benevolence.

We can wish good to God in this sense that we can wish

¹ S. Th., S., I. 2, q. 66, a. 6, c: 2. 2, q. 23, a. 6, c.

that His extrinsic glory, namely, the glorification of God by rational creatures, may be increased ; we cannot, of course, wish God's intrinsic good to be increased, since it is already infinite.

But well-wishing is not enough for true friendship, because the mutual love of friendship is founded upon some kind of communication. This element in charity is beneficence. But we cannot really give God anything which He does not already possess in the highest degree ; nevertheless, what we can give, is what He orders us to give, namely an increase of His extrinsic glory by keeping His Commandments. This is the only way of retaining His divine friendship. It may be called the love of obedience.

But friendship can extend to the friends of a friend. When we love others for that reason, our friendship is unselfish in that we seek to derive no profit from loving, but we act thus for our friend's own sake. Therefore, we can and must love ourselves because we belong to God, and we must love our neighbours, even if they show enmity to us, because they too belong no less to God. Even though they are sinners, they are still the objects of God's mercy and providence. These three acts of charity whereby we love God, ourselves and our neighbour, are not acts of three different charities, for charity is one virtue only, because the motive of charity is one only, namely, the Absolute Goodness of God ; and the common end, the fellowship of everlasting happiness, is one only.

It has been said that charity is the love of God above all other persons and things, and this might be understood as the love of appreciation, whereby, we prize God more highly than all else for His own sake, so that we should be prepared to lose everything rather than offend God; or it might be understood as the love of intensity, whereby we love God more intensely and ardently than all else. The first love, that of appreciation, all men are bound to have, and no one can be saved unless he so loves God as to be unwilling to offend Him in a grievous matter. But we need not institute comparisons between God and a person or thing to which we are extraordinarily attached,

for such comparisons are foolish, Nor should we, in moments of violent temptation or deep depression, ask ourselves if we prefer God to all things. We do, of course, if we are ready to avoid deliberate sin, so that to harry oneself with questions on such occasions is most unwise and unnecessary.

The other kind of love, that of intensity, is a matter of emotion, and not necessary, because we cannot always command our emotions. This love is, however, a great gift and one to be prayed for.

Although the love of God which excludes all wish to offend Him grievously is sufficient for salvation, there are higher degrees of appreciative love which we may rightly aim at and pray for. Thus, a second degree of this love would be so to love God as to prefer to lose all else, and to suffer all things rather than displease Him even in a slight matter. A third degree would be so to love Him as to prefer what is more pleasing to Him in actions that are virtuous. We may add a still higher degree, namely, to prefer to be like our Divine Saviour in poverty and contempt rather than to be honoured and rich, provided that God's glory is at least equally served in each alternative.

Thus, S. Chrysostom on the words of the Apostle, 'I a prisoner of the Lord', says: "Nothing is there so glorious as a bond for Christ's sake; more glorious this than being an Apostle, than being a Teacher, than being an Evangelist, to be a prisoner for Christ's sake. Is anyone transported and fired with devotion for the Lord, he will know the power of these bonds. Such an one would rather choose to be a prisoner for Christ's sake, than to have the Heavens for his dwelling; more glorious than any gold were the hands he was holding out to them, yea, than any royal diadem. No jewelled tiara bound around the head invests it with such glory, as an iron chain for Christ's sake: more glorious perhaps this, to be bound for His sake, than to sit at His right hand; more august this, than to sit upon the twelve thrones."¹

¹ in *Ephes.*, hom. 8; in Newman, *Library of the Fathers*, vol. 5, p. 180.

Pastoral Notes

1. The sublimity of charity, namely, the love which we must have for God and the love which God has for us becomes clearer to us, the more we realize the sublimity of our supernatural destiny. For we are heirs of heaven, being co-heirs with Christ, intended by God to be His friends for ever and enjoy the Beatific Vision. For as the intellect is reinforced and indeed elevated by the Light of Glory, that it may apprehend the Infinite Truth, though in a finite way, so is the power of loving expanded and intensified by union with God in love.

2. The pastor will point out that as it would be inconceivable that man should have any knowledge of the mysteries of God apart from Revelation, or that man could possibly hope for a heaven so far above his merits, much more inconceivable is it that God should actually love man as a son, not merely as a creature. But we know this to be the case, from the Revelation of God's love by His Son.

SECTION 2. Object of Charity

The primary object of charity is God Himself, the secondary object includes all those creatures who are capable of being or of continuing to be God's children by grace or glory, those, namely, who are called to the fellowship of divine friendship : " If any man say, I love God, and hateth his brother, he is a liar " ; " Every one that loveth him that begot, loveth him also who is born of him " ; " He that loveth not, abideth in death " (1 Jn. 4, 20 : 5, 1 : 3,14).

We can also love all irrational creatures, in so far as we can regard them as good things that we desire for others, that is, in so far as we wish for their preservation to God's honour and man's use ; in this way God also loves them.¹

SECTION 3. Motive of Charity

The motive of charity is God Himself, infinitely good in Himself. The sum total of God's divine perfections may be consciously taken as this motive, or any one of God's

¹ S. Th., S., 2. 2, q. 25, a. 3.

perfections, such as His Wisdom, Power, Mercy, for there is no distinction in God, and His ineffable lovableness can be discerned in each of them. Though God's relative attributes, such as His mercy to us, can be a true motive of charity, this motive is not the same as the motive of gratitude to God, nor of hatred of sin as something ungrateful and detestable. The latter kind of motive does not necessarily connote true charity', because in the latter case we conceive the ingratitude of sin as something disgraceful in ourselves, and therefore to be shunned. Nevertheless, gratitude can very easily merge into true charity, inasmuch as the Giver of such great benefits is conceived as an Infinite Benefactor, lovable for His own sake, and sin may easily be looked upon as an evil to God and not to ourselves only. Sinners may very well, therefore, be led through shame and gratitude to perfect love, and it is within the experience of most people that this is so. Furthermore, if we regard the sufferings of Christ our Saviour, remembering that He is God, we may reflect that if He paid such a price for our redemption He must be full of love and goodness and worthy of perfect love, and if our sins caused His sufferings, then we can detest them as an evil to His Godhead. Sinners may be led from the contemplation of their own sins, as evil to God, and of Christ's Sacred Passion, the expression of Divine Love, to perfect love. These two modes of arriving at the motive of true charity are both easy and of great practical importance, for a perfect act of sorrow blots out all our sins.¹

SECTION 4. Ways of Making Acts of Charity

There are many ways in which acts of love for God can be practically and easily elicited² :

1. By rejoicing in the divine Attributes of God such as His Power and Wisdom, Attributes that are intrinsic to Him.
2. By rejoicing in the extrinsic and accidental glory which is revealed in creation, so that we may be led to rejoice in God's Omnipotence and ineffable Harmony, Beauty and Order.

¹ cf. Lehm., I, n. 445, for an amplification of what is here stated.

* cf. Noldin, II, n. 56, quoting Sporer-Bierbaum.

3. By desiring that God should receive more and ever more external glory from His creatures, so that He may thus be the better known and loved by rational creatures. Thus, we can exercise an act of love when we say : “ Glory be to the Father and to the Son and to the Holy Ghost ” ; and again : “ Hallowed be Thy Name, Thy Kingdom come, Thy Will be done.”

4. By grief for sin because sin is opposed to the Divine Good.

5. By zeal for the effective increase of God’s glory through the conversion of sinners and the salvation of souls. The lives of Missionaries such as that of S. Francis Xavier are almost continuous acts of divine love ; the alms and prayers of the faithful on behalf of foreign missions can be an exercise of love.

6. By keeping God’s Commandments so that He may be the better served by us, because He is worthy of all service : “ If you love Me keep My Commandments. He that hath My Commandments and keepeth them, he it is that loveth Me” (Jn. 14, 15, 21).

When we say that by charity we love God for His own sake with a disinterested love, we do not and cannot exclude from the content of our act the fact that God is our Supreme Good, nor need we exclude the consciousness of it. But that which makes an act of charity essentially such, is the fact that we love the divine Good on Its own account and not because It is our own good. To the difficulty that we cannot love anyone nor anything that is not regarded solely as a good to us we must answer that experience disproves this, since we can love a man with great and noble qualities and wish to do something for him if we could, and to proclaim his worth. The personal gratification that we feel in thus loving is no proof that the love is not disinterested.

SECTION 5. Efficacy of Charity

The act of charity unites us with God, and therefore wins complete forgiveness : “ He that loves Me shall be loved by My Father and I will love him and will manifest Myself to him” (Jn. 14, 21) ; “ Many sins are forgiven her because

she has loved much ” (Lk. 7, 47). This was always the effect of charity in the Old Dispensation. Under the New Law, charity must include the wish to fulfil all Christ’s commandments, one of which is to seek forgiveness, if we can, through the Sacrament of Penance when we have fallen into grievous sin.¹

Furthermore, the motive of charity ennobles the acts of all other virtues and gives added worth to them. But it would be false to say that charity is the only virtue, for we are commanded to exercise other virtues, such as religion and justice ; we can keep most of the Commandments without exercising charity.²

SECTION 6. Obligation to elicit an Act of Charity

An act of charity must be elicited :

1. When a person has come to the use of reason and apprehends the duty of loving God above all other objects. The act must be explicit and formal.

2. Sometimes during life. No definite rule can be stated. Pope Innocent XI (1679) condemned the view that probably not even once every five years need the act be made. We should, however, frequently make acts of this virtue, as the love of God is very efficacious in moving us to avoid sin, advance in virtue, and win more abundant help and graces.

3. In temptation that cannot otherwise be overcome. The contingency will be rare, but a temptation may be so vehement as to render it practically necessary to throw ourselves on the infinite merciful Love of God, exclaiming with S. Paul : “ Who will separate me from the love of Christ ? ”*

4. When a Sacrament of the living is to be received, or any Sacrament is to be conferred with customary rite, the recipient or minister, if in conscious mortal sin, must make an act of contrition, but sacramental confession, if possible, must precede Holy Communion or celebration

¹ Cone. Trid., s. 14, ch. 4.

² Many false statements of Fénelon bearing on this point were condemned by Pope Innocent XII (1699) » Denz., n. 1329 sqq.

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of Mass ; if not possible, and there is necessity of receiving Holy Communion or of celebrating Holy Mass, an act of perfect contrition is necessary and sufficient.

