

THE PRINCIPLES  
OF THE  
JESUITS,  
DEVELOPED IN A COLLECTION OF  
Extracts from their own Authors:  
TO WHICH ARE  
PREFIXED A BRIEF ACCOUNT OF  
THE ORIGIN OF THE ORDER,  
AND  
A SKETCH OF ITS INSTITUTE.



SCELUS OMNE.—VIRG.

" Qui talento praeditus ad scribendos libros communi bono utiles, eos conscriberet, in lucem edere non debet, nisi prius Praepositus Generalis eos videat, et aliorum etiam iudicio et censurae subiciat; ut, si ad aedificationem fore videbuntur, et non aliter, in publicum prodeant."—CONSTITVTIONES. PARS VII. CAP. IT. 11.

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## ARREST DU PARLEMENT DU 5 MARS 1762.

La Cour a ordonne que les Passages extraits des Livres de 147 Auteurs Jesuites etant verifies, une Copie collationnee en sera presentee au Roy, pour le mettre en etat de connoitre la perversity de la Doctrine soutenue constamment par les soy disans Jesuites depuis la naissance de la Society jusqu' au moment actuel, avec l' Approbation des Theologiens, la permission des Superieurs et Generaux et l'eloge d'autres membres de la dite Societe: Doctrine autorisant le Vol, le Mensonge, le Parjure, l' Impurete, toutes les Passions et tous les Crimes, enseignant l' Homicide, le Parricide et le Regicide, renversant la Religion pour y substituer des Superstitions, en favorisant la Magie, le Blaspheme, l' Irreligion et l' Idolatrie; Et sera ledit Seigneur Roy tres-humblement supplie de considerer ce qui resulte d' un enseignement aussi pernicieux combine avec le choix et l' uniformite des Opinions dans ladite Societe. Fait en Parl. le 5 Mars 1762.

The reader should be apprized that this volume contains a portion only of the Extracts referred to in the above Arret, the whole collection forming a large Quarto, published by authority, as verified and collated by the Commissioners\* of Parliament; and further that an audacious attempt was made by the Jesuits in a work entitled Reponse aux Assertions to cast discredit upon them as for the most part studied fabrications. To ascertain the validity of this impeachment, the Libraries of the two Universities, of the British Museum,

- The Commissioners were 5 Princes of the Blood, 4 Peers of France, 7 Presidents of the Court, 13 Counsellors of the Grand Chamber, and 14 other Functionaries.

and of Sion College have been searched for the authors cited; and in every instance where the volume could be found, the correctness of the citation has been established. To afford every facility to those who may be desirous of satisfying themselves, the particular Library where the book is deposited is added, within brackets, to the author's name, an alphabetical list of the Writers, and the result of a Collation with the Originals, as far as it could be conducted, are given in the Appendix.

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# THE ORDER OF THE JESUITS

EXEMPLIFIED, &c.

## CHAP. I.

### ORIGIN OF THE ORDER.

THE founder of the Jesuits was Ignatius of Loyola, a Spaniard by birth and a soldier by profession. At the siege of Pampeluna, in the year 1521, he was . severely wounded; and it was during the confinement which his wounds occasioned him, that he devised the scheme of his militant order. Among the books which were brought to beguile the tedium of his seclusion from active life, was the *Flos Sanctorum*,<sup>1</sup> a Spanish romance, which inspired him with the love of spiritual knight-errantry : and being a man at once ignorant and ambitious, as well as religiously insane, he determined to realize the schemes of visionary adventure

<sup>1</sup> History of Ignatius (2 vols. 12mo. London, 1754.)  
Vol. I. p. 8.

on which his imagination had been doting. His first step in prosecution of his purpose, was to devote himself to the Virgin, as her true and faithful knight; which he did at the Benedictine Monastery of Montserrat, observing the ceremony of watching his arms before her miraculous image, in token of his consecration to her service. At Manreze he entered upon the course of his austerities, adopting the penury, but rejecting the cleanliness of the beggar, and retired to a cave at a short distance from the city, where he remained concealed for some time, undergoing the discipline of voluntary privation and self-inflicted severities. In this state he was found and carried to Manreze, where the Dominicans endeavoured to cure him of his distraction. In their hospital he affected to receive illuminations from heaven; and a trance of eight days duration is particularly recorded by his biographer,<sup>2</sup> in which he was permitted to contemplate the construction of the order which he conceived himself commissioned to establish.

But it was not to these pretended spiritual communications that the frenzied visionary confined himself. Although his highest literary attainment was the capability of reading his native language, yet he undertook to compose a book of Spiritual Exercises, the revelations of which a Jesuit writer has declared, with the gravest

<sup>2</sup> Ribadeneira.—See History of Ignatius, Vol. I. p. 38.

blasphemy, to have been sent to him from God by the angel Gabriel.<sup>3</sup> Amongst the impious extravagances which it contains, the "Meditation of the Two Standards" describes a contest between the armies, of heaven and the legions of Satan, as an image of the martial order which the enthusiast projected.<sup>4</sup>

The first great scheme which he designed to execute, was a visit to the Holy Land for the establishment of the Romish faith. Arrived at Barcelona in his way, he was one day seated before the altar, in devout attention to the public instruction which he heard, when the Lady Roselli witnessed the radiant illumination of his saintly head. Thence proceeding to Rome, he did homage at the feet of Adrian VI., and received the papal benediction previously to the commencement of his intended pilgrimage. At Venice he procured an introduction to the Doge, who permitted him to embark in a vessel which was on the point of sailing for Cyprus, where he found a number of pilgrims ready to proceed to Palestine; and accompanying them to the port of Jaffa, he went forward on his way to Jerusalem.

After visiting with devout curiosity, the site and wonders of the once Holy City, he was admonished by the provincial of the Franciscans,

<sup>3</sup> History of Ignatius, Vol. I. p. 41.

<sup>4</sup> Ibid. p. 42.



under the authority of a bull from the Pope granting him discretionary power for that purpose, to return to Europe; and Ignatius, the patron of obedience, assuredly gathering that he ought not to resist the command of God by despising the authority of his vicar, withdrew himself quietly from Palestine, leaving the Mahometans but little affected by his visit. On his return to Barcelona, he attempted to repair the deficiencies of his education by striving to acquire a knowledge of the Latin language. He was at that time thirty-three years of age; and by patient perseverance he succeeded in surmounting the difficulties of declension; but, unhappily for the romantic student, he found that Satan<sup>5</sup> had concealed himself in the present tense of the first verb which he attempted, and his classical progress was suspended until he had solemnly vowed that he would not yield to interruption for the space of two years. He was indefatigable in the fulfilment of his vow, but still he did not advance.

When the judges of ungrateful Salamanca evinced their distaste for fanaticism by prohibiting his public preaching, the hero retired in disgust from the dishonour of his own country, with the intention of pursuing his studies in the enlightened university of Paris. His poverty obliged him to become dependent upon the hospital of St. James,

<sup>5</sup> History of Ignatius, Vol. I. p. 64.

where he was fortunate in escaping public flagellation, for having converted three young Spaniards to his fanatical follies. Destitute of the means of subsistence, he devoted his vacations to a profitable mendicity; and after visiting Flanders and England, he returned to Paris enriched with the alms of the benevolent.

It was at this time that Ignatius gained two companions, Peter Le Fevre and Francis Xavier of Navarre, who were afterwards distinguished for their exertions in the extension of his order. Their example was quickly followed by two young Spaniards of superior abilities, James Lainez, of Castille, and Alphonso Salmeron, of Toledo, who had heard, at Alcala, of the miracles which were ascribed to the wandering fanatic. They came to Paris, and, with Alphonso Bobadilla, of Leon, were added to the number of his disciples. The sixth companion was Simon Rodriguez, a native of Portugal, who resigned himself, with the blindest submission, to the will of his infatuated guide.

With this accession of numbers, Ignatius imagined that he could subdue the world. He proposed, and the proposal was received by all his associates with enthusiastic joy, to pass a second time into Palestine, to gratify their ardent desire of spiritual conquest. They engaged to bind themselves to the enterprize by a vow, from which they were to be released at the expiration of a year, if a favour-

able opportunity for the adventure should not be found. In failure of the possibility of reaching the Holy Land, they resolved to proceed to Rome, to offer their services to the Pope, and with submissive obedience to his mandate, to go whithersoever he would send them, either to confirm the papal power in the kingdoms where it already subsisted, or to establish it in those which were not reduced to its yoke.

The seven companions assembled at Montmatre, and solemnly bound themselves by the vow, which they often afterwards renewed. As they had not completed the course of their theological reading, Ignatius resolved to extend the period; for he had severely experienced the inconvenience of such deficiency in himself. Before the expiration of the appointed time, Le Fevre had added three new converts to their number at Paris,—Le Jay, Codure, and Brouet, who afterwards took the vow at Montmatre.

In the meanwhile, Ignatius determined to visit his family at Loyola, before the commencement of his pilgrimage. Thence he proceeded to Venice, where he became acquainted with Caraffe, Archbishop of Theate, who was afterwards raised to the rank of cardinal, and finally to the papal chair.<sup>6</sup> This prelate had founded an order for the reformation of the lives of the dissolute ecclesiastics, and

<sup>6</sup> Paul IV.—History of Ignatius, Vol. I. p. 117.

he wished that Ignatius should join it. But the teacher of implicit submission, with the true consistency of his order, chose rather to make new laws than to obey those which were already made; and Caraffe's invitation was rejected.

The several companions assembled at Venice, thence to proceed to Rome, to ask the papal benediction before they departed for the Holy Land. It happened that the object of their visit was announced to the Pope by Ortez, who had violently opposed them for their conversion of the three Spaniards. He had been sent to Rome by Charles V. to intercede with Paul for the confirmation of the marriage between Henry VIII. of England and Catharine of Arragon. Ortez recognized Xavier and Le Fevre, who succeeded in removing the animosity which he had retained against their leader, and in persuading him to praise their project. The Pope received them to their satisfaction. He bestowed alms for their pilgrimage, and added the permission that they might receive ordination where and of whom they pleased.

Elated with this success, the companions returned to Ignatius at Venice, where they vowed perpetual chastity before Nigusanti, the nuncio of his Holiness. A war between the Turks and Venetians obliged them to delay their departure for Palestine; and they awaited the time when their vow would be no longer binding. But they

did not remain inactive. They dispersed themselves among the different towns, and, with extravagant enthusiasm, addressed the multitudes in the streets and in all public places, inviting them to join their wandering sect.

The time passed on, the year expired, and the project for Jerusalem was abandoned. It seemed to the infatuated leader, that the continuance of the war had been expressly ordained to prevent the execution of the plan; and it was determined that he should proceed to Rome, accompanied by Le Fevre and Lainez, to offer their services to the Holy See for the subjection of the nations to its power. The other associates were meanwhile to insinuate themselves into the several universities of Italy, to endeavour to pervert the students, and to gain them to their cause.

When the three enthusiasts had arrived within a short distance from Rome, Ignatius devised a skilful expedient for the encouragement of his wavering friends. Entering without them into a small ruined chapel, which stood by the way side, he fabricated an account of a vision, which he declared that he had seen from heaven, descriptive of the future prosperity of his order. Then he came forth with his visage and his understanding equally enlightened. His scheme succeeded to his wish, and his companions proceeded—for they were reassured.

On their arrival at Rome, Ortez, who had

become their willing friend, presented them in person to the Pope; and they received permission to teach their peculiar divinity at Cologne. Le Fevre was charged with the exposition of the Scriptures, and Lainez with public lectures and scholastic disputation. The scattered labourers were not so successful. Xavier and Hozius were seized with dangerous sickness; the latter died, and Ignatius, at a distance, persuaded himself that he had traced the ascent of his spirit into heaven.

While the companions were thus employed in their dispersion, it was not likely that the collective importance of their body would increase. Of this their crafty leader was aware. He therefore summoned them to Rome, to consult together upon their future proceedings. The result of the conference was a determination to raise themselves into a religious order, peculiar both in nature and in title, under the immediate sanction of the head of the Romish Church. The Pope was at that time absent from Rome; and they expected to surmount with difficulty the aversion which he had expressed to the increase of monastic institutions. Yet, in case of a favourable reception, it was necessary that their society should be distinguished by a name. Even upon this point the illiterate fanatic pretended to have received instructions from heaven, under sanction of which he impiously designated his fraternity--THE SOCIETY OF JESUS.

While Paul III. remained at Nice, Ignatius was engaged in the revision of his code of laws, with the view of making them as acceptable as possible to his Holiness, and of paving the way to a favourable reception. To the vows of poverty and chastity which were already enacted, he proposed to add another, of unqualified and perpetual obedience. One man was to be separated from among the brethren, to whom the rest were blindly to defer, as unto their chosen divinity. The companions agreed to all that he proposed; the order was to become monarchical, and the subtle projector was able to surmise upon whom the election to the sovereignty would fall. Still the society had nothing to recommend it to the Pope, that he should grant it his authority and support. The fourth vow was therefore proposed, by which all who were admitted to profession of the order, should solemnly bind themselves to the sovereign pontiff and his successors, to go whithersoever they might choose to command them. This was an offer which a pope could not resist. In subsequent conferences it was also determined to be expedient, that the society should be capable of possessing colleges in the universities, with endowments for the maintenance of scholars.

Thus prepared, they awaited the return of his Holiness to Rome. The plan of the Institute was laid before him by Cardinal Contarini; and the promise of profession of the fourth vow had the

desired effect. The Pope approved the society; but he was unwilling to confirm it without a reference to three cardinals. It was violently opposed by Guidiccioni, who, instead of encouraging the formation of new orders, wished to reduce the number of those which already existed. The other cardinals acquiesced in his opinion, and the establishment of the society continued doubtful.

Ignatius, nothing daunted by this repulse, devoted himself sedulously to the removal of the opposition of Guidiccioni: but his efforts were expended with little prospect of success, until he devised the expedient of purchasing the cardinal's favour, by the offer of three thousand masses to heaven. The bargain was accepted, and Guidiccioni became his friend. Then the society began to prosper; for the chief impediment to its institution was removed. It received the confirmation of the See of Rome, by the Bull "Regimini Militantis Ecclesiae," which was published by Paul III. in the year 1540, the sixth of his pontificate.<sup>7</sup>

Still the companions were united under a restriction which did not satisfy their ambitious leader; for their number was limited to sixty. He succeeded, however, in removing this restriction, after nearly three years of persevering solicitation;

<sup>7</sup> Literae Apostolicae, (Romae, 1606,) Bulla I. 1540.



when another bull was published,<sup>8</sup> permitting the unlimited extension of the society over the whole world.

When the accumulating army was thus regularly organized, it became necessary to deliberate on the choice of a General. The suffrages of the members were collected, and the lot fell upon Ignatius. Possibly he had sufficient capacity to calculate upon such a decision; certainly he had art enough to feign a reluctance to gratify his ardent wish. But the official power was offered to him a second time—an offer which he readily ascribed to divine interposition; and he entered upon the government of the Order on Easter-day.

<sup>8</sup> *Litterae Apostolicae*, Bulla II. 1543,

## CHAP. II.

### THE INSTITUTE.

THE care with which the Jesuits concealed the hook of their varying Institute, betrays their consciousness of the suspicious nature of its contents. To the deep schemes of policy devised by abler men than the first author of their system, and to the spirit of enterprize with which they were achieved, the society is indebted for the aggrandizement which it afterwards attained. Their crafty members knew the value of obedience, and he bowed the will of his adherents as the spirit of one man. Bound by no laws himself, he secured the power of making them for others; and in the exercise of supreme authority, ruled the actions of his subjects with absolute and arbitrary sway. Constitutions, it is true, were framed and confirmed for the government of his spiritual monarchy: but they were neither permanent nor definite, because the power of changing them with the change of circumstances,

was vested wholly in the General; and because they were but partially communicated, at his discretion, to those whom they were given to direct.

The course of education adapted to this subtle system was admirably calculated to excite and gratify an unbounded ambition. The fruitless austerity and unmeaning forms of the monastic orders were exchanged for the acquisition of a knowledge of those useful arts, which the spiritual soldiers might turn to their worldly account. No sooner were the Novices enlisted in the society, than their rank and temper, talents and possessions, were strictly scrutinized and faithfully reported<sup>1</sup> to their superior. Natural abilities made ample atonement for poverty, and wealth for the lack of talent. Some useful office could be found suited to capacities of every kind; and therefore was it especially provided, that the choice of members should be influenced by the riches which they had in possession; that they might at least contribute to the temporal, if not to the spiritual advantage of the body. A brief and orderly review of the constitutions will display the process which tried the qualities of the admitted members.

The avowed object of the society is declared

<sup>1</sup> A copy of the schedule used in the report is given in the Appendix I.

to be an intent activity in setting forward the salvation and perfection of the souls of men.<sup>2</sup> For the better qualification of those who engage to enter it for that purpose, the three vows of obedience, poverty, and chastity, are imposed.<sup>3</sup> In reference to individuals, that of poverty is made in the strictest sense of the word; for the possessions of the candidates leave them as exuviae at the very entrance; and they are received without the power of retaining the smallest pittance for their support. Every House of Probation is a branch of one of the society's colleges,<sup>4</sup> and endowed with revenues for the maintenance of scholars in their progress towards profession. These revenues cannot be applied to any other use, and are at the disposal of the General, or of the rectors appointed by him to superintend their expenditure.<sup>5</sup>

The Jesuits who have passed to the most secret mysteries of the Order, are distinguished by the appellation of "the Professed Society."<sup>6</sup> Besides the three simple vows of obedience, poverty, and chastity, they are compelled to take the fourth and peculiar vow, by which they bind themselves

<sup>2</sup> Examen Generate Constitutionum cum Declarationibus, I. § 2.

<sup>3</sup> Ibid. §3.

<sup>4</sup> Ibid. § 4. and B.

<sup>5</sup> Constitutiones cum Declarationibus, P. IV. c. 2. §5. C.

<sup>6</sup> Examen I. § 5.

to proceed upon any mission, which the Pope may command them to undertake.<sup>7</sup> But the General, who has all power over missions,<sup>8</sup> can enable them to evade this vow, unless his Holiness should use extreme caution in the verbal definition of his instructions.

The whole society may properly be said to consist of four classes;—1. Novices. 2. Scholars. 3. Coadjutors; and, 4. The Professed of Four Vows.

Besides these, there are some Jesuits who are simply admitted to the profession of three vows.<sup>9</sup>

#### I. NOVICES.

THE Novices are the first in order of admission, and in dignity the last. Before they can be received to a higher class, they must pass the different stages of probation. Apartments in their houses are reserved for this special purpose, and are called the House of Primary Probation.<sup>10</sup> The candidates for admission are received there without difficulty, if they are evidently fit for the designs of the society; if otherwise, they are immediately dismissed by the examiner, who

<sup>7</sup> Const. P. V. c. 3. § 3. C.

<sup>8</sup> " Idem Generalis in Missionibus omnem potestatem habebit."— Const. P. IX. c 3. § 9.

<sup>9</sup> Examen I. § 7. D.

<sup>10</sup> Const. P. I. c. 4. § 1, 2. and A.

consoles them (agreeably to the directions of the Institute), as far as circumstances will admit.<sup>11</sup> In this house they remain as guests for twelve or twenty days, that they may acquire a little knowledge of the nature of the society,<sup>12</sup> and that the society may gain much information concerning their utility, talents, and condition. On the day which follows their admission, they are instructed in the department which is required of them. Every communication with the servants or strangers, either by word or letter, is expressly forbidden, unless permitted by the superior for some special purpose. In two or three days they are more closely questioned; and the book of the " *Examen Constitutionum*" is left with them for mature consideration. The Declarations provide that they shall at first be kept from a knowledge of all the Constitutions. They are only suffered to inspect a brief Compendium, which teaches them what they must observe and do.<sup>13</sup> The Bulls, a Summary of the Constitutions, and the General Rules, are afterwards submitted to their deliberation;<sup>14</sup> or the

<sup>11</sup> *Examen* II. § 7.

<sup>12</sup> " *De iis quae pertinent ad societatem illi certiores reddantur, et societas eosdem plenius in Domino Nostro cognoscat.*" *Const. P. I. c. 4. § 1.*

<sup>13</sup> " *Non oportebit Constitutiones universas ab iis, qui novi accedunt, legi; sed Compendium quoddam earum, ubi quisque quid sibi observandum sit, intelligat.*"—*Examen* I. G.

<sup>14</sup> *Const. P. I. c. 4. § 5.*

substance of them recounted, if they cannot, understand the Latin in which they are written.

There are five impediments to admission into the society:—1. Heresy, schism, or excommunication. 2. Homicide. 3. Having worn the habit of another order. 4. Marriage. 5. Imbecility of mind.<sup>15</sup>

Any one of them may be sufficient to prevent the progress of a candidate through the society. Still, if he should be endued with excellent gifts, which may be useful for the designs of the Institute, an application may be made to the Pope, or his Nuncio, to entreat for his admission. The General may then consent to it, if he think proper: but the door must not be opened to many such cases, nor indeed to any, unless the abilities of the candidate should be of a superior kind.<sup>16</sup>

In addition to these five hindrances, there are others which render an applicant less fit for admission, although they may not be sufficient for his absolute rejection.<sup>17</sup> They are left to the discretion of the examiner, and referred to the decision of the superior. Among them, the Constitutions enumerate ungoverned passions, a habit of sin, an unsettled disposition, want of learning or of memory to retain it, indifference

<sup>15</sup>Examen II. § 1, &c. and Const. P. I. c. 3. § 3, &c.

<sup>16</sup>Const. P. I. c. 3. § 7. G.

<sup>17</sup>Ibid. c. 3. § 8. and H.

to improvement, deficiency of judgment, and obstinacy of opinion.<sup>18</sup> To these are added bodily imperfection, disease, weakness, and remarkable deformity. Fourteen years is the earliest age at which candidates can be admitted to probation, and to profession at twenty-five; restrictions with which it is in the power of the General discreetly to dispense.<sup>19</sup> Debts and law-suits, too, are incumbrances from which the Jesuits are particularly anxious that their novices should be free.<sup>20</sup>

During the days of primary probation, the candidate is asked whether he has formed the deliberate intention of living and dying in the society, in perfect obedience to the General.<sup>21</sup> In the examination to which he must submit, every circumstance is drawn from him connected with his birth, his family, and connexions. Strict enquiry is made touching the marriage or celibacy of a brother or sister; their state and manner of life; but, above all, whether he be bound himself by a promise of marriage—an engagement which might render him inadmissible, upon the ground of implication under the fourth impediment.<sup>22</sup> The eagerness of the society, in amassing to

<sup>18</sup> Const, P. I. c. 3. § 9, &c.

<sup>19</sup> Ibid. § 15. K.

<sup>20</sup> Ibid. L.

<sup>21</sup> Examen III. § 14. Const. P. I. c. 4. § 3. and P. V. c. 1. §1. A.

<sup>22</sup> Examen III. § 2, 3, 4, 5; and Declar. C.



itself the property of families, is betrayed in all these questions. The health and perfections of the candidate's body must be ascertained, not only by particular enquiry, but also by surgical inspection.<sup>23</sup> The manner in which his life has been spent from his youth; the bent of his inclinations; the substance of his prayers; the fervour of his devotions ;<sup>24</sup> all must be revealed, without reserve, at the bidding of the scrutinizing enquirer.

The succeeding question in the Examen is characteristic of the universal despotism of the militant Institute. The applicant must be asked, whether he has ever held, or still continues to hold, any opinions or ideas differing from those which are commonly maintained by the church, and approved by her doctors;<sup>25</sup> for novel opinions cannot be tolerated.<sup>26</sup> The judgment must entirely defer to the interpretation adopted by the society, that conformity to it may be preserved, even upon those points on which the Catholic doctors themselves are not agreed.<sup>27</sup> In every

<sup>23</sup> " Num habuerit, vel habeat morbum aliquem occultum, vel manifestum, et qualem; eum speciatim interrogando, num vexationem aliquam stomachi vel capitis, vel quodvis aliud impedimentum naturale, seu defectum in aliqua sui parte patiat. Et hoc non solum interrogetur, sed quoad fieri potest, inspiciatur."—Examen III. § 8.

<sup>24</sup> Ibid. § 10.

