

# MORAL THEOLOGY

A Complete Course

*Based on St. Thomas Aquinas and the  
Best Modern Authorities*

BY

JOHN A. MCHUGH, O.P.

AND

CHARLES J. CALLAN, O.P.

REVISED AND ENLARGED BY

EDWARD P. FARRELL, O.P.

VOLUME I

NEW YORK CITY  
JOSEPH F. WAGNER, INC.  
LONDON: B. HERDER

**Nihil Obstat**

ELWOOD FERRER SMITH, O.P., S.T.M.  
BENJAMIN URBAN FAY, O.P., S.T.L.R.

**Imprimi Potest**

VERY REV. WILLIAM D. MARRIN, O.P., P.G., S.T.M.  
*Provincial*

**Nihil Obstat**

JOHN A. GOODWINE, J.C.D.  
*Censor Librorum*

**Imprimatur**

✠ FRANCIS CARDINAL SPELLMAN  
*Archbishop of New York*

NEW YORK, May 24, 1958

COLLEGE  
LIBRARY

BX  
1758  
M186m  
1958  
v.1

89996A B.L.

**PREFACE**

The purpose of the present work is to give a complete and comprehensive treatise on Catholic Moral Theology, that is, on that branch of sacred learning which treats of the regulation of human conduct in the light of reason and revealed truth. This new work strives to deal with the subject as a systematic and orderly whole, and is based throughout on the principles, teaching and method of St. Thomas Aquinas, while supplementing that great Doctor of the Church from the best modern authorities. Needless to say, there are many questions and problems connected with modern life that did not exist when the great classic works on Moral Theology were written, and to these naturally special attention has been given in the treatment that follows.

Nowadays, since the appearance of the New Code and of many special works on Canon Law, it would be a mistake to encumber the pages of a work like the present one with canonical questions of interest only to the specialist, and which are ably and abundantly treated in fine commentaries on the Code that are already available. Likewise, it would be an error to treat here matter pertinent only to Dogmatic Theology or History. All digressions, therefore, into alien fields have been avoided in this work, with the result that a greater number of useful moral questions have been herein considered.

But not only is it necessary to avoid irrelevant subjects, but it is also needful not to sacrifice essentials for accidentals in any work of this kind. It is the fault of too many textbooks on Moral Theology to stress controversies, cite authors, and quote opinions, at the expense of the principles and reasons that govern and explain the teaching given. This work eschews that method, and is at pains everywhere, first of all, to lay the

foundations on which the superstructure is to be built, namely, the definitions and rules that are presupposed to moral judgments and conclusions. Obviously, this is a more logical way of proceeding, and it consequently enables the student much more easily to understand and retain the matter studied, since he can thus reason questions out for himself. Moreover, such a method makes for brevity and renders it possible, as said above, to treat more subjects than could otherwise be treated; it makes it possible to condense the matter of many pages of larger and less accessible works into brief and terse paragraphs.

But from this it should not be gathered that the work which follows aims to present Moral Theology in a dryly scientific fashion. On the contrary, it has been our endeavor to treat the matter in a way that is at once clear, solid, comprehensive and interesting. Since the general and the abstract do not make the same strong impression as the particular and the concrete, laws and axioms are copiously illustrated throughout with pertinent and practical examples that often amount to brief *casus conscientiae*, thus combining the theory and the practice of Moral Theology.

It would be a mistake to think that, while Moral Theology is a technical and scientific treatise on human conduct, it deals exclusively or primarily with vice and sin, and that it is intended only to enable the priest rightly to administer the Sacrament of Penance, distinguishing between the various classes of sins and their consequences. Of course, it does all this, but it should do much more; for it has also a much higher purpose, which is to enable man, not only to know what is forbidden and how he may escape from moral disease and death, but also to understand what are his duties and how he may live the life of grace and virtue. The subject is indeed more positive than negative, and it should be discussed accordingly. Thus, far from being useful merely to confessors as a guide by which they may detect and distinguish mortal and venial sins and the higher and lower degrees of culpability, Moral Theology in its broader aspect should be of the greatest service likewise to the individual in forming his own habits and character,

and in particular to those who have the guidance of others, whether in or out of the confessional, such as pastors, preachers, teachers, and the like. Consequently, the present work has been written with a view to the homiletic and pastoral functions of the priest, as well as those that pertain strictly to the administration of the Sacraments.

Heretofore works on Moral Theology in English have been altogether too few or too fragmentary, whereas they have been abundant in the vernaculars of Continental Europe—German, French, Spanish, Italian, etc. This does not mean that the present work is intended to replace the Latin text-books used in our seminaries, but rather that it should enable students and priests to get a more thorough and ready knowledge of an all-important subject, and to adapt it more easily to the varying needs of the ministry.

The section of this work on Law has been carefully read by two eminent civil lawyers.

THE AUTHORS.

May 10, 1929.

#### REVISOR'S NOTE

This is a revision, not a rewriting. Various deletions and additions have been made with the intent of bringing the work up to date within the scope of the original plan and methods of the authors. In this way it has been possible to preserve the features that have made this manual a standard guide for the past thirty years.

EDWARD P. FARRELL, O.P., S.T.L.R., S.T.D.

Washington, D.C., June 8, 1958

## CONTENTS

	PAGE
PREFACE . . . . .	iii
INTRODUCTION . . . . .	1
Definition of Moral Theology (1-3).—The Objects of Moral Theology (4-5).—The Sources of Moral Theology (6-12).—The Methods of Moral Theology (13-14).—The History of Moral Theology (15-16).—The Division of Moral Theology (17-18).	

### PART I. GENERAL MORAL THEOLOGY

#### Question I

#### THE LAST END OF MAN AND THE MEANS TO THAT END

Art. 1. THE LAST END OF MAN . . . . .	11
The Existence of the Last End (19).—The Nature of the Last End (20).—The Attainment of the Last End (21).	
Art. 2. ACTS AS HUMAN . . . . .	12
Introduction (22).—Definition (23).—Knowledge Requisite for a Human Act (24-33).—Consent Requisite for a Human Act (34-39).—Obstacles to Consent (40-55).—Two Kinds of Voluntary Acts (56-62).	
Art. 3. ACTS AS MORAL . . . . .	25
Introduction (63).—Definition (64-69).—The Sources of Morality (70-75).—Good Acts (76-78).—Bad Acts (79-81).—Indifferent Acts (82-86).—Perfect and Essen- tial Goodness (87-88).—Morality of the External Act (89-93).—Morality of the Act Indirectly Willed (94-95). —Morality of the Consequences of an Act (96).—Imputa- bility (97-105).	
Art. 4. ACTS AS MERITORIOUS . . . . .	39
Introduction (106).—Definition (107).—Divisions of Merit (108-115).	

	PAGE
Art. 5. THE PASSIONS . . . . .	42
Introduction (116).—Definition (117).—Division (118-120).—Moral Value of the Passions (121-131).	
Question II	
<b>GOOD AND BAD HABITS</b>	
INTRODUCTION (132) . . . . .	50
Art. 1. HABITS IN GENERAL . . . . .	50
Definition (133).—Division (134-136).—Strengthening and Weakening of Habits (137-139).—Habits and Morality (140-141).	
Art. 2. GOOD HABITS, OR VIRTUES . . . . .	53
Definition (142).—Division (143-152).—Properties of the Virtues (153-158).—Complements of the Virtues (159-166).	
Art. 3. BAD HABITS, OR VICES . . . . .	60
Definition (167).—Divisions (168).—Mortal Sin (169-179).—Venial Sin (180-184).—Imperfections (185).—Change in the Gravity of Moral Defects (186-196).—The Distinctions of Sins (197-219).—Comparison of Sins (220-229).—The Subjects of Sins (230-245).—The Causes of Sin (246-267).—The Motives of Sin (268-271).—The Results of Sin (272-283).	
Question III	
<b>LAW</b>	
INTRODUCTION (284) . . . . .	94
Art. 1. LAW IN GENERAL . . . . .	94
Definition (285).—Division (286-287).—Collision of Laws (288-292).—The Basis of All Laws (293-294).	
Art. 2. THE NATURAL LAW . . . . .	99
Meaning (295-296).—Division (297-304).—Properties (305-327).	
Art. 3. THE POSITIVE DIVINE LAW . . . . .	115
Meaning (328-330).—Division (331).—The Mosaic Law (332-345).—The Law of the New Testament (346-369).	

	PAGE
Art. 4. HUMAN LAW . . . . .	133
Definition (370).—Division (371).—Qualities (372-374).—Obligation of Human Laws (375-384).—Interpretation of Law (385-386).—Those Subject to Law (387-388).—Change of Law (389-390).—The Law of Custom (391-400).—Dispensation (401-410).—Epieikeia (411-417).	
Art. 5. ECCLESIASTICAL LAW . . . . .	148
Introduction (418-419).—General Law of the Church (420-422).—Lawgivers in the Church (423-424).—Subject-Matter of Church Law (425-426).—Those Bound by General Laws (427-434).—Those Bound by Particular Laws (435-446).—Promulgation (447-449).—Irritant Laws (450-458).—Laws Based on Presumption (459-461).—Fulfillment of Law (462-482).—Interpretation (483-486).—Cessation of Obligation (487-499).—Cessation of Law (500-505).—Custom (506-513).—Laws in a Wide Sense (514-541).	
Art. 6. CIVIL LAW . . . . .	188
Meaning (542).—Origin (543-545).—Subject-Matter (546-549).—Those Subject to Civil Law (550).—The Obligation of Civil Law (551-556).—Special Kinds of Laws (557-572).—Other Questions (573).	
Question IV	
<b>CONSCIENCE</b>	
INTRODUCTION (574) . . . . .	201
Art. 1. THE LAW OF CONSCIENCE . . . . .	201
Definition (575).—Division (576-579).—Obligation of Conscience (580-587).—Results of Conscience (588-592).	
Art. 2. A GOOD CONSCIENCE . . . . .	210
Introduction (593).—Definitions (594).—Divisions (595-596).—The Lax Conscience (597-606).—The Scrupulous Conscience (607-613).—Scrupulosity (614-635).—Practical Conclusions (636-639).	
Art. 3. A CERTAIN CONSCIENCE . . . . .	230
Introduction (640).—Necessity of Certitude (641-642).—Kinds of Certitude (643-653).—An Uncertain Conscience	

CONTENTS

PAGE

(654-655).—Doubt and Suspicion (656-661).—Opinion (662-671).—The Moral Systems (672-675).—Tutorism (676-679).—Laxism (680-681).—The Other Systems (682).—Probabiliorism (683-687).—Equiprobabilism (688-700).—Probabilism (701-730).—Compensationism (731-738).—Practical Conclusions (739-742).

PART II. SPECIAL MORAL THEOLOGY

INTRODUCTION (743) . . . . . 279

Question I

THE DUTIES OF ALL CLASSES OF MEN

THE INFUSED VIRTUES (744-745) . . . . . 279

Art. 1. THE VIRTUE OF FAITH . . . . . 280

Introduction (746-749).—The Meaning of Faith (750-753).—The Object of Faith (754-781).—The Acts of Faith (782-796).—The Habit of Faith (797-807).—The Gifts of Understanding and Knowledge (808-811).

Art. 2. THE SINS AGAINST FAITH . . . . . 310

Introduction (812).—The Sin of Unbelief (813-825).—Heresy (826-834).—Apostasy (835-839).—The Sin of Doubt (840-846).—Credulity and Rationalism (847).—Dangers to Faith (848).—Dangerous Reading (849-866).—Dangerous Schools (867-874).—Dangerous Marriages (875-881).—Dangerous Communication (882-886).—The Sin of Blasphemy (887-903).—Sins of Ignorance, Blindness, Dullness (904-912).

Art. 3. THE COMMANDMENTS OF FAITH . . . . . 360

Introduction (913).—The Commandment of Knowledge of Faith (914-924).—The Commandment of Internal Acts of Faith (925-937).—The Negative Commandment of External Profession of Faith (938-943).—Dangers of Profession of Unbelief (944).—Forbidden Societies (945-955).—Communication in Worship (956-975).—Coöperation in Religious Activities (976-986).—The Affirmative Command-

CONTENTS

PAGE

Art. 4. THE VIRTUE OF HOPE . . . . . 413

Definition (1009-1017).—The Object of Hope (1018-1026).—The Excellence of Hope (1027-1035).—The Subject of Hope (1036-1040).—The Gift of Fear of the Lord (1041-1058).—The Sins against Hope (1059-1091).—The Commandments of Hope and of Fear (1092-1104).

Art. 5. THE VIRTUE OF CHARITY . . . . . 454

Definition (1105-1114).—The Excellence of Charity (1115-1120).—Production of Charity (1121-1132).—The Object of Charity (1133-1157).—The Order of Charity (1158-1182).—The Acts of Charity (1183-1192).

Art. 6. THE EFFECTS OF CHARITY . . . . . 485

Internal Effects of Charity (1193).—Joy (1194).—Peace (1195-1197).—Reconciliation (1198-1204).—Mercy (1205-1209).—External Effects of Charity (1210).—Beneficence (1211-1215).—Almsgiving (1216-1257).—Fraternal Correction (1258-1294).

Art. 7. THE SINS AGAINST LOVE AND JOY . . . . . 524

Introduction (1295).—Hate (1296).—Hatred of God (1297-1303).—Hatred of Creatures (1304-1311).—Gravity of the Sin of Hatred (1312-1316).—Species of the Sin of Hatred (1317-1319).—The Sin of Sloth (1320-1325).—Laziness (1326).—Lukewarmness (1327).—The Sin of Envy (1328-1331).—Emulation (1332).—Jealousy (1333).—Fear (1334).—Indignation (1335-1336).—Gravity of the Sin of Envy (1337-1344).—Means of Overcoming Envy (1345-1346).

Art. 8. THE SINS AGAINST PEACE . . . . . 547

Introduction (1347).—Discord (1348-1354).—Contention (1355-1362).—Acts of Sin against Peace (1363).—Schism (1364-1375).—War (1376-1427).—Fighting (1428-1434).—Duelling (1435-1439).—Sedition (1440-1443).

Art. 9. THE SINS AGAINST BENEFICENCE . . . . . 583

Introduction (1444).—Scandal (1445-1446).—Definition of Scandal (1447).—Causes of Scandal (1448-1458).—Results of Scandal (1459-1464).—Sinfulness of Scandal (1465-1474).—Persons Scandalized (1475-1476).—Duty of Avoiding Scandal (1477-1487).—Duty of Repairing

	PAGE
Scandal (1488-1492).—Denial of Sacraments in Case of Scandal (1493-1494).—Seduction (1495-1505).—Coöperation in Sin (1506-1508).—Kinds of Coöperation (1508-1512).—Sinfulness of Coöperation (1513-1514).—Lawfulness of Material Coöperation (1515-1525).—Lawfulness of Immediate Coöperation (1526-1527).—Special Cases of Coöperation (1528).—Coöperation in Reading Matter (1529-1530).—In Dances and Plays (1531-1532).—In Selling (1533-1536).—In Providing Food and Drink (1537-1539).—In Renting (1540-1541).—In Service (1542-1544).—Duties of the Confessor as Regards Coöperation (1545-1546).	
Art. 10. THE COMMANDMENTS OF CHARITY . . . . .	641
Introduction (1547-1552).—The Commandment of Love of God (1553-1560).—The Commandment of Love of Self (1561-1578).—The Commandment of Love of Neighbor (1579-1584).—Fulfillment of the Commandments of Charity (1585-1608).	
Art. 11. THE GIFT OF WISDOM . . . . .	673
Introduction (1609).—The Nature of the Gift of Wisdom (1610-1614).—The Persons who Possess Wisdom (1615-1618).—The Beatitude and the Fruits that Correspond to Wisdom (1619-1620).—The Sins Opposed to Wisdom (1621-1625).	

## APPENDICES

I. SUMMARY OF COMMON LAW ON PROHIBITION OF BOOKS . . . . .	685
II. THE "ECUMENICAL MOVEMENT" . . . . .	689

## MORAL THEOLOGY

## A Complete Course

## INTRODUCTION

1. **Definition.**—Moral Theology is defined: (a) *etymologically*, as the study of God, considered as the beginning and the end of man's moral life, *i.e.*, of those acts that proceed from reason and will; (b) *scientifically*, as that part of Sacred Theology which treats of God as our Last End, and of the means by which we may tend to Him.

2. Hence, Moral Theology differs from various related sciences or habits. Thus: (a) it differs from Ethics, which is the science of human conduct as directed by reason to man's natural end, for Moral Theology uses faith as well as reason, and is concerned with man's supernatural end; (b) it differs from faith, since it includes not only principles revealed by God, but also conclusions derived from them; (c) it differs from synderesis, or the habit that perceives the natural principles of morality that are self-evident to the mind, for Moral Theology deals also with supernatural truths and with truths that are not self-evident; (d) it differs from conscience, which draws conclusions for individual cases, since Moral Theology is concerned with general conclusions.

3. **Relation of Moral Theology to Dogmatic Theology.** — (a) They do not differ as two distinct sciences, for the main object, in the light of which all else is studied, is the same in both—*viz.*, God. (b) They do differ as two quasi-integral parts or branches of the same science, Dogma being concerned more with the speculative, and Moral with the practical aspects of theology.

Dogmatic Theology is the more important of the two, as treating more directly on divine things and as being the basis of Moral Theology.

In Dogma, God Himself is considered in His own nature and creatures as they proceed from Him as from an exemplary and efficient cause, or Creator. Moral Theology continues the pursuit of knowledge of God, concentrating upon Him as He is the Final Cause of things. Creatures emanate from God by way of creation, and this is part of the subject-matter of Dogma; but creatures return to Him, each in its own proper way by virtue of its nature created by God and directed by His Providence and Government, and this return of creatures to God constitutes the general subject-matter of Moral Theology. As Divine Providence and Government are continuations of His Creation, Moral Theology continues to study and to unfold the implications of Dogma's consideration of God as Creator. God is known to have created as an Intelligent Being ordering His handiwork to Himself as end. His special masterpiece, man, special because he is made to the Image of God, returns to God in a special way proper to him as an Image, *i.e.*, by way of acts of his intellect and will guided and moved by Divine Providence and Predestination. It is of this special way of returning to God by man, His image, that Moral Theology treats. Thus it adds to and perfects Dogmatic Theology, enriching our knowledge of God by way of making explicit the implications of Divine Creation and Providence to His image, man.

**4. The Objects of Moral Theology.**—(a) The central theme or object of Moral Theology, which is considered for its own sake and to which all else is secondary (*objectum formale quod*), is God as the supernatural End or Destiny of man.

(b) The secondary object (*objectum materiale*) is the means by which one is advanced towards one's Last End (such as human acts, virtue, grace, the Sacraments), or the obstacles which hinder one from attaining that End (such as vice, temptation, etc.).

(c) The medium through which the above objects are known (*objectum formale quo*) is the light of natural reason illuminated

by faith studying the sources of divine revelation and deducing conclusions from doctrines revealed by God.

5. Hence Moral Theology includes: (a) the revealed doctrines concerning man's destiny and duty that are contained in the written and oral Word of God and as interpreted by their custodian, the Catholic Church; (b) the conclusions that are contained in revelation; (c) the duties of man to human laws that are based on the divine natural or positive law; (d) the opinions of theologians on matters that are disputed, as in the controversy about the systems of conscience.

6. **The Sources of Moral Theology**, therefore, are: (a) Holy Scripture; (b) tradition; (c) the decisions of Popes, Councils, and Congregations, Laws, etc.; (d) the authority of Doctors and theologians; (e) natural reason.

7. *Holy Scripture*.—"All Scripture, inspired by God, is profitable to teach, to reprove, to correct, to instruct in justice" (II Tim., iii. 16). (a) Thus, the deeds narrated in Scripture contain lessons for our instruction; but not all of them, even though they be concerned with holy men, are offered for our imitation. (b) The laws of the Old Testament known as ceremonial (such as the rite of circumcision), and those called judicial (such as the prohibition against the taking of interest), are no longer obligatory; but the moral precepts, such as those found in the Decalogue, always remain in force. (c) The ordinances of the New Testament are of three kinds: the Gospel *counsels*, which are not laws, but invitations to a higher practice of virtue than is necessary for salvation (*e.g.*, the advice of our Lord that one sell all and give to the poor); the *laws* of the New Testament, which are the commands that it imposes for all times (such as the precepts that one believe the Gospel message, receive Baptism, hear the Church, etc.); temporary *regulations*, which are those dispositions that were made only for passing circumstances (such as the prohibition issued by the Apostles against the eating of animals that had been suffocated).

8. *Tradition*.—Tradition contains those doctrines concerning faith and morals, not found in Scripture, that were given orally by Christ or inspired by the Holy Spirit, and that have been



handed down from one generation to another in the Catholic Church.

Tradition becomes known to us: (a) through the teaching of the Church expressed by her solemn or ordinary *magisterium*; (b) through the writings of the Fathers of the Church; (c) through the practice of the Church expressed in her universal customs and laws; (d) through the worship of the Church expressed in her universal forms of prayer and liturgical observance.

9. *Decisions.*—In addition to divine tradition just spoken of, Moral Theology uses: (a) Apostolic tradition, which comes down from the Apostles, but whose subject-matter is not a teaching revealed to them, but an ordinance which they themselves made as rulers of the Church (*e.g.*, the law that Sunday be sanctified as the Lord's day); (b) ecclesiastical tradition, which contains regulations made by the authorities in the Church and handed down to succeeding times (*e.g.*, the introduction of certain days of feast or fast).

10. *Authority of Doctors and Theologians.*—(a) St. Thomas Aquinas has been recognized by the Church as her highest theological authority, and the Code of Canon Law (Canons 589, § 1, and 1366, § 2) orders that in all seminaries and religious houses of study the courses of theology shall be made according to his method, teaching and principles.

(b) When the theologians agree with unanimity that a certain doctrine pertaining to faith or morals is divinely revealed, it would be next to heresy to hold the opposite; if they agree only that it is certain, it would be rash to contradict them, unless new and serious objections unknown to them can be offered; if they are divided between schools and systems (even though great claims for opinions are made by their partisans), it is lawful for competent theologians to use their own judgment and decide for the side that seems to have the better arguments in its favor.

11. *Reason.*—The uses of natural reason in Moral Theology are: (a) it demonstrates certain preambles to the teachings of Moral Theology, such as the existence of God, His omniscience and veracity; (b) it corroborates from philosophy many of the

revealed teachings, *viz.*, that man's end is not in things finite, that he has duties to God, to society, to himself, etc.; (c) it affords analogies in the natural order by which we may illustrate the end and duties of man in the supernatural order; (d) it supplies the means by which the teachings on morals may be developed into the conclusions that are contained in them, by which those teachings may be defended against the fallacious objections of adversaries, and by which the whole may be arranged scientifically into a body of doctrine.

12. Moral Theology is served not only by the various branches of philosophy (such as Ethics, Theodicy, Psychology, Logic), but also by many of the natural sciences. Thus: (a) Medicine and Physiology are useful for understanding the morality and imputability of acts; (b) Sociology and Economics may throw light on problems concerning justice; (c) Jurisprudence is, of course, closely related to questions concerning duties that arise from human laws; (d) History confirms the teachings of Christian morality by the lessons of experience.

13. *The Method to Be Followed in Moral Theology.*—(a) The *positive* method is a simple statement of moral principles and doctrines, with little attention to argument, except such as is found in the positive sources (*e.g.*, Scripture, tradition, the decisions of the Church).

(b) The *Scholastic* method is a scientific statement of moral teaching through accurate definition of terms, systematic co-ordination of parts, strict argumentation and defense, attention to controversies, and recourse to philosophy and other natural knowledge.

(c) The *casuistic* method, or case-system, is the application of moral principles to the solution of concrete problems of lawfulness or unlawfulness.

14. The Scholastic method is the one best suited for the study of Moral Theology, because it is more scientific, and fits one better to understand, retain, and apply what one learns. But it is not exclusive of the other methods, since it perfects the positive method, and is the groundwork for the case method. Each method has a special suitability for certain ends. Thus:

(a) the positive method is well adapted to preaching, and hence was much in favor with the Fathers of the Church, as can be seen from their moral homilies and treatises; (b) the Scholastic method is the best for study, teaching, apologetic, and was followed by the great classical works of theology in the Middle Ages and later; (c) the case method is very helpful to the seminarian and the priest in the exercise of the ministry of the confessional.

**15. The History of Moral Theology.**—There are three periods in the history of Moral Theology: the Patristic, the Medieval, and the Modern.

(a) *The Patristic Period* (1st to 12th century).—The moral writings of the Fathers are popular, exhortatory, and occasional; and it is not till the Middle Ages that we meet with works of systematic Moral Theology. The following are among the most notable moral works of the Fathers: the *Pædagogica* of Clement of Alexandria (d. about 217), which explains what the everyday life of the Christian should be; the *Catecheses* of St. Cyril of Jerusalem (d. 386); the *De Officiis Ministrorum* of St. Ambrose (d. 397), a Christian counterpart of Cicero's work *De Officiis*; the *De Civitate Dei* of St. Augustine (d. 430), which contrasts love of God and love of self; the *Expositio in Job seu Moralium libri XXV* of St. Gregory the Great (d. 604), which consists of moral instructions based on the Book of Job.

Celebrated among the ascetical and mystical writings are: the *Ladder of Paradise* of St. John Climacus (6th century), the *Conferences* of Cassian (about 416), the *Libri V de Consideratione* of St. Bernard (d. 1153). St. Gregory the Great's *De Cura Pastoralis* is a systematic work of pastoral theology, and is regarded as a classic.

(b) *The Medieval Period* (12th to 16th century).—The method of the moralists of this period differs from that of the Fathers in that the former is systematic and philosophical, and more proximately adapted to the use of confessors. The masterpiece of scientific Moral Theology is of course found in the *Summa Theologica* of St. Thomas Aquinas (d. 1274). Works of casuistry were composed by St. Raymond of Pennafort (about

1235), by John of Freiburg (d. 1314), by John of Asti (about 1317), by Angelus of Chiavasso (about 1476), by Sylvester Prierias (d. 1523). The *Summa Theologica* of St. Antoninus of Florence (d. 1459) has been called an inexhaustible storehouse for manuals of casuistry.

Among the ascetical writers are: St. Bonaventure, the Seraphic Doctor (d. 1274), John Gerson (d. 1429), John Tauler (d. 1361), Bl. Henry Suso (d. 1366), and Denis the Carthusian (d. 1471).

(c) *The Modern Period* (16th century to the present).—Characteristic of this period are the commentaries written on St. Thomas, the controversies over the systems of conscience, the appearance of numerous manuals and special treatises, and the attention given to changed conditions of society and ecclesiastical discipline. Noteworthy among modern works are: the Commentary on St. Thomas by Cajetan (d. 1534); the writings of Bartholomew de Medina (d. 1581), called the father of moderate Probabilism; the *De Pœnitentia* of Lugo (d. 1660), a handbook that combines speculative and casuistical theology; the *Roman Catechism*, which was issued by the authority of the Council of Trent in 1566; the *Theologia Moralis* of St. Alphonsus Liguori (d. 1787), a work whose authority is universally recognized; the celebrated treatise on the virtues by Lessius (d. 1623); the classic work of Suarez (d. 1617), *De Religione*; the *Summa Casuum Conscientiæ* of Toletus (d. 1596); the commentaries of Francis de Victoria (d. 1546), which are writings of extraordinary merit. More recent works are so numerous that it is impossible to mention them here.

**16.** Among the many modern works on Moral Theology which have been published abroad, not a few are in the vernacular—in German, French, Italian, Spanish, etc. While they are not intended to replace the Latin text-books used in seminaries, these are nevertheless a very great help to a fuller knowledge of the matter treated and to a more ready use of it in the work of the ministry.

So far there has been a dearth of works on Moral Theology in English; and it is this want that has occasioned the present

work, which aims at presenting Moral Theology, not only in its essentials, but even more in detail and with greater fullness than is done by most of the text-books commonly in use. And yet, while pursuing this larger and more comprehensive plan, the authors of this new work have tried to be as brief and compact as possible. It has been their endeavor especially to avoid digressions into other fields and to sum up pertinent matter in as clear and simple a manner as the subjects treated will permit.

**17. The Division and Order of Parts in Moral Theology.**—

The arrangement of his matter made by St. Thomas Aquinas in the *Summa Theologica* is admittedly unsurpassed and unsurpassable in the qualities that good distribution should have, *viz.*, clearness, connection between parts, completeness. Hence, we cannot do better than follow the order he has used in his treatment of moral subjects. His general division is as follows:

(1) *The Last End of Man.*—From the Last End acts derive their morality, those being good that advance man towards its attainment, and those evil that turn him away from its possession. The Last End is considered: (a) as to its existence; (b) as to its nature (*i.e.*, the constituents of supreme beatitude).

(2) *The General Means Tending to the Last End.*—God is approached, not by the steps of the body, but by the operations of the soul, and thus it is human acts that lead one to one's Last End. These acts are considered: (a) as they are in themselves or absolutely, and according to the twofold division of acts proper to man (*human acts*) and acts common to man and beast (*passions*); (b) as to the internal principles from which they proceed, *i.e.*, habits, whether good (*virtues*) or bad (*vices*); (c) as to the external principles by which they are influenced. The external principle of evil is the *demon*, who tempts man to sin. The external principle of good is God, who instructs us by His *law* and the voice of *conscience*, and assists us by His *grace*.

(3) *The Special Means Tending to the Last End.*—These are our own good works; hence, here are considered the virtues incumbent on all classes of men, *i.e.*, the theological and moral virtues.

18. Some of the topics just mentioned (*e.g.*, divine grace)

are discussed fully in works on Dogmatic Theology, and hence may be omitted here. Again, since the Last End of man is considered at great length in dogmatic works on Eschatology, little need be said about it here. Hence, it will be convenient to divide this work into two parts as follows: *General Moral Theology*, in which are treated the more remote principles on duty, such as the Last End, human acts, good and bad habits, laws and conscience, grace; (b) *Special Moral Theology*, in which are treated the more immediate rules concerning duty, *i.e.*, man's obligations as regards the virtues and the Commandments.

PART I  
GENERAL MORAL THEOLOGY

Question I

THE LAST END OF MAN AND THE MEANS  
TO THAT END

Art. 1: THE LAST END OF MAN

(*Summa Theologica*, I-II, qq. 1-5; *Contra Gentes*, IV, cc. 1-63.)

19. **Existence of the Last End.**—Every deliberate act proceeds from the will, and, since the will pursues good as its goal, it follows that every deliberate act is done for some good or end. But, if this end is an imperfect good, it is desired not for itself but as leading up to a perfect good, that is, to one which will leave nothing beyond it to be desired; in other words, the intermediate end is willed on account of a last end. Hence, all that a man wills, he wills directly or indirectly on account of a last end. All men desire their own happiness and perfection; but not all understand in what beatitude consists, since some aim ultimately at finite goods.

20. **Nature of the Last End.**—As man's Last End is that object which will make him perfectly happy, it cannot consist: (a) in *external* goods, such as wealth, honors, fame, glory and power, since one might have all these and yet be very unhappy; (b) in *goods of the body*, such as health, beauty, pleasure and strength, since all these things are passing, and moreover satisfy only a part, and that the lower part, of man; (c) in *goods of the*

*soul*, such as wisdom or virtue, since man's intellect is never content with particular truth, nor his will with particular good, the former always reaching out for the highest truth, the latter for the highest good. Hence, the Last End of man is the *Infinite Good*, or God "who satisfieth thy desire" (Psalm cii. 5).

**21. Attainment of the Last End.**—God being supersensible, the act by which He is attained cannot be any operation of the senses, but must be an act of the higher powers. Man possesses his Last End through the vision of God, from which result beatific love and every good that is compatible with the glorified state. For "we see now through a glass in a dark manner, but then face to face" (I Cor., xiii. 12); and there shall be "glory and honor and peace to everyone that worketh good" (Rom., ii. 10).

#### Art. 2: ACTS AS HUMAN

(*Summa Theologica*, I-II, qq. 6-17.)

**22.** Human acts are a means to man's Last End, inasmuch as they are meritorious—*i.e.*, labors that deserve a recompense (I Cor., iii. 8), struggles that deserve a crown (II Tim., ii. 5). But works are not meritorious unless they are one's own (human) and good (moral); and, since the reward is supernatural, they must also be the fruit of grace. Hence, we shall speak of acts in the following order: (a) acts as human and free (Art. 2); (b) acts as morally good (Art. 3); (c) acts as supernaturally meritorious (Art. 4).

**23. Definition.**—Those acts are called *human* of which a man is the master, and he is master of his actions in virtue of his reason and his will, which faculties make him superior to non-human agents that act without reason and freedom. Hence, the following kinds of acts done by a human being are not called human: (a) those that are *not under the control of the mind*, because one is permanently or temporarily without the use of reason or without knowledge (*e.g.*, the acts done by the insane; by those who are unconscious or delirious, under the influence of hypnotism or drugs, distracted or carried away by vehement

fear, anger, etc.; by infants and uninstructed persons); (b) those that are *not under the control of the will*, even though they are known (*e.g.*, automatic acts, such as the acts of the vegetative powers, growth, circulation of the blood; pathological acts, such as convulsions; acts done under external violence).

**24. Knowledge Requisite for a Human Act.**—An act is human, or voluntary, when it is deliberately desired; and, since nothing can be deliberately desired unless it is known, an act done without knowledge is not human or voluntary. Thus, a delirious patient does not will the language he uses, for his mind is confused and he does not understand what he is saying.

**25.** The condition of a person without knowledge is ignorance, which is defined as the absence of knowledge in one who is capable of knowing. Ignorance is of various kinds. From the viewpoint of that which is not known (*i.e.*, of the object of the ignorance), there is ignorance of the *substance* of an act and ignorance of the *quality* of an act. For example, Titus driving rapidly in the dark runs over and kills a pet animal of his neighbor, but knows nothing of this happening (ignorance of the substance of the act); Balbus, a child, fires a pistol at his playmate, not knowing that this causes death (ignorance of the physical quality of an act), and that it is the sin of murder (ignorance of the moral quality of an act).

**26.** With reference to the will of the person who is ignorant, three kinds of ignorance may be distinguished.

(a) Ignorance is *concomitant* (simultaneous with the act of the will), when it is not voluntary, and yet is not therefore the reason of the act that follows it, since that act would have been done, even had there been knowledge. This may be illustrated by the example of a hunter who intended to kill an enemy, and killed him only accidentally while shooting at an animal.

(b) Ignorance is *consequent* (after the act of the will), when it is voluntary, which may happen in different ways: first, when ignorance is affected, as when a person expressly desires to remain ignorant about his duties, so that he may have an excuse for his sins, or that he may not be disturbed in his evil life; secondly, when he neglects to acquire the knowledge he ought to

possess, as when a hunter kills a man, thinking him an animal, because he took no pains to be sure before firing.

(c) Ignorance is *antecedent* (before the act of the will), when it is not voluntary, and is the cause of the act that follows since the act would not have been done, if there had been knowledge. For example, a hunter who has used reasonable diligence to avoid accidents, kills a man whom he mistook for a deer.

27. With reference to the responsibility of the person who is ignorant, there are two kinds of ignorance. (a) Ignorance is *invincible* when it cannot be removed, even by the use of all the care that ordinarily prudent and conscientious persons would use in the circumstances. Thus, a person who has no suspicions of his ignorance, or who has tried in vain to acquire instruction about his duties, is invincibly ignorant. (b) Ignorance is *vincible* when it can be removed by the exercise of ordinary care. There are various degrees of this species of ignorance: first, it is merely *vincible*, when some diligence has been exercised, but not enough; secondly, it is *crass* or *supine*, when hardly any diligence has been used; thirdly, it is *affected*, when a person deliberately aims to continue in ignorance.

28. **Influence of the Various Kinds of Ignorance on the Voluntariness of Acts.**—(a) Ignorance of an act, whether as to its substance or quality, makes an act involuntary, when the ignorance itself is involuntary, as will be explained in paragraph 29. Hence, if we refer to ignorance that is not blameworthy and to the guilt of violating the law of God, we may say: "Ignorance excuses."

(b) Ignorance does not make an act involuntary before human law, unless the law itself presumes the ignorance or the ignorance is proved, as will be explained in the Question on Law (see 489 sqq.). For, when law is sufficiently promulgated or a fact pertains to one's own self, the presumption is that ignorance does not exist, or that it is culpable. Hence, the general rule of law common to all forms of jurisprudence: "Ignorance does not excuse" (cfr. Canon 16 of the Code of Canon Law).

29. **Effects of Concomitant, Consequent, and Antecedent Ignorance.**—(a) Concomitant ignorance does not make an act involuntary, because it does not cause anything that is contrary to the will; but it does make the act that is performed non-voluntary, since what is unknown cannot be actually desired. (b) Consequent ignorance cannot make an act entirely involuntary, since such ignorance is itself voluntary; but it does in a certain respect make an act involuntary, *i.e.*, inasmuch as the act would not have been done save for the ignorance. (c) Antecedent ignorance makes an act entirely involuntary.

30. **Effects of Invincible and Vincible Ignorance.**—(a) Invincible ignorance, even of what pertains to the natural law, makes an act involuntary, since nothing is willed except what is understood. Hence, no matter how wrong an act is in itself, the agent is not guilty of formal sin (see 249), if he is invincibly ignorant of the malice involved. (b) Vincible ignorance does not make an act involuntary, since the ignorance itself is voluntary; hence, it does not excuse from sin. It does not even make an act less voluntary and less sinful, if the ignorance is affected in order that one may have an excuse; for such a state of mind shows that the person would act the same way, even though he had knowledge.

31. Vincible ignorance makes an act less voluntary and less sinful: (a) when the ignorance is not affected, for the voluntariness is measured by the knowledge, and knowledge here is lacking; (b) when the ignorance, though affected, was fostered only through fear that knowledge might compel a stricter way of life; for such a state of mind seems to show that one would not act the same way if one had knowledge.

32. Like to ignorance are the following: (a) *error*, which is a judgment not in agreement with the facts (*e.g.*, Balbus, a young child, thinks stealing is lawful, because older persons are represented as stealing in the moving pictures); (b) *forgetfulness*, which is ignorance of what was once known (*e.g.*, Titus made a study of his duties as a Catholic when he was young, but at present what he does not know about those duties is not inconsiderable); (c) *inadvertence*, which is a lack of attention

to what is being done (*e.g.*, Caius, who is absent-minded, sometimes gets his hair cut and goes away without paying, or takes money that does not belong to him).

33. The principles and conclusions given above with regard to ignorance will apply also to error, forgetfulness and inadvertence; for in all these cases the lack of actual knowledge at the moment an act is done, is either willed or not willed, and accordingly the act itself is either voluntary or not voluntary. In the examples mentioned above, Balbus does not will the guilt of theft, since he does not know it; but his elders do will that guilt, because they should know it. Titus is responsible for neglecting his duties, if he has forgotten them through his own neglect of them or other fault; otherwise, he is not responsible. Caius' inattention is involuntary, if due to mental concentration or distraction, and if it is not desired by him; it is voluntary, if he is aware of it and cultivates it, or if he does not try to be more attentive to his duties.

34. **Consent Requisite for a Human Act.**—To be human, an act must proceed not only from knowledge, but also from inclination; that is, it must be voluntary. Three things are necessary in order that an act be voluntary: (a) it must be agreeable to an internal principle, *i.e.*, in most moral matters to the will. Hence, an act that is done against one's will on account of external violence is not voluntary; (b) it must be caused by the will. Hence, a shower of rain is said to be agreeable to the gardener, but not voluntary since his will is not its cause; (c) it must be performed with a conscious purpose. Hence, natural acts (such as sleeping) and spontaneous acts, such as stroking one's beard absentmindedly) are not voluntary acts.

35. **Kinds of Voluntary Acts.**—(a) A voluntary act is *free* or *necessary*, according as one can or cannot abstain from it. The vision of God in heaven is voluntary to the blessed, since they look at Him knowingly and gladly; but it is not free, since they cannot avert their gaze from that which makes them blessed. The love of God on earth is voluntary, since chosen; but it is also free, since man is able to turn away from God.

(b) An act is *perfectly* or *imperfectly* voluntary, according

as the deliberation and consent that precede it are full or only partial.

(c) An act is said to be *simply*—that is, *absolutely*—voluntary, when it is wished under circumstances that exist here and now, although in itself, apart from those circumstances, it is not wished. It is said to be voluntary *under a certain aspect*, when it is desired for itself, but not under existing conditions. Thus, if an arm needs to be amputated to save life, the amputation is absolutely voluntary, while the preservation of the arm is voluntary only in a certain respect. Hence, an act is voluntary simply or absolutely when one chooses it, all things considered; it remains involuntary under a certain respect, inasmuch as the choice is made with reluctance.

(d) An act is voluntary *in itself* or *directly*, when it is desired in itself for its own sake (*i.e.*, as an end), or for the sake of something else (*i.e.*, as a means). It is voluntary *in its cause* or *indirectly*, when it is not desired in itself, either as a means or an end, but is foreseen as the result of something else that is intended. Examples: Titus quarrels with his neighbors, at times because he likes to quarrel, and at other times because he wishes to make them fear him; hence, his quarrels are directly voluntary. Caius is a peaceful man who dislikes quarreling; but he likes to drink too much occasionally, although he knows that he always quarrels when he is under the influence of liquor. Thus, his quarrels are indirectly voluntary.

36. An act is voluntary in its cause in two ways: (a) *approvingly* (physically and morally voluntary in cause), when one is able and obliged not to perform the act that is its cause (*e.g.*, the quarrels of Caius mentioned above are approved implicitly by him, since he could and should prevent the intoxication which is their cause); (b) *permissively* (physically voluntary in cause), when one is not able or not obliged to omit the act that is its cause (see 94 sqq.). Examples: Balbus, in order to make a living, has to associate with persons of quarrelsome character, and as a result often hears shocking disputes. Titus, a military commander, orders an enemy fortification to be bombarded, although he knows that this will involve the destruc-

tion of other property and the unavoidable killing of some non-combatants or neutrals. Caius writes a book whose purpose and natural result is edification, but he foresees that evil-minded persons will misunderstand it and take scandal.

37. Omissions, as well as acts, may be voluntary. (a) Thus, they are *directly* voluntary, when they are willed as an end or as a means to an end. Example: Titus fails to reprove the disorders of those in his charge because he likes disorder, or because it illustrates his theory that everyone should go through an evolution from roughness to refinement. (b) They are *indirectly* voluntary, when their cause is willed with approval or permitted with disapproval. Example: Balbus does not like to miss Mass, but he fails to rise from bed when he hears the church bell ringing, and as a result does not get to church. If his failure to get up was due to laziness, the omission of Mass was approved by Balbus; if it was due to illness, the omission was only permitted.

38. The effect that follows upon an omission may also be voluntary. (a) Thus, it is *directly* voluntary, if the omission is chosen as a means to the effect. Example: Caius hears Titus say that he is going to make a certain business deal, and he knows that Titus will suffer a great loss thereby; but he wishes Titus to lose his money, and therefore says nothing about the danger. (b) It is *indirectly* voluntary, if one foresees the effect, and approves or permits it. Examples: Balbus sees Titus attacked by a hoodlum and realizes that, unless assisted, Titus will be badly beaten up; but he is such an admirer of pugilism that, in spite of his sorrow for Titus, he decides not to stop the fight. Caius sees his friend Sempronius drowning, and fails to go to his assistance, because to his regret he is not an expert swimmer.

39. The effect of an omission is indirectly voluntary and approved by the will when one is able and bound to do what one omits. Example: Balbus receives some confidential documents with the understanding that he will guard them sacredly; but fearing to lose the good graces of Titus, who is curious and loquacious, he omits to put the papers away as promised, with the result that Titus finds them and reads them.

40. **Obstacles to Consent.**—The obstacles to consent are all those factors that take away or lessen the voluntariness of an act. (a) Thus, the actual obstacles that affect the intellect are reduced to *ignorance*, spoken of above; those that affect the will are *passion and fear*, and that which affects the external powers is *coercion*. (b) The habitual obstacles are *habits and abnormal mental states*.

41. *Fear* is a disturbance of mind caused by the thought that a future danger is impending. It is an obstacle to consent in various ways: (a) it lessens or takes away freedom of judgment, inasmuch as it hinders or suspends the reasoning processes; (b) it lessens the voluntariness of choice, inasmuch as it makes one decide for what is not of itself agreeable.

42. An act done under fear that impeded the use of judgment is: (a) involuntary, if the fear was so great that one was temporarily out of one's mind. Example: Titus is so panicstricken at the thought that a wild animal is pursuing him that he fires a revolver in every direction; (b) less voluntary, if the fear prevents one from thinking with calmness and deliberation. Example: Caius is being questioned by a stern examiner who demands an immediate reply. Fearing to hesitate, Caius gives what he knows is a "bluffing" answer.

43. The acts of one who is under fear are of various kinds. (a) Acts are done *with fear*, when the fear is concomitant—*i.e.*, when it is not willed and does not cause the act, but is merely its occasion or would rather prevent it. Examples: Julius is ordered under pain of death to drink a glass of wine, a thing he was intending to do and which he would have done even without any threats. Balbus walks along a lonely road, because he must get home, but he trembles at the thought of robbers. Caius, a highwayman, at the point of the revolver, forces Balbus to hand over his purse, but he fears that the police may arrive before he has secured the money. Titus, a business man, makes a trip by air, because he must reach another city without delay, but he has some apprehensions about his safety. All these men act, not because of, but apart from or in spite of their fears.



(b) Acts are done *through fear*, when fear causes an act that would not otherwise be performed. The fear may be antecedent (*i.e.*, unwilling) or consequent (*i.e.*, willed). Examples: Balbus, in the case mentioned above, surrendered his purse because of involuntary fear which was caused by the revolver of the robber. Claudius makes an act of sorrow for sin because of voluntary fear which he produces by thinking of the punishment of hell.

44. The effects of fear, which do not take away the use of reason, on the voluntariness of acts are as follows.

(a) Acts done *with fear* are not made really involuntary on account of the fear that accompanies them, for they are done for their own sake, not out of fear or as a consequence of fear. They may be called relatively involuntary in the sense that, by reason of fear, they are comparatively unpleasant, unless one enjoys the thrill of danger. Examples: Balbus, Caius and Titus, in the cases mentioned above, acted with perfect willingness. Whether they enjoyed their experiences or not, depends on their attitudes towards adventure and excitement.

(b) Acts done *through fear* are voluntary *simply and absolutely*, for the act done under the impulse of fear is what the agent considers here and now as most desirable. Examples: Balbus' surrender of his purse and Claudius' act of contrition are just what these two men wish to do as best suited to the circumstances.

(c) Acts done *through fear* are involuntary *in a certain respect*, if the agent can retain his inclination towards the opposite of the act and still avoid what he fears; otherwise, they are *in no way* involuntary. Examples: Balbus retains his liking for the money taken from him by force, and hence the surrender of it to the highwayman, although voluntary, if all things are considered, is not voluntary, if only the money itself is considered. Claudius, on the contrary, retains no liking for his sins, for he knows that, if he does, he will defeat the purpose of his act of sorrow, which is to escape the pains of hell; hence, his contrition, although the result of fear, is in no respect involuntary.

45. *Passion* is a movement of the sensitive appetite towards its object through love, desire, hope, or its repose therein through delight. It tends towards good, as fear tends away from evil (see 117 sqq.). Passion is an obstacle to consent in the following ways: (a) it takes away *voluntariness* (*i.e.*, the quality of proceeding from an internal principle with knowledge of the end of the act), whenever it is so intense as to prevent knowledge; (b) it diminishes *liberty* (*i.e.*, the quality of being perfectly voluntary, or indifferent as between many acts), even when it does not prevent knowledge.

46. *Spiritual* appetites fortify the reason, but the opposite is true of *sensible* appetites; for these latter draw all the attention to things that are lower and away from those that are higher, and impede the exercise of imagination and other senses that serve the reason. In extreme and rare cases passion may be so intense as to distract from or prevent altogether the exercise of reason, or to produce insanity. Thus, we sometimes hear of persons losing their minds through affection for money, or of performing irrational deeds under the excitement of joy.

47. With reference to the will, passion is twofold. (a) It is *antecedent*, when it precedes the act of the will and causes it. In this case the passion arises not from the will, but from some other cause (*e.g.*, the bodily state, as when a sick man longs for food that is forbidden). (b) Passion is *consequent* when it follows the act of the will and results from it. This may happen either without the will choosing the passion (as when the very vehemence with which the will desires some object causes a corresponding sensitive emotion to awaken), or because the will has deliberately aroused the emotion in order to be able the better to act through its coöperation.

48. Antecedent passion makes an act *more voluntary*, since it makes the will tend with greater inclination to its object; but it likewise makes an act *less free*, since it impedes deliberation and disturbs the power of choice. Example: A man who takes extreme delight in sports, plays voluntarily, but is less free than if he were not so immoderately inclined that way.

49. Consequent passion which results naturally from an

intense act of the will does not increase the voluntariness of the act, since it is not its cause; but it does show that the act of the will is intense, for it is only that which is willed vehemently that overflows from the will and affects the emotions.

50. Consequent passion which results from the deliberate choice of the will increases the voluntariness of the act that follows, since the act is performed with greater intensity on account of the passion that has been deliberately excited.

51. What has been said about the passions that tend to sensible good can be applied also to the passions that are concerned with sensible evils, such as hatred, sadness, aversion, boldness, anger. If they are antecedent, they increase the voluntariness of an act, but diminish its freedom; and, if they cause a passing frenzy or insanity, they take away all responsibility. If they are consequent, they either increase the willingness of the act, or indicate that it is willed with great intensity.

52. *Violence*, or coercion, is the use of force by an external agent to compel one to do what one does not want to do. Its effects on voluntariness are: (a) it cannot affect the internal act of the will, else we should have the contradiction that the act of the will was both voluntary, as proceeding from the will, and involuntary, as proceeding from external coercion; (b) it can affect external acts, such as walking, and so make them involuntary. If a boy is driven to school, the violence makes his going involuntary, but it does not make his will not to go to school involuntary.

53. *Habits*.—Characteristic of habits is a constant inclination, resulting from repeated acts, to perform similar acts (see 133 for definition of habit). Its effect on the voluntariness of acts are:

(a) if the habit is in a sense involuntary, *i.e.*, caused by free acts but retracted by a sincere act of contrition, it diminishes or even takes away voluntariness. If the actual advertence to the act is imperfect, the voluntariety is diminished; if advertence is totally absent, all voluntariety is taken away. Thus a drunkard

who retracts his habit and makes an act of true contrition may again fall into sin because of the acquired dispositions to drink. Then the sins are less voluntary or at times, owing to total lack of advertence, may be regarded solely as material sins.

(b) if the habit is voluntary, *i.e.*, acquired by free acts and not retracted, it increases the voluntariness in respect to the inclination to act. Should all advertence and deliberation be taken away, a rare occurrence, it diminishes the liberty of the act and consequently its morality as good or bad. Voluntariety, however, is not taken away entirely, since the habit itself was freely willed and hence acts flowing from it are voluntary in cause (see 35.). If sufficient advertence remains, the habit diminishes the freedom of the act owing to the impeding of reason; but this diminution of liberty is in accord with the will of the individual who freely contracted and conserves the habit to have facility in acting. Accordingly, absolutely speaking, a voluntary habit increases the voluntariety of acts caused by that habit and consequently increases their goodness or evil. Thus St. Thomas asserts that one who sins from habit sins from certain malice, *i.e.*, not from ignorance or passion, but from the will's own choice.

54. Natural propensities are inclinations that arise from bodily constitution or physical condition (*e.g.*, a strong native attraction to temperance or to intemperance not acquired by frequent acts). Natural propensities have the same kind of influence on the willingness of an act as involuntary habits (see 53.).

55. Pathological states are diseases of the brain or nerves that react upon the intellect and the will, such as various kinds of neuroses and psychoses, hysteria and epilepsy. The influence of pathological states on the voluntariness of acts seems similar in kind to that ascribed to antecedent passion (see 48.). Caution must be observed in applying these principles to particular kinds of mental diseases.<sup>1</sup>

56. *Two Kinds of Voluntary Acts*.—Having discussed human

<sup>1</sup>In doubt whether an act associated with a pathological state is free or not, the rule of moralists is lenient. When the act is sinful, it is not imputed as gravely sinful, for man is innocent until proven guilty. If the act is good, it is presumed voluntary and free and, consequently, meritorious. See Prummer, D.M., O.P., *Manuale Theologiae Moralis* (Barcelona: Herder, 1946), I. n.93.

or voluntary acts in general, we shall now indicate in particular the acts that are of this kind. There are two classes of voluntary acts: (a) those elicited by the will; (b) those commanded by the will.

**57. Acts Elicited by the Will.**—The first class of acts under the control of the will are those that are performed by the will itself—*i.e.*, that are begun and completed in that power of the soul.

**58.** There are three acts of the will that are directed to the end the will has in view, *viz.*, wish, intention and fruition. *Wish* is the love or inclination of the will towards the end without any reference to the means by which it is to be obtained: this is the first act of the will. *Intention* is the direction of the will to the gaining of the end through certain means. *Fruition* is the enjoyment of the end after it has been gained: this is the last act of the will.

**59.** There are three acts of the will that are directed to the means and that follow after intention, *viz.*, consent, election, and use. *Consent* follows upon the counsel of the intellect, and is an act of the will agreeing to several means as suitable for the intended end. *Election* follows after a practical judgment of the intellect about the means consented to, and is an act of the will which chooses one of the means in preference to the others, as being most suitable for gaining the intended end. *Use* is the act by which the will directs and moves the other powers to employ the particular means that has been chosen.

**60. Acts Commanded by the Will.**—The second class of acts that are under the control of the will are those that proceed, not from the will itself, but from the other powers under the direction of the will.

**61.** Acts commanded by the will are of various kinds: (a) *intellectual acts*, such as judgment, reasoning, etc., performed under the direction of the will; (b) *sensible acts* such as sight, hearing, imagination, the passions of love, hate, etc.; (c) *external corporal acts*, such as walking, writing, etc. None of the foregoing acts need be commanded by the will, as they may be indeliberate (see 23).

**62.** The following kinds of acts are not subject to the control of the will: (a) *intellectual acts*, such as the assent of the reason to self-evident truths, as regards the specification of the act; (b) *sensible acts*, such as the passions considered as arising from bodily dispositions before they are adverted to; (c) *acts of the vegetative life*, such as digestion and growth; (d) *bodily movements*, such as the circulation of the blood and the beating of the heart.

### Art. 3: ACTS AS MORAL

(*Summa Theologica*, I-II, qq. 18-20.)

**63.** In order that an act be a means by which man may tend to his Last End, it is not sufficient that it be human (proceeding from knowledge and will); it must also be morally good.

**64. Definition.**—Morality is the agreement or disagreement of a human act with the norms that regulate human conduct with reference to man's Last End. The act which is in agreement with those norms is morally good; the act which is in disagreement with them is morally bad. An act that neither agrees nor disagrees with the norms of morality, is called morally indifferent.

**65.** The constitutive norm of morality is that which gives an act its moral quality. (a) *Proximately*, this is the relation of agreement or disagreement of the act to the rational nature of man considered in its entirety and with reference to its true happiness; (b) *remotely*, this norm is the relation of the act to God, the Last End of man.

**66.** Hence, that which makes an act morally good is its agreement with the nature of man as a rational being destined for heaven, and its promotion of the glory of God, which is the purpose of all creation.

**67.** The manifestative norm of morality is that through which the moral quality of acts is known. (a) *Proximately*, this is right reason, which is the superior faculty and guide of the will; (b) *remotely*, it is the divine intellect, from which reason receives its light.

68. The preceptive norm of morality is that which points out duty with respect to good and evil. (a) *Proximately*, it is conscience; (b) *remotely*, it is the law of God.

69. The species of morality are three: (a) an act is morally *good* when it is in harmony with the norms of morality mentioned above (e.g., prayer, works of charity); (b) an act is morally *bad* when it is out of harmony with those norms (e.g., blasphemy, injustice); (c) an act is normally *indifferent* when, if considered in the abstract, it neither agrees nor disagrees with moral norms (e.g., walking, riding, etc.).

70. **The Sources of Morality.**—The sources from which the morality of an act is derived are its own tendencies and modes, in so far as they have a relation of agreement or disagreement to the standards of morals. These sources are: (a) the *object* of the act, from which it derives its essence (e.g., God is the object of charity); (b) the *circumstances* of the act, by which it is modified accidentally (e.g., fervor is a circumstance of the act of charity); (c) the *purpose* or *end* of the agent, which is the chief circumstance (e.g., to please God, as the purpose of a work of charity).

71. The *object* of an action is that to which it primarily and naturally tends as to its term and end, and from which it is named. Thus, an alms is directed immediately and of its own nature to the relief of the poor (end of the act); it is only secondarily and from the direction given it by the agent that it tends to generosity and edification, since the agent may give stingily, or from a bad motive (end of the agent).

72. The *circumstances* are all those conditions, different from the object, that affect the morality of the act. The chief moral circumstances are: (a) the time (*i.e.*, the duration, the character of the day, as a holyday, fast-day, etc.); (b) the place (*i.e.*, in public or in private, in church or elsewhere, etc.); (c) the manner (*i.e.*, the advertence or inadvertence, the cruelty, etc.); (d) the quantity or quality of the thing done (e.g., that an alms is large or small, that the person who is helped is more or less deserving, etc.); (e) the purpose of the agent (e.g., that an alms is given to honor God); (f) the quality or condition of the

agent (e.g., that the giver of an alms is poor himself); (g) the means used (e.g., that a benefactor's own money is used against himself).

73. With reference to their influence on the moral character of acts, circumstances are divided as follows: (a) circumstances that *change the kind* of morality, by making what was good to be bad, what was indifferent to be good or bad, what was venial to be mortal, what belonged to one class of mortal sins to take on another character, etc.; (b) circumstances that *change the degree* of morality, by making a good act more or less good, or by making a bad act more or less bad.

74. The *purpose* or *end* of an action is the reason which induces the agent to act. It is the chief circumstance of an act, and hence is treated as a separate source of morality.

75. The end or purpose is twofold. (a) It is the *total* end when it alone is intended, so that the action is done with no other aim in mind. Thus, if one helps the poor only to practise charity, the total motive is charity. (b) The end is *partial* when it is intended along with another motive of equal or unequal force. Thus, if a person helps the poor in order to relieve them and also to benefit temporarily by his charity, the assistance of others is only a partial motive of his act; and if he would not give alms except in view of the personal advantage he expects, charity becomes the secondary motive.

76. **Good Acts.**—An act is said to be *entirely* good when all its elements—its object, circumstances and purpose—are in conformity with the standards of morality. Thus, an alms given to one in need, in a considerate manner, and purely out of love for God, is good in every respect. Furthermore, the fact that the circumstances and purpose of the act are good increases the goodness derived from the object of the act.

77. An act is likewise *entirely good* when at least one of its elements is good, the others being indifferent, and none evil; for it is the good alone that is intended (see 85), and this gives the moral color to the whole act. This happens as follows: (a) when the object is indifferent and the purpose good, as when one takes a walk for the purpose of performing a work

of mercy; (b) when the object is indifferent and a circumstance good, as when one eats a meal with intentional moderation; (c) when the object is good and a circumstance indifferent, as when one prays with unintentional stammering.

78. An act is *partly good* when, while its object is good, there is some evil in the circumstances that does not neutralize or transform the object. This happens in the following cases: (a) when the object is good and some minor circumstance, not intended as affecting the substance of the act, is evil, as when a person prays with distractions; (b) when the object is good and a partial, but not predominant motive is slightly evil, as when a person prays in public in order to give edification and also incidentally to help his reputation. In both these cases the good—*i.e.*, the worship of God—is desired for itself as good, and the evil that is simultaneously desired does not change this good object.

79. **Bad Acts.**—An act is called *entirely evil* when all its elements—its object, circumstances and purpose—are contrary to the moral norms. Thus, to steal, on a large scale, in order to drive the victim to desperation is an act that is entirely wrong. The wickedness of the circumstance and of the motive increases the wickedness of the object of the act.

80. An act is likewise called *entirely bad*, when one or more of its elements are of themselves good or indifferent, but when there is an element which is evil and which neutralizes or transforms the good. This happens in various ways:

(a) when the object is evil, and the purpose is good, as when one steals in order to pay one's debts. The good end is wished only as obtainable through a wicked means, and thus ceases to be good;

(b) when the object is good or indifferent, and the total purpose is evil, as when one talks or prays with no other motive than to annoy another person. The good is willed, not as good, but only as a means to evil;

(c) when the object is good or indifferent, and a partial but ulterior purpose is evil. For example, if a person extinguishes a fire in order to save a neighbor's house and thus be enabled to rob him; if a person takes physical exercises to develop his

strength so as to be enabled to bully a neighbor. The good act and the immediate end in these cases are intended not for the sake of their goodness, but as instruments to the accomplishment of the evil ulterior end;

(d) when the object is good or indifferent, and an evil circumstance is intended, not as a circumstance, but as forming a unit with the object and as affecting the substance of the act—for example, when a person intends prayer precisely as distracted, thus converting prayer into a sin. The good object is willed in such cases, not as good, but as vitiated by an evil circumstance.

81. Although an act is totally evil when the good in it is absorbed by the evil, the presence of what is good in itself can diminish, though it cannot take away, the evil. Thus, to lie in order to help a neighbor is totally evil; yet, it is not as great an evil as to lie to hurt that neighbor.

82. **Indifferent Acts.**—An act is entirely indifferent if all the elements in it—its object, circumstances and purpose—are neither harmonious nor discordant with the standards of morality. Such an act would be walking home rapidly in order to eat a meal, if besides these factors, which bear no relation to good morals, there was nothing else in the act that did bear such a relation.

83. As to the actual existence of a human or voluntary act that is morally indifferent, we conclude: (a) Considered in the *abstract and universally*, some human acts are morally indifferent; for if acts be considered with reference to their objects alone and apart from the circumstances that accompany them, and as they are classified in the mind, it is clear that many of them have no determinate relations to moral norms—*e.g.*, reading, writing, walking, etc. (one can read either good or bad literature); (b) considered in the *concrete*, and as they happen in *individual cases*, no human acts are morally indifferent, since the purpose of the agent is either according to right reason or against it, so that, in spite of the indifferent object, the act becomes either good or bad by reason of the presence or absence of the good purpose.

84. Considered even in the concrete and in individual cases, all acts that are not human, but indeliberate or involuntary (see 23 sqq.), are morally indifferent—or, more correctly, unmoral, as being outside the genus of moral acts on account of the absence in them of will, which is the prerequisite of morality. Thus, absent-minded acts are neither good nor bad morally.

85. As to the kind of intention required to make an indifferent act morally good, or which should be had when the act is objectively good, we conclude: (a) The good intended must not be solely a sensible good (*i.e.*, the pleasure that the act gives), but also and chiefly a rational good (*i.e.*, its conformity to moral standards), since man, unlike the animals, was made, not for sensible, but for rational good. Hence, to eat deliberately with no other end than that of gratifying the palate, is to eat without a moral purpose worthy of a human being, and is a bad act. (b) The moral good of virtue which is intended in acts must not be regarded as the supreme good, but should be referred to God, since He alone is the Last End (see 20). Hence, to eat and drink with moderation solely because that is reasonable and suitable to human nature, if one excludes the Last End, is to slight the necessary purpose and is morally bad. (c) The intention of moral good or virtue in human acts need not be actual or reflex. Thus, a person who has a previously formed intention of living reasonably, or who at the time of eating intends to eat moderately for the sake of health, sufficiently intends a moral end. Likewise, it is not necessary that the reference of an act to the Last End be made actually or explicitly. Hence, every person in the friendship of God, in all his deliberate acts that are not evil, has a sufficient reference of them to God contained in the fact that he has chosen God for his Last End, or in that here and now he intends some motive that becomes a rational being.

86. An actual and explicit intention of the moral goodness of an act, and an actual and explicit reference of the act to the Last End, though not necessary, increase the moral value of what is done.

87. Axiom of Pseudo-Dionysius: "That act is good whose causes are complete; that act is evil in which a single cause is lacking."

(a) This axiom can be understood as referring to *perfect* good, and the meaning then is that an act is not perfectly good in the moral sense unless all its elements—its object, purpose and circumstances—are good; just as an oration is not called perfect, unless all its elements—the speaker, the matter, the style and the delivery—are what they should be. Hence, a single defect is enough to make an act fall short of perfection.

(b) The axiom can be understood of *essential* goodness, and the meaning then is that an act is not essentially good unless all the causes that contribute to essential goodness—the object of the act and any circumstances that may through the intention of the agent take on the character of object—are good; just as a man is not said to be healthy, unless his heart, lungs, and all the other chief parts of the body are sound. Hence, an act is substantially bad, if either its own end (the object of the act) or the special purpose had in mind by the agent (the end of the agent) is bad, as explained above in 79–81.

88. The axiom of Dionysius does not mean: (a) that an act cannot be essentially or substantially good and at the same time accidentally bad (see 78); for, if even one circumstance not properly attended to could change an act from good into bad, how few good acts would be done even by the most saintly persons! Example: Caius who sacrifices himself for the service of God and his neighbor, now and then feels some slight vanity over his work. His acts remain substantially good. (b) The axiom does not mean that an act cannot be substantially bad and yet have good circumstances that diminish its badness (see 81).

89. **Morality of the External Act.**—Having considered the morality of the internal act, we shall now turn to the external act (such as giving an alms, stealing, and the like), and inquire whether it has a morality of its own distinct from that of the internal act (see 56 sqq.).

90. If the external act be considered precisely as it is the *object*, or effect, of the internal act of the will, it *does not add*

*any essential morality* to the internal act, since, having no freedom of its own, it is moral only in so far as it proceeds from the will. In this sense, then, he who gives an alms to the poor, and he who would give it if he could, are equal in goodness of will; and he who wishes to defraud, and he who actually defrauds, are equal in malice of will.

91. If the external act be considered precisely as it is the *term* towards which the internal act tends, it *completes the essential morality* of the internal act by extending and communicating it without. For, though this external act cannot add a distinct morality of its own, it does carry the internal morality to its natural conclusion and diffuses its good or evil. In this sense, he who actually gives an alms is more deserving than he who really desires to give but is unable; and he who really defrauds is more reprehensible than he who wishes to defraud but cannot.

92. If the external act be considered precisely as something added to the internal act, it can *increase the accidental morality* of the internal act by the reaction of the external circumstances on the will. This can happen in such ways as the following: (a) the performance of the external act, being pleasurable or difficult, *increases or decreases the intensity* of the will to act; (b) the performance of the external act, since it requires more time than the internal act, *prolongs* the latter; (c) the external act by reason of repetition may also *increase the strength* of the internal act.

93. Furthermore, it is through the external act that edification or scandal is given, that penalties or rewards for overt action are deserved, etc. Examples: Titus bears murderous hatred towards Balbus, but keeps it concealed. Caius also hates Balbus, and first calumniates him, thus giving scandal, and then kills him, thus making himself liable before the law.

94. **The Morality of the Act That Is Indirectly Willed.**—An act is said to be willed indirectly, or in its cause, when it is foreseen as the result of another act which alone is directly intended (see 35 sqq.). According to the different moral character of the acts, there are four cases in which the act is willed indirectly:

(a) when both the act directly willed and the resultant act are bad. Examples: Titus is heartily opposed to quarreling and blasphemy; but he makes himself drunk to forget his troubles, foreseeing that he will quarrel and blaspheme while in that state. Balbus has a real dislike for uncharitable thoughts; but he chooses the company of a notorious scandalmonger in order to be amused, knowing that thoughts against charity will be caused by listening to him;

(b) when the act directly willed is bad and the resultant act is good. Example: Caius is very miserly when sober, but liberal when intoxicated; to vary the monotony of his life, he decides to become intoxicated, but grieves at the thought of the money he may give away to some deserving charity before he returns to his senses. Sempronius decides on an act of injustice with sorrow over the unbidden thoughts of remorse or repentance that will follow his act;

(c) when both acts are good. Example: Out of charity Titus makes up his mind to visit a pious relative who is ill; and he foresees that thoughts of improving his own conduct—a thing not pleasing to him—will be occasioned by this visit;

(d) when the act directly willed is good and the resultant act is bad. Examples: Balbus takes a drug prescribed for his health, although he foresees it will make him unable to go to church. Caius gives alms to the poor, intending only an act of charity, but he knows that thoughts of vainglory will arise.

95. The act indirectly willed sometimes gives, sometimes does not give, a new morality. (a) Thus, if it is good, it adds no internal goodness, since the will only permits, without intending the good act. Example: Caius, who does not intend, but regretfully permits his act of charity which he foresees, does not desire the act of charity. (b) If it is bad, the act indirectly willed adds a bad act of the will, if the will desires evil by permitting what it has no right to permit. Example: Titus who does not prevent, when he should, what will lead to blasphemy on his part, implicitly desires the act of blasphemy.

96. **The Morality of the Consequences of an Act.**—Man's life receives its moral character, not only from his internal and

external acts which are done in the present and from those which he knows will result from them in the future, but also from the influence his acts exercise now and afterwards upon his fellowman. It is this influence upon others that we now speak of as the consequences of an act. According to the case, the consequences sometimes add, sometimes do not add, to the morality of an act. The good men do lives after them, and also the evil. There are various kinds of consequences:

(a) *foreseen consequences*, which, if intended, add to the morality of an act, since it is clear that one who wishes the many good or evil results of his act is better or worse in intention than another who has no such wish. Thus, one who knows that many will be edified or scandalized by his conduct, and wills the result, is better or worse than if he had no such will about those consequences;

(b) *unforeseen consequences*, which, if they follow naturally and usually from an act, make the act in itself better or worse according to their character. Thus, the teaching of Christian doctrine is good as conveying a knowledge of truth, but it is made better on account of the spiritual benefit of others that naturally results from it. Similarly, the teaching of evil is made worse on account of the evil consequences it usually produces;

(c) *unforeseen consequences*, which, if they follow only accidentally and rarely from an act, do not affect its morality, since an act must be judged by what belongs to its nature, not by what is merely occasioned by it. Thus, the fact that an alms is used by the recipient as a means to intemperance does not detract from the goodness of the almsgiving done for the sake of charity. Likewise, the fact that an injury is used by the sufferer as an occasion for spiritual profit does not lessen the wickedness of the injurious act.

97. **Imputability.**—Just as an act may be an act done by man (*i.e.*, higher than the operations of brutes) and yet not be human (*i.e.*, not performed in the manner that is proper to man as man; *e.g.*, an act of reasoning or of decision during a dream, see 23 sqq.), so an act may be moral (*i.e.*, in conformity or disagreement with the standards of right) and yet not imputable

as good or bad to the agent (*e.g.*, a prayer or imprecation said by an infant, or the drunkenness of one who did not realize the power of a liquor).

98. Imputability is that property of an act by which it belongs to its agent, not only in its physical nature as something of himself or as an effect produced by him or in its human quality of subjection to his will, but in its moral character of goodness or badness. From contact with the moral object, the agent takes as his own something of the brightness or defilement of that object, and so becomes chargeable himself with goodness or badness.

99. The conditions for the imputability of an act are:

(a) the act must be human—*i.e.*, it must be performed knowingly and willingly (see 23 sqq.). One is not chargeable with the quality of the act, if not responsible for its very substance. Example: Titus suffers such intense pain that he does not know what he is saying, and he blasphemes. The morality of blasphemy is not unknown to him, but his present act is not voluntary, and hence is not imputable;

(b) the morality of the act must be known, or be something that should be known, at least in a general way, to the agent; for no one is responsible for what he is wholly ignorant of through no fault of his own. Example: Titus, Caius, Balbus and Sempronius rob the orchard of their neighbor. Titus in good faith thinks he is doing an act of virtue, because the owner owes money to his companions. Caius thinks that some kind of sin is being committed, but he does not know whether it is theft, or gluttony, or what. Balbus thinks that only a venial sin of stealing is being perpetrated. Sempronius, the youngest of the crowd, looks on the whole affair as a part of the day's sport. All committed theft, and the act is wrong; but Titus and Sempronius were not guilty of sin, since they were in good faith. Caius and Balbus committed sin, the species and degree depending on the knowledge they had or should have had (see 588 sqq.);

(c) the morality of the act must be willed. If the act is good, the goodness must be intended, since a person should not



get credit for what he does not wish. Example: Titus does not believe in virtue, and Caius is opposed to helping the poor; but both give an alms to a beggar, the former in order to get rid of the beggar, the latter in order to get rid of some old clothes. Hence, neither wishes or receives credit for the charity done. If the act is bad, the badness is sufficiently intended by the performance of what one knows is forbidden and wrong. The will chooses contact with the evil object, and thus implicitly with the evil of the object. Example: Balbus protests that he does not wish to harm anyone, and then proceeds to calumniate his neighbors. His disavowal of sinful intent does not make him any the less responsible for his calumny.