5. At the hour of death, if it is not possible to confess or receive Extreme Unction, an act of perfect contrition is necessary for those in grievous sin.

People who lead a good Christian life and receive the Sacraments from time to time certainly fulfil their obligations in respect of charity, for they cannot fail to elicit acts of love in preparing for the Sacraments, in their thanksgivings and in prayer. The faithful are greatly helped by the practice of publicly reciting in church on Sundays acts of Faith, Hope, Charity and Contrition, which are of immense value, and have been commended, and in some places even ordered by ecclesiastical authority.

The faithful who attend to such prayers certainly fulfil the obligation of eliciting acts of these virtues. It is obvious that parish priests should recite these prayers so as to be easily intelligible, for the theological virtues are of supreme importance in the Christian life. Those who are habitually late for Mass miss these golden moments, and therefore the parish priest should frequently explain the necessity of Faith, Hope and Charity in his discourses to children and adults, and not only that, but should teach his people how to make such acts. Many of the faithful are ignorant of their obligations, and even forget how to make an act of charity. The true motive of the act should be insisted upon. Since Christ our Lord manifested the love of God for us by His Sacred Passion and Death, the people should be taught that it is easy to pass from the contemplation of Christ crucified, through gratitude, to the pure love of God.

Pastoral Note

The pastor will insist that an act of the love of God is not only possible, but easy, just as an act of perfect contrition is easy. If it were difficult, the way of salvation for those outside the Church who commit mortal sins would surely not be easy, nor would forgiveness be easy for Catholics who, for long periods, are unable to confess their mortal sins.

In regard, then, to the act of love, a penitent may say : “ Can I be said to love God truly when I do not feel sorry and do not weep for my sins ? I should weep if my child died, and I feel that I would rather lose heaven itself than my child.” The pastor should reply : “ Do not trouble about feeling. God does not expect us to judge ourselves by feelings, for they are beyond our control. Can you not think that sin is terrible indeed, if it required our Lord to suffer on the cross ? Can you not hate it for that reason ? If you do, you have perfect contrition. Can you not sympathize with Christ on the cross, because He had to suffer so much to save you ? Is not that wonderful love ? If you love Him for that love to all sinners, you have made an act of perfect love. As to your child, can you not say : I would rather my child were like God in some way, noble, generous, forgiving, rather than that he should have all the wealth of the world ? That is to love God above all things. Can you not say that you would rather die yourself and go to heaven with your child, than live on alone ? Say so, then, and add : God’s Holy Will is the best, and may It be done.”

SECTION 7. Sins against Charity

1. To omit to make an act of Charity when bound to do so.

2. Hatred of God, enmity, malignity, malevolence, wishing evil to befall God, such as that He were destroyed—if that were possible—by Satan or man ; wishing grievous sin to be committed, or rejoicing in it as an affront to God ; furthermore, wishing some Divine Perfection, as Justice, to be extinguished. This is the impotent hatred of Satan who -trembles before God’s Justice.

Every grievous sin is contrary to and extinguishes God’s love, but only hatred is its complete contrary.

SECTION 8. Charity to Self

Charity to self is the love of one’s own supernatural good, namely, God’s friendship, and one’s ultimate happiness. This aspect of theological charity is not self-centred ;

we love ourselves because to do so redounds to God's glory. It is an extrinsic divine good that we should be sons of God, co-heirs with Christ, sharers in the Divine Nature, God's beloved here and of His family hereafter.¹ This love is not opposed to humility, since we love that which is God's in us, despising the evil that we ourselves do.

True love of self is a presupposition of love for others : "Thou shalt love thy neighbour as thyself." We must desire and strive for that which will secure our own eternal happiness, namely, God's grace and the necessary means to obtain it. We must therefore know and believe those truths that are necessary to enable us to live as children of God. We must avoid sin, and if we have fallen into it, we must recover God's grace ; therefore, we must avoid the dangerous occasions of sin, exercise those virtues and do those good works which are necessary for all Christians and for us in particular, owing to our state of life.

Furthermore, we must procure the necessary means of livelihood, and preserve bodily health and integrity, apart from special inspiration to the contrary.

Although we must love God above all persons and things, and for His own sake, nevertheless, we are not bound to aim at perfection but at securing salvation² ; we exercise our love for God and for ourselves by keeping His Commandments, and by doing so we can be saved.

Well-ordered charity to ourselves obliges us to choose a state of life in conformity with God's Will, and also to work, if work is necessary.

If we clearly see that one particular state of life is necessary, we must choose that. But for the majority of mankind a large choice is possible. For some, the secluded life in the religious state may be necessary ; another who does not wish to enter religious life may realize that life in the married state is practically advisable and necessary ; a third may be

¹ cf. Noldin, II, n. 66 sqq ; Lehm., I, n. 726 sqq.

² " Be ye, therefore, perfect, as also your heavenly Father is perfect " refer directly in the context (Mt. 5, 48) to the love of our enemies, whereby we are to evince the most perfect love. Some love of our enemies is, of course, necessary for salvation, but there are modes of loving which are not necessary but are a matter of perfection.

bound to choose a particular state of life in the world, in order to help parents or to pay his debts. God gives the necessary' graces for any good state of life that is freely chosen ; He may give special inspirations for the adoption of some particular state of life, though, we believe, He rarely does so.

Those who cannot otherwise live are bound to work for their livelihood. Those who possess the necessary means are not so bound, for labour is not enjoined for its own sake. It is, therefore, a communistic shibboleth to maintain that everyone must be of sendee to others. We are not all bound to advance the material prosperity of the State ; there are higher and nobler ideals than that. Those who devote their lives to study and research, even if their labour come to nothing, can achieve their ultimate end no less than they who amass fortunes and give immense sums in charity. But all are bound to shun the idleness that leads to sin. " In the sweat of thy brow thou shalt eat thy bread " (Gen. 3, 19), is not a precept but a curse laid upon mankind in general, and on our first parents in particular. " If a man does not work, neither let him eat," are words directed against those who, in supine idleness, ate bread at the expense of others.

Human society, that is, the State in the concrete, is bound to safeguard the welfare of the individual and to allow men to follow spiritual ideals. Social utility and even altruistic service are apt to become a fetish. To measure the worth of a life by the amount of service rendered by that life to humanity, regardless of all other achievements, is to adopt a false standard. The good life consists essentially in the sendee of God.

SECTION 9. Charity to the Neighbour

Our neighbour is every rational creature capable of receiving divine grace and of enjoying eternal happiness, and therefore all Angels and Saints, the Souls in Purgatory, and all living human beings, because in all of these, the reflection of God's perfection is manifested in varying degrees. This love is based on man's relation to God, a wonderful

and intimate relationship, in that God thought it worth while to make man, to seal him with the divine image, to redeem him, to make him a son and destine him for His everlasting companionship. These truths lead us to an appreciative love of our neighbour, and they have done so to an extraordinary extent in the case of the Saints, as S. Francis de Sales, S. Vincent de Paul and many others, who appeared to carry love to the point of folly, if we are to judge by merely natural standards. Charity is based on faith, for, being supernatural, it presupposes faith as its foundation.

“The second commandment of the law is like unto the first : Thou shalt love thy neighbour as thyself” (Mt. 22, 39) ; “This commandment we have from God, that he who loveth God love also his brother” (1 Jn. 4, 21). But since we may not offend God in order to save our neighbour, our own salvation is our primary duty ; therefore we may love our neighbour with the same divine charity wherewith we love ourselves, but not in preference to ourselves in the matter of salvation.

The love of neighbour must include benevolence, since merely external acts of beneficence are not sufficient. We must be pleased with and not jealous of the good which our neighbour has, desiring his good, temporal and eternal, having a prompt will to do him good when the obligation presents itself. External acts of kindness are also necessary : “Judgment without mercy to him that hath not done mercy” (Jas. 2, 13) ; “Little children, let us not love in word nor in tongue, but in deed and in truth” (1 Jn. 3, 18). But the motive of charity need not be elicited every time we do such acts. Furthermore, the precept is observed if we do not exclude anyone from our acts of charity and are ready—if need be—to do kindness to anyone.

The internal act of benevolence must be elicited sometimes during life. External acts of beneficence must be performed when our neighbour is in serious need, and we are in a position to help. A Christian who leads a truly Christian life fulfils this law of charity, for he refrains from uncharitable thoughts, even repressing them ; he prays for others ;

he gives reasonable alms and avoids scandal, Particular circumstances will sometimes arise when we are bound to do something more positive, as will be explained.

SECTION 10. Love of Enemies

We are bound to love those who hate us or have injured : “ I say to you, love your enemies, do good to them that hate you and pray for those who persecute and calumniate you ” (Mt. 5, 44) ; “ So also shall My heavenly Father do to you, if you forgive not every one his brother from your hearts ” (Mt. 18, 35). This precept was given by Christ that no one might have the excuse of saying that his enemy is not his neighbour, as the doctor of the law appeared to think when he asked : “ Who is my neighbour? ” It does away with the cavillings and false teaching of the Jews of the time of Christ. “ You have heard that it hath been said : Thou shalt love thy neighbour and hate thy enemy.” The precept of hating an enemy is not found anywhere ; the Law was indeed so interpreted by the Jews, but such an interpretation is entirely set aside by our Lord.¹

If we are bound to love our enemies, much more are we bound neither to wish nor to do them evil nor to take vengeance nor to foster the spirit of revenge.

Pardon may not be withheld if our enemy ask for it, even implicitly, although if withheld for a short time, owing to righteous indignation, we should not necessarily be sinning. We are not normally bound to offer pardon before it is sought, unless in some rare cases when an enemy would incur, by our refusal, great spiritual loss or if scandal ensued.

To avoid intercourse with an enemy as an act of vengeance is grievously sinful ; to avoid him for well-grounded fear of recurrence of injury is merely prudence and self-defence. To refrain from showing him the ordinary marks of fellowship would be sinful, unless he were not thereby offended nor scandal given, nor if, by our refraining, his insolence— if he is guilty of such—would probably be checked. It is not contrary to charity to take legal action against an enemy,

¹ cE *Verbum Domini*, Jan., 1921, pp. 27, 28.

both for just reparation and for the common good. But the spirit of vindictiveness is sinful.

We are bound to include our enemy in the common prayers which we offer for all mankind ; we do so, when we do not wish to exclude anyone. Furthermore, we must assist him in his need, spiritual or temporal.