<sup>25</sup> Ibid. §10, 11.

<sup>26</sup> Const. P. III. c. 1. § 18. Declar. O.

<sup>27</sup> Ibid, and Examen III. § 10.

scruple or spiritual difficulty which may arise, he must engage to abandon his own decision, and to acquiesce in the opinions of other members of the society, who are gifted with probity and learning.<sup>28</sup>

He must next declare his resolution of renouncing the world, he must define the time and manner of his persuasion to do so, with the mental warnings by which it was suggested. His property must be resigned, dispersed, and given to the poor<sup>29</sup> (society of Jesuits, who are mendicants for that purpose), without a hope of regaining it at any time. If, for good and special reasons, it should not be immediately relinquished, he must bind himself by a promise to give up the whole of it after one year from his admission, whenever his superior may demand the resignation.<sup>80</sup> And that his better<sup>81</sup> example may shine before men, he must put away all strong affection for his parents, and refrain from

28 Examen III. § 11, 12.

29 Ibid. IV. § 1.

30 Ibid. § 3.

<sup>31</sup> " Ut melius exemplum omnibus exhibeant, inordinatum erga parentes affectum exeundi, et incommoda inordinate distributionis quae a dicto amore procedit, declinandi; atque ut ad parentes et consanguineos recurrendi, et ad inutilem ipsorum memoriam aditu praeccluso, firmiter et stabiliter in sua vocatione perseverent."—Examen IV. § 2, &c. and Const. P. III. c. 1. § 7. F. G.

the unsuitable desire of a bountiful distribution towards them, arising from such a disadvantageous affection, that the precept of the Gospel may be followed more perfectly, which says not, " Give to your relations," but, " Give to the poor." Yet should any scruple arise, as to the propriety of bestowing his money upon strangers in preference to his kindred, to avoid the danger arising from family affection, the superior may appoint two or three Jesuits<sup>32</sup> (or those who are not, if he should prefer it), to dispose of the scruple for him. To them he is compelled to leave it, and he must submit, without appeal, to their absolute decision. Thus effectually cut off from all access to his parents, and even from a useless remembrance of them, he may proceed more surely in the course of his hopeful vocation. Excellent gift of charity—*ad majorem Dei gloriam*.

The candidates are then questioned upon their voluntary submission to the inquisitorial system of the society. They are interdicted from verbal or written communication with their families and friends; and they are asked whether they will refrain from such intercourse, unless permitted by their superior; whether they are satisfied that all letters written and received by them, as long as they remain in the house, should be

<sup>32</sup> Examen IV. § 3. and A.

opened, read, and delivered up for that purpose, to the person appointed to examine them.<sup>33</sup> Their actions, errors, and deficiencies are always closely watched, and reported to the superior by any one who has observed or discovered them not in confession.<sup>34</sup>

After the Constitutions have been read in primary probation, according to the directions of the Institute, a general confession of the whole past life must be made, and repeated every six months, to some Jesuit priest, who may be deputed by the superior to receive it.<sup>35</sup> If any confession had been previously made to one of the society, it would be sufficient to retrace the subsequent period only. An entry is then inserted in a book kept for that purpose, of every thing brought by the applicant into the house, and of his contented submission to all that may be there proposed to him. To this entry he is obliged to attach his signature,

<sup>33</sup> " Interrogentur, num contend sint cum hujusmodi non communicare, nec literas accipere, nee scribere; nisi aliqua occasione superiori aliter videretur: Et quamdiu Domi fuerint, num contend sint, ut videantur literae omnes, et quae ipsis scribentur, et quas ipsi aliis scribent; ei cui hujusmodi munus commissum est, cura relicta, ut eas det, vel non det, quemadmodum in Domino nostro magis expedire judicabit."—Examen IV. § 6. and Const. P. III. c. 1. § 2.

<sup>34</sup> Examen IV. § 8.

<sup>35</sup> Ibid. § 41, and Const. P. I. c. 4. § 6.

if he can write;<sup>36</sup> if not, it may be signed for him by another person, in the presence of several witnesses. Then the sacrament of the eucharist is administered to him, and he afterwards passes from the chamber of Primary Probation, to join the Novices of the House, who are devoting a longer period to the exercises of their Second Probation.

The Noviciate in the House of Probation continues for two years,<sup>37</sup> unless the period should be contracted or prolonged at the discretion of the General.<sup>38</sup> There are six principal Exercises<sup>39</sup> ordained for the trial of the Novices, which may be varied and modified, accelerated or postponed, by the same omnipotent authority.<sup>40</sup> These six Experimenta are given in the following order:

1. The novices are to devote a month to spiritual exercises, self-examination, confession of sins and meditation, and to a contemplation of the life, death, resurrection, and ascension of Christ.

2. They are to serve for another month in one or more of the hospitals, by ministering to the sick, in proof of increasing humility and entire renunciation of the pomps and vanities of the world.

3. They must wander during a third month,

36 Const. P. I. c. 4. § 6. F.      37 Examen I. § 12.

38 Ibid. P. V. c. 1. C.

39 Ibid. IV. § 9, 10, &c.

<sup>40</sup> Const. P. IX. c. 3. E.

without money, begging from door to door, that they may be accustomed to inconvenience in eating and sleeping: or else, they may serve in a hospital for another month, at the discretion of the superior.

4. They must submit to be employed in the most servile offices of the house into which they have entered, for the sake of shewing a good example in all things.

5. They are to give instruction in christian learning, to boys, or to their untaught elders, either publicly, privately, or as occasion may be offered.

6. When sufficient proof has been given of improvement in probation, the novice may proceed to preach, to hear confessions, or to any exercise in which circumstances may direct him to engage.<sup>41</sup>

While a Jesuit is thus fulfilling the several trials of his fitness, he may not presume to say that he is one of the society.<sup>42</sup> He must only describe himself as wishing to be admitted into it; indifferent to the station which may be assigned to him; and waiting, in patient expectation, until it be determined how his services may be most advantageously employed. Testimonials of a faithful and efficient discharge of the six Experimenta must be brought by the novice to the

<sup>41</sup>Examen IV. § 10—15.

<sup>42</sup>Ibid. § 17.

superior: for the first, from the approver of his spiritual exercises; for the second, from the governor of the hospital; for the third, from a respectable resident in the district of his mendicancy; with certificates of similar credit for the remaining three.<sup>43</sup> If testimony to diligent probation cannot be procured, it is deemed expedient to dismiss the novice at once,<sup>44</sup> rather than admit him into the body of a society, to the Institute of which he would only be an unprofitable member.

The three simple vows are not to be taken until after the expiration of the biennium of the novitiate ; unless an unusual warmth of devotion should impel the novices to desire an earlier profession of them;<sup>45</sup> then, by an express permission of the General, they may be allowed to do so: but no one may be urged, much less compelled, to hasten this closer union with his Maker.<sup>46</sup> Their vows are of the same form as those which are required of the scholars, and are given in the fourth chapter of the fifth part of the Constitutions.<sup>47</sup> They must be renewed twice every year,

<sup>43</sup> Examen IV. § 18—24.      44 Const. P. II. c. 2. C.

<sup>45</sup> Const. P. V. c. 4. § 6.      46 Ibid. P. III. c. 1. T.

<sup>47</sup> The following is the row which they are required to take:—" Omnipotens Sempiternus Deus, Ego N. licet undecunquc divino tuo conspectu indignissimus, fretus tamen pietate ac misericordia tua infinita et impulsus tibi serviendi desiderio, voveo coram sacratissima Virgine Maria et curia

on two solemn festivals,<sup>48</sup> before the administration of the holy sacrament, and in the presence of the resident members of the house.

After this profession of obedience, the novices must still remain in an indeterminate state, until by lapse of time the society shall have discovered for which of the classes their talents will qualify them. They are compelled to be indifferent<sup>49</sup> in their choice, and to abide the decision of the superior. They are warned that they may not at any time shew a preference, either directly or indirectly, for any rank in the society;<sup>50</sup> but that they must defer, in perfect humility and obedience, to the dictum of the General—even if he should require them to devote their lives to serve in the meanest offices of the society. The utmost liberty which the Constitutions allow them is very limited. After having prayed, they may venture to declare to their superior any suggestion which might occur to them upon their comparative fitness for a

*tua celesti universa, divinae Majestati tuae Paupertatem, Castitatem et Obedientiam perpetuam in Societate Jesu: et promitto eandem societatem me ingressarum, ut vitam in ea perpetuo degam, omnia intelligendo juxta ipsius Societatis Constitutiones. A tua ergo immensa bonitate et dementia per Jesu Cbristi sanguinem peto suppliciter, ut hoc holocaustum in odorem suavitatis admittere digneris: et ut largitus es ad hoc desiderandum et offerendum, sic etiam ad explendum, gratiam uberem largiaris.—Romse (vel alibi, tali loco, die, mense et anno)."*

<sup>48</sup> Const. P. V. c. 4. H. and P. IV. c. 4. § 5. D.

<sup>49</sup> Examen I. § 11.      <sup>50</sup> Ibid. VIII. § 1, 2.



particular office. But having done so, they must contentedly abide by his supreme decree, whether their prayer be granted or refused.<sup>51</sup>

If the Jesuits should be found unfit for the designs of the society, they may be dismissed, but with a difficulty proportioned to the dignity of the class into which they have been admitted.<sup>52</sup> Those who have been received to primary probation only, may be dismissed more readily than others. The novices who have not taken the vows may be rejected more easily than approved scholars, or than temporal and spiritual coadjutors who have made profession of their public vows. In some instances, even the professed themselves may be dismissed, when they cannot be retained without injury.<sup>53</sup> But expulsion will always be made with a readiness or reluctance proportioned to the *dona Dei* with which the Jesuit may be endued.

The power of such dismissal belongs to the whole society assembled in general council. It is also vested in the General himself;<sup>54</sup> and he may impart it by voluntary measure to provincials, local superiors, and rectors, for the preservation

51 Const. P. III. c. 2. § 1. and P. V. c. 4. § 5. F.

52 Ibid. P. II. c. 1. § 1. A.

53 Ibid. c. 1. § 1. A. &c.

<sup>54</sup> " Dimittendi facultas in primis ad universam Societatem pertinet... Eadem erit penes Praepositum Generalem in omnibus, praeterquam si quid ad ipsius personam pertineret."—Const. P. II. c. 1. §2.

of obedience among all the members of the body. Upon this delegated authority they may act, except when the expulsion is to affect a coadjutor, or one of the professed society. In such a case the circumstances must be transmitted to the General, that his consent and approval may be given; unless the faulty Jesuit be engaged in an Indian or other distant mission, when it becomes necessary that his provincial should have the power of dismissing him for any just and sufficient cause.<sup>55</sup>

## II. SCHOLARS.

IN order to promote the designs of the society, the Jesuits consider it expedient that they should possess colleges and universities of their own,<sup>56</sup> in which the novices who have acquitted themselves with credit in the houses of probation, may be admitted to additional instruction in the mysteries of the Institute, and examined more strictly in their own qualifications. These colleges are coffers for all the riches which the society can amass by way of endowment;<sup>57</sup> and the Constitutions provide, that annual, monthly, and weekly masses shall be said for their founders and benefactors, whether they be living or deceased. Tapers are to burn in

<sup>55</sup> Const. P. II. c. 1. §2. Declar. C. &c.

<sup>56</sup> Ibid. P. IV. c. 1. Proaem.

<sup>57</sup> Ibid. §1,2.

token of the grateful memory in which they are held by the society.<sup>58</sup> But if, in course of time, no descendant of a founder should happen to reside near the college which has been endowed with his property, the taper may be removed<sup>59</sup> to his immediate neighbourhood, to remind him that Jesuitical gratitude is a burning and a shining light. But lest he should mistake the meaning of the glimmering wax, the Declarations very carefully express, that he must not construe it into an acknowledgment of a remaining right of patronage, or of any control which the descendants of the founder may suppose that they retain over the temporal possessions of the college—for they have not such a privilege.<sup>60</sup>

The General is invested with plenary power to receive benefactions for the foundation of colleges, in the name of the society at large.<sup>61</sup> But if the founder should propose conditions<sup>62</sup> of acceptance, the General must confer with his assistants and other experienced advisers, upon the expediency of

58 Const. P. IV. c. 1. § 3.

59 Ibid. Declar. B.

<sup>60</sup> "Per hujusmodi candelam, significatio fit gratitudinis erga fundatores tenendae; non juris patronatus, vel actionis ullius quae illis, aut eorum successoribus, ad Collegium vel ejus bona temporalia competat—nihil enim tale erit."—Const. P. IV. c. 1. C.

<sup>61</sup> Const. P. IV. c.2. §1.

<sup>62</sup> Ibid. §2.

accepting or rejecting the offer, lest the gift should become burdensome, rather than beneficial to the interests of the society. The consideration and decision of such a weighty matter must then be referred to the next following congregation ;<sup>63</sup> for the General has not the power of transferring, dissolving, or alienating established houses and colleges, or of converting their revenues to the use of the professed society. This select body takes charge of the riches which are gathered into the collegiate garners, and effectually provides for the administration of them, independently of the scholars for whose benefit alone they are avowedly given and preserved. The power, of appropriating these revenues may be transferred by the General to the rectors, provincials, or others whom he may choose to select for that purpose, with a permission to receive into the colleges whatever may contribute to their temporal increase and support.<sup>64</sup>

The scholars, therefore, who should seem to be the richest members of the society, are, in fact the poorest; because they have no control over the expenditure of their own property. The professed society, who, with the General at their head, have the credit of appearing to be the poor destitute, are, in truth, the sovereign disposers of this

<sup>63</sup> Const. P. IX. c. 3. § 17, 18.

<sup>64</sup> Ibid. P. IV. c. 2. § 5. C.

accumulated wealth; although the Constitutions prohibit the application of it to their individual necessities. But still their jurisdiction may be referred to the universal power of their supreme ruler; because it is he who chooses the administering rectors from the class of coadjutors, and he may remove them at his pleasure.<sup>65</sup> They will therefore, of course, be subservient to his will.

The bulk of the property given or bequeathed to the militant society, is thus appropriated to the raising of recruits for general or special service. But the Constitutions allow to the professed considerable latitude in their disbursements. They may expend the revenues upon persons who will make themselves useful,<sup>66</sup> upon preachers, confessors, and visitors, and upon some of the professed who are employed in promoting the spiritual or temporal welfare of the colleges. They may even be appropriated to those who are occupied in the business of the colleges, but not within them.<sup>67</sup> They may be applied to the payment of proctors, who are retained to support the interests<sup>68</sup> of the society with the Pope, or at the courts of other princes; and to convert the enmity of an opponent

65 Const. P. IV. c. 10. § 1,2, 3.

66 Ibid. c. 2. § 5. F.

67 " Eorum etiam, qui extra Collegia gerunt illorum negotia."  
Const. P. IV. c. 2. § 5.

68 Ibid. c. 2. § 5. E.

to the favour of a friend.<sup>69</sup> The General may apportion the funds of the colleges to the discreet payment of these beneficial expenses; and a very small pittance may be lavished upon a vagrant brother.<sup>70</sup>

The scholars regularly trained in these colleges are of two kinds—1. Received, and 2. Approved. The former division comprises all those who are sent to try their skill in collegiate exercises without having passed their noviciate. Any one of the five impediments to probation would be sufficient to prevent their reception as scholars.<sup>71</sup> But when the Vicar of Christ, in consequence of their freedom from such impediments, has pronounced them fit for any of the houses of probation, their fitness for residence in the colleges may also be understood by implication.<sup>72</sup> This early reception does not dispense with the period and exercises of probation; but it amounts to a permission to discharge them in conjunction with the course of college reading;<sup>73</sup> and it is not until after their completion, added to a profession of the three vows, and a promise of perpetual fellowship with the society, that the Jesuits

69 " Ad ea quae dicta sunt, reducitur cura conveniens amicos conservandi, et ex adversaries benevolos reddendi."— Const. P. IV. c. 10. C.

<sup>70</sup> Ibid. c. 2. § 5. F.

<sup>71</sup> Ibid. c. 3. § 2.

<sup>72</sup> Ibid. c. 3. A.

<sup>73</sup> Examen. IV. § 16.

are admitted as approved scholars.<sup>74</sup> The vows which are then taken bind them instantly and firmly to the society, but not the society to them; and they must be renewed twice every year, on the festivals of the resurrection and nativity. Although the vow of poverty be made, together with the promise of renouncing their property, yet, with the General's sanction, they may retain possession of their temporalities for such a portion of their time of probation as he may think proper to allow.

The qualities to be desired and commended in the scholars are, acuteness of talent, brilliancy of example, and soundness of body.<sup>75</sup> They are to be chosen men, picked from the flower of the troop<sup>76</sup>; and the General has absolute<sup>77</sup> power in admitting or dismissing them, according to his expectations of their utility in promoting the designs of the Institute. They are not to be easily approved, lest the spirit of union by which the society is bound, should be weakened by their deficiencies.<sup>78</sup>

The approved scholars, as well as the coadjutors and professed, are comprised in the body of the society, these being the three classes

74 Const. P. IV. c. 8. § 3, 4.

75 Ibid. c. 3. § 2.

<sup>76</sup> " Selectos homines etiam inter Coadjutores formatos, aut Scholasticos retineri."—Const. P. VIII. c. 1. § 2.

77 Ibid. P. IX. c. 3. § 1.

78 Ibid. P. X. § 7.

of which it is principally composed.<sup>79</sup> When, therefore, at their admission, they promise and vow to enter into the society, it must be understood of their progress to one of the two superior classes of coadjutors or professed.<sup>80</sup> But should they not have satisfactorily passed the time and course of their studies, the society is free to reject them from either class, if, in the opinion of the General, their reception would not be pleasant unto God.<sup>81</sup> They are then permitted to depart, absolved from all their vows. In those cases of admission which are distant from the presence of the General, he may communicate his authority not only to provincials, rectors, and visitors, but even, in some, cases, when there are none of the professed society within a convenient distance from the candidate for admission, to a bishop or dignitary of the church who is not a Jesuit.<sup>82</sup>

The vow which the society requires of the approved scholars, is in form the same as that which is made by the novices. It may riot be administered as a sacred promise made unto man in the presence of his fellow-men, but it must be offered unto God alone.<sup>83</sup> Yet notwithstanding

79 Const. P. V. c. 1. A.

80 Const P. V. c. 1. A.

81 Examen VII. § 1.

82 Ibid. § 2. B.

<sup>83</sup> Const. P. V. c. 4. § 3. D.



this solemn obligation, the Constitutions, in serious mockery of the divine attestation, provide a tacit evasion of it. Perpetual adherence is promised in the vow under this limitation, " omnia intelligendo juxta ipsius societatis Constitutiones? but the Declarations supply this admirable reservation:- " *Conditio ilia tacita, quae inesse dicta est in voto coadjutorum, quod ad perpetuitatem attinet, etiam in hoc est intelligenda, scilicet, ' Si societas eos tenere volet'* "<sup>84</sup> The Jesuits, therefore, exalt the society above their God. They compel their members to swear before their Maker, and they suffer them to keep their faith with him inviolate, just as long as the honourable society may think proper. Should the interest of the body require their dismissal, they are freely shorn of all their vows; because the society, setting the Deity at nought, can absolve them perfectly. It can liberate them also for a definite period, to recal them when the general interest may require their return: and then they must re-enter the society, bound, as formerly, by their vow of perpetual poverty and obedience. This may occur, and not unfrequently, when it is desirable that the society should secure the property which a Jesuit would have inherited. He is then made free from all his vows, and sent forth swiftly as an eagle to the prey. But as the lesser bird which

<sup>84</sup> Const. P. V. c. 4. § 3. D.

decoys to the snare of the fowler, can only enjoy the liberty which is allowed by the length of his string and the will of his master, so must the richly laden Jesuit return at the bidding of his General; and bound once more by his former vow of renouncing the things of this world, he is quickly relieved of his acquired wealth, which is safely deposited in the craving and capacious coffers of the society.

### III. COADJUTORS.

THE third class of Jesuits consists of the spiritual and temporal Coadjutors. In addition to the exercises of primary and secondary probation, it is necessary that they should still devote a third year to any further trial of their perfections, to which it may be deemed expedient that they should submit.<sup>85</sup> They must dedicate three more days to vagrancy and profitable mendicity.<sup>86</sup> Like the approved scholars, they must be chosen men, selected from the flower of the flock.<sup>87</sup> When the society and the General are satisfied with their manner of life, their abilities and example, the latter may admit them, either in person, or by deputy, to the oblation of their simple

<sup>84</sup> Examen VI. § 8. and Const. P. V. c. 1. § 3.

<sup>88</sup> Examen IV. § 27.

<sup>87</sup> Const. P. VIII. c. 1. § 2. and B.

vows.<sup>88</sup> These vows are similar in form and substance to those of the first class, except in the blasphemy which they contain; for they set up the General, or his representative, in the place of God.<sup>89</sup>

These simple vows of the spiritual coadjutors (for those of the professed society are alone accounted solemn) are made in a church or chapel of one of the houses, before the General, or one of the society deputed by him, and in the presence of the servants and strangers. The Declarations annul the perpetuity of their obligation, by announcing that this tacit condition is implied—"Si societas eos tenere volet."<sup>90</sup> If it be deemed inexpedient to retain them, they are instructed to take their dismissal, and to consider themselves absolved from the simple vows which they have made according to the usual

<sup>88</sup> Const. P. V. c. 2. § 4; and P. IX. c. 3. § 1.

<sup>89</sup> " Ego, N. promitto Omnipotenti Deo, coram ejus Virgine Matre et tota coelesti curia, et tibi R. Patri Praeposito Generali Societatis Jesu, locum Dei tenenti, et successoribus tuis; vel tibi R. Patri Vice-Praepositi Generalis Societatis Jesu, et successorum ejus, locum Dei tenenti; perpetuam Paupertatem, Castitatem et Obedientiam; et secundum eam peculiarem curam circa puerorum eruditionem; juxta modum in Uteris Apostolicis et Constitutionibus dictae Societatis expressum.—Romse, vel alibi, in tali loco, die, &c."—Const. P. V. c. 4. § 2.

<sup>90</sup> Const. P. V. c.4. § 1. B.

forms of the society, and that they need no other dispensation.<sup>91</sup>

In the admission of temporal coadjutors, the same form is used, with the omission of the clause *circa puerorum eruditionem*.<sup>92</sup>

The spiritual coadjutors must be priests of adequate learning; that they may afford assistance to the society in hearing confessions, or in giving exhortation and instruction in christian doctrine.<sup>93</sup> They are considered capable of receiving a communication of the same privileges for the service of souls, as the Professed themselves are wont to receive.<sup>94</sup> When, they are examined and set apart for their rank in the society, they must devote themselves entirely to spiritual things, and abstain from the desire of changing to another class, as resignedly as if they knew not that such a change were possible.<sup>95</sup> The rectors of colleges are chosen by the General from among the spiritual coadjutors, to superintend the administration and observance of their several regulations, and to preside over their ordinary government.<sup>96</sup> The coadjutors may sometimes be convened in congregation, to deliberate with the

<sup>91</sup> Const. P. II. c. 1. § 1. A. and P. II. c. 4. § 3.

<sup>92</sup> Ibid. P. V. c. 4. § 3.

<sup>93</sup> Examen VI. § 1, 2.

<sup>94</sup> Ibid. § 2.

<sup>95</sup> Examen VI. § 5.

<sup>96</sup> Const. P. IV. c. 10. § 3.

professed society in matters of importance;<sup>97</sup> but they have no voice when the election of a General is the object of the convention. Still they may be present at such election, to add their votes upon any other business which may be subsequently transacted in the assembly.<sup>98</sup>

The temporal coadjutors, whether literate or illiterate, are never admitted into holy orders.<sup>99</sup> They are retained to minister in the lowest offices to which they may be appointed, and are limited in number to the precise necessity of the society's demands. The Declarations define them as fitted for the honourable offices of college cooks, porters and purveyors, or to be employed in the lighter labours of the laundry.<sup>100</sup> For these purposes, it is deemed essential that they should be conscientious, peaceful, tractable, lovers of virtue and perfection, given to devotion, and content to serve the society in the careful office of a Martha.<sup>101</sup> If they should seem restless in their menial occupations, and desirous of literary employment,<sup>102</sup> they are not to be admitted among the temporal coadjutors, but transferred to ex-

<sup>97</sup>Const. P. VIII. c. 8. A.