100. Imputability may be conceived as making one responsible for the moral quality of an act in three ways: (a) *generically*, if one should get the credit or discredit of goodness or badness only; (b) *specifically as to kind*, if one gets the credit or discredit of a particular category of goodness or badness; (c) *specifically as to degree*, if one gets the credit or discredit of higher or lower grades of the same virtue or vice, or if one is made guilty of mortal or venial sin. These points will be discussed in the articles on the virtues and vices (see 186 sqq.).

101. Goodness is imputable as follows:

(a) As regards internal acts, a person is credited with all the goodness of the object, end, and circumstances, in so far as it is known and willed by him. Example: Titus purposes to pray in a penitential posture, in order to obtain the virtue of humility. Hence, he has the credit of worship, mortification and humility through his holy desire. If he thought of the penitential posture, not as a moral circumstance, or if he regretted it, he would have the act, but not the credit of mortification;

(b) As regards external acts, a person is credited with the greater readiness or intensity or duration which, through it, his will gives to what is good. Example: If Titus prays in the manner above described, his good will is intensified, and he has the credit of this increase in the accidental goodness of his act;

(c) As regards acts indirectly willed, one is not credited with their goodness, if this is merely permitted. Example:

Sempronius, who is sorry that thoughts of a better life will go through his mind as a consequence of going to church, has not the credit of those good thoughts;

(d) As regards consequences that were foreseen, or that naturally result from an act, one is not credited with their goodness, unless it was wished. Example: Balbus teaches religion to children because he is paid to do so; Caius does so because it is a good act. The consequence that these children afterwards live virtuously is not morally creditable to Balbus, since he thought nothing about it; but it is a circumstance that increases the goodness of Caius' act, since he intended his teaching precisely as it is a good work;

(e) As regards consequences that are not natural results of an act, if they were not foreseen or intended, they are not credited to the agent. Example: Titus speaks a simple and ordinary word of good advice to Sempronius, but the impression is so great that Sempronius undertakes and accomplishes extraordinary things, which Titus would not have deemed possible or advisable.

102. Evil is imputable as follows:

(a) As regards the internal act, a person is guilty of all the evil of the object, end and circumstances, as far as it is known and willed by him. Example: Balbus wishes he could steal all the possessions of Caius, and thereby drive the latter to suicide. Balbus has committed theft and murder in his heart;

(b) As regards the external act, one is guilty of all the circumstances of greater willingness, etc., which it adds to the internal act. Example: If Balbus actually steals from Caius and causes his death, his malice is shown to be very strong and to extend to the evil consequences of his external acts;

(c) As regards acts indirectly willed, one is guilty of the evil they entail, if one could and should have prevented it. Example: Balbus is guilty of the blasphemies he foresees will take place when he has taken too much drink, for he could and should have kept sober.

(d) As regards the evil consequences of acts, foreseen or natural, one is responsible for the evil, if one could and should

have prevented it. Examples: Titus knows that a beggar will use profane language if denied an alms, but Titus cannot spare the money and is not responsible for what happens. Sempronius blasphemes in the company of many, and is therefore guilty of the sin of scandal, since he has no right to blaspheme;

(e) As regards the evil consequences of acts that could not have been foreseen, they are not imputable. Example: Balbus steals fifty cents from Caius, and the latter is so heartbroken that he commits suicide. Balbus is not responsible for the suicide, since such a thing was far from his thoughts when he stole.

103. It was just said (102, d) that when two results, one good and one evil, follow an act, the evil is imputable if it could and should have been prevented. It is not always easy, however, to determine at once when the evil result should be prevented, and, as cases of double effect are many, it will be useful to give rules that are more particularized, and that enable one to decide when it is lawful to do that from which will follow an act indirectly willed, or a consequence that is evil.

104. It is lawful to perform an action from which an evil effect is foreseen when the following conditions are present:

(a) the action willed itself must be good or at least indifferent; for clearly, if the action is bad, it is also unlawful;

(b) a good effect must also follow from the act, and it must not be caused by the evil effect; for the end does not justify the means. Thus, it is not lawful to take what belongs to others in order to give alms, for the evil effect (stealing) results from the act (taking) immediately; whereas the good effect (alms-giving) results only mediately through the theft;

(c) the agent must intend only the good effect, since it is unlawful to wish evil. Thus, if one foresees that one's virtuous life will cause the sin of envy in a neighbor, this evil result of one's virtue must not be entertained by one as something pleasing;

(d) the agent must have a reason sufficiently weighty for permitting the evil result that follows his act. Evil should not even be permitted, unless there is adequate compensation in the good that is intended.

105. To judge whether a reason for permitting an evil effect

is proportionately grave, the following rules should be kept in mind:

(a) the greater the evil that results, the greater must be the good that is intended. Thus, it is not lawful to kill a robber in order to save a small amount of money: but it is lawful to kill an aggressor, if this is necessary in order to save one's life;

(b) the greater the dependence of the evil effect on one's act, the greater must be the reason for performing the act. Example: Titus gives permission to his class to play a game against another class, foreseeing quarrels and disputes between the teams. Less reason is required for granting the permission, if Titus knows that higher authority will grant it, should he refuse it;

(c) the more nearly the evil effect follows upon the act, the greater must be the reason for the act. Thus, less reason is required to direct a person who looks like a heavy drinker to the city than to direct him to a bottle of strong drink;

(d) the more certain it is that the evil effect will follow, the greater is the reason required for placing its cause. For example, one who speeds in an automobile on an unfrequented road, does not require the same excusing cause as one who speeds on a thoroughfare where many other cars are passing;

(e) the more obligation one has to prevent the evil effect, the graver is the reason required for placing its cause. Thus, since parish-priests, lawgivers, superiors and policemen are bound by their office to prevent moral disorders, a far greater cause is required in them, than in persons who have no such charge, for doing what will have an evil consequence.

#### Art. 4: ACTS AS MERITORIOUS

(*Summa Theologica*, I-II, q. 21.)

106. When the morality of an act is attributable to one as one's own, one becomes worthy of praise and reward, if the act is good, but deserving of censure and punishment, if the act is evil.

107. **Definitions.**—Merit is the right to a reward arising from works done for God. Demerit is the debt of punishment incurred on account of works done against God.

108. **Divisions.**—According to the difference of the person who confers the reward, there are two kinds of merit: (a) *human merit*, or the claim which a person has to a reward from his neighbor, or from society, for the benefits he has conferred upon his neighbor or society; (b) *divine merit*, or the right a person has to receive a reward from God for the fidelity wherewith he has exercised stewardship over his acts, of which God is the Last End, or wherewith he has served society, of which God is the Supreme Ruler. Only divine merit is here considered.

109. According to the difference of the object of the reward, there are two kinds of merit: (a) *natural merit*, which makes one worthy of a reward that does not exceed the native powers or exigencies of a created being, such as success, prosperity, or other goods that do not constitute the Last End of man (see 20). Thus, we read in Scripture of pagans or sinners who were blest with temporal happiness on account of their natural virtues; (b) *supernatural merit*, which makes one worthy of the beatitude surpassing mere created power that God has prepared for those who serve Him (see 20). It is only this kind of merit that is being considered here; for, since the Last End of man is a supernatural reward (*viz.*, the Beatific Vision of God), it follows that the acts by which he tends to that End must be not only human and moral, but supernaturally meritorious.

110. There are four kinds of supernatural merit:

(a) *condign merit in the stricter sense*, that is merit which arises from justice, and which presupposes no favor on the part of the rewarder. In this sense Christ merited, since even the grace which made His merits supernatural was due to Him as the God-Man; (b) *condign merit in the less strict sense*, that is merit which arises indeed from justice, but presupposes a favor on the part of the rewarder. In this way the righteous merit before God, since their works confer a right to their own reward, while the grace which enables them to perform their works is a divine favor; (c) *congruous merit in the stricter sense*, that is

merit which arises not from justice (since there is no equality between the work and the reward), but from the fitness of things, because the person who merits is a friend of God. In this way all who are in the state of grace can merit spiritual goods for others; (d) *congruous merit in the wide sense*, that is merit which arises from the liberality of God, who answers a good work as if it were a prayer. In this way the good works done by sinners can be said to merit conversion for them.

111. The second kind of merit mentioned above—*i.e.*, *condign merit in the less strict sense*—is that with which we are chiefly concerned here, since it is the kind of merit that must be found in human acts in order that they may lead man to a supernatural reward. A fuller treatment of merit is found in Dogmatic Theology in the Question on Grace.

112. The conditions requisite for the kind of merit now in question are: (a) that the work done be human, that is, free, morally good, and supernatural (*i.e.*, proceeding from sanctifying grace and divine charity); (b) that the one who merits be in the wayfaring state (*i.e.*, that he have not already passed to final reward or punishment), and that he be in the state of grace; (c) that God has promised a reward for the work done.

From the statements made above, it follows that all the human and morally good works of those who are in the state of grace possess *condign merit*.

113. The objects of *condign merit*—*i.e.*, the rewards promised by God for the good works done for Him in this life—are: (a) an increase of sanctifying grace; (b) the right to eternal life; (c) the attainment of eternal life, if the one who merits dies in grace; (d) an increase of glory.

114. The conditions for the merit of strict congruity are the same as those given above (112), except the promise made by God, which is not required. Examples of this kind of merit are the sanctity of the Blessed Virgin, which made her deserve more than others to be the Mother of God, and the conversion of St. Paul through the merits of St. Stephen.

115. For the merit of wide congruity it is necessary that the work done be morally good. Examples of this kind of merit are

the sighs of the ancient Patriarchs, as obtaining the coming of the Messiah. The just man can merit with the merit of wide congruity the following: (a) his own conversion after a future fall; (b) his final perseverance; (c) temporal goods.

Art. 5: THE PASSIONS

(*Summa Theologica*, I-II, qq. 22-48.)

116. Having discussed the acts proper to man, we shall now speak of the passions, which are common to both man and beast.

117. **Definition.**—The passions—also called the emotions, affections, or sentiments—are acts of desire; but, unlike the acts of the will, they are directed, not to good apprehended by the higher knowing power of the intellect, but to good apprehended by the lower knowing power of sense and imagination. They are defined as: acts or movements of the sensitive appetite which arise from the representation of some good in the sense faculties, and which produce some transformation in the body, such as palpitation of the heart, increased circulation of the blood, paleness, blushing, etc.

118. **Division.**—There are two classes of passions: (a) *the concupiscible*, which have as their object sensible good considered as delightful, or sensible evil considered as unpleasant, and which are love and hatred, desire and flight, delight and sadness; (b) *the irascible*, which have as their object sensible good or sensible evil considered as difficult to attain or to avoid, and which are hope and despair, boldness and fear, anger.

119. The concupiscible passions are defined as follows: (a) *love*, the first of the passions and the cause of all the others, tends to sensible good considered as desirable, abstracting from its presence or absence; while *hatred* is the aversion from sensible evil considered precisely as unsuitable and abstracting from its presence or absence; (b) *desire* tends to sensible good that is absent, and flight turns away from sensible evil apprehended as future; (c) *delight* is the affection produced in the sensitive appetite by the presence and possession of the object desired;

*sadness* is the passion which dejects the soul on account of the presence of an evil.

120. The irascible passions are explained as follows: (a) *hope* reaches out towards a future good whose attainment is difficult, but not impossible; *despair* turns away from a good that seems impossible of attainment; (b) *bravery* goes out to attack an evil that seems difficult and imminent, but not unconquerable; *fear* falls back before a future difficulty that seems irresistible; (c) *anger* is the desire of vengeance for an injury received.

121. **Moral Value of the Passions.**—The Stoics held that all the passions are diseases of the soul, and that one is perfect when one arrives at the condition of being passionless or apathetic. Lucretius, on the contrary, taught that all the impulses of passion are good. The truth is that the passions are good or evil according to the way they are considered. (a) *Physically*, the passions are good, since they are the acts of natural powers, or the perfection and complement of something good in itself. (b) *Morally*, they are indifferent, if they are viewed in themselves, as the product of the sensitive appetite. For this appetite is an irrational power of the soul, similar to that of the beasts, and acts are not moral unless rational—*i.e.*, an act is good or evil only from its relation to reason. (c) *Morally*, the passions are good or bad, if commanded by reason and will, for thus they partake of the good or evil that is in the acts from which they proceed, just as the acts of the external members of the body are moral in so far as they execute the commands of the will. The passions are voluntary if commanded by the will, or not forbidden by it. Examples: Our Lord looked about Him with *anger*, being grieved at the blindness of His enemies who watched Him in the synagogue (Mark, iii. 5); He *wept* over the destruction of Jerusalem (Luke, xix. 41); He was *sad* at the approach of His passion (Mark, xiv. 34).

122. The passions are morally good: (a) if they are directed by the will to a morally good object; for example, shame is a praiseworthy passion, because it is fear of what is dishonorable, and pity is also good, because it is according to right

reason, being sorrow for the misfortune of another; (b) if they are chosen by the reason for a good purpose; for example, it is good to excite the emotion of joy that one may pray with greater fervor, or to arouse the feelings of pity, fear, or hope, in order that one may be more earnestly moved to acts of mercy, repentance, courage; (c) if the circumstances are moderated according to right reason; for example, to grieve over the death of a friend excessively, so that one is unfitted for duty and suffers in health, is unreasonable; but to grieve even unto tears, as Christ did at the tomb of Lazarus, is an act of piety. Similarly, the slight anger of Heli was blamable and the great anger of Moses was laudable, because the evils in both instances called for severity (I Kings, ii, iii; Exod., iii).

123. The passions can either diminish or increase the goodness of an act. (a) They diminish its goodness, if they are antecedent—*i.e.*, prior to the judgment of the reason—for they thus obscure the mind and make the act that follows less voluntary. For example, there is less goodness in an alms given under an impulse of sentimentality than in one given after serious consideration of the matter and from a motive of charity. (b) They increase its goodness if they are consequent—*i.e.*, subsequent to the judgment and the result of the vehemence of the will, or of deliberate encouragement by the will (see 47 sqq.)—for, just as the external act increases the goodness of the internal act, so is it better that man should tend towards good, not only with the will, but also with the emotions. Examples: The spiritual gladness of the Psalmist is seen to have been more than ordinarily great from the fact that it acted upon his feelings, and both heart and flesh rejoiced (Ps. lxxxii. 3); to sing a hymn in order to encourage oneself to greater fervor or devotion adds to the goodness of what is done, through the greater promptness or ease it causes in the act that follows.

124. The passions are morally evil: (a) when they are commanded by the will and directed to an object, a purpose, or circumstances that are evil. Thus, envy is an ignoble passion, since it is unreasonable, being sorrow at another's success. Examples: Titus drinks to excess for the delight of intoxication

(bad object); Balbus purposely excites his imagination, that he may hate more bitterly and act more cruelly (bad end); Sempronius loves his children so immoderately that he grows morose and jealous (bad circumstance). (b) The passions are also morally evil when they should be forbidden and are not forbidden by the will. Example: Caius is surprised by a sudden burst of anger, which, though he judges to be unreasonable, he does nothing to check.

125. The passions can remove, diminish or increase the evil of an act. (a) Thus, antecedent passions take away all evil, if (a thing that is rare) they prevent entirely the use of reason; they diminish malice if they obscure the judgment. Examples: Balbus, fearing that he is about to drown, becomes panicstricken, seizes Titus and almost drowns him. Caius, threatened with a black eye if he refuses, calumniates: his calumny would be worse if he acted coldbloodedly. (b) Consequent passions increase the evil, for then they manifest a strong intention, or are the result of direct purpose. Examples: Sempronius attacks the conduct of an opponent, not with dispassionate argument and from a love of truth, but with bitter personal feeling and from a desire of revenge. Titia works herself into a rage that she may be the more ready for an encounter with a person of whom she is unjustly jealous.

126. Though the passions are physically good and in their nature morally indifferent, they may have physical reactions or moral consequences that are harmful or evil. These dangers may be physical, mental or moral.

(a) *Physical Dangers of the Passions.*—It is a well-known fact that there is a close connection between the passions and the nerves, heart, and bodily organism in general, and that strong or persistent emotion can work great detriment to the health, producing disease, unconsciousness, or even death.

(b) *Mental Dangers of the Passions.*—It is admitted by all that the passions disturb the judgment, and can even take away the use of reason. For they act upon the body or the senses, and these in turn affect the mind in a way similar to what happens in sleep or intoxication. Thus, love makes one blind to the

defects of the object of one's love; fear makes one magnify the evil of what is dreaded; melancholy unbalances the mind, etc.

(c) *Moral Dangers of the Passions.*—It is likewise a matter of common experience that the passions are a source of many temptations and sins. Often they are antecedent (*i.e.*, not premeditated or willed), as when they arise from bodily states over which one has no control or from imaginations strongly fixed in the mind, and at the same time tend to that which is not according to right reason, rebelling against the law of the mind. Thus, a person whose health is bad is easily dispirited, and this feeling occasions temptations to despair; one whose memory is haunted with the image of a lost parent becomes a prey to sadness, which makes it difficult to perform duties with zest and diligence.

127. A passion may become morally bad on account of the physical or mental evils connected with it. (a) Thus, a person has duties to his own well-being, and he indirectly wills (see 35 sqq., 94 sqq.) to neglect these duties, if he indulges harmful passions. Example: Sempronia grieves immoderately over the death of her mother, with the result that her health and mental vigor are impaired. (b) A person also has duties with respect to the life, health, and happiness of his neighbor, and he chooses to neglect these duties if he unjustly provokes emotions in others, foreseeing injurious consequences (see 96 sqq.). Examples: Titus so vexes Balbus by petty annoyances that the latter loses appetite and sleep, and becomes an invalid. Sempronia so exasperates her father by long-continued unfilial conduct that the latter becomes insane. Caius appeals to prejudices in order to have injustice done to a rival.

128. As to passions that incite to evil or deter from good, we must observe the following: (a) if the passion is consequent, one is placing oneself or others in danger of sin, and one's conduct must be judged according to the principles given in 258 sqq. (Examples: Titus likes to brood over his troubles, although this causes temptations to neglect duty; Sempronia makes remarks to a hot-headed acquaintance which are a provocation to great uncharitableness); (b) if the passion is antecedent, it consti-

tutes a temptation which one is bound to resist (see 252 sqq.). Example: Balbus has a natural dislike for Caius, and often feels impelled to judge him rashly or treat him unjustly.

129. Antecedent or involuntary passions, as well as other involuntary acts of imagination, thought and will, tending to evil, are sometimes called "first motions of the soul," as distinguished from consequent or voluntary passions and acts, which are known as "second motions of the soul." The first motions are of two kinds: (a) those that precede all deliberation and consent, actual or virtual (*motus primo-primi*), and these are free from all sin; (b) those that precede full deliberation and consent, but follow on partial deliberation (*motus secundo-primi*). These latter are venial sins.

Most theologians since the Council of Trent maintain that the inordinate movements of passion which precede the advertence of reason, such as lust, envy, sloth, etc., are not sins. The Council of Trent defined that the *fomes peccati* has never been understood by the Church to be truly a sin in the baptized, but has been called sin by St. Paul in the sense that it is from sin and inclines to sin (*Council of Trent*, fifth session). On the basis of this text some authors argue that it is of faith that the inordinate motions called *primo-primi* are not sins for the baptized. The condemnation of both the fiftieth proposition of Baius: *The evil desires to which reason does not consent, and which man endures unwillingly (inivitus), are prohibited by precept*; and his fifty-first: *Lust, or the law of the members, and evil desires of it, which men suffer unwillingly, are true disobedience of the law*; is interpreted as establishing as certain the non-sinfulness of such movements in infidels. (See Merklebach, O.P., *Summa Theol. Mor.*, Vol. I, n.448).

St. Thomas taught otherwise that such inordinate movements of passion are venial sins (*Summa Theol.* I-II, q. 74, a.3, ad 2um; *de Malo* q. 7, a. 6. ad 4m; *de Veritate*, q.25, a.5). Although they precede the deliberation of reason, they attain to the order of moral acts, however imperfectly, insofar as sensuality in man by its nature is made to be subject to reason. Reason can and ought to control these motions, but fails to do so owing to the

great number of them possible to occur. Hence they are not involuntary, but indirectly voluntary as sins of omission (*II Dist.* 24, q. 3, a.2; *de Veritate*, q. 25, a.5; *Quodlib.* IV, q.11, a.1). Since these movements are indirectly voluntary, St. Thomas' teaching does not conflict with the Council of Trent which speaks of the *fomes* as habitual dispositions and not of its acts which St. Thomas considers. Clearly, too, his teaching does not fall under the condemnation of the propositions of Baius; with Baius the motions are involuntary, but for St. Thomas indirectly voluntary.

St. Thomas distinguishes the motions of sensuality differently from modern manualists. For him the motions-*primo-primi* arise from corporal dispositions which are not under the control of reason and hence can not be sins. Motions-*secundo-primi* arise from some apprehension of the internal senses proper to the passions and can, at least if taken singly, and ought to be ruled by reason. Thus, they are moral acts (*de Malo*, q. VII, a. 6, ad 8<sup>um</sup>; *II Dist.* 24, q. 3, a. 2).

130. Bodily suffering or sickness is sometimes called a passion of the body, but, unlike the passions of the soul, it is a physical evil. Morally considered, it is indifferent in itself, but it has contacts with morality in various ways. (a) Thus, it may receive morality from the will. Examples: Sufferings endured with resignation are acts of virtue; sickness or pain inflicted upon others is imputable to the unjust cause. (b) It may affect the morality of the act of the will. Examples: Severe toothache or other exquisite pain is an extenuating circumstance in sins of grumbling, for the suffering draws so much attention to itself that deliberation on other things is much diminished; weakness of stomach may be a moral advantage in freeing one from temptations to ever-eating.

131. Though the passions are good in themselves, they are often morally dangerous. The regulation of the passions through the virtues of fortitude and temperance will be treated later on, but we shall indicate here some natural means by which, God helping, their first motions may be controlled. (a) Thus, if a passion is not strong, it may be repressed directly by command of the

will. Example: The impulse to anger may sometimes be checked by the command of silence. (b) If a passion is strong, it may be combated through other activities which are its opposites or which, through the amount of energy they call for, will diminish proportionately the force of the passion. Examples: In time of fear one can fall back on thoughts of confidence; in time of mourning one can seek joy or alleviation in the society of friends or in the repose of sleep. Study or other strenuous occupation is an excellent means to overcome impetuous passion. (c) If a passion is persistent, it may be diverted to some lawful object vividly represented and held in the imagination and thoughts. Examples. Those who are inclined to love immoderately the world or the things that are in the world should direct their love to divine goodness. Those who are inclined to be too fearful of men should think how much more God is to be feared.

## Question II

## GOOD AND BAD HABITS

132. Having considered human acts and the passions, we now pass to a consideration of the principles from which acts proceed proximately. These principles are, first, the faculties, powers or forces of the soul (such as the intellect, will, sense, appetite, and vegetative powers); and, secondly, the habits which permanently modify the faculties. For some faculties may be turned in various directions, either favorably or unfavorably, as regards their ends, and it is the stable bent given to a faculty that is called a habit. Thus, the intellect may be directed towards its end, which is truth, by the habit of knowledge; or away from that end by the habit of ignorance. Likewise, the will may be directed towards or away from its end, which is good, by virtue or vice. The faculties are treated in Psychology, but the habits, since they turn the faculties towards good or evil, must be considered in Moral Theology, as well as in philosophy.

## Art. 1: HABITS IN GENERAL

(*Summa Theologica*, I-II, qq. 49-54.)

133. Definition.—A habit is a perfect and stable quality by which a being is well- or ill-affected in itself, or with regard to its motions. It differs from mere disposition or tendency, which is an imperfect and transitory quality. Thus, a sallow complexion is a habit; a blush, a disposition.

134. Division.—Habits are variously divided, as follows:  
(a) From the viewpoint of their subject, they are either *enti-*

*tative* or *operative*, according as they affect directly the nature or the powers of a being. Thus, in the soul there are the entitative habit of sanctifying grace and operative habits like science and virtue; while in the body are entitative habits of health, beauty, etc.

(b) From the viewpoint of their object, habits are *good* (i.e., virtues) or *evil* (i.e., vices);

(c) From the viewpoint of their cause, habits are *infused* or *acquired*, according as they are supernaturally produced by God, or are naturally obtained by man through repeated acts, or result from nature without repeated acts. Faith in a baptized infant is an infused habit; knowledge obtained through study is an acquired habit; the perception that the first principles of truth are to be granted is natural.

135. Operative *acquired* habits are defined as qualities not easily changed, by which a faculty that is able to act in various ways is disposed to act in one way with ease, readiness and pleasure. Thus, by training a man acquires a correct carriage, and is able to walk straight without difficulty.

136. Operative *infused* habits are enduring qualities that give to a faculty the power to perform acts that are supernatural. Thus, the infused virtues of faith, hope and charity give to the intellect and the will the ability to elicit acts with reference to supernatural truth and good. Facility and promptitude with respect to these acts come through the use of the infused power.

137. **Strengthening and Weakening of Habits.**—Habits are increased: (a) *extensively* when they are applied to more objects — thus the habit of science grows as it is applied to more truths; (b) *intensively*, when they are rooted more firmly in their subject and become easier to exercise. This last comes about when intense acts of a habit are frequently repeated. Thus, a habit of virtue or vice becomes a second nature, and it is exercised with ever greater delight and resisted with ever-increasing difficulty.

138. The infused habits cannot be diminished, but they can be destroyed (see 745). As to the acquired habits, they are weak-



ened and destroyed chiefly in two ways: (a) by acts opposed to them, especially if these acts are earnest and frequent—thus, evil custom is overcome by good custom, and *vice-versa*; (b) by long discontinuance or disuse. Thus, a person who has learned a foreign language will forget it, if he fails to speak, read or hear it. The knowledge of first principles, speculative or moral, is not lost, however, through forgetfulness, as experience shows.

139. Accidentally, a habit may be corrupted through injury of an organ that is necessary for the exercise of the habit. Thus, right moral judgment may be lost if certain areas of the brain are affected.

140. **Habits and Morality.**—The importance of habits in man's moral life is very great. (a) Habits are an index to a man's past career, for the ease and facility he now possesses through them is the result of many struggles and efforts and difficulties overcome, or of defeats and surrenders and neglected opportunities. (b) Habits constitute a man's moral character. Morally, a person is the sum of his moral habits and dispositions grouped around the central interest or idea of his life. He who would know himself, therefore, cannot do better than to examine what are his habits, and which is the predominant one among them. (c) Habits are a prophecy of the future. Habits are not irresistible and do not destroy freedom, but they produce such ease and readiness for acting in one particular way that the probabilities are, when habits are strong, that a person will continue to follow them in the future as he has done in the past, thus progressing or deteriorating, as the case may be.

141. **Duties as regards Habits.**—(a) Bad habits should be avoided and those that have been formed should be destroyed (see 138). The means to accomplish these victories are divine help obtained through prayer and the other instrumentalities of grace, watchfulness through self-examination, and the cultivation of a spirit of self-denial, as well as attack made on the habit that is forming or already formed (see 255 sqq.)

(b) Good habits should be acquired, and those already possessed should be exercised and put to the best advantage. The means to this end, in addition to those that are supernatural,

are especially a realization of the importance of good habits, a great desire to have them, and constant and regular effort to practise them (see 137).

#### Art. 2: GOOD HABITS OR VIRTUES

(*Summa Theologica*, I-II, qq. 55-70.)

142. **Definition.**—A virtue is a good habit of the free powers of the soul, that is a principle of good conduct, and never of conduct that is evil. Hence, the following are not virtues: (a) an occasional inclination to good, for this is not a fixed habit; (b) good habits of the body or of the vegetative powers, etc. (such as beauty and health), for these are not free; (c) knowledge of the right or affection for it without any reference to practice, for virtue is a principle of right living; (d) habits that can be applied indifferently to good or bad conduct, such as human opinion.

143. **Division.**—The virtues are divided: (a) according to their different causes, into infused and acquired virtues (cfr. 134 sqq.); (b) according to their different objects, into intellectual, moral and theological virtues.

144. The intellectual virtues are those habits that perfect the intellect with reference to its good—*i.e.*, truth, speculative or practical.

145. The speculative virtues are three: understanding, knowledge and wisdom.

(a) *Understanding* or *intelligence* is the habit of perceiving truths that are not in need of proof, as being self-evident. Axiomatic truths or first principles are the object of this virtue.

(b) *Knowledge* or *science* is the habit of perceiving truths that are learned from other truths by argumentation, and that are ultimate in some category of being. The object of this virtue embraces the various sciences (like astronomy) which are conclusions from principles.

(c) *Wisdom* is the habit of learning through reasoning the

truth that is absolutely ultimate; it is the knowledge of things in their supreme cause, God. Examples are theology and philosophy in their highest sense.

146. The practical intellectual virtues are two: prudence and art.

(a) *Prudence* is an intellectual virtue which indicates in individual cases what is to be done or what is to be omitted, in order that one may act according to the requirements of good morals.

(b) *Art* is an intellectual virtue which indicates in individual cases how one must act in order to produce things that are useful or beautiful (*e.g.*, music, painting, building, etc.).

147. The intellectual virtues, except prudence, are not perfect virtues, since, while they make an act good, they do not necessarily make the agent good. A man may have great knowledge about morality, or be able to produce excellent works of art, and at the same time be not virtuous, or have no love for his work.

148. Prudence is an intellectual virtue, since it resides in the intellect; but it is also classed among the moral virtues, since its object is the direction of human acts to their right end.

149. The moral virtues are those habits that perfect the will and the sensitive appetite with reference to their immediate and respective objects; that is, they are habits concerned with acts as means to the Last End. They make the act good, and make good also him who performs it; and they are thus superior as virtues to the intellectual habits.

150. There are four principal moral virtues: (a) in the intellect there is *prudence*, which guides all the actions and passions by directing the other moral virtues to what is good according to reason; (b) in the will there is *justice*, which inclines a person to make his actions accord with what he owes to others; (c) in the irascible appetite is *fortitude*, which subjects to reason the passions that might withdraw from good, such as fear of dangers and labors; (d) in the concupiscible appetite is *temperance*, which represses the motions of passions that would impel one to some sensible good opposed to reason.

These four virtues are also called *cardinal* virtues, because all the other moral virtues hinge on them.

151. The theological virtues are those that perfect the intellect and the will with reference to God, their ultimate, supernatural object. They are three: (a) *faith*, which is a virtue infused into the intellect, giving man supernatural truths that are perceived by a divine light; (b) *hope*, which is a virtue infused into the will, enabling man to tend towards the supernatural destiny disclosed by faith as towards an end possible of attainment; (c) *charity*, which is a virtue infused into the will, uniting man's affections to the object of his hope and transforming him into its likeness.

152. **Causes of Virtues.**—The causes of virtue are three: (a) *nature*, which is the cause of the inchoative intellectual and moral virtues, that is, of the theoretical and practical principles that are naturally known, and of the inclinations to virtue that arise from an individual's bodily constitution; (b) *practice*, which is the cause of perfected intellectual and moral virtues, that is, of the good habits that are formed by repeated acts (*e.g.*, knowledge obtained through study, temperance fixed in the character through continued effort); (c) *infusion from on high*, which is the cause of the virtues that surpass nature (*i.e.*, of the theological virtues and of the moral virtues that are concerned with our acts as ordered to the supernatural).

153. **Properties of the Virtues.**—From the definition of virtue given above certain properties result.

(a) Since a virtue makes conduct agree with a certain fixed standard, it does not allow of excess or defect. Hence, *virtue follows the golden mean*.

(b) Since the other moral virtues would go to extremes without the guidance of prudence, and since prudence would not judge aright without the right dispositions of the other virtues, it follows that the four moral virtues, at least in their perfect state, *must always be together*. And because charity is the fulfillment of the whole law, he who has charity has also all the other infused virtues.

(c) Since the virtues are directed towards objects of varying

degrees of excellence, and since they are habits, and are capable of increase and decrease (137 sqq.), it follows that both virtues of different species, and those of the same species, are or may be unequal.

(d) Since some of the virtues imply conditions that will not exist in the life to come, it follows that these virtues will be somewhat changed in the blessed. Thus, temperance, which subdues the rebellion of the passions, will not be exercised in heaven, where the passions do not rebel.

154. The golden mean is found differently in different virtues.

(a) In the case of *justice*, the mean is determined by an external object that is invariable, since justice gives what is due to others, neither more nor less; in the case of *fortitude* and *temperance* the mean is determined by prudent judgment and is not invariable, since these two virtues are concerned with the regulation of the internal passions according to conditions of individuals and circumstances. Thus, a debt of ten dollars remains the same whether the debtor is rich or poor, whether the creditor needs it or not. But a glass of liquor, which would be just enough for one who was well, might be far too much for him when he was sick; and a danger which a man might be expected to encounter, might be too much for a woman or a boy.

(b) The mean of the *intellectual* and *speculative virtues* is the agreement with objective truth, as lying between the extremes of false affirmation and false negation. The mean of the practical virtue of *prudence*, as regulating the moral virtues, is right reason, considered as directive of the desires and conduct so as to avoid excess and defect.

(c) The *theological virtues* have no mean, as far as their object is concerned, since God, being infinite in truth, power and goodness, cannot be believed in, hoped in, or loved too much. By reason of their subject, however, these virtues have a mean, since it is possible for one to exceed, for example, in hope by presumptuously expecting what is not due to one's condition.

155. Without charity one may possess certain other virtues.

(a) Thus, one may have the natural or acquired moral virtues,

as is the case with many pagans, but such virtues are imperfect, since they do not direct their subject to the Supernatural End of man; (b) one may have the supernatural or infused virtues of faith and hope, as is the case with Christians who are not in the state of grace. Even such faith and hope are imperfect virtues, and are not meritorious.

156. Considered precisely as virtues (cfr. Article on Hope), the three groups rank as follows: (a) the theological virtues are the most excellent, since they deal directly with man's Supernatural end; (b) By reason of their object, universal truth, the intellectual virtues are superior to the moral virtues, which are concerned with particular goods; (c) the moral virtues, nevertheless, are more perfect as virtues, for, so considered in the order of action, in perfecting the appetites, they are more properly principles of action.

157. The highest of the virtues within each group are the following:

(a) *Charity* is greater than faith and hope, since it implies union with its objects, while the other two imply a certain distance from their object;

(b) *Justice* is superior to fortitude and temperance, since it deals with actions by which man is rightly ordered, both as to himself and as to others, while the others deal with the passions and the right disposition of man as to himself. The order of the moral virtues is: *prudence*, which is the guide of the others; *justice*, which deals with man's actions and orders him rightly, both as to himself and as to others; *fortitude*, which governs the passions, even when life and death are the issues; *temperance*, which governs the passions in affairs of less importance;

(c) The chief of the intellectual virtues is *wisdom*, which considers the supreme cause of things, and therefore judges the other virtues of the intellect.

158. In the blessed the virtues will remain, but changed in some respects. (a) Thus, the rectitude of soul contained in the moral virtues will endure, but there will be no rebellious passions to overcome, no dangers to oppose, no debts of justice to

be discharged, as in this life; (b) the intellectual virtues acquired in this life will remain, but the soul separated from the body will not employ sense images as in its earthly existence; (c) faith and hope will give place to vision and realization, but charity will never fall away.

**159. The Complements of the Virtues.**—The virtues are habits that supply the soul with an internal guide (prudence), and with inclinations to follow its direction (moral virtues). But there is also a higher Guide who speaks to the soul, and it is necessary that the inclinations of virtue be carried out in a supra-human mode. Hence, the virtues are completed by certain adjuncts. These are: (a) the *Gifts of the Holy Ghost*, which are habits infused into the soul, making it sensitive to the guidance of the Holy Spirit and docile under His direction; (b) the *Fruits of the Holy Ghost*, which are acts that grow out of the virtues and have a special spiritual sweetness attached to them; (c) the *Beatitudes*, which are activities of special excellence having a corresponding special reward attached to them. The acts are produced by the infused virtues and the Gifts, especially by the Gifts.

**160.** There are seven Gifts of the Holy Ghost, which are divided as follows:

(a) There are the *Intellectual Gifts*, which make the soul more responsive to the light which the Holy Spirit sheds upon truths held by faith. These Gifts assist the intellect, first, in its apprehension of the mysteries of faith, that it may be made to grasp more clearly what it believes (Gift of *Understanding*); secondly, in its judgments, that it may be illuminated so as to adhere to the principles of faith and depart from their opposites, whether there be question of judgments about divine things (Gift of *Wisdom*), or created things (Gift of *Knowledge*), or human actions (Gift of *Counsel*);

(b) There are the *Appetitive Gifts*, which make the soul more ready to follow divine motions and inspirations. These Gifts aid the irascible affections by giving them a confidence of victory over every peril and by assuring safe arrival at the term of life (Gift of *Fortitude*); they aid the will in its social relations by

leading to a filial love and devotion toward God (Gift of *Piety*); they assist the concupiscible affections by filling them with a reverence of God's majesty and a horror of offending Him (Gift of *Fear of the Lord*).

**161.** The Gifts of the Holy Ghost are superior to the moral and intellectual virtues, for these virtues perfect the powers of the soul that they may be always ready to follow the guidance of reason, while the Gifts make the powers of the soul docile to the guidance of the Holy Ghost.

**162.** The Gifts of the Holy Ghost are inferior to the theological virtues, for these virtues unite the soul to the Holy Ghost, while the Gifts only make the soul ready to receive His illuminations and inspirations.

**163.** There are twelve Fruits of the Holy Ghost enumerated by St. Paul (Gal., v. 22-23). (a) Some of these acts grow out of the indwelling Spirit, and are delightful to the spiritual taste because they perfect the agent in himself. *Charity, joy* and *peace* indicate that the soul is rightly disposed as to what is good; *patience* and *longsuffering*, that it is not disturbed by evils. (b) Others of these Fruits give spiritual delight because they perfect the agent in his relations to his fellows. *Good will* and *kindness* show that one is well-disposed towards others; *meekness* and *fidelity*, that injury does not overcome him, or make him deceitful. (c) Still other Fruits are delightful because they order a man's life rightly as to external actions or internal passions, such as *modesty, continency, chastity*.

**164.** There are eight Beatitudes enumerated by our Lord. (a) Some of these are acts that surpass the virtues as regards the use of external goods and the government of the passions. Thus, it is lawful to have possessions, but the poor in spirit despise them; it is lawful to exercise the irascible passions according to reason, but the meek under divine guidance keep themselves in tranquillity; it is lawful to rejoice according to moderation, but the mourners, when this is better, refrain from all rejoicing. (b) Other Beatitudes are acts that surpass the virtues of justice or liberality to one's neighbor. Thus, those who hunger and thirst after justice not only discharge their

obligations, but they do so with the greatest willingness; the merciful bestow their bounty, not only on their friends and relatives, but on those who are most in need. (c) Still other Beatitudes are concerned with the acts that most fit one for the contemplation of divine things, namely, that in oneself one be pure of heart or free from the defilements of passion, and that one be peaceful with reference to others. (d) The final Beatitude is the crown of the others; for one is perfectly attached to poverty of spirit, meekness, etc., when he is prepared for their sake to suffer persecution.

165. The rewards promised to the Beatitudes are conferred, not only in the life to come, but also in the present life. But they are not necessarily temporal or corporal rewards (such as riches, pleasure, etc.), but spiritual beatitude, which is a foretaste and figure of the eternal joy to come.

166. All the Beatitudes may be called Fruits of the Holy Ghost, since they are the outgrowth of the indwelling Spirit and are filled with spiritual sweetness. But the Beatitudes are really more excellent than the Fruits, since they are works of more than ordinary excellence; whereas every work of virtue that gives delight may be called a Fruit of the Holy Spirit.

### Art. 3: BAD HABITS OR VICIES

(*Summa Theologica*, I-II, qq. 71-89.)

167. **Definition.**—A vice is a habit inclining to moral evil. A sin is an act resulting from a vice, or tending to the formation of a vice; or it is any thought, word, deed or omission against the law of God.

168. **Divisions.**—There are various divisions of sins. Thus:

(a) according to the kind of delight that is taken in evil, sins are either *spiritual* (e.g., vainglory) or *carnal* (e.g., intemperance);

(b) according to the person who is more directly offended by evil, sins are either *against God* (e.g., heresy, despair, blas-

phemy), or *against one's neighbor* (e.g., theft, calumny), or *against oneself* (e.g., intemperance, suicide);

(c) according to the greater or less gravity of the evil, sins are either *mortal* (e.g., blasphemy) or *venial* (e.g., idle thoughts);

(d) according to the evil is done by acting or not acting, sins are either of *commission* (e.g., theft) or of *omission* (e.g., failure to pay debts);

(e) according to the progress of a sin, there are three stages: first, it is a sin of the *heart* when it exists only in the mind, as when one entertains a wish for revenge; secondly, it is a sin of the *mouth*, when it is manifested in words, as when one uses contumelious language; thirdly, it is a sin of *work* when it is carried out in act, as when one strikes another in the face;

(f) according to the manner in which they deviate from the golden mean, sins are either of *excess* (e.g., extravagance) or of *defect* (e.g., miserliness);

(g) according to the manner in which its guilt is contracted, sin is either *original* (i.e., the loss of grace inherited from Adam) or *actual* (i.e., the stain derived from one's own wrongdoing; see 272 sqq.).

169. **Mortal Sin.**—A sin is mortal or deadly, when by it a person turns away from God, his Last End, and prefers to Him some created good, thereby incurring the debt of eternal punishment.

170. The first condition necessary in order that a sin may be judged mortal is that the matter of the sin be grave, either in itself or in the opinion of him who commits it; it must include a turning away from God and the substitution of some created good as the Last End.

171. The matter of a sin is known to be grave: (a) when the law of God or of the Church declares that it is seriously displeasing to God, or that it will separate one from His favor or rewards; (b) when right reason shows that it does great injury to the rights of God, of society, of one's neighbor, or of oneself.

172. The matter of a sin is grave in two ways. (a) It is grave from the character of the act and *without exception*, when the

good which is injured is infinite, or is a finite good of greatest importance and indivisible. Thus, heresy, despair, and simony against divine law are always serious, because they offend against an infinite good; while murder, though it injures only a finite good, is nevertheless always grave matter because earthly life is of highest importance among finite goods, and if taken away is taken entirely. (b) The matter of a sin is grave from the character of the act but *with exceptions*, when the good that is injured is of grave importance, but finite and divisible. Thus, the worship we give to God is finite and admits of more and less; and hence a sin against worship, though serious from the nature of the offence, may be slight on account of the smallness of the irreverence. Similarly, though theft injures a grave right, it is not grave matter when the amount stolen is small.

173. The second condition required that a sin be mortal is that there be full advertence to the grave malice of the act, for one cannot be said to separate oneself from God unless one has made the same amount of deliberation that is required for any temporal affair of great moment.

174. Advertence is the act by which the mind gives attention to something. It is of two kinds: (a) *full advertence*, when there is nothing to impede perfect attention, as when a person is wide awake, in full possession of his faculties, and not distracted; (b) *partial advertence*, when there is something that prevents entire attention, as when a person is only partly awake, or not entirely conscious, or distracted with many things.

175. Hence in the following cases, even though there be serious matter, a sin is not mortal, on account of lack of full advertence. (a) When without one's will there is no full advertence to the act itself, as happens with those who are half-asleep, or who are under the influence of drugs, or who are mentally confused by anxiety or physical pain, etc. (see on Human Acts, 24 sqq.). (b) A sin is not mortal when there is no full advertence to the sinfulness or to the gravity of the act. Those who through no fault of their own are unaware that an act is sinful, or that it is a mortal sin (*e.g.*, children, the half-witted, or the uninstructed), have no full advertence to the malice of

an act; likewise, those who, without being responsible for their inadvertence, do not think at the moment of the sinfulness or seriousness of what they do (*e.g.*, those who think out plans for revenge before they have taken second thought on its immorality).

176. Signs that indicate that there was no full advertence are: (a) if afterwards one can scarcely recall what happened; (b) if shortly afterwards one cannot be sure what was one's state of mind at the time.

177. Though full advertence is required for a mortal sin, it is not required that this advertence be the most perfect. (a) It is not necessary that the advertence be preceded by long deliberation, for advertence can be full even when the consideration is only momentary. (b) It is not necessary that advertence be continued during the commission of a sin, for what follows is foreseen if adverted to at the beginning. (c) It is not necessary that advertence to the malice of the sin be clear or exact. One who perceives that there is some special malice in robbing a church, even though he does not understand just what the malice is, has sufficient advertence to become guilty of sacrilege. Likewise, one who has doubts as to whether a certain sin is mortal, or who suspects that it is mortal, has sufficient advertence for grave guilt if he commits that sin. (d) It is not necessary that advertence to the malice of the sin be reflex (*i.e.*, that one advert to the fact that one is conscious of the gravity of the sin); for to will the malice, it suffices that one be conscious of the malice. (e) It is not necessary that advertence to the malice of the sin be explicit (*i.e.*, that one have in mind the precise nature of sin as an offense against God, which produces a stain on the soul and incurs the debt of punishment); for to will evil and its gravity, it suffices that one perceive the evil and its gravity, even though one does not analyze the meaning or seek out the ultimate reasons.

178. The third condition required that a sin be mortal is that full consent of the will be given it, for no one separates himself from God except through his own free choice. (a) Consent is not full, when there has not been full advertence, or when

an act has been done under violent compulsion; (b) consent is full when there has been full advertence and no forceful compulsion (see above on Violence, 52).

179. Indications that consent was not full are: (a) if before the sin the person was of tender conscience and had habitually a horror of grave sin; (b) if at the time of the sin the person recoiled from the sinful suggestion—*e.g.*, if he had a hatred for it as soon as it was fully perceived, or if he was saddened at the temptation, or if he kept from an external act that could have been easily performed; (c) if after the sin the person was conscientious, and yet had doubts as to whether consent was given.

180. **Venial Sin.**—A sin is venial, or more easily pardonable, when by it one turns inordinately towards some created good, not so, however, as to forsake God as one's Last End or to prefer self-will to the divine friendship.

181. The first condition required that a sin be called venial is that its matter be light, either in reality, or in the invincible belief of him who commits it. The criteria by which we may know what matter is light are authority and right reason (see above, 171).

182. The matter of a sin is light in two ways. (a) From the character of the act, the matter is light when the good which is injured is finite and of minor importance. Thus, truth about trivial things is of less importance among finite goods, and consequently a small lie about some unimportant matter, which helps and does not harm the neighbor, is light matter. (b) From the quantity of the matter, the matter is light when the good injured is of major importance but divisible. An example here is a theft that works only small harm (see above, 172).

183. The second condition for a venial sin is that there be *some* advertence to the malice of the act. (a) The advertence is not full when the matter is grave, and the act done without compulsion, for else the sin would not be venial but mortal. (b) The advertence may be full or partial when the matter is light.

184. The third condition for a venial sin is that there be *some* consent of the will to the malice of the act. (a) The consent is not full when the matter is grave, for else the sin would be

mortal. (b) The consent may be either full or partial when the matter is light.

185. **Imperfections.**—The description of venial sin just given indicates that it is a voluntary transgression of the law of God in matters of lighter importance, and is thus distinguished from the various classes of moral imperfections. These latter imperfections are:

(a) natural imperfections, which are the falling short on the part of good acts of the higher degree of goodness they might have possessed. Since man is finite by nature, it is inevitable that he be limited in the good he does; and hence this kind of imperfection is not a transgression or a sin;

(b) personal imperfections which are voluntary but not transgressions, are acts or omissions whose motive is reasonable, but which are contrary to that which is of counsel. Example: to omit hearing a Mass that is not obligatory, when one is able to assist at it, but has a good reason for staying away;

(c) personal imperfections which are transgressions but not voluntary, are acts or omissions done without deliberation, but which are opposed to some law of less importance. Example: To pray with involuntary distractions.

186. **Change in the Gravity of Moral Defects.**—An imperfection becomes a sin: (a) if the motive for omitting what is of counsel only is sinful (*e.g.*, to neglect a Mass that is not of obligation out of contempt); (b) if a slight indeliberate transgression has a cause that was voluntary (*e.g.*, involuntary distractions caused by previous neglect).

187. Venial sins become mortal when that which in itself is a light offense, becomes in the individual agent a grave offense by reason of some change in the object or of some grave malice in the purpose, circumstances, or the foreseen results (see above 97 sqq.).

188. A change in the object makes venial sin mortal: (a) when that which is light matter objectively is apprehended subjectively as grave matter (*e.g.*, a person tells a small lie or commits a trifling theft, thinking these to be mortal sins); (b) when that which is light matter by itself becomes knowingly grave

matter through the additions that are made to it (*e.g.*, a thief steals small amounts frequently with the intention of having a great amount of ill-gotten money after a time).

189. It should be noted that, while the matter of venial sins may coalesce so as to form grave matter and constitute a mortal sin, as just explained, venial sins themselves do not, from mere multiplication, ever become mortal, since the difference between mortal and venial sin is not one of quantity, but of kind. Hence, when acts are slightly sinful but do not coalesce, they multiply venial sins, but do not form mortal sin. Example: Coming a few minutes late for Mass every Sunday.

190. The multiplication of venial sins, especially when they are held as of no importance, disposes for the commission of mortal sin: (a) *directly*, by forming a habit that calls for ever greater indulgence (*e.g.*, petty thefts lead to dishonesty on a large scale); (b) *indirectly*, by familiarizing one with wrongdoing and chilling the love for virtue.

191. The wrong purpose of the agent makes an act that is only venially sinful (as far as the object is concerned) to become mortally sinful, when the purpose contains a grave malice in itself, for the act is then intended only as a means to what is seriously wrong (see above 80). Example: To tell a small lie in order to break up friendships and sow hatreds.

192. The circumstances of an act that is only venially sinful in itself also make the act mortally sinful, when there is grave malice in such circumstances. Cases of this kind are the following:

(a) The circumstance of the person committing the sin sometimes changes the malice from light to grave. Example: Unbecoming levity in one in authority may cause serious disrespect for his office and thus be gravely sinful;

(b) The circumstance of the manner in which an act is performed may change it from a venial to a mortal sin, as when the sin is committed out of contempt, or is so coveted that it would be preferred to a grave obligation. Examples: One who violates a law of lesser moment, not because he regards it as bad, but because he wishes to show his disregard of all law and

authority; or one who is so attached to games of chance that he is prepared to steal a large sum rather than give them up.

193. The serious harm that is foreseen as a result of venial sin also changes the malice from slight to serious. Examples: One who jokingly annoys another, knowing that this will provoke grave dissensions; or one who tells small lies to persons who are known for their uncharitable distortions and exaggerations; or one who agrees to take too much strong drink knowing from experience that this invariably leads to serious excess.

194. Mortal sins become venial when that which in itself is a grave offense, becomes light by reason of some change in the object or lack of full consent in the subject.

195. A change in the object makes a mortal sin venial: (a) when that which is grave matter objectively, is apprehended through inculpable, or only venially culpable ignorance as light matter (*e.g.*, when an uninstructed child thinks that a serious calumny is only a venial sin); (b) when a sin whose character is serious but whose matter is divisible is small as to matter (*e.g.*, to be absent from a small part of the Mass on Sunday); (c) when a law whose obligation is grave will cause more than slight inconvenience in a particular case, and thus becomes of light obligation for that case (*e.g.*, to miss Mass on Sunday because of a difficulty that was not unsurmountable, but yet considerable).

196. Lack of sufficient advertence or of full consent makes a mortal sin venial; (a) when without serious fault one does not advert to a gravely sinful act (*e.g.*, a desire of revenge); (b) when without serious fault one does not know or does not think about the grave malice of what one is doing (*e.g.*, to repeat a story, not knowing or not remembering at the time that it is a serious calumny); (c) when on account of considerable excitement, fear or other disturbance, one gives only partial consent to an act that is mortally sinful (*e.g.*, when one, on being suddenly insulted, replies with a serious imprecation).

197. **The Distinction of Sins.**—There are three kinds of distinction of sins: (a) sins that differ according to *theological species*, that is, according as they turn or do not turn the sinner



away from God as his Last End. There are only two theological species of sin, *viz.*, mortal and venial; (b) sins that differ according to *moral species*, that is, according to their essences, or the various kinds of finite good to which they turn the sinner. There are many moral species of sins, for example, infidelity, uncharitableness, etc.; (c) sins that differ according to *number*, but agree according to moral species (*e.g.*, two distinct acts of uncharitable hatred).

198. The criteria for the specific distinction of sins are two: (a) that which *makes* sins to differ specifically is the difference of the objects to which they tend, inasmuch as these created goods are out of harmony in specifically different ways with the standards of morality (*e.g.*, pride and gluttony); (b) that by which we *recognize* the specific difference of sins is the opposition they have to virtues or laws that are specifically different. Thus, pride is opposed to humility, gluttony to temperance—two different virtues.

199. The following rules assist us in recognizing specific distinctions of sins. (a) Those sins are specifically different which are opposed to virtues that are specifically distinct. Thus, infidelity and despair are different in species, because opposed to faith and hope, which are two distinct species of virtue. (b) Those sins are specifically different that are opposed to specifically different objects of one and the same virtue—that is, to functions of the virtue, or to laws concerning it that have intrinsically different motives. Thus, sins of murder, theft, and false testimony, though opposed to the same virtue of justice, are specifically distinct, since they contravene obligations of that virtue whose purposes are morally distinct. (c) Those sins are specifically different that are opposed in specifically different ways to the same object of the same virtue, one opposing that object by way of excess and the other by way of defect. Thus, miserliness and extravagance are specifically distinct sins, because one falls short of, while the other goes beyond, the golden mean that is found in liberality.

200. Sins are not specifically distinct: (a) when they are opposed to the same virtue in ways that are physically, but

not morally, contrary. Thus, sins of omission and sins of commission are physically opposites, but they are not morally so, unless they offend against different moral objects in the ways explained in the preceding paragraph. Hence, to steal and to refuse to pay debts, to take and to keep what belongs to another, are not specifically different sins; whereas to violate two distinct precepts about the same virtue, one a command and the other a prohibition, is to commit two species of sin, one by omission, and the other by commission;

(b) when they are opposed to the same virtue with reference to commands that differ in their lawgivers, but not in their motives. Thus, God, the Church, and the State all forbid theft; but he who steals is not therefore guilty of three sins, for each lawgiver forbids theft from the same intrinsic motive, *viz.*, because it is an injury.

201. One and the same act contains in itself many sins, when it has many malices specifically different. Thus, he who kills his parents violates two commandments relative to the virtue of justice; he who steals from a church is guilty of theft and of sacrilege.

202. Sins that are multiplied numerically within the same species are committed in three ways: (a) by *purely internal acts*, that is, acts that are completed within the powers of the soul and do not tend to execution in some external act (*e.g.*, unbelief, envy, pride, delight in the thought of sin, etc.); (b) by *internal acts that are not completed in the will*, but tend to execution in some external act (*e.g.*, the purpose or desire to injure another, to lie, etc.); (c) by *external acts* that are performed or neglected by the bodily faculties under command of the will (*e.g.*, theft, quarrels, lies, omissions of duty, etc.).

203. Acts may be numerically one or many in two ways.

(a) *Physically*, there is *one act* when the agent moves or puts into action a power of the soul or body only once (*e.g.*, to steal from a church). Physically, there are *many acts* when the agent exercises different operative faculties, or the same one different times (*e.g.*, to put one's hand many times into a money box in order to steal the entire contents).

(b) *Morally*, there is *one act* when a single physical act does not contain more than one species of morality, or when several physical acts are united as parts of one whole by reason of the intention of the agent, or the nature of the acts themselves. For example, the wish to steal is morally one act. The intention to steal, the decision to use certain means to accomplish this intention, the various attempts made, and finally the carrying out of the plan—all these form morally but one act, since the acts that follow are only the development of the original intention. Similarly, several curses hurled at another form morally one act, if all are uttered under the influence of the same passion of anger. Finally, acts of spying on another, of entering his house without permission, and of taking his property unlawfully, are morally one act, because the first acts are naturally the preparation for what follows.

204. *Morally*, there are *several acts* when a single physical act contains several species of malice (as when one steals from a church), or when there are several physical acts not united by any bond of common purpose or natural subordination (as when one steals on different occasions because an opportunity suddenly presented itself, or as when one misses Mass on different Sundays).

205. Objects of acts may also be numerically one or many in two ways.

(a) *Physically*, an object is *one* when it has its own proper individuality different from that of others. Thus, each coin in a pocket-book is physically one thing, each member of a family is physically one person. Objects are physically *many*, when they include more than one distinct thing or person. Thus, physically a pocket-book contains many objects, as does also a family.

(b) *Morally*, objects that are physically many become *one*, if they are not such as to require morally distinct acts in their regard, and if they form according to prudent judgment parts of an integral or collective whole. Otherwise, these objects are morally *many*. Example: Missing Mass for a whole year constitutes, morally speaking, many objects, since it implies many

independent external omissions, or morally distinct acts. A box of ordinary coins, though it contains many individual pieces of money, is commonly regarded as one integral object; and likewise religious, civil, domestic, and financial bodies, though each is made up of many members, are each, morally speaking, but one person. The possessions of different proprietors, however, are not one moral object; neither do the individual, personal rights of the members of one group constitute a single object.

206. It is clear that two sins specifically different in malice are also numerically different (*e.g.*, a sin of theft and a sin of calumny). The rules that follow will pertain only to sins that are of the same species, but that differ numerically within the species (*e.g.*, two distinct sins of theft, two distinct sins of calumny).

207. The rules for the numerical distinction of sins within the same species suppose: (a) that the distinction be not taken from the object, which gives the specific difference, but from the repetition of acts with regard to one object, made either actually (by different acts) or equivalently (by what is equal to different acts); (b) that the distinction be not taken from a physical but from a moral consideration of the acts.

208. Three rules of numerical distinction will be given, one for each of the three following hypotheses: (a) many distinct acts are concerned with morally distinct objects of the same species; (b) many distinct acts are concerned with what is morally one object; (c) one act is concerned with what are physically many, but morally one object.

209. **First Rule of Numerical Distinction.**—Many sinful acts, each of which is concerned with an object that is distinct in number (morally speaking) from the objects of the other acts, make as many numerically distinct sins as there are acts and objects numerically distinct. Example: He who fires distinct shots and unjustly kills three persons is guilty of three murders.

210. **Second Rule of Numerical Distinction.**—Many sinful acts, all of which are concerned with an object that is (morally speaking) one and the same in number, make as many nu-

merically distinct sins as there are acts numerically distinct according to moral estimation.

211. When the acts concerned with the same object are *purely internal*, they are multiplied numerically, according to moral estimation, in the following cases:

(a) when they are repeated after having been renounced by an act of the will. Example: He who hates in the morning, repents at noon, and returns to his hate in the afternoon, commits two sins of hatred;

(b) when they are repeated after having been voluntarily discontinued, if the interval between the two acts is so considerable that the second act is not a mere continuation of the first. Example: He who in his mind reviles an enemy passing by, then turns his attention to his work and thinks no more about his anger, and later, seeing his enemy again, reviles him mentally a second time, commits two sins;

(c) when they are repeated after having been involuntarily discontinued, if a notable period (say, three hours) intervenes between the two acts. Example: He who thinks thoughts of hatred until he falls asleep, or until he is distracted from them by something unusual going on about him, or by the entrance of a visitor, commits a second sin of hatred, when he returns to the same thoughts, if the interruption was so long that there is no moral connection between the two acts.

212. When acts tending to the same object are *internal, but directed towards completion in some external act*, they are multiplied numerically, in moral estimation, in the following cases:

(a) when they are repeated after having been renounced. Example: He who decides to steal, but repents for his sin, and then again decides to steal, commits two sins;

(b) when they are repeated after voluntary discontinuance, if the interval is not merely momentary. Example: He who thinks over a plan to acquire money unjustly, and then deliberately turns his thought away and gives all his attention to lawful affairs, but later resumes the dishonest planning, commits a new sin;

(c) when they are repeated after involuntary discontinu-

ance, if the interval is notable in view of the external act desired, and nothing external was done that could serve as a link to unify the two acts. Example: A burglar plans a robbery that could easily be carried out at once, but he takes no steps to execute his plan, and soon forgets about it. A month later, passing the house he had intended to rob, he remembers his plan and carries it out. Two distinct sins were here committed.

213. Involuntary discontinuance does not, however, separate the acts into two distinct sins: (a) if the interval was brief in view of the external act that was desired (*e.g.*, if the burglar above mentioned had forgotten his plan for a few days only before he renewed it and carried it out); (b) if something had already been done by reason of the first act (*e.g.*, if the burglar, after resolving to rob the house, had procured keys or tools for the purpose, and had kept them with this in mind, although he allowed months and years to pass without making any attempt to fulfill his design).

214. When the acts tending to the same object are *external*, they are multiplied numerically in moral estimation, and make distinct sins as follows: (a) if the internal acts from which they proceed are numerically distinct sins (*e.g.*, if a burglar attempts to rob a house, but leaves his work unfinished because he becomes conscience-stricken or is interrupted, and later makes another plan and another attempt, there are two sins); (b) if the external acts are of such a kind that no internal intention can make them morally one act, even when one follows directly upon the other (*e.g.*, missing Mass on Sunday and again on the following day, a holyday, makes one guilty of two distinct violations of the law).

215. In the following cases, however, distinct external acts with reference to the same object do not multiply the number of sins: (a) when these acts form a part of one moral whole, and are intended as such by the agent (*e.g.*, one who reads a forbidden book, but divides it into parts, reading only so many pages a day); (b) when these acts have to one another the relation of means to a common end, and they are intended as such by the agent (*e.g.*, various preparations made for robbery).

**216. Third Rule of Numerical Distinction.**—One sinful act, internal or external, that is concerned with objects that are physically many, but morally one, makes but one sin in number. Example: He who steals a purse that contains ten bills commits one sin; he who calumniates a family of ten persons commits one sin; he who steals what is the common property of three proprietors commits one sin.

**217.** When the objects are not morally one of themselves, they may become so through the belief of the one who acts, since distinct malices are not incurred except as apprehended (see 588-592). Example: He who tells three different lies against a neighbor (*e.g.*, that he is a thief, a drunkard and a liar), commits one sin of calumny, if he has in mind general injury to reputation, but does not think at the time of the special injuries contained in his calumny. Likewise, he who calumniates before ten persons commits but one sin of calumny, if, being in a passion, he thinks only of the harm he wishes to cause and not of the number of persons who are present.

**218.** When the objects are morally one, they may become many through the intention of the one who acts. Example: He who calumniates a family of three persons by saying they are all dishonest, commits three sins, if he intends three distinct injuries (*e.g.*, against the business of one, the religious reputation of another, and the friendship of the third). So also he who steals part of the money in a purse, and later on, having another opportunity, decides to steal the rest, commits two sins.

**219.** When the objects are not morally one in themselves and cannot be apprehended as such, distinct sins are committed. Example: He who intends to miss Mass all year, foresees at least in a confused way many distinct violations of the law; he who purposes to rob various proprietors foresees at least in a vague way many separate and complete external acts of robbery.

**220. Comparison of Sins.**—Sins that differ in species differ also in gravity, those being more serious that depart further from the norms of reason and the law of God.

**221.** Other things being equal, those sins are worse that offend against a more noble object or a more noble virtue.

Hence, sins that are directly against God (such as infidelity, despair, and hatred of God) are the most serious of all; while sins against human personality (such as murder) are more serious than those against human rights (such as theft).

**222.** Of those sins that are opposed to the same virtue, that one is worse which is opposed to the principal inclination of the virtue. Thus, avarice is more foreign to the virtue of liberality than the opposite vice of prodigality; timidity is more contrary to bravery than its opposite rashness.

**223.** The gravity of a sin is increased in the following ways:

(a) by the circumstances, in so far as they give it a new species of malice (*e.g.*, theft from a church) or increase its malice within the species (*e.g.*, money given prodigally and to those who do not deserve it, or money stolen in a large quantity);

(b) by the greater willingness with which the sin is committed. Hence, those who sin through ignorance or under the excitement of passion are less guilty than those who sin in cold blood;

(c) by the condition of the person offended. Thus, a sin is made worse according as the person offended is nearer to God by reason of his personal holiness or the sacredness of his state or the dignity of his office, or is nearer to the offender himself. Hence, an injury is greater if done to a priest, a public official or one's own family, than if done to another who has not the same claim to honor or justice;

(d) by the condition of the person who sins. Those who are better instructed or otherwise better advantaged, or who are supposed to give good example to others, sin more grievously by reason of their greater ingratitude and of the greater scandal they give, whenever they sin deliberately;

(e) by the evil results that follow from the sin, when these are willed, even indirectly or implicitly, as when one spreads stories that are bound to cause enmities, strifes, and a lowering of ideals (see 96).

**224.** Spiritual and carnal sins, considered precisely as such, and other things being equal, may be compared from two viewpoints, *viz.*, of malice and of reputation. (a) From the view-

point of *malice*, spiritual sins are worse, since, while a carnal sinner is carried away by strong passion and offends directly only his own body, he who commits spiritual sins acts with greater freedom and offends directly against God and his neighbor. Hence, the Pharisees, though they despised the fallen woman, were worse than she, since in the eyes of God their pride, envy, detraction, hypocrisy, etc., were more hateful crimes. (b) From the viewpoint of *reputation*, carnal sins are worse, since they liken man more to the beast, and are thus more infamous.

225. In actual experience, carnal sins are frequently more grave than non-carnal sins.

(a) Many carnal sins are not purely carnal, but also contain other malice, and cause directly more injury to God or the neighbor than a non-carnal sin of the same category. Example: Adultery combines both lust and injustice, and is a greater injustice than the non-carnal sin of theft. Rape combines lust and injury, and is more injurious than the non-carnal sin of anger resulting in bodily blows. Lascivious conversation combines impurity and spiritual damage to another, and is more harmful than the non-carnal sin of detracting that other and causing him some temporal injury.

(b) Many carnal sins are accompanied by greater malice or greater scandal, or are followed by greater evils than purely spiritual sins. Example: Sins of impurity or drunkenness, committed habitually and deliberately or by adults, are more malicious than sins of pride or anger committed rarely or without full deliberation, or by children. Drunkenness or licentious language and suspicious intimacies, committed by those from whom good example is expected, do more to undermine religion than sins of impatience or uncharitableness in the same persons. The results of a man's pride (such as ambition, arrogance, luxurious living and deceitfulness) are often less disastrous than the results of his intemperance (such as detraction, immodesty, fights, extravagance, disgrace of family, etc.).

226. Sins different in species rank in the order of gravity, as said above, according to their objects. For, just as diseases are

considered more serious when they affect more important vital organs or functions, so sins are more grave when they affect more radical principles of human conduct. The greater the object or end of action that is injured, therefore, the greater is the harm done and the greater the sin committed. Hence: (a) sins committed directly against God are worse than sins committed against creatures, for God is the end of all creatures; (b) sins committed against persons are greater than sins committed against things, for persons are the end of things.

227. Of the sins committed against God, the rank according to gravity is: (a) sins against the personality of God—that is, against the divine nature—such as hatred of God (the greatest of all sins), infidelity, despair; (b) sins against the peculiar possessions of God—that is, His external honor and glory, and those things that belong to Him in a special way, such as the humanity of Christ hypostatically united to the Word, the Sacraments, and things consecrated to God. Such sins are idolatry, superstition, perjury, the sins of those who had Christ crucified, simony, sacrilege, unworthy reception of the Eucharist or other Sacrament, violation of vows, etc.

228. Sins committed against creatures, other things being equal, rank in gravity as follows: (a) Sins against personality are greater than sins against possessions. Example: The sin of murder, which is against personality, is worse than the sin of theft, which is against possessions. (b) Sins against being are greater than sins against wellbeing. Examples: Murder is worse than mutilation, and scandal that causes another to lose his soul is worse than scandal that only diminishes another's goodness; murder and the irreparable scandal take away life, mutilation and the lesser scandal only diminish the perfection of the life that is had. (c) Sins against those who have a greater claim are greater than sins against those who have a less claim. Examples: It is a greater sin to neglect one's own salvation than that of a neighbor; to murder a member of one's own family, a benefactor, or a person distinguished on account of his position or virtue, is a greater crime than to murder a stranger, an enemy, a private individual, or one of bad life. (d) Sins against pos-

sessions that are dearer are graver offenses. Examples: It is worse to steal away the peace of a household than to carry off its material treasures; it is worse to rob a man of his good name than to defraud him of his wages.

229. The above rating of sins is based on their natures considered in the abstract, that is, according to the essential relations they have to their own proper objects. It is impossible to consider any other factor when drawing up general rules of comparison; for the circumstances that enter into concrete cases of sin are innumerable, and hence have to be left out of consideration. By reason of these factors other than the object, however, the ranking of sins according to gravity given above may be changed or reversed.

(a) In the act of a greater sin there may be extenuating circumstances, or in the act of a lesser sin aggravating circumstances that change their respective order. Example: Detraction is from its nature worse than theft; but, if the detraction does only small harm and the theft great harm, the theft is worse on account of the circumstances.

(b) In the persons who commit the sins there may be circumstances that change the order of guilt, so that he who commits the greater sin is less guilty. Examples: By his careless handling of a revolver, Balbus unintentionally causes lasting injury to a bystander. Caius without malice aforethought, but enraged by an unexpected insult, strikes a blow that destroys the sight in one eye of his adversary. Titus, angry because he has been dismissed from his employment, revenges himself by defacing a precious work of art. The bodily injuries caused by the first two men are more harmful than the injury to property done by Titus; but they sinned, the one from ignorance and the other from passion, whereas Titus sinned from malice. Hence, while the sins of Balbus and Caius are objectively or materially greater, that of Titus is greater subjectively or formally (*i.e.*, as to guilt).

230. **The Subjects of Sin.**—By the subjects of sin we understand the powers of the soul in which sin is found. These powers are sometimes called the material causes of sin, just as the objects to which the sins tend are called their formal causes.

231. Just as virtuous habits have their seats in the will (*e.g.*, justice), in the reason (*e.g.*, prudence), and in the sensitive appetites (*e.g.*, fortitude and temperance), so also contrary habits of vice may be found in these same faculties. (a) From the sensitive appetites proceed impulses caused by sense apprehension or bodily states, which, when they are inordinate and voluntary, are sinful (*e.g.*, lust, envy; see 129, on Second Motions). (b) From the reason proceed false judgments caused by vincible ignorance, wrong direction deliberately given to the passions, pleasurable dwelling on inordinate thoughts, etc. (c) From the will proceed consent given to sins of the other powers, desires to commit sin, joy over sin already committed, etc.

232. As was said above (89-93), the external acts of the members of the body have no morality of their own, since they are completely subject to the will. Consequently, there are only three classes of sins, if classification is made according to the faculties from which the sins proceed: (a) sins of sensuality, which were spoken of above when we treated of the passions (177 sqq.); (b) sins of thought; (c) sins of desire and reminiscent approval.

233. *Pleasurable dwelling on inordinate thoughts* occurs when one deliberately, even though it be only for a moment, turns over in his mind some sinful object, delighting in it as if it were actually present, but not desiring that it be actually done. Example: One who imagines his neighbor's house burned down, and rejoices at the mental picture, though for interested reasons he does not wish any conflagration in the vicinity.

234. The sinful thoughts just described are not to be confused with thoughts in which the object of the delight is something else than a sinful picture represented in the mind. Thoughts of this latter kind are: (a) those in which one takes delight in an external act of sin being committed, as when one destroys one's neighbor's property with great internal satisfaction; here the thought forms one sin with the outer act; (b) those in which one delights in the mental image, not as it represents something morally wrong, but as it contains some object of lawful delight. There is a distinction between bad thoughts and thoughts on things that are bad. Examples: A moralist may

think with pleasure about theft, not because he approves of it, but because it is a subject he has to know. A person may read detective stories with great interest, not because crime appeals to him, but because the style of the author is good, the details of the plot exciting, the manner of the crime mysterious, etc. There is danger in thoughts of this kind, however, if one indulges in them from mere curiosity, or immoderately, or if sin itself may take an attraction through them.