To offer him special signs of reconciliation would be an act of high perfection, but we should be bound to do this, if their omission gave scandal to others, or confirmed him in his sin of hatred towards us, or if the omission were an additional affront. Ordinary friends are not obliged to unite the ties of severed friendship, but close relatives are more strictly bound than others to show mutual marks of kindness, since between them there ought to subsist a special love.

He who has given unjust offence is bound to repair it : “If therefore thou offerest thy gift at the altar and there thou remember that thy brother hath anything against thee, leave there thy offering and go first to be reconciled to thy brother” (Mt. 5, 23). Pardon may, however, be virtually sought by showing special marks of friendship, by favours given and by the good offices of mutual friends.

If both parties to a quarrel are to blame, he who offended most should first seek reconciliation. But it would be most conducive to future peace if each were to try to anticipate the other in acts of kindness.

Dislike of objectionable qualities in others, of eccentricities, or of national characteristics, is a species of the hatred of abomination or disgust (*odium abominationis*), because it is hatred of what is apprehended as evil. We may certainly abominate the wrong views of others and their hateful qualities, but such abomination may not merge into hatred of their persons as fellow human beings (*odium inimicitia*).

We are not bound to love all equally. This would be both unnatural and impossible. God has placed us in certain relative positions which determine our happiness and even our existence : “As the love of charity tends to God as to the principle of happiness, on the fellowship of which the friendship of charity is based, there must be some

order in things loved out of charity, and this order has reference to the first principle of that love, namely God.”¹

We are bound to love God first and above all else, both in wishing for God more and higher good than we wish for others, and also by love of preference.

After God we must love ourselves, because God’s Will in our regard is that we should first of all save our own souls, never permitting ourselves to sin, even venially, in order to save the whole world : “ God being the principle of all good, that which a man loves in himself is the Divine Good communicated to him, and he loves his neighbour by reason of fellowship in that Good. But the fact that man himself has a share of the Divine Good is a more potent reason for loving than that another should be a partner with him in that Good.”³

Our neighbour, therefore, takes the third place in the due order of our love.

It is objected that it is better to give than to receive, and that it is noble and virtuous to love others in preference to ourselves. On the contrary, the good which we love in others will not even be recognized by us unless apprehended as a good for ourselves also. Benevolence is necessarily founded on self-love. A child loves itself first and its parents secondarily. Self-love is a primary impulse of nature ; benevolence is secondary. The love of one’s own good is the root of benevolence and of every other human impulse.³

It is objected, furthermore, that as benevolence is founded on self-love, we cannot love our neighbour for his own sake. It is true, indeed, that we commonly love others on account of some personal gratification or profit, and such love is natural and good. But when we reflect that our neighbour is one in human nature and divine adoption with ourselves, we can wish good to accrue to him that he may have the good, and we can love the good in him for its own sake.

¹ S. Th., S., 2. 2, q. 26, a. i, c.

* S. Th., 5., 2. 2, q. 26, a. 4, c.

³ Cronin, *The Science of Ethics*, I, p. 320 sqq. ; S. Th., 5., 2. 2, q. 25, a. I. It is not to be inferred from this analysis of benevolence, that we love the good in another for our own advantage.

We love him as another self. We wish him to retain that Sonship, as we wish to retain it ourselves. In this love of benevolence, love of self is not extinguished, it is made to expand and take as its object all mankind. Such unselfish benevolence is met with in the love of parents for children, the love of Christians for the poor, and in the higher realms of sanctity, in the love which the Saints had for the diseased and the naturally repulsive, in the love of the missionary priest or nun for the leper. Our Divine Saviour has commanded all men to have true charity for their fellow-men. The precept is both possible and easy to fulfil.

SECTION 11. The Order of Charity

There is an obvious gradation in the excellence of goods, for some are to be preferred to others. Thus, salvation and the necessary helps to it come first ; then follow the spiritual and natural goods of intellect, will and liberty ; then natural and physical goods, viz., life, health, bodily integrity, then good repute and material possessions.

A person is in extreme necessity when he is in immediate danger of losing soul or life and cannot help himself; in grave necessity he can help himself, but with considerable difficulty ; in ordinary or common necessity, a man can help himself without much difficulty. Our obligations of relieving another's need are commensurate with his needs and our own, as also with our means and opportunities. But one who truly loves his neighbour will not stay to debate as to what he is bound to do ; he will help his neighbour first, and may discuss his obligations afterwards. Extreme spiritual necessity is before all to be relieved ; then grave spiritual need, extreme physical need, grave physical need, common need, spiritual and physical. But circumstances can arise when we should relieve extreme physical before grave spiritual need, since if the former is pressing it may be impossible to relieve the latter.

Practical Applications

I. In another's extreme spiritual necessity we must sacrifice any temporal good, even life itself, if our expectation

of rescuing him is as great as the danger of losing our own life, and if no serious public harm ensue. “We ought to lay down our lives for the brethren.”¹

2. Outside the case of extreme necessity, one is not strictly obliged to help another at the risk of serious physical harm, or even serious temporal loss, except where we have a special duty—as parish priests in respect of their people—or when common good of Church or State requires us to do so.

3. In another’s grave spiritual need we must help him if we can do so without serious harm or loss to ourselves. In another’s grave temporal need, our obligation is not so great, but we must be ready to risk some personal loss.

4. In common needs we must be ready to risk some slight loss to ourselves.

5. In every case, where there are others besides ourselves who can help another in need, our individual obligation is obviously less than if we alone could help.

6. As those who are more nearly related have stricter mutual obligations than they have towards others, so in cases of the same kind and degree of necessity, those may be helped first who are related to us, because their needs are partially our own.²

7. Spiritual relationship, such as that which subsists between priest and people, confessor and penitent, establishes prior claims to help in comparison with remoter blood relationship and mere social relationship.

8. In cases of grave necessity, those most closely related to us are to be preferred to all others, and in respect of relatives, the order of precedence in grave necessity is most probably the following: wife (or husband), children, parents (father, mother), brothers, sisters; in cases of extreme necessity, parents are to be preferred to all other relatives.³

¹ I Jn. 3: 16. Some authors maintained that a pregnant mother would be obliged to undergo a most serious operation in order to secure the baptism of an inviable fetus, but by the progress of surgical science other ways have now been found of baptizing the fetus without risking the mother’s life,

² S. Th., 5., 2. 2, q. 26, a. 8, c.

³ S. Th., 5., 2. 2, q. 26, a. 1 u

9. Where need is the same, one who is indispensable to the common good is to be helped before all others.

10. Those who are more like to God may certainly be loved with the love of appreciation and complacency more than others, for this is to wish that God's holiness, reflected in others, should be maintained.¹

11. Since the love of God is to be preferred to all else, we may never commit a venial sin as a means of helping others. We may, however, omit such good actions as are not of obligation, if by so doing we can help another. We may even expose ourselves to the remote danger of sin for the sake of charity, since such remote dangers are innumerable, and their avoidance would make life impossible ; therefore, it is not sinful to wish our eternal happiness to be delayed for the sake of another's salvation : " For I could wish to be anathema myself from Christ on behalf of the brethren " ; " But I am straitened between two : having a desire to be dissolved and to be with Christ, a thing by far the better. But to abide still in the flesh is needful for you " (Rom. 9, 3; Phil. 1, 23, 24). We may make the Heroic Act, whereby we offer for the Holy Souls all the penal satisfactions of our good works, thus delaying, possibly, our entrance into heaven.

12. We may sacrifice (but not take) our own life to save the life of another. By this act we prefer the virtue of charity to life itself. We may even expose our life to proximate danger for the great spiritual good of another.

SECTION 12. Pity

Pity leads to true charity, but pity, as such, is not a theological virtue but is a moral one, whose motive is the reasonableness of relieving another's distress, and it inclines us to do acts of mercy.

There are many false concepts of pity, false both from a Christian and from a philosophical point of view. The feeling of pity is not an evil, and therefore to be suppressed, nor is it wholly altruistic, having no reference to one's own

¹ S. Th., 5., 2. 2, q. 26, a. 7.

good, nor again is it wholly egotistic, so as to make us exercise pity for our own pleasure, or in expectation of a return in gratitude, or to relieve some distressful emotion at the sight of another's misery. It is not pity but selfishness to give an alms in order to be rid of an importunate beggar, or to have the luxury of self-satisfaction, or the complacency of having done a good deed. The true spring of pity is thus explained by S. Thomas : " Since pity is grief for another's distress, from the very fact that a person takes pity on anyone, it follows that another's distress grieves him. But since sorrow or grief is about one's own ills, one grieves or sorrows for another's distress in so far as one looks upon another's distress as one's own."¹ In this analysis of pity, S. Thomas is neither egotistic nor altruistic. Pity is not pure selfishness, because, as in the case of pure benevolence, we look upon our neighbour as an *alter ego*, united with us in a common fellowship of nature, and there can be no truer pity than that which we have from such a motive, as there is no truer love than that which is based on our neighbour's fellowship with us in divine love. In each case, love and pity spring from love of self, but they do not stay there, for the concept of self expands and its content is enlarged so as to include neighbour and self.

¹ S. Th., S., 2. 2, q. 30, a. 2, c.

CHAPTER VI

EXTERNAL ACTS OF CHARITY

SECTION 1. Almsgiving

Almsgiving is a corporal work of mercy, whereby we give something to the needy in order to relieve their physical distress. It is a duty of the Natural law inasmuch as we ought to love and help others in need, since they have the same Creator and are, therefore, of the same family of God. It is also a positive divine precept. God laid on mankind the duty of almsgiving under the Old Law and Christ our Lord confirmed it : “I command thee to open thy hand to the needy and poor brother that liveth in the land ” (Deut. 15, 11) ; “Depart from Me ye cursed into everlasting fire, for I was hungry and you gave Me not to eat. . . Amen, I say to you, as long as you did it not to one of these least, neither did you do it to Me ” (Mt. 25, 41 sqq.).

Although man can absolutely possess as his own the goods of the earth, they are not his for use, if his neighbour is in need and he himself is not. Those who possess goods are trustees for the poor. This is a fundamental principle of Christianity and is to be practically applied, for if there is any meaning at all in Christ’s command of fraternal love, it means that the needy are to be helped. Though it is difficult to assign the higher limits of this obligation, there is no doubt that the obligation exists for everyone, so that utter disregard of it would be a grievous sin. All living persons have the same supernatural destiny ; it is a personal matter to achieve it. Every one has an inalienable right, unless forfeited, to live a truly human life, to satisfy his reasonable wants, to enjoy opportunities of worshipping his Creator, to exercise his human inclination of loving, to possess as his own what is necessary.