<sup>98</sup>Ibid. c. 6. § 4. B.

<sup>99</sup>Examen VI. § 1.

<sup>100</sup>Const. P. I. c. 2. § 2. A.

<sup>101</sup>Ibid. c. 2. § 2.

<sup>102</sup>Ibid c. 2. Declar. B.

ercise their talents in greater things than these. Yet when once their lot has been assigned to them, they are not to increase the stock of literature which pertained to them at their admission; and, like the spiritual coadjutors, they must desire no change.<sup>3</sup>

The Constitutions are also very provident in relieving this class of Jesuits from all anxiety respecting their property. It is to be resigned to the General before they are permitted to take the vows, in the expectation that it will be distributed to the poor, and in the certainty that it will be withheld from themselves and their relations.<sup>4</sup> Before they have actually entered the society, they are permitted to dispose of their property according to their will,—for this very excellent reason, that the eager fraternity have not the power to control them. But when once they are fairly taken in, they must not think to interfere in the disposal of their riches, whether they are in present possession, or in expectance only. Whether their property be secular or ecclesiastical, they must resign it with a cheerfulness becoming the followers of a spiritual life. And if any scruples should arise out of affection for their poor relations, the disposing verdict of two or three pious Jesuits will provide immediate relief for their troubled consciences.<sup>5</sup>

3 Examen VI. § 6.

<sup>4</sup> Ibid. § 2.

5 Const. P. III. c. 1. § 7. G.

Although the Constitutions secure to their ruler an absolute power over the riches of his subjects, yet they suppose the possibility that a probationary Jesuit might wish to bestow a part of the property which he is about to renounce for ever, as a benefaction to some particular place, for which he might feel a preference above every other in the province.<sup>6</sup> Then the rectors, superiors, or provincials, are commissioned to open a reproofing charge against him. He must be told that the provincial is the best judge of what is most conducive to the general good; care being had not to give offence thereby to kings, princes, and potentates.<sup>7</sup> The poor mistaken Jesuit is corrected in the unhappy error into which he has fallen; and a charitable hope is entertained, that the General will graciously vouchsafe to pardon him, and that he may be enlightened by the divine goodness to perceive his deficiency from perfection.<sup>8</sup>

#### IV. THE PROFESSED SOCIETY.

THE remaining class of Jesuits—the fourth in order of admission, in rank and privilege the

<sup>6</sup> Const. P. III. c. 1. § 9. H.

<sup>7</sup> Ibid. and P. X. Declar. B.

<sup>8</sup> Ibid. P. III. c. 1. Declar. H.

first—comprises all those members who, in addition to the three simple vows, have taken the fourth, or peculiar vow, which binds them to proceed on the papal missions. By way of pre-eminence, they are distinctly called "The Professed Society."<sup>9</sup> Indeed, the society is declared more properly, to consist of them alone;<sup>10</sup> not that they are exclusively members of it, but because they possess the most extensive influence. They must be priests, of above twenty-five years of age at the least, expert in learning, and in virtue excellent.<sup>11</sup> Their probations are more strict, and of longer duration than those of the preceding classes; for still another year<sup>12</sup> is added to their course of trial. The days of secondary mendicancy ordained for the coadjutors, must also be observed by the candidates for profession,<sup>13</sup> that their humility and self-denial: may be more strictly proved: for it is only chosen<sup>14</sup> men, in whom the spirit of learning and fitness has been long attested, who may

<sup>9</sup> Examen I. § 5.

<sup>10</sup> Const. P. V. c. 1. A.

<sup>11</sup> Examen I. § 8; Const. P. I. c. 2. § 12; and P. X. § 7.

<sup>12</sup> Const. P. V. c. 1. § 3.

<sup>13</sup> Examen IV. § 27.

<sup>14</sup> Const. P. X. § 7.



hope to be admitted to the counsels of the select society.

Commencing from the day when the conscience was first laid open to a superior in one of the houses of probation, the Jesuit must proceed with a detail of the subsequent occurrences of his life, carefully avoiding the least concealment.<sup>15</sup> These confessions are to be repeated every six months to the deputed representative of the General, and the last of them must be made within thirty days of profession.

In addition to a proficiency in general and philosophical literature, a period of about four years must be devoted to a course of theological reading. During this time, the candidates for profession must be exercised in the defence of several theses, in logical and philosophical disputations, and in scholastic divinity.<sup>18</sup> It may be that some of them will display superior knowledge in canon law, or a pre-eminence in other excellent gifts, which might compensate for their deficiency in theology.<sup>17</sup> Then they may be admitted without the latter to a profession of three, or sometimes even of four vows, if they should be persons of distinction, although the

<sup>15</sup>Examen IV. § 36, 38.            <sup>16</sup>Const. P. V. c. 2. § 2.

<sup>17</sup>" Alia egregia dona haberet, ex quibus, quod studio theologiae deest, compensari posset."—Const. P. V. c. 2. B.

practice must not be of frequent repetition. Of the value of these qualities, the General must be the judge.<sup>18</sup> With him alone the power of admission rests; except in distant or emergent cases, when it may be expedient or indispensable to entrust the weighty matter to the judgment of a provincial.<sup>19</sup> This deputed reception may not frequently occur; and the head of the society must be previously assured that the candidates are well qualified for admission.<sup>20</sup> In some instances, indeed, it is even deemed lawful to commit this authority to persons who are externi of distinction—to bishops, or to those who are invested with ecclesiastical dignity. But this can only be submitted to when there are none of the professed society within a reasonably convenient distance.<sup>21</sup>

As in the preceding classes, provision is made for the secure disposal of the property of the professed. They are to be reputed as having nothing, while they really possess a power over all things. After their admission, they cannot retain any ecclesiastical benefices which they held before. All their other property must be resigned at the command of the General, and they must cheerfully consent that it be dedicated to works of piety, or transferred to the fruition of

18 Const. P. V. c. 2. B.

19 Ibid, c I. B.

20 Ibid. P. IX. c. 3. A.

21 Ibid. P. V. c. 1. § 2. B.

other men,<sup>22</sup> who are labouring (worthy travailleurs) in forwarding the designs of the glorious Institute.

Since poverty is declared by the Constitutions to be the bulwark of religion,<sup>23</sup> the Professed are required to cherish it in the strictest purity. They must not possess revenues of their own;<sup>24</sup> neither may they apply those of the colleges, which are consigned to their guardian management, to the relief of their individual necessities.<sup>25</sup> But by an admirable artifice, they can evade this restriction. The General may conceive it expedient to send them as visitors to some of the colleges or universities, upon the plea of superintending and improving the management of their interests, or of guiding the students in their spiritual exercises, confessions, and preaching.<sup>26</sup> During the time of this visitation, they are comfortably billeted upon the establishments, and are wholly chargeable to them. The length of their convenient and unlimited sojourn is regulated by the will of the General, and the general good. Thus the Professed (in cunning) have only to declare the value of their services to a particular college, and they may be sent there immediately, to enjoy the revenues which

<sup>22</sup> Examen IV. § 5.    <sup>23</sup> Const. P. VI. c. 2. § 1.

<sup>24</sup> Ibid. I. § 8.

<sup>25</sup> Ibid. P. IV. c. 2. § 5. F.

<sup>26</sup> Const. P. VI. c. 2. § 8. C.

they are empowered to administer, but not to use. Or when they have grown old in the society, and are no longer capable of employment, the General may charge the colleges with the expense of their maintenance.<sup>27</sup> This they call living upon alms in the houses of the society, when they are not employed in any mission ;<sup>28</sup> and it is for this purpose, among others, that they are empowered to receive endowments and bequests.

In order that these poor Professed (or professedly poor) may seem to be poorer still, they are declared to be incapable of inheritance; and the colleges or houses cannot inherit for them.<sup>29</sup> That every outward sign of avarice may be avoided, the society will not suffer the Jesuits to receive remuneration for their services: Even a poor-box cannot be tolerated, to receive the alms of those who assemble to their preaching, masses or confession.<sup>30</sup> These imaginary paupers are contented to enjoy the riches which are seemingly amassed for another purpose. But if a friendly benefactor, moved by an overpowering affection for the Institute, will bestow alms and oblations upon a church or house, whether for spiritual assistance received or not, it would be

<sup>27</sup> Compendium Privilegiorum—verbo Professi.

<sup>28</sup> Const. P. VI. c. 2. § 3.

<sup>29</sup> Ibid. § 12.

<sup>30</sup> Ibid. § 7 & 8.

unconstitutional in the society to refuse them, It only provides, with prudent precaution, that the reception of the gift shall not be misconstrued into an acceptance of stipendiary remuneration.<sup>31</sup>

Although the houses and churches of the professed society may not hold revenues and possessions of their own, yet they may be amply provided with every thing that is necessary or very convenient.<sup>32</sup> Agreeable residences may be retained in the country for the use of the convalescent, whither the spiritually-minded Jesuits may retire from the busy crowd of men to a separate habitation, there to enjoy the advantage of a purer air, and other nameless comforts.<sup>33</sup> But these residences may not be let, and their fruits must be reserved for home consumption. The corn and wine and oil which they produce may not be sold for money, lest the conscientious proprietors be charged with converting the rental or profit into a revenue.<sup>34</sup> A little latitude, however, is allowed to the rectors of colleges in favour of those who are sent to them from the houses by order of the supreme authority. " Res minimae ducuntur pro nihilo." It is not therefore held to be an encroachment upon the generous spirit of the Constitutions, to suffer the healthy or infirm

<sup>31</sup> Const. P. VI. c. 2. G.      32 Const. P. VI. c.2. §5.

<sup>33</sup> Ibid. § 5.

<sup>34</sup> Ibid. and F.

members of the Society to take a little recreation in the college garden, provided only that they be not fed at the charge (*quod exiguum sit*) of the bountiful company of Collegians.<sup>35</sup>

When the time and exercises of probation have been passed, the General (or his commissioned representative) proceeds to admit the candidate to profession. After mass<sup>36</sup> has been publicly celebrated in the church, the "locum tenens" turns to him with the holy sacrament of the eucharist as a signal to commence the recitation of his written vow, which it is necessary that he should have maturely considered during several preceding days.<sup>37</sup> When it is concluded,

35 Const. P. VI. c. 2. § 3. D. with P. IV. c. 2. § 5. F.

36 Although the observance of these rites may be desirable, yet it is not indispensable: for the General may appoint any one who is not a priest, or incapable of celebrating mass, to receive the profession in his stead.—Ibid. P. V. c. 3. § 2. A.

37 The vow of the Professed is. in the following form:—  
" Ego N. Professionem facio, et promitto Omnipotenti Deo coram ejus Virgine Matre et universa ccelesti curia, ac omnibus circumstantibus, et tibi Patri Reverendo N. Praeposito Generali Societatis Jesu, locum Dei tenenti, et successoribus tuis;\* vel tibi Reverendo Patri Vice Propositi Generalis Societatis Jesu, et successorum ejus locum Dei tenenti; perpetuam Paupertatem, Castitatem et Obedientiam; et secundum eam, peculiarem curam circa puerorum eruditionem,

\* " Qui etiam Divinae Majestatis loco ipais praesunt"—Const. P. VII. c. 1. § 1.

the professed Jesuit receives the sacrament; and his name is then inscribed in the register of the society, together with that of the presiding superior, and the date of his profession.

It should seem that the professed fraternity were obliged by the fourth vow, to execute every mission which the Pope might be pleased to impose upon them: but by a solemn evasion, the will of the Sovereign Pontiff must yield to the mandate of the Monarch of the Jesuits. Special obedience to the Apostolic See is only promised " prout in Constitutionibus continetur."<sup>39</sup> And the Constitutions invest the General with plenary power over every mission." He may send forth his subjects at any time and to any place, whether they are professed or not. By the same power he may recal them at his pleasure, whether their commission were given from himself or from Rome.<sup>40</sup> Unless the period for the employment of their services be specially defined, it is usually understood to extend to about three months, more or less, according to

*juxta formam vivendi in Uteris Apostolicis Societatis Jesu, et in ejus Constitutionibus contentam. Insuper promitto specialem obedientiam summo Pontifici circa missiones; prout in eisdem literis Apostolicis et Constitutionibus continetur.—Romae, vel alibi, tali die, mense, et anno, et in tali Ecclesia."—Const. P. V. c. 3. § 3.*

<sup>38</sup> Ibid.

<sup>39</sup> Ibid. P. IX. c. 3. § 9.

<sup>40</sup> Ibid. G.

their apparent or expected success.<sup>41</sup> But all these things are determined by the will of the superior. If, therefore, an incautious Pope should send forth a Jesuit missionary without prescribing the duration of his absence, the General can entirely frustrate his intention. He may suffer his obedient subject to depart a few paces, and then he may recal him instantly.<sup>42</sup> In this evasion of the fourth vow there is, of course, neither perjury nor deceit; for the General himself is the representative of the Divine Majesty, and the author of the deception cannot be himself deceived; And all this practical roguery is achieved, *ad major em Dei gloriam!!!*

The semblance of poverty which the Constitutions impose upon the professed, although easily evaded in the spirit, must be strictly preserved in the letter. To receive possessions for other uses than those which appertain to the Colleges and Houses, of Probation, would be an offensive relaxation in favour of revenue.<sup>43</sup> After profession, therefore, a solemn promise is required

41 Const. P. VII. c. 1. § 6.

42 "Non solum missos per praecedentem Praepositum, vel per seipsum, sed etiam per Summum Pontificem, nullo tempore definite, potest revocare; ut in literis Apostolicis gratiarum, anno quadragesimo nono, per Paulum Tertium nostrum sanctum Patrem nobis concessarum continetur." — Ibid. P. IX. c. 3. G.

43 Ibid. P. VI. c. 2. § 1. A.



of the newly admitted, that they will never consent to any innovation<sup>44</sup> upon the Constitutions which enjoin poverty, either individually, or by their suffrages in a convened assembly of the society. They appear in their disinterestedness to be poor, and poor in the general estimation they must continue to appear, by a perpetual decree which can never change. Yet if a founder will bequeath revenues for the use of a house, it is not inconsistent with the laws of poverty to receive them,<sup>45</sup> provided that the Society be not responsible for the disposal of them, nor drawn into the defence of any suit, except by their proctor, *cm tale munus commissum est.*<sup>46</sup> How admirably are the Declarations contrived to help the Constitutions out of their difficulties!

The Jesuits of the professed society can never be appointed rectors of colleges, except in cases of the greatest expediency.<sup>47</sup> To them alone the privilege is confined of voting in a congregation of the society, convened for the election of a General.<sup>48</sup>

<sup>44</sup> " Quicunque in ea (Soc.) Professionem emisserint, se ad innovationem Constitutionum in iis quae ad Paupertatem pertinent, nihil facturos promittant"—to which the Declarations add, " Innovari quod ad Paupertatem attinet, est relaxari ad redivit."—Const. P. VI. c.2. § 1. and A.

<sup>45</sup> " Non esset id a Paupertate Societatis alienum."—Ibid, P. VI. c.2. §2. B.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid. § 3.

<sup>48</sup> Ibid. P. VIII. c. 8. A.

And the General, in his turn, retains a reciprocal power over his professed supporters; for he may dismiss them from the society, seemingly, it is true, with difficulty and reluctance,<sup>49</sup> but still with absolute and arbitrary decision. He may sometimes even do it by commission, when the distant and criminal Jesuit is beyond the reach of his personal authority, and when his incorrigible sin is of great and adequate moment.<sup>50</sup>

In addition to the chosen few who have taken the four vows, and are admitted to the privy councils of the society, there are Jesuits who are sometimes allowed, for good and special reasons, to make the solemn profession of the three vows only.<sup>51</sup> These are men endued with less excellent gifts than those which the Institute requires in the professed, less skilled in learning, and less expert in preaching. But still, when their compensating talents are rare and good, they are permitted, after seven years of trial, to enlist in the spiritual army, and their superior officers will provide them with work suited to their several capacities.<sup>52</sup>

49 Const. P. II. c. 1. § 1. A.

50 Ibid. P. II. c. 1. § 2. C.

51 Ibid. P.V. c.2. §8.

52 Ibid. P.V. c.3. §2. C.

## V. OFFICE OF THE GENERAL.

As the councils of state are held and directed by the reigning monarch, who presides with his ministers for the public good, so do the Constitutions of the society of Jesuits invest a sovereign ruler with the administration of their government and laws. One man is chosen from among them, to be the General of their militant order, to govern, preserve, and increase the body of the society.<sup>54</sup> He is elected in congregation by the provincials and professed for the whole term of his life. Several reasons are assigned for this duration of his office.<sup>55</sup> When he has reached the exalted pinnacle of his ambition, he is less likely to be influenced by higher aspirations than if the appointment were only for a limited time. It is also more easy to find one person than many qualified for the arduous duties of the monarchy. A third reason is derived from the utility of profiting constantly by the examples of men of higher rank, by those of popes and bishops in ecclesiastical matters, and in temporal affairs, by those of princes and rulers.<sup>56</sup>

The first of the gifts with which the Constitutions deem it desirable that the General should

<sup>54</sup> Const. P. IX. c. 1. § 1.

<sup>55</sup> Ibid. A. &c.

<sup>56</sup> Ibid. A.

be endued, is an intimate affiance<sup>57</sup> and familiarity with his Maker, both in word and deed; that abundant grace may flow from him, as from a fountain of all goodness, through the whole system of the society. He must be distinguished by the purity of his example, and the lustre of his charity, towards all men generally, but especially towards those of the society.<sup>58</sup> His genuine humility must procure for him the love of God and his creatures. His inordinate affections must be mortified and subdued, that his judgment may be calm, and his demeanour composed.<sup>59</sup> He must learn to blend severity and justice with mildness and gentleness.<sup>60</sup> Magnanimity and patience are indispensable to bear with the infirmity of others; that he may neither yield to the importunities of the great, nor submit when he is threatened by the strong; but that he may prevail in every trial, without elation in prosperity or dejection in adversity, and be prepared to suffer unto death, if the good of the society should require it.<sup>61</sup> He must excel in brilliancy of intellect and clearness of judgment:

<sup>57</sup> " Inter dotes varias quibus ornari Praepositum Generalem optandum est, omnium prima haec erit: ut cum Deo ac Domino nostra quam maxime conjunctus et familiaris, tam in oratione, quam in omnibus suis actionibus sit."—Const. P. IX. c.2. §1.

<sup>58</sup> Ibid. c. 2. § 2.

<sup>59</sup> Ibid. § S.

<sup>60</sup> Ibid. §4.

<sup>61</sup> Ibid. §5.

and although learning may be very necessary in the chief of so many learned men, yet prudence and skill in inward spiritual things are much more essential.<sup>62</sup> It is reckoned to be of special importance that he should be discreet in his outward dealings with men of every diversity of disposition and principle, whether he acts with them in behalf of the society or not.<sup>63</sup> Vigilance and solicitude must be displayed in every work which he undertakes, with sufficient energy to prosecute it to its completion.<sup>64</sup> Sound in body and comely in person, he must neither be very old, lest he be unfit for the careful labours of his office, nor very young, lest he fail to command with authority and experience.<sup>65</sup> Nobility, riches, and honour, are recited among his desirable qualifications; and although the possession of them may not be of paramount importance, yet, when estimated in addition to the other excellent gifts, they would influence the election in his favour.<sup>66</sup>

The General has all power and superintendance over the houses and colleges of the society, to

62 Const. IX. c. 2. § 6.

63 Ibid. § 6.

64 Ibid. § 7

65 Ibid. § 8. and B.

<sup>66</sup> " Externa censentur, nobilitas, divitiae, quas in saeculo habuit, honor et similia. Et horum, caeteris paribus, aliqua ratio est habenda: alia tamen majoris momenti sunt, quae, quamvis haec desint, ad electionem possint sufficere."—Const. P. IX. c. 2. C.

admit or to expel<sup>67</sup> as many as are suited or unfit for the varying designs of the Institute, whether they be novices or professed, coadjutors or scholars. He appoints rectors to overlook the administration of the temporal interests of the colleges, and he removes them at his pleasure.<sup>68</sup> They are obliged to account to him, or to his deputed provincial, for the fulfilment of the duties of their office.<sup>69</sup> He has authority to contract in purchase and in sale for the benefit of the houses and colleges of the society; only he can never alienate or dissolve them when they are already established, without the consent of a general congregation.<sup>70</sup> He may dispose of indefinite bequests at his pleasure. If a testator should fail to name a particular college to which he would wish to annex his estates or to bequeath his property, the General may apply them at his discretion.<sup>71</sup> He may either sell, or retain, or apportion them at will. And this power he may impart by measure to provincials, local superiors, and rectors: or he may combine with the last of them to change the purpose of a testator's will, provided it can be managed without offending the executors who are charged with the payment of the bequest.<sup>72</sup>

67 Const. P. IX. c.8. § 1.      68 Ibid. §3.

69 Ibid. §4. C.

70 Ibid. §5,18.

<sup>71</sup>Ibid. § 6, 7.

72 " Possunt omnes nostri Propositi ac Rectores comma-

It is the duty of the General to enforce, and his privilege to dispense with, the observance of the Constitutions of the society. He may either exercise this power personally, or, in urgent cases, by commission; but regard must universally be had to person, and time, and place, and other circumstances. In using this licence, his prudence, the direct communication of the eternal<sup>73</sup> light, must guide him in all his steps. This dispensing faculty extends not only to the abridgment or unlimited prolongation of the time and exercises of probation, but also to the unrestricted interpretation of the intentions<sup>74</sup> of those by whom the Constitutions were originally framed. And hence arises the mutability of the Institute.

The power of the General in every mission, whether the subjects of the Jesuitical monarchy

tare, ex uno usu ad alium necessarium legata, quae relinquuntur nostris Collegiis vel Domibus, dummodo id fiat sine scandalo eorum, ad quos solutio talium legatorum pertinet (Sixtus IV.) ... quam concessionem arapliavit Leo X. in rebus donatis per viventes, si tamen, ut dictum est, non sequatur scandalum praedictorum."—Compend. Privileg. verbo Commutatio, §4.

<sup>73</sup> " Quam lux aeterna communicaverit."— Const. P. IX. c.3. §8.

<sup>74</sup> " Idque, tarn de experiments eorum qui in Probationibus versantur, quam de aliis rebus in quibus eam fuisse mentem eorum qui Constitutions condiderunt, ad gloriam Dei ac Domini nostri judicabitur, dictum sit."—Ibid. § 8. D.& E.

are sent forth by himself, or whether their services are required by the papal mandate, has already been briefly described. When once the nature of the work is named, the submissive and obedient Jesuit is compelled to receive his mission with cheerfulness of mind, as from the hand of the Lord; and he must depart to execute it without a murmur.<sup>75</sup>

It is always for the General to determine whether any business which remains for transaction, is of sufficient importance to require a general or provincial congregation of the society. The convention of the qualified council rests entirely with himself—excepting, of course, when an election to the supreme authority is the object of the solemn assembly.<sup>76</sup> Besides appointing rectors to the colleges and universities, the General selects a number of his more able men, to place them as local superiors over the different houses of the society. He makes provincials too, and appoints them to the superintendance of particular districts. Their office is commonly triennial. Yet if they should greatly please their sovereign ruler, he may permit them to continue in it unmolested for a longer time: but if not, if they should appear but little qualified for their

<sup>75</sup> " Semper autem erit subditi, missionem suam, ut de manu Domini, hilari animo suscipere."—Const. P.VII. c.2. C.

<sup>76</sup> Const. P. VIII. c. 2. C. and P. IX. c.3. §12.



extensive duties, they may quietly withdraw themselves without remark; or else, for a sufficient cause, he may remove them before the expiration of their term.<sup>77</sup> They are obliged to render to him an account of all their transactions, over which he still remains omnipotent; for when he has imparted his authority by measure to provincials, superiors, or rectors, he can rescind or ratify all that he has commissioned them to execute.<sup>78</sup>

There are other offices essential to the government, of which the General retains the patronage. He appoints a proctor-general to reside at Rome; he names a secretary to transact for him the common business of the society. In conferring these preferments, he may ask the advice of men of judgment, without the necessity of taking it; for still the decision is absolutely vested in himself.<sup>79</sup> He must by all means become acquainted with the consciences of those who have sworn to obey him, especially of provincials<sup>80</sup> and others, who have been made partakers of the more important communications of his power. Whether they be superiors, visitors, or commissaries, who exert themselves under his authority for the public good, he may cancel or confirm their benevolent determinations: for it is always provided

<sup>77</sup>Const. P. IX. c. 3. § 14. I.