235. The gravity and species of pleasurable dwelling on inordinate thoughts vary according to the thing thought on (see on Objects, etc., 70 sqq.). (a) If pleasure is taken only in the object represented, the sin has the moral character of that object. Example: He who delights at the thought of theft, is guilty of theft; and if he thinks of a great theft, he is guilty of mortal sin. (b) If pleasure is also taken in the circumstances imaged in the mind, the sin takes on the added malice contained in the circumstances. Example: He who delights over the thought of the robbery of a church, is guilty of mental theft and sacrilege.

236. The following are signs that delight taken in a thought about sinful things is about their sinfulness, and not about some other of their properties: (a) if one thinks about them without any lawful necessity (such as that of study), but through mere curiosity, or without any good reason; (b) if at the same time one loves to think on them frequently and lingeringly, or shows great satisfaction whenever they are mentioned. Example: One who thinks about injustices for pastime and admires them as great exploits, who idolizes criminals as heroes or martyrs.

237. *Sinful joy* is an act of the will by which one takes delight in sins already committed by oneself or by others. We must distinguish between sinful joy and joy about things that are sinful.

(a) Sinful joy rejoices over the iniquity contained in past acts, either because it loves that iniquity in itself, or because it loves it as the cause of some gain. Examples: An unjust and revengeful man rejoices when he thinks of the oppression he exercised against some helpless person who had incurred his wrath. A criminal recalls with joy the perjuries by which his

(b) Joy about things that are sinful or consequent on sin rejoices, not that what was done was wicked, but over other circumstances that were good or indifferent. Examples: An employer admires in the conduct of a dishonest employee, not the injustice committed, but the shrewd manner in which the fraud was perpetrated. A bystander is very much amused to witness a fight, not because he likes discord, but because the acts and remarks of the fighters are comical. A man rejoices when he hears that a friend has committed suicide and made him his heir, if the joy is confined to the second part of the news.

238. The moral gravity and species of evil rejoicing has the same character as the past sins that are its object (see 70 sqq.). For to rejoice over sin is to approve of it, and therefore to be guilty of it in will. Example: A prisoner who, to overcome melancholy, thinks over the times he became intoxicated in the past, is guilty again of those sins, with their number and circumstances adverted to.

239. What has been said about evil rejoicing applies likewise: (a) to boasting over sin committed, because this implies complacency in the sin; (b) to sorrow over sin omitted, because this means that one approves of sin rather than virtue.

240. To be sorry because one performed good that was not obligatory is not sinful of itself, but it may become so by reason of the evil motive of the sorrow, or of the danger of sin. Examples: If a person is sorry that he performed many unnecessary devotional exercises, because he injured his health thereby, his sorrow is not sinful. If he grieves over this because he now dislikes religion, his sorrow is made bad by his evil motive. If he regrets that he married, this is sinful if it leads him to neglect the duties of his state and commit injustice.

241. *Evil desires* are acts of the will by which one deliberately intends to commit sin in the future. They are of two kinds, viz., absolute and conditional: (a) *absolute* or efficacious desires are those in which the mind is fully made up to carry out the evil design, come what may; (b) *conditional* or inefficacious desires are those in which the purpose to commit sin hinges upon the fulfillment of some event or circumstance that is explicitly or implicitly willed.

242. Absolute evil desires have the same moral gravity and species as that to which they tend (*i.e.*, they take their character from the object, end and circumstances). Example: He who plans to steal a large sum from a benefactor in order to be able to live in idleness and dissipation, sins gravely against justice, and is also guilty of ingratitude and intemperance, for he has committed all these sins in his heart.

243. Conditional evil desires, if they are indeliberate and express rather the propensity of nature than the considered will of him who makes them, are not formally sinful. Examples: A poor man who unthinkingly wishes that stealing were lawful; a sufferer who under the influence of pain wishes that the Almighty had not forbidden suicide.

244. Conditional desires, if made deliberately, are of two kinds. (a) There are some desires in which the condition willed (*e.g.*, if this were not a sin, if this were lawful, if this were allowed by God, etc.) takes away the malice of the act desired, since some laws may be dispensed or changed. Examples: "Would that God had not pronounced against taking the property of others!" "I would stay away from church, if this were not Sunday." Desires of this kind are not sinful on account of their object, which is not really wished, but on account of their end, or their lack of useful purpose, and of the danger that the conditional may become absolute. (b) There are other desires in which the condition does not take away the malice of what is desired, either because the condition is not at all concerned with the malice, or because it wishes something to become lawful which even God cannot make lawful. Examples: "I would steal, if this could be done safely." "I would blaspheme, if God permitted." These desires partake of the malice of the things that are wished.

245. Just as we distinguished above between bad thoughts and thoughts on things that are bad, so may we distinguish between bad desires and desires of what is bad. For bad desires that are not mere velleities are sinful, as we have just seen; whereas the desire of what is physically evil is good, if the evil is wished, not for its own sake, but for the sake of some greater

good. Example: To desire out of hatred that a neighbor lose his arm is a bad desire and sinful; but if one wished this as a means to save the neighbor's life, while he still desires something evil, it is not the evil but the benefit that is intended, and hence the desire itself is not bad.

246. **The Causes of Sin.**—The causes of sin are partly internal (*i.e.*, those which are in man himself) and partly external (*i.e.*, those which are without).

247. The internal causes of sin are: (a) ignorance in the intellect; (b) passion in the sensitive appetites; (c) malice in the will.

248. Since ignorance and passion may render an act involuntary (see 40 sqq.), the sins that result from them are of two kinds, *viz.*, material and formal. (a) *Material* or objective sins are transgressions of the law that are involuntary, and consequently not imputable as faults. Examples: Blasphemies uttered by one who is delirious or hypnotized; breaking of the fast by one who is inculpably ignorant of the law; imprecations pronounced by a person out of his mind through fear. (b) *Formal* or subjective sins are transgressions of the law that are voluntary, and hence imputable as faults. They are not only against the law, as is the case with material sins, but they are also against conscience.

249. Ignorance, passion and malice cause sin as follows:

(a) Every sin results from practical error (*i.e.*, from a wrong decision as to what one should do here and now), for the will chooses wrong only after the intellect has decided on wrong. In this sense, then, it is said that all who sin are in error (Prov., xiv. 22), and that every sinner is in ignorance (Aristotle, *Nich. Ethics*, Bk. III, c.1, 1110b 27). But not every sin results from speculative error (*i.e.*, from a false notion or judgment about the lawfulness of an act in general), else we should have to hold that everyone who sins is in error against the faith;

(b) Speculative ignorance causes formal sin, when the ignorance is culpable and leads to wrongdoing, as when a person has never taken the pains to learn what the law of fast requires and in consequence violates the law, or when an automobilist through



carelessness does not see a person crossing the street and runs him down. Speculative ignorance causes material sin, when the lack of knowledge is inculpable and leads one to do what one would not otherwise do, as when a child shoots a playmate, not knowing that this is a sin, or a soldier shoots a comrade whom, on account of darkness, he mistook for an enemy spy;

(c) Passion, by clouding the judgment and vehemently inciting the will, leads one to act against one's better knowledge and to choose inordinately the concupiscences of pleasure, or possessions, or glory (I John, ii. 16). If the passion is voluntary, the resulting sin is formal; but, if the passion is involuntary and takes away the use of reason, the sin caused is material;

(d) Malice is found in a sense in every formal sin, inasmuch as every sin is committed out of choice. But malice in the strict sense, as here understood, is a choice of sin made, not on account of preceding ignorance or passion, but on account of some corrupt disposition of the sinner which makes sin pleasing or acceptable to him, such as a vicious habit or inclination which he cultivates, or willful despair or presumption which he entertains.

250. Ignorance and passion do not always make an act involuntary (see 40 sqq.), and hence three kinds of formal sins may be distinguished according to the three kinds of causes from which they proceed:

(a) sins of *weakness*, which are those that result from antecedent concupiscence or other passion that lessens without taking away the voluntariness of an act. Since the First Person of the Trinity is especially described by the attribute of almighty power, sins of this kind are sometimes called sins against the Father;

(b) sins of *ignorance*, which are those that result from antecedent and vincible ignorance. Since wisdom is especially attributed to the Second Person of the Trinity, sins of this kind are called sins against the Son;

(c) sins of *malice*, which are those that proceed entirely from a free will that is undisturbed by ignorance or passion. Since love is especially ascribed to the Third Person of the Trinity, sins of this class are sometimes called sins against the Holy

Ghost. Example: One whose heart is so set on wealth that he decides to sacrifice the friendship of God for new acquisitions; one who sees clearly the offense to God a sin entails, and deliberately chooses it; one who is so jealous of a neighbor that he schemes to ruin him; one who sins habitually without fear or remorse.

251. Other things being equal, sins of malice are graver than sins of weakness and sins of ignorance, since the former are more voluntary, more enduring, and more dangerous. But just as sins of ignorance and sins of weakness may be mortal, as when their object is seriously wrong, so sins of malice may be venial, as when their object is not seriously wrong. A fully deliberate lie that works no great harm is venially sinful, whereas a murder committed by one who was intoxicated or moved by rage is a mortal sin, if there was sufficient reflection.

252. The external causes of sin are: (a) the devil or other evil spirits, who by acting on the imagination or other sensitive powers of the soul attempt to draw mankind to destruction; (b) the world, that is, the persons and things about us, which by their seductiveness, or by their principles and examples, tend to draw away from the practice of virtue.

253. Since free consent is implied in the concept of formal sin, none of the internal or external causes of sin just mentioned, the choice of the will alone excepted, can actually effect sin. Hence the distinction between temptation and sin. The rebellion of the passions, the suggestions of evil spirits, the seductions of the world, are temptations; if the will does not yield to them, there is no sin, but rather virtue and merit.

254. In the presence of temptation fully adverted to, it is not lawful to remain indifferent (neither consenting nor dissenting), since this without just cause exposes one to the danger (see 258 sqq.) of being overcome by sin.

255. Resistance to temptation is made by the act of the will which commands the other powers not to yield and withholds its own consent to the sin suggested. This resistance may be:

(a) *implicit* or *explicit*, according as the dissent is expressed in what contains it, or is expressed in itself. Examples: Con-

tempt of a temptation or displeasure over its presence is implicit resistance, while the resolve never to yield to it is explicit resistance;

(b) *internal* or *external*, according as it remains in the will, or is also exercised by the other powers. Examples: Displeasure over an uncharitable thought is internal resistance, while the reading of a book to divert the mind from the thought is external resistance;

(c) *indirect* or *direct*, according as the means employed to drive away a temptation are flight or attack. Examples: One who is disturbed by thoughts of hatred, resists them indirectly, if he goes to the opera in order to be calmed by music, while he resists them directly, if he reads prayerfully I Cor. xiii, in order to become more charitable;

(d) *virtual* or *actual*, according as the act of dissent made, and not retracted, is adverted to or not. Examples: If a man rejects a temptation of envy as soon as he notices it, and repeats this act of rejection until the temptation has disappeared, his resistance is actual; if he rejects the temptation once for all as soon as it appears, but is not able to think of this purpose at each instant, his resistance was actual at the beginning, but virtual afterwards.

256. General rules regarding resistance to temptation: (a) it is a grave sin not to resist temptation, when the sin suggested is grave, the danger of consent serious, and the negligence considerable; otherwise the sin is venial; (b) negligence is considerable when the resistance used is not at all in proportion to the temptation. Example: If a man were suddenly to advert to the fact that a shrewd plan he had decided on was gravely unjust, he would be seriously negligent if he put off recalling the decision till he had dwelt more fully on its appealing features.

257. The kind of resistance to be opposed to temptations depends on the character and urgency of the temptation and the disposition of the person tempted. (a) Generally speaking, the more serious the temptation, the stronger should be the resistance. Example: One who knows from experience that temptations to hatred overcome him, if he uses only internal resistance,

should make use of external resistance also. (b) In those cases in which the violence of the temptation increases in proportion to the strength of the resistance, it is better that the resistance be internal, indirect, etc. Examples: Temptations against faith are often overcome more readily by turning the mind away from the doubts suggested to other matters. Temptations that last a long time may be conquered more easily by despising them than by worrying about them and renewing protest after protest. The same is true as regards temptations against purity.

258. *Danger of sin* is the likelihood that it will be committed in certain circumstances. It is of two kinds, proximate and remote. (a) *Danger of sin is proximate*, when there is moral certainty that in given circumstances sin will be committed, either because the generality of mankind falls in such cases (absolute danger), or because in them a particular individual has always fallen (relative danger). Examples: Associating with depraved persons is a proximate danger of sin for anyone, since it is a matter of universal experience that evil associations corrupt good morals. Taking strong drink is a proximate danger for one who has never imbibed moderately in the past. (b) *Danger of sin is remote*, when the likelihood that sin will be committed is not morally certain, and does not exclude a serious and well-founded probability or expectation to the contrary. Example: There is remote danger in an occasional drink, if a person who had several times relapsed into intemperance, has practised abstemiousness for years.

259. *Possibility of sin* is the conceivability but unlikelihood that it will result from a certain set of circumstances. Example: Attention to business sometimes makes a man avaricious, practices of piety may degenerate into hypocrisy, etc., but there is no natural connection between industry and devotion, on the one hand, and greed and insincerity, on the other hand. Sin follows naturally from its danger, but only accidentally from its possibility.

260. It is not lawful imprudently to expose oneself to the danger of sin, since it is manifestly against reason to risk spiritual loss without cause. The character of the sin of him who

does this differs according to circumstances. (a) He who rashly exposes himself to the proximate danger of grave sin, or to what he foresees will become proximate danger, is guilty of grave sin and of the species of sin to which he exposes himself—and this even though the sin does not actually follow. For to love what is so closely related to the sin is to love the sin itself. (b) He who rashly exposes himself to the remote danger of grave sin or to the proximate danger of venial sin is venially guilty. For, while such action is unreasonable, it does not imply affection for grave sin.

261. It is lawful to expose oneself to the danger of sin, if this can be done according to the laws of prudence, for otherwise absurdities would follow (*e.g.*, that urgent duties should not be performed, if one feared they contained the danger of sin). The requirements of prudence referred to are: (a) that the one who exposes himself to the danger of sin be sure that his  *motive*  is good ( *viz.* , that he firmly intends to avoid the sin to which he may be tempted and to accomplish only the good he desires); (b) that the  *action*  he performs and which involves the danger is necessary, and bears a correspondence in importance to the gravity of the sin and the proximity of the risk; (c) that  *means*  be employed (*e.g.*, prayer, pious thoughts, spiritual reading, and the use of the Sacraments), which will so reduce the danger that one has confident assurance that the danger will be encountered safely.

262. It is lawful to expose oneself to the possibility of sin, for, since almost every action may be perverted, one who wished to avoid the possibility of sin would have to leave this world and become confirmed in grace.

263. The  **Occasions of Sin**  are external circumstances—persons, places or things—which tempt one to sin. Examples: Persons who invite others to defraud and show how it can be accomplished, theatres where irreligious plays are staged, books that aim to depreciate virtue, etc.

264. The occasions of sin are of various kinds. (a) They are  *proximate*  or  *remote* , according as it is morally certain, or only likely that they will lead to sin. (b) Occasions are  *necessary*  or

*free* , according as one is able or not able to abandon them without difficulty. For example, one who chooses dishonest persons as his associates is in a free occasion of sin; one who is imprisoned with criminals is in a necessary occasion of sin. An occasion of sin is also necessary when the impossibility of leaving it is not physical, but moral. Examples: A wife who is bound to a provoking husband; a person who cannot give up an employment that offers many temptations, without suffering great temporal or spiritual injury, or without incurring a worse condition. (c) Occasions are  *present*  or  *absent* , according as one has the occasion with him or must go to seek it. Examples: Intoxicants kept in his home are a present occasion of sin for a drunkard; atheistic lectures are an absent occasion of sin for one who has to go out to hear them.

265. It is not lawful to remain in a free occasion of sin, whether it be present or absent; for to do so is to expose oneself rashly to the danger of sin (see 258 sqq.).

266. It is not lawful for one who is in a necessary occasion of sin to neglect means that are adapted to preserve him from the moral contagion by which he is surrounded; for to neglect spiritual safeguards and protections in such a case is to refuse to resist temptation (see 252 sqq.). The means that should be used depend on circumstances, but prayer and firm resolves to avoid sin should be employed in every case.

267. The gravity of the sin committed by one who freely remains in an occasion of sin, or who does not use the requisite spiritual helps in a necessary occasion, depends on various factors: (a) if the sin to which he is tempted is light, he does not sin gravely; (b) if the sin to which he is tempted is serious, and the occasion is proximate, he sins gravely; (c) if the occasion is remote, he sins venially.

268. The  **Motives of Sin** .—The purposes that lead men to sin can be considered as follows: (a) according to the predominant vices of  *individual men* , which are for them motives for committing their other sins ( *particular motives* )—*e.g.*, a man whose chief sin is unbelief and who is led by it to intolerance, blasphemy, despair, etc.; (b) according to the natural relation-

ship and sequence between sins themselves, by which some are usually the motives for others *in all men* (*general motives*).

269. The predominant individual motives for sin are as numerous as the different characters of those addicted to sin, and hence it is impossible to classify them. The predominant general motives for sin, on the contrary, can be assigned according to the principal goods that most often move or repel the wills of all who commit sin, as follows: (a) goods of the soul, such as praise and honor, inordinately pursued (the vice of pride); (b) goods of the body, inordinately desired (the vices of lust and gluttony); (c) goods that are external, unduly loved (the vice of avarice); (d) one's own good, not sufficiently wished (the vice of sloth); (e) the neighbor's good, not sufficiently desired (the vices of envy and anger).

270. The seven vices mentioned above are usually called the *capital*, or head vices, since the other sins are directed by them just as the other parts of the body are directed by the head.

271. Among the seven capital vices there are two that have principality over the others: (a) in the intention of the sinner the motive force that impels to sin is always some inordinate desire of his own personal excellence, and hence *pride* is the beginning of all sin; (b) in the execution of the sin the opportunity for satisfying every base desire is afforded by money, and thus *avarice* is the root or nourishment of all evils.

272. **The Results of Sin.**—There are two kinds of sins from the viewpoint of origin: (a) *original sin*, which is inherited from Adam by all his descendants (except Christ and the Blessed Virgin); (b) *actual sin*, which is committed by the personal will of each sinner.

273. The immediate consequences of original sin were that Adam lost for himself and his posterity the gifts of the state of original innocence. Thus: (a) the soul in subjection to God was endowed with the beauty of holiness, to which succeeded the deformity of enmity against Him; (b) the powers of the soul were in harmony, the lower subject to the higher, but to this succeeded a state of disunion and rebellion and what are called the four wounds of nature, the intellect and will becoming prone

to error and sin, and the sensitive appetites tending inordinately towards delights or away from difficulties; (c) the body which had been in subjection to the soul and endowed with freedom from suffering and mortality, became burdensome to the soul and subject to pain and death.

274. The consequences that are common to all sin, both original and actual, are: (a) the sinner loses the spiritual beauty to which sin is opposed, and this loss is called the *stain of sin*, since the soul defiles itself by inordinate contact with what it loves; (b) the sinner incurs the *debt of punishment*, since sin is an injustice against the internal law of reason and against the external law of God and man.

275. The stain of sin is not: (a) a mere privation or absence of grace, for otherwise all sins would be the same; nor (b) a mere passing shadow over the soul, since the bad state of the will can remain after the act of sin.

276. The stain of sin differs according to the sin. (a) The stain of original sin is the privation of original justice (*i.e.*, of the subjection of reason and will to God), as being a voluntary privation through the will of the first parent Adam; (b) the stain of mortal sin is the privation of sanctifying grace, as connoting the act of the individual will through which it was incurred; (c) the stain of venial sin is the privation of the fervor of charity resulting from the sin, inasmuch as it, to some extent, hinders the beauty of interior grace from appearing in external acts.

277. The stain of grave sin is the disfigurement of death, for (a) it removes the principle of supernatural existence (*i.e.*, grace); (b) it takes away the principles of supernatural activity (*i.e.*, the infused habits), though faith and hope may remain; (c) it deprives the soul of the rights that belong to the spiritually living (*i.e.*, of merits already acquired).

278. The stain of venial sin is the disfigurement of disease, for (a) it disposes one for spiritual death (*i.e.*, for mortal sin); (b) it lessens spiritual vitality, by setting up habits that make the practice of the virtues more difficult.

279. The penalty of sin is threefold according to the three

fold offense of sin. (a) Inasmuch as sin is against reason, it is punished by remorse of conscience; (b) inasmuch as it is against ecclesiastical, civil or other human law, it is punished by man; (c) inasmuch as it is against divine law, it is punished by God.

280. The punishment of sin is twofold according to its duration. (a) Grave sin, since it deprives of spiritual life and turns man away from his Last End, introduces a radical and, of itself, irreparable disorder, and thus incurs an *eternal* punishment; those who die in grave sin will be sentenced to eternal punishment. (b) Venial sin does not inflict spiritual death, but is a defect or excess, not as regards the Last End, but as regards the means to the Last End. Thus, it incurs, not an eternal, but a *temporal* punishment.

281. The punishment of sin is twofold according to its quality. (a) Sin by which man turns away from his Last End is punished by the *pain of loss*, the deprivation of eternal happiness which was despised. This pain may be called infinite, inasmuch as it is the loss of Infinite Good. (b) Sin, in so far as it is an inordinate turning towards created things, is punished by the *pain of sense*, which comes through creatures. This pain is finite.

282. Sin may be a punishment of sin: (a) if a later sin results from a former sin (*e.g.*, God may permit those who refuse to serve Him, to become the servants of their passions); (b) if the commission of sin is accompanied by internal or external sufferings (*e.g.*, the jealous indulge their vice at the expense of great mental torment).

283. Not all the afflictions that befall mankind are chastisements. In the strict sense, only those evils are punishments which are inflicted by the lawgiver against the will of the offender as a vindication of justice violated by the personal offense of the latter. Hence we must distinguish punishment from the following: (a) from *satisfaction*, which is compensation willingly endured for one's own sin, or freely offered for another's (*e.g.*, David after his repentance performed penance for his sins; Christ on the cross offered His satisfaction for the human race); (b) from *medicinal afflictions*, which are intended, not

as reparations to injured justice, but as remedies to preserve men against sin or relapse, or to afford them opportunities for progress (*e.g.*, the calamities of Job, the condition of the man born blind, the dolors of the Blessed Virgin, the physical evils which in this world sometimes happen to subjects as a punishment on their rulers, etc.); (c) from the *natural defects* of fallen human nature, such as hunger, thirst, disease, etc. These are only indirectly the consequences of original sin, the direct punishment, from which they follow, being the infirmity and corruption of nature produced by original sin.

## Question III

## LAW

284. In the previous Question we considered the *internal* principles of human acts—that is, habits, good and bad, from which they proceed. Now we shall turn to the *external* principles, good and bad, that move one to one's acts. The external principle that moves to evil is the demon, who tempts us to sin; the external principle that moves to good is God, who instructs us by His law and helps us by His grace to fulfill it. Temptation has been discussed already, and grace belongs to Dogmatic Theology; the next Question to be considered, therefore, is Law.

## Art. 1: LAW IN GENERAL

(*Summa Theologica*, I-II, qq. 90-92.)

285. **Definition.**—Law is an ordinance of the reason for the common good promulgated by him who has authority in the community.

(a) It is an *ordinance*, that is, a command or prohibition which has obligatory and lasting force. Hence, advice is not a law, because not obligatory; a rule that binds only during the lifetime of the lawgiver or of those who received it is not strictly a law, because not enduring.

(b) It is an ordinance *of the reason*, since the rule and standard of human acts is reason (see 64 sqq.). Hence, the arbitrary will of a ruler commanding what is against reason would not be law, but rather iniquity.

(c) It is made *for the common good*, that is, it must tend

to promote, directly or indirectly, general happiness, which is the end of society. Hence, the commands of a tyrant which benefit a few at the expense of public peace and prosperity are not truly laws.

(d) It is *made by him who has authority*, that is, by the person or persons who have the lawmaking power according to the form of government. Hence, the decisions of an advisory body or the decrees of a usurper are not laws.

(e) It is made by the proper authority *in a community*, that is, as here understood, in a self-sufficing community, which has its own means for attaining its end and is independent in its own order of other societies. Hence, the regulations made by parents for their family are not called laws, since the family is not a self-sufficing society.

(f) It is an ordinance that has been *promulgated*, that is, brought to the notice of those whom it binds. Hence, a law that has been drawn up but not published as such, is not obligatory even for those who know of its existence. A law becomes obligatory, however, as soon as it has been promulgated, and the presumption then is that the law is known; but he who is inculpably ignorant is not guilty of formal sin if he breaks the law.

286. **Division.**—According as the immediate lawgiver is God or man, laws are divine or human. Divine laws are threefold: (a) the *eternal* law is the ordinance of the divine mind which from eternity has directed the motions and actions of all creatures for the common good of the universe; (b) the *natural* law is the light of man's reason as an impression and reflection of the eternal law; (c) the *positive* divine law is that which God of His free will has added to the natural law, *viz.*, the Mosaic law under the Old Testament and the law of the Gospel under the New Testament.

287. Human laws are ecclesiastical or civil according to the authority from which they originate.

288. **Collision of Laws.**—Not infrequently it happens that opposite laws seem to call for fulfillment at the same time, as when in case of unjust attack it seems that one is bound to

defend oneself and bound not to injure the other party. Hence arises a conflict of obligations and rights. But the difficulty is only apparent; for, since God is a just and wise lawgiver, He does not intend either that one should be held to impossibilities, or that a superior obligation should yield to one that is inferior. Hence, the rule in such cases of apparent collision of laws is: (a) if a person can recognize which of the two obligations is superior, he is bound to follow that one; (b) if he is unable to discover after careful examination which obligation has the greater claim, and must decide at once, he may decide for the law whose observance seems to him safer; or, if he sees no difference as regards safety, he may decide for either as he wishes. If the decision is wrong, the error is involuntary, and hence not imputable as sin.

289. When the contending precepts belong to different categories of law, the higher law must be followed. (a) The natural law has precedence over the positive law, divine or human. For example, the natural law of self-preservation allowed David to eat the loaves of proposition, a thing forbidden by the positive divine law. The same law of self-preservation allows a starving man to take what does not belong to him according to human laws, if it is necessary for his life. The same law of self-preservation excuses one from assisting at Mass, if one is very ill. (b) The positive divine law has precedence over human law. Example: The command of Christ to his Apostles to preach His Name was to be obeyed rather than the command of the Sanhedrin to the contrary (Acts, v. 19). (c) The ecclesiastical law has precedence over civil law, for the end of the Church is higher than that of the State, and the Church's judgment about the means to her end should prevail.

290. The precedence of ecclesiastical over civil law does not mean that the Church has the right to interfere in matters that belong to the jurisdiction of the State, or that the Church should insist on settling every dispute by its own action alone.

(a) A law on matters purely civil and political made by the Church in opposition to a law of the State would not prevail over the latter, for, as the Church admits, "whatever is to be

ranged under the civil and political order is rightly subject to the civil authority" (Leo XIII).

(b) A law on matters directly or indirectly spiritual, made by the Church but not necessary to her end, can be made the subject of negotiation or even of compromise by the Church in order to avoid a conflict of laws; in fact, the Church has shown her willingness to make concessions, where possible, for the common peace and happiness.

291. When contending laws belong to the same category of laws, the more important, or more urgent, or more necessary law prevails.

(a) The law that defends greater goods (those that are spiritual, internal, or common) has precedence over the law that defends lesser goods (the temporal, external, or private). Examples: The natural law that one must save oneself from persecution and death yields to the natural law that one must not blaspheme or deny God, and hence one must prefer to die rather than blaspheme. The law that one may not expose one's life to danger yields to the law that the common welfare must be defended; hence, citizens are obliged to go to war when the nation calls, pastors and physicians to remain at their posts in time of pestilence, disaster, etc.

(b) Obligations of justice have precedence over obligations of charity, for in the former case a stricter right is in question. Example: Titus is keeping \$5.00 in order to pay a debt to Caius, who needs the money today; Balbus, who is very poor, asks Titus to give the money to him. Titus should pay Caius.

(c) Negative or prohibitory laws have precedence over affirmative or preceptive laws (see 371). Example: Titus is asked to write out a testimonial stating that he knows that Balbus is honest, competent, etc. Balbus has claims on the help of Titus on account of a promise made in the past; but Titus knows very well that Balbus is not competent, honest, etc. The law forbidding lies prevails here over the law that one keep a promise made.

292. Since rights and duties are correlative—there being a duty that corresponds to every right, and vice versa—and since both are regulated by law, the principles given for the apparent

collision of laws can be applied to the apparent collision of rights.

(a) Rights of a higher kind have preference over rights of a lower kind. Therefore, the rights that arise from birth itself, or from the fact that one is a human being (*e.g.*, the right to life), are superior to the rights that are acquired through some condition, such as inheritance or contract (*e.g.*, the right to property, etc.). Example: Titus must get his child, who is in danger of death, to a hospital without delay. Balbus is getting ready for a pleasure ride, but Titus takes his car since there is no other ready means of getting to the hospital. Titus acts within his natural rights, if the car is returned safely and as soon as possible to the owner. According to civil law his act would be technical larceny, but in view of the necessity courts and juries would certainly not insist on the letter of the law.

(b) Inalienable rights (*i.e.*, those which one may not renounce, because they are also duties), such as the right to serve God, the right to live, etc., are superior to alienable rights (*i.e.*, those which one may renounce), such as the right to marry, the right to own property, etc. Example: One may surrender the right to drink intoxicants in order to serve God or preserve one's life.

**293. The Basis of All Laws.**—Prior to every other law and the ground and principle of all laws is the Eternal Law; for, since this is the plan of Divine Wisdom directing from eternity all acts and movements to their particular ends and to the end of the universe, it follows that all other laws are reflections of the eternal plan and realizations of the divine decree. The Eternal Law differs from other laws in various ways:

(a) *as to duration.* The Eternal Law existed before anything was made, whereas all other laws begin to exist when they are promulgated;

(b) *as to breadth of application.* The Eternal Law regulates, not only contingent things (such as actions) but also necessary things (such as that man should have a soul, hands and feet); for all things created, whether they be contingent or necessary, are subject to divine government. Human laws, as is

evident, cannot regulate what is necessary (*e.g.*, it would be foolish for them to decree that men must or must not have souls);

(c) *as to subjects.* The Eternal Law rules, not only rational creatures (*i.e.*, angels and men), but also irrational creatures, such as matter, plants, and animals. The former are ruled through commands, which require that they direct themselves to their End; the latter are ruled through the inclinations given them by God, which move them to the ends He desires them to attain. Human laws cannot regulate the acts of irrational creatures, for these creatures cannot understand a command as such, and man cannot give them natural inclinations (*e.g.*, it would be foolish to make a law for cats against the catching of birds).

**294.** The laws to be considered in the pages that follow are temporal and moral. Thus: (a) they are laws promulgated at some particular time, either from the beginning of humanity (as is the case with the Natural Law) or later (*e.g.*, the Mosaic Law, the Christian Law, etc.); (b) they are laws regulating, not the necessary (as is the case with metaphysical or mathematical laws), but the contingent; (c) they are laws given, not to the irrational creature (as is the case with physical and biological laws), but to the rational, that it may attain its end through self-government in accordance with law.

#### Art. 2: THE NATURAL LAW

(*Summa Theologica*, I-II, qq. 93, 94.)

**295. Meaning.**—The Natural Law is so called for the following reasons: (a) it is received by man, not through special promulgation, but *along with his rational nature.* Hence, St. Paul says that the Gentiles, who had not received the laws specially promulgated, were a law unto themselves, that is, through their rational nature (Rom., ii. 14); (b) it includes only such precepts as can be known or *deduced from the very nature of man*, and thus some pagans fulfilled the Law of Moses naturally, *i.e.*, as regards its natural precepts (Rom., ii. 14); (c) it



can be known *from the natural light of reason* without instruction, being a law written on the heart of man (Rom., ii. 15).

The Natural Law is defined theologically as a participation of the Eternal Law in man. Three elements constitute its essence in its integrity: (a) a *passive* participation of the Eternal Law consisting in man's nature and faculties with their inclinations to their proper acts and ends. This man shares with all creatures. (b) an *active* participation in the Eternal Law proper to man. This consists in the activity of man's intellect through which he shares in God's providence and government in a special way as one who can rule himself and others. Reason, reflecting upon the natural inclinations and ordering them to their proper acts and ends, formulates (c) a dictate or command of the practical reason. This command constitutes the essence of Natural Law. "Hence the Psalmist after saying (*Psalm, IV. 6*): *Offer up the sacrifice of justice*, as though some one asked what the works of justice are, adds: *Many say, Who showeth us good things?*, in answer to which he says: *The light of thy countenance, O Lord, is signed upon us*. Thus the Psalmist implies that the light of natural reason, whereby we discern what is good and bad, which is the function of the Natural Law, is nothing else than an imprint on us of the divine light. It is therefore evident that the Natural Law is nothing else than the rational creature's participation in the eternal law" (*Summa Theol. I-II, q. 91, a.2*).

**296. Relation of the Natural Law to Other Laws.**—(a) The Natural Law is inferior to the Eternal Law; for, while the Eternal Law exists in the mind of God, undervived from any other law and is regulative of all created things, the Natural Law exists in the mind of man, as a derivation and image of the Eternal Law and a rule for man's acts only. (b) It is superior to Positive Law, for all Positive Law is a deduction from or a determination of Natural Law.

**297. Division.**—Since Natural Law is the reflection of the eternal plan of Divine Wisdom in the reason of man, we cannot distinguish different species of it according to difference of law-givers or subjects. The objects regulated are, however, differ-

ent; and hence we may distinguish various precepts of Natural Law.

(a) According to the difference of persons to whom natural duties are owed, there are natural laws *concerning God* (e.g., that God must be honored), natural laws *concerning self* (e.g., that one must not commit suicide), and natural laws *concerning the neighbor* (e.g., that injustice must not be done).

(b) According to the difference of natural inclinations in man, there are, first, natural laws *common to him with all beings* (e.g., the law of self-preservation, and hence it is a natural duty of man to take sleep, food, drink, remedies, etc., as necessary for life); secondly, natural laws *common to him with all sentient beings or animals* (e.g., the law of preservation of the species, and hence it is a natural duty of man to rear and provide for his children); thirdly, natural laws *proper to man as a rational being* (e.g., the laws that he should cultivate his powers of mind and will, and hence it is a natural duty of man to further religion and education, and to organize into societies and to respect the rights of others).

**298.** According to their necessity for the primary or the secondary end of a natural inclination, the laws of nature are divided into primary and secondary. (a) The *primary* end of a natural inclination is the conservation of a natural good; and so it is a primary law of nature that man should take the food, drink, sleep and exercise necessary for life, and that he should avoid poison or other things that cause death. (b) The *secondary* end of a natural inclination is the betterment of a natural good, or its easier conservation; thus, it is a secondary law of nature that man should use those kinds of food or drink that promote his health, that he should be careful about his diet, practise moderation, etc.

**299.** Primary and secondary laws of nature are also explained as follows: (a) a primary law is one that expresses the principal purpose of a natural inclination (e.g., social good, that is, the begetting and rearing of children, is the primary law of the married state); (b) the secondary law is one that expresses

a less important purpose of a natural inclination. For example, individual good (*i.e.*, companionship, mutual assistance, the practice of virtue and freedom from temptation) is the secondary purpose to be promoted in the married state.

300. Precepts of the Natural Law may be divided also on account of the different relations they have to one another or to our knowledge.

(a) According to the priority they have among themselves, the laws of nature are divided into the *first principle* and the *secondary principles*. The first principle, which is general, which depends on no other, and which is the root of all the others, is: "Good must be done, evil omitted." The secondary principles are particular, and they apply this general principle to the natural inclinations of man mentioned above, which reason indicates as ends of action—*i.e.*, as goods to be sought.

(b) According to the priority they have with respect to our knowledge of them, the laws of nature are divided, first, into *axiomatic precepts*, which are evident and are granted by all (*e.g.*, that good is to be done, that one should follow reason, that one should not do to others what one does not wish done to oneself, etc.), and, secondly, into *inferred precepts* (*e.g.*, that one should not steal from others, as one does not wish others to steal from oneself).

301. The inferred precepts are also of two kinds, namely, *general* and *particular*. (a) The *general* precepts are those that are deduced immediately from the axioms as universal conclusions (*e.g.*, the commandments of the Decalogue, the principle that one should return what one borrowed). (b) The *particular* precepts are those that are deduced only remotely from the axioms as conclusions about cases in which many particular conditions and circumstances are involved (*e.g.*, many conclusions about contracts, the conclusion that a loan is to be paid in some particular way, at this particular time, etc.).

302. According to the invariability or permanence of their subject-matter, the laws of nature are of two kinds, namely, *necessary* and *contingent*. (a) The *necessary* laws are those whose matter always bears the same relation of essential con-

formity to or difformity from reason. For example, the command, "Thou shalt not take the name of the Lord in vain," is necessary, because God remains always worthy of honor, and there is no conceivable or possible case in which it could become useful to speak of Him with dishonor. (b) The *contingent* laws of nature are those whose matter generally, but not always, bears the same essential relation to right reason. For example, the command, "Thou shalt not kill," is contingent, because, though man generally remains worthy of having his life respected by others, there are cases when it might be injurious to the common welfare, and hence to natural law, that an individual be permitted to live, as when he has committed and been convicted of a capital crime.

303. According to the manner in which they oblige, the laws of nature are twofold, namely, *absolute* and *relative*. (a) *Absolute* laws are those that oblige for every case and condition, because the matter with which they are concerned is intrinsically good or bad in every instance (*e.g.*, the laws forbidding marriage between parent and child, the law against polyandry). (b) *Relative* laws of nature are those that oblige except in case of a most grave public necessity, because the matter with which they are concerned is generally and of its very nature becoming or unbecoming (*e.g.*, the laws forbidding marriage between brother and sister, the law forbidding polygamy).

304. According to the manner in which the obligation is contracted, laws of nature are of two kinds, *viz.*, those whose obligatory force depends entirely *on the nature of things* (*e.g.*, the law that God must be honored), and those whose obligatory force depends *upon an act of the will of man* freely undertaking an obligation, which the nature of things then demands that he fulfill (*e.g.*, the laws that those who have made vows, oaths, contracts, etc., should live up to that which they have freely promised).

305. *Properties*.—Since the Natural Law is the reflection of God's Eternal Law impressed on the rational nature of man, it has the following properties: (a) it is both *declarative* and *imperative*; being immanent in man, it declares to him his duty;

being transcendent in its origin, it speaks with the voice of authority; (b) it is *universal*, or for all, for it declares the necessities of nature, which are the same in all men; (c) it is *unchangeable*, that is, it admits of neither abrogation, nor dispensation, nor emendatory interpretation, for the essences of things, on which it is based, do not change; (d) it is *recognizable* and *indelible*, that is, it cannot fail to be known and cannot be forgotten by mankind, for it is promulgated through the light of reason given to man.

306. The Natural Law is of universal obligation. It is in force in all places, at all times, and for all persons. (a) Thus, those who have not the use of reason, such as infants and the insane, are subject to the Natural Law on account of their human nature which is injured by any transgression of its inclinations. Their ignorance, of course, excuses them from formal sin (see 24 sqq., 97 sqq.). Example: It is sinful to induce or permit children to blaspheme or become intoxicated, not only because of scandal or of harm done to them, but also because such things are necessarily repugnant to their dignity as human beings. (b) Those who have the use of reason are subject to the Natural Law, and their transgressions are imputable as formal sins and incur the debt of punishment.

307. The Natural Law is unchangeable, not as regards additions, but as regards subtractions. (a) Additions may be made to the Natural Law, for, in many points not determined by it, it is useful that supplementary regulations be made to provide for particular situations. These additions, made by Positive Law, divine and human, are amplifications rather than changes, for they must not be out of harmony with Natural Law. (b) Subtractions may not be made from the Natural Law—that is, there can be no exception when it declares that a certain thing must always be observed, and there can be no abrogation when it declares that a certain thing must be observed usually.

308. From the foregoing it follows that no precept of the Natural Law can be abrogated—that is, repealed and deprived of all force, so that what was today a precept of nature should no

longer be such tomorrow; for the necessities of nature on which the Natural Law is based do not change.

309. As to the question whether any precepts of the Natural Law may be dispensed or not, distinction must be made between two kinds of dispensation.

(a) A dispensation *in the strict sense* is granted when a legislator relaxes for a particular case the obligation of a law, although the subject-matter of the law still remains. Example: Titus is in the class of those who are bound by the law of fast, but he is exempted by competent authority from the obligation of the law.

(b) A dispensation *in the wide sense* is granted when the subject-matter of the law is taken away by the legislator himself or by another, so that it ceases to be comprehended under the law, although the obligation of the law still remains. Example: Balbus owed money to Caius, but, as Caius forgave him the debt, he is no longer in the class of those who are bound by law as debtors to Caius; he is not exempted, however, from the obligation of the general law that one must pay one's debts.

310. There are various opinions as to the possibility of a dispensation from the Natural Law granted by God, but the following doctrine seems the most probable.

(a) God Himself cannot dispense *in any way* from those precepts whose matter is necessary (see 302), such as axiomatic precepts (*viz.*, those that prohibit malice and those that command duties to be fulfilled at a proper time and place). For all the subject-matter of these precepts is intrinsically either consonant with or dissonant from right reason. Example: God could not by decree abolish the Ten Commandments, for, as long as God is God, He must remain worthy of worship, praise and love; and, as long as man is man, it must be against his rational nature to murder, steal, lie, etc.

(b) God cannot grant a dispensation *in the strict sense* from those precepts of the Natural Law whose matter is contingent, such as the precepts against the taking of human life, against taking possessions from others against their will, etc. For, as long as the subject-matter of these precepts remains what it is

supposed to be by the law, transgression of them is necessarily opposed to reason. Example: God cannot command the killing of a person who has the right to life, nor the taking of property that rightly belongs to another.

(c) God can grant a dispensation *in the wide sense* from contingent precepts of the Natural Law—that is, He can make a change as regards the subject-matter, so that it no longer falls under the law. Thus, since God is the supreme Lord of life and property, He can without injury to human rights command that a person be put to death or deprived of his property by another. These acts would not constitute murder (*i.e.*, unjust homicide) or stealing (*i.e.*, unlawful taking); for God has a higher claim on life and possessions than the immediate owners have. Examples: The command to Abraham to kill his son was not a dispensation from the law against murder any more than the sending of death to the first-born of Egypt was the commission of murder by God. The command given the Israelites to carry away with them the goods of the Egyptians was not a dispensation from the law against theft, any more than the destruction of the fruits of the Egyptians by plagues was the commission of theft by God.

311. Is God able to make a decree which sets up a most grave public necessity opposed to the observance of a law of nature?

(a) If there is question of *absolute* laws (see 303), this cannot be done, for God cannot deny Himself by making a disposition contrary to His Eternal Law. Example: We do not read that God ever sanctioned polyandry or marriage between parent and child, and it seems that He could never permit such things as lawful.

(b) If there is question of *relative* laws (see 303), the decree in question can be made by God; for the unbecomingness of that which is forbidden by a relative law passes away in the face of a great need. Example: Since God desired the propagation of the human race from one man and one woman, marriage between brothers and sisters was not against the Natural Law at the beginning. Since God desired the speedy multiplication of the chosen people after the patriarchal era, polygamy

was not repugnant to nature among the Jews of that period.

312. Is God able to remove a natural obligation in a case of private necessity, that is, when the fulfillment would be harmful to an individual?

(a) Natural obligations that *do not depend upon any free consent of the will given to them* (see 304) cannot be removed except by a dispensation widely so-called and when their matter is contingent (as explained in 309–310). Examples: God could not dispense an individual from the duty of confessing Him in order to escape death, for the subject-matter of the law here is necessary. God could dispense an individual from the obligation of not taking the property of another, for God is the principal owner of all things, including those possessed by others.

(b) Natural obligations that depend upon the act or deed of human beings consenting to obligation (see 304) can be removed. For since human beings cannot know all the circumstances existent, or all the conditions that will arise, it can happen that a thing agreed to or promised is only seemingly good, or will change from good to bad, so that while the promise or agreement made is in itself good and naturally obligatory, its fulfillment would work harm and evil, or be useless, or would prevent the accomplishment of a greater good. It is reasonable, therefore, that God should release from obligation here, thus changing the subject-matter of the law, so that it is no longer comprehended under the law (see 309–310). Example: Titus vows or swears that he will give a certain alms or make a certain pilgrimage; but, when the time for fulfillment arrives, his circumstances have so changed that it would not be advisable for him to keep the promise made. The Church, acting in the name of God, can declare that the subject-matter of this promise has become harmful and is not longer suitable, and hence that the obligation has ceased.

313. *Human Authority and Modification of the Natural Law.*

—(a) *Additions* to the Natural Law may be made, not only by positive laws of God, but also by human laws of Church or State, through the introduction of that which Natural Law permits, or the determination or confirmation of that which Natural Law

contains implicitly or explicitly. Examples: Division of property rights introduced by the law of nations; conditions for valid contracts determined by particular codes; the laws against theft and murder confirmed by definite penalties prescribed for those crimes.

(b) *Subtractions* from Natural Law cannot be made by any human authority, for God has not delegated His power of dispensing which He has as supreme owner of all things. Examples: No human authority could authorize a father to sacrifice his innocent son, nor permit a servant to carry away the effects that belong to his employer.

**314. Apparent Cases of Dispensation from Natural Law made by Human Authority.**—(a) The Church frees from the obligation of vows, contracts and promissory oaths, from impediments to marriage, from espousals, etc. In so doing, however, she does not dispense from the Natural Law that vows, contracts, etc., should be fulfilled, but only declares in the name of God that the subject-matter of an obligation contracted by act of man's will has become unsuitable for vow, contract, etc., and hence is no longer comprehended under the law.

(b) Societies or private individuals can free from the obligation of paying or returning to them what they have a right to, as when a creditor forgives a debt, or an owner permits a thief to keep what he stole. In so doing, however, they do not dispense from the law of nature that one should pay one's debts and not keep ill-gotten goods; they only change the quality of the things in question so that they cease to be due another or ill-gotten, and hence no longer fall under the law. This differs, too, from the dispensation that God can grant; for He can transfer rights without the consent of the immediate owner (see 310).

**315. Interpretation**—that is, explanation of the law which indicates whether or not it obliges in a particular case—may be applied to the Natural Law as follows:

(a) Interpretation which explains the intention the lawgiver had in making the law and the sense he gave to the words of the law (verbal interpretation), may be made when either a

law itself is not entirely clear, or some person is not clever enough to see its meaning. Example: The commandment, "Thou shalt not kill," needs to be interpreted, for it does not forbid every kind of killing.

(b) Interpretation which explains the intention a lawgiver would have had, had he foreseen a particular case in which his law would be harmful, and which therefore sets the will of the lawgiver against the words of the law (emendatory interpretation, *epieikeia*), may not be applied to the Natural Law; for God, unlike human legislators, foresees things not only in general, but also in particular, and hence there is no room for correction or benign interpretation of natural laws. Example: Titus, who was a chronic invalid, committed suicide in order that his family might be freed from distress. He argued that the Fifth Commandment did not foresee the difficulties of earning a living under modern conditions, and that his sacrifice would be pleasing to God. Titus did not reason well, for suicide is forbidden for motives that apply universally (*e.g.*, that society, and especially one's family, are injured by the act of suicide).

**316. Verbal interpretation of the Natural Law is made as follows:** (a) *by private authority*—that is, by those who are competent, on account of learning and prudence, to understand the meaning of the law, such as moral theologians; (b) *by public authority*—that is, by those who are appointed to rule, with the prerogative of declaring the meaning of the Natural Law. The Pope, since he must feed the flock of Christ, is divinely constituted to interpret Natural Law, and does so authentically and infallibly. Thus, the Church declares that certain matrimonial impediments are natural, and therefore incapable of being dispensed.

On the competence of the Church to give authoritative interpretations of the natural law in the field of morals, Pius XII has spoken clearly and forcefully: ". . . it must openly and firmly be held that the power of the Church has never been limited to the boundaries of 'strictly religious matters' as they are called; but the whole content of the natural law, its institution, interpretation and application are within its power insofar

as its moral element is concerned. For the observation of the natural law, by the ordination of God, is the way by which man must strive to attain his supernatural end. On the road to this supernatural end, it is the Church that is his leader and guide. This is the way the Apostles acted, and from the earliest times the Church held to this way of acting as it does today—and not in the manner of a private leader and counselor, but from the command and authority of God" (AAS 46 [1954] 671-672).

317. From the foregoing it follows that the Natural Law is so unchangeable that it cannot be abrogated or properly dispensed, or given an emendatory interpretation. But, though the law itself remains, there are cases in which non-observance of it is excused from guilt. These cases can be reduced to physical and moral impossibility.

(a) In cases of *physical impossibility* (*i.e.*, when the powers requisite for observance are wanting), one is manifestly excused; for law is reasonable, and it is not reasonable to require impossibilities. Examples: Infants are not guilty of sin against the Natural Law, when they do not pray; for they lack the use of reason, which is presupposed by the notion of prayer. He who is unable to work is not obliged to earn support for relatives.

(b) In cases of *moral impossibility* (*i.e.*, when a law cannot be kept without the infringement of a higher law or the loss of a higher good), one is also excused; for it is unreasonable to prefer the less to the more important. Example: Titus lends a revolver to Balbus. Later he asks that it be returned to him, as he wishes to kill himself. Now, property is less valuable than life, and hence Balbus is unable in this case to observe the law which requires that things borrowed must be returned.

318. Moral impossibility is also defined as the inability to observe the law without serious injury or loss to oneself or a third party. Serious *injuries* are such as deprive some one of great goods, such as the use of reason, life, knowledge, friendship, health, reputation, property. Serious *losses* are such as prevent one from obtaining notable goods. The following rules indicate when grave inconvenience excuses, and when it does

not excuse, from the guilt arising from the non-observance of Natural Law:

(a) when the law is negative (*i.e.*, prohibitory), no inconvenience excuses from sin; for that which is forbidden by the Natural Law is always morally evil, and hence more to be shunned than even the greatest physical evil, or death. Example: One is obliged, under grave or light sin, as the case may be, to forfeit all temporal goods rather than blaspheme, murder, lie, etc.;

(b) when the law is affirmative (or mandatory), an inconvenience which, all things considered, is really and relatively grave, excuses from sin; for that which is commanded by the Natural Law is not always morally obligatory, but only at the right time and in the right circumstances (see 371), and hence its omission is not always morally evil. Examples: Sempronius vowed that he would go on foot to a place of pilgrimage, but when the day came he had a sprained ankle that would be badly injured if he walked. Caius received a jewel stolen from Balbus and promised that he would return it at once to the owner, but he finds that he cannot do so now without danger, either of the arrest of himself or of the one who took the jewel. Titus sees a person who has been seriously injured lying by the roadside, but he is tired, and neither gives help himself nor summons aid. In the first two cases the inconvenience is grave, and hence Sempronius may ride to the place of pilgrimage, and Caius may return the jewel to Balbus later; but the inconvenience of Titus is slight, and does not excuse him from sin.

319. Just as the Natural Law is unchangeable, because based on the unchangeable Eternal Law instituting the nature of man, so is it easily knowable, because it is promulgated by the light of reason. Hence: (a) invincible ignorance of the entire Natural Law is impossible in any person who has the use of reason; (b) complete forgetfulness of the Natural Law by mankind is impossible.

320. Those who *have not the use of reason*, either habitually (as children and the insane) or actually (as the intoxicated), may be invincibly ignorant of the Natural Law—for example,

they may be unable to perceive even the difference between right and wrong. As to those who *have the use of reason*, they can be ignorant of the Natural Law only as follows:

(a) they cannot ever be invincibly ignorant of the most general precepts (such as "good is to be done," "evil is to be avoided"), for since they know the difference between right and wrong, they must also perceive that which is contained in the concepts of right and wrong, *viz.*, that the former is something desirable and which ought to be done, the latter something undesirable which must not be done;

(b) one cannot, as a rule, be invincibly ignorant of those precepts that are immediately inferred as necessary conclusions from the most general precepts (such as "that which was borrowed must be returned"), for the conclusion follows so easily from the manifest principle that only in exceptional cases could one be excused for not knowing its truth;

(c) one can, even as a rule, be ignorant of precepts that are inferred as necessary but very remote conclusions from the most general precepts, (such as "that which was borrowed must be returned at such a time or place, or in such a manner or condition"), for this conclusion is so far removed from its premise, and there are so many factors to be considered, that considerable knowledge and skill in reasoning are required for a correct judgment—things in which many people are lacking.

321. The Commandments of the Decalogue follow directly from the most general precepts of the Natural Law, and so to them may be applied what was said in the previous paragraph. Hence: (a) generally speaking, no person who has the use of reason can be invincibly ignorant of the Commandments. St. Paul blames the pagans as inexcusable in various sins committed against the Decalogue; (b) *in special cases*, a person who has the use of reason can be invincibly ignorant of one or more Commandments; for while the Commandments may be easily inferred by most persons from the common principles of right and wrong, there are sometimes involuntary impediments that hinder the right employment of reason. Thus, children and older persons whose mentality is undeveloped, although they know the differ-

ence between right and wrong, are frequently unable to draw the conclusion that follows from it (*e.g.*, that one should not tell lies).

322. The Commandments regarding which invincible ignorance may most easily exist are: (a) those that deal with *merely internal acts*, for the malice of violating them is less apparent. Hence, many theologians admit that even among Christians the wickedness of sinful thoughts and desires may be inculpably unknown, at least when the wickedness of the corresponding external acts is also not known; (b) those that deal with the control of sensuality, for the impulse to inordinate acts is at times most vehement. Unde theologi sunt qui affirmant malitiam peccatorum externorum contra sextum invincibiliter ignorari posse. non solum apud infideles, sed etiam apud Christianos, ita quod ab adolescentibus facile ad tempus ignorari possit malitia mollitiei.

323. If a Commandment be applied to some particular case in which there are many circumstances to be considered, or some reason that appears to change the subject-matter of the law, even adults who have the perfect use of reason may be invincibly ignorant; for in such instances we are considering, not an immediate, but a remote conclusion from the general principles of Natural Law.

(a) If the case is difficult *relatively* (*i.e.*, in view of the training or lack of education of the person studying it), there can be invincible ignorance, at least for a time. Examples: Jephthah, according to St. Jerome, appears to have been invincibly ignorant that it was not lawful for him to slay his daughter. Being a soldier and living in a rude age, he perhaps did not appreciate the sacredness of human life. Unlettered persons might conceivably think in good faith that it is not wrong to commit perjury in order to help one in danger, to steal in order to pay debts, to think evil if there is no intention to fulfill it, to do what the majority do or what is tolerated, etc.

(b) If the case is difficult *absolutely* (*i.e.*, in view of the matter itself, which is complicated and obscure), there can be invincible ignorance, even for a long time. Thus, it is so dif-

difficult to settle many problems pertaining to justice (*i.e.*, to the application of the Seventh Commandment) that we find professional theologians who take opposite sides, or admit that, speculatively speaking, they do not know where the truth lies.

324. The Natural Law can never be erased from the hearts of men. (a) In *abnormal* circumstances only, as when the general power of reasoning has been weakened or lost, can the Natural Law be forgotten. Thus, to a degenerate who becomes violently insane murder and other crimes may appear as good acts. But no community could govern itself by the standards of madmen and long survive. (b) In *normal* circumstances (*i.e.*, as long as the general power of reasoning remains unimpaired), the Natural Law cannot be forgotten, as far as its general principles or immediate conclusions are concerned, although it may be overlooked or lost sight of when it is applied to particular cases, or when remote conclusions are deduced from it.

325. As long, therefore, as a body of men remain sane, even though they be uncivilized or addicted to crime, they cannot become oblivious of the Natural Law. (a) The *general principles* ("good is to be done," "evil is to be avoided") cannot vanish from the mind, although, in particular affairs, anger, pleasure, or some other passion may prevent men from thinking about them. Thus, when the mob spirit takes hold of a crowd, it becomes intent only on violence or revenge, and gives no thought to conscience. (b) The *secondary precepts*, such as those contained in the Decalogue, cannot be obliterated from the mind, although in applying them to concrete situations a people may go astray.

There are many examples of laws, both ancient and modern which permitted or commanded, for particular cases, things contrary to the current application of natural precepts. Thus, the Spartans and the Romans ordered the murder of infants who were weakly and of slaves whose master had been killed. Some ancient races encouraged robberies committed beyond the boundaries of the states, and savage tribes have been found who had the practice of putting to death parents who were aged or infirm.

326. The causes of wrong applications of the Natural Law are the following:

(a) Some causes are *involuntary*. Thus, the correct application may be difficult, as when more than one moral principle has to be considered and applied; or, if the case is not difficult, the person who makes the application may be mentally undeveloped, or his mind may be blinded on account of his bad education or environment. Examples: The races who saw no infamy in robbery committed against their neighbors, lived in a wild age when such acts of violence seemed necessary as measures of self-protection. The savage killed his aged parents, because to his untutored mind this seemed an act of mercy;

(b) Some causes are *voluntary*, such as neglect of the truth, vicious habits, etc. Examples: St. Paul blames the pagans for their idolatry, because they had darkened their own minds about God. Pirates and bandits who came to regard violence as necessary for their own defense were responsible for their state of mind, inasmuch as they had chosen a life of crime.

327. Transgression of Natural Law, therefore, is not imputable as formal sin if it is not voluntary. Hence: (a) lack of knowledge excuses, when ignorance is involuntary (*e.g.*, those who have not the use of reason, as infants and the unconscious; children and others mentally undeveloped who cannot grasp the meaning of some precept; educated persons who are unable to get a right solution of some knotty problem of morals, etc.); (b) lack of consent excuses in whole or in part (as when one acts through fear).

#### Art. 3: THE POSITIVE DIVINE LAW

(*Summa Theologica*, I-II, qq. 98-108.)

328. *Meaning.*—The Positive Divine Law is the law added by God to the Natural Law, in order to direct the actions of man to his supernatural End, to assist him to a better observance of the Natural Law, and to perfect that which is wanting in human law.



(a) The Last End of man is not natural, but supernatural (see 20), and hence it was necessary that, in addition to the precepts which guide man towards his natural beatitude, there should be added precepts that will guide him towards his supernatural beatitude: "The Law of the Lord gives wisdom to little ones" (Ps. xviii. 8).

(b) The light of natural reason was sufficient to instruct man in the Natural Law, but through sin that light had become obscured, with the result that evil customs set in, and very many were at a loss how to apply the Natural Law, or applied it wrongly. Hence, it was most suitable that the Natural Law should be summed up in brief commandments and given externally by the authority of God. This was done through the Decalogue, which is a part of the Positive Divine Law of both the Mosaic and the Christian dispensations: "The testimony of the Lord is faithful" (Ps. xviii. 8).

(c) Human laws are the product of fallible human judgment; they can direct only such acts as are external, and they are unable to forbid or punish many evil deeds. Hence, it was necessary that there should be positive divine laws to supply for what is wanting in human law: "The law of the Lord is unspotted, converting souls" (Ps. xviii. 8).

329. The Positive Divine Law differs from the Natural Law as to subject-matter, permanence, and manner of promulgation.

(a) The precepts of the Natural Law are necessary, since they follow as necessary consequences from the nature of man; the precepts of the Positive Law of God, excluding those that are external promulgations of the Natural Law, are not necessary, since they follow from the free decree of God raising man to that which is above his nature.

(b) The precepts of the Natural Law are unchangeable since the nature of man always remains the same. Of the precepts of the Positive Law of God some were changed, because given only for a time (such as the ceremonial laws of Judaism); others, absolutely speaking, could be changed, because not necessarily connected with the end God has in view (e.g., the laws concerning Sacraments).

(c) The precepts of both kinds of law are immediately from God; but the Natural Law is promulgated only in a general way, through the light of reason given to man along with his nature, while the Positive Law of God is proclaimed by special commands (e.g., "thou shalt not steal").

330. The Positive Divine Law contains two kinds of precepts, viz., *natural* and *supernatural* commandments. (a) The *natural* precepts were given in order to recall to the minds of men the laws knowable through reason which had become obscured through passion, custom or example. The Commandments given to Moses on the tablets of stone renewed the natural precepts which God had written through reason on the hearts of men. (b) The *supernatural* precepts were given in order to point out to men the duties their supernatural destiny imposed. Example: The precepts of faith, hope, charity.

331. *Division*.—There are *four historical states* of man with reference to his Last End, and to each of these correspond positive divine laws.

(a) The state of *Original Innocence* is that which existed in Paradise before the Fall. Man had been raised to the supernatural state, and hence he was obliged to the supernatural acts of faith, hope, charity, etc.; he was subject to God, both as to body and soul, and hence he was obliged to offer some kind of external sacrifice; he was sanctified immediately by God, and hence was not bound to the use of any sacraments; but he was still in a state of probation, and was subject to various special regulations, such as the commands to avoid the fruit of a certain tree, to labor in Eden, etc.

(b) The state of *the Law of Nature* is that which existed from the Fall to the giving of the written law through Moses. It is called the state of the Law of Nature, not in the sense that there were no supernatural precepts then in force, but in the sense that there were as yet no written precepts. In that period man knew the Natural Law, not from commandments written on tablets of stone, but from the law of reason inscribed in his heart; he knew the supernatural precepts, not from Scriptures given him by God, but from tradition or special divine inspira-

tion. In addition to the inner acts of supernatural worship and faith in the Messiah to come and the outer sacrifices, there were during this state certain rites of purification, or sacraments, by which fallen man was purified from sin. A special precept of the patriarchal times was the prohibition made to Noe against the eating of flesh with blood in it.

(c) The state of *the Mosaic Law* is that which existed from the giving of the law on Sinai until the giving of the New Testament law by Christ.

(d) The state of *the Christian Law*, or of the New Law, is that which began with Christ and the Apostles and will continue till the end of the world.

**332. The Mosaic Law.**—This was the special law of God to the Jews, the people chosen by God as the race from which the Saviour of the world was to come. It has two periods: the period of preparation and the period of the Law.

(a) The period of preparation for the Law began with the Promise or Covenant given to Abraham. A law is not given except to a people (see 285), and, as the peoples of the world at that time had returned to the general corruption that reigned before the Deluge, God chose Abraham to be the father of a new nation in which true religion should be preserved until the Redeemer of the world had come. The rite of circumcision was ordered as a mark of the covenant and a sacrament of remission.

(b) The period of the Law began with the promulgation of the Decalogue on Sinai. The descendants of Abraham had grown into a nation and had been freed from slavery, and they were thus ready to receive a special law. Their history thereafter shows how God trained them according to the pattern of the Mosaic Law and prepared them for the providential mission, which, through the Messiah, should be theirs, of giving to the world the perfect and universal Law of the Gospel.

**333. The Excellence of the Mosaic Law.**—(a) The Law was *good* (Rom., vii. 12): it commanded what was according to reason and forbade what was opposed to reason; it had God for its Author and prepared man for the Law of Christ. (b) The Law was *imperfect* (Heb., vii. 19): it was given for a time when

men were spiritually but children and not ready as yet for the teaching and morality of the Gospel; it forbade sin and provided punishments, but the necessary helps for observing it came only from faith in Christ, the Author of the New Law.

**334. The Subjects of the Mosaic Law.**—(a) The Jewish people were bound by the Mosaic Law. God had chosen Abraham by gratuitous election to be the forefather of the Messiah, and it was by gratuitous election that He gave the Jews a Law which would lend them a special holiness befitting the promises made their race. The Jews, therefore, were bound to more things than other nations, as being the Chosen People; just as clerics are bound to more things than the laity, as being the ministers of God.

(b) The Gentiles were not bound by the laws peculiar to the Mosaic Code, but only by the common precepts, natural and supernatural, that were in force in the state of the Law of Nature. But it was permitted to Gentiles to become proselytes, that by observing Mosaic rites they might more easily and more perfectly work out their salvation.

**335. The Duration of the Mosaic Law.**—(a) The Law *began* when experience had proved that knowledge is not sufficient to make man virtuous, that is, at a time when, in spite of the Natural Law, the peoples were turning to polytheism and vice: "The Law was given on account of transgression" (Gal., iii. 19).

(b) The Law *ended* when experience had shown that external observance is not sufficient for holiness, that is, at the time when Judaism was degenerating into formalism, putting the letter before the spirit of the Law: "What the Law could not do, God sending His own Son, hath condemned sin in the flesh, that the justification of the Law might be fulfilled in us" (Rom., viii. 3, 4).

**336.** Deuteronomy, vi. 1, describes the Mosaic Law as precepts, ceremonies and judgments; and the commandments of the Old Testament can be classified according to this threefold division. (a) The *moral precepts* defined the duties to God and man that arise from the dictates of reason and the Natural Law; (b) the *ceremonial prescriptions* were determinations of the re-

ligious duties to God contained in the moral law, and rules concerning the performance of worship based on the positive ordinance of God; (c) the *judgments* were determinations of social duties contained in the moral law; they were the civil or political code of the theocratic nation which had its force from the positive ordinance of God.

337. The moral precepts are contained in the Decalogue, which is a sum of the whole Natural Law, inasmuch as the general principles of the Natural Law are implicit therein in their immediate conclusions, while the remote conclusions are virtually found in the Commandments as in their principles (see 301).

338. The Decalogue expresses man's duties: (a) towards God, *viz.*, loyalty (First Commandment), reverence (Second), service (Third)—all of which are *Laws of the First Table*; (b) towards parents (Fourth), and all fellow-men, *viz.*, that no injustice be done them by sins of deed (Fifth, Sixth, Seventh), of mouth (Eighth), or of heart (Ninth, Tenth)—all of which are *Laws of the Second Table*.

339. The further moral precepts which were added after the giving of the Decalogue can all be reduced to one or the other of the Ten Commandments. Examples: The prohibition against fortune-telling belongs to the First; the prohibition against perjury and false teaching, to the Second; the commandment to honor the aged, to the Fourth; the prohibition against detraction, to the Eighth.

340. The ceremonial laws, which prescribed the manner of performing the divine worship or of acting as befitted the Chosen People, and which prefigured the worship and people of the New Testament, were numerous, in order that the Jews might be more easily preserved from pagan rites and customs. The ceremonies they regulated were of four kinds: (a) the sacrifices through which God was worshipped and through which the sacrifice of Christ was prefigured (*e.g.*, the holocausts, peace-offerings, sin-offerings); (b) the sacred times and places, things and persons set apart in order to give more dignity to divine worship and to foreshadow more distinctly the good things to come;

(c) the sacraments by which the people or sacred ministers were consecrated to the worship of God and were made to prefigure Christ (*e.g.*, circumcision and the consecration of Levites); (d) the customs which regulated the details of life so that both priests and people might act as became their special calling, and might be types and figures of the Christian people (*e.g.*, the laws about food, dress, etc.).

341. Unlike the moral laws, which had existed before Moses as the Natural Law and which continue under the Christian dispensation, the ceremonial laws were temporary. Thus: (a) before Moses other ceremonies were observed by the patriarchs (*e.g.*, the sacrifice of Abel, the altars of Abraham and Jacob, the priesthood of Melchisedech, etc.); (b) after the coming of Christ, distinctions of food, new moons, sabbaths, and other Mosaic ceremonies were abrogated, since the figures of future things had been superseded by rites that commemorated benefits that were present.

342. We may distinguish four periods in the history of the Mosaic ceremonial law: (a) from Moses until Christ, it was the divinely ordained manner of worshipping God, and was obligatory for the Chosen People; (b) at the death of Christ, when the New Testament began, the Mosaic ceremonial ceased to be obligatory; (c) until the Gospel had been sufficiently promulgated (*i.e.*, until the destruction of the City and the Temple of Jerusalem), the ceremonial law was permitted to Jewish converts, not as prefiguring Christ, but as a form of divine worship; (d) after the Gospel had been sufficiently proclaimed, it was no longer lawful to conform to the Mosaic observances.

343. The judgments or judicial laws of the Old Testament were intended: (a) to regulate the relations of the people of God to one another and to strangers according to justice and equity, and thus to prepare them for the coming of the Messiah; (b) to be, consequently, in some sort a figure of the social constitution of the Christian people.

344. The judicial laws, like the ceremonial, expired with the New Testament. But since, unlike the ceremonial laws, they were not appointed directly as prefigurative of Christianity, their

provisions, if not opposed to Christian law, could be used as part of the civil code of a Christian State.

**345.** There were four kinds of judicial precepts:

(a) those concerning rulers. The government was monarchical and aristocratic, as being administered by Moses and his successors with the assistance of a body of elders; but it was also democratic, inasmuch as the princes were chosen from the people and by the people;

(b) those concerning citizens. Excellent laws concerning sales, contracts, property, and the administration of justice, are laid down in the Pentateuch;

(c) those concerning foreigners. The relationship of the Jews to other nations, whether in peace or in war, was regulated by wise and humane laws;

(d) those concerning families. The rights and duties of husband and wife, parent and child, master and servant, were carefully and considerably provided for.

**346. The Law of the New Testament.**—This is the special law given by God through Christ to the whole world, and which endures till the end of time. Its character will be understood most readily from a comparison of it with the Law of the Old Testament.

(a) In both Testaments grace and the Holy Spirit are given through faith in Christ (the internal law), and doctrines, commandments and ceremonies are prescribed (the external law). But, whereas the Old Testament is principally a law of works, the New Testament is principally a law of faith (Rom., iii. 27); the former is concerned mostly with the external conduct, the latter regulates, not only actions, but also the internal movements of the soul, of which faith is the first.

(b) In both Testaments men are justified and saved through faith and works (Heb., xi., 39; Rom., i. 16), and not through the external written law or the letter. But it is only through Christ, the author of the New Law, that men are enabled to perform what the law requires: "The law was given by Moses; grace and truth came by Jesus Christ" (John, i. 17).

**347. Comparison of the Two Testaments from Other View-**

points.—(a) The aim of both Laws is to secure obedience to God and holiness for man. But the New Testament, since given to those who were better prepared and more perfect, unveils more clearly the mysteries of faith, enjoins more perfect works, and supplements the Commandments with counsels of perfection (cfr. the Sermon on the Mount).

(b) Both Laws make use of threats, promises and persuasion in order to move men to obedience. But, as the Old Law was for those who were spiritually but children, it dwells especially on the punishments to be meted out to transgressors and the external rewards that will be given to the obedient (the law of fear); whereas the New Law, being for those who are spiritually mature, holds out as inducements chiefly the love of virtue and rewards that are internal and spiritual (the law of love).

(c) The author of both laws is God. But, while the Old Law was announced through God's servants as the preparatory dispensation, the New Law was proclaimed by the Son of God Himself as the final economy of human salvation: "God, who at sundry times spoke in times past to the fathers by the prophets, last of all in these days hath spoken to us by His Son, whom He hath appointed heir of all things" (Heb., ii. 1).

**348. Differences in the Precepts of the Two Laws.**—(a) There is no opposition between the commandments of the two Laws; for the ceremonial and judicial precepts of the Old Law, which contained figure and prophecy, are fulfilled in the precepts of Christ, while the moral laws of the Old Testament are confirmed and perfected by the moral laws of Christ: "I am not come to destroy, but to fulfill" (Matt., v. 17).

(b) There is no substantial difference between the faith and works of the two Testaments. For, that which is now believed explicitly and clearly, was believed implicitly and in figure in the Old Testament, and the greater things that now are commanded were contained germinally in the precepts of the Old Law.