To determine more or less accurately what amount of alms must be given, it is necessary to bear in mind the distinction between several kinds of goods. There are some

which are necessary to life, to the lives of those dependent on us, to the upbringing and education of children. There are others which are necessary to maintain one's state of life in reasonable comfort, that is, to preserve one's position in society. There are other goods which are superfluous, and not necessary for life or for social position, for reasonable comfort, or for marked utility.¹

When another is in extreme necessity we are seriously bound to be ready to do our share, *if other help is not at once forthcoming*, in relieving his need, by using even those goods of ours that are necessary to maintain our state of life, but not to the extent of suffering such loss as would make us forgo altogether a reasonable state of living ; nor are we bound to make extraordinary¹ outlay, for we are not bound to do that even to save our own life. With these limitations, the obligation is grave. So much must be given as will relieve another's present extreme necessity, unless, as stated, the sum is extraordinary. If the needy person is poor, the gift must be gratuitous ; if he require the present loan of our goods and will be able to repay us, it is sufficient to fend.

When another is in grave but not extreme need, we are bound to relieve his need out of our superfluities, if there is no one else likely to do so or capable of doing so. The obligation is a grave one. It is stated that if we wished to use and could use the alms for another good work or pious purpose (such as a gift to a hospital), and could not do both, namely, relieve the poor and make the gift, it is very probable that either act of charity may be done.² It is, however, to be observed that where an act of charity can have no other possible purpose than to help our neighbour who is in grave need in one particular way, and it could help no one else, we are then seriously bound to do the act. The case would happen if a neighbour's house were in great

¹ In determining what part of wealth is really superfluous, we must guard against including in the category of the superfluous what is useful for the '*bene esse*' of life. Between the necessary and the superfluous, there is large scope for the useful.

¹ Verm., II, n. 105.

danger from fire or burglary, and a word of ours could forestall the danger.

A grave sin is very probably committed if one frequently repel those poor who are in grave need, and refuse to help them out of superfluities ; it is certainly a grave sin, if this is always done.

It is probably not a grave sin to refuse alms to those poor who are in common or ordinary need, since nowadays they can easily find relief. But it appears certain that there is an obligation binding under venial sin to help these poor sometimes out of one's superfluities.

The question as to how much ought to be given in alms arises only for cases of common or ordinary need. The opinion of S. Alphonsus may be followed, to the effect that, about two per cent of income should be bestowed in regular almsgiving if that quantity belongs to superfluous wealth ; but it must reasonably be added, that if this percentage would reach a very high figure—as it would do in cases of great wealth—not so much need be given.¹ As there is a great diversity of opinion in respect of the amount of alms to be given, and of the grave obligation of giving outside cases of extreme need, and whether the whole of one's superfluous wealth is to be given in cases of grave need, it is of interest to record the opinion of S. Thomas on superfluous wealth. This is set forth as follows :

1. It is only when a man has provided for himself and his family that disbursements are to be made.

2. He must then, out of what is superfluous, come to the aid of individuals in extreme necessity, and to the aid of the community in grave necessity.

3. The obligation is one of charity, not of justice, and consequently, what is superfluous remains our own, otherwise it would have to be said that it is common property.

¹ With a good show of reason, Vermersch (II, n. 108) states that the greater the income, the greater should be the portion set aside for alms. Nowadays, the needs of the indigent are indefinitely multiplied. Since the State adopts a graduated income-tax, it appears right that almsgiving should be graduated also in direct proportion to wealth. In this view, a good deal more than two per cent would sometimes have to be given in alms. Money given in aid of Catholic primary schools is certainly true almsgiving.

4. It is a part of our superfluity that we must give, not all our superfluity.¹

Passages from the Fathers are quoted by S. Thomas and others, which, if taken literally, would seem to imply that the wealthy are guilty' of robbery if they do not give alms to the poor. The passages have been invoked to prove that the traditional teaching of the Fathers was almost, if not wholly, socialistic or even communistic. We have to bear in mind that the passages are highly rhetorical, and that the indictment of the Fathers against the rich people of their day was levelled against the amassing of wealth, and the utter neglect of the claims of charity'.

The rich who consistently refuse to help the poor even in ordinary need, and who do no more than the law obliges them to do in contributing to a Poor Rate, would certainly sin, because it may reasonably' be maintained that many of the poor are in grave need, though their legitimate pride restrains them from obtruding their state. This sin, however, could not be said to be grave, because there may very' easily be reasonable doubts about the grave needs of the ordinary poor. However, the determination of refusing help to any' poor at all under any' circumstances would certainly be a serious sin. Instead of debating about obligations, good Catholics exercise mercy in imitation of our Divine Saviour Who became poor that we might be made rich.

Though normally one has to use one's own property for almsgiving, nevertheless, it is consonant with justice and charity :

1. That a wife should use part of her husband's money for moderate almsgiving.

2. That children of the family should, on occasions, presume their parents' consent to give moderate alms out of parents' money, if they have the disposal of it.

3. That servants of a family should, on occasions, presume the consent of their mistress to give very' moderate alms in the way of food or other superfluities.

¹ S. Th., 2. 2, q. 32, a. 5 : q. 66, a. 7 ; cf. *S. Thomas Aquinas*, being Papers read at the Cambridge Summer School, 1924, edited by Rev. C. Lattey, S.J., p. 185, in a Paper by Rev. M. Cronin, D.D.

It is certainly wrong to bestow in alms, except of the most meagre kind, outside cases of extreme necessity, money that is already owed.

Since the works of mercy are all methods of almsgiving, one can and should help others by whatsoever method is feasible. It is, therefore, a duty of doctors, advocates, surgeons, teachers and others who are in a privileged position, to help those who are in need of their services. To what extent and under how grave an obligation they are so bound, it is difficult to state in general terms, and each case must be examined on its own merits. Doctors, as a body, have the deserved reputation of giving their services to the poor for practically no remuneration.

SECTION 2. Fraternal Correction

Fraternal correction is a private admonition given to another in order to withdraw him from his sin or to prevent his sinning. It is not judicial correction, which is, as it were, public, given by legitimate Superiors, and for the common good. Fraternal correction may be given by an equal or even by an inferior, because the obligation of charity is universal. It can be given in other ways than by actual words.

This obligation is derived both from Natural law, inasmuch as we are bound to avert evil from our neighbour, and from positive divine law : “ If thy brother shall offend [against thee], go and rebuke him, between thee and him alone ” (Mt. 18, 15).- The words ‘ against thee ’ are omitted by the best authorities. The text is commonly used to establish the obligation of fraternal correction. Reference may be made to S. Paul : “ Brethren, even if a man be taken in some offence, do ye who are spiritual set such a one right in a spirit of gentleness, looking to thyself, lest thou in thy turn be tempted ” (Gal. 6, 1). The obligation is grave if the spiritual needs of another are serious, and if certain conditions are fulfilled. For as it would be foolish to admonish all and sundry on every occasion, conditions must be assigned for the precept to be binding in the concrete.

Therefore, that the obligation may be said to be serious, the neighbour's necessity should be serious and actual, there should be reasonable hope of success, and no grave personal inconvenience to him who corrects. The necessity of another would be serious, if he is in grave sin or in a grave proximate danger of it, or if there is grave scandal to others. Hope of success will be greater if the one who could correct is not much inferior to the other. Since all these conditions are rarely verified, a grave obligation of admonishing another will be rare. Admonition may be deferred for the sake of greater future good or in doubt as to success, and may be omitted altogether—except by Superiors—when there are well-grounded fears lest the neighbour should be completely estranged by the correction, or when his sin or danger are uncertain, or when he is likely soon to correct himself, or when there are others who could equally well correct him. “Acts of virtue,” says S. Thomas, “must not be done anyhow, but by observing the due circumstances which are requisite in order that an act be virtuous ; namely, that it be done when, where and how it ought to be done.”¹ Again, quoting S. Augustine : “Our Lord warns us not to be listless in regard to another's sin ; not indeed by being on the look-out for something to denounce, but by correcting what we see, else we should become spies on the lives of others, which is against the saying of Prov. 24, 15 : Lie not in wait, nor seek after wickedness in the house of the just, nor spoil his rest.”

¹ The order of correcting prescribed by our Lord is that the admonition be first secretly given, then if no good has come of it, in presence of one or two witnesses, and lastly, the culprit is to be denounced to the Church or legitimate Superiors. This order is to be observed in general, so as to safeguard the good name of him who offended. This order may, however, be departed from if instant denunciation to a Superior is necessary', or even if it is thus easier or more efficacious, or if the sin of another is already publicly known, or if it jeopardize public good, or the good of a third innocent person, or if public denunciation is necessary so

¹ S. Th., S., 2. 2, q. 33, a. 2.

as to avoid scandal, or lastly, if the offending person is willing that the order should be changed, or has renounced, even implicitly, his right to the procedure enjoined, as certainly is the case in most Religious Communities, where each member is expressly willing that defects known outside sacramental confession should be made known to the Superior.

This obligation of denunciation—in all charity—of at least serious faults presses upon persons living in Religious Communities, and also on boys and girls living in colleges, though the latter studiously repudiate it, and wrongly think that it is always dishonourable to reveal another's fault. If, for example, a boy is known to be doing great moral harm to many others in a school, or if the good name of the school is, through his fault, imperilled, the duty of denouncing may well be a grave one, to be fulfilled even at great personal inconvenience. But the obligation ceases to exist if the informer would have to admit his own serious sin, or incur a well-grounded suspicion of being an officious informer. This suspicion would be abhorrent to all people. Confessors, therefore, should urge such persons to do their share, as far as possible, to stop the mischief if it is becoming widespread, as they would try to extinguish a fire. If the harm done is confined to very few and likely to remain so confined, no obligation can be imposed at the cost of great inconvenience.¹ The true view of this obligation is very important, since young people often have a false conscience in the matter, and do not realize how important are the common good of their companions and the fair name of a school. But true doctrine has to be inculcated with prudence, for suspicions engendered in young minds that their Superiors encourage spying produce immense harm. Love of a school will not exist in an atmosphere of suspicious surveillance, and this is a great loss, for love of their school should be an important factor in helping scholars to honour her in youth and refrain from dishonouring her by conduct in later years.

¹ cf. Noldin, II, n. 97 ; Gén.-Sals., I, n. 221.