<sup>79</sup>Ibid. § 16. K.

<sup>78</sup>Ibid. § 4, 15.

<sup>80</sup>Ibid. § 19.

that implicit reverence and obedience shall be shewn to him, as unto the pope of the society "qui Christi vices gerit."<sup>81</sup>

The society retains a small measure of provisional restraint over the vast authority of this powerful ruler. The provincials, who are appointed by the General himself, are constituted overseers in all things which appertain unto him, for the protection of the public good.<sup>82</sup> Four assistants are chosen by the society, to be near his person, discreet and zealous men, taken (if it conveniently may be) from among the select professed.<sup>83</sup> They are elected at the same congregation with the General himself; and it is their duty to advise and act for him principally in the former three of the six following provisions:<sup>84</sup>

1. In reference to a proper supply of food and raiment and personal expenditure, which may be increased or diminished at the injunction of the society. With such a decision the General must comply.<sup>85</sup>

2. That his personal exertions be restrained within reasonable bounds, lest he occupy himself in toils above measure. In this also he must defer to the judgment of the society.<sup>86</sup>

3. The third has reference to the guidance of

<sup>81</sup> Const. P. IX. c.3. §20.      <sup>82</sup> Ibid. c.5. §1.

<sup>83</sup> Ibid. c. 5. §2. and A.      <sup>84</sup> Ibid. §2, 3.

<sup>85</sup> Ibid. c. 4. § 2.      <sup>86</sup> Ibid. c. 4. § 3.

his mind. It is essential that there should be one man near to a personage of such extensive trust, who, after having approached the Lord of heaven in prayer, may venture to approach " the Lord of Lords,<sup>87</sup>" the representative of the Divinity upon earth, in the person of the monarch of the Jesuits, and with becoming diffidence and humility, to tell him what he thinks is wanting in the worthy governor himself, *ad majorem Dei gloriam*. And this he must do, whether he be confessor to the General, or simply appointed by the society as an apt admonitor in an affair of such vast concern.<sup>88</sup>

4. The fourth prohibits the acceptance of any proffered dignity, without the consent of the society—unless obedience to the Apostolic See oblige him to comply, when the refusal would be a positive sin.<sup>89</sup>

5. The fifth provides a remedy for carelessness, inutility or neglect, in things pertaining to the General's office.<sup>90</sup> Very great age, or continued sickness with little hope of recovery, are reckoned, to be greatly injurious to the public good; and in such cases a coadjutor or vicar must be chosen to exercise the functions of the sovereign

<sup>87</sup>See Note 99, p. 65.

<sup>88</sup> Const. P. IX. c. 4. § 4.

<sup>89</sup> Ibid. §5: and c. 5. §6.

<sup>90</sup> Ibid. c. 5. § 6.

power, but without the ruler's name.<sup>91</sup> He may either be appointed by the General himself, subject to the approval of the provincials; or he may be elected to the government by a majority of votes, if approved by two superiors or rectors in any province; and he then receives such a measure of authority, as the General, or the society (if chosen by suffrage) may think proper to impart.<sup>92</sup>

6. The sixth anticipates the commission of certain deadly sins, which the Constitutions do firmly trust can never occur in the image of unblemished purity which they have set up. They are thus enumerated. 1. Copula carnalis. 2. Wounding with weapons. 3. Embezzling the college revenues for private expenditure, or for the use of any one who is not of the society. 4. Alienating the property of houses and colleges; and, 5. Maintaining unsound doctrine.<sup>93</sup> For all or any of these things the society, upon full proof given, may and must deprive him of his office: the assistants are bound to accuse him upon oath, and, if occasion require, he must be altogether removed.<sup>94</sup> If a General should chance to offend in any of these particulars, the proceedings of the society against him are very concise. The

91 Const. P. IX. c.4. § 6. and c.5. §6. 92 Ibid. c. 4. § 6.

<sup>93</sup> Ibid. c.4. §7.

94 Ibid. c.5. §4.

affair must be kept as secret as possible.<sup>95</sup> But when it is divulged, if the assistants fail to convene a congregation, the provincials must issue the summons. At the time and place of meeting the accusation is distinctly set forth against him. When the subjects, who have vowed all holy obedience to their arraigned monarch, have vouchsafed to hear him in his defence, he is reverently turned forth without the door. Then the oldest of the present provincials, with the secretary and another assistant, proceed to a solemn investigation of the charge. If the crime be proved, they decide whether the enormity of it is sufficient to deserve privation. The suffrages are then collected, and the condemning number must exceed two-thirds of the whole assembly. Then a new election to the vacant seat of government must immediately commence, and be completed, if possible, before the congregation is dissolved, in order that the society may not remain without a General. If this cannot be done, the decision must be made on the following day, or at the earliest possible opportunity.<sup>96</sup>

If the offence do not amount to privation, a Council of Four must be appointed, to consider and determine upon the measure of the correction to be administered, with power to increase their

95 Const. P. IX. c. 5. B.

96 Ibid. §4.

number in case their opinions should be divided.<sup>97</sup> If they do not proceed to dismissal, other deliberations must be introduced, for which it may be made appear that the society was convened; and, as far as relates to the General, dissimulation must be resorted to, and his impeachment, if possible, be for ever concealed—the most solemn injunctions being imposed upon the assembled members never to divulge it. Should the decision be to depose him from his office, means must be privately employed to induce him to abdicate; that still his offence, and the penal nature of his removal, may be kept profoundly secret, and his disgrace be promulged as a resignation.<sup>98</sup> How beautiful are the upright judgments of the Institute, *ad majorem Dei gloriam!* But any public derogation of the character of an officer, to whom it was the policy of the society to ascribe divine attributes,<sup>99</sup> would have been such a slur

<sup>97</sup> Const. P. IX. c.5. §5.

<sup>98</sup> " Cum defectus ad depositionem sufficientes non deprehenderentur, aliis de rebus agatur propter quas convocata Societas videatur; et quod ad Praepositum attinet, dissimuletur: imo quoad ejus fieri poterit, nullo tempore divulgari debet. Et sic, cum convocantur, praemoneri, et post rem discussam serio injungi consciis, et presertim Provincialibus oportet, ne cui indicent. Et cum constitutum fuerit illum officio privare, tunc etiam cum Praeposito Generali secreto agendum est, ut ipsemet officio se abdicet; ut hoc promulgari, et peccatum, ac officii propter peccatum privatio occultari possit."—Ibid. P. IX. c.5. §5. C.

<sup>99</sup> " Est (Generalis) Dominus Dominantium, et fecit quod

upon its reputation, and such an injury to its interests, that, in its own moral calculations, no sacrifice of truth or honesty was too great for the occasion.

#### VI. MISSIONS.

THE fourth vow, which, as has been before stated, is peculiar to the professed, binds them to undertake missions, either for the conversion of the heathen, or for reclaiming of heretics, at the will of the Sovereign Pontiff. Alert and ready in their obedience, they must be always prepared for the instant execution of the papal mandate; and it is for this reason, among others, that their churches and houses are free from the distracting occupations of celebrating masses and improving souls.<sup>1</sup>

When a Pope requires the services of the society, the General may commend his willing and more appropriate agents to the notice of his Holiness, leaving him still free to make his own

vult, nullis legibus adstrictus, unde mortificat et vivificat, deprimit et exaltat quem vult, ac si esset Deus qui liber esset omni perturbatione, et non posset errare."—Memorial of the Jesuits of Spam and Portugal to Pope Clement VIII. in 1693, to be found (among other places) in *Le Mercure Jesuite*, Vol. III. See *History of the Jesuits*. 8vo. 1816. Vol. II. p. 258.

<sup>1</sup> Const. P. IV. c.2. §4.

election. For the Jesuit who desires to be appointed to one mission in preference to another, may not use his influence, either directly or indirectly, with the society resident about the General and Court at Rome, to procure for him a nomination to the work; but he must abide by his superior's representation of his talents to the Pope; and, according as the latter shall decree, so he must move.<sup>2</sup> If the Pope should decline to make a specific nomination, only requiring that missionaries may be sent to divers places, the choice of the appointment then devolves upon the General,<sup>3</sup> and he selects them according to his own judgment. They also receive from him a description of the nature and purpose of their several missions, with written instructions for their guidance.<sup>4</sup> They must be made to comprehend the will and intention of the Pope, if not in writing, at least by verbal communication; and in failure of any limitation being assigned to the period of their absence, it is usually understood to extend to about three months.<sup>5</sup> But this must depend upon the success of their work, of which they are required to transmit frequent written communications.<sup>6</sup> When a missionary is appointed to reside

<sup>2</sup> Const. P. VII. c. 1. § 2, C. &D.

<sup>3</sup> Ibid. § 4.

<sup>4</sup> Ibid. § 5. and F.

<sup>5</sup> Ibid. § 6.

<sup>8</sup> Ibid. c.2. H.



for a considerable time in the same place, it may become expedient that he should make little excursions into the neighbouring districts, to mend the souls which should be mended, and then to return unto his own place. But all this must be done without neglecting the principal mission, carefully adhering to the intention and instructions of the Pope.<sup>7</sup> In those territories which are of vast extent (as in India,<sup>8</sup> or other provinces), the discreet ambassador is more especially admonished not to confine himself to the bounds which have been prescribed to him; but after reducing his inclination to indifference, and offering a prayer, to run to and fro, as well among the faithful<sup>9</sup> as the faithless, to do the work of his employers. It is thus that the Constitutions elevate the authority of the General above that of the Pope, by providing that he may over-rule, without rebelling against it; for they declare that he may order his subject missionaries to one district rather than another, at the simple preference of his own will.<sup>10</sup>

Whenever a new pontiff is raised to the chair of St. Peter, the General is obliged, either by himself or his representative, to renew before his Holiness, within a year after his creation, the solemn

<sup>7</sup> Const. P. VII. c. 1. §7.

<sup>9</sup> Ibid. c.2. C.

<sup>8</sup> Ibid. c. S. §1.

<sup>10</sup> Ibid. c. 2. §1.

promise and profession of the peculiar vow, by which the society is bound to obey him in all his missions.<sup>11</sup>

In addition to these, there are other separate missions which originate with the society alone, and for which the superiors are empowered to command the services of the professed.<sup>12</sup> The time, the place and duties of the mission must all be determined by the General; and the commissioned Jesuit must proceed with that passive obedience which the Constitutions compare to the movement of a lifeless carcase or a brandished staff.<sup>13</sup> Yet this does not prohibit the declaration of any rising thought upon the inexpediency of his appointment; provided only that the pliant subject wills and thinks in precise accordance with his superior, *qui eum Christi loco dirigit*.<sup>14</sup>

It is especially provided that one missionary shall never be sent forth alone; but that at least two<sup>15</sup> shall be appointed to the same work, that they may mutually guide and assist each other

11 Const. P. VII. c.1. §8.

<sup>12</sup>Ibid. c.2. §1. and B.

<sup>13</sup> " Sibi quisque persuadeat, quoddam qui sub Obediential vivunt, se ferri ac regi a divina providentia per Superiores suos sinere debent, perinde ac si cadaver essent . . . vel similiter, atque senis baculus, qui ubicumque et quacumque in re velit eo uti qui cum manu tenet, ei inservit."—Ibid. P. VI. c.1. §1.

14 Ibid. P. VII. c. 2. §1.

15 Ibid. c. 2. F.

with their counsel, and divide the labours of their harvest. Neither may any change be made in the detention or removal of a missionary without the consent of his superior.<sup>16</sup> This is declared, to prohibit the interference of any Prince or State, until the pleasure of the General shall have been ascertained.<sup>17</sup>

If, upon trial, it should be found that the missionaries do not conduct themselves with becoming obedience, they must either be recalled, or joined by other companions<sup>18</sup> who were not originally appointed with them to the labours of the mission. When it may become necessary to ordain their exchange or removal, it is enjoined that especial care be taken not to give offence to those who should by all means be preserved well affected, rather than disaffected to the interests of the Institute.<sup>19</sup>

As the devil<sup>20</sup> is always attempting the destruction of the Jesuitical polity, by directing his attacks against the strong bulwark of poverty,

16 Const. P. VII. c 2. § 1. and K.

17 Ibid.

18 Ibid. P. VIII. c. 1. C.

19 " Cum mutari aliquem oportebit, animadvertat Superior, quod ad eum revocandum, quoad fieri poterit, iis mediis utatur, ut hi, a quibus aliquis evocatur, potius benevoli omnino maneant, quara offend, vel male affecti... "—Ibid. P. VII. c. 2. H.

20 " Daemon enititur illud (propugnaculum) variis rationibus evertere."—Ibid. P. X. §5.

it is declared to be of extreme importance, for the perpetual preservation of the happy state of the society, that ambition, the parent of every ill, should be diligently repressed.<sup>21</sup> Advancement to dignity or preferment in the society must neither be directly nor indirectly sought. All the professed are therefore required to vow, before their Maker, that they will never seek such preferment; and they become incapable of holding it, if it can be proved that they attempted to procure it.<sup>22</sup> They promise, moreover, that they will never seek to attain to any dignity or emolument out of the society, nor even consent to be appointed, to it, provided their obedience does not compel them to acceptance.<sup>23</sup> But if admission to prelacy should thus be forced upon them, (and it is declared to be, for many reasons, desirable that they should vouchsafe to take the episcopal office<sup>24</sup>), the advice of the General, or of his substitute, must first be heard and followed. Still the provident society reserves to itself, in particular cases, the liberty of choosing between acceptance and rejection.

To preserve an unchanging amity among the

21 Const. P.X. §6.

22 Ibid. § 6.

23 Ibid.

24 " Considerando, quam instanter, quamque multis rationibus curatum sit, ut aliqui de nostra Societate varios Episcopos sumerent."—Ibid. P. X. A.

members of the society, the good-will of strangers must be diligently cherished. Men in authority must be courted in proportion to the importance or insignificance of gaining their favourable notice. Yet it is said to be essential to refrain from adhering to either party in the feuds which may exist between Christian kings and princes; whilst an universal pliancy is observed, which can easily adapt itself to every side, however contrary in profession. And chiefly it must be provided that the favour of the Apostolic See may be secured; next, of secular princes, nobles, and men of principal authority, whose support or opposition would greatly facilitate or impede the success of Jesuitical exertion. When men are not well affected to the society, especially if they should be of no mean authority, prayer must be made for them, and all convenient means should be devised to gain their friendship, or at least to avert their enmity.<sup>25</sup>

<sup>25</sup> "... curare ut amor et charitas omnium etiam externorum erga Societatem conservetur: sed eorum praesertim, quorum voluntas bene aut male in nos affecta, multum habet momenti ... B. In primis conservetur benevolentia Sedis Apostolicae, cui peculiariter inservire debet Societas: deinde Principum saecularium, et Magnatum, ac primaries auctoritatis hominum. ... Sic itidem, cum aliqui male affecti esse intelligerentur, praecipue si homines sint non vulgaris auctoritatis, orandum est pro eis, utendumque rationibus convenientibus, ut in amicitiam redeant, vel certe adversarii non sint."— Const. P. X. §11. and B.

The simple vows taken by the professed, according to the Constitutions, after profession, are in the note below.<sup>26</sup>

<sup>26</sup> From the First General Congregation, and confirmed by the Third: —" Ego N. Professus Societatis Jesu, promitto Deo omnipotent coram ejus Virgine Matre et tota curia coelesti, et coram R. Patre Praeposito Generali, vel coram N. locum Generalis Propositi tenente, nunquam me acturum quacumque ratione vel consensurum, ut, quae ordinata sunt circa Paupertatem in Constitutionibus Societatis, immutentur: nisi quando ex causa justa rerum exigentium videretur Paupertas restringenda magis.

" Praeterek promitto nunquam me acturum vel praetensurum, ne indirecte quidem, ut in aliquam praelationem vel dignitatem in Societate eligar, vel promovear.

" Promitto praeterek nunquam me curaturum praetensurumve extra Societatem praelationem aliquam, vel dignitatem; nee consensurum in mei electionem, quantum in me fuerit, nisi coactum obedientia ejus, qui mihi praecipere potest sub poena peccati.

" Turn, si quam sciam aliquid praedictorum duorum curare, vel praetendere, promitto ilium, remque totam me manifestaturum Societati, vel Praeposito ejus.

" Insuper promitto, si quando accident, ut hac ratione in Praesidem alicujus Ecclesiae promovear: pro cura, quam de animae meae salute, ac recta muneris mihi impositi administratione gerere debeo, me eo loco, ac numero habiturum Praepositum Societatis Generalem, ut nunquam consilium audire detrectem, quod vel ipse per se, vel quivis alius de Societate, quern ad id ipse sibi substituerit, dare mihi dignatur. Consiliis vero hujusmodi ita me pariturum esse, promitto, si ea meliora esse, quam quae mihi in mentem venerint, judicabo. Omnia intelligendo juxta Societatis Jesu Constitutiones et Declarationes.—In tali loco, tali die, mense et anno, &c.

" LAUS DEO."

## CHAP. III.

### PRINCIPLES OF JESUITISM.

FROM the sketch of the Jesuitical Institute given in the last chapter, it appears that, strictly speaking, the General is, what he is indeed designated, the soul of the society: but still, in a larger sense of that descriptive term, the professed members, acting under his superintendance, may be considered as included in it. They were the casuists of the order. Their hours of retirement were occupied in brooding over its principles; in extending the sphere of their operation, by further subtleties and refinements; and in composing digests and manuals to facilitate their application.

It is to the literary labours, therefore, of these casuists, that reference must be made for a complete development of the Jesuitical system; and as this most important service has been already performed, under the highest authority, and by a judicial assembly above all suspicion of garbling evidence, whose researches are so

elaborate that the allegations are redundant to a great degree,<sup>1</sup> the road to knowledge is of easy access. The volumes<sup>2</sup> in question exhibit Jesuitism to the life; and all that is necessary to enable the general reader to become acquainted with it, and with the influence which it must have on the best interests of every community in which it obtains even connivance, is to select from the aforesaid volumes some of the accumulated citations, and to present them in an English translation. These will form the subject of the present chapter; as an introduction to which, and with the view of establishing the public character of the documents produced, a few of the society's identifications of itself in opinion and doctrine with all its individual members, are prefixed.

## UNITY OF OPINION AND DOCTRINE.

*Imago Primi Saeculi Societatis Jesu. Antuerpise, 1640.*

The members of the society are dispersed through every corner of the world, distinguished by as many nations and kingdoms as the

<sup>1</sup> See the Preface.

<sup>2</sup> There are two editions of the *Estraitts des Assertions*; the one in a single quarto volume, the other in 4 vols. 12mo. both printed at Paris, in 1762. The references in this chapter are to the latter.



earth has intersections: but this is a division arising from diversity of place, not of opinion; a difference of language, not of affection; a dissimilarity of countenance, not of morals. In this association, the Latin thinks with the Greek, the Portuguese with the Brazilian, the Irishman with the Sarmatian, the Englishman with the Belgian; and among so many different dispositions there is no strife, no contention; nothing which affords opportunity of discovering that they are more than one ... The place of their nativity affords them no personal advantage ... The same design, the same manner of life, the same uniting vow combines them. ... The pleasure of a single individual can cause the whole society to turn and return, and determine the revolution of this numerous body, which is easily moved, but with difficulty shaken.— (Proleg. p. 33, and Lib. 5. p. 622.)

### LE MOYNE.

Remonstrance to the Bishop of Auxerre. By Father Le Moyne, of the Society of Jesus. 172G.

Thanks to the Divine Goodness, the spirit which animated the earlier Jesuits still survives among us; and by the same mercy we hope that it will never be lost. It is not a slight testimony in our favour, that in these troublous times not

one among us has changed or wavered. Uniformity on this point will always remain the same. If we are not suffered to labour in one place, we will attempt it in another; for we will not continue idle. France is sufficiently extensive to provide employment for us, and it is abundantly supplied with excellent bishops, who will not despise our services.

### JAMES GRETSER.

*Opera Omnia*, Tom. XI. *Defensio Societatis Jesu.* Ratisbonae, 1738.

It is not from obscure descriptions that an opinion of the doctrine of the Jesuits can be formed, but from their books, which (by the blessing of God) are already very numerous.—  
(*Vol. XI. Pref.*)

It is from the books of our theologians that the reader will easily judge whether our doctrine is conformed to the doctrine of Jesus Christ.—  
(*Ibid. Refut. chap. i. E.*)

There are many theological works written by the doctors of the society. We profess the same doctrine in a vast number of places, both privately, and publicly in the schools. ... If at any time the milder opinion be preferred, it is with such excellent reason and authority, that it may be safely followed, as well in theory as in practice.—  
(*Apol. Lib. I. p. 957.*)

## DANIEL.

Recueil de Divers Outrages. Paris, 1724.

A better opinion cannot be formed of the character of a body, especially such as that of the Jesuits, of which the government is monarchical, than by consulting the decrees of its rulers, and the laws given by the general assemblies, composed of the superiors and principal members of the society.—( Vol. II. Second Letter to Father Serry, p. 389.)

Congreg. V. Decret. 50. n. 2.

The Constitutions ordain three things. The first, that our members do not introduce new opinions. The second, that if, at any time, they should hold an opinion contrary to that which is commonly received, they shall adhere to the decision of the society. The third, that in controverted questions, in which either opinion is far from being common, they restrict themselves to conformity; that thus we may all hold the same doctrine and the same language, according to the apostle.

## SECT. I.

## PROBABLE OPINIONS.

Probability is a doctrine, according to which, in the concurrence of two opinions, of which the one is more probable and in conformity with the law, the other less probable, but favouring concupiscence, it is lawful to follow the latter in practice.—(Extraits des Assertions, Tom. I. p. 27, Note.)

The authoritative illustrations of this fundamental dogma of Jesuitical casuistry are subjoined, and have been taken out of their chronological order, to bring the society's definitions of its doctrine into one point of view.

## 1. VALERIUS REGINALD.

*Praxis fori poenitentialis.* Lugduni, 1620. (Colonise Agr. 1622. Ed. Coll. Sion.<sup>3</sup>)

That opinion is considered probable which is supported by high authority, or by an argument of considerable weight. By a high authority...

<sup>3</sup> In every instance in which another edition is thus introduced, the original extracts have been collated with the approved works of the writers of the society, in the library at Sion College, or at the British Museum.

we are to understand the authority of those doctors, who, in their other opinions upon moral things, are often found to reach the truth, and seldom to err from it.—(Tom. I. Lib. 13. c. 10. n.90.)

## 2. VINCENT FILLIUCIUS.

Moralium Quaestionum de Christianis Officiis et Casibus Conscientiae, ad formam cursus qui praelegi solet in Coll. Rom. Soc. Jes. Tomus Secundus. Lugduni, 1633. (Ursellis, 1625. Ed. Coll. Sion.)

The authority of one good and learned doctor renders an opinion probable; because his authority is not a slight foundation.<sup>4</sup>

## 3. GEORGE DE RHODES.

Georgii de Rhodes, e Societate Jesu, Disputationum Theologies Scholastics, Tomus Prior. Lugduni, 1671.

It is sufficient to render an opinion probable, that some pious doctor, of great celebrity, especially among the moderns, maintain it; provided that the other conditions which are necessary to constitute a probable opinion, be not wanting....

<sup>4</sup> " Infertur ... unius Doctoris probi et docti auctoritatem, opinionem reddere probabilem, quia non leve fundamentum est ejus auctoritas."—Tom. II. TV. 21. e. 4. de Conscientia, n. 134.