**349. The Old and the New Law Compared as to Difficulty.**—

(a) If we consider the difficulty that arises from the fulfillment

of *external* works, the Old Law was much more difficult. For, while the Law of Moses imposed numerous and complicated ceremonies and observances, the Law of Christ commands but few and simple rites. Of the Old Law St. Peter says that it was a yoke, "which neither our fathers nor we have been able to bear" (Acts, xv. 10)—that is, it was extremely burdensome; but of His own Law Christ says: "My yoke is sweet, and My burden light" (Matt., xi. 30). . . Even the additions made by Christ to the Old Law (*e.g.*, the prohibition against divorce) really facilitate that which the Old Law itself intended—*viz.*, the perfection of man. Hence, the Old Law is the law of servitude; the New Law, the law of liberty.

(b) If we consider the difficulty that arises from *internal* works, or the dispositions and motives with which precepts are to be fulfilled, the New Law is more difficult; for it inculcates a loftier piety and gives more attention to the spirit with which God is to be worshipped. But, since love is the all-inclusive commandment of Christ, and since gladness and fervor are easy to the lover, the commandments of Christ "are not heavy" (I John, v. 3).

**350. The External Works Commanded by Christ.**—(a) Since the New Law is the law of grace, it commands only those things by which we are brought to grace, or by means of which we make use of grace already received. We receive grace only through Christ, and hence there are commandments regarding the Sacraments; we make right use of grace by faith that worketh through charity, and hence there are the precepts of the Decalogue to be kept.

(b) Since the New Law is the law of liberty, it does not determine the details of the moral law, nor prescribe minutely how we must worship God and observe justice to others, as was done in the ceremonial and judicial laws of the Old Testament. Minor dispositions of this kind have no necessary relation to internal grace, being morally indifferent. Hence, Christ left many things free, to be determined later according to conditions, either by the individual (in personal matters) or by the spiritual or temporal authority (in matters of public concern). It

is contrary to the spirit of the Gospel, however, that mankind should be oppressed with numerous and burdensome observances.

**351. The Internal Works Commanded by Christ.**—In the Sermon on the Mount were given the commandments of the New Law that summarize the entire duty of the Christian as to his internal acts: "Everyone that heareth these My words, and doeth them, shall be likened to a wise man that built his house upon a rock" (Matt., vii. 24). Thus, there are: (a) internal acts commanded as regards our own wills and purposes (we must avoid not only external, but also internal sins and the occasions of sin; we must not only do good, but we must have a good motive, not placing our end in human applause or riches); (b) internal acts commanded as regards our neighbor (we must not judge him rashly, unjustly, presumptuously; nor must we trust him imprudently); (c) interior dispositions with which we must perform our duties (we must avoid inordinate cares, imploring and expecting the divine assistance; but we must also avoid carelessness, having our minds set on the narrow way, and eschewing seductions).

**352. The Teaching of Christ on the Three Classes of Precepts: Moral, Ceremonial and Judicial.**—(a) As regards the moral precepts (*i.e.*, the Decalogue or Natural Law), not one jot or tittle was to pass away. But so little was the soul of these precepts then recognized that Christ gave a new commandment of love, by which His followers were to be known; and He reduced the whole law to the two commandments of love of God and love of our neighbor.

(b) As regards the ceremonial precepts (*i.e.*, the forms of Jewish worship), these were to be superseded. Christ declared the manner in which God was to be worshipped, namely, in spirit and in truth. He instituted the Sacrifice of the New Testament, appointed the ritual of the Sacraments (*e.g.*, of Baptism and the Eucharist), and taught a form of prayer which was to be used by His disciples. Other things He left to be determined by the Church.

(c) As regards the judicial precepts (*i.e.*, the civil laws of the theocratic nation), these ceased to be necessary with the com-

ing of Christ, whose Kingdom is spiritual and with whom there is no distinction of Jew or Gentile, since His law is for all. In fact, with the destruction of Jerusalem in A.D. 70, foretold by Christ, both the Temple worship and the separate national life of Israel came to an end. In correcting the false interpretations which the Pharisees put upon various judicial precepts of their law (*e.g.*, in showing them that the law of retaliation and the law that public enemies should be put to death did not authorize revenge and hatred), Christ indicated the spirit that should animate all civil laws, namely, love of justice. He left it to the wisdom of future lawgivers to apply the rule of justice to the relations between man and man, nation and nation, as circumstances would require.

353. The precepts by which Christ established the primacy of the Pope and the hierarchy may be called judicial. But the details of this constitution He left the Church to determine.

354. **The Duration of the Law of Christ.**—(a) *The Beginning.*—The New Law was given through the revelation made by Christ and the Holy Ghost to the Apostles; it was ratified at the Last Supper and in the death of Christ, when the New Testament was proclaimed and the Old Testament came to an end; it was promulgated, first at Jerusalem on the day of Pentecost, and later throughout the world by the preaching of the Apostles.

(b) *The End.*—The Law of Christ continues till the end of time; for this generation—that is, this last period of world history under the Christian dispensation—shall not end until Christ returns to judge mankind: “Behold, I am with you all days, even unto the consummation of the world” (Matt., xxviii. 20).

355. **The Subjects of the Law of Christ.**—(a) The Law of Christ is for all: “Going, therefore, teach ye all nations. teaching them to observe all things whatsoever I have commanded you” (Matt., xxviii. 19).

(b) The Law of Christ does not oblige all in the same way. Those outside Christianity are obliged directly by the commands

to believe and to be baptized. Christians are obliged directly by the laws of faith and works accepted in Baptism.

356. **Ignorance of the Law of Christ.**—(a) Outsiders may be in invincible ignorance of the Law of Christ. For many persons through no fault of their own, in times past or even today, have not heard the Gospel message: “How shall they believe Him of whom they have not heard?” (Rom., x. 14).

(b) Christians may be in invincible ignorance of the Law of Christ. For, just as want of a preacher causes a pagan to be invincibly ignorant of the necessity of Baptism, so a lack of instruction in Christian doctrine might leave a baptized person inculpably ignorant (*e.g.*, of the duty of receiving the Eucharist).

357. **Dispensation from the Law of Christ.**—(a) *Its Possibility.*—It cannot be denied that Christ could have dispensed from the positive precepts of His law, either directly or through His Church; for those precepts depend on His will, and, like every other legislator, He can relax His law or delegate others to do so.

(b) *Its Reality.*—Some believe that Christ granted dispensations from His Law (*e.g.*, that He freed the Blessed Virgin and the Apostles from the duty of receiving Baptism, that He authorized the Apostles to give Baptism without mentioning the Trinity), but these opinions seem unlikely and are not well supported. Some also believe that the power of loosing granted the Church (Matt., xvi. 19) includes the power of dispensing from the Law of Christ. The contrary, however, seems more probable. For the power of loosing is certainly limited to such matters as the good of the Church and of souls requires, and it is more advantageous for the Church and its members that the laws given by Christ Himself should be absolutely unchangeable, in order that the unity of the Church and its dependence on its Founder may be more manifest.

On the other hand, the alternate opinion has solid grounds and arguments, and merits due consideration. Some authors distinguish a twofold law of Christ: (a) *absolute*, that which obliges

immediately and of itself independently of any action of man; *e.g.*, the law concerning the necessity of Baptism or determining bread and wine as the matter of the Eucharist; (b) *hypothetic*, which presupposes some human action; *e.g.*, the law of the indissolubility of matrimony which urges after man has freely willed to be bound by the laws of matrimony. Similarly, the binding force of vows presupposes the taking of the vow.

As to the *absolute* law, no human authority may dispense from it. As already indicated, the good of the Church, its unity and stability, seem to demand an unchangeable law. In regard to the *hypothetical* law, many of the more modern authors assert that the Holy Pontiff can at times dispense. The power of loosing implies a power of dispensing in the Church which has been used in particular cases; *e.g.*, *ratum et non consummatum* matrimony. Moreover, the power to dispense seems extremely useful and almost necessary for the prudent and wise governing of the Church. For, with a change of circumstances an individual might be impeded from doing a greater good because of a preceding act of will; *e.g.*, one might be impeded from embracing the religious life because of a prior vow to remain in the world to assist in Catholic Action (see Fanfani, O.P., *Theol. Moral. Manuale*, Vol. I., n.134).

**358. Interpretation of the Law of Christ.**—(a) Private interpretation (*epieikeia* or equity) is used in extraordinary cases, not foreseen by the lawgiver, and it declares that a particular case does not fall under the Law. This kind of interpretation applies only to human laws, since God foresees things not only universally, but also in particular (cfr. on Natural Law, 315).

(b) Public interpretation of the Law of Christ is made by the Church, in virtue of the commission: "Teach all things whatsoever I have commanded" (Matt., xxviii. 20).

**359. Public Interpretation of the Law of Christ.**—(a) The Church is able to give a declarative interpretation of the Positive Divine Law—that is, to explain its meaning, to show what cases are comprehended in the law, what cases are not, when one is obliged, when one is excused, etc. Example: The Church in-

terprets the doctrine of Christ on the indissolubility of marriage, explaining when the bond is absolutely indissoluble, the conditions under which it may sometimes be dissolved, etc.

(b) The Church is able to give determinative interpretation of the Positive Divine Law—that is, to settle in what manner a law must be fulfilled. Examples: Christ gave the command that the Eucharist should be received, but it was the Church that determined when and how often one must receive Communion to comply with the wishes of Christ. Christ instituted only generically the essential rite of some Sacraments, leaving it to the Church to determine the rite more specifically.

**360. The Law of Christ and Impossibility.**—(a) Impossibility does not excuse from a law, in which an act is necessary not because it is prescribed, but is prescribed because it is a necessary means without which, even if one be not guilty of negligence, salvation cannot be had (*necessity of means*). Example: Infants who die without Baptism are not held guilty of neglecting the Sacraments, but lack of it deprives them of the supernatural bliss promised by Christ. Only Baptism confers regeneration, and only the regenerated are capable of the vision of God.

(b) Impossibility can excuse from a law in which an act is necessary because it is prescribed, and which therefore makes one guilty of sin, if one willfully neglects it (*necessity of precept*). Example: An adult who dies without the Eucharist cannot be saved if he was guilty of grave negligence; but he can be saved, if it was not his own fault that he did not receive Holy Communion. The Eucharist increases supernatural life, but inculpable lack of it does not exclude from that life.

**361. Impossibility**—or what is called impossibility—does not always excuse even from those divine laws which have only the necessity of precept.

(a) *Physical* impossibility is the lack of power to perform an act; for example, it is physically impossible for a blind man to read. This kind of impossibility, of course, excuses from guilt and punishment. Example: Titus is dying and thinks of the

command that he should receive Viaticum. But he is unable to receive Communion without vomiting. Hence, in his case the impossibility excuses from the divine command.

(b) *Moral impossibility* is the inability to perform an act without serious inconvenience; for example, it is morally impossible for one who has weak eyes to read small print. This kind of impossibility does not excuse, if a greater evil will result from the non-observance of the law than the evil of inconvenience that will result from its observance. Examples: Eleazer would not eat the meats forbidden by the law of Moses, preferring to die rather than give public scandal (II Mach., vii. 18). The command of Christ that pastors minister to their flocks obliges, even if it involves danger of death, when there is a great public necessity (as in time of pestilence) or an urgent private necessity (as when an infant is about to die without Baptism).

362. Moral impossibility excuses from divine laws that have only necessity of precept, if the inconvenience is serious, even when compared to the evil of violating the law; for God does not wish commands freely instituted by His will to oblige more rigorously than the commands of the Natural Law (see 289, 317). Examples: Christ excused David for eating the loaves of proposition (which was forbidden by the law of Moses) on account of urgent necessity. A most grave external inconvenience excuses from the law of integrity of confession (see Vol. II).

363. What is the nature of the Church's action in dissolving the bond of marriages that are not ratified, or not consummated after ratification (see Vol. II), with reference to Christ's law of indissolubility? (a) Some see in this an *application of other divine laws* that limit the law of indissolubility, and that were enunciated by Christ Himself in His teaching on the supremacy of faith over other bonds, the superiority of virginity to marriage, the power of the Church in loosing, etc. (b) Others see in this an *interpretation*, declarative or expansive, of the law of indissolubility. (c) Still others regard these dissolutions as a *removal of the proper matter* of the obligation contracted through the act of the human will (cfr. the Natural Law, 312). The power of loosing would apply here as in the case of vows. Some

authors call this removal of matter "annulment of act," "remission of debt," "permission"; while others call it "dispensation" (see 314). Those who consider the dissolution of *ratum non consummatum* matrimony as "dispensation" list the law of indissolubility as *hypothetical* positive law (see 357).

364. **Counsels.**—In addition to its precepts (which are obligatory), the New Law contains *counsels*, which are optional, but which are expressly recommended.

365. A counsel is a moral direction by which one who is willing is advised to prefer a higher to a lower good, in order thereby to tend more efficaciously towards perfection and to merit a greater reward.

(a) A counsel is not something commanded. Example: Our Lord's direction to the disciples on their first mission that they should not carry their sustenance with them was required as a duty that they might learn to trust in Providence. Hence, it was not a counsel.

(b) A counsel is not everything good that is not commanded. Example: Marriage is not commanded to all, but it is not a counsel, since the opposite good, *viz.*, celibacy, is better (I Cor., vii. 38).

366. That which is only counselled as to its actual performance, is commanded as to its acceptance by the will for a case of necessity. Example: Our Lord's direction that good be done to personal enemies does not command that one actually confer favors on them outside of the case of necessity (this is only counselled), but only that one be so charitably inclined that one is ready to help even a personal enemy who is in serious need.

367. The superiority of the counsels may be seen from the attitudes men take to the goods of this world.

(a) Some are taken up entirely with the things of earth, making temporal goods the end of life and the standard of action. These do not keep the Commandments and cannot be saved.

(b) Some use the goods of this world not as ends, but as subordinate to things that are higher. These keep the Commandments and will be saved; but their solicitude about temporal



concerns lessens the attention they could give to things of the spirit.

(c) Some renounce entirely the goods of this life, in order to give themselves as completely as possible to the things of God. These observe the counsels, and can more readily attain to holiness and salvation; for, being freed from numerous cares about earthly things, they can devote themselves more easily and earnestly to things that are heavenly.

**368. The Three Counsels.**—There are many counsels given in the Gospels, but all can be reduced to three, according to the three chief earthly goods that may be surrendered, and the three kinds of temptation that come from those goods.

(a) The counsel of *poverty* requires that one give up entirely external goods or wealth, from which comes the concupiscence of the eyes: "If thou wilt be perfect, go sell what thou hast, and give to the poor, and thou shalt have treasure in heaven" (Matt., xix. 21).

(b) The counsel of *chastity* requires that one renounce entirely carnal goods of pleasure, from which arise the concupiscence of the flesh: "He that giveth his virgin in marriage, doth well; and he that giveth her not, doth better" (I Cor., vii. 38).

(c) The counsel of *obedience* requires that one deny oneself the good of the soul which is one's own will, from which comes the pride of life: "Come follow Me" (Matt., xix. 21).

**369.** The counsels can be followed in two ways. (a) They are followed *completely*, when one accepts them as a rule for one's whole life, as is done by those who embrace the state of perfection in the religious life, taking by vow the three evangelical counsels of poverty, chastity and obedience. (b) They are followed *partially* when one practises them in particular instances. Examples: A wealthy man who gives to the poor when there is no obligation to do so, practises the counsel of poverty in that case. A person who renounces his own legitimate wishes in some matter, practises the counsel of obedience in that case, as when he confers some favor on one who has offended him, or pardons a debt. Married persons who practise

conjugal abstinence for the sake of religion, follow a counsel of chastity (I Cor., vii. 5).

#### Art. 4: HUMAN LAW

(*Summa Theologica*, I-II, qq. 95-97.)

**370. Definition.**—Since human perversity often needs a check in regulations that are not expressly contained in the Natural or in the Divine Law, other laws must be made by society, drawn from those higher laws as conclusions or added to them as determinations, in order to meet special circumstances and necessities.

**371. Division of Human Laws.**—Human laws are variously divided.

(a) According to the difference of legislators, laws are either *ecclesiastical* or *civil*.

b) According to their mode of derivation from the Natural Law, laws belong either to the *law of nations* (*jus gentium*) or to *civil law*. To the *jus gentium* belong those laws which are derived from the Natural Law as conclusions from premises, e.g., the right to private property without which men cannot live peacefully in society. To civil law belongs whatever is derived from Natural Law by way of positive determination by a legislator; e.g., Natural Law dictates that the evil-doer be punished; but that the punishment take a particular form, imprisonment, exile, death, is a determination depending upon the will of the legislator.

The *jus gentium* is not international law which derives its force and sanction from the free will of the legislator. The law of nations is common to all men and derives its force from the conviction of men that such a law is demanded for the good of mankind. It is not a secondary precept of the Natural Law which is derived from the primary precepts necessarily. Rather it is based upon a contingent set of circumstances; it does not spring from man's nature absolutely considered, but from the way in which man acts and reacts in his society.

(c) According to the difference of their objects, laws are either *affirmative* (i.e., preceptive) or *negative* (i.e., prohibitive). An affirmative law obliges always, but not for every occasion; a negative law obliges always, and for every occasion. Example: The Third and Fourth Commandments are always in force, but it is not necessary to elicit a positive act of compliance at every instant. The other Commandments, which are negative, are not only in force always, but it is necessary at every instant to omit what they forbid.

(d) According to the obligation which they impose, laws are either *moral*, *penal*, or *moral-penal*. Moral laws oblige under pain of sin, penal laws under pain of punishment, moral-penal laws under pain of both.

(e) According to their inclusiveness, laws are either *personal* or *territorial*. The former affect the person for whom the law is made, and oblige him even when he is outside the territory of the lawgiver. The latter affect the territory, and hence do not oblige a subject when he is outside the territory affected by the law.

(f) According to their effect, prohibitive laws are either merely *prohibitive* or *irritant*. The former make what is forbidden illegal, the latter make it also void.

**372. Qualities.**—The objects or content of human law must be of such a character: (a) that they do not conflict with the Natural or the Divine Law; (b) that they be beneficial to the community for which they are made.

**373. Laws fail to be of public benefit in such cases as the following:** (a) if they are made without a broad view of the public good, which has regard for different classes of people and various interests, and which provides for the future as well as for the present; (b) if, losing sight of the fact that the majority are not perfect in virtue, the lawgivers require so much that the law falls into contempt, and graver evils result than would have happened otherwise. Hence, it is advisable that human laws confine their prohibitions to graver misdeeds, especially those that are harmful to others and to society, and restrict their commands to such good acts as promote the common weal.

Multiplicity of laws, excessive penalties for minor offenses, cruel and unusual sanctions, lead to lawlessness.

**374. Human laws should not prescribe what is too difficult.**

(a) They should not prescribe heroic virtue, unless the common safety demands it, or a subject has voluntarily obliged himself to it. Example: Soldiers in war and pastors in time of pestilence must expose themselves to danger of death; but for ordinary occasions the law should not oblige one to risk one's life or other great good.

(b) They should not prescribe agreement with the mind of the legislator or a virtuous performance of what is prescribed, unless the thing ordered itself demands this. Examples: The law of annual Confession and of the Easter Communion requires, not only that these Sacraments be received, but that they be received worthily, for an unworthy Confession is no Sacrament, and an unworthy Communion does not satisfy the command of Christ, of which the church command is but a determination. On the other hand, the Lenten fast observed by one who is not in the state of grace is an act good in itself and satisfies the law. He who hears Mass on a holyday, not knowing that it is a holyday, satisfies the obligation, though he had no intention of fulfilling it.

**375. Obligation of Human Laws.**—All human laws that are just, whether they be ecclesiastical or civil, made by believers in God or unbelievers, are obligatory in conscience. (a) From the beginning the Church has made laws and imposed them as obligatory (Acts, xv. 29; I Cor., vi. 4; I Cor., xi. 5; I Tim., v. 9-12), and has recognized as obligatory the laws of the State, without regard to the moral or religious qualifications of the rulers (I Peter, ii. 13-16; Rom., xiii. 1-7).

(b) Human laws are necessary. The Natural Law does not prescribe definite penalties, while the Positive Divine Law prescribes only such as are remote and invisible; and hence, if there were no human laws holding out the threat of determined and present punishments, the Divine laws would be contemned. Moreover, since the higher laws are sometimes unknown, or prescribe no time, place or manner of accomplishment, or do not

command things that would be useful for their observance, it is necessary that there be laws made by man to secure the better knowledge and fulfillment of the laws given by God Himself.

**376.** A human law is unjust in two ways:

(a) if opposed to the *rights of God*. Examples: The command of Pharaoh that the Hebrew male children be murdered (Exod., i. 17), the command of Antiochus that his subjects sacrifice to idols (I Mach., ii. 16-20), the command of the Sanhedrin that the Apostles should cease to preach (Acts, v. 29);

(b) if opposed to the *rights of man*. This happens in three ways: first, when the purpose of the law is not the common good, as when the lawgiver seeks only his own profit or glory; secondly, when the maker of the law has not the requisite authority; thirdly, when the law itself, although for the common good and made by competent authority, does not distribute burdens equally or reasonably among the people. Examples: Achab and Jezabel, in the affair of the vineyard of Naboth, had in view not the public, but their own private benefit (III Kings, xvi). The sentence of death pronounced on our Lord by the Sanhedrin was illegal, because, among other reasons, the body was not assembled according to law, and hence had no authority to give sentence. The commands given the Israelites by Pharaoh (Exod., v. 18), and to their subjects by Oriental despots (I Kings, viii), were unjust, because the former discriminated against the Israelites, and the latter bore down too heavily on all the people. The former civil laws that prescribed the same penalty of hanging for a slight misdemeanor (such as the theft of a loaf of bread by a boy) as for the capital crimes of piracy or murder, the Stamp Act of George III, and some modern laws that sentence to life imprisonment those who have been four times convicted of slight offenses, are more recent examples of unjust laws.

**377.** Obedience to unjust laws is not obligatory in the following cases. (a) If a law is opposed to the rights of God, it is not lawful to do what that law commands or permits, nor to omit what it forbids. Examples: If a law permits one to practise polygamy, or commands one to blaspheme religion, one

may not use the permission or obey. If a law forbids one to give or receive Baptism, it has no force. (b) If a law is certainly opposed to the rights of man in any of the three ways mentioned in the previous paragraph (376, b), it does not of itself oblige in conscience, since it lacks some essential condition of a true law, and even the consent of the majority or of all does not make it just. However, it may oblige accidentally, on account of the greater evils that would follow on disobedience, such as scandal, civil disturbances, etc. The duty of subjects is to remonstrate against such a law and to work for its repeal.

**378.** The obligation of all laws is not the same in kind, or degree. (a) Moral laws oblige one to do what is commanded or to omit what is forbidden, as a duty owed in conscience; hence, he who violates a law of this kind is guilty of moral fault. Penal laws oblige one to follow what they prescribe, if one would be free from guilt before the law and not liable in conscience to the penalty prescribed; hence, he who violates a penal law is guilty of juridical fault, and, if he further illegally resists the penalty, he becomes guilty also of moral fault. (b) Moral laws are not all of the same obligatory force, some of them obliging under grave sin, others under venial sin.

**379.** The following human laws are recognized as moral laws: (a) ecclesiastical laws, with few exceptions; (b) civil laws that confirm the Eternal or Divine Law, or that pertain directly to the common welfare, such as the laws that determine the duties of public officials, the rights of inheritance, etc.

**380.** The following human laws are generally regarded as merely penal: (a) ecclesiastical laws which expressly state that their observance is not required under pain of sin (*e.g.*, the statutes of many Religious Orders); (b) civil laws of minor importance, or which the legislator imposes as a purely civil duty (*e.g.*, some traffic regulations).

**381.** Moral laws oblige under grave sin if the two following conditions are present: (a) if the thing prescribed by the law is of great importance, because of its nature or circumstances; (b) if the lawgiver intended to impose a grave obligation.

**382.** A matter of light moment cannot be made the object

of a law that binds under grave sin, for this would impose an intolerable burden, and would thus be contrary to the common good. What is unimportant in itself, however, may become important on account of its purpose or other circumstance.

383. The intention of the legislator to impose a grave moral obligation is recognized either: (a) from his own *declaration*, as when a church law is commanded under threat of the divine judgment; or (b) from *circumstances* that indicate such an intention, such as the gravity of the subject-matter of the law or the kind of penalty it prescribes, the general opinion of authorities, or the common practice of the community.

384. By obliging to the observance of what they command and the avoidance of what they forbid, laws indirectly oblige to what is necessary for such obedience. (a) Hence, the law obliges one to make use of the ordinary means for its fulfillment. Examples: He who has not used ordinary diligence to know the law, sins against the law if he violates its prescriptions. He who eats meat on a day of abstinence, because he neglected to provide himself with other food, is guilty of sin. (b) The law obliges one to use sufficient diligence in removing impediments to its fulfillment or dangers of its violation. Examples: The law of hearing Mass on Sunday obliges one not to stay up so late on Saturday that fulfillment will be impossible. The law of fasting obliges one to avoid dangerous occasions of its violation.

385. **Interpretation.**—Though laws are carefully framed as to language, doubts about their meaning will often arise—in ordinary cases, because of lack of understanding or changes of conditions, and in extraordinary cases, because from the circumstances the law seems inapplicable. Hence the need of explaining the law, which is done in ordinary cases by interpretation, in extraordinary cases by *epieikeia* (see 411 sqq.).

386. Interpretation is a genuine explanation of the law, that is, one that states the meaning of the words of the law according to the intention the lawgiver had in mind when he chose them. It is of various kinds.

(a) According to the author from whom it proceeds, inter-

pretation is *authentic*, if it comes from the lawgiver himself or from another authorized by him; it is *usual*, if it comes from common usage (*i.e.*, from the manner in which the law is customarily observed); it is *doctrinal*, if it is made by learned men according to the rules of correct exegesis.

(b) According to the effect, interpretation is *declarative*, if it clears up what was obscure in the law; it is *supplementary*, if it extends or limits the law, by adding to or subtracting from the cases included under it.

(c) According to the manner in which it is made, interpretation is *strict* or *wide*. Strict interpretation gives to a word of law that least inclusive and most proper signification it bears (*e.g.*, it understands "son" to stand for son by birth). Wide interpretation gives to a word a more inclusive and less proper signification (*e.g.*, it understands "son" to stand for son by birth or by adoption).

387. **Those Subject to Law.**—Only those are morally obliged to observe human law who are subjects of the lawgiver and who have the use of reason. (a) Those who are not subjects in any sense are not bound, for to obligate by law is an act of authority and jurisdiction; (b) those who have not reached the age of reason, or who are habitually insane, are not themselves morally bound, since they are incapable of moral obligation. Of course, they may be restrained as to acts, and their rights may be determined.

388. The lawgiver himself, even though not subject, is held to observe the laws he makes. Thus: (a) if the lawmaking power resides in a legislative assembly, each legislator is subject to the body and hence to its laws; (b) if the lawmaking power is vested in an individual, he is not subject to the coercive force of his own laws, since he cannot punish himself; but he is subject to their directive force, inasmuch as the higher law of nature requires that the superior show good example by observing what he requires of others.

389. **Change of Law.**—The growth of knowledge and experience, or the change of social circumstances, requires now and then that human laws be improved or adapted to new con-

ditions. But, since laws derive a great part of their influence from custom, they should not be changed unless the break with custom is compensated for by the urgent necessity of the new law, by its manifest advantage, or by the evident iniquity or harmfulness of the old law. In brief, the common good should be the norm by which to decide whether a law should be retained or changed.

**390.** Constitutional law, as being fundamental and organic, is more immutable than ordinary law. (a) If given to a society established according to the positive ordinance of a superior, it cannot be abrogated or modified by the legislative authority of that society, since this would be contrary to the will of the founder. Hence, the Church has no power to change the fundamental constitution given her by Christ, who prescribed the religious society as established by Him to be necessary. (b) If a constitutional law is given to a society which is perfect and necessary from the law of nature, such constitution can be modified for extraordinary reasons and in the special ways provided (*e.g.*, by amendments approved by the people).

**391. The Law of Custom.**—Custom (*i.e.*, a long-continued practice that has acquired binding force) is able to establish a new law or to do away with an old law. For the will of the lawgiver is manifested not only by words, as happens in the written law, but also and more clearly by repeated and continued acts, as happens in the case of the unwritten law of custom. In a democracy it is the consent of the people who follow the custom as law that imposes the obligation; in a monarchy it is the consent of the ruler who permits the custom.

**392.** With reference to their legal effects, there are three kinds of customs: (a) customs *according* to the law, which are those that confirm by use an existing law; in this way custom interprets law (see 386); (b) customs *beside* the law, which are those that introduce a new obligation that is not prescribed by any written law; in this way custom establishes law; (c) customs *contrary* to law, which are those that remove the obligation of a previous law; in this way custom repeals, at least in part, the law to which it is opposed.

**393.** Custom has not the power to establish or repeal a law, unless it possesses the requisites of law itself (see 285). Hence arise the following conditions:

(a) Since the exercise of the legislative power requires freedom, customs do not possess legal force unless they have been practised freely. Hence, a custom that has been established by force does not suffice;

(b) Since laws can be made only for perfect societies, customs have not the force of law, unless they are practised by a perfect society, or by a majority of its members who are representative. Hence, a custom observed by a family or by a minority of the voters in a body that has its own jurisprudence has not the status of law;

(c) Since laws must proceed from competent authority, customs do not make or unmake law, unless they have the approval of the ruling power. In a society where the legislative function rests with the people (*e.g.*, in the ancient democracy of Athens), the fact that they follow a custom with the purpose of enacting it into law or of using it against an existing law is sufficient approval. But if the supreme power is not with the multitude, their customs do not obtain the force of legislative acts, unless approved by the constituted authority;

(d) Since law needs to be promulgated, a custom, to have the effect of law, must be practised by public acts through which it becomes known to the people as a whole.

**394.** Customs that have the other requisite conditions begin to be obligatory or derogatory as soon as the approval of competent authority is had. (a) If the approval is given *expressly*, the custom has the force of law at once; (b) if it is given *tacitly*, inasmuch as the lawgiver, knowing the custom and being under no restraint, does not disapprove, the custom has the force of law as soon as tacit consent is recognized by the learned and prudent; (c) if it is given *by the law itself*, which explicitly accepts reasonable customs, the custom has the force of law when it has lasted for ten years, or other length of time prescribed.

**395.** If the superior disapproves of a custom or maintains

diplomatic silence for fear of greater evils, his consent is withheld, and the custom cannot be deemed as of legal force.

396. There are other conditions necessary that a custom may acquire the force of law. (a) Since a law is an ordinance knowingly imposed by the will of the legislator, a custom does not constitute a law if it is followed through the erroneous conviction that it is already a law, or if there is nothing to indicate a will to make it obligatory. Signs of the intention to raise a custom to the dignity of a law are the punishment of transgressors of the custom, the observance of the custom even at the cost of great inconvenience, the opinion of the good that it should be followed, etc. (b) Since a law cannot prescribe except what is reasonable and for the common good, a practice opposed to the Natural or Divine Law, or expressly reprobated by written law as an abuse, or one that is injurious to the welfare of the community, cannot become unwritten law through custom.

397. There are special conditions in order that a custom may do away with an existing law. (a) A written law is not repealed unless the legislator wills to take away its obligation, and hence desuetude or a custom contrary to law does not abrogate a law unless it manifests a purpose not to be obligated by what the law prescribes. This it does if the whole people regard a certain law as a dead letter, or feel that circumstances or the common welfare require the opposite of what the law requires, and have no scruple in acting uniformly according to this conviction. (b) A written law is not repealed, if it is immutable, or if a change would be prejudicial to the common interest; similarly, therefore, a custom cannot abolish a law, unless this law is one that can be abrogated by human acts, and that is not essential to the public good. Hence, customs contrary to the Commandments or to the Law of Christ, customs that are expressly condemned in Canon Law as corruptions, customs that encourage lawlessness or afford occasions of sin, can never do away with a law, no matter how long or by how many they are practised.

398. Those who start a custom contrary to law are sometimes in good faith, and hence are not guilty of disobedience. (a) It may be that they are in ignorance of the law, but have the

interpretative will not to be bound by it; (b) it may be that they know the law, but sincerely think that, on account of conditions, it has ceased of itself.

399. Even when a custom has been started in bad faith, it may continue through good faith, and so become not a violation, but an abrogation of the law. Changed conditions may make the law useless or harmful; or the very fact that it is no longer observed may make it too difficult to enforce.

400. Today customs do not so often attain the force of law. Moreover, so difficult is it to know whether any custom has all the qualities necessary for establishing, modifying, or abrogating a law that only an expert is competent to judge in this matter.

401. Dispensation.—Human law has not the immutability of the Divine Law. Hence, not only may it be changed, but it may also be dispensed. Dispensation is a relaxation of the positive law made for a particular case by him who has the competent authority.

(a) It is a *relaxation* of the law—that is, it takes away the obligation of the law. Thus, it differs from permission, which is fulfillment of what is conditionally allowed by the law.

(b) Dispensation is *made for a particular case*—that is, it is granted when the provisions of the law, though beneficial to the community as a whole, are not suitable for a particular person or case. Thus, it differs, first, from abrogation and derogation, which remove the obligation of the whole or a part of the law for the entire community; and, secondly, from privilege, which is granted permanently as a private law.

(c) Dispensation is *given by competent authority*—that is, by the legislator or others who have the lawful power. Thus, it differs from *epieikeia* and private interpretation, which are made by those who have no power to dispense.

(d) Dispensation is a relaxation of the *positive* law, for since the Natural Law is immutable (see 305), no dispensation can be given from its requirements. Thus, dispensation differs from the official declaration or interpretation of the Natural or Divine Law (see 315).

402. Those who have the power to dispense from a law are

the lawgiver and others duly authorized. (a) The lawgiver himself can dispense as follows: in his own laws, since he was able to make them; in the laws of his predecessors, since his authority is equal to theirs; in the laws of his inferiors, since they are his subordinates. (b) Others can dispense who have received from the law, from their superior, or from custom the necessary authority to dispense.

**403. Those Who May Be Dispensed from a Law.**—(a) Since dispensation is an act of jurisdiction, only those can be dispensed who are in some way subject to the dispenser. Since, however, the jurisdiction used in dispensing does not impose an obligation but grants a favor, it is held that he who has the power to dispense others may also dispense himself, if his power is not restricted. (b) Since dispensation is an act of authority, it may be exercised even in favor of one who is absent, or ignorant of the dispensation or unwilling to accept it. But, since as a rule favors should not be forced, the validity of a dispensation generally depends upon the consent of the one dispensed.

**404.** The power of dispensing has for its end the common good, and therefore it must be exercised: (a) *faithfully*, that is, not for reasons of private interest or friendship; (b) *prudently*, that is with knowledge of the case and with judgment that there are sufficient reasons for dispensation.

**405.** In order that the reason for a dispensation be sufficient, it is not required that it be so grave as to constitute a physical or moral impossibility of keeping the law, since the obligation of the law ceases in the face of impossibility (see 317, 487), without the need of dispensation. Hence, lesser reasons suffice for dispensation.

**406.** A dispensation must be granted whenever the law itself or justice requires it. The following cases are usually given: (a) when there exists a reason that requires, according to law, that a dispensation be granted; (b) when the common good, or the spiritual good of an individual, or his protection from some considerable evil, demands the concession of a dispensation.

**407.** A dispensation may be either granted or denied, when the case does not demand it and the superior after careful

investigation is not certain whether the reason is sufficient or insufficient; otherwise, a greater responsibility would rest on the superior than the law can be thought to impose—*viz.*, that of attaining certainty where it cannot easily be had.

**408.** He who dispenses without a sufficient reason is guilty of the sin of favoritism, and is responsible for the discontent and quarrels that result. He is guilty of grave sin thus: (a) if serious scandal or other inconvenience is caused, even when the dispenser is the lawgiver himself; (b) if the law obliges under grave sin and the dispensation is not granted by the lawgiver, but by an inferior who usurps the right to dispense.

**409.** The subject of dispensation is guilty of sin: (a) if he asks a dispensation when he knows for certain that there is no sufficient reason for it; (b) if, having been denied a dispensation, even though unjustly, he acts against the law; or if he knowingly makes use of an invalid or expired dispensation.

**410.** Sufficient reasons for a dispensation can be reduced to two classes: (a) private welfare (*e.g.*, the difficulty of the law for the petitioner, a notable benefit he will receive through the dispensation, etc.); (b) public welfare (*e.g.*, the benefits that are secured to the community, or the evils that are avoided through the dispensation).

**411. Epieikeia.**—Since human laws regulate particular and contingent cases according to what usually happens, and since they must therefore be expressed in general terms, exceptional cases will occur that fall under the law, if we consider only the general wording of its text, but that do not fall under the law, if we consider the purpose of the lawgiver, who never foresaw the exceptional cases and would have made different provision for them, had he foreseen them. In such exceptional cases legalism insists on blind obedience to the law-books, but the higher justice of epieikeia or equity calls for obedience to the lawgiver himself as intending the common welfare and fair treatment of the rights of each person.

**412.** Epieikeia may be defined, therefore, as a moderation of the words of the law where in an extraordinary case, on account of their generality, they do not represent the mind of the

lawgiver; which moderation must be made in the manner in which the lawgiver himself would have made it, had he thought of the case, or would make it now, were he consulted. Hence, *epieikeia* differs from the various causes that take away the obligation of a law, for it supposes the non-existence of obligation from the beginning and non-comprehension in the law. Thus: (a) it is not revocation, desuetude, restrictive interpretation, or dispensation; (b) it is not cessation on account of impossibility; (c) it is not presumed permission or self-dispensation.

413. In its use *epieikeia* is at once lawful and dangerous. (a) It is lawful, for it defends the common good, the judgment of conscience, the rights of individuals from subjection to a written document, and from oppression by the abuse of power; (b) it is dangerous, for it rests on the judgment of the individual, which is prone to decide in his own favor to the detriment of the common good as well as of self.

414. *Epieikeia* by its very nature imposes certain limits on its use.

(a) It is based on the fact that a certain case is not comprehended in a law, because the legislator did not foresee it. Hence, *epieikeia* is not applicable to the *Divine Law*; for the Divine Lawgiver foresaw all cases that could arise, and so excluded all exceptions (see 315). This is clear as regards the Ten Commandments and other precepts of the Natural Law, since they deal with what is intrinsically good or bad, and are unchangeable (see 307). But it applies also to the prescriptions of the Positive Law of God, and apparent cases of *epieikeia*, such as the eating of the loaves of proposition by David (I Kings, xxi. 6), can be explained by the cessation of law or divine dispensation. Examples: One may not excuse certain modern forms of cheating on the plea that they were not thought of when the Decalogue was given. One may not omit Baptism on the ground that Christ Himself would have excused from it, had He foreseen the circumstances.

(b) *Epieikeia* is based on the principle that the words of a law must be subordinated to the common good and justice. Hence, it is not applicable to those laws whose universal observ-

ance is demanded by the common good—that is, to *irritant laws*. Any hardship suffered by an individual through the effect of such laws is small in comparison with the injury that would be done to the common welfare if there were any cases not comprehended in such laws; for irritant laws are the norms for judging the validity of contracts and other acts, and public security demands that they be uniform and certain. Example: One may not contract marriage with a diriment impediment, on the plea that the Church would not wish the impediments to oblige under the serious inconvenience that exists in one's case.

415. The dangers of *epieikeia* also place limitations on its use.

(a) There is the danger that one may be wrong in judging that the lawgiver did not wish to include a case under his law. If this is not certain, one should investigate to the best of one's ability, and have recourse, if possible, to the legislator or his representative for a declaration or dispensation. It is never lawful to use *epieikeia* without reasonable certainty that the legislator would not wish the law to apply here and now.

(b) There is the danger that one may be in bad faith in deciding that the common good or justice requires the use of *epieikeia*; the motive in reality may be self-interest or escape from obligation. Hence, a person should not use *epieikeia* except in necessity, when he is thrown on his own resources and must decide for himself; and, even then, he must be sure that he acts from sincerity and disinterestedness.

416. Cases in which the use of *epieikeia* is lawful are the following:

(a) *Epieikeia* in a *wide sense*—that is, a benign interpretation made by a private individual that a particular case is not comprehended in the intention of the lawgiver, because the latter *had not the power* to include it—may be used for all cases in which the opposite interpretation would set the law up in opposition to the common welfare or would work injustice to individuals. Example: The law that goods borrowed must be returned to their owners yields to *epieikeia*, if there is question of putting weapons into the hands of one who would use them



against the public security or for the commission of murder;

(b) *Epieikeia* in a *strict sense*—that is, the judgment that a particular case is not included in the intention of the lawgiver, because the latter *had not the wish* to include it—may be used for all those cases in which the opposite interpretation would suppose in the lawgiver a severity that is not likely. “The rigor of the law may be extreme injustice” (Cicero, *De Officiis*, I, 10). Example: Titus has the opportunity to make a notable sum of money on a Sunday morning, but cannot make use of the opportunity without missing Mass that day. Caius on a fast day feels well, but is tired and will be not a little inconvenienced if he fasts. Both Titus and Caius may use *epieikeia*, for the Church does not wish to be unkind, nor, generally speaking, to have her laws oblige rigorously and for every case.

417. Though all human law is subject to *epieikeia*, the practice of the civil law does not always allow it. (a) Action on individual responsibility makes one guilty of technical violation. Example: Balbus, fearing that his house may be robbed or he himself assaulted, borrows a revolver and practises shooting. He had not time to get the necessary permit, but argued that necessity knows no law. But, if he is arrested, the court may hold him guilty of violating the law. (b) Action in a court of equity, however, will give relief for cases not provided for in law. Example: One may obtain an order from the court restraining a neighbor from injury, when the law itself gives only the right to recover damages for injury done.

#### Art. 5: ECCLESIASTICAL LAW

418. The Church, being a perfect and independent society, has the power to make laws for its members in order to promote the common spiritual welfare. These laws are not an encroachment on the liberty of the Gospel, for Christ Himself bestowed on the Church legislative and other governmental powers suitable to her mission. The charter of the legislative authority of the Church is contained in the words of Christ to Peter: “I say

to thee that thou art Peter, and upon this rock I will build My Church, and the gates of hell shall not prevail against it. And I will give to thee the keys of the kingdom of heaven. And whatsoever thou shalt bind upon earth, shall be bound also in heaven; and whatsoever thou shalt loose on earth, it shall be loosed also in heaven” (Matt., xvi. 18, 19; see also Matt., xviii. 17; Luke, x. 16).

419. The character of laws made by the Church is as follows:

(a) their purpose is to guide and assist the individual that he may more easily and perfectly fulfill the laws of Christ, and to protect and promote the welfare of the Church as a whole;

(b) their contents generally do not impose what is the height of perfection, but what is the minimum necessary for salvation (see 374);

(c) their number, unlike that of the laws of the Synagogue, is few. There are only six precepts of the Church that bind all the faithful; the other laws of the Church do not all oblige each individual, some being for prelates, some for priests, some for religious, some for judges, etc.;

(d) their obligation is not so strict as that of the laws of the Old Testament, for they are more easily changed or dispensed.

420. **General Law of the Church.**—The general law of the Church is found in the five books of the Code of Canon Law, promulgated by Benedict XV on May 27, 1917. It applies only to the Latin Church, except in those matters that of their nature affect the Oriental Church as well, and it has been in force from Pentecost Sunday, May 19, 1918.

421. The effects of the Code on the older legislation are as follows:

(a) it retains in their entirety *liturgical* laws that are not expressly corrected; agreements of the Holy See with various nations, even if they are opposed to the Code; favors, privileges and indulgences that are not revoked (Canons 2-4);

(b) *disciplinary* laws of ecclesiastical origin opposed to the Code are to be held as revoked, even if they are particular, unless the contrary is provided. Disciplinary laws of ecclesias-

tical origin omitted by the Code are retained in force, if they are particular; they are abrogated, if they are general and not contained at least implicitly in the Code; if a general law decreed a penalty, it must be expressly mentioned in the Code to retain force (Canon 6);

(c) *customs*, universal or particular, opposed to the Code, when expressly disapproved by it, must be corrected, even if immemorial; when they are not expressly disapproved by the Code, they may or may not be continued, as a rule, according as they are immemorial—or one century old—or not (Canon 5).

422. The rules laid down for the interpretation of the Code are as follows: (a) in those parts where the Code agrees with the older legislation, it is to be interpreted by means of the latter; (b) in those parts where it certainly disagrees with the older legislation, it is to be interpreted from its own phraseology (Canon 6).

423. **Lawgivers in the Church.**—The *Pope*, as Vicar of Christ and Visible Head of the Church, has supreme legislative power in the Church (Canon 218): "Thou art Peter, and upon this rock I will build My Church. . . . And I will give to thee the keys of the kingdom of heaven, etc." (Matt., xvi. 18, 19). Thus, the Pope can legislate: (a) for the whole Church, either alone or with the body of the Episcopate subject to him in an Ecumenical Council, either directly or through Congregations; (b) for any part of the Church, either directly or through representatives. Thus also, by Papal concession, legates may legislate for a place to which they are sent, *Prælati nullius* for a territory over which they are placed, General Chapters for a Religious Order, and the like.

424. The *Bishops*, "placed by the Holy Ghost to rule the Church of God" (Acts, xx. 28), have legislative power within their own territory, dependently on the Pope (Canon 335). (a) They can make laws, each for his own diocese, either in or out of a synod; (b) when gathered together in council, provincial or plenary, they can legislate for ecclesiastical provinces, or for all the faithful of their country.

425. **Subject-Matter of Church Law.**—The end of the Church being the glory of God and the salvation of souls, she can legislate concerning all matters that are sacred or that refer, directly or indirectly, to the satisfaction of man or the worship of God (see Leo XIII, Const. *Immortale Dei*, d. 1 Nov. 1885).

(a) The Church can call to mind those things that are already prescribed by the Divine Law, Natural or Positive; and, although she cannot dispense in these laws (see 313-314 and exception as to hypothetical positive law in 357), she can interpret them authoritatively, and can decide when obligations of the Divine Law, that depend upon an act of the human will, cease (see 315-316).

(b) The Church can determine those things that were left undetermined in the Divine Law. Examples: The manner in which the Lord's Day is to be sanctified, the times and frequency with which the Divine law of Communion is to be fulfilled, the way in which the obligation of fasting is to be complied with, etc.

(c) The Church can make laws in matters that were left free by our Lord whenever this will promote the better observance of His law (*e.g.*, many church laws for the clergy and religious, for the conduct of worship, for administration, etc.).

426. The acts that may be commanded by the Church are of various kinds.

(a) The Church may command acts that are *purely external* (*e.g.*, fasting) and acts that are *partly external and partly internal*, that is, those external acts to which, from the nature of things or from law, a special moral act of the intellect or will must be joined (*e.g.*, a true oath, a worthy confession or Communion).

(b) The Church may command acts that are *purely internal*, that is, acts of the intellect or will that are not necessarily connected with any external act (such as meditation, the intention in applying Mass, etc.), whenever she is explaining, applying, or determining the Divine Law, or acting in virtue of the power of Christ. Examples: The Pope may define a dogma to be accepted internally. A confessor may impose as penance a pious

meditation. The Church prescribes the days when pastors must intend to offer Mass for their people. A religious superior may command a spiritual retreat.

(c) It is more probable that, apart from instances such as those just given, the Church cannot legislate regarding acts that are purely internal. For unlike the divine Legislator, who sees the internal acts of the soul and who can pass judgment on them, the Church cannot read the heart or judge the conscience. Hence, it would appear useless for the Church to give commandments about acts that elude her knowledge, all the more so since the Divine Law has given commands and prohibitions regarding internal acts and no one can escape the judgment of God.

**427. Those Bound by General Laws.**—The general laws of the Church oblige all and only such persons as are at once subjects of the Church and capable of receiving a law (Canon 12).

(a) By Baptism one becomes a member of the Church, and hence it is *the baptized* who are subject to ecclesiastical laws; (b) by her laws, the Church commands only human and deliberate acts or omissions, and hence it is only those who can reason that are subject to those laws. (c) Moreover, unless the law expressly rules otherwise, those who, although they have attained the use of reason, have not yet completed their seventh year are not bound by purely ecclesiastical law. Specific exceptions are stated in the law. Thus: (1) Canons 854, §2, and 940, §1, regarding the reception of the sacraments in danger of death, Canon 859, §1, stating the precepts of Easter Communion, and Canon 906, containing the precepts of annual confession, declare that the law in these matters is binding on persons having the use of reason, regardless of the actual completion of the seventh year. The law of fasting in Canon 1254, §2 binds after the completion of the twenty-first year. (2) Canon 1099 explicitly exempts non-Catholics, in their own marriages, from the ecclesiastical form of marriage; also Canon 1070 exempts them from the impediment of disparity of cult. (3) The habitually insane are considered as infants under seven (Canon 88, §3). Accordingly, although they are bound by the Divine Law during lucid mo-

ments; they are not usually bound by purely ecclesiastical laws during this period.

**428.** By the unbaptized are here understood, not only those who have never received Baptism (such as infidels, pagans, Mohammedans, Jews, catechumens), but also those who were baptized invalidly. The divine law of receiving Baptism and entering the Church applies to these persons, but, as long as they are unbaptized, they are not subjects of the Church. Thus: (a) directly they are not obliged by any ecclesiastical law, and hence it is not sinful in itself to ask them to do what is forbidden by such laws (*e.g.*, work on a holyday); (b) indirectly they become subject to ecclesiastical law when they enter into law-governed relations with the baptized who are subject to church law. Example: An unbaptized person who marries a Catholic is married invalidly, unless the law on dispensation has been observed.

**429.** Baptized non-Catholics include heretics and schismatics. Thus: (a) *objectively*, these persons are obliged by ecclesiastical laws, unless they are excepted by the law itself, and hence it is not lawful directly to induce them to transgress a Church law (*e.g.*, to eat meat on Friday); (b) *subjectively*, they are generally excused from formal sin in the non-observance of Church laws, and it is not a sin to co-operate materially in such non-observance (*e.g.*, by giving meat on Friday to a Protestant in good faith who requests it or wishes it).

**430.** It is held that the Church is more lenient as regards those baptized as non-Catholics, that is, those who were born and brought up in some non-Catholic sect. Thus: (a) laws that have for their object *the sanctification of the individual* (such as fasting and abstinence, Sunday Mass, etc.), are not insisted on for them, since this would hurt rather than help their spiritual interests; (b) laws that have for their object *the protection of the public welfare* (such as the laws regarding mixed marriage), apply also to baptized non-Catholics.

Other authors do not admit this distinction and hold that these non-Catholics are bound by the laws of the Church, since

Canon 87 expressly states: By Baptism man is constituted a person in the Church of Christ with all the rights and duties of Christians.

Apostates and excommunicated persons are certainly bound by all ecclesiastical laws.

431. Oriental Catholics are not bound by pontifical laws (Canon 1) except in the following cases: (a) when the matter is dogmatic; (b) when the law implicitly extends to them, since it contains a declaration of natural or divine law; (c) when the law is explicitly extended to them. An example of (a) is Canon 218; of (b) Canon 228, 2°; of (c) Canons 622, §4 and 1099, §1, 3°.

432. It is a general rule that all persons baptized, as just explained, are subject to ecclesiastical laws, if they are habitually able to reason; but that they are not subject to those laws, if they are not habitually able to reason.

*First Rule.*—Persons *habitually able to reason* are all those who in their normal state are able to understand the difference between right and wrong, that is, the majority of those who have completed seven years of age. Such persons are subject to ecclesiastical laws, even when actually they are unable to reason on account of temporary intoxication, delirium, derangement, unconsciousness, etc. Hence, one who would offer meat on Friday to a person momentarily unbalanced on the plea that his condition excused him from the law, would do wrong; for the state of passing irresponsibility excuses from formal sin (see 249), but not from the law.

*Second Rule.*—Persons *habitually unable to reason* are all those who have not yet learned the difference between right and wrong (e.g., infants and idiots), or who have permanently lost all knowledge of right and wrong (e.g., the hopelessly insane). These persons are not bound by ecclesiastical laws, at least not by those that are directive. Hence, in itself it is not wrong to give meat on days of abstinence to such persons, even when they are Catholics.

433. Exceptions to the first rule just given are as follows:

(a) According to Canon Law, the *age of reason* comes legally

when one has completed seven years (Canon 12). If a boy or girl is able to reason before that age, he or she is not obliged by laws that are purely ecclesiastical, although it is advisable that parents accustom their children to the hearing of Mass, to abstinence, etc., as soon as this can be conveniently done. If a child has passed the seventh year and does not appear able to reason, he is not bound by ecclesiastical laws.

(b) According to Canon Law, the *age of puberty* is fixed for males at the completion of fourteen years of age, for females at the completion of twelve years of age (Canon 88, § 2). Those who have not attained this age are excused from all penal laws, unless a law expressly states the contrary; for on account of the want of mature judgment they deserve leniency (Canon 2230).

(c) *The age of majority* in Canon (as in Civil) Law is reached when one has completed twenty-one years (Canon 88, § 1). Minors in the exercise of rights are subject to the power of parents or guardians, except where the contrary is declared by the law, as is the case for the reception of the Sacraments and the choice of a religious life (Canon 89). They are not obliged by the law of fast (Canon 1254, § 2).

434. There are some exceptions to the second rule given in 432. Thus, those laws of the Church that grant favors or that invalidate acts can apply even to those who are habitually unable to reason (such as infants and the perpetually demented); for laws of this kind are not directive of the acts of subjects.

435. *Those Bound by Particular Laws.*—The particular laws of the Church oblige all those who are subject to her general laws, and who become subject to the laws of a locality by reason of domicile or personal presence (Canon 13, § 2).

436. There are two kinds of domicile. (a) A *true domicile* or home is acquired in a place in two ways: immediately, when one takes up one's abode there, with the intention of remaining permanently or indefinitely; finally, after ten years, when one has lived there so long, even though there was no intention of remaining permanently (Canon 92, §1). (b) A *quasi-domicile* or residence is acquired in a place in two ways: immediately,

when one takes up one's abode there with the intention of remaining there for at least the greater part of the year; finally, after the greater part of the year, when one has lived there so long (Canon 92, § 2).

437. With regard to abode, four classes of persons are distinguished in Canon Law (Canon 91): (a) an *inhabitant*, who is one that has a domicile in a place and is present there; (b) a *resident*, who is one that has a quasi-domicile in a place and is present there; (c) a *stranger*, who is one that is outside the places of his domicile and quasi-domicile; (d) a *vagus* or homeless person, who is one that has no domicile or quasi-domicile anywhere.

438. The rules as regards those who are not strangers are: (a) inhabitants and residents are subject to the diocesan, provincial, and other particular laws of their territory (Canon 13, § 2); (b) the homeless are subject to the local laws of the territory where they are present (Canon 14, § 2).

439. The rules for strangers with reference to general laws (Canon 14, § 1, n. 3) are: (a) a stranger is obliged to follow these laws, if they are observed in the place where he is, even though they are not in force in the place of his domicile or quasi-domicile; (b) a stranger is not obliged to observe general laws, if they are not in force where he is, even though they are in force in the place of his domicile or quasi-domicile. Thus, the general law of abstinence on Friday does not oblige one who is travelling in a place where the law has been suspended, even though he would be obliged by it at home. The traveller would do better, however, to keep to the practice of his home.

440. The rules for strangers with regard to the particular laws of their own domicile or quasi-domicile (Canon 14, § 1, n. 1) are: (a) they are *obliged* in two cases—first, when those laws are not territorial but personal and obligatory on them everywhere (as is the case with the statutes of religious superiors), and secondly, when the violation of a territorial law would be harmful in its own territory (as when by fiction of law one must be considered as present on account of the law of residence); (b) they are *not obliged* in other cases. Thus, if one

is travelling on a feast-day that is a diocesan holyday in one's home diocese, but not in the diocese where one is, one is not obliged to hear Mass.

441. The following are the rules for strangers with regard to the particular laws of the place where they are: (a) they are *obliged* in two cases—first, when natural law itself requires that a territorial law be observed by all, and secondly, when the Church includes strangers among those who are subject to a territorial law; (b) they are *not obliged* in other cases. Thus, if a person is travelling on a feast-day that is observed as a holyday of obligation both in his home diocese and in the diocese where he is, but not as a general holyday of the Church, he is not obliged to hear Mass; for the law of his home diocese does not bind him, since he is out of its territory, and the law of the diocese where he is does not bind him, since he is not a subject of that law.

442. The natural law requires that strangers should conform themselves to local laws in the following cases:

(a) when non-observance would be a cause of scandal, which the natural law commands one to avoid. In this sense we understand the rule of St. Ambrose: "When you are at Rome, do as the Romans do." Hence, if a stranger would cause real scandal by eating meat on a local day of abstinence, he would be obliged to abstain from it;

(b) when a local law deals with the solemnities required for validity of contracts (Canon 14, § 1, n. 2). If strangers were not obliged by laws of this kind, they could take advantage of the inhabitants, a thing that is contrary to natural justice. Thus, "the place rules the act";

(c) when the local law has for its object the maintenance of public order (Canon 14, § 1, n. 2); for the natural law demands that public safety be guarded. Hence, a stranger who commits a crime is subject to the penalties of the local law (Canon 1566).

443. Examples of territorial laws that oblige even strangers according to the precept of the Church are the laws that require all, even strangers, to follow the Calendar of the Church where

they celebrate Mass, and to say the *collectæ imperatæ* prescribed by the bishop of the local diocese.

444. The rules given for strangers can be applied also to those who are in places exempt from local jurisdiction (e.g., in the monasteries of exempt regulars). The exempt are those who by fiction of law are held to be outside the territory of every diocese, and are subject, not to the local bishop, but directly to the Pope (Canon 515).

445. There are various cases, however, in which exempt religious are subject to the territorial laws of the diocese where they are. Thus: (a) when they accept parishes in a diocese, they are subject to the Ordinary in those matters that pertain to the parishes; (b) when the common good or the avoidance of scandal requires it, they should conform to a diocesan law.

446. Those who have a personal privilege can use it anywhere, for a personal privilege, like a personal precept, follows the person, not the territory.

447. Promulgation.—Church laws are promulgated as follows: (a) the laws of the Holy See are promulgated by publication in the official periodical, *Acta Apostolicæ Sedis*. They become effective three months from the date of publication, unless from the nature of the case they oblige at once, or it is otherwise provided in the law itself (Canon 9); (b) the laws of a bishop are promulgated in the manner he decides, generally by publication in the official periodical of the diocese. They become effective as soon as published, unless it is otherwise provided in the law itself (Canon 335, § 2).

448. When a law has been promulgated and become known, if it begins to be observed, it is said to be accepted; if it is not observed, it is said to be not accepted. This acceptance is not essential to law. Hence: (a) the observance of a law by the people is not necessary for the obligatory force of the law, for otherwise the lawgiver would be without real authority; (b) the approval of ecclesiastical laws by the State is not necessary for their validity, since Church and State are distinct and independent societies within the proper sphere of each.

449. A law that has been promulgated may fail to obtain

force in the following ways: (a) through contrary custom, already existing and not excluded by the law, or then arising to abrogate the law (see 391 sqq.); (b) through appeal entered with the lawgiver. Thus, if a bishop deems a law of the Pope unsuited to his diocese, he explains the reasons to the Holy See, and pending the answer it is considered that the lawgiver does not wish the law to oblige.

450. Irritant Laws. Laws Based on Presumption.—There are two classes of human laws that deserve particular mention on account of special difficulties regarding them: (a) *irritant laws*, which would seem to be unjust, since they declare null what according to natural law would be valid; (b) *laws based on presumption*, which would seem to be of uncertain force, since presumptions are often contrary to fact.

451. An *irritant* or *inhabilitating* law is one that expressly or equivalently declares that certain defects make an act void or voidable, or a person incapable. Such laws are just, even when made by human authority, since it is the common good that makes them necessary, and the natural law itself requires that the common good be promoted.

452. Irritant laws are of various kinds.

(a) They are *morally* or *juridically* irritant, according as that which is taken from the irritated act is either the natural value it has in conscience, or the positive value it derives from the law. Hence, an act may be legally null (i.e., have no value that the law recognizes or protects) and at the same time morally valid (i.e., of just as much force in conscience as though no irritant law existed).

(b) Irritant laws are *merely irritant* or *irritant and prohibitive*, according as they make an act invalid but not illicit, or both invalid and illicit. Thus, a law that requires certain formalities for making a will invalidates the act of writing an informal will, but does not make it an offense; but the church law of diriment impediments makes a marriage contracted with one of these impediments both null and sinful.

(c) Irritant laws are *merely irritant* or *irritant and penal*, according as the legislator does not or does intend them as pun-

ishments. For example, the law of clandestinity is merely irritant; the law regarding the impediment of crime is probably both irritant and penal.

453. Laws that are merely irritant do not oblige one in conscience to omit the act, but only to suffer the effect of irritation; but laws that are both irritant and prohibitive oblige one in conscience to omit the act. Example: In itself, it is not unlawful to make an informal will, but it is unlawful to marry with a diriment impediment.

454. As to the time when irritant laws obtain their effect, the following points are important.

(a) Ecclesiastical voiding laws oblige *at once in conscience*, although like other laws of the Church they are not retroactive, unless the contrary is provided, and they do not oblige in case of a doubt concerning the law. Example: If espousals are made without the canonical formalities, there is no duty to live up to them as such, either in conscience or before the law.

(b) Civil voiding laws are generally only civilly irritant, for as a rule external means are sufficient for the purpose of those laws; thus, they produce *civil irritation* at once, but *moral irritation* only after pronouncement by the courts. Hence, after a judicial sentence the voided act becomes such morally, since the decision is founded on a presumption of common danger (see below, 459). Examples: One who has received money through a will which he knows to be informal (*i.e.*, legally invalid), may retain possession until the civil authority declares that he has no rights to the money. But, on the other hand, one who has been disinherited through a will naturally good, but not made in due form, has the right to contest, if we except the case of pious bequests (see Vol. II).

455. Laws that make an act voidable or rescindable do not irritate before declaration of nullity by a judge. Hence, an act that is rescindable according to law retains its natural force until the court has decided against it. Example: Acts that were done under the influence of grave and unjust fear, or that were induced through deception, are held as valid until declared null by a judge.

456. As to the effects of ignorance on acts irritated by law, the Code states that ignorance of irritating (invalidating) and inhabilitating (disqualifying) laws does not excuse from their observance, unless the law expressly states otherwise (Canon 16, §1). Moralists discuss the influence of ignorance (as well as force or fear) on such acts as follows: (a) if the law is *irritant and not penal*, it has its effect, in spite of ignorance, oversight, etc.; for this the common good requires. Example: One who marries his cousin in good faith, being invincibly ignorant that it is against the law, contracts invalidly; (b) if the law is *irritant and penal*, the irritation being decreed solely as a punishment, ignorance, oversight, etc., sufficient to excuse from fault, excuse also from the penalty of irritation; for penalty presupposes fault. Before the law, however, ignorance and error as to law or penalties are not presumed but must be proved. (Nevertheless, it must be noted that according to some authors no penalty is necessarily or primarily intended in ecclesiastical irritating and inhabilitating laws. Though punishment actually results from the matrimonial impediment of crime, for example, the impediment as such primarily is a personal disqualification intended to protect the dignity of the sacrament and good morals. Ignorance, then, does not excuse from it. Some authors maintain that this is true of all ecclesiastical disqualifying laws.)

457. Generally speaking, *epieikeia* may not be used in the interpretation of irritating and inhabilitating laws. Since they transcend the individual welfare, they demand uniform observance of all subject to them. Some authors permit the use of *epieikeia*, however, in particular cases in which the law itself aims to protect the individual, whereas its observance would tend rather to harm the individual or at times even the interests of the community. Accordingly, it seems probable that an irritant law may cease in case of impossibility or of a most grave inconvenience that is *common*. Example: If in a pagan country Christians were so few that they could marry only infidels, and if distance or other circumstances made it impossible to seek a dispensation, the diriment impediment of disparity of worship would seem to cease for those Christians.

458. Some authors hold that an irritant law may also cease on account of impossibility, or of a most grave inconvenience that is only *private*; but this opinion cannot be deemed certain. An example of private inconvenience is the case of an invalidly married person who is near to death and unable to seek the dispensation from the impediment that has made the marriage null.

459. A law based on *presumption* is one in which the law-giver rules for certain cases according to what experience shows in their regard—*viz.*, that such cases are generally dangerous, or indicative of a particular fact. These laws are not of uncertain force, for the cases in which they cease to oblige are few and definite.

460. When a law is based on a presumption of common danger and that danger does not exist in a particular instance, the law nevertheless obliges (Canon 21); for the end of the law is the common good, and if it ceased for an individual whenever its presumption of danger was not true in his case, everyone could persuade himself that the law did not apply to him, and thus the common good would be defeated. Examples: The law against the reading of irreligious books is based on the presumption of common danger of sin, the law against clandestine marriages on the presumption of common danger of fraud; hence, they oblige even in the particular instances where these dangers are absent. Examples of laws based on the presumption of common danger can be found in Canons 199; 409, §1; 420; 422; 1022; 1028; 1114; 1116; 1138; 1396; 1398.

461. When a law is based on the presumption of a particular fact that usually happens in the cases with which the law is concerned, and the fact in an individual instance did not happen, does the law oblige?

(a) *In conscience* the law does not oblige *of itself*, because presumptions must yield to the truth; but it may oblige *accidentally*, if non-observance would cause great public or private harm. Example: The law presumes that a person born and brought up among Catholics has been baptized, and is therefore subject to the church laws. But if, in fact, the person was never

baptized, he is not subject to those laws, as long as he remains unbaptized, unless there be some accidental necessity of keeping them, such as the danger of scandal.

(b) *Before the public authority* the law in question does oblige until the non-existence of the fact presumed by the law has been proved in the manner required by law. Example: When parties contract marriage according to the form prescribed by the Church, the presumption is that the contract was valid, and, as long as that presumption is not overcome, the Church will not sanction a new marriage by either of the parties. But if it can be proved in court that threats or violence produced lack of consent, the obligation not to contract a new marriage will terminate before the law.

462. **Fulfillment of Law.**—With reference to the manner of fulfilling a law there are a number of questions to be considered: (a) as to the *external* acts, whether or not one can fulfill the law for another, whether or not the omission of some slight detail renders compliance insufficient, whether or not he who cannot fulfill the whole law is bound to fulfill a part of it, whether or not several obligations can be satisfied at the same time or by the same act, etc.; (b) as to the *internal* acts, whether or not one must have the intention of meeting the wishes of the lawgiver, whether or not one must be in the state of grace, etc.

463. *Personal fulfillment* is not always necessary; for an affirmative law requires either that some thing be given, or that some personal act be performed. (a) When the law requires that *some thing be given* (e.g., that taxes be paid), the obligation can be satisfied through another, since a thing can be transferred from one person to another, who agrees at least interpretatively; (b) when the law requires that *a personal act be performed* (e.g., that Mass be heard on Sunday), the obligation cannot be satisfied through another, for actions cannot be transferred from one to another.

464. *Minute fulfillment* is not always necessary; for sometimes the minor details of the fulfillment of a law are expressly prescribed, sometimes they are not.

(a) If these details are required by the law itself or by the na-



ture of the case, the law is not satisfied if they are neglected. Example: Friday abstinence ends exactly at midnight, and hence to eat meat even one minute before midnight is to break that abstinence.

(b) If the law does not prescribe minute details, these are not required for the fulfillment of the obligation; for laws should not be unduly burdensome. Example: One who is a few minutes late for Mass does not miss Mass, if he is present for the essential parts of the Mass.

465. *Partial fulfillment* is required of him who cannot make complete fulfillment, only when the part is commanded for its own sake; for that which is commanded by a law is considered by the lawgiver as either an indivisible unit, or as a whole composed of parts that have singly an independent moral value and obligation.

(a) If the thing commanded is morally an indivisible unit (e.g., a pilgrimage to a shrine), he who is not able to fulfill the whole law is bound to nothing. Example: One who has made a vow to go on pilgrimage to a distant sanctuary, is not bound to go part of the way, if he is unable to make the entire journey.

(b) If the thing commanded has parts that contribute to the end of the law, he who is able to fulfill only one or more such parts is obliged according to his ability; if it is certain that he can perform even a part, he is bound to that; if it is not certain that he can perform even a part, it would seem that generally he is excused from all. Examples: A cleric who can say some but not all the Hours of his Office, is obliged to say what he can. A person who can certainly abstain, but who cannot fast, is bound during Lent to abstain.

466. *Simultaneous fulfillment by one act* of several obligations is lawful, if the obligations differ only materially. They are said to differ only materially, if the motive of the legislator in giving different commands about the same thing is the same in each instance; they differ formally, if the legislator has a different motive in each instance. The motive is recognized either from the express declaration of the lawgiver, or from interpretation given through authority or custom.

(a) When two commands differ only materially, it can be presumed that the legislator is not unwilling that they be fulfilled by one and the same act, unless it is clear that he wishes them to be fulfilled by distinct acts. Example: If one falls sick at Easter time and receives the Viaticum, it is not necessary for him to receive Communion again in order to make his Easter duty; for the divine law of Viaticum and the church law of Easter Communion have the same motive, and hence can be fulfilled by one and the same Communion.

(b) When two commands differ *formally*, it can be presumed, unless the opposite is manifest, that the legislator wishes them to be complied with by distinct acts. Example: If a confessor imposes a fast as a penance, this penance cannot be performed on a fast day; for the motive of the law of fast is general, that of the sacramental penance is particular.

467. *Simultaneous fulfillment by several acts* of several obligations is sometimes possible, sometimes impossible. For the acts prescribed by different laws are either capable or incapable of being done at the same time. Thus, it is possible to hear Mass and to say a penance of some Hail Marys at the same time. But it does not seem easy for an ordinary person to give attention to four or more Masses at the same time.

(a) If the acts *do not impede* one another and the legislator is not unwilling, several laws can be fulfilled at the same time. Example: If two Masses are being said on adjoining altars, one can hear both—the one to satisfy the Sunday obligation, the other to perform a penance received.

(b) If the acts *impede* one another, or if the legislator wishes his laws to be fulfilled at distinct times, the different obligations cannot be satisfied simultaneously. Examples: If a distracted person has received a penance to hear six Masses, he cannot hear them all at once, on account of the division of attention necessary. If the confessor told a person to hear Mass "three times," the latter cannot satisfy by hearing three Masses at one time.

468. When a law prescribes not only what is to be done, but when it is to be done, the time must be observed. But the obligation does not always cease with the expiration of the time.

(a) If the time set by the law is a limit beyond which the obligation ceases, he who has not complied within that time has no further obligation. Examples: He who did not fast on Christmas Eve, would not be obliged to fast on Christmas Day. He who did not hear Mass on Sunday, would not be obliged to hear Mass on Monday.

(b) If the time set by the law is not a limit to terminate the obligation, but a date fixed in order to insist on the obligation, he who has not complied within the prescribed period, is nevertheless still obliged. Examples: He who has not made the Easter duty by Trinity Sunday, is obliged to receive Communion after Trinity. He who has not paid a debt on the day required by law, is bound to pay it after that day.

469. It depends on the intention of the lawgiver whether the time he prescribes for fulfillment is a limitation of the obligation or not. The intention of the lawgiver is known either from the words or purpose of the law, or from custom.

470. If the law declares that some duty must be performed within a determined period, allowing freedom for earlier or later performance within the period, the following points must be considered. (a) A person is not obliged to comply early, if he intends to comply before the period has ended. (b) He is obliged to comply early, if he foresees that later he will not be able to do what is required. Examples: If a person who has not made his Easter duty has the opportunity to receive Communion on Easter Sunday, and will not have another such opportunity till Christmas, he is obliged to receive on Easter Sunday. But, if he can communicate any Sunday during the Paschal time, he is not bound to do so on one of the early Sundays. If one can hear an early Mass, but not another Mass, on a holyday, one must hear the early Mass.

471. Just as one may not delay fulfillment until after the time set by law, so neither may one anticipate fulfillment before the time determined, unless the law may be considered to allow this. Examples: If a person has heard Mass on Saturday, he has no right to make this count for the following day. A rosary said before confession cannot be considered as performance of

the penance, if in confession one is given the rosary to say.

472. It is held that a cleric who said the Breviary in the morning, just before he was ordained subdeacon and undertook the obligation of the Office, satisfied by that anticipated recitation; likewise, that a traveller who heard Mass in a place where a holyday of obligation of the general law was not in force, has satisfied by anticipation, if later in the morning he reaches as his destination a place where the holyday is observed. For in both these cases the law intends that the Office be said, or the Mass be heard within the day.