Practical Applications

i. The obligation of admonition in case of another's venial sin is light, and may be omitted, if inconvenient, except that Superiors are sometimes under a grave obligation to correct even light faults in their subjects, where light faults might be the cause of great danger to religious discipline or concord.

2. If our neighbour is inculpably ignorant of the evil of some sinful deed, habit, situation, there can arise an obligation to instruct him, and in Superiors the obligation may be grave.

3. It is especially incumbent on the pastor and on confessors to deter their subjects from occasions of sin, even if those occasions are innocently entered upon. Similarly, these Superiors must admonish subjects of grave violations of Natural law, committed, if that is possible, in good faith. The matter is the more urgent in these days when false moral principles are learned in irreligious surroundings.

4. The method of denunciation set forth in the preceding text is the evangelical method, and this is usually to be preferred, for it is paternally acted upon by the Superior. A second method is canonical denunciation, which is made to the Superior as head of a society, a method that should be avoided if the former method suffice. A third method is judicial denunciation, made to a Superior as guardian of public peace and security, a method that should be avoided unless the matter is urgent and the harm to be prevented or corrected is great.

Hatred of a neighbour may be hatred of him personally, apart from his qualities, a malevolent joy in or desire for what is evil to him because it is his evil. This is a grievous sin. “ Whosoever hateth his brother is a murderer ” (i Jn. 3, J5). This hatred severs friendship with God.

To wish a neighbour a slight evil or to harbour slight aversion from him is not a grievous sin, for charity is substantially maintained.

Allied to hatred and of equal sinfulness is deliberate sadness at the good which another has or can have, if this attitude is taken up because the good is his and the loss of it would be his evil.

But sadness may be felt for a good reason, as, for example, that a notorious demagogue is misleading citizens. Sadness at his success would be no sin at all, for it would be right to oppose his influence and rejoice at his discomfiture.

Sadness at another's good becomes envy when it is entertained for the reason that another's good diminishes our own good, but this sin is not so great as the sin of enmity. But it is sinful, nevertheless, for our neighbour's good is not our hurt, and we should rejoice at all good, wheresoever we see it.

Sadness is not envy, if entertained because a neighbour uses his advantage to harm us, or because he uses what good he has badly, or is unworthy of what he has, or is unreasonably preferred to us, or has advantages that we lack. Provided the true order of charity is preserved—for others are sometimes more worthy than ourselves to possess goods—none of the kinds of sadness just mentioned are necessarily sinful, but they would become so if excessive or unreasonable.

Desire of another's ill, if efficacious, that is, if united with an intention of taking means to inflict the ill, is a sin against

charity, but it is not sinful merely to wish harm to a neighbour in order that a greater harm may be prevented, but such a wish may be dangerous and may lead to real hatred.

It is a grievous sin to wish another's damnation. God Himself does not wish anyone to be lost ; but we may praise God's justice manifested in creating hell for those who have deserved hell. It is also a sin against charity to wish for the death of another, that we may inherit his wealth, for it is an inversion of the right order to prefer temporal to spiritual goods.

It is not against charity to wish some temporal misfortune to overtake another in order that he may be converted or cease to do harm, or to wish his death, in God's providence, because he is a public scourge, or is likely to kill an innocent person, or because he has already deserved death.

Besides the hatred of enmity, there is the hatred of abomination or aversion. This kind of hatred detests some quality, characteristic, or action of a neighbour, because we apprehend them to be evil to us. Thus, a notorious criminal may lawfully be an object of abomination, from the point of view that his tendencies and character are inimical to public safety.

Pastoral Note

The pastor meets with the distressing cases of people who appear to bear hatred towards others for grievous wrongs inflicted. They will say : " I wish so-and-so dead, and that God may punish him forever. He has done irreparable harm. Feeling as I do, I cannot receive Holy Communion nor even pray." If such feelings are not checked, they may become habitual and the enmity irreconcilable. The pastor may say : "You cannot always master your feelings. You are rightly aggrieved, and God will punish that person if he does not repent. But God wants him to undo the harm. Do not think that impossible, for God can work miracles. We must pray, therefore, that the harm may be undone somehow. But do not harbour hatred. Our Lord has forgiven us very grievous sins and very often.

Has He not said : Let not the sun go down on thy anger, and be reconciled first to thy brother, and then lay thy gift at the altar ? Brooding over injuries is not the way to overcome feelings.” The grace of the Sacrament of Penance will help the penitent to forgive. Furthermore, the sin may not have been grievous, for passion diminishes sin and sometimes excludes it altogether.

SECTION 2. Cursing

Cursing one’s neighbour, uttering imprecations of serious evil upon him, is an external offence against charity, and is itself a grievous sin. But such maledictions are often not grave sins on account of indeliberation, inadvertence, vehemence of anger, or because the evil wished is not seriously wished. Cursing a person to his face is contumely, and this is against both justice and charity, for everyone has a right to a measure of external respect and honour unless he has already forfeited it.

Parents who curse their children sin also by scandal, for they are teaching their children to curse in turn, and the natural retribution which they are bringing on their own heads is to be themselves cursed by their own children.

SECTION 3. Scandal

1. Kinds of Scandal

Scandal given or active scandal is some word or act that is itself evil or has the appearance of evil, and is consequently the occasion of the sin of another. The other’s will is not yet, it is supposed, determined to evil. But scandal may be given though no sin follow ; it is the incitement to sin that is scandal. Scandal is not given to one who is already determined to sin ; nor to one who would not at all be induced to sin by the bad example given.

Scandal taken or passive scandal is the sin of another occasioned by scandal given.

Pharisaical scandal is passive scandal due to the malice of another, who wrests one’s good or indifferent action to his own hurt by perverse misconstruction.

b Scandal of die weak is also passive scandal, namely, sin committed out of ignorance or frailty on the occasion of another's good or indifferent action.

Scandal is direct if another's sin is intended in consequence of one's word or action ; it is indirect if the sin is not intended though it is foreseen as inevitable or likely.

Scandal is diabolical if the giver of it wishes the sin of another as that other's evil or as an offence to God.

2. Its Sinfulness

1. Direct scandal is always sinful, because he who gives the scandal wishes the sin. Our Lord's words on scandal are amongst the most terrible denunciations in the Gospel. " Take heed lest perhaps your liberty become a stumbling block to the weak " (i Cor. 8, 9), wTote S. Paul, of scandal of the weak. How much more should we avoid direct scandal. This is a sin against charity, and also against the virtue which it is intended that another should violate. Thus, inducement given to another to commit theft is a sin against both charity and justice.

2. Indirect scandal is against charity only, because the sin of another is foreseen but not wished. This is very probable, though S. Alphonsus takes the opposite view.¹

3. Scandal Taken

Scandal is sometimes taken when it is by no means given. Our action is perhaps good, or indifferent, yet harm comes of it. How then must we act in such circumstances ? Authors lay down the following principles for our guidance :

1. In spite of pharisaical scandal, we may act if we have even a small reasonable cause for doing so, otherwise for the sake of charity we should refrain.

2. In possible scandal of the weak, we should refrain from acting if we can easily do so, for the same reason.

¹ *Th*)l. Mor.t* lib. 2, n. 45. This probable opinion is of some importance, for since the distinction may be admitted, a penitent who has given indirect scandal need confess only that he gave scandal, grievous or slight as the case may be, without mentioning the matter in which the scandal was given.

But it is consonant with charity, in this as in the former case, to explain that our action is morally upright. Scandal taken thereafter will be pharisaical. We may, therefore, sometimes permit, though never desire, the sin of another, if our action has a twofold effect, one, and that the primary, being a good effect, for if we were always bound to prevent the sins of another, even when we could, life in the world would be impossible. In fact, we are sometimes even bound to act in spite of the foreseen sin of others. The general applications in this context are as follows :

(a) We may never do what is essentially evil—such as lying, stealing, blaspheming—in order to prevent the sin, even the greater sin, of another.

(Z) Positive precepts, whether divine or human, if necessary for salvation, may never be omitted in order to avoid scandal.

(r) Positive precepts that are not necessary for salvation, even though they ordinarily bind under grave sin, need not be omitted to avert merely pharisaical scandal, but they may be omitted to prevent the sin of a neighbour.

(d) Good works that are supererogatory need not be omitted to avert pharisaical scandal. If they are likely to be ignorantly misunderstood they may be deferred. If, however, they give scandal to a particular person, through his weakness or passion, they should be omitted now and then for the sake of charity.

(7) Temporal goods, if of small moment, should be given up to avert scandal ; not, however, if they are considerable, for serious personal loss may outweigh the duty of charity to others, except in very serious matters.

4. Practical Applications

I. In matters of dress, the custom of a civilized country excuses many, though not all, eccentricities in women ; but dress that is apt to give scandal to reasonable people is certainly to be condemned as sinful. Good Catholics are rightly distressed at the great change in modern times that has taken place in women's attire. Though it is possible that “ custom may stale its infinite variety,” and that

as young men become accustomed to the sights of hardly veiled exposure they will think less of them and cease to be incited to lust, nevertheless, the virtue of modesty—which is the peculiar adornment of women—and charity to others, demand that women should exercise quite considerable moderation in following fashions that scandalize; though the young woman may adopt youthful fashions, she should be careful to avoid extremes, and should preferably follow the example of those who are brought up by good Catholic parents, who esteem the modest bearing of their daughters, a very important social virtue today. Mothers who prize the modesty of their little children will be careful to dress them becomingly, and not allow them, in their early years, to grow accustomed to nudities, for the girls of ten or twelve years now, when they become young women—if not checked and if not taught the value and necessity of Christian modesty—will inevitably adopt bolder and more scandalous fashions, if that were possible.¹

The employment of the dress of the other sex, without reasonable cause, is apt to be scandalous, and leads to lewdness and buffoonery.