That any opinion may become probable, a single good reason is sufficient: but the authority of any one doctor, of great reputation and piety, is a good reason.... Therefore the authority of one doctor may be sufficient for a probable opinion. ... That any opinion may be probable, it is sufficient to possess a reason which may seem to be good, or the authority of a good doctor, which is equivalent to a reason, especially, since he ought also to possess some reason.<sup>5</sup>

An argument may be drawn from human transactions, in which men are usually and prudently governed by the advice of one man: one physician, for instance, is consulted for the preservation of the health; one lawyer, in defence of the rights of a family; one architect, in building a house; one confessor, in the government of the conscience. Therefore there is proof, that the authority of one good doctor is a sufficient reason on which to ground the probability of any opinion, so that every one may safely follow it.<sup>6</sup>

<sup>5</sup> " Ut aliqua opinio sit mihi probabilis, sufficit mihi ratio, quae mihi videatur bona, vel autoritas Doctoris boni, quae rationi equivalent, praesertim, cum etiam ille rationem aliquam habere debeat."—De Actibus Humanis, Tom. I. Dixp. 2. Quaest. 2. Sect. 3. § 1.

<sup>6</sup> " Ergo signum est, quod autoritas boni alicujus Doctoris est ratio sufficiens ad fundandam probabilitatem alicujus opinionis, quam tutd sequi quisque valeat." — Ibid. Sect. 3. § 1.

#### 4. HONORATUS FABRI.

Honorati Fabri, Societatis Jesu, Apologeticus doctrinae moralis ejusdem Societatis. Lugduni, 1670. (Colonise Agr. 1672. Ed. Coll. Sion.)

##### DIALOGUE ON A PROBABLE OPINION.

Antimut and Pithanophilus.

Ant. A probable opinion is not opposed to a false opinion, since it may itself be false; but it is opposed to an improbable opinion. If, therefore, a probable opinion be rightly admitted in the doctrine of morals, why should not a false opinion be also admitted, which in reality is probable, but of which the fallacy is nevertheless unknown? (Dial. I.)

Whatsoever is truly probable in the doctrine of morals, must be submitted to the judgment of a learned man; and whosoever acts according to that which he thinks to be truly probable, is accounted to act discreetly. (Ibid.)

Ant. ... There are two kinds of probable propositions; the one consisting of those which are certainly probable, the other, of those which are probably probable.<sup>7</sup>

Ant. ... The authority of one doctor, of very considerable celebrity, is of far greater importance

<sup>7</sup> "... Duplex est propositionum probabilium genus; aliud certo probabilium, aliud probabiliter probabile."—Dial. I. n. 23.

than that of many, as I have said, who possess more moderate learning and ability.... (Ibid,)

Ant. .. . When any one acts prudently, he acts well: if, therefore, any one acts prudently, according to a particular opinion, he acts well, and lawfully uses that opinion; that is, reduces it to practice and experience. But he acts prudently upon a moral opinion, who is certain that it is probable; and this, in my opinion, no one will deny. For if it is certain that it is probable, it is also certain that it is safe; that is, that the use of it is safe, and the practice lawful.<sup>8</sup>

## 5. JOHN MARIN.

*Theologiae Speculative et Moralis, Tomus III. Venetiis, 1720.*

In practice, prudently and probably are synonymous. He, therefore, who forms a probable judgment upon the probability of an opinion, forms a prudent judgment. But we may lawfully act with a prudent judgment. Therefore, if Suarez should say that any opinion was probable; although Vasquez should say that it was not probable, I would not venture to assert that the opinion was not truly probable, as to a lawful use. And he who receives advice, only derives

<sup>8</sup> " Si enim certum est esse probabilem, certum est eandem tutam esse, id est, usum illius tutum, et licitam praxim."—*Dial. I. n. 53.*



from it an opinion which is probably probable; and if a probably probable opinion should induce a doubt, a certainly probable opinion would induce it also.<sup>9</sup>

## 6. DANIEL.

Receuil de divers Outrages. Paris, 1724. (Ed. Mus. Brit.)

To return to the Christians of the earliest ages. In reflecting upon the manner in which they then conducted themselves, it appears to me that men were never more governed by probable opinions, and that the maxim was never more followed which teaches, that the opinion of one doctor reputed for his goodness and wisdom, may direct the conscience. When a bishop, a priest, or a deacon, had gained the esteem of the people, his sentiments and his opinions were oracles which they blindly followed, in matters on which the Scripture and the Councils had not decided.... How can it be maintained, after this, that there is no vestige of the doctrine of probability in the Scriptures, in the holy Fathers, or in the practice of the first ages of the Church?<sup>10</sup>

<sup>9</sup> " Et qui accipit consilium, ex hoc solum habet opinionem probabiliter probabilem; et si opinio probabiliter probabilis afferet dubitationem, etiam afferet certo probabilis." — Tom. III. Tr. 23. Disp.9. Sect. 7. n. 105.

<sup>10</sup> " Pour revenir aux Chretiens des premiers siecles; en

HENRY HENRIQUEZ.

Summae Theologiae Moralis, Tomus I. Venetiis, 1600.  
(Ed. Coll. Sion.)

A scrupulous man continues safe, if he prefers, against his scruples, that which he considers probable, although he may think that another opinion is more probable. And the confessor should conform himself, against his own opinion, to that of the penitent, by which he is excused from sin before God.<sup>11</sup>

reflechissant sur la manure dont on se conduisoit alors, il me paroît qu'on ne s'est jamais plus gouverne par les opinions probables, et que jamais on n'a plus pratique la maxime qui enseigne qu'on peut suivre en conscience l'opinion dun docteur estime homme de bien et scavant. Qu'un Eveque, qu'un Pretre, qu'un Diacre se fut acquis l'estime du peuple, ses sentiment, ses opinions etoient des oracles que Von suivoit aveuglement, dans les matieres que l'Ecriture et les Conciles n'avoient point decidees. ... Comment soutenir apres cela, qu'il n'y a nul vestige de la probability dans l'Ecriture, ni dans les Saints Peres, ni dans l'usage des premiers siecles de l'Eglise?"—Entretien de Cleandre et d'Eudoxe sur les Lettres au Provincial, Tom. I. du Recueil. p. 400.

<sup>11</sup>" Vir scrupulosus manet tutus, si contra scrupulos eligat quod judicat probabile, licet putet aliam esse probabiliorem opinionem. Et confessarius contra propriam opinionem conformare se debet opinioni poenitentis, qua ille a peccato coram Deo excusatur."—Lib. xiv. de IrreguL c. 3. n. 3.

## FRANCIS TOLET.

Instructio Sacerdotum. Romae, 1601. Lugduni, 1630.  
(Antverpiae, 1603. Ed. Coll. Sion.)

When opinions are divided, it may be maintained by some that a contract is legal, and by others that it is illegal. If it should happen that a confessor is of the opinion of those who maintain that it is illegal, and the penitent believes it to be legal, then the penitent may oblige the confessor to absolve him according to his own (the penitent's) opinion; and the confessor ought to do so, provided that the two opinions are probable, otherwise he ought not; and this often happens in many contracts upon which contrary probable opinions exist; either of which the confessor may follow with a safe conscience, although he may himself approve but of one of them.—  
(Lib.S. cap, 20. n. 7.)

## JOHN OF SALAS.

Disputationum R. P. Joannis de Solas, e Societate Jesu, in primam secundae D. Thomae, Tomus I. Barcinone, 1607.  
(Ed. Bibl. Archiep. Cant. Lamb.)<sup>12</sup>

The true opinion is, that it is not only lawful to follow the more probable, but less safe

<sup>12</sup> The extracts from this author have been verified by collation with a copy of the same edition of the work, in the library at Lambeth Palace.

opinion; ... but also that the less safe may be followed when there is an equality of probability.—(Tr. 8. Disp. unic. Sect. 5. n. 51.)

I agree in the opinion of Henriquez, Vasquez, and Perez, who maintain that it is sufficient for an inexperienced and unlearned man to follow the opinion which he thinks to be probable, because it is maintained by good men, who are versed in the art; although that opinion may be neither the more safe, nor the more common, nor the more probable.<sup>13</sup>

(Sotus) thinks that it would be very troublesome to a penitent, if the priest, after having heard his confession, should send him back without absolution, to confess himself again to another priest, if he could absolve him with a safe conscience, against his own (the priest's) opinion: especially when another priest might not, perhaps, be readily found, who would believe the opinion of the penitent to be probable.<sup>14</sup>

It may be asked, whether a confessor may give advice to a penitent, in opposition to his

<sup>13</sup> " Homini imperito et illiterate satis esse, si sequatur opinio quam ipse putat esse probabilem, quia docetur a probis et peritis in ea arte; etiamsi illa nec sit magis tuta, nec magis communis, nee magis probabilis."— Tom. I. Tr. 8. Disp. unic. Sect. 7. n. 74.

<sup>14</sup> " Quando fortasse non inveniretur facile alius sacerdos, qui opinionem poenitentis probabilem esse censeret."—Ibid. Sect. 9. n. 83.

own opinion;—as, if he should think, in any case, that restitution ought to be made, whether he may advise that the opinion of others may be followed, who maintain that it need not be made?—I answer, that he lawfully may ... because he may follow the opinion of another in his own practice; and, therefore, he may advise another person to follow it. Still it is better, in giving advice, always to follow the more probable opinion to which a man is ever accustomed to adhere: especially when the advice is given in writing, lest contradiction be discovered.<sup>15</sup> It is also sometimes expedient to send the consulting person to another doctor or confessor, who is known to hold an opinion favourable to the enquirer, provided it be probable.

### GREGORY OF VALENTIA.

*Commentariorum Theologicorum, Tomus III. Lutetiae Parisiorum, 1609. (Lut. Par. 1660. Ed. Coll. Sion.)*

Without respect of persons, may a judge, in order to favour his friend, decide according to any probable opinion, while the question of right remains undecided?

<sup>15</sup> " Prsesertim cum quis consilium praebebat in scriptis, ne varius deprehendatur."—*Ibid.* Sect. 9. n. 84.

If the judge should think each opinion equally probable, for the sake of his friend he may lawfully pronounce sentence according to the opinion which is more favourable to the interest of that friend. He may, moreover, with the intent to serve his friend, at one time judge according to one opinion, and at another time according to the contrary opinion, provided only that no scandal result from the decision.<sup>16</sup>

### THOMAS SANCHEZ.

Opus Morale in praecepta Decalogi. Venetiis, 1614. (Antverpiae, 1624. Ed. Coll. Sion.)

Although a man should find a particular difficulty to arise against an opposite opinion, which he cannot himself resolve, and which may appear to him to be incapable of solution, he ought not, on that account, to consider the opposite opinion of others to be so improbable that he cannot follow it.—(Lib. I. c. 9. n. 6.)

If a learned man may sometimes be excused because he follows his own peculiar opinion in opposition to that which is more commonly received; much more should a similar decision be made in favour of an unlearned man.—(Ibid. n. 10.)

<sup>16</sup> " Posset propter amicum, modo secundum unam, modd secundum alteram judicare, si tamen scandalum abesset."—Tom. III. Disp. 5. Quant. 7. Punct. 4.

An unbeliever, who is persuaded that his sect is probable, although the opposite sect may be more probable, would certainly be obliged, at the point of death, to embrace the true faith which he thinks to be the more probable. ... But except under such circumstances he would not ... Add to this, that the mysteries of faith are so sublime, and the Christian morals so repugnant to the laws of flesh and blood, that no greater probability whatever may be accounted sufficient to enforce the obligation of believing }<sup>7</sup>

#### GILES DE CONINCK.

*Commentariorum ac Disputationum in universam Doctrinam D. Thomae, Tomi Duo. Lugduni, 1619. (Antverpiae, 1616. Ed. Coll. Sion.)*

An opinion may be the more probable or the more safe. For that opinion is always the more safe in practice, in which, whether it be true or false, sin cannot be perceived, although the opposite opinion may be by far the more probable.—(Disp. 34, de Mut. Conjug. Obligat. Dub. 10, n. 83.)

When the opinions of the doctors are divided upon any point, we may follow either opinion, even

<sup>17</sup> " Adde, mysteria fidei tarn sublimia esse, ac Christianos mores adeo carnis et sanguinis legibus repugnare, ut non quaevis major probabilitas sufficiens reputetur ad inducendam credendi obligationem."—Lib. ii. c. 1. n. 6.

the less safe, and the less probable, provided it be truly probable.—(Ibid. n. 84.)

In a question of justice, when it is to be decided to whom any property belongs, in the doubt, the condition of the possessor is always the better.<sup>18</sup>

Some persons maintain that this principle only applies to a question of justice. But Father Sanchez and others think that it also extends to other virtues, and their opinion is the better... I doubt, for instance, whether I should have made a vow. I am, as yet, in possession of my liberty; God is, as it were, the creditor, demanding the debt, and I am the debtor. In the doubt, mine is the better condition, and I must be considered free; neither am I bound to deprive myself of my liberty, until it appear that I have rightly lost it through the obligation of my vow.<sup>19</sup>

A man is in doubt whether he may lawfully make a certain contract; and having read various authors for and against the permission, and fully

<sup>18</sup> " In materia justitise, quando agitur cujus res aliqua sit, in dubio semper meliorem esse conditionem possidentis."—Disp. 34. Dub. 10. n. 85.

<sup>19</sup> " Dubito an aliquid voverim: sura adhuc in possessione meae libertatis, et Deus est quasi actor exigens debitum, ego reus: in dubio, mea melior est conditio, et absolvendus sum, nec teneor me mea libertate de facto spoliare, antequam constet me eam de jure amisisse per voti obligationem."—Ibid. n. 86.



considered their arguments, he still continues doubtful, or even rather inclines to the negative opinion. But if, from the reasons by which it is supported, or upon the authority of the doctors, he should determine the affirmative to be truly probable, he may certainly persuade himself that the contract in question is lawful in practice; because he may lawfully follow a probable opinion, although it should be the less safe.—(Ibid. 87.)

#### VALERIUS REGINALD.

Praxis Fori Paenitentialis. Lugduni, 1620. (Colonise Agr. -1622. Ed. Coll. Sion.)

In an action for and against which there are probable opinions, but the one opinion more probable than the other ... it is not necessary to follow the safer part, provided the other be safe.—(Tom. I. Lib. xiii. c. 10. Sect. n. 96.)

We are not forbidden to adhere to that which we verily believe to be probable and safe, because the contrary may appear to be more probable and more safe.<sup>20</sup>

He who, for strong reasons, verily persuades himself that a thing is lawful, contrary to the

<sup>20</sup> " Illud quod bona fide putamus probabile tutumque esse, non prohibemur amplecti, eo quod contrarium ipsius videatur probabilius et tutius."— Tom. I. Lib. xiii. c. 10. Sect. 1. n. 96.

common opinion, may give his advice to an enquirer according to that common opinion, although he may consider the contrary opinion to be the more probable, and should think that the arguments which favour the common opinion may be completely refuted.—(Ibid, n. 97.)

A confessor may absolve a penitent, who, of two probable opinions, chooses to maintain that which the confessor himself thinks the less probable, and will not acquiesce in the opposite and safer decision.—(Ibid.)

### GABRIEL VASQUEZ.

*Commentariorum ac Disputationum in primam Secundae Sancti Thomae, Tom. I. Lugduni, 1620. (Antverpiae, 1620. Ed. Coll. Sion.)*

We must enquire whether a confessor not only may, but even must, absolve a penitent against his own (the confessor's) opinion, on account of the probable opinion of the penitent... we mean to speak of those cases in which the opinion of the penitent, although probable, is still the less safe.—(Disp. 62. Qu, 19. c, 7. art, 6.)

If the confessor be the parish priest, or ordinary confessor of the penitent, he ought to absolve the penitent whom he perceives to follow a probable opinion, whether it be in the refusal of restitution, or in doing any other thing which should seem, in the opinion of the con-

fessor, to be sinful, but which the penitent himself thinks lawful.—(Ibid.)

John Medina . . . adds this distinction. Although the opinion of the penitent should be prejudicial to another person, his ordinary confessor may and must, against his own opinion, grant absolution to the penitent who persists in his own probable opinion. He afterwards asserts, that a deputed confessor cannot, against his own opinion, absolve a penitent who persists in an opinion which is injurious to another.—(Ibid.)

I firmly believe the aforesaid distinction to be frivolous.—(Ibid.)

I highly approve the opinion of Angelus, Navarre, and Sotus, who absolutely declare, without distinction, that any confessor, whether ordinary or delegated, may absolve a penitent, contrary to his own opinion, whom he knows to follow a probable, but less safe opinion; whether it be to the injury of another, or not. ... And Sotus still adds, that the ordinary confessor not only may, but must, absolve such a penitent: which I consider to be so true, that I think the confessor not only may not refuse absolution to his penitent when he has heard his confession, but that if the penitent choose, he must hear his confession, and grant him absolution.... Indeed, I think the deputed confessor guilty of sin, if, after having once heard the confession of a

penitent whom he perceives to be of a contrary opinion, he refuses him absolution, when, on every other account, he might properly absolve him. ... (Ibid.)

Although a doctor, who is consulted by an unlearned man, may tell him that the more common opinion is opposed to that which he follows himself, and which he proposes to him to follow; still the unlearned man may follow, in practice, the opinion of the doctor whom he has consulted.—(Ibid. c. 8.)

## STEPHEN FAGUNDEZ.

Tractatus in Quinque Ecclesiae Praecepta. Lugduni, 1626.  
(Ed. Coll. Sion.)

It would be an insupportable burden to the consciences of men, and liable to many doubts, if we were compelled to follow and examine the more probable opinions; and therefore learned men and discreet confessors, rejecting their own more probable opinion, may guide the consciences of their penitents according to the opinion of the latter, which they consider probable.<sup>21</sup>

<sup>21</sup> " Intolerable esset onus conscientiarum, ac multis scrupulis expositum, si opiniones probabiliores sequi et investigate teneremur; et ideo viri docti ac confessarii prudentes possunt, relicta propria opinione probabiliori, consulere conscientiis poenitentium juxta illorum opinionem, quam probabilem judicant."—Praecept. 2. Lib. iii. c. 4. n. 3.

The secular judge, not only in a criminal, but also in a civil cause, rejecting his own mere probable opinion, may follow the opposite opinion, which he still thinks probable.—(Ibid. n. 5.)

### PAUL LAYMANN.

Theologia Moralis. Lutetiae Parisiorum, 1627. (Ed. Coll. Sion.)

Of two contradictory probable opinions, touching the legality or illegality of any human action, every one may follow in practice, or in action, that which he should prefer; although it may appear to the agent himself less probable in theory.<sup>22</sup>

Of two probable sides of such a question, it is also lawful to follow that which is the less safe; that is, the opinion which seems less remote from every kind of sin than the other which is opposed to it.—(Tr. 1. c. 5. §2. n.7. Assert. 2.)

A doctor may give advice to a person who consults him, not only according to his own opinion, but even after the opposite probable opinion of others, if the latter should be preferable or more favourable to the enquirer...

22 " Ex duabus contradicentibus probabilibus opinionibus, quae versantur circa actionem humanam, an ea licita sit, necne; quisque in praxi, sive operatione, sequi potest quam maluerit; etsi ipsi operand speculative minus probabilis videatur."— Tr. 1. c. 5. §2. n.7. Assert. I.

although the same doctor should be certainly persuaded that the opinion were false in theory, so that he could not follow it himself in practice ... And hence it appears that a learned man may give contrary advice to different persons, according to contrary probable opinions; whilst he still preserves discretion and prudence?<sup>9</sup>

### FERDINAND DE CASTRO PALAO.

*De Virtutibus et Vitiis Contrariis. Pars Prima. Lugduni, 1631.*

You may not only lawfully act, according to the probable opinion of others, rejecting your own, which is more probable; but, in a case of great necessity, you are bound to conform to the opinion of others, which, under other circumstances, would be less probable. For, by reason of that extreme necessity and danger, the opinion, which would otherwise have Utile or no probability, is rendered very probable and very safe.<sup>24</sup>

<sup>23</sup> " Atque hinc existit, quod vir doctus, diversis, secundum oppositas probabiles sententias, opposite consilia dare possit; servata tamen discretione ac prudential"—Ibid. n. 9.

<sup>24</sup> " Quia ratione Alius gravis necessitatis et periculi, opinio, alias parum vel nihil probabilitatis habens, redditur maxime probabilis et segura."—Pars I. Tr. I. Disp. 2, Punct. 2. n. 5.

You believe that a judge examines you lawfully, upon the crime of some great and honourable man of high importance to the state: still you are not fully assured of it, but you have some scruple and some doubt. Then you may keep silence, and not answer him according to his meaning, deciding it to be probable in such a case that you may refrain from speaking.... For, in instances of this kind, a great necessity renders an opinion probable, which otherwise would not have been probable...<sup>25</sup>

Doctors or rectors are not compelled to inculcate the opinions which seem to them to be the more probable. ... For those opinions are often the less generally received and approved, and might occasion scandal: and an irksome task would be imposed upon the masters, if they were compelled to read those things which should appear to them the more probable.... For, in consequence of such compulsion, they would have to examine thoroughly every argument on either side of a question; and frequently, the opinion which yesterday seemed to them to be the more probable, will to-day appear the less probable;

<sup>25</sup> " Poteris tunc tacere, neque ad sensum illius respondere, judicans in tali casu probabile esse, te posse tacere. ... Quia in iis casibus gravis necessitas probabilem opinionem facit, quae alias probabilis non esset."— TV. I. Disp. 2. punct. 2. n. 5.

and they would be obliged to change their opinion daily in their writings. For which reason it is sufficient if they teach the things which appear to them to be probable.<sup>26</sup>

There is no compulsion to follow the safer and more probable opinion ... it is enough to follow one which is safe and probable: for even in that which should seem the more probable and more safe, it is possible that error may occur. ... When the probability of right is grounded upon the probability of an action, then, I say, that from the probability of the action, the probability of right may be inferred. To illustrate this by an example. I think it probable that the cloak which I possess is my own; yet I think it more probable that it belongs to you: I am not bound to give it up to you, but I may safely retain it...<sup>27</sup> It is probable to an unbeliever that he holds the true religion, although the contrary may be the more probable: there does not seem to be any obligation that he should renounce his

26 Nam ex vi hujus obligations deberent satis investigate rationes pro utrique parte; et saepe opinio, quae sibi probabilior heri apparuit, hodie minus probabilis apparebit; cogenturque quotidie mutare in scriptis sententiam. Quapropter, sufficit, si quae sibi probabilia videntur, doceant."—Ibid. punct. 3. n. 7.

27 " Est mihi probabile, pallium quod possideo, esse meum; probabilius tamen judico esse tuum: non teneor tibi relinquere, sed possum secure possidere."—Ibid. Tr. 4. Disp. 1. punct. 12. n. 14.



error. But since, at the point of death, there remains no longer time to examine the question, he is not on that account obliged to relinquish a safe way to follow one which is more safe; but only to examine the question with greater care, as far as the time will allow.—(Ibid. Tr. 4. Disp. 1. punct. 12. n. 14.)

### VINCENT FILLIUCIUS.

Moralium Quaestionum de Christianis Officiis et Casibus Conscientiae, ad formam cursus qui praelegi solet in Coll. Rom. Soc. Jes. Tomus II. Lugduni, 1633. (Ursellis, 1625. Ed.Coll.Sion.)

1. It is lawful to follow the more probable opinion, rejecting the less probable, although it may be the more safe. An instance of this may be adduced in the man who doubts his right to retain with honesty any thing which he holds in his possession: the more probable opinion is, that he is not bound to restore it; yet it is more safe if he does restore it...<sup>28</sup>

2. It is lawful to follow the less probable opinion, although it may be the less safe....

<sup>28</sup> " Dico primo, Licitum esse sequi opinionem probabiliorem, relictam minus probabili, etiamsi sit magis tuta. Exemplum esse potest in eo, qui dubitat de proprietate rei quam habet apud se cum possessione bonae fidei: opinio enim probabilior asserit non teneri; tutius tamen est si restituat..." Tarn. II. Tr. 21. c. 4. de Conscientia, n. 186.

It is sufficient for unlearned men to act rightly, that they follow the opinion of a learned man... Learned men may follow the less probable and less safe opinion, rejecting the more probable and more safe. The reason is, that a man acts prudently in believing in those who are experienced in the art, submitting himself to the judgment of the wise. Neither is it necessary to be certain of acting rightly; for then it would not be lawful to follow the more probable, but less safe opinion.<sup>29</sup>

NICHOLAS BALDEL.

Disputationum ex Morali Theologia, Libri Quinque. Lugduni, 1637.