473. If a person who is now able to do what the law requires, foresees that he will not be able to do this when the time set by the law arrives, he is not obliged to anticipate fulfillment, even when he has the privilege of anticipation. Examples: A cleric who at 2 p.m. is able to anticipate Matins for tomorrow, and who knows that later, on account of an operation, he will not be able to say his Office, is not bound to anticipate; for no one is obliged to use a privilege. A person who is able to hear Mass on Saturday, and who knows that all of Sunday must be spent on the train, is not obliged to hear Mass on Saturday, though of course this is the better thing to do.

474. The *internal acts* concerned in the fulfillment of a law are: (a) those in the intellect, such as knowledge; (b) those in the will, such as consent, motive.

475. *Knowledge* of what one is doing is sometimes necessary, sometimes unnecessary for the fulfillment of a law.

(a) If the law is prohibitive, knowledge is not necessary, since nothing more is required by the law than the omission of what is forbidden. Example: He who ate no meat on a day of abstinence has fulfilled the law, even though he was unconscious all day.

(b) If the law is preceptive of a payment to be made, knowledge is not necessary, since the law requires nothing more than the effect of an external act. Example: He who pays his taxes while intoxicated fulfills his obligation, even though he does not know what he is doing.

(c) If the law is preceptive of an act to be performed, knowl-

edge is required, for it is supposed that the act will be exercised in a human manner. Example: He who sleeps all during Mass on Sunday does not fulfill his duty, for the law intends that one assist at Mass in a human way (*i.e.*, with consciousness of what is being done).

476. Fulfillment of a law is not morally good and meritorious, unless it is *voluntary* (see 97 sqq.); but the legal obligation is sometimes satisfied even by an unwilling fulfillment.

(a) When the law commands a payment to be made, one may will the contrary of what is commanded and yet fulfill one's obligation. Example: He who pays his taxes unwillingly and under compulsion satisfies the law, which requires not an act, but its effect.

(b) When the law forbids something, it is possible that one does not will the omission commanded and yet fulfills one's obligation. Example: He who intends to eat meat on a day of abstinence which he thinks is a meat day, but, being unable to find what he wants, omits the meat, satisfies the law, which requires only that one omit what is forbidden and have no will to violate the law.

(c) When the law commands that an act be performed, one must perform the act willingly, since the law being for humans intends that fulfillment be made in a human manner. Examples: He who is dragged to church and forcibly detained there during Mass, does not satisfy the law of sanctifying the Sunday, since force makes his assistance at Mass involuntary (see 52). A child that goes to church only to escape punishment satisfies its duty, if, in spite of reluctance, it really intends to hear Mass, for fear does not necessarily make an act involuntary (see 41 sqq.).

477. As to the *intention* required in fulfilling a law, it is to be noted that one must have, at least implicitly, the intention of doing what the law prescribes, in the case given in the third section (c) of the preceding paragraph. Example: He who goes to church on Sunday while Mass is being said with no other purpose than that of hearing the music or of waiting for a friend, does not satisfy the Sunday duty, since he does not at all intend to hear Mass.

478. The following kinds of intention, though to be recommended, are not necessary for the fulfillment of a law.

(a) It is not necessary, as a rule, that one intend *to satisfy one's obligation*, for human lawgivers have not generally the power or the intention to command acts that are purely internal (see 374, 426). Examples: He who hears Mass on a holyday not intending to perform his duty, as he does not know that it is a holyday, has satisfied the law. He who says the rosary out of devotion and then remembers that he has an obligation of saying it because of a promise made or of a penance received, can regard the rosary said as a fulfillment of his obligation.

(b) It is not necessary that one intend that which the lawgiver had in mind as the purpose of the law; for "the end of the law is not a part of the law." Example: A person who takes only one full meal during Lent, observes the letter of the law; but he misses its spirit if he eats or drinks greedily, daintily or copiously, in order to avoid the mortification intended by the law.

479. If one intends to perform what a law prescribes, but at the same time expressly intends not to satisfy, by that performance, the obligation imposed, one's act is sufficient or insufficient for fulfillment according to the source from which the obligation arises.

(a) If the obligation arises *from the will of the lawgiver*, the act is a sufficient fulfillment, since the human lawgiver, as said in the previous paragraph, does not concern himself with what is purely internal. Example: If a person hears Mass on Sunday out of devotion, intending to hear another Mass in satisfaction of the Sunday duty, he is not bound to hear a second Mass, as he has already done all that the law requires.

(b) If the obligation arises *from one's own will*, as in the case of a promise or a vow, the act above described is not sufficient fulfillment; for, as the obligation arose from the will, so also the mode of fulfillment is to be determined by the will. Example: One who has vowed to hear Mass, and who now while hearing Mass expressly determines that not this but another Mass will be in satisfaction of his vow, is bound by his vow to hear another Mass.

480. As to *virtuous dispositions* in fulfilling a law, it is to be observed that, while a good lawgiver always wishes them, he does not always require them as a duty of obedience. The virtuous dispositions referred to are of two kinds: (a) *habitual*, that is, the permanent spiritual condition of the soul, such as the state of grace, the habit of charity, etc.; (b) *actual*, that is, the good manner in which the commanded act is done, such as devout attention in hearing Mass, heartfelt contrition in making confession, freedom from vain-glory in fasting, etc.

481. Virtuous dispositions are or are not commanded according as that which is prescribed is or is not a mixed, or a purely external act (see above, 426).

(a) When a *mixed* act is commanded by law, the virtuous disposition that the nature of the case calls for, but nothing further, is strictly prescribed. Hence, the law of Easter Communion requires that Communion be received in the state of grace, the law of yearly confession that the penitent be truly contrite, the law of Sunday Mass that there be sufficient attention to the Mass; but more perfect dispositions (such as freedom from venial sin in the communicant, perfect contrition in the penitent, the state of grace in him who hears Mass) are not required for the fulfillment of the laws we are considering.

(b) When a *purely external* thing is commanded, the law does not require internal dispositions, and hence one who performs what is required is not obliged to repeat it on account of the imperfect way he obeyed. Example: He who fasts while he is not in the state of grace is not obliged to fast again to make good what was lacking in his previous disposition.

482. Of course, what was said in the preceding paragraph has to do only with single laws, and with what is strictly needed for the fulfillment of the law. Hence: (a) he who sins because of the way in which he fulfills one law, violates another law (e.g., one who is willingly, though not entirely, distracted at Mass, obeys the church law of assistance at Mass on Sunday, but he disobeys the divine law that he worship God devoutly); (b) he who has less devotion in obeying a law than he might have had, does not deserve reprehension as a transgressor, but his conduct is less praiseworthy.

483. **Interpretation.**—The meaning of interpretation and its various species were explained above in 315 sqq.

484. As to the force of interpretation of church laws, the following points must be noted:

(a) Authentic interpretation given in the form of law has the force of law; if it is merely declarative of words of the law certain in themselves, it does not need promulgation and is retroactive; if it is supplementary, it needs promulgation and is not retroactive, since it is a new law (Canon 17, § 2);

(b) Authentic interpretation given in the form of judicial sentence or of rescript in a particular matter has not the force of law; and it obliges only the persons and affects only the things concerned (Canon 17, § 3);

(c) Usual interpretation has the force of law when it is given through a legitimate custom (see above, 391 sqq.), for “custom is the best interpreter of law”;

(d) Doctrinal interpretation has not the force of law, since it does not proceed from the lawgiver. Its value depends on the reasons and the authority by which it is supported. When all the doctors agree, their interpretation is morally certain; when they disagree, the various interpretations have more or less probability.

485. **Rules for Doctrinal Interpretation.**—(a) The words must be understood in their proper sense according to text and context, unless this be impossible; if doubtful, they must be judged according to parallel places in the Code, the circumstances, reason of the law, and the mind of the lawgiver (Canon 18).

(b) Things that are burdensome should be understood in their most restricted sense (Canon 19), things that are favorable in their widest sense. Thus, the censure pronounced against simony is understood in the narrow sense of simony against the divine law; a privilege granted to the clergy is understood in the wide sense as given to all the clergy.

(c) Things that remain obscure should be understood in the sense that is least burdensome to subjects.

(d) A particular law derogates from a general law; but a

general law does not derogate from a previous particular law, unless derogation is expressly mentioned in the general law; for the particular law is considered an exception to the general law (Canon 22).

486. Authentic interpretations of ecclesiastical laws are given by the legislator, his successor, or one delegated by either (Canon 17, § 1). (a) The Pope is the authentic interpreter of all ecclesiastical laws. A special commission appointed by the Pope interprets the general law of the Code. (b) The bishop is the authentic interpreter of diocesan laws made by himself or by his predecessors.

487. Cessation of Obligation.—The ordinary ways in which a law ceases to be obligatory for an individual are: (a) on the part of the subject, that he ceases to be subject to the law (exemption), or is unable to observe it (excuse); (b) on the part of the lawgiver, that he removes the obligation for the individual (dispensation).

488. As to exemption from church laws note: (a) he who ceases to be subject to the law (*e.g.*, one who has received a privilege of exemption, or who has departed from the place where the law is in force), is of course not obliged by the law; (b) neither is he guilty of any fault if he brought about his freedom only just before the law became effective and with the sole purpose of being exempt; for the law does not oblige that one remain subject to it.

489. Excuses from the law are reduced to two, namely, ignorance and impossibility. (a) *Ignorance* excuses from the guilt of non-observance, if it is inculpable (see 24 sqq.). The question now is whether or not and when it excuses from legal consequences, such as invalidity, penalty, reservation of sin, etc. (b) *Impossibility* excuses from both obligation and guilt.

490. Ignorance of ecclesiastical law or of a penalty attached to the law has the following effects determined in the law: (a) No kind of ignorance excuses from irritating or inhabilitating laws, unless the contrary is expressly provided for in the law itself (Canon 16, §1). Thus a person who contracts marriage, while ignorant that he and the other person are first cousins,

is invalidly married. (b) Affected ignorance of ecclesiastical law or of the penalty alone does not excuse from any penalties *latae sententiae* (Canon 2229, §1). (c) If the law contains the following words: *praesumpserit, ausus fuerit, scienter, studiose, temerarie, consulto egerit*, or others similar to them which require full knowledge and deliberation, any diminution of imputability on the part of either the intellect or the will exempts the delinquent from penalties *latae sententiae* (Canon 2229, §2). (d) If the law does not contain such words, crass or supine ignorance of the law or even of only the penalty does not exempt from any penalty *latae sententiae*; ignorance that is not crass or supine exempts from medicinal penalties, but not from vindicative penalties *latae sententiae* (Canon 2229, §3, 1°).

491. Other specific determinations of the law include: (a) Inculpable ignorance of the law itself excludes moral imputability (Canon 2202, §1); actual inculpable inadvertence or error in regard to the law has the same effect (Canon 2202, §3). (b) Culpable ignorance, or culpable inadvertence, or error concerning the law or concerning the fact diminish imputability more or less in proportion to the culpability of the ignorance (Canon 2202, §1). (c) If the ignorance, even inculpable, affects only the fact of the existence of the penalty, it does not exclude imputability of the delict, but it does diminish it (Canon 2202, §2).

492. Absolute or physical impossibility (*i.e.*, the want of the power or of the means of complying with a law), of course, excuses from its observance; for no one is bound to what is impossible. This applies to divine law, and hence much more to human law. Example: He who is unable to leave the house is not obliged to go to Mass.

493. Moral impossibility—that is, the inability to comply with the law without extraordinary labor, or the imminent danger of losing a notable good or of incurring a great evil—does not excuse from the observance of ecclesiastical law when this law receives through circumstances the added force of the negative law of nature. This happens when the evil that will result through the observance of the law bears no proportion to the evil that will result from its violation, the former being private

or temporal or human, the latter public or spiritual or divine; for the law of nature forbids that the common welfare, or the salvation of a soul, or the honor of God be sacrificed for the benefit of an individual, or for the life of the body, or for the welfare of a creature. Example: The command to abstain from meat on Friday obliges, if one has been ordered to violate it as a sign of contempt of God or of religion, even though death is threatened for refusal.

494. Moral impossibility excuses from the observance of a human law in the following cases:

(a) One is excused when a considerable loss in health, reputation, spiritual advantage, property, etc., or a grave inconvenience will result from observing a law which is not a prohibition of nature in the sense of the previous paragraph; for the legislator cannot impose obligations that are needlessly heavy, and hence positive law does not oblige in case of such moral impossibility. Example: Our Lord reproved the inhuman rigor of the Pharisees, who insisted that their regulations must be observed, whatever the difficulty or cost.

(b) One is excused when a lower or less urgent law is in conflict with a law that is higher or more urgent. In such a case the greater obligation prevails, and the lesser obligation disappears. Examples: The divine laws that one must preserve one's life or administer Baptism to a dying person prevail over the human law of attendance at church. The less urgent law of fasting yields to the more urgent law of devoting oneself to duties required by one's state of life, if there is a conflict between the two laws.

495. The loss, evil or inconvenience that constitutes moral impossibility with respect to a law, must bear a proportion to the law itself; and hence the higher or the more imperative the law, the greater must be the reason that suffices to excuse from it.

496. Only a learned and prudent man can determine whether moral impossibility exists with reference to a particular case, and hence it would be dangerous for those who are not theologians to decide, either for themselves or for others. The points that have to be considered in judging are: (a) whether or not

the difficulty is of a gravity proportionate to the importance of the law (*e.g.*, a graver reason is required to excuse from a law that obliges under mortal sin than to excuse from a law that binds under light sin); (b) whether or not the difficulty is grave in relation to the person concerned (*e.g.*, an obligation that is easy for a healthy person may be very difficult for one who is infirm).

497. It is never lawful to bring about either physical or moral impossibility of observing a law, if this be done with the sole or principal purpose of escaping one's duty. Example: To go away on Saturday in order to avoid Mass on Sunday.

498. It is lawful to cause impossibility of observing a law, if there be some sufficient reason for doing this; for it is lawful to do something from which two effects, one good and the other bad, result, if the good effect is the one intended, and there is a sufficient reason for permitting the evil effect (102 sqq.). Example: It is sometimes lawful to do some extra work that is very useful, even if the labor makes one unable to observe a fast.

499. The sufficient reason spoken of in the last paragraph is one that is proportionate to the urgency and importance of the command and to the frequency of the non-observance. Examples: A greater reason is required to take up some work which will make it impossible to keep the fast, if this be done on the fast day itself, than if it be done the day before. A far greater reason is required to take up some work that makes the observance of the fast impossible, if this happens frequently or habitually, than if it happens only once or twice.

500. Cessation of Law.—A law ceases in two ways.

(a) It ceases *from without* (*i.e.*, from the act of the legislator), when he abolishes it, by total or partial revocation (abrogation, derogation), or by the institution of a new law directly contrary to it (obrogation). In the new Code of Canon Law there are many instances of revocation or obrogation of older legislation (see Canons 22, 23), as in the matter of censures and matrimonial impediments. Examples: In the diocese of X a minor feast was made a holyday of obligation. This law

was abrogated, if later on it was decreed that neither the prohibition against servile works nor the precept of hearing Mass was obligatory for that feast; it was derogated from, if later it was decreed that servile works were permitted, but Mass was obligatory for that day; it was obrogated, if a later law included the minor feast in a list of special days of devotion for which the hearing of Mass was recommended.

(b) A law ceases *from within* (i.e., of itself), when through change of conditions the purpose for which it was made no longer exists, or is no longer served by the law.

501. The purpose for which a law was made ceases to be served by the law in two cases.

(a) A law no longer serves its purpose, if, from having been a benefit, *it has become a detriment*, inasmuch as its observance now would be wicked, or impossible, or too burdensome. In this case the law ceases, since it is now contrary to the supreme law that the common welfare be promoted. Example: A particular law forbade the use of fat or grease in the preparation of food on days of abstinence. Later, it became impossible to procure the substitutes previously used.

(b) A law no longer serves its purpose, if, from having been useful, *it has become useless*, inasmuch as it is no longer necessary for the end intended by the lawgiver. In this case the law ceases, for regulations should not be imposed needlessly. Example: The Council of Jerusalem made a law that the faithful should abstain from using as food animals that had been strangled (Acts, xv. 20). The purpose of the law was to avoid offense to the Jewish converts, who at that time formed a large part of the Christian community and who had a religious abhorrence for such food. But shortly afterwards, the Gentile element having become stronger in the Church, no attention was paid to ceremonial rules of Judaism.

502. A law ceases to serve its purpose also as follows:

(a) The law becomes harmful or useless with reference to the purpose of the lawgiver *generally and permanently*, if the changed conditions affect the whole community or the great majority, and are lasting. In this case the law ceases; for, since

it is made for the community as a whole and as a lasting ordinance, it cannot endure, if it becomes permanently unserviceable to the community. Examples are given in the previous paragraph.

(b) The law becomes harmful or useless with reference to the lawgiver's purpose *privately or temporarily*, if the harm or uselessness affects only individuals, or is not lasting. In this case the law continues to be an instrument of public welfare, or is only momentarily deprived of its beneficial character. Hence it endures; but for temporary inconvenience to the public a remedy is had in suspension of the law, for inconvenience to individuals in dispensation. Example: If the use of fats or grease were forbidden on days of abstinence, and if for a time only it were impossible to obtain the substitutes for the preparation of the food, the law would not cease, but would be suspended until such time as substitutes could be obtained.

503. The inconvenience caused to individuals from the fact that a law does not serve its purpose in a case before them, does not always justify the use of *epieikeia*.

(a) If the observance of the law would be detrimental to the purpose intended by the lawgiver, *epieikeia might be used*; for the lawgiver does not intend that his law should be an obstacle to what he has in view as its end. Example: Caius needs to read a book placed on the Index in order to defend the Faith against attacks, but he is unable to request the general faculty to read forbidden works. Obedience to the law in this case would defeat the purpose of the law, which is the protection of faith, and hence Caius may use *epieikeia*.

(b) If the observance of the law would be unnecessary, but not detrimental as regards the purpose of the lawgiver, *epieikeia may not be used*; else the law would lose its force through the judgments of individuals in their own favor, and the common welfare would suffer. Examples: Titus has an opportunity to read a book placed on the Index, but has not the time to apply for permission. The work was condemned as dangerous to faith; but Titus is strong in faith, and wishes only to study the literary qualities of the writer. Sempronius, a parish priest, is requested

to officiate at a marriage immediately, without proclaiming the banns or seeking a dispensation from proclamation. The purpose of the law of banns is that impediments may be detected and invalid marriages avoided, and Sempronius is absolutely certain that there is no impediment in the case before him. Titus and Sempronius must observe the law, and the same must be said as regards every actual case in which there is the possibility of self-deception and peril to the common good. The theoretical case, in which neither of these inconveniences would be present, need not be considered.

504. The purpose of the law ceases to exist as follows:

(a) *adequately*, when all the reasons on account of which it was made are no longer in existence; in such a case the law itself ceases, for the lawgiver is not considered as intending to oblige when the reason for obligation has ceased. Example: If the bishop orders prayers to be said for rain, the prayers cease to be obligatory when rain has come;

(b) *inadequately*, when the reason for the law has ceased partially, but not entirely. In such a case the law does not cease, for it still remains useful. Example: If the bishop orders prayers for peace and rain, the prayers are obligatory until both requests have been obtained.

505. A law ceases, therefore, in greater or less degree, according to circumstances. (a) It ceases entirely or partially, according as it is revoked or as it becomes useless as to all its provisions, or only as to one or more of them; (b) it ceases permanently or temporarily, according as the revocation or cessation is only for a time, or for good.

506. **Custom.**—In Canon Law custom can interpret, abrogate or introduce law, provided: (a) it has the qualities of legitimate custom, and (b) its existence is proved juridically, or is notorious.

507. According to their extension, customs are of various kinds. (a) *Universal* customs are those that prevail in the entire Church; (b) *particular* customs are those that are confined to a territorial portion of the Church (e.g., a province of the Church or of an Order); (c) *special* customs are those that are followed

in societies that are smaller, but capable of having their own laws (e.g., independent monasteries); (d) *most special* customs are those observed by individuals, or by communities not capable of having their own legislation (e.g., parishes). At the most, customs of this last class have only the force of privilege (Canon 26).

508. Custom is formed as follows. (a) As to *origin*, it arises from the practice of the people, when this practice is followed with the purpose of making or unmaking a law. Hence, the habitual way of acting of an individual, even if he be the superior, does not give rise to a custom. By "people" here is meant a community capable of having its own law (Canon 26). (b) As to *legal force*, custom arises solely from the consent of the Pope or other prelate, when this consent is expressed by the law or lawgiver, or tacitly admitted by him. Hence, a custom not approved by the superior has no legal force (Canon 25).

509. A custom can introduce or abrogate any kind of ecclesiastical law or other custom—penal, prohibitive, irritant—if it is reasonable and has lasted the prescribed time (Canons 27, 28). Examples: A law that forbids contrary customs can be abrogated, according to the Code, by such customs when they are immemorial, or a century old (Canon 27, § 1). The impediment of disparity of worship became diriment through custom. It was custom that introduced the obligation of the Divine Office, and that mitigated the early law of fast.

510. A custom expressly disapproved of in law is not reasonable or legitimate, and cannot derogate from an existing law, nor establish a new law (Canons 27, 28).

511. The time prescribed by the Code of Canon Law for the acquisition of legal force by customs that have not the personal consent of the lawgiver is as follows: (a) forty continuous and complete years are required to unmake an ordinary law; one hundred years to unmake a law that forbids future contrary custom (Canon 27, § 1); (b) forty continuous and complete years are likewise required to make a new law (Canon 28).

512. The effect of the Code on customs previously existing was considered above under 421.



513. Like the written law, custom ceases: (a) *from within*, when its purpose has ceased entirely; (b) *from without*, when it is abrogated by desuetude, or by a contrary law or custom (Canon 30).

514. **Laws in a Wide Sense.**—In addition to laws strictly so-called, there are laws in a wide sense, commands or provisions made by ecclesiastical superiors that have not all the conditions given above (see 285) for law. Such are: (a) *precepts*, which differ from law, because they are given not to the community or permanently, but to individuals or temporarily; (b) *rescripts*, which are given with regard to particular cases and without the solemnity of law; (c) *privileges*, which are not obligatory; (d) *dispensations*, which are relaxations of law granted to individuals.

515. A precept is a command given to individuals, or for an individual case, by a competent superior.

(a) It is a *command* obliging in conscience, and so differs from counsel, desire, exhortation.

(b) It is given to *individuals*, and thus differs from law, which has the character of universality and stability. A precept may be imposed on a community, but even then it is particular, as being given only for an individual case or for a certain length of time—for a month or a year, or during the lifetime of the superior.

(c) It is given by a *competent superior*. Even here precept differs from law, since laws can be made only by one who has jurisdiction or public authority (see above, 285), while precepts may be given also by those who have only dominative or private authority (as parents, heads of families, husbands, employers, abbesses). In canonical matters precepts may be given by religious superiors, parish priests, rectors of seminaries, and for the court of conscience by the confessor.

516. Precept is similar to law: (a) as to its *object*, which must be just, good, and possible of observance; (b) as to its *binding force*, since it can be imposed even on those who are unwilling.

517. Precepts are personal (*i.e.*, they affect the person to

whom they are given wherever he may be), unless they are given as territorial (Canon 24) Hence: (a) a precept given by one who has no territorial authority (*e.g.*, a religious superior) is personal; (b) a precept given by the Pope, whose authority includes every territory, is also personal; (c) a precept given by the bishop is personal, if given to an individual; it is personal or territorial if given to a community, according to the nature of the case or the wording of the precept. Example: The precept not to go to theatres during a journey, imposed by a bishop under pain of suspension, obliges everywhere, both as to fault and as to penalty.

518. As to the force of precepts: (a) *morally* or as to fault, they oblige, so that the violator is guilty of disobedience and of sin against any particular virtue the superior willed to impose under precept; (b) *juridically* or as to the penalty prescribed, they do not oblige, unless the precept was given legally—*i.e.*, by a written document, or in the presence of two witnesses, etc. (Canon 24). Example: If a precept was given under the penalty of loss of office, but without the legal formalities, the canonical process and sentence of deprivation could not be resorted to.

519. A precept expires of itself with the expiration of the authority that gave it (*e.g.*, at the death or cessation of office of the superior), unless the precept was given by document or before witnesses (Canon 24).

520. A *rescript* is a written reply made by the Holy See or the Ordinary to a request, statement, or consultation. Replies of this kind are employed in reference to the concession of benefices and to dispositions to be made concerning litigation and judicial procedure. Usually they grant favors, either transitory—*e.g.*, a dispensation—or permanent—*e.g.*, a privilege (Canons 36-62).

521. A *privilege* is a special and permanent right granted by a ruler to an individual or community to act contrary to or beyond the law.

(a) It is a *permanent* right, and so resembles law, which is also stable and forbids interference with what it grants.

(b) It is a *special right*, and so it differs from law, which is general and imposes obligation. It is sometimes styled "private law." Moreover, law requires promulgation, privilege requires only acceptance.

(c) It is *granted by the ruler* (i.e., by the Pope, bishop, or other legislator), and thus it differs from permission granted by a simple superior.

(d) It is granted *to a person*, that is, to an individual (Titus, Caius, Balbus, etc.) or to a *congregation or community*; for, if granted to all, it would not be special.

(e) A privilege gives the right to act *contrary* to the general law (e.g., by exempting from a tax) or *beyond* the general law (e.g., by granting the power to dispense). Thus, a privilege differs also from prerogatives that are set down in the Code itself (e.g., the special rights and faculties of Cardinals, bishops, regulars, etc.), all of which are laws and not privileges in the strict sense.

522. The rules for interpretation of privileges are similar to those for the interpretation of law (see 483 sqq.). They should be neither extended nor restricted, but should be understood according to the meaning of the words themselves (Canon 67), yet so that the party receiving the privilege will seem to have obtained a favor (Canon 68). If the meaning intended is doubtful, the following rules of the Code (Canons 50, 68) should be followed: (a) *wide* interpretation is to be given to the privileges that are beyond or outside of the law and that are not prejudicial to others, as well as to privileges that were given as a reward of merit; (b) *strict* interpretation is to be given to privileges that are contrary to law (saving the cases of privileges granted to pious causes or in favor of a community), to privileges granted because of an agreement made, and to privileges that are prejudicial to third parties.

523. A privilege is a favor, and hence does not as such impose the duty of acceptance or use; but obligations owed to others often make it necessary to avail oneself of a privilege (Canon 69).

(a) Prerogatives granted in the law cannot be renounced by

individuals, since their preservation is required by the common good. Example: A cleric has no right to abandon an immunity which the law gives to his state.

(b) Privileges granted to a community can be renounced by the community, but not by its individual members. An individual member is not bound, however, to use the privilege, unless there be accidental reasons, such as the command of a superior, that require him to do so.

(c) Privileges granted to individuals need not be used by them, unless there be accidental reasons that call on one to use a privilege. Example: A priest who has the privilege of a private oratory is not bound to establish such an oratory; but a priest who has the privilege of absolving from reserved cases is bound in charity to use it, if a penitent would otherwise suffer.

524. *Dispensation* differs from privilege: (a) because the former from its nature is *temporary*, the latter permanent; (b) because the former is always *contrary to the law*, whereas the latter may be only beyond the law.

525. The Pope can dispense as follows: (a) in all *ecclesiastical* laws he can grant a dispensation strictly so-called (Canon 81); (b) in *divine* laws in which the obligation strictly depends on an act of the human will (such as the laws of oaths, vows, contracts, etc.), he can grant a dispensation improperly so-called (see above, 313 sqq., 357). In other divine laws, he can interpret or declare, but he cannot dispense.

526. The Ordinary can dispense as follows: (a) in the *general* law of the Church when he has an explicit or implicit faculty from the Pope or from the law (Canon 81); (b) in *diocesan* laws and, in particular cases, also in laws of *provincial* and *plenary* councils, when there is just reason (Canon 82); (c) in *papal* laws made for a particular territory, when faculty has been given explicitly or implicitly, or recourse to the Holy See is difficult (Canon 82); (d) in all *ecclesiastical* laws that are dispensable, when there is doubt of fact (Canon 15).

527. The pastor can dispense as follows: (a) from the general law concerning *feasts* of obligation and from the laws of *fast*

and *abstinence*. The dispensation can be granted either to his own subjects or to strangers, but only for a just reason, in individual instances and for particular individuals or families. The bishop may dispense the whole diocese, but the pastor cannot dispense the whole parish (Canon 1245). (b) When there is danger of death, the pastor can dispense from matrimonial impediments, as provided in Canon 1044.

528. Religious superiors, local superiors included, can dispense in the laws and statutes of their own institutes, except where this is forbidden. In clerical and exempt institutes the superiors can also dispense the subjects and all who live day and night in the religious house (such as students, guests and servants) from the general laws of the Church, as follows:

(a) The *higher superiors*, such as abbots, generals, provincials, have the same authority in this respect as the bishop has with reference to his own diocese. Hence, they can dispense in all ecclesiastical laws in which the Pope dispenses, when there is doubt of fact, or recourse to the Holy See is difficult (Canons 15, 81); in case of necessity, they can dispense from the laws of abstinence individuals, or an entire convent, or an entire province (Canon 1245, § 2); they can dispense in irregularities as provided in Canon 990, § 1.

(b) The *other superiors*, local superiors included, can dispense their subjects from the laws of fast and abstinence in the same manner as pastors are able to dispense their parishioners (Canon 1245, §3). Religious superiors are also able to dispense the private non-reserved vows of their subjects (Canons 1313, §2, 1314).

529. Confessors, when delegated, can dispense as follows: (a) with *ordinary* faculties, from impediments, irregularities and penalties, as provided in Canons 1044, 1045, 985, 990, 2290; (b) with *privileged* faculties, from simple vows not reserved to the Pope, if no injury is done to the rights of a third party; and from occult irregularity produced by delinquency, that from homicide excepted. (In the internal sacramental forum the confessor can dispense from the impediments indicated in Canons 1043-1045.)

530. Priests that assist at marriages can dispense from impediments as provided in Canons 1043-1045.

531. The manner of seeking dispensations is as follows: (a) for the *usual* dispensations (e.g., those from fast, abstinence, observance of feasts, and the vows that may be dispensed by confessors) no particular procedure is required; (b) for the dispensation *that must be sought from the Holy See*, if the matter belongs to the internal forum, the petition is sent to the Sacred Penitentiary through the Confessor or Ordinary; if it belongs to the external forum, it is sent to the competent Congregation through the parish priest or Ordinary. Dispensation from public marriage impediments must be sent through the Ordinary.

532. The manner of preparing a petition for dispensation is as follows: (a) the name of the penitent must not be given in petitions to the Sacred Penitentiary, but the name and address of the party to whom the reply is to be sent should be clearly given; (b) the petition should be sent by letter. It may be written in any language, and should state the case with its circumstances, the favor that is asked, and the true reason for asking it.

533. A dispensation is invalidated as follows: (a) through defect of the *petition*, if it contains a substantial error, and the dispensation is given on condition of substantial truth (Canon 40); (b) through defect of the *petitioner*, if he is incapable of receiving the favor asked (Canon 46); (c) through defect of the *dispensation*, as when the requisite signature or seal is omitted; (d) through defect of the *dispenser*, as when he lacks jurisdiction, or grants without a just and proportionate reason a dispensation for which he has only delegated power (Canon 84).

534. If a dispensation is unjustly refused, note the following: (a) *ordinarily*, the subject has not the right to hold himself free from the law; (b) in *extraordinary circumstances*, when the law ceases, or no longer obliges (see 487 sqq.), the subject is free.

535. The faculty of dispensing should be interpreted as follows: (a) *widely*, when it was granted for cases in general

(Canon 200, § 1); (b) *strictly*, when it is granted for a particular case (Canon 85).

536. A dispensation itself should be interpreted strictly in the following cases: (a) when the dispensation has an *odious* side, as when it is contrary to law and advantageous to private interest or is detrimental to a third party; (b) when wide interpretation is *dangerous*, as favoring injustice, promoting ambition, etc. (Canons 50, 85).

537. A dispensation ceases *intrinsically* in the following ways: (a) by the lapse of the period of time for which it was granted; (b) by the entire and certain cessation of the motive of the dispensation, if the effect of the dispensation is divisible—that is, if the motive for dispensation has to be existent each time that the law calls for an act or omission (Canon 86). Example: If one is dispensed from the fast or Office on account of ill-health, and later recovers, the dispensation ceases.

538. A dispensation ceases *extrinsically* in the following ways: (a) by the act of the one who dispensed, if he validly recalls the dispensation, or by his cessation from office, if he limited the dispensation to his own term of authority (Canons 86, 73); (b) by the act of the one who was dispensed, if he renounces the dispensation without detriment to any third party, and with the consent of the superior (Canons 86, 72).

539. A dispensation does not cease in the following cases through the cessation of the motive for which it was given:

(a) If the motive ceases only *partially* or *doubtfully*, even though the effect of the dispensation be divisible—that is, requiring the existence of the motive for the grant each time the dispensation is used. For, if the dispensation ceased in such cases, its benefit would frequently be in great part lost on account of the worry and scruple to which the persons dispensed would be exposed. Example: Balbus has been dispensed from fast on account of poor health. Later on he improves, but has not recovered his strength entirely, or at least is not certain of his recovery. He may continue still to use the dispensation.

(b) A dispensation does not cease if the motive ceases en-

tirely and certainly, but the effect of the dispensation is indivisible—that is, removing the entire obligation once for all. Example: Titus is a widower with several young children. He wishes to marry in order to have a home for the children, and this wish is the motive of a dispensation given him from an impediment of affinity to the marriage he contemplates. But before the marriage takes place, the children die. The dispensation still holds good.

540. A dispensation does not cease by reason of the grantor in the following cases:

(a) It does not cease through the grantor's cessation from authority, if it was given independently of his term of office. Example: Sempronius received a dispensation "valid until recall," but never made use of it. Although now the grantor has died, the dispensation continues in force.

(b) It does not cease, if the grantor invalidly recalls the dispensation, as when he dispenses from delegated power and his authority ceases with the act of dispensation. Example: Balbus, a confessor, dispensed Caius from the law of abstinence, but now wishes to recall the dispensation. The dispensation remains.

541. A dispensation does not cease on account of the person dispensed in the following cases:

(a) It does not cease when he leaves the territory of the dispenser, if the dispensation was personal. Example: A person dispensed from the general law of fast by indult granted to his diocese cannot use that dispensation outside the diocese; but if he has a personal dispensation, he is dispensed everywhere.

(b) It does not cease when the grantee fails to use it, or acts contrary to it, if there is no renunciation on his part. Examples: Sempronius has been dispensed from the fast of Lent, but he fasts on some days. This non-use of the dispensation on some days does not renew the obligation. Balbus has received a dispensation to marry Sempronia, but he changes his mind and marries Claudia. This act contrary to the dispensation does not take away its force, and, if Claudia dies, he will be free to marry Sempronia.

## Art. 6: CIVIL LAW

**542. Meaning.**—Just as the Church has the right and duty to make laws which will promote the spiritual welfare of her members, so has the State the power and obligation to legislate for the temporal happiness of its citizens: "There is no power but from God and those that are, are ordained of God. He (the ruler) is God's minister to thee for good" (Rom., xiii. 1, 4).

**543. Origin.**—The authority to make civil laws resides in that person or body to whom according to the constitution of the State the legislative function belongs. (a) In an absolute monarchy, the legislative authority is vested in the prince; (b) in a state that has an appointed or hereditary aristocracy, the legislative power may be entrusted, at least in part, to a body of nobles; (c) in a limited monarchy or republic the lawmaking function belongs to the people, who exercise it either directly or (as is the case in most modern states) indirectly through elected representatives.

**544.** The *acceptance* of civil law by the people is not necessary for its obligation, for obedience to higher powers is commanded (Rom., xiii. 5), and, if law has no authority, the common welfare is defeated. Several points must, however, be noted.

(a) The foregoing principle is to be understood of *law in itself*, for, if there is question of the form of government or of him who exercises the powers of sovereignty, acceptance by the people may be said to be necessary in the sense that the multitude may set up the particular system of rule which it prefers, and may designate the individuals who are to wield authority under the constitution adopted.

(b) The principle given above is to be accepted *regularly speaking*, for there may be cases in which the acceptance of the people is required by law itself. Example: Under former civil constitutions, if in a certain place a lawful custom was in force, a contrary law which did not expressly abolish the custom did not oblige unless accepted. But this example is theo-

retical, for modern civil codes do not recognize the derogatory force of custom. If the constitution of the state calls for a referendum or plebiscite (*i.e.*, submission to the electors for ratification), then the bill passed by the legislature or a measure proposed by the initiative body lacks force until accepted. This illustrates acceptance of a proposed law, but the acceptance is supplemented by some ministerial act.

(c) The principle given above is to be understood of the *taking effect* of a law, for the continuance of a law may depend on the acceptance of the people in the sense that a contrary custom of the people is able to abrogate law, if the superior consents (see 500 sqq.). Few codes of modern states give legal force to popular custom; they suppose that, if a law is not satisfactory to the people, the way is open to its repeal through exercise of the suffrage. But, morally speaking, there is no obligation to obey a law that has fallen into desuetude.

**545.** As to laws made by one who has no lawful authority, we should note: (a) *of themselves*, they have no binding force, since law is an act of authority; (b) *from the necessities of the case*, they are obligatory, if, being otherwise just, they are accepted by the great body of the people; for to resist them then would be prejudicial to public order.

**546. Subject-Matter.**—The objects or classes of temporal goods that fall under the regulation of civil law are many:

(a) *external goods*, or goods of fortune, which should have the protection of the State; and the laws regarding them should promote agriculture, commerce, industry, the arts, etc.;

(b) the *goods of the body*, which are more important still, and hence the law should favor the family and the increase of its members, and should provide for the health and well-being of the citizens by sanitary regulations and measures of relief for the needy, the unemployed, the orphans, and the aged;

(c) the *goods of the mind*, which are necessary for progress and happiness, and hence the law should provide the means for instruction in the secular arts and sciences and for the general diffusion of useful knowledge;

(d) the *goods of the will* (*i.e.*, virtue and morality), which

are most important both to the individual and the community, and hence the law must safeguard public decency and sobriety, and restrain and punish the opposite crimes and vices;

(e) the *social goods* of the people, which are promoted by wise legislation concerning the form and administration of government, the mutual duties and rights of citizens, the protection of the State and of its members, etc.

547. The relation of civil law to natural law is as follows:

(a) The State has no power to make laws that are opposed to nature, for, since law is an ordinance according to reason, any human command that is contrary to nature and therefore to reason is not law, but the corruption of law. No sin, not even a venial sin, can be made obligatory by law. Example: The rule of Sparta that sickly infants were to be put to death was not law but legalized murder.

(b) The State has the power to declare and enforce by suitable sanctions the conclusions that are derived from the general principles of the law of nature; for many people might be ignorant of these conclusions or inclined to disregard them, unless they were promulgated and confirmed by human law. Example: The natural law requires that parents provide for their young children, and that children assist their needy parents; the civil law adopts these natural principles, compels their observance, and punishes transgressors.

(c) The State has the power to make concrete and to determine the provisions of the natural law that are abstract or general. Example: The natural law decrees that some form of government be set up, that the people contribute to the support of the government, that crimes be punished, that the general welfare be served, etc.; the civil law determines the special form of government, the manner in which the revenues are to be obtained, the specific penalties for each crime, the public measures that are best suited to the circumstances, etc.

548. The relation of the civil law to divine and ecclesiastical law is as follows:

(a) In matters *purely spiritual* the State has no power to legislate, since its end and authority are confined to things

temporal; and hence the State has no right to interfere with the faith, worship and government of the Church. But, since morality promotes the prosperity of the State, and since the end of the individual is spiritual, the civil law should respect and favor religion.

(b) In matters that are *partly spiritual, partly temporal*, the State has the power to legislate on those aspects that are temporal, yet so as not to infringe on divine or ecclesiastical right. Example: Civil laws on education have the right to regulate non-religious subjects, courses, standards, etc.; but they have no right to proscribe religious training, or to prescribe the teaching of irreligion or immorality. State laws on marriage may require registration, settle the civil effects of marriage, etc., but they have no right to interfere with the unity of marriage or the sanctity of the marriage bond.

549. The State is for the individual, and not the individual for the State; hence, civil law should not interfere with human liberties, except where this is necessary for the common peace and safety or the lawful opportunity of the people as a whole. Hence:

(a) Human liberties that are not inalienable may be limited by the law, when the public good or the welfare of individuals requires this (see 292). Examples: The State has the right to regulate the acts of those who are unable to take care of themselves in matters of importance; to forbid what is detrimental to the common interest (such as hunting and fishing at certain seasons), to protect the public when it neglects to protect itself, etc. Uncalled-for interference by government with the personal and private affairs of individuals—paternalism in government—is of course to be avoided, for restriction of liberty is something disagreeable and should not be resorted to without necessity.

(b) Human rights that are fundamental (such as the rights to live, to marry, to rear a family, to be free, to pursue happiness) should not be trespassed on by civil law. Thus, the State has no right to forbid marriage to the poor, but on the contrary it has the duty to remove conditions that cause poverty. But, when the common welfare demands the sacrifice, the State has the

right to call on citizens to expose even life and fortune in its defense.

**550. Those Subject to Civil Law.**—Civil laws oblige all those who are in any way subject to their authority.

(a) *Citizens*, when in the country, are bound by all the laws that pertain to them; when outside the country, they are bound by some laws, such as those that regulate their personal status and office, but not by others, in particular such as are of a territorial character.

(b) *Aliens* are bound by the laws of the country that include them, such as those that regulate public order and the making of contracts.

**551. The Obligation of Civil Law.**—Civil law, when it has all the conditions of valid law, even if the legislator is non-religious or anti-religious, is obligatory not only before the State, but also before God (*i.e.*, in conscience). This is: (a) by reason of the natural law, of which it is a derivation (see above, 313); (b) by reason of divine positive law, for it is frequently declared in Scripture and in the Church's teaching and practice that lawful authority represents God and must be obeyed for conscience' sake: "Render to Cæsar the things that are Cæsar's" (Matt., xxii 21); "Be subject of necessity, not only for wrath, but also for conscience' sake" (Rom., xiii. 5).

**552.** Are subjects obliged to offer themselves for punishment prescribed by law?

(a) If the fault committed was merely *juridical* (*i.e.*, before the law), the penalty is certainly not obligatory before sentence. Example: Balbus through sheer accident, and without design or negligence, kills a man. If involuntary homicide is punished by imprisonment, Balbus is not bound to give himself up. English common law, it should be noted, presumes a man innocent until proved guilty, and a man cannot be convicted of any degree of homicide on his own confession alone. But he may plead guilty to minor offenses.

(b) If the fault committed was *theological* (*i.e.*, before God) and the penalty is *privative* (*i.e.*, the loss of some right or privilege), the penalty is obligatory in conscience. In Canon Law

such penalties are sometimes *ipso facto*, that is, before sentence (*e.g.*, suspension of a cleric); but the civil law, it seems, imposes penalties only after judicial declaration. Example: Titus on account of bribery has forfeited the right to vote; but he has not been declared guilty by court, and hence may continue to use the right of suffrage.

(c) If the fault was *theological* and the penalty incurred is *active* (*e.g.*, exile, imprisonment, fine), the penalty is not obligatory before sentence; for it would demand too much of human nature to require that one deliver oneself up to exile, accept confiscation, etc. The apprehension and detention of the guilty is imposed by law as a duty on the police and other officers, not on the guilty.

**553.** The kind of obligation imposed depends on the will of the lawgiver: (a) he can oblige under pain of sin, or under pain of nullity or punishment; (b) he can oblige under pain of grave sin, or under pain of venial sin.

**554.** Generally speaking, the legislator is held to oblige under pain of sin in the following cases: (a) when the law is a just determination of the natural law (*e.g.*, the laws that determine ownership); (b) when the law is directly concerned with and necessary to the public good (*e.g.*, laws on national defense in time of war, laws that impose necessary taxation, etc.; see above, 379).

**555.** The legislator is held not to oblige under sin in the following cases: (a) when the law is enacted as penal, or is prudently regarded as such—as is the case with laws that are of minor importance or that can be enforced without a moral obligation—laws useful rather than necessary; (b) when the law is merely irritant or inhabilitating, the subject is not obliged to omit the act invalidated, but only to suffer the consequence of nullity before the law.

**556.** In doubt as to the obligation of a law, what is the duty of the subject? (a) If there is doubt concerning its justice, the subject can always observe it with a safe conscience. One may obey an unjust law, until it is judicially declared unjust, if it is not manifestly opposed to divine or human rights. (b) If

there is doubt whether a law obliges under sin or not, the subject does not sin directly by non-observance (see 375, 376, 377, 561).

**557. Special Kinds of Laws.**—*Laws that determine ownership* are those that define in distinct and explicit terms the rights of citizens as to property, in such matters as goods lost or found, prescription, inheritance, copyright, distribution of property of intestates, rights of wives, capacity of minors, contracts, etc. It is commonly held that these laws are *obligatory under sin*, even before judicial decision: (a) because they are determinations of the natural law made by the authority that represents God in matters temporal; (b) because they are necessary for the peaceful existence of society.

**558. Irritant or voiding laws** are those that deprive certain acts of legal value. The common welfare requires that certain acts, even if valid naturally, may be made invalid by the State (*e.g.*, contracts entered into by minors, donations made under fear, wills devised irregularly), and hence there is no doubt that the effect of invalidation can be imposed under pain of sin.

(a) This holds even *before judicial decision*, if it is clear that the lawgiver ought to intend and does intend to deprive an act of its moral validity from the beginning. Example: If a lawsuit would put one party (*e.g.*, a minor) under great disadvantage, the law can irritate a contract in conscience and before judgment is rendered.

(b) An irritant law does not oblige under sin before declaration of nullity, if it is not clear that the legislator intended this; for it can be presumed that the State is content with external means as long as these are sufficient for its ends; and, since invalidation of acts is odious, it calls for certain expression of his intention by the lawgiver. But *after sentence* has been given, that which is civilly null is also null morally. Hence, if the courts declare a will to be of no effect, because it was not drawn legally, the decision is binding under sin.

**559.** Civil lawgivers in modern times do not, as a rule, concern themselves with moral or natural obligation as such, but rather consider only what regulations will best promote the

peaceful intercourse of society. Hence, the question whether a civil irritation obliges in conscience *ipso facto* (*i.e.*, before judicial declaration of a case) has to be decided generally, not from the words, but from the purpose of the law.

(a) An irritant law should be regarded as obligatory *ipso facto*, when the general purpose of law (*viz.*, the common good) or the specific purpose of this law requires that there should be obligation in conscience even before a court decision. Examples are laws irritating agreements to do what is illegal, laws whose purpose is to protect minors or others who would be at a disadvantage in case of litigation, or to lessen the number of cases before the courts.

(b) An irritant law should be regarded as not obligatory *ipso facto*, when the end of the law does not clearly demand obligation before judicial declaration; for, as remarked above, the invalidation of an act is something odious, and hence not to be taken for granted. Thus, laws that void an act, contract or instrument on account of lack of some legal form, do not affect the natural rights or obligations before sentence.

**560.** Though the civil lawgiver has the right to annul certain acts, and thus to extinguish moral rights or obligations that would otherwise exist, laws seemingly irritant frequently have a different intention.

(a) Laws that make a claim *unenforceable* in court do not destroy the natural right of the claimant. Example: The Statute of Limitations in modern states generally bars the right to pursue a debtor in court after six years; nevertheless, the moral obligation of the debtor remains.

(b) Laws that make an act or contract *voidable* do not nullify, but only grant to the person concerned the right to attack validity before the courts. Hence, if the conditions for valid contract required by natural law are present (knowledge, consent, etc.), moral rights and obligations are not voided. Example: Under the civil law some contracts made by minors may be retracted by them. But, as long as such a contract is not disavowed, the other party has a moral right to insist on its execution; if it has been ratified after majority, the former



minor has no moral right to seek the benefit of the law by asking for rescindment.

561. With reference to penalty, four kinds of laws can be distinguished.

(a) *Purely preceptive laws* are such as oblige under pain of sin, but not under pain of punishment. There are church laws of this kind (such as the command to assist at Mass on Sunday), and there are also some civil laws that do not oblige under penalty (e.g., statutes governing the age for legal marriage, for, if a couple misrepresented their age, they might be prosecuted for the misrepresentation, but not for the act of marriage).

(b) *Purely penal laws* are such as oblige under pain of juridical fault and punishment, but not under pain of sin (e.g., a law that punishes negligence in driving as defined by itself, even though there be no moral culpability involved).

(c) *Mixed laws disjunctively* are such as oblige under sin either to obey the law or to suffer the penalty (e.g., a law that commands one either to get a license before fishing or hunting, or to pay a fine if caught doing these things without a license).

(d) *Mixed laws conjunctively* are such as oblige under pain of both sin and punishment (e.g., the laws that forbid injustice and command the punishment of transgressors).

562. There is no question about the existence of laws of the first and fourth classes just described, but some authorities argue against the existence of the other two classes, maintaining that a law that does not oblige in conscience is an impossibility. They argue: (a) the teaching of Scripture and of the Church supposes that all just laws oblige in conscience; (b) the lawgiver holds the place of God, and hence one cannot offend against the law of man without offending God; (c) human law, being only a reaffirmation or determination of the higher law, obliges in conscience like the law on which it is based; (d) directions of a superior that do not oblige under sin are counsels rather than laws.

563. To these and similar arguments the defenders of the existence of penal laws reply: (a) such laws *do not oblige in con-*

*science*, under pain of sin and of offense to God, to do or to omit as the law prescribes, just as a vow which gives one the option of not playing cards, or else of giving each time an alms, does not bind one in conscience not to play cards; (b) but those laws *do oblige one in conscience* to respect their juridical value, not to resist their enforcement, and to pay the penalty of violation, just as the vow mentioned obliges one in conscience to give an alms each time one plays cards. The Church recognizes penal laws (see 450), and there is no reason why civil law may not be penal.

564. Even when the transgression of a purely penal law is not sinful by reason of the civil law, it will frequently, if not usually, be sinful by reason of repugnance to the law of God. Thus: (a) the transgression will be sinful, if there is a wrong intention (such as contempt for the law) or wrong circumstances (such as culpable neglect or some inordinate passion); (b) the transgression will be sinful, if one foresees or should foresee evil consequences, such as scandal (see 96).

565. It is generally admitted that some civil laws are purely penal, since they impose penalties for fault, negligence, or responsibility that is only juridical at times. Examples: A law that imposes a fine on all motorists caught driving over a certain speed limit, even though they be free of moral guilt; or that makes the owner of a car pay damages for injuries caused while it was used by his chauffeur.

566. Even these laws oblige under sin to some extent. (a) The transgressor is morally bound to the penalty prescribed by law, after sentence has been passed; and such penalties are just, for the common good requires them. Example: The speed violator is held to pay the lawful fine when it has been imposed. He may have been guiltless of sin, but the fine makes him more careful the next time. (b) The officers of the law are morally bound to apprehend and convict transgressors.

567. Many civil laws are commonly regarded nowadays as disjunctively preceptive or penal; and, since the custom of the prudent affords a good norm of interpretation (see above, 484 sqq., 506 sqq.), this common view is a safe guide. Example:

Even conscientious persons do not feel that they have committed a sin if now and then they run a car without a license, or fish in a government reservation without the permit required by law, when there is no danger or damage to anyone.

568. Whether most modern legislatures intend practically all or the great majority of their laws that are not declarations of natural law or provisions essential to public welfare to be purely penal or only disjunctively preceptive, is a disputed question. For the affirmative view it is argued:

(a) Moral obligation is *not necessary*, since the enforcement of the law is well taken care of by the judiciary and the police;

(b) Moral obligation would be *harmful*, for the laws that are put on the statute books every year, along with those already there, are so numerous that, if all these obliged in conscience, an intolerable burden would be placed on the people;

(c) Moral obligation is *not intended*, for legislatures as bodies either despise or disregard religious motives when framing laws; and so many jurists today believe that the danger of incurring the penalty prescribed by the law is the only obligation the lawgiver intends to impose, or that moral obligation must come from conscience (*i.e.*, be self-imposed);

(d) Moral obligation is *not admitted by custom*, the best interpreter of law, for most citizens today regard civil legislation as not binding under sin.

569. Opponents of the view just explained answer:

(a) The prevalence of crime and the ineffectiveness of the courts in so many places prove the need of moral obligation of civil laws; and, even if the laws are well enforced, this will scarcely continue, if respect for them is lowered;

(b) Though there is an excess of legislation, it is not generally true that the individual citizen is burdened in his daily life by a multitude of laws;

(c) Lawmakers today are not more irreligious than the pagan rulers to whom the Scriptures commanded obedience; and, even though they do not themselves believe in religion or the obligation of conscience, they do intend to give their laws every sanction that the common good requires, and thus implicitly they

impose a moral obligation wherever the contrary is not manifest;

(d) The statement that the majority of the people in modern states regard the civil legislation as a whole as not obligatory in conscience may be passed over, as there is no proof for it. Moreover, the customary interpretation of the citizens does not make penal the laws which the elected representatives intended as preceptive, without the consent of the latter (see 394).

570. Signs that a law is merely penal are the following:

(a) The *express declaration of the lawgiver* that it obliges only under penalty. Examples: In the Dominican Constitutions it is declared that they oblige, not under fault, but only under penalty (No. 32). The same is true of the Franciscan, Redemptorist and most recent religious Constitutions. Some civil laws, it is said, are formulated thus: "Either do this, or pay the penalty on conviction." Other laws define punishable negligence in such a way that it does not ultimately suppose sin.

(b) Another sign of a penal law is the *implicit declaration of the lawgiver*. If a heavy penalty is prescribed for a transgression regarded by all as very slight proportionately, the government implicitly declares that it imposes no other obligation than that of penalty. Blackstone, in his "Commentary on the Laws of England" (1769), considers as purely penal all those laws in which the penalty inflicted is an adequate compensation for the civil inconvenience supposed to arise from the offense, such as the statutes for preserving game and those forbidding the exercise of trades without serving an apprenticeship thereto (Vol. I, Sect. 58).

(c) A third sign is the *interpretation of competent authorities*. Example: Practically all Catholic moralists, and the opinion of the people generally, consider as penal some laws that are merely useful, but not necessary (*e.g.*, prohibitions against smoking or spitting in certain public places, laws on permits for fishing, hunting, etc.).

571. Whatever may be said about legislatures in general, it cannot be argued that in the United States they are indifferent or contemptuous as regards the moral obligation of law; the public acts and speeches of Congress and of the State Assem-

blies show that the elected representatives of the people respect religion, and do not wish to deprive themselves of its help in their deliberations and decisions. Nevertheless, the opinion is very prevalent among lawyers that purely positive law in the United States is not intended to oblige under sin.

572. In practice, the attitude of the citizen to civil law should be one of respect and loyalty.

(a) If a law is *good*, even though the legislator did not impose a moral obligation, it should be obeyed; for reason and experience show that disregard for law is a source of scandal and of many public and private evils.

(b) If a law is *not good*, every lawful means should be used to have it repealed as soon as possible. But the principle that a bad law is always best overcome by being rigidly enforced, is not borne out by history, and sometimes the public good demands disregard for unreasonable ordinances. The so-called "Blue Laws" are a case in point.

573. Other questions pertaining to civil law that will be found elsewhere are: (a) the obligation of customs, taxation and military duty; (b) the power of the State to inflict capital punishment.

#### Question IV

#### CONSCIENCE

574. In order that man many tend to his Last End, it is not sufficient that the way be pointed out *in a general manner* (as is done by the natural and positive laws), but these laws must be applied to each act *in particular* by the practical reason or conscience, as it passes judgment on the right or wrong of an action in the light of all the circumstances.

#### Art. 1: THE LAW OF CONSCIENCE

(*Summa Theologica*, I, q. 79, aa. 11-13.)

575. **Definition.**—Conscience is an act of judgment on the part of the practical reason deciding by inference from general principles the moral goodness or malice of a particular act.

(a) It is an *act*, and as such it differs from moral knowledge and intellectual virtues, which are not transitory but enduring. Moral understanding (*synderesis*), by which everyone naturally perceives the truth of general and self-evident principles of morality; moral science, by which the theologian or ethician knows the body of conclusions drawn from moral principles; prudence, by which the virtuous man is able to make right applications of moral rules to individual cases—all these are permanent states and are preparatory to the act of conscience, in which one makes use of one's knowledge to judge of the lawfulness or unlawfulness of an action in the concrete, as attended by all its circumstances.

(b) Conscience is an act of *judgment*, and thus it differs from

the other acts employed by prudence—from counsel about the right means or ways of action, and from command as to their use. Counsel inquires what is the right thing to do, conscience gives the dictate or decision, the moral command moves to action.

(c) Conscience is in the *reason*—that is, it is a subjective guide, and thus it differs from law, which is objective.

(d) Conscience is in the *practical* reason. Unlike other judgments, which are speculative and deal not with action or only with theoretical aspects of action (*e.g.*, the judgment that God is perfect, that the active faculties are distinct from the soul, etc.), conscience is concerned with action from the view-point of its moral exercise.

(e) Conscience is the *inference* from general principles, and thus it differs from moral understanding (*synderesis*). This latter is a habit by which everyone who is mentally developed is able to perceive without argument that certain more general propositions of morality must be true, such as the axioms of the natural law (see above, 319 sqq.); conscience draws conclusions from those axioms.

(f) Conscience judges concerning the *morality* of an act. Here lies the difference between consciousness and conscience; consciousness is a psychological faculty whose function is to perceive one's own states and acts; conscience is a moral judgment concerning the lawfulness or unlawfulness of those states or acts. Thus, consciousness testifies that one is considering the performance of a certain act, conscience judges the morality, and permits or forbids; or consciousness testifies that a certain thing was done or not done in the past, conscience declares the morality—condemning, excusing, or approving what took place.

(g) Conscience judges concerning a *particular* act—that is, it considers an act that is to be done here and now (or was done), with all the attendant circumstances. Conscience, thus, differs from moral science, which, though it systematizes the body of conclusions drawn from the natural and positive laws, is not able to make the applications for the innumerable cases that arise. Even works containing moral cases, which give solutions for concrete instances, do not take the place of conscience in such

instances, for it is still the individual who judges about those solutions or about their applicability to his particular circumstances.

576. *Division*.—Conscience is variously divided. (a) According as the act judged is in the future or in the past, conscience is *antecedent* or *consequent*. The antecedent conscience is a monitor which decides that a future act will be lawful or unlawful; the consequent conscience is a judge which causes peace or remorse for what has been done in the past. (b) According to the kind of direction or decision it gives, antecedent conscience is *commanding*, *forbidding*, *permitting* or *counselling*; while consequent conscience is *excusing*, *approving*, or *condemning* (Rom., ii. 15).

577. According as it agrees or disagrees with the external divine or human law, conscience is *true* or *false*. (a) A true conscience judges that to be good and commanded which is really good and commanded. Example: According to law, one may use money of which one has the disposal. A sum of money before Balbus is really at his disposal. Hence, his conscience is true if it decides that he may use this money.

(b) A false conscience judges the lawful to be unlawful, or vice versa: "The hour cometh that whosoever killeth you will think that he doth a service to God" (John, xvi. 2). Example: Balbus would have a false conscience, if he decided that he had no right to use the money before him. This would happen if he was mistaken about the general principle, or about the fact that the money was at his disposal, or if he drew a wrong inference from the premises.

578. According to its qualities and suitability as a guide of conduct, conscience may be viewed either with reference to the will or to the intellect. (a) With reference to the will, conscience is either *good* (right) or *bad* (wrong), according as it does or does not proceed from a well-meaning intention and a right disposition towards one's end and duties. Example: If the Balbus mentioned above decided that the money was at his disposal because he wished to know the truth and had investigated to the best of his ability, his conscience would be good.

But, if he decided this without sufficient investigation and only because he was prejudiced in his own favor, his conscience would be bad.

(b) With reference to the intellect, conscience is either *certain* or *uncertain*, according as the mind assents to its judgment without or with fear of error. Examples: If Balbus decides that he has the right to use the money, and is so firmly convinced that his judgment is true that he has no fears or doubts, his conscience is certain. But, if there remain solid difficulties or objections against his judgment which he cannot satisfactorily answer so that he assents to his view only with the fear that he may be wrong, his conscience is uncertain.

579. A conscience may have some and lack others of the qualities just mentioned.

(a) The same conscience may be true and bad, or false and good—that is, the judgment of the intellect may be in agreement with objective facts, but at the same time it may be directed by a wrong will and intention, or vice versa. Examples: Caius, through no fault of his own, is convinced that he is bound to tell a lie to help Sempronius, because Sempronius once helped him by lying. His conscience is false, but good. Titus is really not bound to pay a sum of money demanded of him. But the arguments by which he persuades himself that he is not bound are not honest, since he has recourse to what he knows are hair-splitting distinctions, quibbles and sophistical reasonings. His conscience is true, but bad.

(b) The same conscience may be good and uncertain, or bad and certain. Examples: If the Caius above-mentioned believes he is bound to lie, but has some qualms or suspicions that such conduct might not be right after all, his conscience would be good, seeing that he meant to do what is right; but it would be uncertain, seeing that he is not sure he is right. If the Titus above-mentioned had so habituated himself to insincerity and illogical reasoning that he no longer had any fears about his own judgments, and gave firm and unhesitating assent to his decision that he was not bound to pay the money demanded, his conscience, though bad, would be certain subjectively.

580. **Obligation of Conscience.**—Man is bound to be guided by conscience, both negatively and positively—that is, he must neither disobey when it forbids, nor refuse to obey when it commands.

(a) It obliges *by reason of divine command*, since it acts as the voice or witness of God making known and promulgating to us the moral law. Hence “all that is not from conscience is sin” (Rom., xiv. 23).

(b) Conscience obliges *from the nature of things*, for, since the will is a blind faculty, it must be guided by the judgment of the intellect, and must follow the inner light given it about the law. Apart from revelation, there is no other way of learning what God wishes one to do here and now.

581. The authority of conscience is not, however, unlimited.

(a) Conscience is *not independent of external law and authority*. It is not autonomous morality of the reason or will, nor private inspiration or interpretation; for its function is not to establish law or pass judgment on it, but to apply the law as expounded by the Church to a present case. Hence, conscience must aim to be *true*—that is, to agree with and express the objective law.

(b) Conscience is *not independent of the righteousness of the will*. It is not a speculative judgment, whose value depends solely on agreement between the mind and the facts, as is the case with a conclusion of pure science. It is a practical judgment, which has to guide all man's conduct, and thus its value depends on the relation of the means it selects to the end towards which the means should be directed. Hence, conscience must be *good*—that is, a judgment dictated by a will well disposed towards the true end of life.

(c) Conscience is *not independent of the certainty of the intellect*. It is a judgment formed, not by sentiment, emotion, or one's own wishes, but by evidence and firm conviction; for its office is to guide man reliably in the most important of affairs. Hence, conscience must be *certain*—that is, a judgment to which the intellect yields its unhesitating assent.

582. In order, therefore, that conscience may be the proper

rule and moderator of man's moral life, it must have the following qualities:

(a) It must be *good*, and practically true—that is, in agreement with the Last End of man and, as far as the efforts of the individual can attain to such agreement, with the objective law—for the standard of moral good is not each one's wish or opinion, but God as the Last End and the external natural and positive law as means to that End.

(b) It must be *certain*—that is, without fear that one is wrong; at least, it must have that degree of certainty which is possible in moral matters. For to act with the fear that one is committing sin, is to be willing to do what may be sin, and is thus consent to sin.

583. Since conscience that has the requisite conditions is our immediate guide in moral matters, it follows: (a) that a conscience which is *true objectively, good, and certain* must be followed, whenever it commands or forbids; (b) that a conscience which is in *invincible error* (see 30), but seems to him who has it to be not only true but certain, must also be followed when it forbids or commands. Examples: If a child were told and believed that he was obliged to tell a lie to prevent an evil, he would be bound to do this. If a person eats what he wrongly thinks to be forbidden food, he is guilty of the violation he apprehends.

584. *Exception.*—If invincible error results from lack of sufficient intelligence to be capable of sin (see above, 249, 387), then the failure to follow one's conscience in such error does not make one guilty. Example: If a person unable to walk were persuaded that he was bound nevertheless to walk to church for Mass, his conscience would not make his omission sinful. Conscience supposes sane judgment, but the judgment we are now considering is not sane.

585. A conscience that has not the requisite conditions is not a safe guide, and hence it cannot be followed.

(a) An *erroneous* conscience may not be followed, if the error is vincible and there is danger of sin; neither may one act against it if there be danger of sin. To follow such a con-

science would be to do what is wrong and to act in bad faith (*i.e.*, to have a bad and erroneous conscience); not to follow it, would be to act against one's judgment, wrongly formed though it was, and to do insincerely what is right (*i.e.*, to have a bad, though true conscience). Example: A person who has made up his mind that dishonesty is necessary in his business, but who realizes that his reasons are not convincing, sins against sincerity if he follows his opinion; he sins against conviction, if he does not follow his opinion. But his predicament is due to his own sophistry or bad will, and the escape from it requires only that he be honest enough with himself to inquire about the matter.

(b) A *doubtful* conscience may not be followed, if the doubt is such that one is not reasonably sure that a certain act is lawful. Example: If a man does not know whether a certain remedy will be helpful or seriously harmful to another, his conscience is doubtful as to the lawfulness of administering the remedy, and it may not be followed. If in spite of this he makes use of the remedy, he is guilty of the harm he foresaw, even though it does not happen.

586. *Exception.*—It is lawful to follow a vincibly erroneous conscience, if there is no danger of sin in this. Example: If a person has neglected inquiry about holydays of obligation, and through his own neglect believes that Good Friday is a holyday, he does not sin by attending the services that day.

587. The signs of a vincibly erroneous conscience are: (a) that *in the past* one did not use the same diligence to inform oneself about one's religious duties as is employed by conscientious persons; (b) that *in the present* one has fears, doubts or suspicions as to one's own sincerity of judgment.

588. *Results of Conscience.*—The results of *following* an erroneous conscience are as follows:

(a) He who follows an erroneous conscience, commanding or forbidding or permitting, is *not guilty* of sin if his ignorance is invincible. Example: A child who thinks he is obliged to lie because he has been told to do this, is excused from sin on account of his ignorance.

(b) He who follows an erroneous conscience, commanding or permitting evil, is *guilty* if his ignorance is vincible. Example: A grown person who has persuaded himself that deception is lawful, obligatory or advisable, or that truthfulness is forbidden, but who ought to know better, is not excused by the conscience he has formed (see above, 97 sqq.).

589. The results of *disobeying* an erroneous conscience are as follows:

(a) He who disobeys an invincibly erroneous conscience, is *guilty*. Example: The child who refuses to tell a lie when he thinks he ought to do so because it has been commanded, is guilty of disobedience.

(b) He who disobeys a vincibly erroneous conscience, is also *guilty*. Example: Caius promises to tell a lie to help another party. The doubt occurs whether or not this is lawful, and he takes no pains to settle it correctly, but decides offhand that a promise must be kept. When the time comes, Caius becomes alarmed and does not keep his promise, lest he get into trouble. He is guilty.

590. If a conscience which was vincibly erroneous in its origin is here and now invincibly erroneous, the acts that result from following such a conscience are to be judged as follows:

(a) They are materially evil in themselves and formally evil in their cause. Example: Titus, who intends to take a position in which he will have to advise others, foresees that later on he may make mistakes costly to others, as a result of his present lack of sufficient study. He secures the position, and tries to make up for former neglect of study, but on one occasion injures a patron by wrong advice which he would not have given, had he worked more faithfully as a younger student. The wrong advice is objectively sinful in itself, as being an injury; it is subjectively sinful in its cause, as being the result of negligence which foresaw what might happen.

(b) The acts in question are not formally evil in themselves. Example: Titus was formally guilty of injury to others at the time he foresaw what would happen on account of his negligence; he was not formally guilty at the time he did the injury, because

he had tried meanwhile to repair his negligence and was not conscious of his ignorance.

591. The kinds of sin committed in consequence of an erroneous conscience are as follows:

(a) Sin committed by *following a vincibly erroneous* conscience is of the same gravity and species as the act for which the conscience is responsible, but the ignorance is an extenuating circumstance. Example: He who blinds his conscience so that it decides in favor of grave calumny, is guilty of mortal sin against justice; but he is less guilty than if he had sinned without any permission from conscience.

(b) Sin committed by *disobeying an invincibly erroneous* conscience is of the gravity and species apprehended by the conscience. Example: A person who tells a small lie, thinking it a mortal sin against charity, is guilty of the malice he understands to be in his act.

(c) Sin committed by *disobeying a vincibly erroneous* conscience is of the *species* that was perceived. Example: Caius who did not live up to his promise of telling a lie, after he had decided that to keep his word was the right thing to do, was guilty of a breach of promise. As to the *gravity* of sin against a vincibly erroneous conscience, it is always the same as that apprehended by the conscience, unless what is seriously wrong is culpably mistaken for what is only slightly wrong. Examples: If Caius, just referred to, thought that his desertion of his friend inflicted a grave injury, he was guilty of grave sin. A person who persuades himself by vain reasonings that complete intoxication does not differ in gravity from incipient intoxication, is nevertheless guilty of the greater malice, if he puts himself in the former state; for his wrong opinion cannot change the fact, and his culpable ignorance cannot excuse him.

592. An erroneous conscience may apprehend something not wrong as wrong, but in an indeterminate manner.

(a) If the *species* of evil is not determinate before the conscience, but an indifferent act is thought to be sinful without any definite species of sin being thought of, he who acts against such a conscience seems to commit a sin of disobedience. Ex-

ample: A person who thinks that smoking is a sin, of what kind he does not know, must have at least vaguely the opinion that it is forbidden by the divine law; and hence, if he smokes, he is guilty of disobedience.

(b) If the *gravity* of the putative sin is not determinate before the conscience, but an act is thought to be sinful without the degree of sinfulness being at all known or thought of, he who acts against such a conscience commits a mortal or a venial sin according to his own disposition with respect to sin. If he is so attached to the sin he apprehends that he intends to commit it, whether it be great or small, he is guilty of mortal sin, at least in so far as he exposes himself to it. But if he is habitually resolved not to commit grave sin, it can be presumed that he would not do that which he apprehends as sinful, if he thought it was a grave offense. Example: If a person erroneously thinks that it is a sin to read a certain book, and then reads it without adverting at all to the gravity of the sin he apprehends, his greater or less guilt will have to be judged by his character. If he is so conscientious that he would stop reading at once if he feared the book was seriously harmful, he sins only venially; but if he knows that he is lax and is yet resolved to read the book at all costs, it seems that he is guilty of grave sin.

#### Art. 2: A GOOD CONSCIENCE

(*Summa Theologica*, I-II, q. 19, aa. 5, 6.)

593. As was explained in the previous article, conscience is not a proper guide unless it is good. In this article we shall speak of the good conscience and of its opposite the various kinds of bad conscience.

594. **Definition.**—The distinction of good and bad conscience is applied both to consequent and antecedent conscience (see 576).

(a) The *consequent* conscience is good, and one is said to

have a good conscience, if it testifies that past acts were rightly performed, that past sins were forgiven, that one is in the friendship of God, etc.: "The end of the commandment is charity from a good conscience" (I Tim., i. 5); "War a good warfare, having faith and a good conscience" (*ibid.*, 19). The consequent conscience is bad if it testifies in a contrary way: "Let us draw near with a true heart, having our hearts sprinkled from an evil conscience" (Heb., x. 22).

(b) The *antecedent* conscience, with which we are now concerned, judges about the morality of an act to be performed here and now, or in the future. It is called good, if it is made by one who is in good faith—that is, one who sincerely loves goodness and who decides according to the truth as far as he is able to see it. It is called bad, if it is the judgment of one who is in bad faith—that is, one who is in error through his own fault, or who arrives at the truth by reasonings that are not honest or not understood by him. Example: Speaking of those who, though fearing that idol meats were forbidden, yet ate of them because they saw others do this, St. Paul says: "There is not knowledge in everyone. For some until this present, with conscience of the idol, eat as a thing sacrificed to an idol, and their conscience being weak is defiled" (I Cor., viii. 7).