2. Great latitude is reasonably allowed in depicting the nude, both for purposes of genuine art and of study. Lascivious drawings and paintings, though in these countries rarely exposed to public view, are scandalous. Refined nudities by the old artists especially, and also by some moderns, do harm only to those who want to see evil. But in all such cases, prescindings always from lewd pictures, much depends on the custom of the place. What is unnoticed in one country is scandalous in another, so that no

¹ As far back as 1717 (S.Conc. in Prov. Tarracon., Hispania) the Hierarchy in Spain inveighed against the fashions in women's dress which in our days are supposed to be modest: "Hisce miseris temporibus, nedum collum sed etiam ubera, tamquam lamiae catulos lactantes veneris, cunctis patere student nec erubescunt. Quare scandalum istud a Christianis populis avertere debentes . . . stricte prohibemus omnibus et quibuscumque mulieribus, etiam saeculari nobilitate praeulentibus ne incedant per vias, et multo minus ecclesias introgreantur pectore, scapulis ac brachiis seminudatis, sicuti et omnem vanum apparatus ac immodestum ornatum, sub poena, quod alias ad Sacramenta poenitentiae et eucharistiae non admittantur . . . reservatis Ordinariorum arbitrio aliis poenis pro casuum exigentia imponendis."

general rule can be laid down. No possible excuse, however, can be alleged for the traffic in indecent postcards. They should be destroyed on every possible occasion, if this can be done without sin.

3. The morality of promiscuous mixed bathing and sun-bathing is very much, it has been said, a matter of custom and costume. But good Catholic parents who want to keep their sons and daughters from quite serious temptations should discourage it. The natural reserve between persons of opposite sexes tells much more for purity of morals and mutual respect, than the modern factitious openness, and such reserve is instinctive ; the breaking down of it is deliberate and shocking. -

4. Dancing, in itself an innocent and natural form of recreation, may be dangerous, if by its very mode and form it incites to sins of sensuality, and this kind must, therefore, be avoided under pain of sin. Even in cases of harmless forms of dances, if the company is bad, there is the same obligation of avoiding them. If, however, both the company and the dance in itself are quite becoming, but if an individual frequently experiences the personal danger of sinning, this is not to be imputed to the dancing but to the personal factor, and the temptation should be put away by using common sense, by living a good Catholic life, and by resisting temptation at its inception. Many irreligious people affect to regard all things—dancing among them—as only relatively dangerous, but they are egregiously mistaken and display a woeful ignorance of human nature as it is, in fact, constituted.

5. The same principles are applicable to the matter of scenic plays and shows of all sorts. It is a sin to take part in, to encourage, or to be present at seriously improper plays. Curiosity often excuses from serious sin, but there is a great difference between prurient and natural curiosity. To go to any play, however innocuous in itself, for the purpose of arousing evil desires or gratifying the animal passions, is a serious sin. **Good Catholics are usually sensible and careful, but indifferent Catholics are easily drawn into the excesses of a corrupted world, and after**

blunting the fine edge of their religious convictions, they proceed to sear the consciences of others. These are the last people in the world whose opinion should be asked as to what is safe or what is not. Parents are frequently warned not to allow their children to go to plays, unless they are known to be good plays, and means should be taken to find out what kinds of plays are produced in a town. It is stated in defence of all sorts of plays that it is not wrong to depict life as it is. The young must become accustomed, it is said, to seeing life and seeing it whole. It is even added that to see how sordid life can be and how full of temptations and sin it is, helps the young to remain good. The argument proves too much. It is one thing to come across the objectionable facts of life unavoidably, and it is another to sit in a theatre and have the facts obtruded on one's notice, and to listen to a defence of false philosophy and un-Christian ethic. This doctrine may appear hard on dramatists. But in truth, if a dramatist thinks that he is justified in portraying everything on the stage, then the early Christians were mistaken when they refrained from shows in the circus and spectacles in theatres. They encountered the most indecent sights in the streets, but they rightly objected, and were taught to object, to life being depicted on the stage. The dramatist who writes obscene, immodest, or suggestive plays, in which the situation almost always turns upon infidelity, adultery, and compromising situations, is creating a nauseous taste and disseminating immorality. His is a serious responsibility.

6. The acceptance of presents for the sake of encouraging unbecoming and dangerous acquaintanceship is seriously dangerous. The advice to be given is that such presents should be declined, even at the risk of giving offence, or if sent, should be returned. This is especially necessary if one of the parties is married and the other is not.

7. Association with and membership of societies, such as Freemasonry, condemned by the Church for wise purposes, is scandalous and a danger to the Faith.

8. We are not always obliged to remove from another an occasion of sin. One may test the fidelity of a really

suspected servant in many ways. It may appear partly dishonourable to leave marked coins about, but what one may ask a detective to do, one may do for oneself; such methods are sometimes quite necessary in self-defence, and it is only when they are necessary that they should be adopted.

9. It is held as probable by an impressive number of authors that it is not sinful to advise a person, already fully determined to commit a sin, to commit a lesser one in the same category or against the same person, or even if the sin, such as injustice, affects a third party. To give such advice is consistent with charity. But the better way is to deter another from sin, whenever it is reasonably possible. The statement made above looks like the condemned principle of the end justifying the means, but in point of fact it is not so. The example is given of a highwayman threatening the life of another, who offers his purse to the former, which is as though he said: "Do not take my life; do something less, namely, rob me instead." If a scoundrel is determined to kill the inmates of a house, man, wife and child, then to carry off all the valuables, who would say that my suggestion to him not to go to those lengths, but to be satisfied with killing the man, if he was determined to kill someone, and taking the valuables, is sinful? It would be better to prevent him altogether, but such facile ways of avoiding difficulties do not always present themselves. We are confronted with the case when we are powerless. The advice given is in accordance with charity, though apparently it is advice to sin, and also apparently, it is the use of a bad means to compass a good end. But these are appearances only, and in discussing principles one must be exact. This matter has been ventilated in law-courts, especially in the case of Graf Hoensbroech, who failed to prove in each of three Courts his contention that the doctrine, as set forth, is the immoral doctrine of a good end justifying a bad means.¹ It must be added that the opinion stated is stated only as probably true. It is not admitted by all Moral theologians, and in matters of justice, the opinion is admitted by fewer still.²

¹ cf. *supra*, p. 247.

² cf. Genesis 19, 1-8, for an illustration.

10. It is not permitted to ask another to do what he cannot do without sinning, for this would be to give scandal and to induce another to offend God, and no evil is comparable with an offence against God, because it is an offence against the highest possible Good. But if the other can do what I ask without sinning, although, as a fact, he will not refrain from sin, I may make my request if my own great interest is at stake, because I am not obliged at grave personal inconvenience to prevent another's sin due to his malice. If this principle be not accepted, we should have to refrain from innumerable activities so as to prevent the sins of others indefinitely. Thus, if I know that a witness is certainly going to perjure himself, I may nevertheless insist on his being called up as witness in a matter of serious moment. I am not responsible for his perjury, and he is in no sense obliged to perjure himself. On the contrary, he is bound not to do so. I am, of course, co-operating materially, in a wide sense, in affording him an occasion of perjury. But this will be permissible on the principles that justify material co-operation in another's sin.

ii. If another person is going to sin because he does so habitually, whether I make a serious request or not for some necessary and honest favour which he would not fulfil without sin, it is held that a reasonable cause will justify my making the request. Thus, if I require money, I may lawfully borrow it from a usurer, even if he sins in lending money at usurious interest. It is his nefarious occupation, whether I am one of his customers or not. It would, however, be wrong, if by more than an occasional borrowing, I confirmed him in his habitual sin, or made his business more prosperous or easier for him. If I borrowed the money for useless expenditure, probably a venial sin is committed.¹

CHAPTER VIII

CHARITY AND CO-OPERATION

SECTION 1. Kinds of Co-operation

Co-operation, as distinct from scandal, is concurrence with another in a sinful act. This might be done, either by acting with another in sin, as in adultery, or by being the occasion of the sin of another, as in supplying another with intoxicating drink without sufficient cause with the knowledge that he would become intoxicated.

It is of great importance to distinguish between formal co-operation in another's sin and material co-operation. The former is always sinful, the latter not always so. Again, some material co-operation in the sinful act of another is permissible, but it is important to distinguish between immediate and mediate, proximate and remote co-operation, since a more serious excuse is required for immediate than for mediate co-operation, as also for proximate than for remote. The terms, therefore, must be defined and explained.

1. Co-operation is formal when A helps B in an external sinful act, and intends the sinfulness of it, as in deliberate adultery. V

2. Co-operation is material when A helps B to accomplish an external act by an act that is not sinful, and without approving of what B does.

(a) This material co-operation is immediate, if it is co-operation in the sinful act of the other, as to help a burglar to empty the jewels that he is stealing into the burglar's wallet.

(£) Material co-operation is mediate, if it is an act that is secondary and subservient to the main act of another, as to supply a burglar with tools for his burglar}-. .

(i) Mediate co-operation is proximate, if the help given is very intimately connected with the act of another, as to hold a ladder for the burglar as he climbs up to a window for the purpose of burglary.

(ii) Mediate co-operation is remote, if the help given is not closely connected with the other's act, as to purchase tools for a burglar.

SECTION 2. Malice of Co-operation

1. Formal co-operation in the sin of another is always sinful ; it is a sin against charity and also against the virtue violated by the act. Thus, adultery is a sin against chastity, justice and charity'.

2. Material co-operation in the sin of another is in general sinful, but it will not be sinful if two conditions are simultaneously verified :

(a) That the act by which we co-operate is in itself not sinful. This act has two effects ; we need not necessarily wish or intend the bad effect.

(5) That there should be a sufficient cause for permitting the sin of another.

In estimating the sufficiency of the excuse for material co-operation, we must consider the spiritual character and needs of another, our relations to him, what and how great is his offence against God, the harm that may accrue to a third person, the public harm likely to ensue, how close the co-operation, how indispensable it may be. So many factors enter into all questions of material co-operation, that only the most general principles can be laid down. Great varieties of opinion, therefore, on any given case except the most obvious, are inevitable, and there is no more difficult question than this in the whole range of Moral Theology.

3. Material co-operation with the sin of another that will do great harm to Church or State is never lawful, for private good—even life itself—is subservient to great public good.

4. Immediate material co-operation in another's sinful act is always wrong, though there are many apparent exceptions, especially in matters of justice. Thus, under threat of death, I may, very probably, help another to destroy the property of a third person, because if in extreme hunger it is permissible to take the food that belongs to

another not in extreme need, it would seem that an analogous method of saving one's life is not sinful. The owner of the property destroyed is, it is alleged, not reasonably willing that his property should be preserved at the cost of my life. If one may kill another in self-defence, even directly, as some divines admit, it is hard to see why one cannot destroy another's property even directly, if this is the only means of saving life or preserving a great good. And this is not using a bad means to compass a good end : the means are not bad, for nobody's rights are invaded.¹

SECTION 3. Practical Examples of Co-operation

Letters

The carrying to and fro of letters or presents between people who have illicit relations is not co-operation in sin, but it is perhaps making sin easier, though this may be open to doubt. It is, however, an occasion, though a remote one, of helping communication between persons who should not communicate with one another, and to that extent it may be an encouragement to further sin. If, therefore, the carrier knows that his action renders the life of sin of the two persons more secure or more enduring, charity demands the cessation of the practice, if possible without serious inconvenience to the carrier.