He does not sin who follows a probable opinion, rejecting the more probable, whether the latter be the opinion of others, or of the agent himself, and whether the less probable opinion which he follows be the safer or the less safe.—(Lib. iv. Disp. 12. n. 1.)

(A confessor) may lawfully follow the probable opinion of his penitent, and reject his own.—(Ibid. Disp. 13. n.5,6.)

And this is true, although the probable opinion which the penitent follows should be injurious

29 " Nec requiritur certitudo bene operandi, quia sic neque liceret sequi probabiliorem minus tutam."—Ibid. n. 128.

to another, as, in withholding restitution. For although Adrian asserts, that a confessor is bound to advise his penitent to abandon his opinion, when it is prejudicial to another, yet it seems not to be said with reason; since the confessor, in the act of confession, is not bound to consider the advantage of a third person; and the penitent will not sin in following the probable opinion, even in withholding restitution.<sup>30</sup>

### NICHOLAS CAUSSIN.

Reponse au Libelle Intitule, La Theologie Morale des Jesuites. Paris, 1644.

There are many points on which the doctors are divided in opinion; and if a confessor Were permitted to believe only according to his own peculiar views and notions, and only to absolve according to his own doctrine, it would often happen that a penitent might be rejected by all the priests of a diocese, and be compelled to recount his sins as often as he might confess

<sup>30</sup> " Quamvis Adr. asserat, quod confessarius tenetur monere poenitentem ut deponat suam opinionem, quando est in damnum alterius; id tamen non videtur dictum rationaliter: cum confessarius non teneatur consulere, in actu confessionis, bono tertii; et poenitens non peccet, sequendo opinionem probabilem,. etiam de non restituyendo."—Ibid. Disp. 18. n. 5, 6.

himself to different priests, until he should chance to meet with one who preserves a reasonable moderation in his advice.<sup>31</sup>

### JOHN MARTINON.

*Disputationes Theologicae.* Burdigalae, 1646.

If a penitent should err only in the opinion of his confessor, and err perhaps unquestionably, but still pursue an opinion which is truly probable; his confessor is not obliged to reprove him: neither can he deprive him of the right which he possesses of following a probable opinion : and he should be judged according to it by the confessor, if he choose to persevere in it...<sup>32</sup> After he has once heard him, he is obliged by his duty to absolve him, if properly disposed for it, provided there be no reasonable cause for delaying absolution, the resolution of adhering to a truly probable opinion, although the contrary opinion may be more probable, or

<sup>31</sup> " Il faudra souvent qu'un penitent aille essayer le refus, de tous les pretres d'un Diocese; qu'il repete autant de fois sea peches, qu'il se confessera a divers pretres, jusqu'a ce qu'il en ait rencontre un qui garde une mesure raisonnable en see avis."—Riponse a la Theol. Mor. Prop. 28. ,

<sup>32</sup> " Non tenetur confessarius illum corrigere: imo non potest adimere illi jus quod habet sequendi opinionem probabilem: et secundum illam debet a confessario judicari, si velit in ea per sistere. .. ."—Disp. Theol. Tom. V. de Paenitentia, Disp. 53. Sect. 15. n. 190.

more safe, or more remote from sin, not being in itself a sufficiently valid reason for deferring it.<sup>33</sup>

### ANTHONY ESCOBAR.

Universae Theologiae Moralis Receptiores absque lite sententiae, necnon Problematicae Disquisitiones. Tom. I. Lugduni, 1652. (Tom. I. Lugduni, 1662. Tom. II. Lugduni, 1650. Ed. Bibl. Acad. Cant.)<sup>34</sup>

We may follow a probable opinion without sin, rejecting that which is more probable and more safe.—(Tom. I. Lib. ii. Sect. 1. c. 2. n. 14.)

I advise that permission should not be given to use a probable opinion, when any great danger might result from it, as the injury of our neighbour, or the dishonour of God, if it could be avoided by following a more probable opinion.—(Ibid. n. 15.)

Any one who is questioned may answer according to the probable opinion of others, suppressing his own more probable or more safe opinion.<sup>35</sup>

<sup>33</sup> " Qualis non est voluntas adhaerendi opinioni vere probabili, licet contraria sit probabilior, aut tutior, et remotior a peccato.—Disp. Theol. Tom. V. de Paenitentia, Disp. 53. Sect. 15. n. 190.

<sup>34</sup> The edition in the University Library at Cambridge comprises only the eighteen books of the first two volumes of the *Theologia Moralis* of Escobar. The references to the succeeding volumes are given as they are found in the *Extraits des Assertions*.

<sup>35</sup> " Potest quis interrogatus, juxta probabilem aliorum opinionem respondere, praetermissa propria, probabiliori vel tutiori."—Tom. I. Lib. ii. Sect. 1. de Consc. c. 2. n. 18.

Among many probable opinions, can there be one more safe than another; that is to say, can there be a greater danger of committing sin, in adhering to one opinion rather than to another?

I answer in the negative: for since every probable opinion renders the conscience safe in acting, the agent will not be less safe in following one opinion rather than another.—(Ibid. n. 22.)

Indeed, whilst I perceive so many different opinions maintained upon points connected with morality, I think that the Divine Providence is apparent; for in diversity of opinions the yoke of Christ is pleasantly borne.<sup>36</sup>

It is either lawful or unlawful to form the design of going to several different doctors, until one is found to return an answer in accordance with our wishes.

If I have an honest intention of finding a probable opinion which favours me, while I am firmly resolved not to act in opposition to a probable conscience, I may lawfully do so.—(Ibid. Probl. 7. n. 58.)

Subjects are either excused, or are not excused, from paying tribute, in consequence of an opposite probable opinion.

<sup>38</sup> " Profecto dum video tot diversas sententias in rebus moralibus circumferri, divinam reor Providentiam fulgurare, quia ex opinionum varietate jugum Christi suaviter sustinetur."—Ibid. n. 23.

Certainly they are excused; for as the prince rightly levies tribute, in the opinion that it is probably just; so may the subject also rightly refuse the tribute, in the opinion that it is probably unjust. Thus Sanchez, Lessius, &c. I approve this opinion...<sup>36</sup>

#### SIMON DE LESSAU.

Propositions Dictees dans le College des Jesuites d'Amiens.  
1655, 1656.

II. Although one opinion may be more probable and more safe than another, and may seem to you to be more probable and more safe; although you may not abandon your opinion in theory, yet it is lawful for you to abandon it in practice, by following the less probable opinion. That part is said to be the safer, in which there is either no possibility of sinning, or in which a less evil is chosen in order to avoid the greater.<sup>37</sup>

<sup>36</sup> " Excusantur certe, quia sicut princeps juste tributum imponit, juxta sententiam probabiliter affirmantem illud esse justum; sic etiam subditus juste denegare poterit tributum, juxta sententiam probabiliter affirmantem illud injustum esse. Ita Sanchez, &c. Hanc mentem approbo."—Sect. 2. de Act. Hum. Probl. 18. n. 91 & 92.

<sup>37</sup> " Quamvis una sit probabilior, etiam ei tutior, tibi que etiam probabilior et tutius videatur; quamvis non deseras tuum judicium speculativum, licet tibi in praxi illam deserere,

III. Doctors may lawfully give advice in opposition to their own opinion, by following the opinion of another.—(De Praecept. Decal. c. 1. art. 4.)

IV. A confessor may absolve penitents, according to the probable opinion of the penitent, in opposition to his own; and is even bound to do so.<sup>38</sup>

#### POIGNANT.

Extrait des Ecrits du Pere Poignant, Professeur des Cas de Conscience dans le College des Jesuites d'Amiens. 1656, 1657.

XII. When the opinions upon a point of law are on either side probable, a judge may deprive which party he pleases of the suit.—(Resolvuntur quaedam diff. ex Judice.)

XIII. A judge may follow the less probable opinion, rejecting that which is more "probable.—(Ibid.)

sequendo minus probabilem. Illa pars dicitur tutior, in qua aut nullum peccatum esse potest, aut propter vitandum majus malum, minus eligitur." — De Praecept. Decal. c. 1. art. 4.

<sup>38</sup> " Confessarius potest poenitentes absolvere secundum probabilem opinionem poenitentis, contra suam propriam: imo et tenetur."—Ibid.



## THOMAS TAMBURIN.

Explicatio Decalogi. Lugduni, 1659. (Lugduni, 1665.  
Ed. Coll. Sion.)

Whether it is lawful at one time to follow one probable opinion, and a different probable opinion at another, upon the same subject?

It is probable, for instance, that a tax has been unjustly imposed: it is also probable that the same tax has been justly levied. May I, because I am the king's collector of taxes, demand to-day the payment of the tax ... and to-morrow, or even on the same day, may I, because I am a merchant, secretly defraud it?<sup>39</sup>

Again, it is probable that pecuniary compensation may be made for defamation; it is also probable that it cannot be made. May I, the defamed, exact to-day pecuniary compensation from my defamer; and to-morrow, or even on the same day, may I, the defamer of another, refuse to compensate with money for the reputation of which I have deprived him? ... I affirm

39 " Probabile est, verbi gratia, hoc vectigal injuste esse impositum; probabile item, esse impositum juste. Possumne ego hodie, quia sum exactor regius vectigalium, exigere ejusmodi vectigal... et eras, imo etiam hodie, quia sum mercator, illud occulte defraudare?"—In Decal. Lib. i. c. 9. § 5. n. 1.

that it is lawful to do, at pleasure, sometimes the one, and sometimes the other.<sup>40</sup>

Those ignorant confessors are to be blamed who always think that they do well in obliging their penitents to make restitution, because it is at all times more safe.<sup>41</sup>

(A doctor) may instruct in probable opinions, even suppressing those which are more probable, provided he does not foresee that any scandal will arise from it:<sup>42</sup> because in so doing he acts prudently, if he shews to his hearers a probable way of acting rightly.

A confessor may, and even must, follow the probable opinion of his penitent, against his own opinion, whether it be probable or more probable. ... A parish priest ought to absolve his penitent as often as he may return to him, and conform himself to the probable opinion

<sup>40</sup> " Probabile rursus est, ablationem famae pecunia compensari; probabile non compensari: possumne ego hodie infamatus, velle ab infamante compensationem in pecunia; et cras, imo hodie, ego ipse alium infamans, nolle famam proximi a me ablatam compensare pecunia? ... Assero posse licite fieri ejusmodi variationem, prout libet ..."—Ibid. n. 2. and n. 5,

<sup>41</sup> " Unde indoctos confessarios, qui semper putant se bene facere obligando poenitentes ad restitutionem, quia id semper est tutius, reprobende."—Lib. i. c. S. § 4. n. 15.

<sup>42</sup> " Docere potest (doctor) probabiles opiniones, etiam praetermissis probabilioribus, modo non praevideat aliquod scandalum exoriturum."—Ibid. n. 16.

of the penitent.—(Methodus Expedite Confessionis,<sup>43</sup> Lib. iii. c. 9. § 1.)

## LOUIS DE SCILDERE.

De Principiis Conscientiae Formandae, Tractatus Sex, Antverpiae, 1664.

A subject who thinks that the command of his superior exceeds the limits of his authority, ought not to obey him.—(Tr. 2. c. 4. n, 55. Assert. 3.)

If, then, a subject thinks probably that a tax has been unjustly imposed, he is not bound to pay it ... A defendant who thinks probably that a judge does not examine him lawfully, is not bound to reply, although the judge may be of the contrary opinion.... (Ibid.)

## AMAD. GUIMENIUS.

(VERO NOMINE MOYA.)

Opusculum. Lugduni, 1664. (... 1661. Ed. Coll. Sion.)

### Propos. 1.

Although an opinion may be false, any one may follow it in practice with a safe conscience,

<sup>43</sup> Antverpiae, 1656. Ed. Coll. Sion.

on account of the authority of the person teaching it.<sup>44</sup>—(Tract, de Opin. Prob. Prop. 1. &c.)

They are supporters of this opinion who maintain that a confessor is bound to absolve a penitent, as often as the opinion of other persons, of acknowledged authority, should be in favour of such absolution, although the confessor himself should believe it false.—(Ibid. Prop. 1. n. 2.)

It is to be inferred, from all that has been said, that a probable certainty is sufficient in morals to prevent exposure to danger.<sup>45</sup>

### Propos. 2.

The king's counsellors are not obliged to choose the more probable opinion in the imposition of taxes; it is sufficient that they choose one which is probable. (Sanchez.) And subjects may refuse the payment of just taxes. (Sanchez.)<sup>46</sup>

<sup>44</sup> " Quamvis opinio sit falsa, potest quilibet, tuta conscientia, illam practice sequi, propter auctoritatem docentis."—Tr. de Opin. Prob. Prop. 1.

<sup>45</sup> "Concluendum est ex praedictis omnibus, quod probabilis certitudo sufficit in moralibus, ut non exponat se quis periculo."—Ibid. 1. n. 8.

<sup>46</sup> " Regis consilarii, in imponendis tributis, non tenentur eligere probabiliorem opinionem; sufficit probabilem eligant. Sanchez, Jesuita. Et subditi possunt justa tributa non solvere. Idem Sanchez."—Prop. 2.

But do not fail to observe the invaluable conclusion of the very learned Father Sa, at the word Gabella, n. 6, where he thus writes: Learned men assert, that to defraud the excise, and to withhold restitution, is not a mortal sin.... I should not dare to make this affirmation absolutely; but neither would I oblige those who had been thus fraudulent to make restitution. For in such a doubt, the condition of the possessor is the better, on account of the opinion of celebrated doctors. For there are some who maintain, that scarcely any duty is just... and others, that they are almost all doubtful.<sup>47</sup>

### HONORATUS FABRI.

Honorati Fabri S. J. Apologeticus Doctrinae moralis ejusdem Societatis. Lugduni, 1670. (Colonise Agr. 1672. Ed. Coll. Sion.)

#### DIALOGUE ON A PROBABLE OPINION.

Antimus and Pithanophilus.

Pithanophilus.—That opinion is safe, of which the use, or the choice, as you say, excludes all guilt.—(Dial. I.)

<sup>47</sup> " Sed ne omittas videre summam auream eruditissimi P. Sa, verbo Gabella, n. 6. ubi sic scribit; Gabellam defraudare et non restituere, non esse mortale, docti viri asserunt.... Ego id in totum non ausira affirmare. Sed neque eos tamen qui fraudarunt, ad restitutionem obligarem. In tanto enim dubio, ob gravium doctorum opinionem, melior est conditio possidentis. Dicunt enim quidam, vix ullam Gabellam esse justam ... alii, omnes fere dubias esse."—Ibid. Prop. 2. n. 4.

Antimus.—It should seem so at first sight: yet an opinion may be unsafe, although it exclude sin... For instance: a person thinks that he may wilfully, and of his own accord, omit a deadly sin in his confession, and he omits it through a truly invincible error. He does not in reality sin ... That erroneous opinion, therefore, as you perceive, excludes sin, although it cannot be called safe ... (Ibid. n. 75.)

Pithanophilus.—Hence I think I may rightly conclude, that two opposite opinions, which are truly and certainly probable, are both equally safe.—(Ibid. n. 78.)

Antimus.—Not any thing can be more plainly proved... (Ibid. n. 79.)

Antimus.—That opinion is the more probable which authorizes the less probable to be followed ..<sup>48</sup>

Antimus.—To bind men to the more probable opinion, of which they are often ignorant, would be an insupportable burden, especially in such a vast variety of opinions.—(Ibid. n. 163.)

Antimus.—A judge would often be compelled to change his opinion in the same cause, if the opposite opinion should appear to him the more probable. The same may be said of the lawyer and the confessor.—(Ibid. n. 167.)

<sup>48</sup> " Illa opinio probabilior est, per quam sequi licet minus probabilem."—Ibid. n. 153.

Pitkanopkilus.—But what if a judge should himself think less probable that which may seem to others to be more probable: might he judge according to the more probable opinion of others? (Ibid. n. 224.)

Antimus.—Some authors have said so. And, indeed, if the judge should think that they who hold the probable opinion which is opposed to his own, are more learned than himself, that they are wise and good, and their reasons probable, I can hardly believe that he would act imprudently if he decided the cause according to their opinion.—(Ibid. n. 225.)

Antimus.—I come now to the confessor... In the use of probable opinions he may lawfully abide by the more or less probable, provided only that they be both truly probable.—(Ibid. n. 230.)

Pithanophilus.—I should wish to know whether the confessor may adhere to the opinion of his penitent, which he believes himself to be improbable, although he may know that the same opinion is commonly held by the doctors to be probable, and that therefore it is certainly probable?—(Ibid. a. 231.)

Antimus.—I have no doubt but that the confessor ought, in that case, to adhere to the opinion of the penitent, who certainly ought not to be deprived of the right which belongs to him, of choosing an opinion which is certainly probable.—(Ibid. n. 232.)

Pithanophilus.—But he acts against his conscience who follows a less probable opinion.—(Ibid. n. 241.)

Antimus. — Indeed, he acts according to conscience, that is, according to a certain judgment, by which he certainly decides that he does not sin, but that he acts wisely when he follows a less "probable opinion, provided it be evident that it is surely probable.—(Ibid. n. 242.)

Pithanophilus.—But it is a sinful cause, such as concupiscence, which induces to the choice of the less probable opinion.—(Ibid. n. 243.)

Antimus.—He does not act sinfully who acts prudently, and consults his conscience in the use of human things.—(Ibid. n. 244.)

Pithanophilus.—But he who chooses the less probable opinion, exposes himself to the danger of sinning.—(Ibid. n. 245.)

Antimus.—This has already been denied a hundred times ... (Ibid. n. 246.)

## GEORGE DE RHODES.

Georgii de Rhodes, e Societate Jesu, Disputationum Theologize Scholastics, Tomus Prior. Lugduni, 1671.

The director of consciences will answer, that for some reason it is probable that you are bound to make restitution, and for other reasons it is probable that you are not; but you may follow



either opinion. And this he will always say to each of his penitents: whence he will neither contradict himself, nor will the doctrine of a probable opinion be mutable and inconstant. For he will never say that you are bound to make restitution, if he should have a probable opinion which is opposed to the obligation to restore. But there will never be any danger of corruption, when a man shall follow that which shall appear to him the more convenient, provided that a probable opinion teach him that it is not unlawful.<sup>49</sup>

Every one is at liberty to abandon the common opinion. For if he be learned, he may have some weighty reason on account of which he may prefer his own opinion to the common opinion ... But if he be not learned, he may so prudently confide in the learning and morals of some approved man, that he may adhere to his

<sup>49</sup> " Respondebit enim, ut dixi, (director conscientiarum:) propter aliquas rationes est probabile te teneri ad restitutionem; et propter alias rationes est probabile te non teneri; potes autem sequi utramque sententiam. Et hoc dicet singulis et semper: unde nec sibi contradicet; nec erit inconstans et lubrica doctrina de sententia probabili. Nunquam enim dicet, teneris ad restitutionem, si habeat sententiam probabilem, quae negat obligationem restituendi. Nunquam autem periculum erit corruptionis, quando aliquis sequetur id quod videbitur commodius, modo probabilis opinio doceat id non esse illicitum."— De Actibus Humanis, Disp. 2. Quaest. 2. Sect. 3. §3.

opinion, in opposition to the common opinion.—  
(Ibid.)

A doctor may advise an enquirer contrary to his own opinion, according to another which he considers probable. For if he may follow it himself, why may he not also advise others to follow it, as Vasquez, Sanchez, &c. maintain? He might even reply, sometimes according to one opinion, sometimes by following another. But lest he should seem to be changeable and inconsistent, he ought to explain to the enquirer the probability of either opinion.<sup>50</sup>

Hence also the question is resolved, whether any one may consult different doctors, until he find one favourable to his opinion, from whom he may hear that which he most desires. For this, it is evident, is not unlawful in itself; but it may be rendered very criminal by a corrupt intention.<sup>51</sup>

But may the doctor send back his enquirer to another doctor, whose opinion he may con-

50 " Imo posset etiam respondere aliquando juxta unara aententiam, aliquandd aliam sequendo respondere. Sed ne tamen videatur varius, et parum sibi constans, debet sententiae utriusque probabilitatem explicare interroganti."—Ibid.

<sup>51</sup> " Hinc etiam solvitur, utrum possit aliquis varios consulere doctores, donec favorabilem aliquera inveniat, a quo audiat id quod maxime cupit. Hoc enim per se loquendo non est illicitum, ut patet; sed prava sane intentione vitari potest."—Ibid.

sider to be improbable? I answer that he cannot, if he should think the opinion of that doctor evidently false; for then he is in ignorance: but he may if he does not consider his opinion to be entirely false; for then he may either reply according to that opinion, or refer his enquirer to the doctor. Thus Vasquez, Salas, &c.—(Ibid.) A confessor ... is bound, under pain of mortal sin, to absolve a penitent who follows a probable opinion, which the confessor himself considers false.<sup>52</sup>

### GEORGE GOBAT.

Operum Moralium, Toraus II. Duaci, 1700.

It is speculatively probable, that it is not a deadly sin to refrain from repressing carnal passions which have arisen against the will; or to desist from averting the eyes from looking upon the face of a woman, although the gaze should occasion sinful thoughts.<sup>53</sup>

<sup>52</sup> " Tenetur sub peccato mortali, absolvere poenitentem qui opinionem sequitur probabilem, quam confessarius ipse putat esse falsam."—Ibid.

<sup>53</sup> " Est speculative probabile, quod non sit crimen lethale, non reprimere motus carnales praeter intentionem ortos; item non avertere oculos ab aspectu vultus muliebris, esto ille aspectus causet turpes cogitationes."—Tom. II. Tract. 1. Proef. pro Clypeo Judicum, Sect. 1. n. 15.

" Thy commandment is exceeding broad." Psalm cxix. 96. " My yoke is easy, and my burden is light." Mat. xi. 30. "His commandments are not grievous." 1 John v. 3. But neither can the yoke of Christ be called easy, nor the commands of God light and broad, if they are indeed binding' in that rigid sense in which they are explained by one or more of the Fathers, commentators, or theologians; since there are not wanting those who truly and prudently affirm, that they may be explained more mildly. — (Ibid. Sect. 10. n. 152.)

### FRANCIS PERRIN.

*Manuale Theologicum, Prima et Secunda Pars. Tolosae, 1710.*

It is certain that it is not unlawful to act upon a very probable or the most probable opinion; that is, upon that which has the greatest appearance of truth. Alexander VIII. condemned this proposition in the year 1690: It is not lawful to follow a probable opinion, or the most probable among those which are probable. The reason is, because no one is bound always to follow that which is the more safe; for it would be too severe to suppose such an obligation to exist, from which numberless perplexities would arise. Who can believe that God would restrain men with such

severe laws? It is therefore sufficient if we act according to the more probable opinion.—(De Prudentia, Pars II. c. 2.)

### CHARLES ANTHONY CASNEDI.

Crisis Theologica. Ulyssipone, 1711.

There are, indeed, many opinions which are prudently probable, although they may be contrary to Scripture, and to other infallible rules of the Church;<sup>54</sup> provided, that after a diligent investigation of the truth, the Scripture and the aforesaid rules are invincibly unknown, and the said opinions are supported by sufficient reason and authority.

We are never more free from the violation of the law, than when we persuade ourselves that we are not bound by the law. For he who says that he is bound by the law, rather exposes himself to the danger of committing sin. Perhaps he who has thus persuaded himself, will fall into sin; but he who says that the law is not binding, cannot sin ... He, therefore, who follows the less rigid and less probable opinion, cannot sin.<sup>55</sup>

<sup>54</sup> " De facto dantur plures opiniones prudenter probabiles, licet sint contra Scripturam, aliasque infallibiles Ecclesiae regulas..." Tom. I. Disp. 4. Sect. 1. paragr. 3. n. 53.

<sup>55</sup> " Nunquam sumus magis liberi a violatione legis, quam

## FRANCIS XAVIER FEGELI.

Quaestiones Practices de Munere Confessarii. Augustae et Herbipoli, 1750.

Certainly it will not be lawful for a son to use secret compensation, if the stipend which he asks be denied him; because he has not a certain right to it. Nevertheless, after he has made secret compensation to himself, the confessor may thenceforward act with him more mildly, on account of the probability of the contrary opinion, and need not oblige him to make restitution immediately, if he has not taken beyond the estimate of his labour. — (Pars III. c. 6. Quaest, 11. n. 70.)