595. **Divisions.**—By training and care a good conscience is developed and becomes better. (a) A *vigilant* conscience is one that asserts itself promptly and strongly under all circumstances. (b) A *tender* conscience is one that inclines to a careful observance of all the Commandments and to a purification of the inner workings of the soul. A possessor of this kind of conscience is called conscientious. (c) A *timorous* conscience moves one through filial fear to shun even the slightest sins and imperfections, and to use all prudent efforts to avoid occasions and dangers of sin. The possessor of this kind of conscience is called God-fearing.

596. A bad conscience that is in vincible error is divided according to its effects into the *scrupulous* and the *lax* conscience. (a) The *lax* conscience errs on the side of liberty. It is moved by trivial reasons to judge the unlawful to be lawful,



the gravely sinful to be only slightly evil, that which is commanded to be only counselled, and so on. (b) The *scrupulous* conscience errs on the side of obligation. It is moved by trivial reasons to judge that there is sin in something lawful, grave sin in something venially wrong, and obligation in something that is only counselled; it sees inability or defect where these do not exist, and so on.

**597. The Lax Conscience.**—According to the more or less control it has over one, the lax conscience may be divided into the *incipient* and the *habitual*. (a) It is *incipient* when one is becoming familiar with careless decisions and less responsive to remorse about evil done. In this state the conscience is said to be *sleeping*. (b) It is *habitual* when through long-continued habit one has become enamored of a worldly, frivolous conception of life, and is rarely visited by compunction. In its worst state, when there is little hope of cure, a lax conscience is said to be seared or *cauterized* (I Tim., iv. 2).

**598.** According to the greater or less responsibility of the one in error, a lax conscience is either *malicious* or *not malicious*. (a) It is *malicious* when it results from one's own disregard for religious truth, as in the case of the pagans who did not care to know God, and were thus led into perverse conceptions of morality. St. Paul calls such a conscience a *reprobate sense* (Rom., i. 28). (b) It is *not malicious* when it results from some less blamable reason, as in the case of the Christians at Corinth who thought that the eating of idol meats was sinful, but that it was to be practised on account of the example of others. St. Paul calls this a *weak conscience* (I Cor., viii. 10).

**599.** Laxity of conscience is either *partial* or *entire*. (a) A conscience *entirely lax* takes an easy and indulgent view in all things. It is careless both in little and great matters, both in directing self and in directing others. (b) A conscience *partially lax* is too liberal in some things, but not in others. Examples: Titus is very exacting with his girls, and wishes to have them models of virtue; but he is too easy with himself and his boys. Balbus is very loyal to friends, but has no sense of justice as regards those who do not agree with him. Sempronius tries to

serve both God and mammon, being very faithful to church duties, but at the same time dishonest in business matters.

**600.** A conscience partially lax may even combine scrupulosity and laxism (see 610), becoming like a mirror that reflects large objects as small and vice versa, or like a color-blind eye: "Woe to you that call evil good and good evil, that put darkness for light and light for darkness" (Is., v. 20). This kind of conscience is called *pharisaical*.

(a) One may be lax and scrupulous about *the same kind of things*. Examples: Caius regards great disobedience in himself as a mote which he doesn't need to worry about, but small disobedience in his children as a beam in the eye which he is seriously bound to extract (Matt., vii. 3-5). Titus is lax about almsgiving to those from whom he can expect nothing, but scrupulous about almsgiving to those from whom he expects a return later on.

(b) One may be scrupulous and lax *about different things*, straining at gnats and swallowing camels. Example: The Pharisees were scrupulous about external observances and minor things of the law, such as tithes; but they were lax about inward justice and the weightier things of the law, judgment, mercy and faith (Matt., xxiii. 13-31).

**601. Causes of a Lax Conscience.**—(a) If the laxity is *inculpable* but *habitual*, it is caused generally by lack of Christian training in childhood and the influence of evil principles and practices that are widespread. In *particular cases* a lax decision of conscience may be due to want of sufficient consideration or to a sudden storm of passion that obscures the reason, when one has no time for deliberation; and thus it is *inculpable*. (b) If the laxity is *culpable*, its usual causes are an easy-going view of God's law and its obligation (Is., xliii. 24); or a self-love that sees in one's vices nothing but virtue or amiable weakness; or a long-continued indulgence of sin that has destroyed all refinement of conscience.

**602. Special Dangers of a Lax Conscience.**—(a) If the laxity is *inculpable*, it is an occasion of demoralization to others and a preparation for formal sin in him who has the conscience;

(b) if the laxity is *culpable*, it is the cause of formal sin; and if it is not corrected, it naturally leads to moral blindness, hardness of heart and impenitence: "There is a way that seemeth to man right, and the ends thereof lead to death" (Proverbs, xvi. 25).

603. Since a lax conscience is a species of erroneous conscience, the rules given above as to the kind of sins committed in consequence of an erroneous conscience, apply also to the lax conscience (see above, 588 sqq.).

(a) When the laxity is concerned with the *existence* of sin, the conscience taking what is sinful for something *lawful*, he who follows such a conscience is guilty or not guilty according as his ignorance is culpable or inculpable (*i.e.*, as he acts from a bad or a good conscience). Examples: The man who practises dishonesty, because he has cheated his conscience by sophistry into deciding that dishonesty is lawful; the child who uses profane language without realization of sin, because he hears his elders use it. But if the lax conscience takes what is sinful for a *duty*, he who disobeys it is guilty of sin. Example: The person who refuses to tell a lie when he thinks he ought to lie on account of a promise made.

(b) When the laxity is concerned with the *gravity* of sin, the conscience taking what is mortal for venial sin, he who disobeys such a conscience is guilty of mortal or venial sin, according as his ignorance is culpable or inculpable (*i.e.*, as he acts from a bad or a good conscience). Examples: A child who thinks that calumny or missing Mass is only a venial sin, because he sees grown up persons treat these things lightly; a person that, to solace his conscience, advises with lax associates who always approve of what he wishes to do or has done.

604. He who knows, or who has good reason to think, that his conscience is lax, should guide himself by the following rules: (a) with reference to the *past*, if there is a doubt whether or not sin was consented to or was grave, the presumption is against him, for laxity willingly contracted makes one responsible for what ensues; (b) with reference to the *future*, a person must make use of the means prescribed for one who is in danger

of sin (see above, 258 sqq.), for a lax conscience places one in danger of sin.

605. Remedies Recommended for a Lax Conscience.—(a) The defect of *will* or character should be corrected. Example: The presumptuous should reflect on the justice of God, and recall that the broad way leads to perdition. Those in whom the wish is father to the lax judgment should make war on the passion that leads them astray. Those who have become lax through bad habits, should set about acquiring good habits, like that of going to the Sacraments frequently. (b) The error of the *intellect* should be corrected. Example: If a person's religious training has been neglected, he should do what he can to get correct information and advice as to his duties. If one has been influenced by lax ideas or conduct, one should change one's reading or associations.

606. Is a lax person held responsible, if he does not know that he is lax? (a) If his conscience is *invincibly erroneous*, he cannot know that it is lax, and hence he is not responsible; (b) if his conscience is *vincibly erroneous*, he ought to know that he is lax, and hence he is responsible. Examples: The boy Caius keeps whatever he finds, because he thinks he has a right to do this. The man Titus does not like cheating, but he cheats habitually, because he thinks he has as much right to do so as others. Both the boy and the man are lax, but neither considers himself lax; the difference is that Titus can and ought to know that he is lax.

607. The *Scrupulous Conscience*.—This is a species of erroneous judgment that sees sin where there is no sin, or grave sin where there is only light sin, and whose reasons are trivial or absurd. (a) It differs, therefore, from a *strict* or *tender* conscience, which, while it does not exaggerate sin, judges that one should try to avoid even slight sin and imperfection. This is the golden mean between a lax and a scrupulous conscience. Persons with this sort of conscience are sometimes called scrupulous or singular, because they are more exact than the majority. More accurately they are to be called conscientious or God-fearing. (b) The scrupulous conscience differs also from *scrupulosity*,

which is a state of mind in which one whose judgment is not erroneous, is nevertheless tormented by fears or doubts about his moral condition.

608. The rules given above (588 sqq.) for the erroneous conscience apply also to the scrupulous conscience. (a) He who follows a scrupulous conscience does not sin by this, even though he is vincibly in error; for there is no danger of sin in doing more than is required. Example: Caius is too lazy to make inquiries about his religious duties, but he has the exaggerated notion that grace at meals obliges under pain of grave sin. He does not sin by following his conscience, for grace at meals is recommended to all. (b) He who disobeys a scrupulous conscience commits the sin his conscience apprehends. Example: If Caius omits grace, he is guilty of grave sin.

609. **Special Dangers of a Scrupulous Conscience.**—(a) As to himself, the scrupulous person suffers from his conscience; it makes him guilty of sin where there should be no sin, and by its exaggerated strictness it often drives him to the other extreme of laxity. (b) As to others, the scrupulous person is an annoyance and a detriment; he tries to impose his conscience on them, or at least he makes virtue appear forbidding.

610. It is possible for a conscience to be scrupulous and lax at the same time, over-indulgent on some points, over-severe on others (see 600). (a) It may be scrupulous as regards others, and lax as regards self, or vice versa. Example: Parents sometimes are too lenient with themselves, but rule their children with extreme severity; in other cases they are meticulous as to their own conduct, but think they must allow their children every indulgence.

(b) A conscience may be scrupulous in minor matters and lax in major matters. Example: The Jewish leaders scrupled to take the money from Judas or to enter the house of Pilate, but they did not hesitate to condemn our Lord unjustly.

(c) A conscience may be scrupulous as to externals, lax as to internals. Example: The Pharisees made much of bodily purifications, but gave little thought to purity of mind and heart.

611. **The Perplexed Conscience.**—Like to the scrupulous

conscience is the *perplexed* conscience, which judges that in a particular instance one cannot escape sin, whether one acts or does not act. Example: Titus fears that, if he goes to church, he will sin by endangering his health, which is feeble; that, if he does not go to church, he will sin by disobeying the law. This seems to have been the conscience of Herod, who thought he was confronted with the alternative of perjury or murder when the head of John the Baptist was asked of him (Matt., xiv. 9).

612. St. Alphonsus gives the following directions to assist one who is perplexed in conscience:

(a) If without serious inconvenience decision can be delayed, reliable advice should be obtained (*e.g.*, from the confessor).

(b) If decision cannot be delayed, the alternative that seems the lesser evil should be chosen. Example: The natural law requires that Titus should not expose his life to danger unnecessarily. The positive law of the Church requires that he go to Mass on Sunday. It is a less evil to omit what is required by the law of the Church than to omit what is required by the law of God. Hence, Titus should decide that he is not obliged in his circumstances to go to church.

(c) If decision cannot be delayed and the party cannot decide where the lesser evil lies, he is free to choose either; for he is not bound to the impossible.

613. If, in the supposition last mentioned, the perplexed person acts with the feeling that he is committing sin through necessity, is he really guilty or not?

(a) If by the feeling of guilt is meant, not a judgment of the mind, but a scruple or doubt, he is not guilty, as we shall see below when we speak of scrupulosity.

(b) If by the feeling of guilt is meant a judgment of the mind that he has to sin and an intention to welcome the opportunity, he is guilty; but his guilt is considerably diminished by the error and his difficult circumstances. Example: Titus thinks that he sins whether he obeys or disobeys an order to take a good dose of whiskey. He decides to take the dose, and feels rather pleased at the thought that he will become intoxicated.

(c) If by the feeling of guilt is meant a judgment that one has to sin, accompanied by sorrow at the necessity, one is not guilty, if one thinks the matter over to the best of one's ability before acting; there is some guilt, if the perplexity arises from previous culpable negligence and no effort whatever is made to remedy this before acting. Example: Caia asks her mother if she may go for a ride. The mother fears that, if she refuses, Caia will become desperate; if she permits, Caia will meet unsuitable companions. If the mother's perplexity is due to the fact that she has never taken any interest in Caia, she is responsible if she carelessly makes a wrong decision; but if the perplexity arises only from the difficult character of Caia, the mother is not responsible.

**614. Scrupulosity.** — Like to the scrupulous conscience is the state of scrupulosity, which manifests itself in moral matters especially as a vain fear or anxiety concerning the presence or magnitude of sin in one's act. A psychopathic state, scrupulosity is usually listed as a form of psychasthenia which is characterized by weakness of soul, inability to cope with problems, and a lack of psychic energy. Clinically examined, the psychasthenic presents the following characteristics: (1) *physically*, he is listless and always tired; (2) *intellectually*, his tiredness makes it impossible for him to concentrate for long periods of time; (c) *psychologically*, he is an introvert concerned with himself as the center of his interests and activities.

The more common manifestations of the psychasthenic's difficulties include: self-diffidence, uncertainty, hesitation, obsessions and scruples. A species of psychasthenia, scrupulosity may be described as an inordinate preoccupation with the moral and religious order, a special type of worry directed toward the morality of actions.

(a) Scrupulosity must be distinguished, however, from the *scrupulous conscience*, inasmuch as scrupulosity is not a judgment, but a fear that accompanies one's judgment. Example: A scrupulous person knows very well that it is not a sin to omit grace, nor a grave sin to pray with some voluntary distraction; but he worries over these things as if they were sins, or grave sins.

(b) Scrupulosity must be distinguished from the *tender conscience*, inasmuch as scrupulosity is an exaggerated and harmful solicitude. A person of tender conscience is careful even in smaller duties, but in a quiet and recollected way, whereas the scrupulous person is all excitement and distraction.

(c) Scrupulosity must be distinguished from the *anxious or doubtful or guilty conscience*, inasmuch as scrupulosity is a baseless fear or phobia. Examples: A person who has practised injustice for many years, has good reason to be perturbed in conscience when he reflects that restitution or reparation is a prerequisite to pardon; but a mother who did all she could to train her children well, is scrupulous, if she is constantly reproaching herself that she should have done better. A person who makes a contract while fearing that it may be unlawful, because good authorities hold its unlawfulness, acts with a doubtful conscience; but if he fears that the contract is unlawful, in spite of the fact that others regard it as lawful and that his only reason for doubt is that they may be wrong, he is scrupulous. The Egyptians at the time of the plagues could reasonably forecast grievous chastisements on account of their wickedness (Wis., xvii. 10); but a good person who worries constantly over the possibility of being damned must be scrupulous.

**615.** Scruples may be divided in various ways, but the simplest division seems to be by virtue of object, extension and duration. By reason of object, scruples may center on only one or, at most, a few moral activities, *e.g.*, duties of charity, or sins against chastity, or they may embrace the whole moral life of the individual. By reason of extension, some scruples are limited to interior actions, others extend to external manifestations. By reason of duration, scruples may be classified as intermittent, or temporary, and quasi-permanent which is characteristic of the constitutionally scrupulous person whose physical and psychical disposition incline him to scrupulosity.

**616.** The signs or external manifestations of scrupulosity have been variously divided, but a simplified division into intellectual, or cognitive, affective, or volitional, and compulsive suffices for our present purpose.

(a) *Intellectual*: habitual *abulia*, i.e., an inability to decide, coupled with and interacting with constant doubt.

(b) *Affective*: closely allied to the intellectual state is the feeling of insufficiency which extends to actions, to the individual's own personality, to his desire for higher goals, to his abilities, etc. This fosters and strengthens the inability to decide. Irordinate fears, anxieties and sadness contribute to the genesis and growth of the sense of inadequacy.

(c) *Compulsive*: numerous compulsion factors are present in more serious cases of scrupulosity, e.g., *obsessions*, *phobias*, and *compulsions properly so called*, which concern external actions or rituals.

*Obsessions* include irresistible, persistent and irrational ideas accompanied by feelings of tension and fear. These ideas which plague the individual are "discordant," that is, out of harmony with his habitual attitude, and "impulsive," tending to reduce themselves spontaneously to action. The scrupulous person is frightened and flustered by the thought of doing a thing for which he has a positive abhorrence and by his inability to get the thought out of his mind.

*Phobias* refer to habitual, irrational fears of a definite entity associated with a high degree of anxiety and unwarranted by objective reality. They are very intense fears, completely out of proportion to their causes or objects.

Finally, *compulsions strictly so called* may be defined as irresistible, unreasonable urges to perform actions to free the individual from an obsessing idea. Tension and anxiety are associated if the act or external ritual is not performed.

For the confessor, the recognition of a scrupulous person is not too difficult. The penitent's own difficulties present the first and most obvious sign, e.g., irrational doubts about consent to temptation, as to the gravity of a sin, etc., and undue concern about circumstances. Concomitant signs confirming the judgment that a person is scrupulous include:

(a) *Obstinacy* of judgment: Although the scrupulous person seeks advice, frequently from many confessors, he tends to follow his own judgment. He is inclined to think that the confessor

has not understood him, that he has not given a complete picture of his state of soul, etc.

(b) *Inconstancy in acting* owing to inability to judge rightly and the consequent frequent changes of judgment for light reasons.

(c) *Irrelevant accusations* of multiple circumstances that tend to lose the sin in the maze of circumstances.

(d) *External motions* by which the individual tries to do away with the fear, sin, or other difficulty.

617. **Causes of a Scrupulous Conscience.** — Although the signs of scrupulosity are easily recognizable, the causes are not clearly defined, and authors are not entirely agreed in this matter. A listing of probable causes would include *internal causes*: (a) *physical* — the physical causes are virtually unknown. Most authors admit a constitutional disposition to scrupulosity, just as there is one to its quasi-genus, psychasthenia. Reductively this might involve disorders in the vago-sympathetic nervous system and the neuro-endocrine system. (b) *psychical* — the cause is attributed to too low a psychic tension. The inability to cope with obsessions and the attacks of phobias serve to exhaust the individual; (c) *moral* — perhaps a suspicious and melancholy character, a disposition that is overly impressionable and changeable, or a self-opinionated nature, overconfident of its own ability.

618. The *external* causes of scrupulosity are: (a) the *devil*, who excites vain fears in order to diminish devotion, to discourage the use of prayer and of the Sacraments, to drive to tepidity and despair; (b) the *neighbor*, who teaches scrupulosity by his words or example; association with persons who are scrupulous; the reading of spiritual books of a rigoristic character; assistance by persons of a timid character at terrifying sermons on the divine justice; overly protective and overly rigorous education.

619. Though God cannot be the cause of scrupulosity in the same way as the evil spirits (who use it for man's destruction), nor in the same way as human agencies (which are unable to bring good out of the evil they cause), He does in exceptional cases directly permit even saintly persons to be vexed by scrupu-

losity that they may thereby satisfy for sin, or exercise themselves in humility and patience, or shake off spiritual torpor. Scrupulosity that is supernatural in origin is much rarer than that which has a natural source, and it can be usually recognized by certain signs, like the following: (a) when it cannot be accounted for by natural causes, and is generally short in duration; (b) if it is from the evil spirits, it leaves the soul shaken or dismayed; if from God, it is followed by light and peace.

**620. Dangers of Scrupulosity.**—The evil results of indulged scrupulosity are as follows: (a) *temporal evils*—the constant fears and worries of the scrupulous affect the brain and nerves, break down the bodily vigor, and lead to neurasthenia, hysteria, insanity or monomania; (b) *spiritual evils*—time is wasted in useless regrets and anxieties, prayer becomes a torture, confidence in God decreases, and, seeing they do not find consolation in virtue, the scrupulous often end in vice and despair.

**621. Rules to be Observed by the Scrupulous.**—(a) They must not yield to their scruples. As was said above, scrupulosity is not a conscience, but only the counterfeit appearance of a conscience; not a help to the soul, but a grave drawback and danger. Hence, the scrupulous must learn to despise their foolish fears and imaginations. (b) They must follow blindly the commands of a prudent spiritual director. To attempt to make decisions for themselves is a harrowing experience for scrupulous persons, and one fraught with great peril. They must protect themselves, therefore, by following the decisions made for them by one who will guide them aright. Gradually, as their condition improves, however, they must learn to take the initiative and thus prepare themselves to act as responsible persons capable of forming a correct judgment.

**622.** Not to follow their scruples means: (a) that scrupulous persons should recognize their scruples for what they really are (*i.e.*, for a spiritual disorder), and that they should firmly resolve to use the means to get rid of them; (b) that they will prevent scruples from arising by keeping themselves occupied with external things, or by interesting themselves with matters that will exclude the worrisome thoughts; (c) that they will

banish scruples at once, as they would a temptation. The two key aims of the scrupulous individual is to counteract his introversion by greater social activity and to re-train his faculty so that he will be in control at all times.

**623.** Though the scrupulous are obliged not to heed their scruples, they rarely sin by heeding them, because their condition is such that they are not responsible. For, as was said above (40 sqq.), fear and other passions lessen or remove deliberation and the voluntariness of acts.

**624.** To give absolute obedience to the spiritual director means: (a) that scrupulous persons should recognize that it is wrong for them to depend on their own prudence, whereas they are absolutely safe in following the advice and precepts of the spiritual father who holds the place of God; (b) that they should avoid changing directors, and should adhere strictly to the rules prescribed for them.

**625.** Qualities required for a successful direction of the scrupulous are:

(a) *Knowledge.* The spiritual physician must be able to distinguish scrupulosity from spiritual diseases or conditions that are similar, lest he prescribe what is not suitable for the case. Example: A person of tender conscience should continue in that state, a person of scrupulous conscience needs instruction that he may put aside his erroneous views; a scrupulous person stands in need of special guidance. He must also recognize that scrupulosity is a mental illness that at times requires the expert treatment of a psychiatrist. Knowing his own limitations and the need of expert therapy, he should not hesitate to send the penitent to a competent doctor.

(b) *Prudence.* Some persons pretend scrupulosity in order to get a name for holiness, or to make a good impression; needless to say, they must be dealt with cautiously, as they often prove very unscrupulous. With a person who is really scrupulous, the spiritual director must carefully obtain all the knowledge necessary to ascertain the true state of soul, prudently bring the individual to recognize that he is a sick person, help to restore his confidence in himself, in his confessor, in God, etc.

(c) *Patience.* The scrupulous are almost as troublesome to their directors as they are to themselves; but they are heavily burdened and are unable to help themselves. The law of charity applies. They have the same right to charitable treatment as others who are physically suffering and needy.

(d) *Firmness.* Disobedience will defeat every effort of a director to help a scrupulous person. On this point, therefore, there must be no leniency: the rules laid down must be insisted on, the reasons should not be given, and no argument or discussion should be allowed. The director should speak with certainty and authority; he should be brief, and, if he must repeat, he will do well to use the same words.

(e) *Good judgment.* After deciding that a person is scrupulous, the director must discover what is the particular form of scrupulosity in the case, and must apply remedies that are suitable.

**626. Rules Concerning Persons Scrupulous about Past Confessions.**—(a) For the first time the confessor may permit a general confession of the past life, if the scrupulous penitent has fears about previous confessions and has not already made such a general confession. Let the individual relate his whole story at once, with all its details and complications. This might perhaps take more than one confession to complete, but the full recital is necessary if the scrupulous person is to have confidence in his director's knowledge of his exact state of soul. (b) After this general confession, no mention of past confession must be permitted, unless the scrupulous person is ready to swear without hesitation that he is sure that a sin certainly grave was committed by him and never rightly confessed.

**627. Rules Concerning Persons Scrupulous about Present Confessions.**—(a) Before confession, the penitent must be content with a certain brief space of time appointed by the confessor for making his examination of conscience and act of contrition. A longer time spent in these preparations is useful to other penitents, but harmful to the scrupulous.

(b) During confession only those sins need be mentioned which are seen from a brief examen to be both certain and grave,

and only those circumstances whose declaration is absolutely necessary. If the scrupulous penitent begins to speak of doubtful sins or irrelevant details, the confessor must forbid him to go on; for though confessions must be complete, whenever possible, doubts and details must not be permitted in the case of such scrupulous persons (see Vol. II).

(c) After confession, if the confessor judges that there is not sufficient matter for absolution, he must not yield to the penitent's fears, but must assure him that he does not need absolution and that he may go to the Sacraments without it.

**628. Rules Concerning Persons Scrupulous about the Performance of Duties.**—(a) The scrupulous person should be instructed that positive laws, divine as well as human, do not oblige in case of moral impossibility (*i.e.*, when their observance is too burdensome); that the matter about which he has scruples has become too difficult for him, and hence that he is not obliged to it as others are.

(b) The scrupulous person should be *commanded* to leave undone what his vain fear calls on him to do; and, if this does not suffice, he should be told that he is not bound by the duty which causes him such anxiety. Example: Titus is scrupulous about the performance of obligatory prayers, so much so that he is not satisfied until he has repeated them several times, lest some syllable may have been omitted or hurried over, or the intention or attention may have been lost sight of at some part of the prayer, or the devotional posture may not have been observed throughout. If Titus cannot learn to say these prayers without making senseless repetitions, he should be told that the obligation has ceased until such time as he is able to fulfill it without torture to himself or others.

629. Of course, if harm is done to another by the incomplete performance of a duty, even a scrupulous person cannot be dispensed from repetition. Example: If a priest has not pronounced a sacramental form correctly, the fact that he is scrupulous does not excuse him from repeating the form correctly.

**630. Rules Concerning Persons Scrupulous about the Commission of Sin.**—(a) The scrupulous person should be told that

he is scrupulous, that his scrupulosity is not a conscience that he is obliged to follow, but a vain fear which he is obliged to struggle against by observing the directions given him.

(b) He should be directed not to deliberate long before acting, but to do what seems right to him at first; not to conclude after acting that he has committed sin, unless this appears certain and evident. Since the scrupulous are over-careful, the presumption is in their favor, and they can act and judge prudently by disregarding their fears and doubts. If by deciding offhand they sometimes sin or fail to recognize sin in a past act, this will come from invincible ignorance, and they will be excused from responsibility.

631. Since a disease is best cured by removing its cause, the confessor, when he has diagnosed a case of scruples, should prescribe remedies that are opposed to the source of the trouble. (a) If scrupulosity seems to come from God, the penitent should be encouraged to regard it as a means of satisfaction for past negligences or as an occasion of virtue and progress, to pray incessantly for light and assistance, and to follow the guidance which God has provided. (b) If scrupulosity appears to be the result of diabolical obsession, and exorcism seems to be called for, the sufferer should not be told this. (c) If scrupulosity comes from associations or reading, the sufferer should avoid these occasions, and cultivate the companionship of persons or books that are cheerful and that give a hopeful outlook on one's duty and destiny.

#### 632. Remedies for Scruples That Are Mental in Origin.—

(a) Those who suffer from fixed ideas, phobias, and delusions, should not be reprovved harshly and told that their fears are insane, but should be treated with kindness and firmness. In ministering to these troubled minds, the best course seems to be kind assurance that they have nothing to fear, along with insistence that they imitate the example of the generality of good people, avoid singular practices of piety, discuss their anxieties only with their director, and give themselves to some occupation that will distract their attention from their manias.

(b) Those whose minds are over-active and given to doubts

and objections must avoid introspection and the study of moral problems that are too difficult for them; they must take a proper amount of suitable recreation, think and plan how they may help others who are in need, and avoid idleness.

633. Remedies for Scruples Whose Origin is Moral.—(a) If scruples arise from a stubbornness of character, the penitent must be told that the confessor is better fitted to judge the case, and that it is the height of rashness and presumption for a scrupulous person to prefer his ideas to those of the priest.

(b) If a melancholy or timid nature accounts for the existence of scruples, confidence and cheerfulness should be inculcated, and the penitent should be encouraged to meditate frequently on the goodness of God, and to remember always that God is not a harsh taskmaster, but a kind Father.

(c) Those who are scrupulous because their character is fickle and easily moved by every suggestion or imagination, need to cultivate seriousness, and to hold strongly to their judgments and resolves deliberately formed. Obedience to their director will be of more lasting benefit to these and other psychical scrupulants than psychiatric treatments through hypnotism, mental suggestion, and psychoanalysis; observance of the rules prescribed is an excellent cultivation of will-power, and it is sustained and perfected by the motives and helps which religion alone can supply.

#### 634. Remedies for Scrupulosity Whose Cause Is Physical.—

(a) The physician is the proper person to care for bodily ills; hence, a scrupulous person who is troubled with headaches, dizziness, sleeplessness, loss of appetite, nervousness, hallucinations, etc., should go to a competent and conscientious specialist in the healing art. Removal of the causes of hurry and worry, moderate but sufficient diet, fresh air and exercise, and especially congenial occupation and surroundings are by general consent included among the best natural cures.

(b) The confessor, if he perceives that illness is the cause of scruples, should forbid any spiritual practices that cause or aggravate the malady. Example: Scrupulous penitents should not be permitted to practise mortification by depriving them-



selves of necessary sleep, food, exercise or fresh air, or to use devotions or austerities for which they are physically unfit.

635. Persons who are scrupulous and lax at the same time need to be directed so as to overcome both spiritual maladies.

(a) If they are more scrupulous than lax, the case is less difficult, as they incline rather to the safer side, and it will suffice to apply the remedies indicated above for laxity and scrupulosity, as they are needed. Example: Titus, on account of scrupulosity, spends too much time at his prayers, and thus neglects the exercise and recreation which are necessary for his health. He should be instructed to limit his devotions, to have a regular time for them each day, and to realize that he has an obligation to take proper care of his health.

(b) If persons are more lax than scrupulous, the case is difficult, as they incline more to evil; indeed, if the trouble is Pharisaism, it is well-nigh incurable, on account of the pride and blindness that oppose resistance to every effort to cure. These persons need to be treated with severity, since nothing else will make any impression; they should be told in plain language how they stand and what is in store for them, unless they repent. Examples: Caius is extremely careful not to be guilty of sins of commission, but he thinks nothing of sins of omission; he would not take a postage stamp without express permission of the owner, but he neglects from year to year to pay bills, and sees nothing wrong in this. Titus thinks himself a saint because he worships the letter of the law, when it is to be applied to others; but he cares nothing about its spirit, and, though indulgent to self, is a tyrant with others. Both these men need to be told that, far from being good, they are very bad; that, far from being secure, they are in great danger. If insensible to reproofs, they should be reminded of the woes that await the wilfully blind (Matt., xxiii. 13 sqq.).

636. Practical Conclusions.—An instrument is called good when it produces with sufficient exactness the effects for which it was intended; it is bad, if it fails to produce those effects. Thus, a timepiece, a compass, or a thermometer is good if it indicates accurately, and bad if it indicates inaccurately. But,

as it would be harmful to guide oneself by an unreliable instrument (*e.g.*, by a watch with a defective mainspring, or which runs fast or slow), one naturally corrects the defects and regulates the working of the mechanism. Now, from what has been said above in this article, we see that conscience can be a deceptive indicator, and that its accuracy can be improved. Hence, the need of correcting a bad conscience and of cultivating a good conscience.

637. Remedies for a bad conscience and means for cultivating a good conscience are as follows:

(a) The *remote* causes of a bad conscience are in the will itself. A person judges wrongly often because he is wrong in himself, wrong in his intentions and purposes with regard to life as a whole, wrong in his attitude towards a particular line of duty, wrong in his lack of sincerity with himself. Hence, the correctives needed are a sincere love of God and of virtue, courage to wish the truth, and an honest examination of motives and actions: "The sensual man perceiveth not the things that are of the Spirit of God, but the spiritual man judgeth all things" (I Cor., ii. 14, 15).

(b) The *immediate* causes of a bad conscience are in the intellect. One judges wrongly because one clings in time of doubt to erroneous ideas or principles. The remedy, therefore, is to seek diligently for light through prayer, to study the lives and conduct of those who are models, to consult with the prudent and the conscientious. The bad conscience says to God: "Depart from us, we desire not the knowledge of Thy ways" (Job, xxi. 14); but the good one says: "Teach me Thy justifications. Thy testimonies are my delight, and Thy justifications my counsel" (Ps. cxviii. 12, 24).

638. Signs of a Good Conscience.—(a) Extraordinary holiness is not necessary before one may consider one's conscience good, for there are degrees of goodness. If, therefore, a person's external life is directed by the duties of his state, and his internal life, as far as he can judge, is free from serious guilt and guided by love of God and hatred of sin, he may safely regard his will as good. If sometimes he sins venially, this is

not because he lacks a good conscience, but because he does not always follow it.

(b) Extraordinary diligence in studying one's duties is not necessary before one may regard one's conscience as good, for otherwise a heavier burden would be imposed than we can suppose God to intend. A person who is using all the means for obtaining religious instruction that are used by others in his position and who are conscientious, may safely regard himself as free from voluntary error. If sometimes he judges wrongly, the mistake will be involuntary and not due to a bad conscience. Of course, one whose conscience is not in vincible error may sin even mortally, not because his conscience is bad, but because he does not follow it.

639. The following are means for preserving and maintaining a good conscience: (a) we should judge our motives frequently with the severity with which we judge the motives of another (Rom., ii. 1), and as before God (I Cor., ii. 10); (b) we should measure our actions, not by the standards of the world, its maxims and examples, but by those of Christ (I John, ii. 15-17; III John, 11).

### Art. 3: A CERTAIN CONSCIENCE

(*Summa Theologica*, I-II, q. 57, a. 5; II-II, q. 47, a. 9.)

640. As was said above, only that conscience is a safe guide which is not only good—that is, in agreement, as far as one's efforts can secure this, with the external law—but also certain. A certain conscience is one which, without any prudent fear of erring, judges that a particular act is obligatory or unlawful, and hence here and now to be done or omitted.

641. *Necessity of Certitude.*—We must be sure we are right before we act; otherwise, we expose ourselves to the danger of sinning, and therefore commit sin (see 582). Hence, it is necessary to act with a certain conscience, and unlawful to act with an uncertain conscience. “If the trumpet give an uncer-

tain sound, who shall prepare himself to the battle?” (I Cor., xiv. 8) may be accommodated to conscience. In Rom., xiv. 22, 23, the Apostle declares that he who acts with conviction is blessed, whereas he who acts in uncertainty is condemned. Examples: Sempronia doubts whether it is sinful to sew on Sunday; she is not sure, but has grave suspicions that sewing is servile work; if she goes ahead, she will be guilty of violating the law, as being willing to take the risk, and therefore the responsibility. Titus offers another a drink, being uncertain whether it has poison in it or not; he is guilty of sin, since he has no right to expose himself to sin and his neighbor to the danger of death.

642. Those persons who act with a doubtful conscience, and later discover that what they feared might be wrong was not wrong, or not so bad as they suspected, must bear in mind:

(a) that their past conduct is not to be judged by their newly acquired knowledge, for that conduct must be judged by the knowledge had at the time. Example: Sempronia does some work on Sunday, doubting whether she is committing a grave or a slight sin. Later she discovers that it was really only a venial sin, and she congratulates herself that she did not sin seriously. Her judgment is wrong, because she did not know at the time of the work that it was not a grave sin;

(b) that they must guide themselves in future acts by their newly acquired knowledge.

643. *Kinds of Certitude.*—Judgments may be certain in a greater or less degree.

(a) They are *metaphysically* certain, when error is absolutely impossible, the opposite of what is held by the mind being a contradiction in terms which omnipotence itself could not make true. Example: The judgments that the same, identical act cannot be both good and bad, that good is to be done and evil to be avoided, that God is to be honored, are metaphysically certain, since they result immediately from the very concepts of being, of goodness, and of God.

(b) Judgments are *physically* certain, when error is impossible according to the laws of nature, the opposite of what is

held by the mind being unrealizable except through intervention of another cause. Example: The judgments that he who takes poison will destroy life, that he who applies fire to a house will destroy property, are physically certain, because natural agencies, like poison and fire, act infallibly when applied to suitable matters and under suitable conditions and left to their course, unless they are overruled by superior power.

(c) Judgments are *morally* certain, when error is impossible according to what is customary among mankind, the opposite of what is held by the mind being so unlikely that it would be imprudent to be moved by it. Examples: One is morally certain that what a reputedly truthful and competent person relates to one is true. A person is morally certain that a conclusion he has drawn about his duty in a particular instance is correct, if he believes that he has overlooked no means of reaching the truth. Testimony and inference, since they come from free and fallible agencies, may lead into error; but, when they appear to have the requisite qualities indicative of truth, they are for the most part reliable and in practical life have to be considered as such.

644. As to the certainty that is required in the judgment of conscience, the following points must be noted:

(a) *Metaphysical* certainty is not required, since conscience does not deal with primary propositions, but with deductions about particular acts. The first moral principles, which are the object of synderesis, and at least some of the general conclusions, which are the object of moral science, are metaphysically certain (see above 145, 300), as they are based on necessary relations; but the particular conclusions, which are the object of conscience, are concerned with the contingent and the individual.

(b) *Physical* certainty is not required for the judgment of conscience, since conscience is not concerned with the activities of natural agents, but with the activities of moral agents that act with freedom and responsibility.

(c) *Moral* certitude, therefore, is sufficient for the conclusions drawn by conscience. That a higher kind of certitude is not necessary should not surprise us, for it would be unreason-

able to expect that the same degree of assent be given to judgments that are concerned with particular and contingent cases as to those that are concerned with universal and necessary principles.

645. Moral certitude is of two kinds: (a) certitude in the *strict* sense, which excludes not only the fear of error, but every doubt, prudent and imprudent, great and small. Example: Titus thinks of a way in which he could easily make money dishonestly; but his conscience sees that the thing is manifestly wrong and decides without the slightest fear or doubt that it must not be done; (b) certitude in the *wide* sense, which excludes all fear of error and every serious or prudent doubt, but not one or other slight and imprudent doubt. Example: Caius was baptized by an excellent priest, but the date was omitted in the register. The doubt occurs to Caius that perhaps something essential was also omitted, and that it may be his duty to seek another Baptism. His doubt is unreasonable.

646. Moral certitude in the wide sense is sufficient for a safe conscience, even in matters of great importance, since it is frequently the only kind of certitude one can have, and he who would strive to be free from every slight and baseless suspicion would be soon involved in a maze of scruples and perplexities. Example: If the Caius above referred to were to yield to his doubt and be rebaptized, a similar doubt about the second Baptism might easily arise in his mind, and he would be no more contented than before.

647. From the point of view of its object, certitude is twofold. (a) *Speculative* certitude refers to a judgment considered as a general law, abstraction being made from particular circumstances. Example: It is speculatively certain that farm work on a holyday is a forbidden kind of work, and that clerics are obliged to say the Divine Office. (b) *Practical* certitude refers to a judgment which is an application of a general law to a particular case, consideration being given to all the pertinent circumstances. Example: It is practically certain that Titus may make hay on a holyday, if otherwise he will suffer great loss; and that a cleric is excused from the Divine Office, if his

physician has warned him that he is physically or mentally unable to perform it.

648. Speculative certainty is not sufficient for conscience, but practical certitude is required, since conscience refers not to abstract laws but to concrete cases—not to what is right if only the object of the act is considered, but to what is right when one considers the object, the motive, and all the circumstances here and now present.

649. From the point of view of the arguments on which it is based, certitude is of two kinds. (a) *Demonstrative* certitude is the assent that rests on a conclusion logically drawn from certainly true premises. Example: Caius argues that he is obliged to go to Mass on Sunday, because the law is certain, and it is also certain that the law applies to him. (b) *Probable* certitude, which is the assent that rests on a conclusion, whose premises, though not certain, seem to be true, and against which there is no counter conclusion, or none that cannot be readily answered (see 703). Example: Caius is pretty sure that he is seriously ill, because he perceives a number of alarming symptoms; the possibility that these may be due to imagination is excluded by the fact that they are new and sudden. Caius, therefore, concludes that he may hold himself excused from attendance at Mass.

650. Probable certitude is sufficient for conscience, for in moral matters it is impossible to have at all times reasons that amount to a demonstration, and hence a person acts prudently in following a decision that is solidly probable and unopposed by any contrary serious probability. What is called "probable certitude" here is very different from probable opinion, about which there will be question below (662 sqq.)

651. From the point of view of the manner in which it is obtained, certitude is again twofold. (a) *Direct* certitude is that which is obtained from principles that are intrinsic to the case by applying to the matter the law concerning it. Examples: A judge who decides according to the evidence and proofs given in court that an accused is guilty, and a son who concludes from the Fourth Commandment that he is bound to help his parents in necessity, have direct certainty in their judgments, because

they argued from principles that deal with the question before them. (b) *Indirect* certitude is that which is obtained from principles that are extrinsic to the case by applying to the matter in hand reflex principles (*i.e.*, rules that direct how one should act in doubt) or the principle of authority (*i.e.*, the argument drawn from the opinion of those who are acknowledged as competent to decide). Examples: If a judge is not able to form a certain judgment from intrinsic reasons concerning an accused, because strong arguments have been given both for guilt and for innocence, he has recourse to principles that have reference to his own state of doubt, and which declare that he must acquit when he is not certain of guilt. If a man is not able to decide whether the Fourth Commandment obliges him to keep his grandparents or mother-in-law in his home, when they upset his family and are able to take care of themselves, he can have recourse to the external principle of authority by consulting his confessor.

652. Direct certitude is not necessary for the judgment of conscience, for often, as in the cases just mentioned, it is not possible. Moreover, indirect certitude suffices to give one who is in doubt such practical assurance that one's fears become unimportant and one is able to act prudently in spite of them.

(a) The *principle of authority*—that "in doubt we can safely follow the advice of those who are experts and truthful"—is reliable, as both the conditions required for authority (*viz.*, knowledge and truthfulness) and also daily experience show.

(b) *Reflex principles* likewise, although they do not prove what is deduced from them, are well founded, and point so clearly the side to be taken when judgment is suspended between alternatives that they enable one to act with all the certitude that prudence demands. Example: The principle that "in doubt decision should be given in favor of the accused," is based on the fact that a man's right to his life and liberty is so certain that he does not forfeit that right unless it is proved convincingly that he is guilty.

653. Examples of uncertain and certain consciences are the following:

(a) *Uncertain conscience*: It is lawful to make a just con-

tract (major premise certain); but this contract is just (minor premise a matter of doubt or opinion); therefore, this contract is lawful (conclusion a matter of doubt or opinion);

(b) Conscience directly certain: It is lawful to make a just contract (certain); but this contract is just (certain); therefore, I may make this contract (certain).

(c) Conscience indirectly certain: It is lawful to follow competent advice or a moral system approved by the Church (certain); but a competent spiritual adviser or an approved system of Moral Theology holds that this kind of contract is lawful (certain); therefore, it is lawful for me to make this contract (certain).

**654. An Uncertain Conscience.**—Uncertainty of conscience can be understood in two senses.

(a) Conscience is uncertain in a *more strict sense*, if the verdict of the moral judgment on a question of lawfulness or unlawfulness is that no decision can be given either way, either because there are no reasons of importance on either side (negative doubt), or because the opposing reasons balance so perfectly that it is impossible to choose between them (positive doubt). Examples: Titus, wishing to do some drawing on Sundays, asks himself whether drawing is servile work. Not knowing the definition of "servile," he can only reply to his doubt that he has no reasons either for affirmation or for negation. Caius reads moral authors on the same question, and the pros and cons seem to him so equally strong that he cannot pronounce for either side.

(b) Conscience is uncertain in a *less strict sense*, if the verdict of the moral judgment on a question of lawfulness or unlawfulness is that the mind inclines to one side more than the other, but cannot decide in its favor (suspicion), or that it decides for one side, while perceiving that the arguments for the contrary are not to be despised (opinion). Example: Titus decides to spend a good part of Sunday taking photographs. Caius argues that this is unlawful; Sempronius, that it is lawful. Titus thinks the arguments of both are strong, but is better pleased with those of Sempronius. If he feels he cannot act on

either opinion, his state of mind is what we called suspicion; if he feels that the opinion of Sempronius has prevailed, his state of mind is one of opinion.

**655.** From what was said above concerning the certitude requisite for conscience (see **641 sqq.**), it follows that: (a) when the state of mind is *positive* or *negative doubt*, one is not allowed to act; for a person who is ignorant of what he should do, or who is fluctuating between opposites, runs the risk of sin and its consequences, if he acts blindly; (b) when the state of mind is *suspicion*, one is not allowed to act, for conscience must be more than conjecture or inclination; (c) when the state of mind is *opinion*, one is or is not allowed to act, according as the opinion has or has not the qualities required for certitude that is moral and practical (as explained above in **643 sqq.**).

**656. Doubt and Suspicion.**—The following are the duties of a person whose state of mind about his obligation is one of doubt or suspicion:

(a) If he *has no time* to resolve his hesitation but must decide at once, he should follow the rules given for a perplexed conscience (see above, **611 sqq.**). Example: Sempronius is ordered by his father to go on an errand; by his mother, to remain at home. He does not know whom he should obey, but argues that there can be no harm in performing the errand, since he feels that he is forced anyway. Sempronius' impromptu decision proceeds from a sense of moral responsibility; it is good, and as certain as he is able to make it.

(b) If a person *has time* to resolve his hesitation, he should not trust to common sense, but should consult Moral Theology, if he is competent to understand and apply it, or should have recourse to his confessor, if he is not a theologian. The attention given to his problem should be proportionate to the gravity of the duty in question, its importance for third parties, etc. (see below, **667 sqq.**). Example: If a layman is uncertain whether a practice he follows in his business is dishonest, he should consult a priest; if the priest is uncertain, he should refer to his theology and study the matter until he is able to give a well-founded, morally certain judgment.

657. Reflex principles by the aid of which a *negative doubt* may be solved, when the question is about the existence or non-existence of some *fact* connected with obligation, are the following:

(a) If the fact at issue is one about which presumption may be had from general or personal experience, the doubt may be settled by the principle: "In uncertainty decide according to what usually happens." Examples: Titus is uncertain whether his boy of seven years has the use of reason and is bound to go to Mass. As a rule, children attain discretion at the age of seven; and hence Titus should take his boy to Mass. Fr. Caius is uncertain whether he has said Terce. His experience is that such uncertainties on his part have always been baseless in the past; hence, he may consider that he has said Terce as usual.

(b) If the fact at issue is one about which no presumption is afforded, either from general or personal experience, recourse may be had to the principle: "A fact should not be taken for granted, but must be proved." Examples: Sempronia doubts whether her practice of saying the Rosary daily was the result of a vow; but, as there is no proof or circumstantial evidence of a vow, it may be held that her practice originated in a resolution. Caius, a stranger, claims that Titus owes him for an unpaid debt of his father. Titus knows nothing of the alleged debt, and the only substantiation for its existence is the word of the stranger. Titus is not obliged to pay.

658. Presumption of a fact is of three kinds according to weight:

(a) *Violent presumption* is based on indications so significant or numerous that it leaves only slight room for evasion. This kind of presumption suffices, but is not essential in solving doubts. Example: Caius has no direct proof or disproof that he paid Titus in a certain business transaction, because all the papers have been lost. But he remembers distinctly that he drew the money and went personally to the office of Titus on the day payment was to be made, and that the latter, up to the time of his death several months later, always acted as if full settlement had been made.

(b) *Strong presumption* is based on circumstances or signs so moving that they permit one to infer a fact as being their natural or usual accompaniment or result. This kind of presumption suffices in solving the doubts we are considering. Example: If Caius, spoken of above, has no individual recollection of any circumstances bearing on the payment of his debt to Titus, but knows that it was his invariable custom to pay all his debts promptly, the presumption that he paid this debt is strong.

(c) *Light presumption* occurs when the reasons are so slight that they hardly ever suffice to permit us to infer a given fact from them. Example: If we suppose that Caius was dilatory in paying debts, and that he has no better indication of payment having been made than the fact that Titus gave him a cigar about the time of their business transaction, there is little presumption that the debt was paid.

659. Reflex principles that may be used to settle *negative doubts* about the *quality* of an act performed are the following:

(a) If there is an *individual presumption*, the quality of the act may be inferred from what usually happens. Example: Sempronius cannot remember whether a certain good work he undertook was prompted by zeal or ambition. But, as he usually tried to keep his motives pure, it may be concluded that the work in question proceeded from a right intention.

(b) If there is *no individual presumption*, the quality of an act may be settled from general presumptions or principles. When the act was according to law, and the doubt concerns its validity or sufficiency, one may take it that all was rightly done; for it usually happens that he who complies with the substance, also complies with what is accessory. Moreover, the welfare of the public and of individuals require that an act done outwardly according to law should be deemed as rightly performed unless the contrary can be proved. Hence the rules: "In doubt decide for the validity of what was done"; "What has been done is presumed to have been rightly done." Examples: Caia cannot remember whether she really consented when she married Titus. Sempronius cannot remember whether he had sufficient atten-

tion in hearing Mass on Sunday. The presumptions are that Caia married validly and that Sempronius heard Mass properly, if they acted in good faith.

660. Reflex principles that may be used to settle *negative and invincible doubts* concerning law or obligation are the following:

(a) If no serious reasons can be found to prove or disprove the *existence of a law*, or its gravity or application to a present case, use may be made of the principle: "Invincible ignorance of the law excuses from sin." Example: Titus on an ember day consults all the sources of information he has to discover whether it is a fast day; but all he can learn is that some vigils are fast days, others are not.

(b) If no serious reasons can be found to prove or disprove that a law bears a certain *meaning*, recourse may be had to such principles as the following: "A law obliges only in so far as it is knowable"; "The interpretation may be made against the legislator who could have spoken more clearly"; "Things burdensome to the subjects of the law should be construed narrowly; things favorable, broadly." Example: Caius, who supervises workingmen, has no notion regarding the meaning of the word "workingman" as used in an indult on fasting—*viz.*, whether it applies to supervisors of work or exclusively to laborers.

(c) If no serious reasons can be found to prove or directly disprove that a certain law *has ceased or been abrogated*, the principle to be followed is: "In doubt decide for that which has the presumption." In this case the presumption is for the continuance of the law, since it was certainly made, and there is no probability for its non-continuance. Example: Sempronius learns that certain mitigations have been made in the law of fasting, and wonders whether the same is true as regards the law of abstinence; but he has no reason to think that any change has been made on this latter point.

661. In the above cases negative doubt was solved generally in favor of non-obligation as against obligation. But there are two cases in which negative doubt must be settled in favor of obligation, according to the rule: "In doubt follow that which is safer." The two cases are:

(a) Negative doubt must be settled in favor of obligation, when the doubt is *about a matter of such importance that it does not permit the taking of risks* in its performance, as when there is question of laws that safeguard the supreme rights of man, or of laws that prescribe the essentials to be used in the administration of the Sacraments. Example: Sempronius adopts a newly-born infant abandoned at his door. As there is nothing to indicate whether the baby has been baptized or not, Sempronius takes the safer course and has it baptized.

(b) Negative doubt must be settled in favor of obligation *when it persists* because no reflex principle is found, or none that seems to be suitable for the case. Example: Titus wavers between uncertainties about the existence of a law; he can discover no reasons pro or con, and he knows no principle or presumption to guide himself by in his difficulty. He does not know or even think that he may act as if the law were non-existent, and hence he must inquire further, or else act as if the law did exist.

662. *Opinion.*—The duty of one whose state of mind is opinion is as follows:

(a) If he is *able to remove* every objection against his judgment or to make unimportant such objection or objections as remain, his opinion has become moral certainty (see above, 644 sqq.), and he may follow it as a safe guide. Example: Caius promises to marry Sempronia, but his parents forbid the marriage. Caius opines that he should keep his promise, but to be sure he consults his pastor. The latter shows him that the opposition to his marriage is unreasonable, and thus sets at rest the difficulties of Caius.

(b) If a person is *not able to remove* one or more important objections against his judgment, his opinion has not become moral certitude, and he may not follow it as a safe guide. Example: If Caius' pastor holds that the parents are right and Caius wrong in the question of marriage with Sempronia, so that Caius, while still thinking he should keep his promise, has serious fears that it would be a wrong step, the young man should not follow his own view.

663. Those who act when their state of mind is doubt, suspicion, or uncertain opinion are: (a) guilty of *sin*, for they do not act in good faith (Rom., xiv. 22, 23), and they are imprudent and lovers of danger (Ecclus., iii. 27); (b) guilty of the *species and gravity* of sin which they fear may be in their act; for they interpretatively wish that to which they expose themselves. Example: If Titus takes an oath, fearing that his act is perjury, he is guilty of perjury before God, even though what he says is true.

664. Fears or objections against an opinion are unimportant as follows: (a) if they have only a *slight probability* (e.g., Titus opines that he is not obliged to say the second lessons, because he knows that he began them, and therefore must have said them; but he fears he may be obliged to say them, because he cannot remember the details of the lessons, and hence has probably not said them); (b) if they are *improbable* (e.g., Caius fears that he may have omitted Sext, although he recalls going to choir to chant at the regular times.)

665. Fears against an opinion are important, when they are not merely possible, but have such an appearance of truth that even a prudent man would consider them as worthy of support.

(a) *Intrinsic* signs of this solid probability are the good arguments by which the fear, or contrary of an opinion, is supported. Example: Titus after careful examination of conscience decides that he is not obliged to mention a theft in confession, because it happened just before his last confession; yet, he fears that he is obliged, because he does not remember having thought of restitution.

(b) *Extrinsic* signs of solid probability are the good authorities by whom the contrary of the opinion is defended. Example: Caius opines that he is not obliged to confess a calumny, because he is not certain that it is unconfessed; he fears that he is obliged, because St. Alphonsus, whose authority is great in Moral Theology, teaches that a grave sin must be confessed unless it is certain that it has been confessed already.

666. He who is moved by unimportant fears or difficulties is scrupulous, but not so he who hesitates in the face of an impor-

tant difficulty. Examples: Balbus fears he may be guilty of murder, because he left a sick person for a moment and the latter unexpectedly died in his absence (scrupulous conscience). Sempronius fears he may be bound to restitution, because by his ridicule he made Titus lose his means of livelihood (disturbed conscience).

667. What is to be done by one who holds an opinion as to what he may or may not do here and now, but who has a serious fear that his opinion is wrong?

(a) If the fear persists as serious, when the means to remove it (such as consideration and consultation) have been duly resorted to, he should delay, if this is possible, or follow the safer course, if delay is not possible. Example: Titus must go to confession now, but he cannot recall whether or not a past theft was ever confessed; he thinks he is not obliged to mention it now, but is far from feeling certain about this, because of a serious doubt which he cannot resolve. The thing for him to do is to resolve to confess the theft as one that was perhaps unconfessed before.

(b) If the fear is *removed or made unimportant*, by direct means (such as theological argument from moral principles) or by indirect means (such as consultation or the use of reflex principles), the opinion may be followed. Example: If Titus, mentioned above, learns from his confessor or deduces from reliable reflex principles that he is not obliged to confess the theft, he may act with a safe conscience in following this decision.

668. The authority that may be safely followed by a *lay person* who holds an opinion, but fears that the opposite may be true, is that of anyone whom he knows to be pious, instructed and prudent; for, as it is impossible for him either to settle the question for himself or to remain in perpetual uncertainty, he must acquire certainty here as in other important affairs by consulting those who are expert and reliable. Hence, if the conscience is merely opinionative, a dependable adviser should be conferred with to make it certain.

(a) In the case of an *accusing or excusing conscience*, it is at least advisable that the doubtful sin be mentioned in confes-



sion, and especially by those who are not strict in their lives and who are inclined to judge their own acts and motives with leniency.

(b) In case of a *forbidding or permitting conscience*, it is necessary that one seek reliable information where it can be had, as from parents or teachers, and if these cannot give it, from a pastor or confessor or other priest. Example: Sempromius thinks he has a right to drink a glass of wine now and then to be sociable; but he fears he has no right to do so, as the drink occasions excitement or foolish remarks, and sometimes makes it difficult for him to get to his home safely.

669. The authority that may be safely followed by *confessors and other priests* in resolving important doubts against a moral judgment is as follows:

(a) If the opinion is supported as morally certain by all or nearly all of the approved text-books on moral teaching, it may be followed; for surely there would not be such unanimity, if the objections were really formidable.

(b) If the opinion is supported as morally certain by a goodly number (say, six or seven) of those who are considered as preëminent in Moral Theology, and who independently arrived at the same conclusion, it may be followed; for the judgment of many is better than that of one, and the certainty of authorities should prevail over the doubt of one who has not the same authority.

(c) If the opinion has the support as certain of only one theologian, it may be followed without further investigation, if he has received special mention from the Church as an authority and a safe guide. Thus, the Holy See has expressly declared that the doctrine of St. Alphonsus may be safely followed by confessors, and the approbation given to St. Thomas Aquinas as Universal Doctor makes his word more convincing than a contrary argument based on one's own reasoning. Of course, this does not mean that these or any other private Doctors are infallible in their judgments, or that one should not depart from their teaching in a point where the Church has decided against them, or where there is a manifest reason for doing so; it simply

means that they are so conspicuous among moralists for the correctness of their teaching that one who is in doubt may safely follow them unless the contrary is known to him.

670. But one may be unable to settle one's difficulty by appeal to authority, as such, as in the following instances: (a) when the particular case to be decided is not considered at all in text-books, or is not considered under the circumstances that exist; (b) when the authorities speak hesitatingly about the question, and say that the opinion in question is at most probable, etc.; (c) when the authorities are about equally divided, as when a few great names are opposed to many names of inferior rank, or when those who are equal in knowledge so disagree that half are on one side, half on the other. In counting authorities, however, it is not always easy to decide who should be included, as a writer may himself be arguing from the authority of an individual or of a school, and thus he is not a distinct witness in favor of what he holds.

671. When a priest or other person sufficiently instructed in theology is not able to change through recourse to authority an opinionative or doubtful conscience into a certain conscience, he can still obtain certitude: (a) *directly*, by reëxamining the question diligently and with entire impartiality, until he has discovered reasons strong enough to settle it convincingly one way or the other; (b) *indirectly*, by submitting the question to the arbitrament of a reflex principle that really appears true to him, and permitting it to decide between the opinion and the objection, or between the contending doubts.

672. **The Moral Systems.**—There are two general systems regarding reflex moral principles:

(a) *Tutorism*, which teaches that the only principle which can change uncertainty into certainty is: "When one is undecided between the safer and the less safe, he must always choose the safer," because only what is safer excludes the uncertainty of sinning;

(b) *Anti-tutorism*, which teaches that the principle given above is true in a few exceptional cases on account of special reasons, but untrue as a rule. The general principle which it

substitutes for that of Tutorism is: "When one is undecided between the safer and the less safe, one may choose the less safe if it is morally certain."

673. Of two moral judgments that are compared, it must be noted:

(a) that one is *safer* which departs more from the danger of sin by deciding for the stricter side. Example: In doubt whether a law exists, whether it obliges in a present case, whether its obligation is grave, the safer opinion is that which holds for the affirmative;

(b) that moral judgment is *more likely* which is supported by stronger arguments. Example: That a law has ceased, or does not apply in a certain case, or does not oblige under sin, is a more likely opinion if the arguments in its favor outweigh those against it.

674. Thus, it may happen that an opinion which is safer is less likely. Example: The opinion that the precept of repentance obliges under pain of new sin from the moment a sin is committed is safer, but less likely than the opposite opinion.

675. Danger of sin is twofold. (a) *Danger of formal sin* (see 249, 258) is a risk taken which involves, not only that an act may be unlawful, but that the doing of it may be unlawful. Example: Caius eats meat, doubting whether the day is one of abstinence and whether he is obliged to abstain or not. (b) *Danger of material sin* (see 249, 258) is the danger that an act may be unlawful, not in the concrete or as to its performance, but in the abstract as to itself. Example: Titus is unable to discover whether this is a day of abstinence, but he is of the opinion that it is not. Hence, he takes meat, arguing that, while this may be a violation of the law, he himself is not guilty of sin, since he feels that he has a right to eat meat under the circumstances.

676. Tutorism.—This system has been condemned by the Church, and with good reason, for the following motives:

(a) If by that which is safer, Tutorism intends that which is better, it contradicts the Gospel, which distinguishes between

counsel and precept (see 364 sqq.), commanding what is good, but only recommending what is better.

(b) If by that which is safer Tutorism means that which favors law against liberty, it imposes an intolerable yoke on the consciences of men; for, while law obliges only in so far as it is promulgated and known, Tutorism would bind one to observe, not only what was not known to be obligatory, but what was held to be most probably not obligatory.

677. A modified form of Tutorism taught: "When one is undecided between the safer and the less safe, one must choose the safer, unless the less safe is most probable." This system has not been censured by the Church, but Catholic theologians with hardly an exception have rejected it, for the following reasons:

(a) Most probable, *as understood by the defenders of this system*, is that which has such likelihood and such appearance of truth as to remove every probable danger of even material sin. Thus, in reality this system requires absolute certitude and agrees with the rigorous tenet of Tutorism that even a most probable opinion against the law may not be followed.

(b) Most probable, *as commonly understood*, is that side of a question which so far excels the other side that no answer can be given to any of its arguments, while all the arguments of the other side can be answered. To require this in moral difficulties is to require the impossible, for even the greatest theologians have to be content at times with less.

678. We are obliged always to follow a safe course, that is, not to expose ourselves to the danger of formal sin (see 249, 258); but Tutorism errs when it teaches that we are also obliged always to follow the safer or safest course, that is, never to expose ourselves even to the danger of material sin. There are cases, however, when we are obliged (because some law requires it) to follow a safer course, that is, not to expose ourselves or others to some great harm. Thus, we must follow the safer side in the following cases:

(a) when there is question concerning *something essential*

for the salvation of ourselves or of others, for the law of charity forbids that any risk be taken in this supremely important matter. Example: Titus instructs the dying Caius only concerning the existence of God and of the future life. He should also instruct him about the Trinity and the Incarnation, which is the safer course, since it is more probable that an explicit faith in these two mysteries is a condition of salvation;

(b) when there is question of some great spiritual loss or gain for ourselves or others, for justice or charity forbids that we take chances in such affairs. Examples: Sempronia doubts whether she is excused from the law of abstinence, and whether she will be guilty of sin if she eats meat. Caius doubts whether attendance at a certain school will do harm to the religion of his son. Balba doubts whether she is bound to inquire about the truth of her sect. As long as their serious doubts remain, these persons should follow the safer course;

(c) when there is question of the validity or invalidity of a Sacrament, for the virtue of religion requires that the Sacraments be administered with fidelity, and be not exposed to the peril of nullity. Example: It is not lawful to consecrate matter that has probably been substantially adulterated;

(d) when there is question of some temporal good or evil to oneself or another, and one is certainly obliged to promote the former or prevent the latter. Examples: Caius suspects that a drink before him is deadly poison; Titus suspects that an object at which he is preparing to shoot is a human being. Neither may disregard his suspicion, even if its contrary is more probable, because the safer side must here be taken. The Fifth Commandment forbids one needlessly to imperil one's own or another's life.

679. In emergency one may expose a Sacrament to nullity by taking a course that is less safe for the Sacrament, but safer for the subject, relying on the axiom that the Sacraments are for men, and not men for the Sacraments. Example: Titus is called to baptize the dying Caius. No water can be procured except rose water, whose sufficiency is doubtful. Titus not only may, but should, use the doubtful matter, since no other can be had.

680. *Laxism*.—The extreme opposite of Tutorism is Laxism, whose principle is: "When one is undecided between the safer and the less safe, one may choose the less safe, if it is only slightly or uncertainly probable," because whatever seems at all probable may be prudently followed, and so forms a certain conscience. Example: According to Laxism, one would be justified in following an opinion, because it was defended by one theologian, even though he was of little authority.

681. This system has been condemned by the Church for the following reasons:

(a) It is contrary to the teaching of the Gospels and of the Fathers, which requires one to observe the laws of God with understanding and diligence;

(b) It leads to corruption of morals. The Laxists of the seventeenth century were called in derision those "who take away the sins of the world," and it was against their loose teachings that Pascal inveighed;

(c) Its argument is of no value, for no prudent person would feel that he should follow what was only slightly above the improbable, or that a law should be deemed uncertain because an opinion of uncertain probability could be quoted against it.

682. The true system of reflex principles will lie between the extremes of Tutorism and Laxism. As already said, these two doctrines have been censured by the Church; but there are other systems that are moderate, and that are permitted by the Church and defended by theologians. These systems are:

(a) *Probabiliorism*, whose principle is: "When one is undecided between the safer and the less safe, one may choose the less safe only when it is more probable";

(b) *Equiprobabilism*, whose doctrine is: "When one is undecided between the safer and the less safe, one may choose the less safe only when it affirms the non-existence of the law and is at least equally probable with the opposite";

(c) *Probabilism*, whose doctrine is: "When one is undecided between the safer and the less safe, one may choose the less safe whenever it is certainly and solidly probable";

(d) *Compensationism*, whose doctrine is: "When one is un-

decided between the safer and the less safe, one may choose the less safe whenever it is certainly and solidly probable, and there is a proportionate reason to compensate for the risk taken."

**683. Probabiliorism.**—The arguments in favor of Probabiliorism are as follows:

(a) *extrinsic or from authority.* This system is more ancient, and, when the controversy over systems began in the seventeenth century, this was the one that was most favored by the Church and theologians;

(b) *intrinsic and direct.* An essential note of certitude is that it *should exclude all doubt*, for as long as doubt remains there is only opinion. But one who is undecided cannot exclude all doubt, unless the arguments against the doubts not only balance, but outweigh the latter (*i.e.*, unless one has greater probability on one's side). Hence, he who acts against the safer, which is always certain enough, when his own opinion is not more probable, acts with an uncertain conscience;

(c) *intrinsic and indirect.* In all other matters a man is not prudent if he assents to that which is less safe and less probable. Thus, in things speculative no scholar would think of accepting a theory which to his knowledge was further removed from the truth; in things practical no man of common sense would prefer a road that seemed less likely to lead to his destination. But we should not be less prudent about the good than we are about the true and the useful. Hence, in doubt we should always decide in favor of the law, unless the arguments for liberty are more convincing.

**684.** The answers given to the above arguments are:

(a) Probabiliorism is not more ancient as a system, since none of the moral systems were formulated before the sixteenth century; if Patristic and medieval authorities can be quoted who decided cases probabilioristically, others who were contemporary can be named who decided according to milder principles. Moreover, the passages cited are frequently obscure, and do not necessarily bear a Probabilioristic sense. That Probabiliorism enjoyed more favor at the beginning of the controversy is not wonderful, since other systems were more or less identified with

Laxism, and the question at issue had not been studied thoroughly. Today Probabiliorism has few defenders.

(b) That which is more probable *by far*, or most probable, does overcome all doubt, and is even speculatively certain; but he who would require the more probable in this sense does not differ from the Tutorists spoken of above. That which is more probable, but *not to a notable extent*, does not exclude all doubt, for the very definition of the more probable is "that judgment which appears more likely to be true than another, but which does not exclude all fear that the other may be true." Hence, if Probabiliorism calls for the notably more probable, it does not differ from Tutorism; if it calls for the moderately more probable, it wrongly claims that there is no probability on the opposite side.

(c) The true is that which is in harmony with facts, the useful that which conduces to the obtaining of an end, the good that which is in conformity with law. Certainly, a man is not a prudent seeker of truth if he arbitrarily prefers the less to the more true-seeming, nor a prudent seeker of the useful if he chooses the less safe way of obtaining what is a necessary end; but a man can be a prudent seeker of the good, even though he prefers the less safe and less probable, when the law itself, the norm of good, does not demand more from him. Hence, one who makes a judgment according to the anti-Probabiliorist systems does not feel that he is yielding assent to what is speculatively less probable; but that he is making a decision that is practically certain; not that he is choosing a perilous way, but one that is absolutely safe.

**685. Arguments against Probabiliorism.**—(a) *Theoretical Objection.*—The principle of Probabiliorism that it is lawful to act against the safer side when the less safe side is more probable, cannot be justified except on the ground *that invincible ignorance of obligation exists*, and hence that the law does not oblige. But the same argument can be used in favor of milder systems; for even if the less safe side is only probable, it makes one invincibly ignorant that one is obliged. Hence, the basis of Probabiliorism is fatal to its own claims.

(b) *Practical Objection.*—A system for the direction of conscience should be so simple that it can be easily applied in the everyday affairs of life. Abstract questions may receive attention from moralists for days and months, but concrete cases have to be decided as a rule without delay. But Probabiliorism is such a complicated system that *it is unsuited to everyday life*. St. Alphonsus declares that he found by the experience of many years that this system cannot be profitably used in the guidance of souls, for it imposes an intolerable burden on both confessors and penitents. And how few are so skilled as to be able to decide quickly, without scruples, and correctly about the relative degrees of probability in opposite opinions!

**686. Answers of the Probabiliorists.**—(a) A probable opinion against the existence of obligation does not create invincible ignorance, but only doubt; nor does a more probable opinion against obligation create invincible ignorance, since it excludes the less probable opinion for obligation, and makes *one assent unwaveringly and in good faith*, even though erroneously, to the judgment that one is not bound.

(b) It is no more difficult to decide what is more probable than to decide what is equally probable, or truly and solidly probable; nor is the same skill and attention expected in all persons and cases, but each person must judge according to the best light he has, and each case must receive the measure of attention its importance calls for. If Probabiliorists may become scrupulous, may not Probabilists become lax?

**687.** The debate between Probabiliorism and its adversaries is not often heard today, as most modern moralists give their allegiance either to Equiprobabilism (a modified Probabiliorism) or to Probabilism.

**688. Equiprobabilism.**—The doctrine of Equiprobabilism is a middle way between Probabiliorism and Probabilism. Thus: (a) *it agrees with Probabiliorism* in holding that it is not lawful to follow the less safe, if the safer is more probable, or if the safer is equally probable, and the question is about the cessation of the law; (b) *it agrees with Probabilism* in holding that it is

lawful to follow the less safe, if the safer is only equally probable, and the question is about the existence of the law.

**689.** The principle that "it is not lawful to follow the less safe, if the safer is equally probable and the question is about the cessation of the law," is defended as follows by Equiprobabilists:

(a) In real doubt we should decide in favor of that side which is possession. But, when doubt is about the cessation of a law, the law is in possession; for there is no question that it was made. Therefore, in such a doubt we should decide for the safer side, that is, that the law has not ceased.

(b) A certain obligation is not complied with by a doubtful fulfillment. But doubts about the cessation of the obligation of law usually arise from a probability that one has already fulfilled the law. Therefore in such cases we should decide that the law has not been fulfilled—that is, that its obligation has not ceased.

**690.** The Probabilists reply that: (a) it is not true that, in equiprobability about the cessation of law, the law is in possession; for liberty is naturally prior to law, and hence has possession in doubt; (b) nor is it true that an obligation that has probably been complied with or removed is certain.

**691.** The Equiprobabilists answer: (a) liberty was in possession, until it was dispossessed by the making of the law; (b) an obligation that certainly existed must be held as certainly in existence, until the contrary is proved; whereas a fact, such as dispensation, abrogation, or fulfillment, is not proved if it is only probable.

**692.** The principle that "it is lawful to follow the less safe side, if the safer is only equally probable and the question is about the existence of the law," is defended as follows by Equiprobabilists:

(a) In real doubt we should favor the side that is in possession. But when doubt is about the existence of a law, *liberty is in possession*; for liberty is prior to law. Therefore, in such doubt we may decide that there is no obligation.

(b) An uncertain law does not oblige, if one is invincibly ignorant of its existence. But, when there are equiprobable reasons against the existence of a law, one is invincibly ignorant of its existence. Therefore, in such cases one is not obliged.

693. The principle that "it is not lawful to follow the less safe side if the safer side is more probable," is defended as follows by Equiprobabilists:

(a) In doubt improperly so called—that is, in that condition of mind in which there is no fluctuation between equal arguments, but only some indecision between the more and the less probable—we should decide in favor of the more probable, as being morally certain. Hence, it is not lawful to follow what is less safe and less probable.

(b) A law sufficiently promulgated obliges. But, when it is more probable that a law was made or is in force, such law is sufficiently promulgated to the conscience. Hence, the safer side must be followed, if it is more probable.

**694. Probabilist Criticism of the Foregoing Arguments.—**

(a) If the excess of the more probable over the less probable is so great that the latter is only slightly or doubtfully probable, the more probable is equivalent to certitude; for certitude is assent without fear of the opposite, and the fear of the opposite in such a case would be so slight that it may be considered as non-existent. If the excess is not so great, the less probable remains solidly and certainly probable, and the more probable is not certitude, but opinion (that is, assent with fear of the opposite). The Equiprobabilists are speaking of greater probability in the second sense, and hence they are wrong when they identify it with certitude (see above, 654).