Holy Communion

To give the consecrated Host in Holy Communion to an unworthy recipient is proximate material co-operation in sacrilege. But as it is material, it would be permissible, if the recipient's sin were known only under the seal of confession, or if, to refuse, would produce public scandal or defamation in public of the communicant (c. 855, 2).

Books and Papers²

It is sinful to write, print, publish, advertise, sell, or lend books or papers contrary to faith or good morals.

¹ Noldin, II, n. 118.

² Though the matter is treated here on grounds of charity, the reader is reminded that the Church has issued positive legislation regarding certain books and papers. Positive law may forbid what might be permissible apart from it. The reader is, therefore, referred to the treatise on Forbidden Books.

It is remote material co-operation—and therefore permissible for a serious reason, if not expressly forbidden by the Church and if scandal is not given—to set the type and draw off copies of books written by heretics, for these books can be used by those who have permission to read them for purposes of refutation. But as these readers are few, and as the harm done is done to many by confirming them in heresy, only a very serious reason would permit such co-operation, and that only for a time until another occupation could be got. But the Church forbids the publication of

The co-operation is more remote in the case *of those who act as* general workmen in such printing houses, but as scandal will hardly be absent, and as such printing houses aid in the spread of heresy, a Catholic, if engaged in such occupation, should try to find other work.

In the case of booksellers, a Catholic is permitted to sell forbidden books to those who have permission to read them, but he could not expose such books openly for sale indiscriminately.

To sell papers that are contrary to faith or morals is proximate co-operation in sin and on the grounds of charity is not permissible, except for the very gravest reason and *for* a short time. But the Church forbids the sale of such papers.

The monopoly of selling papers of all kinds at railway stalls or at street kiosks or pitches may sometimes be accepted by a Catholic, *for he is*, as it were, a distributor like the postal servants, provided there is no scandal owing to the sale of objectionable papers.¹ But it is easily possible that in some Catholic countries this procedure might certainly give rise to great scandal, and Catholics should then refuse to *stock those papers. If the seller is merely an agent, even then there will be scandal if a Catholic sell immoral papers, and he should hasten to seek other employment.*

To contribute articles that are good or religious or even

¹ Verm., II, n. 146.

indifferent to periodicals which publish occasional matter against faith or morals is sinful if done habitually, if it helps on the sale of such papers, but permission could be obtained to put before readers the Catholic point of view. Whilst Catholics are justified in contributing articles to any paper in order to explain Catholic doctrine, the less they have to do with supporting anti-Catholic papers in any way the better, unless they have to be acquainted with the heretical point of view in order to refute it. Leave should then be obtained.

The laws of the Church against certain kinds of writing are more extensive than is the law of charity, and therefore Catholics should be acquainted with the positive law embodied in the canons, and the pastor will explain the law to his people with prudence, emphasizing the importance the Church sets on good literature, and the need there is not to allow the poison of heresy entrance into the mind, especially of the young, in these days when so much liberty is claimed to read everything.

Manufacture of certain Objects

I. It is sinful to make idols for the purpose of idolatry, but not to make idols—rather, images of mythical gods and goddesses—for ornament. Greater latitude is reasonably possible in the making of nude statues than of pictures of the nude, since the former are almost always artistic, and owing both to custom and subject, are not apt to excite animal passions as many pictures are calculated to do. An obscene statue is a rarity now, as most of the Roman offensive statuary is defaced ; but an obscene representation on canvas or paper is not so rare, and is very much easier to produce.

2. It is similarly sinful to make instruments that have only a sinful use, as certain contraceptives, for the making of them is a manifest approval and favour given to evil. It is shocking to decent people to read that a deputation had to approach a certain employer, before a stop was put

i cf. *Youth and the Race*, edited by Sir James Marchant.

to the scandal of young girls engaged in a certain factory in making French letters ; seventy girls were so employed in the one factory. It may be asked : Must the girls quit their occupation ? There is no doubt that they must do so, as soon as they can find other work, and that they are seriously bound to do so is equally certain.¹ It appears unnecessary' to make the distinction between factories where only a few of these articles are made and others where a large quantity' is made. The evil is the same, and added to scandal and moral defilement there is the serious general evil of contraception which these factories aggravate and, indeed, make possible.

3. A Catholic workman engaged in the manufacture of Masonic emblems can be excused only on the ground of very serious need, for on the one hand, the emblems perpetuate and advertise a condemned society, and on the other, the emblems are, in themselves, indifferent and serve as symbols only of aggregation to a condemned society.

Sale of certain Objects

I. When things have only a sinful use—though this can be said of very few—it is usually sinful to sell them, for co-operation in the evil intention of the buyer is present. It is absurd to say that one's intentions are good, that sale is only for profit, that it is no concern of ours what the buyer is going to do with the articles bought. The very sale of an article that has only a sinful use makes sin possible. But here, too, we must be on our guard not to exaggerate, for if the purchaser can easily get the article elsewhere, and if he is quite determined to use it, the seller may refuse to associate himself with the intention of the purchaser, and since the sale is material co-operation—though it may be proximate on occasions—a very serious reason would justify the seller in not preventing the sin of another, for this obligation is one of charity, and the seller has also the duty of charity to himself. Nevertheless, if there should be general scandal

¹ Verm., II, n. 145.

were it known that Catholics sold such things, for that reason the sale should be discontinued.¹

2. The same principle applies to objects that can be used without sin, though they are not ordinarily so used. But where a buyer's intention is not manifestly sinful, the seller should assure himself that the object will not be put to a bad use, if he can do so without grave inconvenience. A serious loss of custom would excuse the seller both from making inquiries and refusal to sell in this case.

3. When objects can be used indifferently, though some buyers will use them for evil purposes, and when the buyer's intention is manifestly sinful, the sale would be sinful unless, beside a loss of profit, there is an additional grave inconvenience in refusal to sell.

4. To supply goods to others who intend to adulterate them and sell them at unjust prices would be material, though remote, co-operation, in unjust intentions, and would be sinful unless a just cause excused, such as serious loss of trade.

Operations

1. No doctor or nurse in the supposed discharge of their professional duties—nor indeed anyone under any circumstances—may do what is directly and positively wrong, even to save a life.

2. Material co-operation with a surgeon who is about to perform or is performing a sinful operation would be allowed, for a very serious reason, and provided there is no scandal. Such co-operation would be present in cases where an assistant had to sterilize or set out the instruments, prepare the patient for operation,² even, we think, to administer an anæsthetic, or to keep the patient quiet during an operation. These actions are all indifferent

¹ Thus, no chemist may stock contraceptives or abortifacients, nor may he sell them as agent for a firm. Female pills are abortifacients, being violent purgatives. The case is perhaps different for an assistant. Most authors, however, condemn the sale of contraceptives even by an assistant, on the ground, we believe, of co-operation. Some permit the sale by an assistant for a very urgent reason, scandal apart, if the articles can be got elsewhere.

² Verm., II, n. 139.

morally, and all of them cases of material co-operation. But a graver excusing cause would be required where the co-operation is more proximate. Scandal should be precluded, and it is normally easy to preclude it by letting others know that such co-operation does not imply approval of the operations, but that if they cannot be prevented, and if they will be performed in any case, the co-operation given is allowed, if there is a grave reason for co-operating.

3. Where a hospital is served and administered by Catholic Religious women or even by a Catholic Committee, no sinful operation should be allowed under any circumstances, except that in the one case, where unexpectedly and contrary to regulations a surgeon proceeds to do what is sinful, the nurse may then offer assistance by material co-operation, to avoid worse evils.¹

4. When a nurse is in doubt as to the morality of an operation, it is permissible to co-operate materially, but the matter should be cleared up for future guidance.

Marriage

The subject of co-operation in onanism is treated under marriage. It is sufficient now to state the following :

1. A wife may, for a very serious reason, ask for the marriage dues from a husband who habitually withdraws, provided that she expresses her disapproval.

2. A wife may not ask for the marriage dues from a husband who uses contraceptive instruments.

3. A husband may never ask for the marriage dues from a wife who uses contraceptive instruments during intercourse.

In the first case, the act, apart from all wrong intentions, is normal and legitimate at its inception.

In the other cases, the act is always wrong from its inception.

Servants

There are many ways in which a servant is asked to co-operate and render assistance to masters or mistresses when

¹ Verm., II, n. 139.

these sin. It will always be advisable and sometimes obligatory to try to find another occupation. But, meanwhile, the general principles of remote and proximate co-operation may be applied. In no case may the servant wish the sin, and in no case may the servant do what is, in itself, sinful. But most cases of their co-operation are only remotely material. In those which are exceedingly proximate, and in those which inflict harm on a third party, only the gravest cause would excuse. In no case would it be permissible for a servant to seek a prostitute for the master, and declare the purpose of the invitation, nor compose letters to that effect. But to issue the invitation verbally or by letter, without expressing the purpose, would be defensible, since this action is, in itself, not an evil act, nor does it necessarily imply an evil purpose. A very grave cause would excuse.¹

Judges

A judge, who is merely the mouthpiece of the legislator and administers law ready made, may often co-operate in administering an unjust law, for otherwise he would have to resign his office. Where mere injustice is the result of a law—as in the case of Catholics who are obliged to contribute to undenominational schools as well as to build their own—the subject who suffers injustice is willing to suffer to avoid greater evil.² But much depends on the object of the law. No judge, under any circumstances, may pronounce judgment for what is essentially wrong, though we believe that in these countries and in modern times this is hardly ever done. The case would happen when a judge—if he had the power—gave judgment for divorce, as opposed to judicial separation, and openly declared that he did so, in order that the parties or party might remarry.³ But a judge may pronounce sentence of divorce in accordance with law, since every Catholic understands, and every non-Catholic ought to understand, that such sentence does not

¹ Verm., II, n. 141.

* Verm., II, n. 142.