## MATTHEW STOZ.

Tribunal Poenitentice. Bambergse, 1756.

IV. It is lawful to follow the less probable opinion of another, in opposition to our own more probable opinion, which we still retain.<sup>56</sup>

quando nobis persuademus, nos non teneri lege. Potius enim ille qui dicit legem obligare, se exponit periculo peccandi. Fortassis enim peceabit, qui hoc sibi persuasit; qui autem dicit legem non obligare, peccare non potest... Ergo sequens minus strictam, minus probabilem, peccare non potest."— Tom. II. Disp. 10. Sect. 2. paragr. 2. n. 47. 56 " IV. Licitum est sequi sententiam alienam et minus

It is lawful to change a probable opinion which any one has once embraced, in reference to the same object, and to act according to the opposite opinion.—(Lib. i. Pars V. Quaest. 2. Art.3. w. 113.)

A confessor, or other learned man, may answer those who consult him against his own opinion, according to the probable opinion of others; provided only that it be not specially forbidden.—(Ibid. n. 115.)

Any confessor, whether ordinary or delegated, may follow, or at least permit his penitent to follow, a probable opinion; although he may himself maintain the contrary opinion, or may even think that the opinion, of his penitent is false; provided, however, that he knows it to be defended as probable by other persons of ability.—(Ibid. n. 116.)

Even in the administration of the sacraments, it is lawful to follow the less probable things, rejecting the more probable<sup>57</sup>... Because the same ministers still act prudently; and as long as they are not certain of the truth of the opposite opinion, they do not expose themselves to a greater culpable danger of rendering the sacrament of

probabilem, contra propriam probabiliorem, etiam retentam."—

Lib.I. P. 5. Quaest. 2. Art. 3. n. 112.

<sup>57</sup> " Etiam in administratione sacramentorum licitum est sequi minus probabilia, relictis probabilioribus..." Ibid. n. 118.

none effect, than if they follow the more probable.

Even at the point of death, it is lawful to follow a probable opinion, rejecting the more probable.<sup>58</sup>

## SECT. II.

PHILOSOPHICAL SIN, INVINCIBLE IGNORANCE; &c.

The doctrine of Philosophical Sin is that which teaches, that an action the most criminal in itself, offends against reason, but does not displease God, nor deserve eternal damnation, if the agent who commits it knows not God, or does not actually think of him, or does not reflect that he offends him.

### JOHN OF SALAS.

In primam secundae D. Thomae. Tom. I. Barcinone, 1607.  
(Ed. Bibl. Archiep. Cant. Lamb.)

Invincible ignorance, is the ignorance of the man who does all he can and all he ought in order to surmount it. But it is vincible when he omits

<sup>58</sup> " Licitum est, etiam in articulo mortis, opinionem probabilem sequi, relicta probabiliori."—Ibid. n. 120.



voluntarily, and therefore with advertence, any of those things which he is able and bound to do... In like manner, if, after all the care which he has been able and obliged to exert, he has not succeeded in extricating himself from his ignorance, but still continues in it, either negatively or even positively, for some reason which he may think probable; his ignorance is morally invincible, and, in the latter case, it is called probable. But improbable ignorance is that which is only supported by slight reasons: and it is also called gross and supine, as is the negative ignorance of the man who scarcely makes any attempt to discover the truth.—(Quaest. 6. Art 8. Tr. 3. Disp. 4. Sect. 1. Div. 5. n. 8.)

### THOMAS SANCHEZ.

Opus Morale in Praecepta Decalogi. Venetiis, 1614. (Ant-verpiae, 1624. Ed. Coll. Sion.)

I am of opinion that there is no deadly sin in the consent of the will, unless some thought or express consideration have preceded it... Therefore, for a man to sin mortally, he ought to consider either that the action itself is evil, or that there is danger of sin, or he should have some doubt upon it, or at least a scruple. But if none of these have preceded it, his ignorance,

inadvertence, or forgetfulness, are accounted perfectly natural and invincible.<sup>59</sup>

### VALERIUS REGINALD.

*Praxis fori paenitentialis.* Lugduni, 1620. (Colonise, 1622.  
Ed. Coll. Sion.)

If a man whose mind is occupied with some practical doubt, dwells upon it with delight, but does not reflect that it is not lawful to delight in it, while his will is entirely abhorrent from it, and he is resolved, as far as possible, to refuse the delight if the sinfulness of it should ever occur to him; he is evidently excused from sin, although he should think upon it with delight for a whole day,<sup>60</sup> The reason is, that as long as the understanding does not reflect upon the wickedness of that which is offered to the will... the consent of the will is not a sin, because the sinfulness of it was not known; unless the inadvertence should have arisen from gross negligence, or in a depraved inclination to sin.

<sup>59</sup> " Quod si nihil horum praecesserit, ignorantia, inadvertentia, sea oblivio, censentur omnino naturalia et invincibilia."—In Praecept. Decal. Lib. I. cap. 16. n. 21.

<sup>60</sup> " Excusatur plane a peccato, quantumcunque per diem integrum cogitaret cum delectatione."—Lib. XI. cap. 5. Sect. 8. n. 46.

## PAUL LAYMANN.

Theologia Moralis. Lutetiae Parisiorum, 1627. (Ed. Coll. Sion.)

Suarez, Sanchez, and Vasquez are right, who maintain, that for an action to be imputed unto man for sin, which is sinful and forbidden by some law, it is necessary that the agent reflect, or should have reflected, upon the sinfulness of the action, or on the danger of the sin.<sup>61</sup>

I have said above, that a man never sins unless he actually reflects upon the moral wickedness of the action or omission... As, if the mind in a violent transport of anger or grief, is so absorbed in the thought of what may be convenient or useful, that it either reflects not at all, or very slightly, upon the sinfulness and discredit of the action: in which case it will either be no sin, or only an imperfect and venial sin; which I think sometimes happens with those who are so completely absorbed in the excess of their sorrow, that they commit suicide.<sup>62</sup>

61 " Ut opus malum, et aliqua lege prohibitum, homini ad culpam imputetur, necesse esse ut operans actu advertat, vel advertent ad ejus malitiam, vel periculum malitiae."—Lib. I. Tract. 2. cap. 4. n. 6.

62 " Quo casu vel nullum, vel duntaxat imperfectum ac veniale peccatum erit; quod arbitror interdum evenire iis, qui

## VINCENT FILLIUCIUS.

Moralium Quaestionum de Christianis Officiis et Casibus Conscientie, Tomus II. Lugduni, 1633. (Ursellis, 1625. Ed. Coll. Sion.)

It is a sin to act against conscience, although it should, in reality, be wrong. This is the commonly received opinion after Vasquez, Azor, &c.... An action which is contrary to the natural and divine law, will not be imputed unto us for sin, except in as far as we know it to be sinful,<sup>63</sup>

Probable ignorance, which originates in a wilful fault or voluntary cause, excuses from sin, provided its effects, which arise from ignorance, were not foreseen. We may instance the case of him who, of his own will, has become drunk or frantic, and, in his drunkenness, kills a man, or commits fornication.<sup>64</sup>

*nimia tristitia absorpti, sibi ipsis necem inferunt.*" — Ibid. Tract. 3. cap. 5. n. 18.

<sup>63</sup> " Non imputabitur culpae operatio, quae est contra legem naturalem aut divinam, nisi quatenus cognoscitur a nobis ita esse."— Tract. 21. cap. 4. de Consc. n. 116.

<sup>64</sup> " Ignorantia probabilis, originem habens ex culpa vel causa voluntaria, modo effectus qui fiunt ex ignorantia non sint praevisi, excusat a peccato. Exemplum est in eo, qui sua voluntate factus sit ebrius vel furiosus, ex quo in ebrietate, hominem occidit, vel fornicatur."—Ibid. cap. 10. n. 369.

## JOHN DE LUGO.

Disputationes Scholasticae de Incarnatione Dominica. Lugduni, 1633. (Lugduni, 1646. Ed. Bibl. Acad. Cant.)

In the words of God to Adam—" In the day that thou eatest thereof, thou shalt surely die"— " if thou shalt eat it knowingly" must be understood; for if he had eaten it without reflecting upon the offence to God, he had not sinned... As Christ said to Peter, " If I wash thee not, thou hast no part with me;" so Paul said to the Corinthians, " If ye are adulterers, ye shall not inherit the kingdom of God" But as Peter would not have incurred that punishment if he had not adverted to the command of Christ, so neither would the Corinthians, if they had not adverted to the divine offence; without which, although it would have been a philosophical adultery (if I may so express myself), yet it would not have amounted to a theological adultery, of which Paul was speaking, since he spoke of it in terms of a mortal sin.<sup>65</sup>

<sup>65</sup> " Nam, si comedisset sine advertentia ad Dei offensam, non peccasset... Sicut Christus dixit Petro, Si non laverō te, non habebis partem mecum: ita Paulus dixit Corinthiis, Si fueritis adulteri, non habebitis regnum Dei. Caeterum sicut Petrus non incurreret illam poenam, si non adverteret ad Christi preceptum, sic nec Corinthii, si non adverterent ad

## JOHN DE DICASTILLE.

De Justitia et Jure. Antverpise, 1641.

Theft may be venial through want of deliberation. For although, as Lessius says, it may seem difficult that theft should become venial, by reason of imperfect deliberation, yet it may sometimes happen. For some persons are so addicted to it through habit, and, as it were, determined to thieve, that they bear away the thing stolen before they fully reflect upon what they are doing. The same thing may happen through the violence of temptation, especially when it is committed with so much precipitancy, that there remains not time for deliberation.—(Lib. ii. Tract. 2. Disp. 9. Dub. 2. n. 48.)

## ANTHONY ESCOBAR.

Liber Theologiae Moralis viginti quatuor Societatis Jesu Doctoribus reseratus. Lugduni, 1656. (Lugduni, 1659. Ed. Mus. Brit.)

A confessor perceives that his penitent is in invincible ignorance, or at least in innocent ignorance; and he does not hope that any benefit

divinam offensam, sine qua, licet fieret adulterium philosophicum (ut ita dicam) non tamen theologicum, de quo Paulus loquebatur, cum loqueretur de illo in ratione peccati mortalis."—Disp. 5. Sect. 6. n. 101.

will be derived from his advice, but rather anxiety of mind, strife, or scandal. Should he dissemble? Suarez affirms that he ought; because, since his admonition will be fruitless, ignorance will excuse his penitent from sin.<sup>66</sup>

### THOMAS TAMBURIN.

*Methodus Expedites Confessionis.* Lugduni, 1659. (Ant-verpiae, 1656. Ed. Coll. Sion.)

Although he who, through inveterate habit, inadvertently swears a falsehood, may seem bound to confess the propensity, yet he is commonly excused.<sup>67</sup>

The reason is, that no one commonly reflects upon the obligation by which he is bound to extirpate the habit... and, therefore, since he is excused from the sin, he will also be excused from confession.—(Lib. ii. c. 3. § 3. n. 24.)

Some maintain that the same must be said of blasphemy, heresy, and of the aforesaid oath ...

<sup>66</sup> " Intelligit confessarius, poenitentem ignorantia invincibili, vel saltern non culpabili laborare, et nullum sperat fructum ex admonitione, sed potius animi inquietudinem, rixas, vel scandala: an dissimulare debeat? Affirmat Suarius; quia cum admonitio nihil sit profutura, ignorantia poenitentem excusabit a peccato."—Tr. VII. Sacram. Examen. IV. de Poenitentia, c. 7. n. 155.

<sup>67</sup> " Qui vero ex inveterata consuetudine inadvertenter jurat falsum, licet videatur obligari ad consuetudinem confitendam, tamen communiter excusatur."—Lib. ii. c. 3. § 3. n. 23.

and consequently that such things committed inadvertently are neither sins in themselves, nor the cause of sin, and therefore need not necessarily be confessed.<sup>68</sup>

## GEORGE DE RHODES.

Disputationum Theologia Scholasticae, Tomus Prior. Lugduni, 1671.

Wherever there is no knowledge of wickedness, there is also, of necessity, no sin.

It is sufficient to have at least a confused knowledge of the heinousness of a sin; without which knowledge there would never be a flagrant crime. For instance, one man kills another, believing it indeed to be wrong, but conceiving it to be nothing more than a trifling fault. Such a man does not greatly sin, because it is knowledge only which points out the wickedness or the grossness of it to the will. Therefore, criminality is only imputed according to the measure of knowledge.—(De Actibus Humanis, Disp. 2. Quaest. 2. Sect. 1. § 2.)

If a man commit adultery or homicide, reflecting, indeed, but still very imperfectly and superficially, upon the wickedness and great sinfulness

68 " Eodem modo dicendum esse docent aliqui de blasphemia, haeresi, et supradicto juramento ... et consequenter ea inadvertenter facta, neque in se, neque in causa esse peccata, adeoque nec necessarid confitenda"—Lib. ii. c. 8. § 3. n. 25.



of these crimes; however heinous may be the matter, he still sins but slightly. The reason is, that as a knowledge of the wickedness is necessary to constitute the sin, so is a full, clear knowledge and reflection necessary to constitute a heinous sin.<sup>69</sup>

And thus I reason with Vasquez: In order that a man may freely sin, it is necessary to deliberate whether he sins or not. But he fails to deliberate upon the moral wickedness of it, if he does not reflect, at least by doubting, upon it during the act. Therefore he does not sin, unless he reflects upon the wickedness of it.—(De Peccatis, Disp. 1. Quaest. 3. Sect. 2. § 3.)

It is also certain that a full knowledge of such wickedness is required to constitute a mortal sin. For it would be unworthy the goodness of God to exclude a man from glory, and to reject him for ever, for a sin on which he had not fully deliberated: but if reflection upon the wickedness of it has only been partial, deliberation has not been complete; and therefore the sin is not a mortal sin.<sup>70</sup>

<sup>69</sup> " Si quis committat adulterium aut homicidium, advertens quidem malitiam et gravitatem eorum, sed imperfectissime tamen et levissime; ille, quantumvis gravissima sit materia, non peccat tamen nisi leviter. Ratio est, quia, sicut ad peccatum requiritur cognitio malitiae, sic ad grave peccatum requiritur plena et clara cognitio et consideratio illius..." De Actibus Humanis, Disp. 2. Quaest. 2. Sect. 1. § 2.

<sup>70</sup> " Quod ad peccatum mortale requiratur plena cognitio

## JAMES PLATEL.

Synopsis Cursus Theologici. Duaci, 1678.

A sin, however grossly repugnant it may be to reason, committed by a man who is invincibly ignorant, or who does not reflect that there is a God, or that God is offended by his sins, is not a mortal sin. For since this sin does not comprehend any virtual or implied contempt of God, it may subsist together with perfect charity, and with the friendship of God. Whence it follows, that the heinousness of this sin would be a philosophical heinousness...<sup>71</sup>

## ISAAC DE BRUYN.

Theologia quam, Præside R. P. Is. de Bruyn, defendent, &c....  
in Collegio Societatis Jesu. Lovanii, 1687.

The existence of God is demonstrated, and the admirable order of the universe proves it. Yet,

malitiae, certa etiam est. Quia scilicet indignum esset Dei bonitate, quod excluderet hominem a gloria, et illum in externum projiceret, ob peccatum in quo non est plena deliberatio: si autem advertentia malitiae non sit nisi semi-plena, non est plena deliberatio: ergo neque peccatum est mortale..." De Peccatis, Disp. 1. Quaest. S. Sect. 2. § 3.

<sup>71</sup> " Peccatum, quantumvis graviter rationi repugnans, commissum ab invincibiliter ignorante, aut non advertente, Deum esse, aut peccatis offendi, non est mortale. Cum enim nullum, etiam virtuale et implicitum, Dei contemptum includat, stare potest cum charitate perfecta, et amicitia divina. Unde tale peccatum esset quidem grave gravitate philosophica..." Tom. II. Pars II. cap. 3. § 3. n. 189.

as this is not known in itself, nor declared in express terms in reference to us, there may exist, at least for a very short time, an invincible ignorance of it, especially among the less instructed.—(Positio 2.)

It is not lawful to follow a conscience which is doubtful and vineibly erroneous: we not only may, but must follow a conscience which is invincibly erroneous.<sup>72</sup>

The schoolmen commonly call that a philosophical sin, which is committed against right reason, and with an invincible ignorance of God. It is not denied, at least by ourselves, that God is offended by this sin ... (Positio 15.)

### CHARLES ANTHONY CASNEDI.

*Crisis Theologica.* Ulissypone, 1711.

So far from being false, I hold it to be most true, that a man sins not when he does that which he considers to be right, without any remorse or scruple of conscience.—(Tom. I. Disp. 7. Sect 3. § 2. n. 149.)

It is a constant doctrine of the theologians, according to Father Moya and St. Thomas, that there is an invincible ignorance of some precepts,

72 " Conscientiam dubiam et vincibiliter erroneam sequi non licet: erroneam invincibiliter sequi, non tantum licet, sed etiam oportet."—Positio 14.

not only of those which relate to mysteries of faith, hut also of the precepts of the Decalogue; as usury, lying, fornication, which are not sins in reference to those who are thus invincibly ignorant.<sup>73</sup>

### GEORGELIN.

Censura Sacrae Facultatis Theologiae Nannetensis... adversus Propositiones excerptas ex Thesibus et Codicibus Patris Georgelin, lectis in Collegio Societatis Jesu. Nannetis, 1719.

There is no mortal sin in the consent of the will, unless some thought and express consideration of moral wickedness or danger have preceded it, or at least some express doubt or scruple.—(Prop. 1. ex Codicibus.)

A personal sin ought to be freely willed: hut it cannot be freely willed without some thought of moral wickedness; because such thought is the commencement of deliberation upon the moral wickedness; and the thought of pleasant or useful good, which is inherent in the object which the sinful man pursues, is not sufficient for such

<sup>73</sup> " Constans est theologorum doctrina apud P. Moya cum S. Thom. dari invincibilem ignorantiam aliquorum praeceptorum, non tantum supernaturalium circa credenda, sed etiam naturalium circa praecepta Decalogi, nempe usurae, mendacii, fornicationis, quae, respectu eorum, non sunt peccata."—Tom. II. Disp. 16. Sect. 2. §1. n. 61.

deliberation, since temporal advantage or utility are very different from moral good and evil, and are of a perfectly distinct nature.—(Prop. 2. Ibid.)

Some consideration or present reflection upon the moral wickedness of it, is required to constitute a sin.—(Prop. 3. Ibid.)

As to the ground of the opposite opinion, Meratius and Martinonus affirm it to be sufficient to constitute sin, that a man is obliged to reflect upon its moral wickedness, but does not reflect upon it: but they deny that any one is bound to reflect upon the moral wickedness of it, if he does not reflect upon the obligation to reflect upon it.<sup>74</sup> But how shall he think of such an obligation, if there be not, or precede not in his mind, any reflection upon its moral wickedness?—(Prop. 4.)

### Censure.

These propositions are rash, scandalous, pernicious, and calculated to revive the error of philosophical sin, which has been many times condemned.

Although Vasquez, &c. expressly speak of mortal sin (when they say that there is no mortal

<sup>74</sup> " At negant quemquam teneri considerate malitiam moralem, si non cogitet de obligatione considerandi."—Prop. 4.

sin in the consent of the will, unless some reflection have preceded it), yet the aforesaid reason, by which they prove it, establishes the same thing with respect to venial sin.—(Georgelin, Ibid. Prop. 5.)

### Censure.

This proposition, which teaches that there is no sin, not even a venial sin, unless some thought of its moral wickedness have preceded it, is rash, scandalous, erroneous, and devised to fabricate excuses for sin.

## SECT. III.

### SIMONY.

#### EMMANUEL SA.

Aphorismi Confessariorum. Colonise, 1590.

It is not simony to pay what another has advanced or promised to procure ordination for you, without your knowledge or against your will, or if the money have been given without your concurrence; although, in a court of law, this is accounted simony; and the bishop in such a case may grant dispensation, provided it be not for a benefice or dignity.

Neither is it simony to give any thing to obtain

another man's friendship, by which means a benefice would be subsequently procured...

Nor to give a benefice, not principally, but secondarily, for a temporal advantage... (Aphor. Conf. verbo Simonia.)

### FRANCIS TOLET.

Instructio Sacerdotum. Romae, 1601. (Antverpiae, 1603.  
Ed. Coll. Sion.)

Cajetan observes, that in the case in which an election would be very injurious to the Church, money might be given to prevent such election; but not to insure that any particular election should be made. And he proposes this example: if the cardinals should wish to elect a pope, who would be very injurious to the interests of the church, money might be given them to prevent their choosing him. Sotus adds... that it would also be lawful to give it for the election itself, if there should be only one worthy pope, and all the others likely to be injurious. For then it would be the same thing to give it for the non-election and for the election. But when there are many persons worthy of being chosen, it is not lawful to purchase the election of one of them, although he may be the most worthy. Sotus rests his opinion upon this ground, that he thinks simony not to be so far forbidden by the divine and natural law, but that, in a case of

emergency, and extreme spiritual necessity, it is lawful to give money for a spiritual purpose: and this opinion appears to me to be probable, although such a case is extremely rare.—(Lib. v. c. 90. n. 5.)

A doubt arises in the case in which a man should promise to give money for a benefice, not with an intention of really giving it, but feignedly; and, if he should thus take the benefice, whether there would be simony. Sotus and Cajetan say that there would not, because the outward act partakes of the inward intention: wherefore, though the feigned promise were confirmed by a bond, there would be no simony; although, in a court of law, it would be reckoned simony, because that court does not regard the inward intention. Thus I think, although Navarre inclines to a different opinion; but this is the better.—(Ibid. n. 11.)

## VALERIUS REGINALD.

*Praxis fori paenitentials.* Lugduni, 1620. (Colonise, 1622.  
Ed. Coll. Sion.)

Simony is not committed, when any spiritual thing is bought or sold in probable ignorance; nor when a promise is made to give a temporal for a spiritual benefit... if there be not the will to perform the promise... And in that case, as the will to perform the promise is wanting, so,



in fact, the will to purchase is also wanting, and there only remains the will to commit a fraud.<sup>75</sup>

### VINCENT FILLIUCIUS.

Moralium Quaestionum de Christianis Officiis et casibus conscientiae, Tomus II. Lugduni, 1633. (Ursellis, 1625. Ed. Coll. Sion.)

If a sacred thing be given tanquam pretium actus venerei, but not by way of gratitude and benevolence only, then it would be simony and sacrilege; as, if a man were to confer a benefice, election, or presentation upon another, tanquam pretium actus venerei committed with his sister. I have said, not by way of gratitude, because then there would be neither sacrilege nor simony; but only at most a certain irreverence in recompensing a shameful and profane act, with a thing which is sacred and dedicated to God.<sup>76</sup>

<sup>75</sup> " Colliges ... non committi simoniam, cum aliquid spiritale emitur, aut venditor ex ignorantia probabili; nec item quando quis promittit se aliquid temporale daturum pro re spiritali... si non habeat voluntatem praestandi promissum ... Atque in eo casu, sicut deest voluntas praestandi, ita secundum veritatem deest voluntas emendi, tantumque adest voluntas faciendi fraudem."—Tom. II. Lib. xxiii. c. 11. Quaest. 1. n. 110.

<sup>76</sup> " Si res sacra detur tanquam pretium actus venerei, non autem ex gratitudine, vel benevolentia tantummodo, tunc esset simonia et sacrilegium: sicut si quis conferret beneficium, vel eligeret vel praesentaret aliquem tanquam pretium

## HONORATUS FABRI.

Apologeticus Doctrinae Moralis Societatis Jesu. Lugduni, 1670. (Coloniae, 1672. Ed. Coll. Sion.)