(b) A law must be so promulgated to the conscience that one knows the law or could know it with sufficient diligence; it does not suffice that one can get no further than opinion. It would be unreasonable to oblige one to observe not only what is the law, but also what *seems* to be the law. Now, he who has only more probable opinion that he is bound by some law, does not know that such obligation exists; he only knows that it *seems* to exist.

695. **Reply of the Equiprobabilists.**—(a) The more probable always removes the appearance of truth from the less probable. Hence, he who recognizes an opinion as more probable can assent to it without any fear of error.

(b) One who holds it as more probable that he is obliged by a certain law, does not know for certain that he is obliged by reason of that law; but he does know for certain that he is obliged by reason of a higher law. Superior to every particular law is the general law that nothing may be done that will deprive law of its efficacy. But law loses its efficacy if each one is free to decide that he is not bound even when the greater weight of probability is to the contrary.

696. **General Arguments in Favor of Equiprobabilism.**—(a) *From Authority.*—St. Alphonsus Ligouri, who holds a unique place in the Church as a moralist, preferred Equiprobabilism to every other moral system; and his views are followed not only by his own Congregation, the Redemptorists, but by many others.

(b) *From Comparison with Other Systems.*—Truth lies midway between extremes; for truth is lost either by exaggeration or by defect. But Equiprobabilism is a happy medium between Probabiliorism inclining to Rigorism, and Probabilism inclining towards Laxism. Hence, the relation of Equiprobabilism to other systems is in its favor.

(c) *From the Character of Its Teaching.*—According to principles of justice universally admitted as true, a judge should pronounce sentence in favor of the more probable when there is evidence of *unequal* weight and in favor of that which is in possession when there is evidence of *equal* weight. But these principles ought to be of universal application. Therefore, Equiprobabilism does right in making these the guiding principles for the court of conscience.

697. **Probabilist Criticism of these Arguments.**—(a) St. Alphonsus is one of the greatest moral theologians of the Church. Whether in his later years (1762–1787) he taught Equiprobabilism, is a matter of dispute among those who are familiar with his writings. But there is no doubt that in his mature age

(1749-1762), when he wrote his *Moral Theology*, he was a Probabilist.

(b) Probabilism can likewise claim that it stands midway between the extremes of Rigorism (represented by Probabiliorism and Equiprobabilism), on the one side, and of Laxism, on the other side.

(c) The principle of possession invoked by Equiprobabilism applies to matters of justice, because there is a presumption that he who holds property has a right to it, and also because human laws must favor him who is in possession, lest property rights be left uncertain and disputes be multiplied. The principle of possession does not apply, however, to other matters; if the law obliged one yesterday, how can that create a presumption that it obliges one today, if one has good reasons for thinking the obligation has ceased? And as for human ordinances, while they have jurisdiction over external goods and may award them in case of doubt to the possessor, they have not, and have never claimed, the right to make the principle of possession a rule for solving all difficulties about duty.

The principle of Probabiliorism for which the Equiprobabilists claim the authority of judicial practice certainly does not apply to *criminal* cases, for in these preponderance of evidence against an accused is not to be followed if there is a reasonable doubt. In *civil* cases judges apply the principle of probabiliorism, but it does not follow that conscience should do the same, for the circumstances are different. The judge is seeking to decide which of two litigants has the *more likely* claim, and hence he is bound to declare for the side that has stronger evidence. Conscience is seeking to decide whether an obligation is *certain* or *uncertain*, and hence it is not obliged to decide for obligation when this is more probable, but still not certain.

**698. Answer of Equiprobabilists to this Criticism.**—(a) Granted that St. Alphonsus once held Probabilism, he rejected it later emphatically, and when dying declared that his former defense of Probabilism was the only thing that gave him anxiety.

(b) Equiprobabilism is further removed from Rigorism than Probabilism is from Laxism. It hears both sides of the question

—that for liberty and that for law—before it decides. Probabilism is satisfied to hear one side, that for liberty; or at least it does not compare the two sides.

(c) The principle of possession is applied more strictly in cases of justice; for, since justice implies a more exact equality and a more rigorous right than other virtues (see 154), disputes in matters of justice demand stronger proofs. But every virtue renders to someone his due, and hence there is no reason why principles applicable to justice should not be applicable to other virtues also. The principle of Probabiliorism, likewise, is just as applicable to the court of conscience as to the civil court, since in both courts the aim is to get the truth as nearly as possible.

**699. General Arguments Against Equiprobabilism.**—(a) *Theoretical Objection.*—If we judge Equiprobabilism by its arguments, we find it unconvincing, for that which is old in it does not agree with that which is new, and that which is new argues equally well for Probabilism. Thus, the old arguments for Probabiliorism mean in the last analysis that the greater probability deprives the opposite side of all solid probability; logically, then, one should conclude that equal probability deprives both sides of all solid probability, since one neutralizes the other. The new arguments are drawn from the principles that in doubt one should decide in favor of the side in possession, that a doubtful law does not oblige, etc.—all of which principles, as we shall see, favor Probabilism.

(b) *Practical Objection.*—If we judge Equiprobabilism by its adaptability for use, we find it wanting. A moral system should be one that can be easily understood and applied, otherwise it is unworkable and useless. But Equiprobabilism is so complicated and abstruse that even the professional theologians who hold it are often at a loss how to apply it, and are found to give inconsistent decisions. How can it be expected, then, that anyone else will be able to decide whether the law or liberty is in possession, whether the degree of probability on one side is greater than or equal to that on the other, whether the question has to do with the existence of the law or its cessation, etc.?

**700. Replies of the Equiprobabilists.**—(a) The old (*i.e.*,

probabilioristic) principles of Equiprobabilism are not contrary to the new. A more probable opinion not only balances the opposition by its equal arguments, and thus puts away doubt, but it also wins assent by the surplus in its favor, and thus certitude is had. When the two opposites are equally probable, there is a state of true doubt, but certitude is had by recourse to the principles of possession and doubtful law. These principles proper to Equiprobabilism do not favor Probabilism, if one is impartial in one's use of them, and willing to use them against as well as for liberty.

(b) Equiprobabilism is not more difficult in its application than Probabilism. It does not require that one determine minutely and exactly the greater or equal probability of the arguments for law and for liberty, or that one devote extraordinary diligence to the solution of the problem. All it requires is that one consider the matter seriously, weigh the arguments on both sides impartially, and decide to the best of one's ability which side appears to be more probable or to have the presumption in its favor.

**701. Probabilism.**—The meaning of Probabilism can be seen from a comparison with the opposite systems. (a) Unlike Probabiliorism and Equiprobabilism, Probabilism does not require a greater or equal probability, but permits one to follow what is less probable; (b) unlike Laxism, it does not allow one to follow what is only slightly or uncertainly probable, or to apply the system to all cases of doubt.

**702.** A judgment is probable when it is supported by arguments that make it seem true, although there may remain reasons for doubt. Examples are conclusions based on analogy, on hypothesis, on the opinions of others, or on the calculus of probabilities.

**703.** Probability is of various kinds. (a) It is *absolute* or *relative*, according as the supporting reasons are grave, either when considered alone, or when compared with the objections. Even the Probabiliorists admit that an opinion that is merely probable may be followed, if it is solidly probable and there is no argument against it (see 649). (b) We have *solid* or *slight*

probability, according as the supporting motives are or are not such as would move, if not convince, a prudent man—that is, a man who shows good judgment in most things. (c) We have *certain* or *uncertain* probability, according as a person is sure or not, after reasonable consideration, that the arguments seem valid and the opinion likely. (d) Probability is *internal* or *external*, according as the arguments are drawn from the matter at issue itself (*i.e.*, from its nature, properties, causes, effects, etc.) or from the authority of the doctors who have defended an opinion.

**704.** Relative probability according to logicians remains even when a lesser is compared with a greater probability. (a) If the opposing arguments are drawn *from different sources*, the more probable does not attack the less probable, and hence does not weaken its probability. Example: An intrinsic argument has more weight than a mere appeal to authority, but it does not attack the opposite argument, and hence does not diminish its probability. (b) If the opposing arguments are drawn *from the same source*, each one weakens the opposite, since there is direct opposition. But the more probable does not destroy the less probable, since, in spite of the greater appearance of truth on the one side, there still remains room for the possibility that the other side may be true.

**705.** A moral judgment is *solidly* probable when the following conditions are present:

(a) For the judgment there must be an intrinsic or extrinsic argument that would be considered weighty by a prudent man. Example: An opinion that has the support of a universally acknowledged authority is strongly probable, whereas, if it has only the support of one obscure writer, it is only slightly probable.

(b) Against the judgment there must be no decisive argument from authority or reason. Example: The judgment that a certain course of action is lawful because St. Alphonsus permits it, is ordinarily solidly probable; it is not probable, however, if the opinion of St. Alphonsus (*e.g.*, that Catholics may act as sponsors in non-Catholic baptisms) has been disallowed



by the Church, or if the argument he uses (*e.g.*, that concerning the amount that constitutes grave matter in theft, which reasons from conditions in his day) is not strong.

(c) The arguments for the judgment must retain their probability, if they are set over against the arguments for the opposite. Manifestly, if the arguments are all satisfactorily answered by the opposite side, the judgment based on them ceases to retain the appearance of truth. Probabilism does not require, however, that one determine the relative degrees of probability in opposite opinions.

706. It is not sufficient according to the Probabilists that another be certain of the probability of an opinion; but the person who follows the opinion must himself be certain that it is solidly probable.

707. Regarding the kind of authority necessary to make an opinion solidly probable from external evidence, Probabilism teaches:

(a) that *absolute* probability (that is, such a weight of authority as would appear strong even to the most learned) ought to be estimated by *quality* rather than quantity—by the learning, prudence, impartiality, and independent study of the authors, rather than by their numbers. If five distinguished moralists arrive by separate study at the same conclusion (*i.e.*, that an opinion is probable), or if one of special reputation in a matter under question supports the probability of an opinion, the argument from authority is strong;

(b) that *relative* probability (that is, such a weight of authority as suffices for one who is unlearned, such as a child, a halfwit, an uneducated person) is had sufficiently through the word of only one person who is looked up to as a guide or instructor, such as a parent, confessor, or teacher.

708. Probabilism supposes that one regards the opinion one follows as truly probable, and that one is convinced that it is lawful to follow such an opinion. Hence, the system does not apply in certain cases.

(a) It does not apply to cases in which there is *no proba-*

*bility* on either side—that is, to cases of negative doubt (see 656 sqq.), whether the doubt be of law or of fact.

(b) Probabilism does not apply to cases in which there is *only slight or uncertain probability* for the less safe side. Example: Caius has heard that a certain novel opinion is defended by a recent author, but he is uncertain of the author's standing as a theologian, and he realizes that the fact that a man has written a book does not make his ideas solidly probable.

(c) Probabilism does not apply to cases in which there is *solid probability* for the less safe side, but one doubts whether one can lawfully follow it; for it is always sinful to act with a doubtful conscience (see 641 sqq.). Example: Caius has read in a reliable work of theology that a person in certain circumstances, which are his own, is probably excused from Mass. But the word "probably" makes him uncertain whether he can follow this opinion.

709. For the above-mentioned cases, to which their principle does not apply, Probabilists refer to the rules for a doubtful conscience (see 656 sqq.). The following special rules are given for cases of negative doubt:

(a) If the doubt is one of *law and insoluble*, one is free to act; for it is a general principle that an act may be considered lawful, as long as there is no serious reason to the contrary. Example: Sempronius goes out into the country on Sunday afternoon. An opportunity to fish presents itself, but Sempronius begins to doubt whether there is or is not a church law against fishing on Sundays. As no argument for either side is known to him, he may act on the general principle that what is not forbidden is lawful.

(b) If the doubt is one of *fact and insoluble*, and a *prohibitory law* is involved, one is free to act; for it is commonly admitted that legislators do not intend their prohibitions, which are restrictions of liberty, to be interpreted with the utmost rigor. Example: Titus is eating a chicken dinner late on Thursday night when his watch stops. As he has no way of discovering the time, he does not know whether Friday or the end of

the dinner will arrive first. He may continue the meal, making no undue delays.

(c) If the doubt is one of fact, and a preceptive law is in question, one must take reasonable precautions to settle the doubt; for the lawgiver wills that those who are subject to the law should make use of the ordinary means to learn the facts on which obligation depends (see above, 384). If the doubt remains insoluble, one may decide in favor of liberty; for it may reasonably be presumed that the legislator does not intend to obligate those whose obligation remains uncertain. Example: Caius doubts whether he has reached the age of sixty, when the obligation of fasting ends. He should try to discover his real age; but, if he can find no real proofs either for or against the age of sixty, he may decide in favor of sixty, if there are some indications that he is of that age.

710. The solutions given above for cases of negative doubt suppose that there is no other or higher law that forbids one to take the risk of deciding in favor of liberty. Hence, in the following instances one must decide against liberty:

(a) in negative doubts when the validity of acts is at stake. Example: Titus is uncertain whether the law requires the age of fourteen for a valid contract of marriage; he is also uncertain whether he is fourteen years old. The doubt of law and of fact does not excuse Titus from the law, if he wishes to marry. He must clear up the doubts, and if necessary he must secure a dispensation;

(b) in negative doubts when reasons of charity or justice forbid one to take risks. Example: Caius is uncertain whether he paid Sempronius for work done for him. He is bound to make inquiries about the matter.

711. Probabilism cannot be applied, therefore, when the mental state of the subject is doubt, weakly founded opinion, or practical uncertainty. But, even when one holds an opinion as solidly and certainly probable, one may not follow it as a moral guide, if there is something in the nature of the object or matter itself which forbids this.

(a) A probability of law favoring liberty may not be fol-

lowed in those matters in which some natural, divine or human law requires one to follow the safer side (see cases enumerated above, 678, 661). Example: The following opinions are probable: that instruction regarding the Trinity and the Incarnation is not indispensable for salvation; that rye-bread is valid matter for the Eucharist. But in practice it would be unlawful to take the risk of following these opinions, except in cases of extreme necessity, when nothing else can be done.

(b) A probability of fact favoring liberty may not be followed so long as there remains nothing more than probability of fact; for, while the will of the lawgiver may on account of probability of non-obligation change one's relation to the law from obligation to non-obligation, it does not change facts. Examples: On Friday Titus doubts whether a dish before him is meat or fish; probably it is meat on account of its appearance, probably it is fish on account of its odor. At night Fr. Caius is much fatigued, and doubts whether he has said Vespers. Probably he did not, because he cannot recall what feast will be celebrated tomorrow; probably he did, because he remembers having said Compline.

712. For probabilities of fact, to which as such their system does not apply, Probabilists offer the following solutions:

(a) In certain cases one may take from the doubt of fact its bearing on obligation, by recourse to the manifest will of the legislator as declared in the law itself or expressed through dispensation. Examples: While hearing confessions, Sempronius doubts whether his jurisdiction has already expired. He cannot recall the date of expiration, but, thinking the matter over, he sees that probably the date has not arrived. His difficulty is therefore solved, for the Code (Canon 209) supplies jurisdiction in cases of probability of fact. Titus and Caia wish to marry. There is a doubt whether or not they are first cousins, but it seems that probably they are not so related. Their difficulty is solved by obtaining a dispensation.

(b) In other cases one may change the probability of fact into a probability of law by recourse to a probable opinion or argument that under the existing doubt of fact the legislator

does not wish the law to oblige. Examples: Titus, who has what is probably lawful food before him, argues with himself that it is not likely that the Church wills to put him to the expense, trouble, and loss of time required to order other food. Fr. Titus, who has probably said Vespers, argues that theologians of authority teach that, when there is a serious reason for thinking one has performed such an obligation, it may be presumed that the Church does not require more.

713. If a case of probability of fact on which obligation hinges cannot be solved by recourse to the expressed or inferred will of the lawgiver, one has no choice but to follow the safer side, for then, though it is probable that a certain thing is a fact, it is not probable that one has a right to act. Example: Sempronius, while hunting, sees an object moving in the bushes. The probabilities are that it is not a human being, but it is not probable that Sempronius has the right to risk homicide by firing at it.

714. Not all Probabilists use the principle of *the presumptive will of the lawgiver* for all cases of negative doubt; some employ different principles for different kinds of doubt, and sometimes arrive at other decisions than those given in the preceding paragraphs. Thus, they give such rules as the following:

(a) In negative doubt of law regarding *the lawfulness of an act*, use the principle that law or liberty should be followed according as one or the other is in possession (see 660). Example: He who has only slight reasons for thinking that a law exists, or that it is of grave obligation, or that it extends to his case, etc., may decide against the law. But he who has only slight reasons for thinking that a law has been abrogated, or that a dispensation has been granted, etc., must decide for obligation.

(b) In negative doubt of law regarding *the validity of a past act*, use the principle that what was done is to be held as rightly done. Example: He who has no reasons, or only trifling ones, for thinking that a Sacrament was not administered validly or received validly, should decide for validity.

(c) In negative *doubts of fact*, use the principles that one should judge according to what usually happens, or that facts

must not be taken for granted but must be established, or that presumption favors that which has possession. Examples: If there is no good reason to think that a conscientious person gave consent to a temptation, one may decide for the negative, since that would usually be true. If there is no good reason to think that one has made a vow, one may decide for the negative, since the burden of proof is with the other side. If, in a question about fast and abstinence, it is uncertain whether or not a person has reached twenty-one years, or whether Friday has commenced, the presumption is for the negative, since liberty has been in possession; but if it is uncertain whether a person has reached the age of sixty or whether Friday has ended, the presumption is for the negative, since the law has been in possession.

715. Having discussed the cases to which Probabilism is not extended, we pass on to the cases to which it is applied. Probabilism is used in any and every case where speculative certainty as to what is lawful or unlawful is not had, but where there is only speculative probability against an opposite probability.

(a) Probabilism is used not only in probability of *law*, but also in probability of *fact* that can be reduced to probability of law, as was explained above (see 712).

(b) Probabilism is used in probability of law, whether or not the question be about the *existence* or the *cessation* of the law. There is probability *against existence of law*, when one has good reason to think that a law was not made or not promulgated, or that the time when it goes into force has not arrived, or that it does not apply to certain persons or circumstances, etc.; there is probability *for cessation of law*, when it is certain that a law did exist, but one has good reason to think that it ceased or was abrogated, that one is excused or dispensed from it.

(c) Probabilism is used in probability of law, whether the law in question be *natural, divine* or *human*—that is, in every case of law where invincible ignorance is possible (see 319 sqq., 356).

716. The claim of Probabilism is that, in all the cases given above, he who follows an opinion excusing him from obligation, may act with a practically certain conscience and be free of all

moral guilt, if the opinion is theoretically and seriously probable. The arguments for this thesis are of two kinds: (a) *extrinsic proofs*, from the approval given Probabilism by the Church and the favor it has enjoyed among moralists; (b) *intrinsic proofs*, from the nature of law and obligation, and the superiority of Probabilism in practice.

**717. Extrinsic Arguments.**—(a) The Church gave explicit approval to Probabilism by praising the theological works of St. Alphonsus in which Probabilism is defended; she gave and continues to give implicit approval by the freedom she has granted to the teachers of this system from the days of Bartholomew Medina, its first expounder (1527–1581), down to the present. The Church even makes use of the principles of Probabilism in interpreting her own laws, as is evidenced by such rules of law as the following in the Decretals: “Things that are odious should be understood strictly, things that are favorable widely” (Rule 15); “Where the law is doubtful, follow the minimum” (Rule 30); “Where the lawgiver could have spoken more clearly, the interpretation should be against him” (Rule 57); “The kinder interpretation should be given penal laws” (Rule 89).

(b) In the Patristic and medieval periods Probabilism had not been scientifically formulated, but many of the Fathers and early Doctors solved cases probabilistically, and there are not a few passages in the great theologians before the sixteenth century which enunciate the same principles as those advocated by Probabilists. When the system was formulated by Medina in 1577, it met with universal favor among Catholic moralists, and, though it suffered an eclipse from the middle of the seventeenth to the middle of the eighteenth century, it has been growing in influence since the days of St. Alphonsus, and appears today to have recovered its former preëminence. Among its adherents are some of the greatest names in the history of theology, and it is not confined to any particular school or body.

**718. Objections of Equiprobabilists.**—(a) The praise given to St. Alphonsus by the Church reflects no glory on Probabilism, since the Saint rejected Probabilism and professed Equiprobabilism. Further, more than one Pope, and especially Innocent

XI (1676–1689), has expressed a dislike for Probabilism, while the silence of others does not mean more than toleration. The legal axioms used by canonists apply to the external forum, and cannot be used equally in the forum of conscience. (b) Probabiliorism had the field before Probabilism, having been formulated and defended before Medina appeared, and it is that more ancient system that is represented today in a milder form as Equiprobabilism.

**719. Answer of the Probabilists.**—(a) St. Alphonsus teaches Probabilism in his *Moral Theology*, which is his chief work; if later, in his old age, he was an Equiprobabilist, it can be shown that the change was not free, but under compulsion. As to Pope Innocent XI, he is the only Pope who expressed disapproval of Probabilism, and even he refrained from any official pronouncement. The fact that hundreds of works written by Probabilists since the sixteenth century have not been censured or forbidden by the Church authorities, indicates more than mere toleration.

(b) Probabiliorism, as a systematized method, preceded Probabilism as a systematized method only by a brief interval, if at all. Before the 16th century neither of these systems had been formulated, and neither can make much of the argument of priority in time. As for Equiprobabilism, it is first seen in the writings of Christopher Rassler (about 1713) and of Eusebius Amort (1692–1775).

**720. Intrinsic Arguments for Probabilism.**—(a) *Theoretical Argument.*—An uncertain law does not oblige. But a law is uncertain if there is a solidly probable opinion against its existence, or for its cessation, even though the other side be equally or more probable. Therefore, he who follows such an opinion does not violate any obligation.

(b) *Practical Argument.*—Probabiliorism and Equiprobabilism impose on confessors and the faithful impossible burdens, since, as was explained above (see 683 sqq.), they require that one compare and weigh probabilities, decide whether or not possession is had by the law or by liberty, etc.; whereas Probabilism is simple and easily applied, requiring only that one be

convinced that one's opinion is really probable, and that one use it in good faith.

721. The proposition that an uncertain law does not oblige (saving cases of validity, etc., as above, 678), is defended as follows:

(a) If the uncertainty arises *from the law itself*, because it has not been clearly worded or sufficiently promulgated, the truth of the proposition is manifest, for the very nature of law requires that it be brought to the knowledge of those for whom it is made (see 285).

(b) If the uncertainty arises *from the invincible ignorance* of one who is subject to the law, the proposition is true in the sense that no one is a transgressor in the internal forum who fails against a law unwittingly (see 327, 489 sqq.). But an act that transgresses no law is lawful in conscience, for all that is not forbidden is lawful.

722. The adversaries of Probabilism offer the following criticism:

(a) As to the proposition that "an uncertain law does not oblige," the use of this principle by Probabilism may be considered as a *begging of the whole question*; for what is in dispute is whether, in case a law is uncertain, there is or is not a higher law that requires one to decide for obligation. It can be shown, however, that there is such a higher law; for the legislator cannot be willing that his ordinances be at the mercy of every uncertainty or loophole which subtle minds can devise, and God cannot be willing that those who are subject to laws should expose themselves to sin by deciding against a law because it appears to them to be of doubtful obligation.

(b) As to the proofs given for that proposition, they proceed from an *incomplete enumeration*, for a law can be doubtful on account of vincible ignorance, as well as for the reasons given. And no one will maintain that vincible ignorance excuses.

723. The Probabilists reply: (a) The principle that "an uncertain law does not oblige," cannot render law nugatory, since there is question here only of honest doubt, not of pretended or responsible ignorance. Neither can that principle

expose one to the danger of formal sin (see 249), since it is supposed that he who follows it is convinced that it is true, and that he has the right to regulate his conduct by it. It does expose to the danger of material sin (see 249), since the law about which there is uncertainty may be existent; but we are not obliged to avoid every danger of material sin, else we should be under the intolerable necessity of fulfilling not only all certain, but all uncertain duties. Moreover, the danger of material sin is not avoided by any moral system except Tutorism, since even equiprobable and more probable opinions may be false.

(b) The enumeration of cases of doubtful law is sufficient; for, as just remarked, only those cases are being considered in which one is judging about one's duty in good faith.

724. The second proposition used above as the Minor of the argument for Probabilism—that "a law is uncertain whenever there is a solidly probable opinion against its existence or for its cessation"—is defended by the very definition of the term "uncertain."

A thing is said to be accepted as certain when one yields it firm assent and has no serious misgivings that it may be false; hence, the uncertain is that which is not assented to firmly (the doubtful), or that which does not exclude serious doubts about its truth (matter of opinion). Now, a law whose existence or obligation seems likely, but against which there militates a solidly probable argument, is not so firmly established as to inhibit every prudent doubt. In other words, such a law is uncertain.

725. Criticism of the Argument in the Preceding Paragraph.

—(a) The supposition on which the argument rests is false. It supposes that the interpretation of the legal axiom that "a doubtful law does not oblige," should be drawn from the philosophical definition of the terms, whereas it should be drawn from the sense given it by other rules of law. Now, there are canonical rules which declare that in doubt one should follow that which *has possession*, or that which *seems more probable*. Hence, the axiom quoted by the Probabilists refers only to cases of *negative doubt*; the other two rules refer to cases of doubt in the wide sense, or to cases of *opinion*; otherwise, we should

have to admit that these legal maxims are contradictory, one to the other. Thus, it appears that Probabilism is based on a principle formulated to solve difficulties of an entirely different kind from those which the system deals with.

(b) The argumentation itself is fallacious. It takes for granted that an opinion is certainly and solidly probable, not only when it has no opposite or when its opposite is less probable, but also when its opposite is equally or more probable. This cannot be. Solid probability on the other side of a question must create doubt about an opinion held, and so make it at best *uncertainly* probable or *probably* probable; while greater likelihood or presumption on the other side must make one's own opinion appear imprudent and unworthy of a rational being, and therefore *not solidly* probable.

726. The Probabilists answer: (a) The two principles with reference to doubtful law are understood and proved by Probabilism by an analysis of the notions of obligation and incertitude (see 285, 654), and hence they apply to every case that is restricted to the question of probable lawfulness or unlawfulness.

The rules quoted against Probabilism—there are some that might also be quoted against Probabiliorism and Equiprobabilism—are opposed to it only in appearance, since they deal with matters that are outside its sphere (see 697). Thus, in civil cases when both ownership and possession are doubtful, the decision must be given for the more probable side, since the issue is not what is lawful, but what seems to be true. As to the principle of possession, it is not, as supposed, unfavorable, but favorable to Probabilism; since liberty, inasmuch as it is presupposed by obligation (for only those who have freedom can receive obligation), has priority and must be given the benefit of the doubt, whenever a strictly probable reason in its favor cannot be refuted.

(b) Solid probability for the law creates doubt of the *truth* of the opinion for liberty, but it does not create doubt of its *probability*; for truth is the agreement of one's judgment with the facts, probability the appearance of such agreement on

account of the arguments by which the judgment is supported. Hence, greater probability for law does not make uncertain the probability there is for liberty. Neither is it a sign of imprudence to accept the less probable, if one has sincerely and diligently sought the truth; for even the more probable may not be true, and the great majority of moralists hold that one is not obliged to follow it.

727. Criticism of the Pragmatic Test Offered by Probabilists.—Probabilism boasts of the ease with which it can be used (see 700, 720); but the ease with which it can be misused is greater still.

(a) Persons *not inclined to piety* must quickly fall into laxism, if they make use of this system, for they will accustom themselves to find every sort of pretext to escape unwelcome duties by raising doubts and dignifying them with the name of probable opinions; they will follow, now one opinion, now its contrary, according as it suits their interests; they will become stubborn in their own views, and unwilling to change or accept instruction.

(b) Persons *inclined to piety*, if guided by Probabilist principles, will soon lose all interest in what is higher and better, and content themselves with the minimum; for in every case of uncertainty Probabilism permits one to choose what is less safe and less probable.

728. General Answer of the Probabilists to the Objections of the Preceding Paragraph.—(a) The *history of Probabilism* contradicts these objections. From its beginning to the present day it has been defended and followed by men noted for piety, who used kindness towards others, but were severe with themselves. While the principles of stricter systems have proved a torture both to confessors and penitents, no detriment to holiness is observed from the use of Probabilism.

(b) The *nature of Probabilism* refutes the objections in question. There is no system so good that it may not be perverted and turned to evil, and stricter systems have been converted into Tutiorism or Rigorism. But the logical and usual results of Probabilism are not a lowering of moral standards. If these

evils follow it, they do so only when it is not rightly understood or not rightly applied.

729. The charges of a tendency to Laxism are thus answered:

(a) Probabilism holds that *only learned theologians* are judges of internal probability. Others must not decide for themselves, but must seek instruction from their spiritual guides who have competent knowledge. The moralists themselves must not be so wedded to their opinions that they are not always ready to change when they find they are wrong or learn that the Church does not admit their view.

(b) Probabilism permits one to use contrary probable opinions *in different instances* (e.g., to use for one will or testament the opinion that informality makes it invalid, and for another will the opinion that informality does not make it invalid); but it does not permit contrary opinions to be used *in the same case* for one's advantage (e.g., to use the opinion that an informal will is valid, in order to secure an inheritance, and at the same time to use the opinion that it is invalid, in order to escape the payment of legacies).

(c) Probabilism does not sanction the use of a probable opinion, unless it has been examined without prejudice, and has been honestly judged to be of certain and solid value (see 703 sqq.). Neither does it approve of the conduct of those who put themselves voluntarily in a state of doubt. On the contrary, it considers such conduct as sinful, and as gravely so, if the matter be serious and if this occur frequently. Example: Titus is uncertain whether three hours remain before Communion time, and yet he takes some refreshment, and thus makes it doubtful whether he has the right to receive Communion. The principle that a doubtful law does not oblige will enable Titus to receive Communion, but it does not excuse him from venial sin in putting himself without cause in a state of doubt and in danger of material sin.

730. The charge of a tendency to minimism in spiritual matters is thus answered: Probabilism deals only with what is lawful, not with what is better; it aims to show only what one may do without sin, not what one ought to do in order to become

perfect. Hence, it is used when there is question of imposing obligations, or of deciding whether a certain course is lawful; for in these matters one must be kind, lest by exceeding one's authority one drive others to sin; but it is not used when there is question of giving spiritual advice and direction, for here all should be exhorted to seek after progress in holiness.

731. **Compensationism.**—Between 1850 and 1880 a number of theologians, feeling that there were serious difficulties against all the systems up to then considered, developed a reformed or restricted Probabilism, which would not be open to the criticisms made against ordinary Probabilism, and yet would have those good qualities that make it preferable to the stricter systems. This new doctrine is called Compensationism, because it permits one to follow a probable opinion against the law only when there is present a sufficient reason to compensate for this course of action.

732. The following rules are, therefore, given as restrictions on the use of Probabilism: (a) the more serious or the more probable the doubtful law, the greater the reason must be to justify one in acting against it; (b) the higher and greater the good to be obtained from the exercise of freedom against a doubtful law, the less the reason that suffices for exercising freedom.

733. **Illustrations of the Use of Compensationism.**—(a) Titus, a poor man, is in uncertainty, through no fault of his own, about two debts. He thinks it more probable that he owes \$10 to Sempronius, and 10 cents to Caius; but he believes it is really probable that he has paid both debts. He foresees that, if he offers the money to Sempronius, he will be subjected to serious quarrels and vexations, or at least that very bad use will be made of the money; while, if he offers to pay Caius, the latter may take some slight offense. He decides that there are proportionate reasons in each case to justify his following the less probable opinion.

(b) Fr. Titus thinks that a penitent is more probably bound to ask pardon of one whom he has offended. But he knows that, if he imposes the obligation, the present good faith of the peni-

tent will be changed to bad faith, and he will refuse to do what is imposed. Fr. Titus decides, therefore, that it will be more profitable for the penitent if the less probable opinion—that there is no obligation—be followed.

734. The two chief arguments for Compensationism, which are also the two chief objections it makes against ordinary Probabilism, are:

(a) The obligation of a law depends on the knowledge one has about it. If one knows that the law exists, there is certain obligation; if one knows that the law does not exist, there is no obligation; if one holds it as probable that the law exists, there is probable obligation. Now, since one may not be excused from obligation unless there is a reason proportionate to the obligation itself (see 495), he who is under probable or more probable obligation must have a graver reason for using freedom than he who is under no obligation (against Probabilism), but he need not have as grave a reason as one who is under a certain obligation (against Probabiliorism). Hence, one may not act against a probable law, unless by so doing there is some good secured that compensates for the danger to which the right of the law is exposed.

(b) It is lawful to perform a good act from which an evil effect will result, only if one has a proportionally grave cause for permitting the evil effect (see 102 sqq.). But he who follows the opinion for liberty against a more probable or equally probable opinion for law, performs an act from which will probably result the evil of a material transgression of law. Therefore, one may not use Probabilism unless by so doing there is some good secured that compensates for the danger of material sin to which one exposes oneself.

735. Criticisms from the Probabilists.—(a) The dictum that a doubtful law obliges doubtfully *cannot be applied*, for in actual life there is no middle way between decision for the law and decision for liberty, unless it be indecision. The principle of Compensationism must mean, then, that we must always decide for a doubtful law (which is Tutorism), or remain in suspense (which is no help to the one in doubt).

(b) The supposition that there must always be some *special* reason of good to offset the evil of the danger of material sin is not correct. For there always exists a compensation proportionate to the danger, namely, the exercise of liberty, a great gift of God, and the avoidance of the burden of fulfilling all uncertain obligations.

736. Reply of the Compensationists.—(a) The principle that a doubtful law obliges doubtfully means only that the reasons in favor of the law deserve some consideration, and should not be put aside unless one has some better reason than mere arbitrariness, self-will, or the intention to take always the easier way. There is no question of either Tutorism or hesitation, but only of a prudent and honest facing of the fact that *there are two sides* to one's doubt.

(b) It is not true that the exercise of liberty and the escape from the burden of uncertain obligations are always a sufficient compensation for the danger of material sin. For material sin is not only an evil in itself, as being a violation of law; it is also the source of many and great evils both to the individual and society, such as wrong habits acquired, scandal given, etc. Liberty is a great gift, but it should not become a cloak for malice. Neither is the foregoing of liberty so great an evil that one should not be willing to suffer it now and then in order to prevent the greater evils spoken of just above.

737. Other Objections Against the System of Compensation.—(a) *From Authority*.—Compensationism is of very recent origin, and it cannot be admitted that the right solution of moral difficulties was unknown before this new system appeared.

(b) *From Reason*.—It runs counter to the principle commonly accepted in the controversies of the systems, namely, that the decisive factor as to obligation in doubt is *knowledge*. For it introduces a new factor, that of sufficient reason or *compensation*.

(c) *From Serviceability*.—It is easy to say in the abstract that one should always have a suitable reason for adopting a probable opinion in favor of liberty. But, when one attempts to apply this rule to actual cases, difficulties innumerable arise



(searchings of motives, comparison of probabilities, measuring of consequences, etc.), so that for use Compensationism is impossible, or impracticable.

**738. Reply of Compensationists.**—(a) Compensationism is an example of doctrinal progression from the implicit to the explicit. The principles on which it is based are found in the teaching and practice of the most ancient authorities.

(b) Sufficient reason is not a new principle, since it is admitted by all moralists for the case of double effect (see above, 102 sqq.); its application to the solution of doubts of conscience is not an innovation, since the cases of doubt and of double effect are analogous.

(c) Compensationism is not intended as a system to be applied by those who have not sufficient theological training, but as a guide for moralists, directors and confessors. That it is not difficult, is clear from the fact that it is only an application of the commonly accepted principle of double effect, and that Probabilists themselves recommend it and make very general use of it, as if they instinctively recognized its necessity.

**739. Practical Conclusions.**—From the foregoing discussions one may deduce three rules for the guidance of those who are not expert theologians:

(a) If your state of conscience is certitude (*i.e.*, if you are firmly convinced which way your duty lies), entertain no fears or scrupulous doubts, and, having done your part to understand your obligations, you need not hesitate to follow your conscience.

(b) If your state of conscience is imprudent assent (*i.e.*, the acceptance of what you recognize as unlikely), or if it is suspended assent (*i.e.*, a wavering between opposites), do not act blindly, but seek truth and decision.

(c) If your state of conscience is opinion (*i.e.*, the acceptance of what you regard as likely though uncertain), consult your confessor or another competent theologian; if there is no time for this, decide for any course that seems true and prudent (see on perplexed conscience, 611 sqq.).

**740.** Regarding the respective merits and the use of the rival systems of conscience, the following conclusions may be drawn:

(a) If there is question of what is to be counselled, one should be a "Meliorist," for the better and more perfect is more advisable than what is merely good or lawful. All Christians should be directed to aspire after holiness, but, if one is unwilling to follow a counsel, it should not be imposed on him as a precept. Naturally, of those in higher station higher things are required.

(b) As between doubt and certitude regarding obligations, one must be a "Certitudinist," that is, one must resolve doubts or slight probabilities into direct or indirect certitude (as was explained above in 641 sqq.). If a doubt remains, one must for that case be a Tutorist, that is, one must follow the safer side (as explained in 661).

(c) As between the safer and the less safe, one must be a Tutorist, when some law requires this, as is the case when validity or supreme rights are at stake (as explained in 678, 679).

(d) As between the more likely and the less likely, one must be a Probabiliorist, when this is according to law, as is the case in civil suits where the preponderance of evidence must be followed (see 697).

(e) One may not follow either Tutorism (see above, 676) as a general moral system, nor Laxism (see above, 681).

(f) If a probable opinion for liberty is opposed by no contrary probable opinion or by none whose arguments cannot be overcome, one is free to follow that opinion, as explained in 649, 703.

(g) If a probable opinion for liberty is opposed by an opinion that is less, equally or more probable, one is free to act according to the principles of Probabiliorism, Equiprobabilism, Probabilism or Compensationism, according to conviction.

**741.** As for the use of moral systems by confessors, the two following rules are generally admitted:

(a) If a penitent has formed his conscience according to one moral system, the confessor has no right to impose on him the opinion of a different moral system; for the Church allows liberty.

(b) If a penitent has not formed his conscience according to any moral system and seeks the answer to a moral doubt, the confessor should decide, not necessarily for what his own system declares lawful, but for what appears, all the circumstances being considered, to be most advantageous spiritually for the penitent. Example: Fr. Titus is a Probabilist, and he usually advises questioners to follow opinions that are less probable; while Fr. Caius, who is a Probabiliorist, always requires that such persons follow the more probable opinions. Both act unwisely. For persons who are better disposed, it will often be more profitable to follow what is more probable or favorable to obligation; for those whose dispositions are less good, milder opinions may be recommended, lest the smoking flax of goodness that is in them be entirely extinguished. Neither is it right to impose as certain an obligation which the penitent, if he were acquainted with Moral Theology, would see is controverted.

742. In case of disagreement between confessor and penitent as to whether absolution may be given, whose opinion should prevail? (a) If the disagreement is concerned with matters about which the confessor himself has to judge (*e.g.*, the disposition of the penitent, the requisite matter for absolution, etc.), the opinion of the confessor must prevail; for the act of judging is his own, and he must be guided therefore by his own conviction.

(b) If the disagreement is concerned with matters about which the confessor is not the judge (such as the controversies of schools and theologians), the confessor may not refuse absolution to a well-disposed penitent, just because the latter will not accept the opinion of his school or system. If it be manifest that the penitent's opinion is false or improbable, absolution may be denied him, unless it seems more prudent to leave him in good faith.

## PART II

### SPECIAL MORAL THEOLOGY

743. In the First Part of this work, the means to man's Last End were spoken of *in a general way*; the features that are common to all good acts—that they be human, morally deserving, directed according to law and conscience—were treated. In the present Part the means to the Last End will be discussed *in particular*, and we shall consider in turn the kinds of duties that are owed by all men and those owed by persons in special states of life.

#### Question I

#### THE DUTIES OF ALL CLASSES OF MEN

744. Good habits, specifically different, are all reducible to seven most general virtues (see 150, 151), and hence in studying these seven virtues, we shall at the same time study all the common duties of man.

745. The properties of the seven infused virtues are chiefly four:

(a) In the first place, these virtues may be increased: "This I pray, that your charity may more and more abound" (Phil., i. 9). The increase takes place *ex opere operato* through the Sacraments, or *ex opere operantis* through meritorious works—that is, whenever sanctifying grace, their root, is increased.

(b) A second property of the infused virtues is that they may be lost: "I have somewhat against thee, because thou hast left thy first charity" (Apoc., ii. 4); "Some have made ship-

wreck concerning the faith" (I Tim., i. 19). The loss is caused by the contrary of the virtue: faith is lost by disbelief, hope by despair; charity and the moral virtues are lost by any mortal sin, for they are built on sanctifying grace, which mortal sin destroys.

(c) A third property of the infused virtues is that they cannot be diminished directly. If we leave out of consideration their opposites (which, as just said, remove these virtues entirely), there is nothing else that can act directly upon them. Mere failure to exercise them cannot lessen them, since they are caused by divine infusion, not by human exercise; venial sin cannot lessen them, since it does not lessen grace on which they depend.

(d) A fourth property of the infused virtues is that they are diminished indirectly. Failure to practise them or venial sin does diminish the ease and fervor with which the acts of these virtues are exercised; and thus indirectly—that is, by preparing the way for acts that are directly contrary—neglect or venial sin diminishes the habits themselves.

#### Art. 1: THE VIRTUE OF FAITH

(*Summa Theologica*, II-II, qq. 1-9.)

746. The order of the theological virtues here followed is that given by St. Paul in I Cor., xiii. 13—*viz.*, faith, hope, charity. The order of these virtues is twofold: (a) according to *dignity* the order is charity, hope, faith; (b) according to *time*, the order is that of I Cor., xiii. The habits of these three virtues are infused at the same time (*i.e.*, at the moment when grace is conferred), but their acts are not simultaneous, and one must believe before one can hope or love.

747. **Excellence of the Virtue of Faith.**—(a) Faith is the beginning of the supernatural life, the foundation and the root of justification, without which it is impossible to please God and arrive at fellowship with Him. (b) It is an anticipation of the end of the supernatural life, for by faith we believe that

which we shall behold in the beatific vision: "All these died according to faith, not having received the promises, but beholding them afar off, and saluting them and confessing that they are pilgrims and strangers on the earth" (Heb., xi. 13).

748. **Utility of Faith for the Individual.**—(a) Through faith the intellect receives a new light, which discloses to it a higher world—"the wisdom of God in a mystery" (I Cor., ii. 7)—and which illuminates even this lower world with a heavenly brightness, that man may know more quickly, more surely, and more perfectly the natural truths that pertain to God and duty. (b) The will is strengthened to perform duties valiantly through the motives and examples which faith offers: the patriarchs of old "by faith conquered kingdoms, wrought justice, obtained promises, recovered strength from weakness" (Heb., xi. 33). In adversity faith is a stay and a consolation: "For what things soever were written, were written for our learning, that through patience and the comfort of the Scriptures, we might have hope" (Rom., xv. 4).

749. **Utility of Faith for Society.**—(a) Domestic society is defended in its security and happiness by faith, which teaches the sacramental character of marriage, which offers the model of the Holy Family to Christian homes, which never ceases to declare in the name of God the duties of husbands and wives, parents and children. (b) Without faith and religion civil society cannot be maintained in strength and prosperity. It is faith in God more than laws or armies that gives security to life, reputation, and property, with order and peace at home and abroad.

750. **The Meaning of Faith.**—In Holy Scripture and other religious writings the word *faith* has various meanings.

(a) Sometimes it stands for a promise, or for the quality of being true to one's promises. Examples: St. Paul condemns widows who remarry against their word, "because they have made void their first faith (promise)" (I Tim., v. 12). Speaking of the unbelief of the Jews, he says: "Shall their unbelief make the faith (*i.e.*, fidelity to promise or faithfulness) of God without effect? God forbid. But God is true" (Rom., iii. 3, 4).

(b) Sometimes the term *faith* stands for good reputation, or for confidence in another. Examples: "He that discloseth the secret of a friend loseth his faith (credit, reputation), and shall never find a friend to his mind" (Ecclus., xxvii. 17); "O thou of little faith (trust, confidence), why didst thou doubt?" (Matt., xiv. 31).

(c) Sometimes *faith* stands for truths or doctrines offered for one's belief, or for the assent of the mind to the judgment of conscience or to the revelation of God. Examples: "Thou has not denied My faith" (that is, "the truths revealed by Me," Apoc. ii. 13); "All that is not of faith (*i.e.*, from the firm conviction of conscience) is sin" (Rom., xiv. 23); "Without faith (*i.e.*, assent to the unseen on the word of God) it is impossible to please God; for he that cometh to God must believe" (Heb., xi. 6).

751. It is faith only in the last sense that is known as the theological virtue of faith, and hence with it alone we are here concerned. St. Paul describes this faith as follows: "Faith is the substance of things to be hoped for, the evidence of things that appear not" (Heb., xi. 1). This verse is variously interpreted. (a) According to St. Chrysostom, the meaning is: Faith is the subsistence or anticipated existence in the soul of future blessings that are hoped for, through the firm confidence it gives; it is the conviction of the reality of the unseen. (b) According to St. Thomas, the meaning is: Faith is the substance or basis on which is built the hope of blessedness, or on which rests as on its foundation the whole work of justification; it is an argument producing certainty of that which is not seen. The elements of St. Thomas' interpretation have been incorporated into the Vatican Council's definition: "The Catholic Church professes that this faith which is the beginning of human salvation is a supernatural virtue by which we, with the aid and inspiration of the grace of God, believe that the things revealed by Him are true, not because the intrinsic truth of these things has been perceived by the natural light of reason, but because of the authority of God Himself revealing, who can neither deceive nor be deceived" (Sess. 3, chap. 3, *Denz.* 1789).

752. Thus, faith is an intellectual habit and act, but it differs from all other intellectual habits and acts as follows: (a) it differs from science, vision, understanding, for its object is "the things that appear not"; (b) it differs from opinion, doubt, suspicion, for it is a firm "substance," a certain "evidence"; (c) it differs from human faith or belief resting on man's word and promises, for it is the pledge, beginning and cornerstone of the happiness promised by God Himself.

753. Faith will now be considered according to two aspects: (a) *objectively*, as regards the things that are believed by him who has faith; (b) *subjectively*, as regards the habit and act of the believer which put him in contact with these truths of the unseen world.

754. **The Object of Faith.**—There is a twofold object of faith, *viz.*, material and formal.

(a) The *material* object, or the truth that is believed, includes all that is contained in the Word of God, whether written or handed down by tradition. The principal material object is God Himself as the Deity, or Supreme Truth in Being (*prima veritas in essendo*); the secondary material object embraces all other revealed truths.

(b) The *formal* object of faith, or the motive that prompts one to give assent to the material object, is the authority of God, who is Supreme Truth in Knowing and Speaking (*prima veritas in cognoscendo et dicendo*), and hence He can neither be deceived nor deceive.

755. The material object of faith includes all truths revealed by God; but, since it belongs to the Church to teach those truths, there is a distinction of truths that are revealed by God but not defined by the Church, and truths that are revealed by God and defined by the Church as revealed. Thus: (a) *divine* faith is belief in revealed truth that has not been declared by the Church as revealed; (b) *divine and Catholic* faith is belief in a revealed truth that has been proposed as such by the Church, either solemnly or ordinarily. Example: Dogmas contained in creeds, definitions of Popes or general councils. The Vatican Council has determined the object of this faith: By divine and

Catholic faith all those things must be believed which are contained in the written word of God and in tradition, and which are proposed by the Church, either by a solemn pronouncement or by her ordinary and universal magisterium, to be believed as divinely revealed (*Ibid.*, *Denz.* 1792).

756. The formal object of faith extends to all truths that have been revealed and to no others. Theologians discuss the status of certain truths connected with revelation concerning which the Church is guaranteed infallibility on account of her teaching office. Special difficulties arise in relation to: a) *dogmatic facts*, that is, definitions concerning particular facts closely related to dogma (*e.g.*, that Anglican orders are invalid; that a particular book contains a sense contrary to revelation; that this Supreme Pontiff, legitimately elected, is the successor of St. Peter in the primacy and consequently infallible); b) *theological conclusions*, that is, deductions drawn from revealed truth.

Many theologians teach that both dogmatic facts and theological conclusions when defined by the Church constitute a special object of faith distinct from divine and Catholic faith, namely, *ecclesiastical* faith. Accordingly, for them, *ecclesiastical* faith is the internal assent given to truths connected with revelation and defined by the Church as true, the motive of assent being the infallibility of the Church in her teaching office.

Others deny the existence of such faith and insist a) that dogmatic facts are contained in revealed doctrine implicitly as singulars in universals and hence are believed before definition by divine faith implicitly, and after definition by divine and Catholic faith, b) that theological conclusions before definition are held by theological assent, afterwards by divine and Catholic faith. Some also have maintained that before definition such conclusions belong to divine faith. (For a summary of the various teachings on this problem see Reginaldo-Maria Schultes, O.P., *Introductio in Historiam Dogmatum*, pp. 46 ff; Marin-Sola, O.P., *L'Evolution homogene du Dogme Catholique*).

757. Private revelations, even when approved by the Church, are not an object of divine and Catholic faith, for they form no part of the revelation given to the whole human race that was

closed with the death of the Apostles and committed to the Church. Hence: (a) if they are *negatively* approved by the Church, the approval means only that such revelations contain nothing contrary to faith and morals, and are useful and edifying; (b) if they are approved *positively* (as is the case with the revelations of St. Hildegarde, St. Brigit, and St. Catherine of Siena), the approval means that they appear to be true divine revelations and may be prudently accepted as such.

758. The assent to be given to private revelations, therefore, is as follows:

(a) Such revelations should receive the assent of *divine faith*, if it is certain that they are genuine. This applies to those to whom and for whom they were given, and probably to others also. It rarely happens, however, that the genuineness of a private revelation can be critically established, and the Church does not require that such revelations be accepted by all the faithful. To refuse assent, therefore, to a private revelation is not generally an offense against divine faith.

(b) Private revelations cannot receive the assent of *Catholic faith*, since, even when approved by the Church, they are not proposed as a part of the Christian revelation committed to her care. To dissent from them, therefore, is not a sin against Catholic faith, unless in rejecting them one would also reject defined dogma (*e.g.*, by denying the possibility of revelation).

(c) Private revelations are not offered for the assent of *ecclesiastical* faith, since in approving them the Church does not propose them as necessarily connected with the exercise of her teaching office or under guarantee of infallibility. To dissent from them, therefore, is not a sin against ecclesiastical faith, unless other errors (*e.g.*, against the authority of the Church in matters connected with revelation) are also involved.

(d) Private revelations are offered for the assent of *human faith*, since the Church proposes them to the faithful, if approved, as matters of pious opinion, which are according to the rules of prudence truly probable on account of traditions in their favor, supported by suitable testimony and documents (Benedict XIV, *De Canonizatione Sanctorum*, lib. II, cap. 23;

III, cap. ult.; Sacred Cong. Rites, May 12, 1877, n. 3419, *ad 2*). The Church permits, but does not exact belief in these revelations. One would not be excused, however, who rejected them through pride or contempt, or without sufficient reason.

759. Similarly, although the Church offers for human faith alone certain particular facts of history, one who rejects them may easily be guilty of contempt or temerity. Such particular facts are: (a) apparitions of heavenly beings in post-Biblical times, such as the appearance of the Archangel Michael in Monte Gargano about 525 and the appearance of the Blessed Virgin at Lourdes in 1858, for which the Church has instituted feasts; (b) deeds related in the legends of the Saints, such as the victory of St. Catherine of Alexandria over the pagan philosophers and the carrying of her body to Mt. Sinai by Angels, which the Church inserts in the Breviary lessons; (c) the authenticity of relics. In granting certificates of genuineness, the Church guarantees only that there is sufficient historical evidence or probability for the belief that particular bones or other objects belonged to a particular Saint.

760. Many tenets of the Church, indeed, have not the prerogative of infallibility—for example, decrees of the Popes not given *ex cathedra*, decisions of Congregations made with Papal approval, teachings of Bishops to particular members of the Church, doctrines commonly held by Catholics as theological truths or certain conclusions. These decrees, decisions, etc., receive not the assent of Catholic faith, but what is called religious assent, which includes two things, *viz.*, external and internal assent.

(a) *External assent* should be given such teachings—that is, the homage of respectful silence due to public authority. This does not forbid the submission of difficulties to the teaching authority, or the scientific examination of objections that seem very strong.

(b) *Internal assent* should be given such teaching—that is, the submission of the judgment of the individual to the judgment of the teacher who has the authority from Christ and assistance from the Holy Spirit. This internal assent differs, how-

ever, from the assent of faith, inasmuch as it excludes fear of error, but not of the possibility of error, and it may later on be suspended, called into doubt, or even revoked. Pope Pius X in his *Motu proprio*, "Praestantia Scripturae Sacrae" (Nov. 18, 1907), indicated the binding force of the decrees both of the Pontifical Biblical Commission and of all doctrinal decrees: All are bound in conscience to submit to the decisions of the Biblical Commission which have been given in the past and which shall be given in the future, in the same way as to the decrees which appertain to doctrine, issued by the Sacred Congregations and approved by the Supreme Pontiff; nor can they escape the stigma both of disobedience and temerity, nor be free from grave guilt as often as they impugn their decisions either in word or writing; and this over and above the scandal which they give and the sins of which they may be the cause before God by making other statements on these matters which are very frequently both rash and false. (Reaffirmed by the Biblical Commission on Feb. 27, 1934.)

761. The objects, therefore, which formally or reductively pertain to the virtue of faith, are as follows:

(a) Divine faith has for its object all the truths revealed by God as contained in the Canonical Scriptures approved by the Church, and in the teachings received by the Apostles from Christ or the Holy Spirit and handed down to the Church as Tradition. Private revelations in exceptional cases may also be the object of divine faith.

(b) Catholic faith has for its object all the truths formally revealed in Scripture and Tradition that have been defined as such by the Church. The definitions of the Church are either *solemn* (*e.g.*, those given in the Creeds, *ex cathedra* definitions of the Popes, decisions of Ecumenical Councils) or *ordinary* (*e.g.*, those contained in the universal preaching, practice or belief of the Church, encyclical letters [see *Humani Generis*, n.20]). Equivalent to definitions are the condemnations of error opposed to revealed truths.

(c) According to some theologians ecclesiastical faith has for its object all infallible decisions of the Church about matters

not revealed, but connected with revelation, or necessary for the exercise of the teaching office of the Church. Such are: (i) definitions, that is, definitive declarations of theological conclusions or of dogmatic facts, disciplinary laws made for the entire Church, canonization of the saints, solemn approbation of religious Orders, express or special recognition of Doctors of the Church, declaration of the relation of private revelations to the public revelation; and (ii) *censures*, that is, condemnations of teachings, on account of falsity, as heretical, near to heresy, savoring of heresy, erroneous, rash, etc.; on account of their expression, as equivocal, ambiguous, presumptuous, captious, suspected, ill-sounding, offensive to pious ears, etc.; on account of their tendency, as scandalous, schismatical, seditious, unsafe, etc. Examples: The definitions concerning the sense of the book *Augustinus*, the suitability of the terms "consubstantial" and "transubstantiation," the agreement of the Vulgate with the original Scriptures, the lawfulness of the insertion of the *Filioque*.

(d) Religious assent has for its object all doctrinal pronouncements of the Church that are not infallible, but are yet official and authoritative. Examples are ordinary instructions and condemnations given by Pontifical Congregations and Commissions. The Syllabus of Modern Errors issued by Pius IX was most likely not an infallible or definitive document, although many of the errors it rejects are contrary to dogma, and hence, even apart from the Syllabus, they are to be rejected as opposed to Catholic faith. Likewise, many of its tenets are drawn from encyclical letters. Papal allocutions, radio addresses, and the doctrinal parts of Apostolic Constitutions, in themselves, are in this class.

(e) Respect is due to the judgment of the Church even in non-doctrinal matters and where no obligation is imposed by her, on account of her position and the careful examination given before decision. Example: It would be disrespectful to reject without good reason a pious belief which the Church after mature deliberation has permitted to be held.

762. Though the truths of faiths are many, the duty of be-

lieving imposes no great burden on the believer. Thus: (a) it is not required that explicit belief be given to all the teachings of faith; (b) it is not required that one distinguish the particular kind of assent in case of uncertainty, but it suffices to yield assent according to the mind and intention of the Church. Example: When a group of propositions is condemned under various censures, no indication being made of the censure that applies to particular propositions, it suffices to hold that all of them are false, and that to each of them applies one or more of the censures listed.

763. Faith is divided into explicit and implicit, according as the object believed is unfolded or not to the mind.

(a) Faith is *explicit* regarding any truth, when assent is given to that truth as known in itself and expressed in terms proper to itself. Example: He has explicit faith in the Eucharist who has been instructed concerning the meaning of the mystery, and who assents to it according to that distinct knowledge.

(b) Faith is *implicit* regarding any truth, when that truth is not known or not accepted in itself, but is accepted in another truth. Example: He has implicit faith in the Eucharist who has not yet heard of it, but who accepts all the teachings of the Church, even those he does not know.

764. Faith is implicit as follows:

(a) *Improperly*, faith is implicit, if one does not give assent, but is prepared to give it, if necessary, or wishes to give it. These pious dispositions are not the act of faith itself, but they are its beginnings, or preparations leading up to it; they are good, but not sufficient. Example: A pagan who says he would accept the Christian creed, if he thought it were true, or who wishes that he could believe it.

(b) *Properly*, faith is implicit, if one gives assent to a truth by accepting another in which it is contained, as a particular is contained in a universal (*e.g.*, he who explicitly accepts all the truths of Christianity, implicitly accepts the Eucharist, even when in good faith he thinks it is not revealed), or as an instrument is involved in its principal cause (*e.g.*, he who explicitly

believes in the Redemption implicitly believes in Baptism, which is the instrument by which Redemption is applied), or as means are contained in their end (*e.g.*, he who explicitly believes that eternal life is a reward, implicitly believes that good works must be performed as a means to that end), or as the reality is expressed in the figure (*e.g.*, those in the Old Testament who explicitly believed in the Paschal Lamb, implicitly believed in the sacrifice of Christ of which the Paschal Lamb was the figure), or as the assent of the disciple is bound up with the assent of the teacher (*e.g.*, the child who explicitly accepts as true the doctrines of faith taught by his pastor, implicitly believes the sense and implications contained in the latter's instructions).

765. The points about which explicit faith is required can be reduced to four heads (see *Catechism of the Council of Trent*). These heads are:

(a) The things to be believed: "Preach the Gospel to every creature. He that believeth shall be saved" (Mark, xvi. 15). The Gospel doctrine is summarized in the Apostles' Creed;

(b) The things to be done: "Teach them to observe all things whatsoever I have commanded you" (Matt., xxviii. 20). The Ten Commandments (see Vol. II) are called the epitome of the whole law;

(c) The ordinances to be observed: "Baptize them in the name of the Father, and of the Son, and of the Holy Ghost" (Matt., xxviii. 19). The Seven Sacraments are the sacred instruments through which the merits of the Passion of Christ are applied to the soul;

(d) The petitions to be made to God: "Thus shall you pray: Our Father, etc." (Matt., vi. 9). The prayer (see Vol. II) given us by Christ teaches us both the manner of prayer and the requests that should be offered.

766. Faith in the revelation given by God is necessary for salvation (Heb., xi. 6), but in the usual providence of God faith cannot be had or safeguarded without short formulas of its principal doctrines.

(a) Faith cannot be *received* without such formulas, because, its doctrines being many and frequently difficult and the study

of all Scripture and Tradition being impossible for most persons, a list of short and clear propositions of revealed truths (Creed) is needed that the faith may be proposed and accepted.

(b) Faith cannot be *retained* without such formulas, because, being unchanging in itself and yet for all times and places, its doctrines would be easily corrupted if there were not an official standard (Symbol) by which both truth and error could be at once recognized (I Cor., i. 10; II Tim., i. 13).

767. The formulas of Christian teaching as summarized in the Creeds, since they must be brief and orderly, are divided into short and connected propositions, which are therefore known as *articles*. Brevity being the character of Creeds, not all revealed truths are expressed in them as articles, but only those that have the following characteristics:

(a) An article of the Creed deals with one of the two *main objects* of belief, namely, the end of man, which is eternal life (Heb., xi. 1), and the means thereto, which is Jesus Christ (John, xvii. 3). Other things, which are proposed for faith, not for their own sake, but only on account of their relation to these two main objects (*e.g.*, the wandering of the Israelites in the desert, the details of the journeys of St. Paul, etc.), are not mentioned in the Creeds.

(b) An article of the Creed deals only with those doctrines concerning eternal life and Christ which are in a special manner *unseen or difficult*, for faith is "the evidence of things that appear not" (Heb., xi. 1). Other doctrines which have no special difficulty of their own are considered as implicit in those that express the general mysteries, and hence they are not mentioned. Thus, the three Persons of the Trinity are given distinct articles, because the mysteriousness of the Triune God cannot be reduced to any more general mystery, whereas the Eucharist is not mentioned, as having no mystery that is not implied in the articles on the divine omnipotence and the sanctification of man through Christ.

768. Has there been an increase in the articles of faith?

(a) If by increase is meant the *addition through new revelation of main beliefs* not contained in the primitive revelation,



there has never been an increase in the articles of faith; for from the beginning God made known His own being, which includes the eternal things of God and the end or happiness of man, and His providence, which includes the temporal dispensations of God and the means for the salvation of man (Heb., xi. 6).

(b) If by increase is meant the *addition of new revelations that brought out more clearly and definitely* things contained in previous revelation, there was an increase in the articles of faith from the beginning of revelations down to the end of the Apostolic age. Thus, the nature of God and His purpose as regards the redemption of humanity were brought out ever more distinctly by new revelations in Old Testament times (Exod., vi. 2), and were given in final and complete form by the revelation of Christ (Heb., i. 1; Eph., iii. 5; Heb., xii. 27, 28; I Tim., i. 13).

(c) If by increase is meant a *clearer and fuller explanation* of the revelation once delivered to the Saints, there has been and always can be an increase of articles of faith. Thus, in the Council of Nicæa the Apostles' Creed was amplified; in the Council of Constantinople the Creed of Nicæa was added to, and similarly today or tomorrow the Pope could add new explanations or developments to the Creed, if new heresies or necessities required that the true sense of revelation already given should be brought out more clearly or fully.

769. There are three principal Creeds used by the Church:

(a) the *Apostles' Creed*, which according to an early tradition was composed by the Apostles themselves before they separated to preach the Gospel. It was in use from the first centuries in the Roman Church, which required that the catechumens learn and recite it before receiving Baptism. It is divided into twelve articles;

(b) the *Nicene Creed*, which is used in the Mass and was drawn up at the Council of Nicæa (325) against the Arian denial of the divinity of Christ, and was revised by the Council of Constantinople (381) against the Macedonians, who refused to acknowledge the divinity of the Holy Ghost;

(c) the *Athanasian Creed*, which is used in the Office of Prime and is a résumé of the teaching of St. Athanasius on the Trinity and Incarnation. It was composed in the West some time after the beginning of the fifth century.

770. Summary of the teaching of the First Article of the Creed: "I believe in God, the Father Almighty, Creator of heaven and earth."—(a) "I believe," *i.e.*, I give unhesitating assent to God revealing His mysterious truths; (b) "in God," *i.e.*, the Supreme Being, one in nature and three in persons; (c) "the Father," *i.e.*, our Maker and Provider, from whom also we receive the spirit of adoption of sons; (d) "almighty," *i.e.*, all-powerful, and therefore all-wise and endowed with every other perfection in the highest degree; (e) "Creator," *i.e.*, who freely produced the world out of nothing, without external model or effort of any sort, and who preserves, rules and moves all creatures; (f) "of heaven and earth," *i.e.*, of the world of pure spirits, of matter, and of man, who is at the confines of matter and spirit—in other words, of all finite things, visible and invisible.

771. Summary of the Second Article: "And in Jesus Christ, His only Son, our Lord."—(a) "Jesus," a name given by command of God and meaning "Saviour"; (b) "Christ," *i.e.*, "the anointed," because He was King, Priest, and Prophet; (c) "His only Son," *i.e.*, born of the Father before all ages, God of God, Light of Light, true God of true God, begotten not made, consubstantial with the Father, by whom all things were made; (d) "our Lord," for as God He shares all the perfections of the divine nature, as man He has redeemed us and thus deservedly acquired the title of Lord over us, while as the God-man He is the Lord of all created things.

It should be noted that there is nothing imperfect or carnal in the generation of the Son, or in the procession of the Holy Ghost, for God is a spirit and all-perfect.

772. Summary of the Third Article: "Who was conceived by the Holy Ghost, born of the Virgin Mary."—(a) "Who was conceived." The Only-begotten Son, the second Person of the Trinity, for us men and for our salvation, became incarnate

and was made man. Thus, the same Divine Person is in both the divine and human natures, and the union preserves the properties and the actions of both natures. (b) "By the Holy Ghost." At the moment when Mary consented to the announcement of the angel, the body of Christ was formed in her womb from her flesh, the rational soul was infused, and the divine and human natures were united in the Person of the Word. Thus, Mary is truly the Mother of God. This conception was miraculous, accomplished without the aid of man, through the sole operation of the three Persons of the Trinity. Being an external work of God in which love towards us is especially manifested, the Incarnation is attributed to the Holy Ghost, who in the internal life of the Deity proceeds as the mutual love of Father and Son. (c) "Born of the Virgin Mary." Mary was ever a virgin, before, during, and after childbirth; immaculate and holy in soul; the spiritual Mother of whom Christians are born in holiness.

773. Summary of the Fourth Article: "Suffered under Pontius Pilate, was crucified, dead and buried."—(a) The effect of that which is contained in this article is expressed in the words of the Nicene Creed, "for us." The passion and death of Christ, willed by Himself; accomplished our salvation, as satisfaction, sacrifice and redemption. (b) The manner in which this was brought about is declared in the words above quoted. In His human nature Christ suffered agony and pain of body; He was sentenced to death by the Roman governor and nailed to the cross. His soul and body were separated in death, although the Divinity never departed from either, and His dead body was laid in the tomb.

774. Summary of the Fifth Article: "He descended into hell; the third day He rose again from the dead."—(a) "He descended." After His death the soul of Christ went to the abode of the departed, to liberate those who were there. (b) "Into hell." The name hell is applied in a wide sense to all those secret abodes in which are detained the souls of those who have not obtained the happiness of heaven—viz., the hell of the damned, in which the impenitent suffer eternal pain of loss and

sense; *purgatory*, in which the souls of just men are cleansed by temporary punishments; *limbo*, where the fathers of the Old Testament awaited in peaceful repose the coming of Christ. It was this last abode into which the soul of Christ entered. (c) "The third day"—i.e., on Sunday morning, the third day after His burial. (d) "He rose again." As He had laid down His life by His own power, so He took it up again by His own power. (e) "From the dead." Christ not only returned to life, He also conquered death; He rose to die no more, and thus He is first in the final resurrection. (f) "According to the Scriptures." These words are added in the Creed of Constantinople, to call attention to the fact that the resurrection is the attestation of the truth of our Lord's claims and doctrine (I Cor., xv. 14, 17; Matt., xii. 39, 40).

775. Summary of the Sixth Article: "He ascended into heaven, sitteth at the right hand of God, the Father almighty."—(a) "He ascended." By His own power as God and man Christ ascended into heaven. (b) "Into heaven." As God, He never forsook heaven, the Divinity being omnipresent; but as man, body and soul, He ascended to the abode of glory forty days after the resurrection. (c) "Sitteth at the right hand of God the Father Almighty." Christ is said to *stand* at the right hand of God, inasmuch as He is our Mediator with the Father (Acts, vii. 55; Heb., vii. 25; John, xiv. 2); He is said to *sit* at the right hand of the Father to express the permanent possession of royal and supreme power and glory (Eph., i. 20-22; Heb., i. 13).

776. Summary of the Seventh Article: "From thence He shall come to judge the living and the dead."—There is a particular judgment at death; at the end of the world, of which the time is uncertain, there will be a general judgment, both of the living and the dead. Christ will come a second time, and as Judge will pass sentence either of eternal loss and pain or of eternal happiness.

777. Summary of the Eighth Article: "I believe in the Holy Ghost."—The Third Person of the Trinity is equal to the Father and the Son, proceeds from them both as their mutual love, and

is spoken of, therefore, by appropriation, as the Author of works of grace and sanctification, in which especially the charity of God is manifested: "The Holy Ghost, the Lord and Giver of life, who proceedeth from the Father and the Son, who together with the Father and the Son is adored and glorified, who spoke by the prophets" (Creed of Constantinople).

778. Summary of the Ninth Article: "I believe the Holy Catholic Church; the Communion of Saints."—(a) The Church pertains to the material, not the formal object of divine faith (see 754), and hence it is not said: "I believe *in* the Church." We believe of the Church that she is the visible society made up of the faithful scattered throughout the world, called also the house of God (I Tim., iii. 15), the flock of Christ, the spouse of Christ (II Cor., xi. 2), the body of Christ (Eph., i. 23; Col., i. 24); that besides the Church militant on earth, composed of both the good and the bad, and outside of which are unbelievers and the excommunicated, there is the Church triumphant in heaven and the Church suffering in purgatory; that there are four marks by which the true Church may be recognized—*viz.*, that she is one, holy, Catholic, and Apostolic; that she is divine in her origin and possesses divinely given powers. (b) "The Communion of Saints." The members of the Church have different offices, but there is among them a community of spiritual goods, the Sacraments being a bond of union, and each one profiting according to his condition in the good works done by others. The Church suffering is assisted by our suffrages, while we in turn are helped by the intercessions of the Church triumphant.

779. Summary of the Tenth Article: "The forgiveness of sins."—God forgives all sins, when they are truly repented of, either through Baptism (in case of sins before Baptism) or through the due exercise of the power of the keys given the Church (in case of sins after Baptism). Venial sins may be forgiven by private repentance.

780. Summary of the Eleventh Article: "The resurrection of the body."—The soul is immortal, the body mortal. But at the end of the world the bodies of all the dead, even though corrupted, shall be restored and reunited with their principle of

life—*i.e.*, the soul to which they belonged. Substantially, the risen body will be identical with the mortal body, but it will have certain new qualities corresponding to its new state.

781. Summary of the Twelfth Article: "Life everlasting."—Those who die in the friendship of God will be received into unending happiness, in which they will be exempted from all evil and enjoy the beatific vision and other divine gifts.

782. **The Acts of Faith.**—According to St. Paul, there are two acts of faith, one internal, the other external: "With the heart we believe unto justice, but with the mouth confession is made unto salvation" (Rom., x. 10). (a) The *internal* act of faith is the firm and constant judgment of the intellect assenting to divine revelation (II Cor., x. 5), but freely and under the command of the will (Mark, xvi. 16), being moved thereto by divine grace (Eph., ii. 5). (b) The *external* act of faith is the profession before the world by signs, such as words or deeds, of the internal assent given to divine revelation.

783. The internal act of faith is one, but it has a threefold relationship: (a) it believes *about God*, if we consider the intellect as assenting to the *material object*; (b) it believes *God*, if we consider the intellect as assenting to the *formal object*; (c) it believes *in God*, if we consider the will as moving the intellect to assent, and tending towards God as the *Last End*.

784. The truths to which the assent of faith is given are either supernatural or natural. (a) *Supernatural* truths or mysteries (*e.g.*, the Trinity of Persons in God) are revealed for faith, that man may know, desire and work for the supernatural destiny to which he has been raised. (b) *Natural* truths (*e.g.*, the Oneness of God) are revealed for faith, so that mankind may obtain more quickly, more generally, and more certainly the knowledge of divine things which reason can afford. It is impossible, however, that an act of faith and an act of knowledge should coexist in the same individual about the same truth, for faith is of things that appear not.

785. The act of faith is a necessary preliminary to other supernatural acts, for we do not tend towards the supernatural, unless we first accept it by belief; hence, faith is necessary. But

the act of faith may also be made after other supernatural acts, like those of hope and charity; and so it may be meritorious. (a) The act of faith is *necessary*, both as a means and as a precept (see 360). The necessity of means will be treated now, the necessity of precept later, when we speak of the commandments of faith (see 913 sqq.). (b) The act of faith before justification is *meritorious* congruously and in a wide sense; but after justification it has condign merit (see 110).