³ A judge who urges a woman to give her adulterous husband his freedom to re-marry is urging what is wrong.

mean divorce *a vinculo*—a matter with which civil law does not concern itself—but means that no action for bigamy will arise if the parties re-marry. On the same principle, barristers may undertake to plead in divorce proceedings in the Courts. Where, however, scandal would be reasonably expected, Catholic barristers may not freely undertake such cases, without explaining in some way what is their conscientious attitude. But we believe that in this country, Catholic barristers are understood to plead for judicial separation.

A registrar may witness the civil marriage of a person or persons who have been civilly divorced, provided he has a very grave reason for doing so, and there is not scandal. His co-operation is material in the case. This opinion is probable.¹

Sale of Furniture

It is very remote co-operation in the encouragement of heretical worship to sell furniture for heretical places of worship, and may be excused on the ground of profit, but only a grave reason will justify the making of the furniture for a definite place of heretical worship, since this co-operation is a rather proximate help to the exercise of a false worship, much more proximate, indeed, than erecting the building.

Public Prayers

Where a Catholic officer has to recite public prayers from the Anglican Book of Common Prayer as part of his duty, no scandal need be given, for it is readily understood that his action is a mere State function.² Should there be any Words that are positively heretical or schismatical, he must omit them, or let it be known that he does not endorse them. Even the recital of the “Black Rubrick,” if such should be necessary, appears justified, since the Rubrick states what is the fact, namely, that the English Church

¹ cf. Cerato, *Matrimonium*, p. igg sqq., for a long discussion on the matter.
* Verm., II, n. 147.

does not officially believe in the Real Presence, though the additional statement that the Body of Christ cannot be both in Heaven and in the Sacrament need not be taken seriously, as it represents what Cranmer and the other compilers of the Prayer Book absurdly thought, an opinion to which many Anglicans today do not subscribe, and in point of fact, where the "Black Rubrick" is stoutly maintained, there is no consecration, nor is there meant to be; the function is wholly commemorative, and the so-called Sacrament is symbolic.

Go-operation in Maternity Welfare Clinics

In July, 1930, the Ministry of Health (Mem. 153, M.C.W.) granted permission for instruction in birth control to be given in these clinics, in cases where subsequent pregnancy would be detrimental to health. Catholic doctors and nurses have duties in these clinics, and the matter of co-operation is apt to be difficult. The following statements will be found to be applications of principles :

1. No instruction on the methods of using contraceptives nor advice to use them may be given to women, Catholic or not, coming to these clinics.

2. In Maternity Welfare Clinics, Catholic doctors and nurses may undertake or continue office if what they do is morally unobjectionable, even though other doctors and nurses give contraceptive advice. But they must preclude scandal.

3. Clearly no clinic may be set up that is solely a clinic for birth control advice, nor may a Catholic take duty in such.

4. No books, literature, instruments, or drugs that favour birth control propaganda or practice may be stocked displayed, or sold on the initiative of a Catholic medical officer.

5. Persons who approach a Catholic medical officer or nurse for contraceptive advice or instruction should be told that it is not given.

6. Catholics should remain on local committees, if they

can do so without giving scandal, even if such committees favour by a majority vote birth control clinics. They should oppose by vote and voice all birth control propaganda.

7. Catholic medical students may attend classes in which contraceptive methods are explained. Normally no scandal will be given in such cases, since everyone knows that Catholics condemn contraception.

Chinese Rites

The ceremonies in honour of Confucius are not religious. Catholics are not forbidden to be present at them. Pictures of Confucius may be placed in Catholic schools and saluted with a bow of the head. The presence of Catholic officials and students at public ceremonies which have the appearance of being superstitious is tolerated, provided their presence is passive and their marks of respect can be regarded as merely secular, otherwise they should make their intention known in order to preclude a wrong interpretation. Bowing the head and showing other marks of civil respect before images or a plaque of the dead is permissible.¹

Furthermore, the same Congregation declared that the oath which missionaries had to take, pledging themselves not to allow Christians to share in these Chinese rites, is now superfluous in China and elsewhere (as Malabar).²

¹S.C. de P.F., Dec. 8, 1939.

²S.C. de P.F., April, g, 1940.

CHAPTER IX

SINS AGAINST SOCIAL CHARITY

Discord is contrary to the peace that ought to subsist between those who should be united by wishing the same things. It is reckoned by S. Paul (Gal. 5, 20) among the works of the flesh, and it is a grave sin if one deliberately dissent from divine good, or the serious good of a neighbour. Discord is the child of vain-glory, in that a man inordinately prefers what is his own. But discord is usually concerned about unnecessary things ; and it is often a venial sin only, chiefly indicating impatience.

2. Contention is opposed to charity, and of its nature a grave sin (Gal. 5, 20, 21). As discord denotes contrariety of wills, contention denotes contrariety of speech, and the two generally go together. If one contend against a momentous truth, the sin is grievous ; if in an inordinate manner, it is sinful, but not seriously so, for much depends on the manner and occasion. Contention is due to vain-glory, in that one clings to an opinion, at least verbally, rather than agree with others.

3. Schism, theologically considered, is a sin, by which a man separates himself from union with the Church, the visible bond of the unity of the Faith. It is opposed to the love of Christ our Lord, but directly contrary to that unity of charity which unites individuals with one another in bonds of supernatural love, and with the whole Church in the unity of spirit.

It is a serious sin because it is opposed to a great good, namely, the supernatural social good of mankind. It is one of the most serious sins, though not so serious as infidelity, for the latter is opposed to the Veracity of God, whereas schism is opposed to a participated good, namely, ecclesiastical unity.

APPENDIX

Toleration of Prostitution

S. Alphonsus (lib. 3, n. 434) asks a question concerning the permission of disorderly houses. He records two contrary opinions, of which he thinks the negative one the more probable. Authors commonly cite S. Augustine and S. Thomas in this context. Neither approved of prostitution for the avoidance of greater evils. They both say that civil rulers tolerate it, and in fact S. Thomas says (*S.*, 2, 2, q. 10, a. 11) : “ Recte aliqua mala tolerant ne aliqua bona impediuntur vel etiam ne aliqua mala pejora incurrantur.” S. Thomas cites S. Augustine (*de Ordine*, 2, c. 4) : “ Aufer meretrices de rebus humanis, turbaveris omnia libidinibus.”

Now it is obvious that S. Thomas quotes S. Augustine merely to bear out the general principle that Providence tolerates evil.

Furthermore, the *de Regimine Principum* (*al. de Rege et Regno*, opus 16, al. 20, lib. 4, c. 14) is quoted. This work is not all by S. Thomas, who wrote bk. 1 and bk. 2, cc. 1-4. It was continued by Ptolemæus de Luca. This is stated in the Codices Florentinus, Romanus, Genuensis, Parisiensis, in a marginal note : “ Hic desinit secundum S. Thomam, pergit secundum Ptolemaeum de Luca,” and a similar note in the edition of Vivès. P. Mandonnet attributes the whole work to S. Thomas (*Revue Thomiste*, 1909-1910). The quotation in bk. 4 from S. Augustine is inaccurate and mere rhetoric : “ Unde Augustinus dicit quod hoc facit meretrix in mundo quod sentina in mari vel cloaca in palatio. Tolle cloacam et replebis fœtore palatium, et similiter de sentina. Tolle meretrices de mundo et replebis ipsum sodomia.” Those words are an embellishment of de Luca.

Another passage is quoted, from the *de Civitate Dei*, bk. 14, c. 18. There is not one word there in toleration of prostitution. S. Augustine merely speaks of the legalizing of it by civil authorities. An incautious reader might

suppose that the word used, namely, *licitam*, means morally lawful, whereas it means legally permitted.

We must, therefore, conclude that it is one thing to tolerate unwillingly the evil that cannot be prevented, and another to approve or to permit the evil.

APPENDIX 2

A Roman Instruction on Female Dress

The following Instruction on the subject of female dress has been issued by the Sacred Congregation of the Council, January 12, 1930. The reader is referred to the text (A.A.S., Jan. 27, 1930, p. 26), of which the following is a substantially faithful translation of the main points :

1. Parish priests most of all, and preachers, should, on occasion, address words of severe admonition to women that they should employ dress that bespeaks modesty and serves as an ornament and a safeguard of their virtue ; and should warn parents not to allow their daughters to wear unbecoming attire.

2. Parents should use special diligence to see that their daughters are solidly grounded from their tenderest years in Christian Doctrine, and should themselves, by word and example, foster in their minds the love of the virtues of modesty and chastity. They should so rule and govern their families, after the model of the Holy Family, as to offer to each individual of the family, reasons and motives for the love and preservation of modesty.

3. Parents must deter their youthful daughters from public gymnastic exercises and meetings. If, however, they are obliged to be present at them, parents must see that their daughters wear dresses that are entirely becoming, and never permit them to use dresses that are unbecoming.

4. Heads of Institutes and school-mistresses shall endeavour to instil the love of modesty into the minds of their pupils so as to induce them, with effect, to adopt modest dress.

5. These same persons shall not allow the girls, nor even

the mothers of the girls, to enter the colleges or schools if they are attired in unbecoming dress, and shall dismiss such as do not reform after admonition.

6. Women of Religious Institutes shall not admit into their colleges, schools, oratories or recreation rooms those girls who do not adopt a Christian manner of attire. They shall take particular care in educating their scholars to implant deep in their minds the love of holy modesty and Christian decency.

7. Pious Associations of Women must be formed and fostered, which by example and in fact, shall aim at checking abuses in the matter of dress that does not befit Christian modesty, and at promoting purity of morals and decency of attire.

8. No one who dresses unbecomingly may be admitted into these Associations ; if such have been already admitted, they shall be expelled if they offend in this respect and do not amend after a warning.

9. Girls and women who dress unbecomingly are to be refused Holy Communion, and not allowed to be sponsors in Baptism or Confirmation, and should occasion demand, they shall be forbidden admittance into the church.

10. On feast days, such as offer a special opportunity of inculcating Christian modesty, and especially on the feast days of the Blessed Virgin Mary, parish priests and those priests who are the Directors of Pious Unions and Catholic Associations shall not fail to urge women to adopt a Christian manner of dress. On the feast of the Immaculate Conception of our Blessed Lady there shall be, where possible, in all cathedral and parochial churches special prayers annually, and suitable exhortations on this matter in the public address to the people.

it. The Diocesan Council shall, every year, deliberately treat of methods and suggestions for the more efficacious promotion of female modesty.

12. Bishops and other local Ordinaries are to give an account of these matters every third year to the Sacred Congregation.

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