786. For all adults the act of faith is necessary for salvation as a necessity of means (see 360), for the Apostle says: "Without faith it is impossible to please God" (Heb., xi. 6). The truths which must be believed under necessity of means are of two kinds. (a) One must believe with *implicit* faith all revealed truths which one does not know and is not bound to know. An act of implicit faith is contained in the formula: "O my God, I firmly believe all the truths the Catholic Church teaches, because Thou hast revealed them." (b) One must believe with *explicit* faith all the truths which one is bound to know. An act of explicit faith in all the truths necessary by necessity of means is contained in the Apostles' Creed. Other truths that must be explicitly believed on account of a necessity of precept will be discussed in 918, 920.

787. What specifically are the truths just referred to that all are bound to know as a necessary means? (a) Theologians generally agree that it has always been necessary for adults to know and accept two basic mysteries—God's *existence*, as the supernatural End or happiness of man, and His *providence* as exercised in supplying the means necessary for supernatural salvation (see 768). Without such belief, supernatural hope and charity, at all times necessary, are impossible. (b) A majority of theologians hold, and with greater probability it seems, that since the promulgation of the Gospel it is necessary for adults to know and accept the two basic mysteries of Christianity—*vis.*, that in God, who is our beatitude, there are three persons (the *Trinity*), and that the way to our beatitude is through Christ our Redeemer (the *Incarnation*).

788. Even before the Gospel, it was always necessary as a

means that one believe explicitly in God as our supernatural happiness and as the provider of the means thereto. Thus, the Apostle, speaking of the ancient patriarchs, says: "He that cometh to God, must believe that He is, and is a rewarder to them that seek Him" (Heb., xi. 6). He that would come to God (*i.e.*, be saved), must believe in God as the Author of glory and of grace. Hence, one must believe: (a) that God exists, who is not ashamed to be called our God, and who prepares for us a better, that is, a heavenly country (Heb., xi. 6); (b) that God is a remunerator, from whom must be expected the working out of His promises and the helps to attain the reward, as well as the meting out of justice. In this faith is included implicitly a faith in Christ, and thus in the Old Testament a belief, at least implicit, in the Messiah to come was always necessary: "Man is not justified by the works of the law, but by the faith of Jesus Christ" (Gal., ii. 16).

789. Since the promulgation of the Gospel (see 342, 354), it is also necessary as a means that one believe explicitly in the mysteries of the Trinity and Incarnation. For he who does not accept these, does not accept the Gospel, whereas Christ says: "Go ye into the whole world, and preach the Gospel to every creature. He that believeth not shall be condemned" (Mark, xvi. 15, 16).

(a) *Theoretically*, this opinion seems *more probable* than the opposite opinion; but chiefly on account of the difficulty about negative infidels, which is discussed in dogmatic treatises on Predestination and Grace, many theologians either reject it (*e.g.*, those who say that belief in the two great Christian mysteries is necessary only as a precept, or that implicit faith suffices), or modify it (*e.g.*, those who say that belief in these two mysteries is not necessary as a means for justification, but only for glorification, and those who say that regularly such faith is a necessary means, but that an exception is allowed for invincible ignorance, or for the insufficient promulgation of the Gospel in many regions).

(b) *Practically*, this opinion is *safer*, and hence all theologians, even Probabilists, hold that one must act as if it were

true and certain, whenever it is possible to give instruction on the Trinity and Incarnation.

790. Knowledge about the mysteries of faith is either *substantial* (by which one knows the essentials of a mystery) or *scientific* (by which one knows also its circumstances and details, and is able to give a more profound explanation of it.). Scientific knowledge is required, on account of their office, in those who are bound to teach the faith, but substantial knowledge suffices for salvation. Hence, for an adult to be saved, it suffices that he have the following kind of knowledge about the four great mysteries:

(a) There is a God who has spoken to us, promising freely that He will take us to Himself as our reward. It is not necessary that one understand such theological concepts as the essence of deity, the definition of supernaturality, the formal and material objects of beatitude, etc.; for many persons are incapable of understanding them.

(b) This God, who will be our reward, is one, but there are three divine Persons—the Father, the Son and the Holy Ghost, really distinct and equal. It is not necessary that one understand the distinction between nature and person, nor subtle questions about the processions and properties.

(c) God provides for us, giving us the helps we need, and also, if we serve Him, the reward He has promised. It is not necessary that one understand the theology of providence, grace, and merit.

(d) Jesus Christ, who is God the Son, became man, suffered and died for us, thus saving us from sin and winning back for us the right to heaven. It is not necessary that one understand scientifically that in Christ there are two natures united hypostatically in the one Person of the Word.

791. Since Baptism is fruitless without due faith in the recipient, it is not lawful as a rule to baptize those who lack substantial knowledge of the four mysteries just mentioned. (a) *Outside of danger of death*, it is never lawful to baptize a person, adult in mind, who is in substantial ignorance of any of these four mysteries. Such a person must first receive instruc-

tion. (b) *In danger of death*, when instruction cannot be given, an adult in substantial ignorance about the Trinity and the Incarnation may be baptized conditionally; for it is probable that explicit knowledge of those two mysteries is not a necessity of means (see 789; Canon 752, §2).

792. Since absolution is invalid if the person absolved is incapable of receiving grace, and since acts of faith in the four chief mysteries are an essential means to justification in adults, absolution given to one who is in substantial ignorance about one of the four mysteries above mentioned is certainly or probably invalid, as the case may be. Absolution certainly invalid is never lawful, but absolution probably valid may in certain cases be regarded as lawful before administration, and as valid after administration. Hence, the following cases must be distinguished:

(a) *Outside of danger of death*, it is not lawful to absolve one who is in substantial ignorance about any of those four mysteries. Such a person should be sent away for further instruction, or given a brief instruction then and there, if there is time.

(b) *In danger of death*, when instruction cannot be given, an adult in substantial ignorance about the Trinity and Incarnation may be absolved conditionally, for the reason given in the similar case of Baptism.

(c) *After the fact*, absolution given to one who was in substantial ignorance of the Trinity and Incarnation, may be regarded as valid, since the opinion that explicit knowledge of these mysteries is not a necessary means, is at least probable. Hence, according to the principles of Probabilism a penitent who made confessions while ignorant of those two mysteries is not obliged to repeat his confessions, since he has probably satisfied his obligation.

793. In the following cases (which would be rare, it seems) Baptism or absolution cannot be administered, even to the dying who are unable to receive instruction: (a) when it is certain that the dying person is substantially ignorant about the existence of God, the Author of grace and glory; (b) when it is

certain that the dying person is substantially ignorant of the Trinity and Incarnation through his own fault, and is unwilling to hear about them.

794. Practical rules for granting the Sacraments in case of doubt or urgency to those who seem to be indisposed on account of substantial ignorance are the following:

(a) In danger of death, when instruction is out of the question, if there is doubt about his ignorance, the dying person should be given the benefit of the doubt.

(b) In danger of death, and when instruction is impossible, if there is doubt about the mental ability of the dying person and his obligation to have explicit faith, he should receive the benefit of the doubt.

(c) In danger of death or other urgent necessity, when instruction is needed and possible, it should be given briefly as follows: "Let us say the act of faith: I believe in one God, the Father, Son and Holy Ghost, who has promised to take to Himself after this life all those that love Him, and who punishes the wicked. I hope to have the happiness of being received into His companionship through the help of Jesus Christ, the Son of God, who became man and died for my salvation." This or a similar instruction should be given by the priest or lay person present in baptizing an adult who is about to die. When there is not immediate danger of death, a person who is baptized or absolved after short instruction on account of emergency, should be admonished of the duty of receiving fuller instruction later on.

795. Faith is the free exercise of the free assent of the intellect to the unseen, an acceptance of obligations and tasks hard to human nature. It is, therefore, an act of homage to the authority of God, and is meritorious: "By faith the ancient patriarchs obtained the promises" (Heb., xi. 33). Is the freedom and meritoriousness of this act of faith lessened if one seeks for other arguments than the authority of God in giving one's assent to revelation?

(a) The merit of the act of faith is not lessened, when one seeks human arguments for the *assent of credibility* which is prior to the assent of faith; for it is only the part of prudence

that one should first assure oneself of the fact that a revelation has been made, before one assents on faith to the doctrines contained in that revelation. Now, the arguments by which one assures oneself of the fact of a revelation are human arguments, such as proofs that revelation is possible and suitable, that there are miracles, prophecies and other signs to guarantee the divine mission of those who delivered the revelation, etc.

(b) The merit of the act of faith is not lessened if one seeks human arguments for the *preambles of faith*, that is, for those divine truths that can be established by natural reason (such as the existence of God, His infinite knowledge and truthfulness). The person who demonstrates these preambles by philosophical proofs, has knowledge, not belief, about them; but the merit of faith is not lost, if, while knowing these truths, he remains willing to accept them on the authority of revelation.

(c) The merit of faith is not lessened, if one seeks human arguments for the *mysteries of faith*, that is, for those truths of revelation that are above human reason (such as the Trinity and the Incarnation), provided these arguments are sought not for the demonstration, but for the *confirmation* or defense of dogma. Nay, a person ought, in so far as he is able, to use his reason in the service of faith, and to do so is a sign, not of little, but of great faith. "Be ready always," says St. Peter (I Peter, iii. 15), "to satisfy everyone that asketh you a reason of that hope which is in you." And St. Anselm says: "It appears to me a sign of carelessness, if, having been confirmed in the faith, we do not take pains to understand what we believe." St. Thomas writes: "When a man is willing to believe, he loves the truth, meditates upon it, and takes to heart whatever reasons he can find in support thereof; and with regard to this, human reason does not exclude the merit of faith, but is a sign of greater merit."

(d) The merit of faith is lessened if one seeks human arguments as the *formal object*, that is, as the motive on which faith is grounded; for then one does not wish to believe, or to believe so readily, on the word of God alone, but feels one must call in other testimony to support it.

The attempt to understand mysteries or to establish them by natural reason is opposed to the humble assent of faith: "He that is a searcher of majesty, shall be overwhelmed by glory" (Prov., xxv. 27); "Seek not the things that are too high for thee, and search not into things above thy ability" (Ecclus., iii. 22); "Faith loses its merit, if it is put to the test of reason" (St. Gregory the Great, *Hom. xxvi*).

796. Besides the internal act of acceptance of revealed truth, faith has also external acts. (a) It *commands* the external acts of the other virtues, that is, acts directed to the specific ends of those virtues. Hence, one who fasts exercises an external act of the virtue of temperance, but it is his faith in the virtue that commands the fast. (b) Faith *elicits* the external act of profession of faith as its own proper external act directed to its own specific end: "I believed, for which cause I have spoken" (Ps. cxv. 10; II Cor., iv. 13). External profession of faith, therefore, is not an act proceeding from faith; it is an act of faith. The necessity of this act will be considered below in the article about the commandments of faith.

797. **The Habit of Faith.**—Faith is not only an act that passes, but it is also a permanent quality or habit conferred by God, one of the "most great and perfect promises" which man must make use of (II Peter, i. 3 sqq.), a charism that is not for a time but for all this life, just like hope and charity (I Cor., xiii. 13). God, who does all things sweetly (Wis., viii. 1), and who has provided for His natural creatures internal powers by which they incline and move themselves towards the ends of their activities, has not done less for those whom He moves to a supernatural destiny; and, in justifying the sinner, He infuses along with grace the supernatural virtues of faith, hope and charity (Council of Trent, Sess. VI, Cap. 6).

798. The virtue of faith is thus defined by the Council of the Vatican: "Faith is a supernatural virtue, by which, with the help of God's grace, we believe the truths revealed by Him, not on account of an intrinsic evidence of the truths themselves, perceived by natural reason, but on account of the authority of God who revealed them."

799. Hence, the virtue of faith has the following properties:

(a) It is *supernatural*, not only because its object and motive are supernatural, but because it proceeds from a supernatural principle, *i.e.*, grace (John, vi. 29; Eph., ii. 8). (b) It is *obscure*, because the believer assents to that which has no intrinsic evidence for him. He does not see its truth as the blessed see God, for "we see now through a glass in a dark manner, but then face to face" (I Cor., xiii. 12). He does not know its truth as he knows evident or naturally demonstrated propositions, for faith is about truths that surpass reason—things "that appear not." This, of course, does not mean that faith is not rightly called a new light added to the mind, and that the motives which call for the acceptance of faith are not evidently credible.

(c) It is *free*, because, although one cannot dissent from that which is evident intrinsically (*e.g.*, that two and two make four), one is able to dissent from that which is obscure.

(d) It is not a process of reasoning, but a *simple act of assent*, in which one accepts at the same time the authority of the Revealer and the truth of His revelation. "Jesus said to her (Martha): I am the resurrection and the life. . . . Believest thou this? She saith to Him: Yea, Lord, I have believed that Thou art the Christ, etc." (John, xi. 25-27).

(e) It is *firm and unshaken* in a far higher degree than the assent of understanding and science, since it rests on the infallible authority of God (I Thess., ii. 13).

800. Before justification, faith exists, it seems, only as an act performed under the influence of actual or transitory grace. After the infusion of habitual grace, faith is a *habit* or infused virtue. But there are two modes of existence characteristic of this one habit, and hence the distinction of living and dead faith (Gal., v. 6; James, ii. 26).

(a) *Living* faith is that which is informed or animated by charity. This latter virtue is called the soul of all the other virtues, inasmuch as it directs them to their supreme end, divine friendship, and gives meritorious value to their works. All those have living faith who join to belief a life in agreement

with belief—that is, the state of grace, love of God and good works.

(b) *Dead* faith is that which is separated from charity. It is a true virtue, because it directs the assent of the intellect to its proper end; but it is an imperfect virtue, because its acts are not directed to the Last End, and are not meritorious of eternal life. All those who believe, but who do not live up to their belief in matters of importance, who neglect serious duties to God or others, have dead faith. Examples are those who call themselves Catholics, but neglect attendance at church and the reception of the Sacraments.

801. Those who have, or who had faith, are the following:

(a) the Angels in the state of probation and our first parents in Paradise, for faith is necessary as a means in every condition short of the beatific vision (see 785, 158); (b) those in this life who are in the friendship of God, and also those believers who are not in the friendship of God, the former having living, and the latter dead faith (see 800); (c) the souls in purgatory, the ancient patriarchs in limbo.

802. Those who have not faith are the following: (a) those who have vision of the truths of faith, that is, the Saints in heaven and Christ while on earth (I Cor., xiii. 10); (b) those who reject obstinately even one doctrine of faith, for, if individual judgment is put above the authority of God even in one point, the motive or keystone of faith, and therefore faith itself, is no longer assented to; (c) the lost, for, being cut off entirely from grace, these possess no virtue infused by God. "The devils believe and tremble" (James, ii. 19), but their belief is not supernatural or free, but natural and unwilling.

803. Of those who have faith, some have greater, and some less faith. Thus, our Lord reproved St. Peter for his little faith (Matt., xiv. 31), and praised the woman of Canaan for her great faith (Matt., xv. 28). But since all are obliged to have *supreme* confidence in God and to accept *all* He teaches, how is there room for different degrees of faith?

(a) Faith must be *supreme appreciatively*, that is, all must put the formal object of faith, the motive of its assent, above

every other motive of assent, for the First Truth speaking deserves more adherence than any other authority. In this respect, therefore, and in the exclusion of every doubt, the faith of all is equal. But faith need not be *supreme intensively*, that is, it is not required that the intellect should feel the assent of faith more than the assent given to natural truth, or that the will must experience the highest alacrity, devotion and confidence; for the truths that are nearer to us move us more vehemently than do higher and invisible truths. Hence, in this respect the faith of one may be more firm or fervent than the faith of another, according as one is more childlike, more loving, more intense in his acceptance of God's Word than another.

(b) Faith must be *universal*, that is, we must accept the entire material object of revelation, and none may pick and choose according to his likes or fancies, for all of revelation has God for its Author. In this respect the faith of all is equal, all believers accepting twelve articles, while those who accept eleven or six or one or none, are not believers. But faith need not be *explicit* as to all its doctrines, and hence, while one believer who is not thoroughly instructed may know only the twelve articles of the Creed, another believer who is better instructed may know the hundreds of other truths that are contained in the articles. In this way the faith of one is greater extensively.

804. Can faith grow or decline in the same person? (a) If there is question of *acts* of faith, the later acts can be more or less firm or fervent than those that preceded, in the way explained in the previous paragraph. In this sense we may understand the Apostles to have asked of our Lord a higher degree of faith, that they might work miracles in His name (Luke, xvii. 5). (b) If there is question of the *habit* of faith, it itself is increased at every increase of sanctifying grace (see 745). St. Paul writes to the Corinthians (II Cor., x. 15) that he has hope of their "increasing faith." Moreover, by repeated acts of faith the ease and delight with which the habit is exercised increases, as is the case with acquired habits. But the habit of faith is not diminished directly as was explained regarding the infused virtues in general (see 745).



805. The means of growing in faith are: (a) prayer to the Father of lights: "Lord, increase our faith" (Luke, xvii. 5); (b) reading of the Scriptures, the Lives of the Saints and other similar works, and attendance at spiritual instructions; (c) frequent acts of faith in the world we see not and its coming rewards; (d) exercise of faith, by directing our thoughts, words, and actions according to the teaching of faith, rather than according to the maxims of the world; for "the just man liveth by faith" (Heb., x. 38), and "faith without works is dead" (James, ii. 20).

806. The cause of faith is God. (a) It is God who directly through revelation, or indirectly through the Church, the evangelists, preachers, etc., "brings the message before man" (Rom., x. 15); (b) it is God who "causes the mind of man to assent" to His message. No matter how persuasive the teacher or how well disposed or learned the hearer may be, faith will not come unless the light of grace leads the way (Eph., ii. 8).

807. The effects of faith are fear of God and purification of the heart. (a) Dead faith causes one to fear the penalties of divine justice, that is, to have servile fear (James, ii. 19): living faith causes one to fear sin itself, that is, to have filial fear. (b) Faith, by elevating man to higher things, purifies his soul from the defilements of lower things (Acts, xv. 9): if faith is dead, it at least purifies the intellect from error; if it is living, it also purifies the will from evil.

808. The Gifts of Understanding and Knowledge.—As was said above (see 159), the Gifts of the Holy Ghost are intended as means for perfecting the theological virtues. There are two Gifts that serve the virtue of faith, namely, the Gifts of Understanding and Knowledge.

(a) Faith, being assent, must have a *right idea* of what is proposed for acceptance; but, as it is obscure (see 799), and as there are things apart from faith that may corrupt our notion of it, the Gift of Understanding is conferred, a simple perception and divine intuition through which one receives a correct notion of the mysteries of faith.

(b) Faith, being the starting point of all supernatural activi-

ties, must be the *norm by which we judge* of what we should think and do in the affairs of life; but, as it is a simple act of assent (see 799) and as the creatures of the world are a temptation and a snare (Wis., xiv. 11), the Gift of Knowledge is given, through which one receives a correct judgment about the things of this world. These then take on a new and fuller significance in the light of the teachings of faith.

809. The Gift of Understanding must not be confused with the Beatific Vision. (a) A *perfect* penetration of the mysteries, which enables one to perceive their essence and causes (*e.g.*, the how and the why of the Trinity), is given by the Beatific Vision; but such understanding removes all obscurity, and is therefore insociable with faith. (b) An *imperfect* penetration of the teachings of faith, which does not take away the obscurity and mysteriousness, is given by the Gift of Understanding, and is therefore sociable with faith. The effects of this Gift are: it distinguishes the truths of faith from false doctrines; it conveys a clear view of the credibility of the mystery of faith against all difficulties and objections; it gives knowledge of the supernatural import of the secondary truths of faith, that is, of those revealed happenings and facts that are not themselves supernatural (Luke, xxiv. 32); it gives understanding of the practical aspect of a mystery—for example, that the intratrinitarian relations of the Divine Persons are a model for the regulation of the Christian life, in knowledge and love of divine things.

810. The Gift of Knowledge, which like the other Gifts is had by all the just, must not be confused with sacred knowledge or theology, nor with the extraordinary gifts of infused knowledge and the charism of knowledge.

(a) The Gift of Knowledge resembles theology in that it reproduces objectively what reason does when it argues from the visible world to the invisible Creator; but, while subjectively theology is the result of study in which one passes successively from premise to conclusion, Knowledge is the result of a divine light that may be found even in the illiterate, and it takes in at a glance all that is contained in a process of argumentation. Through this Gift the wonders of nature, the events of history,

the arguments of philosophy, lead one firmly and spontaneously to the Last End and the supernatural realities of faith.

(b) Infused knowledge may have for its object things *purely natural* (such as truths of philosophy and the ability to speak foreign languages), while the Gift of Knowledge is concerned only with *faith*, judging what is to be believed or done according to faith.

(c) The charism of knowledge (I Cor., xii. 8) is a grace given one *for the benefit of others*, by which one is able to communicate to them successfully the teachings of faith; the Gift of Knowledge, on the contrary, proceeds from the habit of sanctifying grace, and is intended *for the benefit of its recipient*.

**811.** To each of the Gifts of the Holy Ghost correspond Beatitudes and Fruits (see 159).

(a) To the Gift of Understanding corresponds the Sixth Beatitude: "Blessed are the pure of heart, for they shall see God." For by Understanding the mind is pure from wrong ideas of truth, and sees that God is above all that the intellect can comprehend. The two fruits that proceed from Understanding are *faith* (i.e., conviction about revealed truth) and ultimately *joy*, in union with God through charity.

(b) To the Gift of Knowledge corresponds the Third Beatitude: "Blessed are they that mourn, for they shall be comforted." For by Knowledge one judges rightly about created things, grieves over the wrong use made of them, and is comforted when they are turned to their proper end.

#### Art. 2: THE SINS AGAINST FAITH

(*Summa Theologica*, II-II, qq. 10-15.)

**812.** The sins against faith can all be reduced to four heads: (a) sins of unbelief (see 813-886), which are opposed to the internal act of faith; (b) sins of blasphemy (see 887-903), which are opposed to the external act of faith; (c) sins of ignorance (see 904-911), which are opposed to the Gift of

Knowledge; (d) sins of blindness and dullness (912), which are opposed to the Gift of Understanding.

**813. The Sin of Unbelief.**—Unbelief in general is a want of faith. It is of two kinds, negative and positive.

(a) *Negative* unbelief is the absence of faith in a person who has never heard of it at all, or only insufficiently. Thus, the Indians in America before the coming of Christian missionaries were negative unbelievers. This kind of unbelief is a punishment, since it results from original sin; but it is not a sin itself, and those who die in negative unbelief are lost, not on account of this, but on account of sins against the natural law (John, xv. 22; Rom., x. 14). With this kind of unbelief we are not here concerned.

(b) *Positive* unbelief is the absence of faith in one who has heard it sufficiently, so that the lack of it is due to his own fault. This kind of unbelief is, of course, a sin, for it supposes that one is acting against the light one has received.

**814.** Positive unbelief is either a refusal or a renouncement of faith. (a) *Ordinary unbelief* is a refusal of faith, that is, non-acceptance of faith by one who has never had faith; (b) *apostasy*, or desertion, is the abandonment of faith by one who formerly accepted it. This is not a distinct kind of unbelief, since, like ordinary unbelief, it has for its object or term the denial of revealed truth; but it is an aggravating circumstance of unbelief (II Peter, ii. 21).

**815.** The sin of unbelief is committed either directly or indirectly. (a) It is committed *directly*, when one rejects what pertains to faith (its acts, objects or motive); (b) it is committed *indirectly*, when one guiltily places oneself or others in the occasion or danger of unbelief. The dangers against faith will be considered after the sins of unbelief (see 848-886).

**816.** Direct sins of unbelief are those opposed to the elements that belong to the nature of faith and that are contained in its definition (see 751, 798). (a) Opposed to the act of assent are sins of non-assent or dissent (see 817-839); (b) opposed to the certitude and firmness of assent are sins of doubt (840-846); (c) opposed to the right object of faith are sins of

credulity (847); (d) opposed to the motive of faith is rationalism (847).

817. Sins of non-assent are those by which one omits to make an act of faith when one should. This kind of sin will be treated when we come to the commandments of faith as to its internal and external acts (see 925 sqq.)

818. Sins of dissent are sins of commission, and are of two kinds: (a) *privative* unbelief, which is the want of faith in one who has heard the faith sufficiently and should realize the obligation of embracing it, but who refuses to believe, although he makes no opposition to faith; (b) *contrary* unbelief, which is the want of faith in one who has heard the faith and its motives of credibility sufficiently to know the duty of embracing it, and who not only refuses to believe, but even accepts the errors opposed to faith.

819. What is the gravity of sins of dissent, doubt, and rationalism? (a) From their *nature*, these sins are always *mortal*, for they refuse to God the homage of the intellect and will that is due Him, deprive man of the beginning of spiritual life, and lead to eternal condemnation (Mark, xvi. 16). (b) From their *circumstances*, these and other sins against faith may be venial (see 180-184). Thus, if a man refuses to believe or accepts error, not having sufficient knowledge of his obligation or not fully consenting to the sin, his fault is venial subjectively or formally.

820. Are sins against faith more serious than all other kinds of sin? (a) From their *nature*, sins against faith are *worse* than sins against the moral virtues, for the former offend directly against God Himself, but not so the latter. Hatred of God, however, is a greater sin than sins of unbelief, as will be shown when we treat of sins against charity. (b) From their *circumstances*, sins against faith may be *less* serious than sins against the moral virtues. Example: A venial sin against faith is less serious than a mortal sin against justice.

821. With regard to the effect of sins against faith on good acts it should be noted: (a) an unbeliever is able to perform works that are ethically or *naturally* good (Rom., ii. 14), and the Church has condemned the opposite teaching of Baius (Den-

zinger, *Enchiridion*, n. 1025): (b) an unbeliever is not able to perform works that are supernaturally good and meritorious (see 112).

822. Contrary unbelief (see 818), which not only refuses to believe but also assents to contrary errors, has three degrees according to the greater or less number of truths denied or errors admitted in these three degrees. Some theologians see different *species* of unbelief, while other theologians regard them as only accidental *modes* or circumstances of the one species of sin.

(a) The most extensive denial of faith is found in *infidelity*, which rejects both Christ and His revelation. To this form of unbelief belong atheism, agnosticism, pantheism, paganism, polytheism, animism, and denials of Christ and Christianity. The chief religious bodies today that profess such errors are: Confucianism, Taoism and Shintoism (founded in China and Japan), which are polytheistic and practise idolatry and ancestor worship; Brahmanism (founded about 14 centuries before Christ), which is polytheistic or animistic; Buddhism (founded 6th century B.C. in India), which is polytheistic and practises idolatry; Zoroastrianism (founded in Persia about the 7th century B.C.), which is dualistic; Mohammedanism (founded in Arabia in the 6th century A.D.), which makes Mohammed and his religion superior to Christ and Christianity, and rejects the Trinity and the Incarnation.

(b) A less complete departure from faith is found when Christ and His revelation are accepted as contained in the figures and prophecies of the Old Testament, but rejected in their fulfillment and development in Jesus and the New Testament. This is the error of *Judaism*, which today has about 15 million adherents.

(c) A still smaller degree of rejection of faith exists when Christ is recognized as leader and teacher, but not all of His revelation is accepted. This kind of error is called *heresy*, and those bodies which profess it are known as sects. The chief heresies in times past were Gnosticism and Manicheism in the first centuries; Arianism and Macedonianism in the fourth century;

Nestorianism, Monophysism and Pelagianism in the fifth century; Monothelism in the seventh century; Iconoclasm in the eighth century; Photianism in the ninth century; Albigensianism in the eleventh century; Waldensianism in the twelfth century; Wicliffism in the fourteenth century; Hussism in the fifteenth century; Protestantism in the sixteenth century, and Modernism in the twentieth century. Today, the erring Christian groups outside the Church are the Orientals, called Orthodox, and the Protestants.

823. Since error is not consistent, false teachings are found that accept all the above-mentioned degrees of unbelief, or borrow impartially from all.

(a) Indifferentism or Latitudinarianism holds that all forms of religion are equally true, and that it makes no difference whether one is Buddhist, Jew or Christian. In a modified form, Indifferentism teaches that any form of Christian belief, provided it suits the inclinations of the individual concerned, may be followed, and hence it is left to each one to decide whether he prefers Catholicism or one of the bodies of the Orthodox Church or of Protestantism. Many who profess a denominational creed or confession are Indifferentists in belief.

(b) Syncretism holds that there are truths in all separate religions, but that none of them has all the truth, and hence that one must select what is good from each, rejecting the evil. Thus, the Judaizers of the first century borrowed from Judaism, the Gnostics and Manicheans from paganism, while today Freemasonry, Theosophy, Christian Science and Spiritism accept, along with the Gospel, ancient pagan, Buddhistic, Brahmanistic and Mohammedan theories; finally, Mormonism endeavors to unite characteristics of the Old and the New Testament dispensations. In a restricted form, religious Syncretism teaches the doctrine of Pan-Christianism—that is, that truth is scattered among the various Christian denominations, and that all should confederate as equals on the basis of more important doctrines to be agreed on by all.

824. What is the order of gravity in unbelief, as between infidelity, Judaism, heresy?

(a) The gravity of a sin against faith is to be determined primarily from the *subjective resistance* made to faith, so that he sins more against the light to whom greater light was given. The sin of unbelief in one who has received the Gospel (heresy), is greater than the same sin in one who has accepted only the Old Testament (Judaism); in one who has received the revelation of the Old Testament (Judaism) the sin of unbelief is more serious than the same sin in one who has not received that revelation (infidelity).

(b) The gravity of unbelief is measured secondarily from the *objective opposition* of error to truth, so that he is farther away from faith who is farther away from Christ and the Gospel. Thus, a Buddhist denies Christian truths more radically than a Jew, and a Jew more radically than a Protestant. Hence, of three apostates, one to Protestantism, another to Judaism and a third to Buddhism, the second sins more grievously than the first, the third more grievously than the second.

825. If we leave out of consideration the radical truth of divine revelation (formal object of faith), it is possible that a heretic, in spite of his acceptance of Christ and the Scriptures, should be farther away objectively from faith than an infidel—that is, that he should deny more revealed truths (material objects of faith). Thus, the Manicheans called themselves followers and disciples of Christ, but their teaching on God contains more errors than does the doctrine of many pagans.

826. Heresy.—Heresy is defined as “an error manifestly opposed to faith and assented to obstinately by one who had sincerely embraced the faith of Christ.”

(a) It is called “error,” that is, positive assent given to error, or dissent from truth. Hence, those who merely act or speak as if they do not believe, but who internally do believe, are not heretics, although in the external forum they may fall under the presumption of heresy. Similarly, those who have doubts or difficulties in matters of faith, but who do not allow these to sway their judgment, are not guilty of heresy, since they give no positive assent to error (see 842 sqq.). Examples: Titus is internally convinced of the truth of the Church’s teaching; but

he attends Protestant services, says he does not believe the Trinity, refuses to make a profession of faith required by the Church, separates himself from obedience to the authorities of the Church, and calls himself an independent. By his former external acts he makes himself guilty of disobedience and falls under the suspicion of heresy, and by his last external act he incurs the guilt of schism; but, since internally he does not disbelieve, he is not a heretic. Balbus has doubts before his mind from his reading or conversation, but he must immediately give his whole attention to a very pressing matter of business, and so gives neither assent nor dissent to the doubts. He is not guilty of heresy, since he formed no positive erroneous judgment.

(b) Heresy is "opposed to faith." By *faith* here is understood divine faith, especially divine and Catholic faith (see 755). Hence, an error opposed to what one held to be a genuine private revelation, or to the public revelation, especially when dogmatically defined by the Church, is heretical. On the contrary, an error opposed to ecclesiastical faith alone, to human faith, or to human science, is not of itself heretical. Examples: The Saints who received special private revelations from Christ with proofs of their genuineness would have been guilty of heresy, had they refused to believe. Sempronius refuses to believe some Biblical teachings about things not pertaining to faith and morals and not expressly defined by the Church (e.g., chronological, physical, geographical, statistical data). If he really believes that what he denies is contained in the Bible, he is guilty of heresy. Balbus admits the infallibility and authority of the Church, but he does not believe that a certain Saint solemnly canonized is in heaven, that a certain non-infallible decision of a Roman Congregation is true, that certain second lessons of the Breviary or certain relics are genuine. He is not a heretic, since, as supposed, he denies no revealed truth; but in his first unbelief he sins against ecclesiastical faith; in his second unbelief, if the contrary of the decision has not been clearly established, he sins against the duty of religious assent; in his third unbelief, he sins against prudence, if he has no good grounds for his opinion, or against the respect due the

Church, if he is moved by contempt for its judgment. In a conversation between A, B, C, D and E, the following opinions are defended. A thinks that any use of natural knowledge with reference to matters of faith is wrong; B, that the theologian should employ mathematics and physical science, but avoid reasoning and philosophy; C, that the method and principles of Scholasticism are not suited to our age or to all peoples; D, that the psychology and cosmology of the Scholastics should be remade entirely; E, that many hypotheses of Aristotle in physics have been proved false. The opinion of A contains heresies condemned in the Vatican Council regarding the preambles of faith and the motives of credibility. The opinions of B and C are at least contrary to the religious assent due the authority of the Church (see Denzinger, *Enchiridion*, nn. 1652, 1680, 1713, Code of Canon Law, Canon 1366, §2, *Humani Generis*, n. 11—14). The opinion of D, as it stands, contains a denial of several doctrines of faith, such as the immortality of the soul and the creation of the world, and is thus implicitly heretical. The opinion of E is true and admitted by all.

(c) By "opposed" to faith is meant any judgment which, according to the logical rules of opposition between propositions, is irreconcilable with the truth of a formula of dogma or of a censure of heresy. Examples: The Council of Trent defined that "all sins committed after Baptism can be forgiven in the Sacrament of Penance." It would be heretical, therefore, to hold that "no sins committed after Baptism can be pardoned in the Sacrament of Penance" (contrary opposition), or that "some sins committed after Baptism cannot be absolved" (contradictory opposition). Similarly, the Council of Trent (Sess. VI, Can. 7) rejected the proposition that "all works done before justification are sinful," and hence according to Logic the contradictory—*viz.*, that "some works before justification are not sinful"—is of faith, for two contradictories cannot both be false; the contrary—*viz.*, that "no works before justification are sinful"—is not, however, defined, for two contraries can both be false.

(d) Heresy is "manifestly opposed to faith." He who de-

nies what is only probably a matter of faith, is not guilty of heresy. Example: The Instruction of Eugenius IV on the matter of the Sacraments is held by some authorities of note not to be a definition, and hence those who accept opposite theories are not on that account heretical.

(e) Heresy is "assented to obstinately." This is the distinctive note of heresy, and hence those who assent to error through ignorance, whether vincible or invincible, are not heretics, if they are willing to accept the truth when known. A heretic, therefore, is one who knowingly refuses to admit a truth proposed by the Church, whether his motive be pride, desire of contradicting, or any other vice.

(f) Heresy is held "by one who had sincerely embraced the faith of Christ." This includes only catechumens and the baptized, for others who deny the truths of faith are Jews or infidels, not heretics.

827. The sin of heresy (heresy before God), as just defined, differs from the canonical crime of heresy (heresy before the Church), since it is more inclusive. (a) These two differ as regards the error in the intellect, for one is guilty of the sin, but not of the crime, even without error—that is, if one denies what is really false, thinking it to be defined doctrine; (b) they differ as regards the obstinacy in the will, for one is guilty of the sin, but not of the crime, if one is prepared in mind and purpose to deny a truth not yet defined, if it is ever defined; (c) they differ as regards the truths rejected, for one is guilty of the sin, but not of the crime, if one rejects divinely revealed truths not defined as such by the Church; (d) they differ as regards the person who denies, for not everyone who merely accepted the faith of Christ can be guilty of the crime of heresy, but only those who after Baptism retain the name of Christian (Canon 1325, §2).

828. Various Kinds of Heresy.—(a) Heresy is *positive* when error is accepted (e.g., the doctrine of consubstantiation); it is *negative* when truth is denied (e.g., the doctrine of transubstantiation).

(b) Heresy is *internal*, when it is in the mind alone and not externally professed. It is *external*, when expressed in an external way (i.e., by words, signs, acts or circumstances that clearly indicate present heresy), if this is done not for a good purpose, such as that of asking advice, but for the purpose of professing error.

(c) External heresy is *occult*, when it is made known to no one, or only to a few; it is *public* or notorious, when it is made known before a large number and cannot be concealed. Example: One who calls himself a Catholic and is known as such, but who in conversation with a few intimate friends declares himself a Modernist, is an occult heretic. One who declares in public addresses or articles that he agrees with Modernism, or who joins openly an heretical sect or has always belonged to one, is a public heretic.

(d) Occult and public heresy may be either formal or material, according as one is in good or bad faith. Heresy is *formal*, if its malice is known and willed by the one in error; if its malice is not known by him, it is *material*.

829. Heresy is not formal unless one *pertinaciously* rejects the truth, knowing his error and consenting to it.

(a) One must *know* that one's belief is opposed to divine revelation or to Catholic faith. Hence, those who were born and brought up in Protestantism, and who in good faith accept the confession of their denomination, are not formal but material heretics. Even those who are ignorant of their errors through grave fault and who hold to them firmly, are guilty, not of formal heresy, but of sinful ignorance (see 904 sqq.)

(b) One must willingly *consent* to the error. But for formal heresy it is not required that a person give his assent out of malice, or that he continue in obstinate rejection for a long time, or that he refuse to heed admonitions given him. Pertinacity here means true consent to recognized error, and this can proceed from weakness (e.g., from anger or other passion); it can be given in an instant, and does not presuppose an admonition disregarded. Hence, if one sees the truth of the Catholic

Church, but fears that assent will involve many obligations and out of weakness turns away from the truth, one then and there pertinaciously consents to error.

830. Examples of material heresy are: (a) Catholics who deny certain dogmas of faith, because they have not been well instructed, but who are ready to correct their errors, whenever the Church's teaching is brought home to them; (b) non-Catholics who do not accept the Catholic Church, but who have never had any misgivings about the tenets of their own denomination, or who in doubts have searched for the truth to the best of their ability.

831. The sinfulness of heresy is as follows: (a) formal heresy is a grave sin, as was said above regarding unbelief in general (see 819; Tit., iii. 10); (b) material heresy is no sin at all, if the ignorance is invincible; it is a grave or a venial sin, according to the amount of negligence, if the ignorance is vincible.

832. Circumstances of the sin of heresy are of various kinds. (a) Circumstances that *change* the species. Most theologians hold that the particular article denied, or the particular sect adhered to, does not constitute a particular species of heresy, and hence that in confession it suffices for one to accuse oneself generically of heresy. (b) Circumstances that *aggravate* the sin. The facts that heresy is external, that it is manifested to a large number, that it is joined with apostasy and adhesion to an heretical sect, etc., increase the accidental malice of this sin. (c) Circumstances that *multiply* the number of sins. It seems that when several articles or defined truths are denied at the same time, so many numerically distinct sins are committed (see 219). Example: Titus says: "I do not accept the Resurrection, either of Christ or of the dead." The act is one, but two sins are committed.

833. Various penalties and inhabilities are incurred through heresy, for example, excommunication *latæ sententiæ* reserved to the Pope (Canon 2314) loss of the power of suffrage (Canon 167, §1, n.4), irregularity (Canon 984, n. 5; 985), inhability for the office of sponsor (Canons 765, 795), deprivation of ecclesias-

tical burial (Canon 1240, §1, n. 1). The excommunication which perhaps had been incurred by those who now wish to join the Church is absolved according to the form for the reception of converts prescribed by the Congregation of the Holy Office, July 20, 1859, and found in rituals. Rituals published after March, 1942, contain the formula of profession of faith and abjuration approved by the Holy Office.

834. If a confessor should meet with a case of heresy, his procedure will be as follows: (a) If the heresy was *merely internal*, no censure was incurred, and every confessor has power to absolve from the sin, no matter how serious it was. (b) If the heresy was *external, but the person was in good faith*, or even in affected ignorance of the sin, or inculpably ignorant of the penalty, no censure was incurred; for the excommunication attaches only to formal heresy, and contumacity (Canon 2242). (c) If the heresy was *external and formal, but not notorious* (i.e., the party did not publicly join an heretical sect), ordinarily the case should be brought before the bishop for absolution in the external or internal forum. But in urgent cases every confessor has power to absolve as prescribed in Canon 2254. (d) If the heresy was *public and notorious* (i.e., if the party joined officially an heretical sect), absolution is regularly to be given in both the external and internal forums. The case should be submitted first to the Ordinary, unless there is urgency (Cfr. Canon 2254), or the confessor has special powers from Rome. The Ordinary can absolve in the external forum. Afterwards, the heretic can be absolved by any confessor in the forum of conscience (see Canon 2314, §2.)

835. **Apostasy.**—Apostasy (etymologically, *desertion*) has various meanings in theology.

(a) In a *special* sense, it means the abandonment of the religious or clerical state; but in its *usual* sense it means the abandonment of the Christian religion.

(b) Apostasy from faith in a *wide sense* includes both partial abandonment (heresy) and total abandonment; but, in the *strict sense*, it means only total abandonment of Christianity.

Example: A Christian who denies one article of the Creed becomes a heretic and an apostate in a wide sense; if he rejects the entire Creed, he becomes an infidel and an apostate in the strict sense.

(c) Apostasy which extends to infidelity is also twofold: *before God* and *before the Church*. The first kind is committed by any person who really had faith, even though unbaptized or not a Catholic; the second kind is committed only by those who were baptized and were Catholics. Examples: A catechumen who accepted Christianity and asked for Baptism, becomes an apostate before God if he abandons his belief and purpose and goes back to paganism. Similarly, a person brought up as a Lutheran becomes an apostate before God, if he abandons all belief in Christianity. But the crime of apostasy of which the Church takes cognizance is the desertion of Christianity by a baptized Catholic.

(d) A Catholic apostatizes from Christianity, either *privately* (by merely renouncing all belief in Christ), or *contrarily* (by taking up some form of unbelief, such as indifferentism or free thought, or by joining some infidel sect, such as Mohammedanism or Confucianism).

836. What was said above regarding the gravity, divisions, penalties and absolution of heresy, can be applied also to apostasy.

837. As to the comparative gravity of sins of apostasy, the following should be noted. (a) Apostasy is not a species of sin distinct from heresy, since both are essentially the same in malice, being rejections of the authority of divine revelation; but it is a circumstance that aggravates the malice of unbelief; since it is more sweeping than heresy (see 822, 824). (b) Apostasy into one form of infidelity is not specifically different from apostasy into another, but the form of infidelity is an aggravating or extenuating circumstance. Example: Paganism is further from faith than Mohammedanism; atheism further than paganism.

838. Could one ever have a just reason for abandoning the

Catholic Church or remaining outside its faith? (a) *Objectively* speaking, there can never be a just cause for giving up Catholicism or for refusing to embrace it. For the Catholic Church is the only true Church, and it is the will of Christ that all should join it. (b) *Subjectively* speaking, there may be a just cause for leaving or not entering the Church, namely, the fact that a person, ignorant in this matter but in good faith, believes that the Catholic Church is not the true Church. For one is obliged to follow an erroneous conscience, and, if the error is invincible, one is excused from sin (see 581-583). Examples: A Protestant taught to believe that the teachings of the Church are idolatrous, superstitious and absurd, is not blamed for not accepting them. A Catholic, poorly instructed in religion and thrown in with non-Catholic and anti-Catholic associates, might become really persuaded, and without sinning against faith itself, that it was his duty to become a Protestant.

839. Apostasy is committed not only by those who leave the Church and join some contrary religion (*e.g.*, Mormonism), but also by those who, while professing to be Catholics, assent to the non-Catholic principles of some society that claims to be philosophical, charitable, economic, patriotic, etc. Much more are those apostates who join societies that openly conspire against the Church. Such are: (a) Societies that are really *non-Catholic* sects, because they have an infidel or heretical creed—*e.g.*, Freemasonry (which, according to its own authorities, is a brotherhood based on Egyptian mysteries and claiming superiority to Christianity), Theosophy (which is a conglomeration of nonsensical ideas about the Deity, Christ and Redemption), the Red International, whose aims are the destruction of property rights, etc; (b) Societies that are *anti-Catholic* sects, because their creed is hatred of the Church—*e.g.*, the Orangemen's Society, the Grand Orient, the Ku Klux Klan, Junior Order, etc.

840. **The Sin of Doubt.**—Faith as explained above must be firm assent, excluding doubt (see 752, 799), and hence the saying: "He who doubts is an unbeliever." The word "doubt," however, has many meanings, and in some of those meanings it

UNIVERSITY OF NOTRE DAME LIBRARY



is not opposed to firm assent, or has not the voluntariness or acceptance of error that the unbelief of heresy or infidelity includes. To begin with, doubt is either methodical or real.

(a) *Methodical* doubt in matters of faith is an inquiry into the motives of credibility of religion and the reasons that support dogma, made by one who has not the slightest fear that reason or science can ever contradict faith, but who consults them for the purpose of clarifying his knowledge and of strengthening his own faith or that of others. This kind of doubt is employed by St. Thomas Aquinas, who questions about each dogma in turn (e.g., "Whether God is good"), and examines the objections of unbelievers against it; but unlike his namesake, the doubting Apostle, he does not withhold assent until reason has answered the objectors, but answers his own questions by an act of faith: "In spite of all difficulties, God is good, for His Word says: 'The Lord is good to them that hope in Him, to the soul that seeketh Him' (Lament., iii. 25)."

(b) *Real* doubt, on the contrary, entertains fears that the teachings of revelation or of the Church may be untrue, or that the opposite teachings may be true.

841. Real doubt in matters of faith is always unjustifiable in itself, for there is never any just reason for doubting God's word; but it is not always a sin of heresy or of infidelity. There are two kinds of real doubt, *viz.*, the involuntary and the voluntary. (a) Doubt is *involuntary*, when it is without or contrary to the inclination of the will, or when it proceeds from lack of knowledge (see 40-55 on the Impediments to Voluntariness). Example: Indeliberate doubts, and doubts that persist in spite of one, lack the inclination of the will, while doubts that proceed from invincible ignorance lack knowledge. (b) Doubt is *voluntary*, when it is according to inclination and with sufficient knowledge.

842. Involuntary doubt in matters of faith is neither heretical nor sinful, for an act is not sinful, unless it is willed (see 99).

(a) *Indeliberate* doubts arise in the mind before they are adverted to and without any responsibility of one's own for their appearance. From what was said above on first motions of

the soul (see 129), it is clear that such doubts are not sinful.

(b) *Unwelcome* doubts persist in the mind after they have been adverted to, and, since faith is obscure (see 752, 799), it is not possible to exclude all conscious doubts, or even to prevent them from occurring often or lasting a considerable time. From what was said above on temptation (see 253 sqq.), it is clear that, if the person troubled with unwished doubts makes prompt and sufficient resistance, he not only does not sin, but gains merit. But, if his resistance is not all it should be, and there is no danger of consent to the temptation, he sins venially.

(c) *Ignorant* doubts occur in persons who have not received sufficient religious instruction, through no fault of their own, and who therefore regard the doctrines of faith as matters of opinion, or at least look upon doubts as not sinful. From what was said above on invincible ignorance (see 30), it is clear that such persons do not sin by their doubts.

843. Voluntary doubt is entertained either *in ignorance* for which one is responsible, or *in full knowledge*; in the former case it is indirectly voluntary, in the latter, directly voluntary.

(a) The doubts of one who is responsible for them because he did not use the means to instruct himself in the faith, are a sin of willful ignorance proportionate to the negligence of which he was guilty; but, if he is willing on better knowledge to put aside his doubts and accept the teaching of the Church, he is not pertinacious, and hence not guilty of heresy or infidelity.

(b) The doubts of one who is responsible for them, and not uninstructed or ignorant in faith, are sometimes positive, sometimes negative. Neither of these kinds of doubt is equivalent to heresy or infidelity in every case.

844. Negative doubt is the state of mind in which one *remains suspended* between the truth contained in an article of faith and its opposite, without forming any positive judgment either of assent to or dissent from the article, or its certainty or uncertainty.

(a) If this suspension of decision results *from a wrong motive* of the will, which directs one not to give assent on the plea that the intellect, while not judging, offers such formidable

difficulties that deception is possible, then it seems that the doubter is guilty of implicit heresy, or at least puts himself in the immediate danger of heresy.

(b) If this suspension of judgment results *from some other motive* of the will (*e.g.*, from the wish to give attention here and now to other matters), the guilt of heresy is not incurred, for no positive judgment is formed. Neither does it seem, apart from the danger of consent to positive doubt or from the obligation of an affirmative precept of faith then and there (see 925), that any serious sin in matters of faith is committed by such a suspension of judgment. Examples: Titus, being scandalized by the sinful conduct of certain Catholics, is tempted to doubt the divinity of the Church. He does not yield to the temptation by deciding that the divinity of the Church is really doubtful, but the difficulty has so impressed him that he decides to hold his judgment in abeyance. It seems that there is here an implicit judgment (*i.e.*, one contained in the motive of the doubt) in favor of the uncertainty of the divinity of the Church. Balbus has the same difficulty as Titus, and it prevents him from eliciting an act of faith on various occasions. But the reason for this is that an urgent business matter comes up and he turns his attention to it, or that he does not wish at the time to weary his brain by considering such an important question as that of faith, or that he thinks he can conquer a temptation more easily by diverting his thoughts to other subjects (see 257), or that he puts off till a more favorable moment the rejection of the difficulty. In these cases there is not heretical doubt, since Balbus forms no positive judgment, even implicitly, but there may be a sin against faith. Thus, Balbus would sin seriously if his suspension of assent should place him in immediate danger of positive doubt; he would sin venially, if that suspension be due to some slight carelessness.

845. Positive doubt is the state of mind in which one *decides*, on account of some difficulty against faith, that the latter is really doubtful and uncertain, and that assent cannot be given to either side. With regard to such a state of mind note: (a) If this judgment is formed *by a Catholic*, it is heretical; for

his faith, as he knows and admits, is the true faith, revealed and proposed as absolutely certain. Hence, although he does not deny the faith, he does positively judge that what is revealed by God and proposed infallibly by the Church as certain, is not certain, and thus in his intellect there is pertinacious error.

(b) If this judgment is formed *by a non-Catholic*, it is likewise heretical, if the truth doubted belongs to divine or Catholic faith, for we are now considering the formal heretic who belongs to a non-Catholic sect against conviction; but it is not heretical, if the doctrine doubted belongs only to what is wrongly considered in his sect as divine faith, or to what may be called Protestant faith (*i.e.*, the official confession of his religion), for he does not profess to accept his church as an infallible interpreter.

846. The doubts we have been just discussing are the *passing* doubts that come to those who are believers, or who consider themselves believers. There are also doubts that are *permanent*, and that are held by those who class themselves, not as believers, but as doubters or agnostics. Some of these sceptics doubt all religious creeds, holding that it is works and not beliefs that matter. This doctrine amounts to infidelity, since it rejects Christian faith entirely. Others profess Fundamentalism, which accepts a few Christian beliefs and considers the others as optional, pretending that the true faith cannot be recognized amid so much diversity of opinions. This doctrine is heretical, since it accepts some and rejects others of the articles of faith.

847. **Credulity and Rationalism.**—Opposed in special ways to the material and formal objects of faith are credulity and errors about the existence and nature of revelation.

(a) Other sins against faith are opposed to its material object (*i.e.*, the articles of belief), inasmuch as they subtract from it by denying this or that article. Credulity, on the contrary, adds to the material object of faith by accepting a doctrine as revealed when there is no prudent reason for so doing, contrary to the teaching of Scripture that "he who is hasty to believe is light of heart" (Ecclus., xix. 4). This sin is opposed rather to

UNIVERSITY OF NOTRE DAME LIBRARY

prudence, inasmuch as it causes one to neglect the consideration of the reasons on which a prudent judgment rests (see Vol. II), and hence it does not destroy the virtue of faith. It is, nevertheless, injurious to faith, since it brings Christianity into contempt, keeps others from embracing the teachings of the Church, and leads to superstition, the "twin-sister of unbelief." Examples: Sempronia, who is not well educated, accepts as matters of faith every pious legend, every marvellous report of miracle, no matter from what source it comes or how suspicious may be its appearance. Titus holds many views considered by good authorities as improbable or false, or as at best only opinions, but he gives them out as doctrines of the Church that must be accepted, or as infallible or revealed teaching. The credulity of Sempronia is excusable imprudence on account of her ignorance, if she has not neglected instruction; but that of Titus is blameworthy, for he ought to inform himself better before attempting to instruct others.

(b) Other kinds of unbelief are *opposed* to the formal object of faith (*i.e.*, to the authority of revelation as the motive of belief); for implicitly at least they substitute private judgment for authority. The various systems of Naturalism, such as Deism, go farther and openly *attack* supernatural revelation as the ground of belief. Some of these systems deny the fact of revelation (*e.g.*, Deism), others its character (*e.g.*, Modernism, which makes revelation to consist in the internal experience of the believer), others its necessity (*e.g.*, Rationalism). These heterodox teachings pertain, some to infidelity (*e.g.*, Deism), some to heresy (*e.g.*, Modernism). The great majority of Protestants nowadays cannot be said to have faith, declares Cardinal Newman, since they deduce from Scripture, instead of believing a teacher. What looks like faith is mere hereditary persuasion.

**848. Dangers to Faith.**—One becomes guilty of heresy, infidelity, doubts against faith, etc., indirectly, by placing oneself in the danger of those sins (see 258 sqq., on the Dangers of Sin). Dangers of this kind are partly internal, partly external.

(a) *Internal* dangers to faith are especially the following: intellectual pride or an excessive spirit of independence, which makes one unwilling to accept authority; love of pleasure, which sets one at odds with the precepts of faith; neglect of prayer and piety, particularly in time of temptation.

(b) *External* dangers to faith are especially as follows: literature opposed to religion; schools where unbelief is defended; mixed marriages; association with unbelievers in religious matters; certain societies.

**849. Dangerous Reading.**—There is a threefold prohibition against the reading of literature dangerous to faith.

(a) The *natural law forbids* one to read or hear read written matter of any description which one knows is dangerous to one's faith, even though it is not dangerous to others and not forbidden by the law of the Church. For a similar reason one may not keep such material in one's possession. Example: Titus and Balbus read the letters of a friend on Evolution. Titus finds nothing unsound in the letters, and is not troubled by reading them; but they fill the mind of Balbus with doubts and perplexities, as the subject is above him. This reading is naturally dangerous for Balbus, but not for Titus.

(b) The *law of the Church forbids* the use of certain kinds of writings or representations dangerous to faith (Canon 1399), as well as of those *individual* writings that have been denounced to the Holy See and placed on the Index, or forbidden by other ecclesiastical authorities. (See Appendix I for Summary of Common Law on Prohibition of Books.)

(c) The law of the Church also *pronounces ipso facto ex-communication* against those who make use of works written by unbelievers in favor of their errors (Canon 2318).

**850.** As regards the kind of sin committed by using writings dangerous to faith, the following points must be noted:

(a) If a writing is dangerous and forbidden *under natural law*, the sin committed is of itself grave whenever the danger itself is serious and proximate; it is venial, when the danger is slight or remote. The sin committed depends, therefore, not on the time spent in reading or the number of pages covered, but

on the danger (see 260-261, on the Dangers of Sin). No sin at all is committed, if the danger is slight or remote, and there is reason for reading the writing in question (*e.g.*, the defense of truth).

(b) If the writing is forbidden *under ecclesiastical law*, the sin committed is of itself grave, even though the danger to an individual is not serious or proximate, for the law is based on the presumption of a common and great danger (see 460). The sin is not grave, however, when the prohibition is generally regarded as not binding under grave sin, or when the use made of the writing is inconsiderable. No sin at all is committed, if one has obtained the necessary permission to read forbidden works, and is not exposed to spiritual danger in using the permission.

851. There are two cases in which the use of writings forbidden by the Church is only a venial sin. (a) When a writing, which in itself is not dangerous or only slightly dangerous, is forbidden, not on account of its contents, but only on account of its lack of ecclesiastical approval, it is not ordinarily regarded as forbidden under grave sin (*e.g.*, Catholic Translations of Scripture that have not received the Imprimatur). (b) When a writing has been condemned on account of its contents or manner of presentation, one does not sin mortally, if the use one makes of it is only slight.

852. What constitutes notable use of forbidden matter is not determined by law, but recent moralists, bearing in mind the character of the law and what would prove proximately dangerous to faith for the generality today, offer the following rules: (a) notable matter in reading a book is three or four pages from the more dangerous parts, from thirty to sixty pages from the slightly dangerous parts; (b) notable matter in reading a paper or periodical is habitual use of it, or even one very bitter article; (c) notable matter in retention of forbidden writings is a period in excess of the reasonable time (say, a month) for securing permission or for delivering the writings to those who have a right to have them.

853. It is more difficult to decide what is notable matter,

when a book has been condemned on account of its general tendency. (a) Under the *natural law*, of course, even a page or less is notable matter, if it places an individual in proximate danger; (b) under the *positive law*, perhaps anything in excess of one-tenth of the book would place one in proximate danger. But, as we are dealing now with the general tendency of a writing, this may have its effect on the reader before he has read one-tenth, if the book is large, or the treatment is very seductive. Hence, "one-tenth" is an approximation, rather than a rule.

854. The kinds of printed matter forbidden by the Code (Canon 1399) are as follows: (a) the prohibition extends to books, to other published matter (such as magazines and newspapers), and to illustrations that attack religion and what are called "holy pictures" (*i.e.*, images of our Lord and the Saints), if opposed to the mind of the Church; (b) the prohibition extends to published matter dangerous to faith, and therefore to the following: to writings or caricatures that attack the existence of God, miracles or other foundations of natural or revealed religion, Catholic dogma, worship or discipline, the ecclesiastical hierarchy as such, or the clerical or religious state; to those that defend heresy, schism, superstition, condemned errors, subversive societies, or suicide, duelling, divorce; to non-Catholic publications of the Bible and to non-Catholic works on religion that are not clearly free from opposition to Catholic faith; to liturgical works that do not agree with the authentic texts; to books that publish apocryphal indulgences and to printed images of holy persons that would be the occasion of error (*e.g.*, the representation of the Holy Ghost in human form).

855. The mere presence, however, of condemned matter in a writing does not cause it to fall under prohibition.

(a) Some works are not forbidden unless the author's purpose to teach error or attack the truth is known. Hence, books on religion written by non-Catholics which contain errors against the Catholic Faith are not forbidden, unless they deal with religion *ex professo* (*i.e.*, not incidentally or cursorily, but clearly for the purpose of teaching). It is not necessary, however, that religion be the main theme of the book. Similarly, books that at-

tack religion are forbidden, not when attacks are casual or by the way, but when they are made purposely; and the same is true as regards books that insult the clerical state. The purpose is recognized from the declaration of the author, from the nature of the work, from the systematic treatment, length or frequency of argumentation or attack, etc.

(b) Other works are not forbidden, unless they contain not only agreement with error, but also *argument* in defense of error. Thus, books in favor of heresy, schism, suicide, duelling, divorce, Freemasonry, etc., are forbidden when they champion wrong causes by disputing in their behalf.

(c) Other works are forbidden, not because they state, but because they approve of error. Such are books that attack or ridicule the foundations of religion or the dogmas of faith, those that disparage worship, those that are subversive of discipline, those that defend proscribed propositions, those that teach and favor superstition, etc.

856. Books that deal with religion *ex professo* (i.e., of set purpose), or *obiter* (i.e., incidentally), are as follows: (a) Books that are *ex professo* religious are manuals of theology, works of sermons, treatises on the Bible, instructions on religious duties, works of piety, text-books of church history. Works of a profane character, such as scientific books, may also teach religion *ex professo*, but it is not easy as a rule to perceive the intention of teaching religion in works of this kind. (b) Books that deal with religion only *obiter* are works of a profane character, in which the subject of religion is introduced only briefly (e.g., by way of illustration).

857. Books dealing *ex professo* with religion and written by non-Catholics are: (a) forbidden, if they contain matter contrary to Catholic faith; (b) not forbidden, if it is clear to one (e.g., from a competent review) that they contain nothing contrary to Catholic faith.

858. How is one to know in a particular case whether a book falls under one of the foregoing classes forbidden by the Code? (a) If the Holy See has made a declaration, the matter is

of course clear; (b) if no declaration has been made, and one is competent to judge for oneself, one may read as much as is necessary to decide whether the book is one of those proscribed by the Code; but if a person has not received the education that would fit him for judging, he should consult some person more skilled than himself, such as his parish priest or confessor.

859. Is it lawful to read newspapers, magazines, or reference works (such as encyclopedias), which contain some articles contrary to faith, and others that are good or indifferent, if these papers or books have not been condemned? (a) If the reading or consultation, on account of one's individual character, will subject one to grave temptations, then according to natural law it should be avoided. (b) If there is no serious danger or temptation, but the policy of the works or journals in question is anti-religious or anti-Catholic, as appears from the space given to hostile attack, their frequency or bitterness of spirit, then, according to the law of the Code just mentioned, one should avoid such reading matter. Examples of this kind of literature are papers devoted to atheistic or bolshevistic propaganda, anti-Catholic sheets, etc. (c) If there is no danger to the individual, and the editorial policy is not hostile, one may use such matter as is good and useful, while passing over any elaborate or systematic attack on truth or defense of error.

860. Individual books are forbidden by name to all Catholics by the Holy See and to their own subjects by Ordinaries and other local or particular councils (Canon 1395). Books condemned by the Apostolic See must be considered as forbidden everywhere and in whatsoever language they may be translated into (Canon 1396).

(a) If a *book* is forbidden, one may not read even the harmless parts of it, for there is the danger that, if one part is read, the other parts will also be read. But, if the part that occasioned the prohibition be removed, the prohibition ceases as regards the remainder of the book.

(b) If a *work* is forbidden, one may not read any volume, if all the volumes deal with the same subject. But, if the vol-

umes treat of different subjects or of one subject that is divisible (e.g., universal history), one may read such volumes as do not contain the danger that occasioned the prohibition.

(c) If *all the works of an author* are condemned, the prohibition is understood to apply only to books (i.e., not to smaller works), and only to books dealing with religion, unless it appears that the other kinds of writings are also included; but the prohibition is to be presumed to include works that appear after the condemnation, unless the contrary is manifest.

861. Some outstanding works that have been condemned are the following: (a) In English: *Decline and Fall of The Roman Empire* (Gibbons); *Myth, Ritual, and Religion* (Andrew Lang); *History of England* (Goldsmith); *The Roman Popes* (Ranke); *The Life and Pontificate of Leo X* (Roscoe); *Constitutional History of England* (Hallam); *Political Economy* (Mill); *Happiness in Hell* (Mivart); *History of English Literature* (Taine); *Reign of Charles V* (Robertson); *Zoonomia, or The Laws of Organic Life* (Darwin).

(b) In French: *Notre Dame de Paris* (Hugo); *Life of Jesus* and eighteen other works of Renan; all the works of Anatole France; *The Social Contract* and four works of Rousseau; nearly all the works of Voltaire; *The Gospel and the Church, Gospel Studies, The Fourth Gospel, Apropos of a Little Book, The Religion of Israel* (Loisy); all the works of Jean Paul Sartre; *La Deuxieme Sexe* and *Les Mandarins* by Simone de Beauvoir.

862. What is meant by "use" of forbidden writings? (a) In the first place, those "use" a writing who *read it*—that is, who go over it with their eyes, understanding the meaning therein contained. Hence, a person does not violate the church law against forbidden books if he merely listens to another read; although he might sin against the natural law, and even against the church law, if he induced the other to read to him; neither does a person violate the church law, if he merely glances at the characters, without understanding the sense expressed. Example: Titus, a professor of theology, has permission to read forbidden books, and he sometimes reads to his class doctrinal passages from works on the Index in order to explain and refute errors. Bal-

bus examines very carefully the pages of a beautifully printed copy of a forbidden work, but he understands hardly a word of it, since it is in a foreign language. Neither Titus' class nor Balbus are guilty of reading as forbidden by the Church, for strict interpretation is given to penal laws (see 485).

(b) In the second place, those "use" a forbidden writing who *retain it*—that is, who keep it in their home as belonging to themselves or borrowed from another, or who give it for safe-keeping to another, even though they are not able to read it. Hence, a librarian who has forbidden books on his shelves does not break the law, since the books are not his property, nor are they kept in his home. A bookbinder also who receives forbidden books is considered as excused through *epieikeia* for the time the books are in his shop, especially if his customer has the permission to read those books. Example: Sempronius bought an expensive work and then discovered that it is on the Index. Is he obliged to destroy it? No, if he does not wish to destroy it, he may, if he does not delay beyond a month, either give it to someone who has permission to keep it, or obtain that permission for himself.

(c) In the third place, those "use" a forbidden writing who *communicate* it to others—for example, those who make presents of works that are on the Index, who lend such books to others, or place them where others will read them, who read to others passages or write out excerpts for them. It is lawful, however, for professors in theological and other classes of sacred science to read from forbidden works to their student body, if a suitable explanation and refutation exclude all danger.

(d) Lastly, those fall under the law as violators who *operate* in the production or distribution of forbidden literature—for example, publishers, owners, authors, translators, booksellers, printers, etc. (cfr. 976 sqq., on Coöperation in Worship).

863. The church law on forbidden literature affects all Catholics not excepted by law, no matter how learned they may be, what position they may hold, or how immune from danger they may seem, unless they obtain permission to read such literature from the Holy See, the Ordinary, or their regular Super-

ior (Canon 1402). Those excepted by law and who do not need to seek such permission are certain prelates and students. (a) Cardinals, Bishops, and other Ordinaries (Canon 1401), and likewise major superiors in exempt clerical orders (Canon 198, § 1) are not bound by the church prohibition of books dangerous to faith; (b) those who are pursuing theological or biblical studies may use forbidden editions of Scripture, provided these are correct and complete as to the text, and contain no attacks on Catholic teaching in the introductions and annotations (Canon 1400). This permission extends not only to seminarians, but also to lay students; not only to those who are at school, but also to those who are really studying outside of school, such as professors, writers and those who are preparing lectures or dissertations.

864. When the necessity of reading a forbidden book is urgent, and the opportunity of asking permission from the Holy See or Ordinary is lacking, a person whose duties call for acquaintance with such a book may consider that the law does not bind in his particular case (see 411-417 on *epieikeia*). (a) A professor, editor, critic, etc., who had not yet received permission might read a forbidden book, if, being called upon to criticize it, he could not await the permission; (b) a confessor, pastor, etc., in similar circumstances could read a forbidden book in order to be able to refute it.

865. Those who have received permission to read books forbidden as generally dangerous to faith, may also read papers and periodicals of the same character, and they may use the permission given them anywhere, since it is a personal indult (see 446). The following restrictions, however, are understood in the grant of permission:

(a) Permission to read, no matter by whom granted, does not make it lawful to read what is really a danger to one's faith, for this (as explained above in 849-850) is contrary to natural law. Moreover, those who have received an apostolic indult may not read or retain books proscribed by their Ordinaries, unless the indult extends even to this.

(b) Permission to retain does not make it lawful to keep for-

bidden books in such a way that they will fall into the hands of those who have no right to read them. On the contrary, there is a grave obligation arising from the natural law to prevent such a thing from happening. Hence, those who have permission to keep writings dangerous to faith should not place them on shelves to which there is general access, or else they should label them as dangerous and forbidden (see Canons 1405, §1, and 1403, §2).

866. According to Canon 2318, the following censures are incurred through the use of forbidden books:

(a) Excommunication specially reserved to the Apostolic See is incurred *ipso facto* by those who offer to the public books, even of a non-religious character, written by apostates, schismatics, or heretics in systematic defense of heresy or schism. This censure applies, first, to the chief causes of publicity of the work—i.e., to the author who offers it for publication, and to the publisher and printer (owner or manager of the press) who accept it for that purpose—not, however, to remote coöperators or helpers; secondly, to such chief causes as understand the character of the book, either from the word of the author or from the contents. It is not incurred, if the work is not published (i.e., if it remains in manuscript, or is circulated only privately), or if it is published in other than book form (e.g., as a pamphlet, leaflet or article). Ignorance, if not crass or supine (see 27), excuses from this censure (Canon 2229, §3, n. 1).

(b) The same censure is incurred by those who defend the aforementioned books, either materially (e.g., by saving them from destruction) or morally (e.g., by defending, praising, or recommending them). Ignorance excuses here as in the case of publishers.

(c) The same censure is incurred by those who defend books of any author condemned by name through Apostolic letters. Hence, the censure does not apply to books condemned by a pontifical congregation nor to books condemned in a Papal Letter, if their title is not mentioned. Ignorance excuses here as in the previous case.

(d) The same censure is incurred by those who knowingly

keep or read any of the forbidden books mentioned so far in this paragraph. The sense to be attached to the words "keep or read" has been given above (see 862). Even crass and supine ignorance of law or penalty, provided it be not affected, as well as other causes that lessen imputability (see 40), excuse from this censure (Canon 2229, §§1, 2).

(e) Excommunication not reserved is incurred *ipso facto* by authors and publishers who are responsible for the printing without due authorization of books of Holy Writ, or of notes or commentaries on the Bible, even though the text be correct and the explanation orthodox. This censure is not incurred by those who are not responsible for the printing done, such as typesetters and readers. Ignorance, if not crass and supine, excuses here (Canon 2229, §3).

**867. Dangerous Schools.**—With reference to their danger to faith, schools are of three kinds:

(a) sectarian schools, in which heresy or infidelity is prescribed as part of the curriculum, and assistance at non-Catholic rites is required. Examples are colleges and universities supported by Protestant denominations, sectarian Sunday schools, Bible classes;

(b) neutral schools (*i.e.*, schools in which all religious teaching is forbidden and no recognition given to any denomination) whose spirit and teaching in secular branches is anti-religious or anti-Catholic. Examples are non-sectarian colleges or universities in which materialism is incidentally taught, or in which the faculty are freethinkers or bigots;

(c) neutral schools in which no positive offense is given to religion or the Church. Examples are public schools in which only the profane sciences are taught, and care is exercised that neither the text-books nor the teachers shall be irreligious or interfere with the religious beliefs of others. Reducible to this category are mixed schools, that is, those which are open also to non-Catholics (Canon 1374).

**868.** The danger of the foregoing kinds of schools to the faith of pupils is as follows:

(a) in the sectarian schools there is danger of heresy or in-

fidelity, since the pupils are obliged to hear the defense of false doctrine and to join in the services of a false religion;

(b) in the neutral schools of an anti-religious spirit the danger is the same, for the pupils must attend courses in which the interpretations given to history, science, philosophy, letters, etc., are unfriendly to the faith;

(c) in the neutral schools whose spirit is not anti-religious, there is a danger of Indifferentism that arises from the system itself; for the very fact that religion is slighted tends to impress the students with the idea that it is unimportant or unrelated to other matters of life, and this prepares the way for doubt and scepticism. Moreover, since example teaches more effectively than the printed or spoken word, the neglect or contempt of religion by professors and fellow-pupils in mixed schools is a danger to faith.

**869.** The lawfulness or unlawfulness of attending or patronizing schools dangerous to faith must be decided according to the principles given above on the occasions of sin (see 263 sqq.).

(a) If the danger to faith is *voluntary*, the use of such schools is not lawful, for those who are able are bound to seek or provide religious education both in elementary and higher schooling (see Canon 1373). Example: In the town of X there are good parochial and Catholic high schools. Sempronius could easily send his children to these schools, but he thinks that certain select schools offer greater social and financial advantages, and so he chooses them. His conduct is not lawful.

(b) If the danger to faith is *necessary*, the use of such schools is lawful, provided the needed precautions are duly observed. Example: In the country district of Y there is no school except the public school, and therefore Balbus sends his children to that school. His conduct is lawful, but he must see that his children receive religious instruction outside of school.

**870.** The danger to faith is necessary when there is no Catholic school, or none that is sufficient for the needs of individual students, and their parents are unable to send them elsewhere. In such a case it is lawful to attend a school that is neutral, but means must be used to make the proximate danger