The adversaries object, that they are taught by the casuists, that although money be promised for presentation to a benefice, yet there is no simony if the intention of paying it be wanting. And it is so: the casuists and lawyers maintain in common, that the spirit of a contract of sale is not comprised in the words only; and unless the will to be bound be also present, that it is not to be deemed a contract. Since, therefore, simony is a true contract of sale, if the intention of payment be wanting, there is no simony. I acknowledge, indeed, that a fraud of this kind deserves punishment... This doctrine is maintained by almost all the doctors, Lessius, Sotus, Tolet, Valentia, Suarez, Laymann, Filliucius, Castro Palao. In my opinion there is in this no difficulty. — (Anonymus advers. Anonymum, Opusc. c. 13.)

actus venerei habiti cum sorore. Dixi, rum autem ex gratitudine, quia tunc nec sacrilegium ullum esset, nec simonia, sed tantum irreverentia quaedam ad summum, re sacra et Deo dicata remunerando actum turpem et prophanum."—Tom. II. Tract. 30. c. 7. in 6<sup>tum</sup> Praeceptum Decal. n. 130.

## PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748. (Lutetiae Parisiorum, 1627. Ed.Coll.Sion.)

It is not simony to bestow gratuitously upon any one who grants a spiritual office, a temporal gift, which may be valued at a price... Neither does it matter whether the gift be offered after, or at the time, or before the spiritual office is conferred; and that, too, with the intention that the patron may be induced, from a motive of gratitude, to give the spiritual benefice.—(Lib, iv. Tr. 10. c. ult. § 2. n. 8.)

## BUSEMBAUM &amp; LACROIX.

Theologia Moralis nunc pluribus partibus aucta, a R. P. Claudio Lacroix, Societatis Jesu. Colonise, 1757. (Colonise Agripinae, 1788. Ed. Mus. Brit.)

These authors (Suarez, Lessius, &c), also add, that the simony is not complete, although a bond may have been given for the payment of the purchase-money; because that bond is not a part of the price: Diana, &c. ... do also remark against Suarez, that if the payment be made in counterfeit money, the simony will not then be complete; because counterfeit coin is not a true payment.<sup>77</sup>

<sup>77</sup> " Addunt adhuc (simoniam) non esse omnino completam, quamvis datum sit chirographum de solvendo pretio, quia illud

It is not simony to give or to receive money for procuring more easy access to the person of the patron. Thus think Suarez and others. Hence there will be no simony, Lessius says, if you give money to the steward of a bishop, in order to gain admission to his family, intending thereby to win the favour of the prelate with your services, and thus to obtain from him a benefice. For then you do not give the money for the benefice, but for the opportunity of deserving well of the bishop, and of receiving from him a benefice gratuitously. By means of the money, indeed, you prepare the way to the benefice, but remotely and indirectly, which is not unlawful.—(Tom. II. Lib. in. Pars I. Tr. 1. c. 2. Dub. 3. Quaest. 18. § 15. n. 93.)

Sanchez concludes that it is not simony to make this bargain:—choose me provincial, and I will choose you prior;—because this agreement and interchange in spiritual things is only forbidden in reference to benefices.—(Ibid. Quaest. 20. § 1. n. 103.)

*chirographum non est pars pretii: notant quoque Diana ... contra Suarez, si falsa pecunia daretur, etiam non compleri, quia falsa pecunia non est verum pretium.*"—Tom. II. Lib. iii. Pars I. Tr. 1. c. 2. Dub. 8. Quaest. 46. n. 212.

## SECT. IV.

## BLASPHEMY.

## FRANCIS AMICUS.

Cursus Theologici, Tomus VI. Duaci, 1640.

As the WORD was able to assume a nature which was irrational and incapable of all knowledge; so might he also have taken a reasonable nature, destitute of all knowledge.—(Tom. VI. Disp. 24. Sect 4. n. 114.)

The WORD was able to assume the stupidity of the ass's nature; and therefore, also, he might have assumed the imperfection of the human nature.<sup>78</sup>

It is not more repugnant to (suppose) the WORD to err and to lie materially, through the nature which he assumed, than in the same assumed nature to suffer and to die: therefore, if he was able to suffer and to die in his assumed nature, he could in the same nature have erred and have lied materially.<sup>79</sup>

<sup>78</sup> " Potuit VERBUM assumere stoliditatem naturae asininee; ergo eterrorem nature humans."—Tom. VI. Disp. 24. Sect. 4. n, 116.

<sup>79</sup> " Igitur si potuit in assumpta natura cruciari ac mori, posset per eandem errare, ac falsum materialiter dicere."—Ibid.

... Madness has not in itself any moral, or formal, or radical, or material, or objective opposition to the intellectual nature: therefore, there is no reason why it could not have existed in the nature which was assumed by the WORD.— (Ibid. n. 129.)

... Therefore, there is no reason for conceiving it repugnant (to suppose) that the WORD assumed an insane nature, or to admit that madness was in the nature which he had already assumed.<sup>80</sup>

### STEPHEN BAUNY.

Somme des peches qui se commettent en tous Etats. Rouen, 1653.

The penitent must be asked whether he has committed these offences of the tongue; whether he has cursed and done despite to his Maker...

If he should say that passion has hurried him to the expression of these offensive words, it may be determined, that in uttering them he has only sinned venially, inasmuch as they are only evil materially, because anger has deprived the penitent of the means of considering quid formaliter significarent. Laymann ... (Des Blasphemes, c. 5.)

<sup>80</sup> "... Ergo non est, cur ex hoe capite repugnet, VERBUM amentem naturam assumere, vel amentiam in assumpta jam natura admittere."—Ibid. n. 130.

## CHARLES ANTHONY CASNEDI.

Crisis Theologica. Ulyssipone, 1711.

Do what your conscience tells you to be good and commanded: if, through invincible error, you believe lying or blasphemy to be commanded by God, blaspheme.<sup>81</sup>

Omit to do what your conscience tells you is forbidden: omit the worship of God, if you invincibly believe it to be prohibited by God.<sup>82</sup>

There is an implied law ... which is this: Obey an invincibly erroneous dictate of conscience. As often as you believe invincibly that a lie is commanded, lie.<sup>83</sup>

Let us suppose a Catholic to believe invincibly, that the worship of images is forbidden: in such a case our Lord Jesus Christ will be obliged to say to him, Depart from me, thou cursed, &c. because thou hast worshipped mine image... So, neither, is there any absurdity (in

<sup>81</sup> " Fac quod conscientia dictat esse bonum et praeceptum: si putas mendacium, aut blasphemiam, ex invincibili errore, esse a Deo praeceptam, blasphema."—Tom. I. Disp. 6. Sect. 2. §1. n.59.

<sup>82</sup> " Omitte quod conscientia invincibiliter dictat esse vetitum: omitte cultum Dei putatum invincibiliter a Deo prohibitum."—Ibid.

<sup>83</sup> " Lex ... reflexa vere existens in Deo est haec: Obedi dictamini invincibiliter erroneo: Quoties invincibiliter putas mendacium esse praeceptum, mentire."—Ibid. § 2. n. 78.

supposing) that Christ may say, Come, thou blessed, &c. because thou hast lied, believing invincibly that in such a case I commanded the lie.<sup>84</sup>

## SECT. V.

## PROFANATION.

## FRANCIS DE LUGO.

Tractatus de Septem Ecclesie Sacramentis. Venetiis, 1652.

## DE EUCHARISTIA.

By what kind of communion is this precept fulfilled?

The question is, when the holy sacrament is voluntarily, but unworthily received.

The law which commands an act, commands the substance, but not the manner of it; unless the manner be essential to the act, as attention is said to be essential to prayer, and formal integrity to confession. Therefore, the ecclesiastical law which enjoins communion, is only

<sup>84</sup> " Supponamus aliquem ex Catholicis invincibiliter putare, cultum imaginum esse vetitum: ecce in hoc casu Christus D. dicere debet, Ite, maledicte, &c. quia meam imaginem veneratus es ... Ita quoque nullum absurdum, quod Christus D. dicat: Veni, benedicte, &c. quia mentitus es, invincibiliter putans me in tali casu praecepisse mendacium."—Ibid. Sect. 5. §1. n. 165.



compulsory to the substance of the act, which is sufficiently fulfilled even by a profane communion.<sup>85</sup>

Thus he who hears mass with an evil intent, he who receives baptism in a state of sin, or the priest who administers it in a state of sin, all fulfil the command, although by criminal acts.—(Lib. iv. c. 10. Quaest. 3. n. 29.)

The divine, positive precept which enjoins communion, ordains that it be received in a state of grace: this I deny. For this precept is fulfilled by an unworthy communion, as I have said, and as Cardinal de Lugo teaches.<sup>86</sup>

### GEORGE GOBAT.

*Operum Moralium, Tom. I. et II. Duaci, 1700, 1701.*

III. Is a man who has unworthily received the communion at Easter, and has thus become guilty of the body and blood of Christ, compelled to receive it again?

<sup>85</sup> " Lex praecipiens actum, praecipit substantiam ejus, non vero modum; nisi modus sit essentialis actui, sicut attentio dicitur essentialis orationi, et formalis integritas confessioni. Ergo lex ecclesiastica praecipiens communionem, obligat solum ad substantiam actus, quae sufficienter impletur per communionem etiam sacrilegam."—Lib. is. de Eucharistia, c. 10. Quaest. 3. n. 27 et 29.

<sup>86</sup> " Praeceptum divinum positivum obligans ad communionem, praecipit ut sumatur in gratia: nego. Nam buic praeepto satisfit per communionem indignam, ut dixi, et docet Card. de Lugo."—Ibid. n. 30.

Answ.<sup>87</sup>—It is more probable that he is not compelled. The reason is, that such a man has fulfilled all that the Councils of Lateran and Trent have commanded him. But does not the Council of Lateran expressly decree, that Christ must be reverently received? But what reverence can there exist, when he is received with so much irreverence, that Christ turns his face with abhorrence from the receiver? as our case supposes, I answer,<sup>88</sup> that the synod advises an inward reverence, but does not command it.<sup>89</sup>—(Tom. I. Tr. 4. Cas. 3. n. 44.)

IV. He who communicates profanely, complies with the ordinance of the pontiff requiring communion, according to the opinion of Cardinal de Lugo... And Diana thinks, after Bossius, that this doctrine is true even when the pontiff says, They who shall have reverently and devoutly

<sup>87</sup> This proposition is the thirtieth of those which were censured by the decree of the Bishop of Arras, 17th of August, 1703.

<sup>88</sup> This proposition is the thirty-first of those which were censured by the same episcopal decree.

<sup>89</sup> " Probabilius est non impendere. Ratio est, quia talis praestitit totum id quod ei praecepere Concilia Lateranense et Tridentinum. At nonne Lateranense diserte decernit, esse Christum reverenter sumendum? Quae autem adest reverentia, quando sumitur cum tantd irreverentid, ut d sumente avertat vultum abhorrentem? sicuti nosier casus testatur? Resp. Suadet illa synodus reverentiam internam, non praecipit."—Tom. I. TV. 4. Cos. 3. n. 43 et 44.

communicated, &c. ... Either doctrine is probable, on account of the authority of Bossius, and for the reasons which he has adduced.<sup>90</sup>

## SECT. VI.

### MAGIC.

#### ANTHONY ESCOBAR.

Theologiae Moralise Tomus IV. Lugduni, 1663.

It is lawful ... to make use of the science acquired through the assistance of the devil, provided the preservation and use of that knowledge do not depend upon the devil: for the knowledge is good in itself, and the sin by which it was acquired is gone by. Suarez, Sanchez, &c— (Tom, IV. Lib. xxviii. Sect. 1. de Praecept. 1. c. 20. n. 184.)

Astrologers and soothsayers are either bound, or are not bound, to restore the reward of their divination, if the event does not come to pass.

I own that the former opinion does not at all

<sup>90</sup> " Qui sacrilege communicat, ordinationi pontificis communionem requirentis satisfaciat, ex opinione Cardin. de Lugo ... Et censet Diana, post Bossium, banc doctrinam esse veram, etiam tunc cum pontifex dicit: Qui reverenter et devote communicaverint, &c. ... Haec utraque doctrina est, ob auctoritatem et ob rationes a Bossio allatas, probabilis."— Tom. II. Pars II. Tr.3. Poenit. c.26. n. 177.

please me; because, when the astrologer or diviner has exerted all the diligence in the diabolic art which is essential to his purpose, he has fulfilled his duty, whatever may be the result. As the physician, when he has made use of medicines according to the principles of his professional knowledge, is not bound to restore the fee which he has received if his patient should die; so neither is the astrologer bound to restore his charge and costs to the person who has consulted him, except when he has used no effort, or was ignorant of his diabolic art; because, when he has used his endeavours, he has not deceived.— (Ibid. Sect. 2. de Praecept. 1. Probl. 113. n. 586.)

### JOHN BAPTIST TABERNA.

Synopsis Theologiae Practicae. Colonise, 1786.

If a magician can remove an enchantment by lawful means, he may be required to do so; he may be bribed with money, and compelled with stripes to remove it: and that, too, even although it should be foreseen that he would do it by a new enchantment: for since he may do it by a lawful method, I have a right to demand it of him; and it will be imputed to his own wickedness if he should do it by unlawful means.— (Pars II. Tr. 3. c. 12.)

## PAUL LAYMANN.

Theologia Maralis. Lutetiae Parisiorum, 1627. (Ed. Coll. Sion.)

If a magician, soothsayer, or diviner, has employed his art in favour of any person and received reward for it, although he may have sinned in making the agreement, yet Rodriguez and Sanchez maintain that he is not bound, in foro conscientiae, to restore the reward. But Sanchez adds with probability, that a magician is not bound to restore although the matter required of him should not have come to pass; provided that he be skilled in the magic art and have used his diligence and means, which may be valued at a price.—(Lib, iv. Tr. 10. c. 4. n. 8.)

But if a man or a beast be tormented with an enchantment, the doctors are not agreed whether it is lawful to bring a magician to dissolve it. In order to understand this, it is necessary to suppose, with Martin Delrio, Lessius, and Sanchez ... that the enchantment may be dissolved in two ways; first, by destroying the signs on which it depends by compact with the devil; secondly, by employing new signs, by which, through the compact entered into with the devil, the enchantment may be destroyed. On which supposition, I answer in the first place, that he who certainly or probably persuades himself that the enchantment may be destroyed by a magician in

the former manner, may cause him to be brought, even although he should suspect that he had been taught the art by the devil. For he may use a good art properly, which he has improperly learned. Add to this, that although it should be suspected that the magician would not use the lawful method which he might employ for the destruction of the enchantment, but another and an illegal method, by means of a new sign and magic compact; still he may be brought, and required (to use his art), as Lessius, Suarez, and Sanchez teach. Yet the doctors rightly advise, that if there is a hope that the magician will consent, by express demand or agreement, to use a legal rather than an illegal method, then every one is bound by the law of charity to exhort the magician to do so: for by these means he may, without much trouble, prevent his neighbour from committing a great sin... (Ibid. n. 9.)

The same writers observe, that it may readily be presumed of the author of an enchantment, that he has the power of destroying the signs which he has himself placed, and of averting their moral effect; which he is in justice bound to do, and may therefore be compelled to it even by threats and blows.—(Ibid.)

## TRACHALA.

Lavacrum Conscientiae. Bambergae, 1759.

LIA, the mistress of a family, on certain days after her dinner, leaves for her household deities the fragments of the repast upon the table, wrapped in the table-cloth, for the good fortune of her house.

Quest.—Has she greatly sinned?

Answ.—LIA, in thus reverencing her household gods, has greatly sinned; unless, as it generally happens, her good faith, ignorance, or simplicity, may excuse her from mortal sin: for she does not intend to worship her household gods as so many divinities, or to implore from some evil spirit the prosperity of her house (for that would be a proof of great superstition): but following the example of her ancestors, she only intends to observe a custom which is very useful to her household; and in this unmeaning ceremony, she scarcely exceeds the limits of a venial offence.—Laymann.—(Tit. XV. cas.2.)

It is an universal rule, that the confessor should not be very strict in examining ordinary persons concerning the number of their enchantments, benedictions, and vain observances; since, as Busembaum observes, in those cases in which there is a tacit compact, they in general sin but venially, as Sanchez and others maintain: neither

should he be very strict about the kind of superstition; for there is no distinction made between them, as Diana, &c. maintain.—(Ibid. cos. 4.)

## SECT. VII.

### ASTROLOGY.

#### RICHARD ARSDEKIN.

*Theologia Tripartita.* Colonise, 1744.

If any one affirms, through conjecture founded upon the influence of the stars and the character, disposition, and manners of a man, that he will be a soldier, an ecclesiastic, or a bishop; this divination may be devoid of all sin: because the stars and the disposition of the man, may have the power of inclining the human will to a certain lot or rank, but not of constraining it—(Tom. II. Pars II. Tr. 5. c. 1. § 2. n. 4.)

#### BUSEMBAUM & LACROIX.

*Theologia Moralis, nunc pluribus partibus aucta, a R.P. Claudia Lacroix, Societatis Jesu.* Colonise, 1757. (Colonise Agrippinae, 1733. Ed. Mus. Brit.)

Palmistry may be considered lawful, if from the lines and divisions of the hands, it can ascertain the disposition of the body, and conjecture with probability the propensities and affections of the soul... (Tom. II. Lib. iii. Pars I. Tr. 1. c. 1. dub. 2. resol. VIII.)



## SECT. VIII.

## IMPIETY.

## JOHN OF SALAS.

In Primam Secundae Divi Thomae. Barcinone, 1607. (Ed. Bibl. Archiep. Cant. Lamb.)

An entire love of God is not due to him through justice, nor is even any due; though all love is due through a certain kind of decency and credit; because God is of himself worthy of love, and a measure of it is due to him either through charity or some other virtue.— (Tom. I. Quaest. 3. Tr.2. Disp.2. §5. n.40.)

## JAMES GORDON.

Theologia Moralis Universa. Lutetise Parisiorum, 1634. (Ed. Bibl. Acad. Cant)

Having established the obligation of this command (the love of God), we must next enquire when it is binding ...

I think that the time in which this precept is binding, cannot easily be defined. It is a sure thing, indeed, that it is binding; but at what precise time is sufficiently uncertain.<sup>91</sup>

<sup>91</sup> " Existimo non posse facile designari tempus quo obliget hoc praeceptum. Certum quidem est esse obligationem; sed de tempore definite satis incertum." — Tom. II. Lib. vi. Quaest. 13. c. 4. art. 2. n. 8.

## PETER ALAGONA.

S. Thomae Aquinatis Summae Theologiae Compendium. Lutetiae Parisiorum, 1620.

By the command of God it is lawful to kill an innocent person, to steal, or to commit fornication; because he is the Lord of life and death and all things: and it is due to him thus to fulfil his command.<sup>92</sup>

## IMAGO

Primi saeculi Societatis Jesu. Antuerpiae, 1640.

The Society of Jesus is not of human invention, but it proceeded from him whose name it bears. For Jesus himself described that rule of life which the society follows, first by his example, and afterwards by his words.<sup>93</sup>

The society extended over the whole world, fulfils the prophecy of Malachi—

(A print representing the two continents, at the foot of which is written)

" From the rising of the sun unto the going

<sup>92</sup> " Ex mandate Dei licet occidere innocentem, furari, fornicari; quia est Dominus vitae et mortis, et omnium: et sic facere ejus mandatum est debitum."—Ex prima secundae, Quaest. 94.

<sup>93</sup> " Societas Jesu humanum inventum non est, sed ab illo ipso profectum, cujus nomen gerit. Ipse enim JESUS illam vivendi normam, ad quam se dirigit societas, suo primum exemplo, deinde etiam verbis expressit."—Lib. i. c. 3. p. 64.

down of the same, my name shall be great among the Gentiles: and in every place shall incense be offered unto my name, and a pure offering." Malach. i.—(Ibid. p. 318.)

### ANTHONY ESCOBAR.

Universes Theologies Moralis receptiores absque lite sententice, necnon problematicae disquisitiones, Tomus I. Lugduni, 1652. (Ed. Bibl. Acad. Cant.)

It is either lawful, or unlawful, to use dissimulation in the administration of the sacraments.

The censure of my very dear friend Father Ferdinand de Castro-Palao, seems to me to be too severe, when he calls the former opinion bold and rash.—(Tom. I. Lib. i. Sect. 2. de Act. Hum. Probl. 26. n. 138.)

A great fear either dispenses, or does not dispense, with the divine command of receiving baptism or penitence.—(Ibid. Probl. 27.)

It does certainly dispense with it; because that divine command is not binding in itself, when it exposes us to some great danger; and the care which we should have for our eternal salvation, does not oblige us to seek the safer means while we incur the danger.—(Ibid. n. 139.)

I formerly thought that it did not dispense with it, that while the divine command obliged us on the one hand, to receive baptism or penitence, and a tyrant on the other, prohibited their reception on pain of death, we were still bound to receive

them, in order as far as possible to insure our eternal salvation. But now I adhere to the former opinion; since I perceive, that after having received the sacrament, all danger of damnation does not cease: for it may not be absolutely certain that the sacrament has been rightly received or administered.—(Ibid. n. 141.)

A man of a religious order, who for a short time lays aside his habit for a sinful purpose, is free from heinous sin, and does not incur the penalty of excommunication ... (Lib. iii. Sect. 2. Probl. 44. n. 212.)

I am of this opinion, and I extend that short time to the space of one hour. A man of a religious order therefore, who puts off his habit for this assigned space of time, does not incur the penalty of excommunication, although he should lay it aside, not only for a sinful purpose, as to commit fornication, or to thieve, but even that he may enter unknown into a brothel.<sup>94</sup>

The sins of blasphemy, perjury, and unfaithfulness, committed in a state of drunkenness, either are not or are to be imputed unto sin.

I think it sufficient to follow the former

<sup>94</sup> " Idem sentio, et breve illud tempus ad unius horas spatium traho. Religiosus itaque habitum dimittens assignato hoc temporis interstitio, non incurrit excommunicationem, etiamsi dimittat non solum ex causa turpi, scilicet fornicandi, out clam aliquid abripiendi, sed etiam ut incognitos ineat lupanar."—Probl. 44. n. 213.

opinion which is probable ... to utter such things in the time of drunkenness, is not sin, but the effect of sin.<sup>95</sup>

### AMADEUS GUIMENIUS.

Opusculum, Tractates Fidei. Lugduni, 1664. (...1661. Ed. Coll. Sion.)

An explicit belief in the mysteries of the Incarnation and the Trinity, is not a necessary mean of salvation, Laymann, Jes.

This is the opinion of Sotus (and many others), and of John Lacroix. Whence it is evident, that he thinks with his associates, that a declared belief in the mysteries of the Incarnation and Trinity is not a necessary mean of salvation ... And indeed justly: for otherwise, as Serra has well observed with Laymann, salvation would be impossible to those who were born deaf, when once they were corrupted by mortal sin; since the mysteries of the Incarnation and Trinity could not be explicitly propounded to them.<sup>90</sup>

<sup>95</sup> " Primam sequi sententiam quam probabilem satis existimo ... ilia proferre tempore ebrietatis, peccata non sunt, sed effectus peccati." — De Vitiis Capital. Lib. iv. Sect. 2. Probl. 30. n. 246.

<sup>96</sup> " Et quidem merito; nam alias, ut bene cum Laymann ponderat M. Serra, surdis a nativitate, si lethali semel inficerentur, foret impossibilis salus, utpote quibus predicts Trinitatis et Incarnationis mysteria proponi explicitate nequirent."—Ex Tract. de Fide, Prop. 1. n. 2, 8, et 4.

Besides the purgatory in which by faith we believe, there is another place like a flowery field of unclouded brightness, sweetly perfumed and very pleasant, where the spirits by which it is inhabited never suffer any pain of sense. This place will therefore be a very mild purgatory, like an honourable state prison.—Bellarmino, Jes. Lib. ii. de Purg. cap. 7.—(Ex Tract. de Fide, Prop. 7.)

The opinion which we have just recorded will be a consolation to the miserable, like that which John Lacroix maintains after Sotus ... where he says, that no one remains in purgatory for ten years.—(Ibid. n. 3.)

### JESUITS OF CAEN.

Thesis propugnata in regio Soc. Jes. Collegio, celeberrimae Academics Cadomensis, die Veneris 80 Jan. 1693. Cadomi, 1693.

(The Christian religion) is ... evidently credible, but not evidently true. It is evidently credible; for it is evident that whoever embraces it is prudent. It is not evidently true; for it either teaches obscurely, or the things which it teaches are obscure. And they who affirm that the Christian religion is evidently true, are obliged to confess that it is evidently false.<sup>97</sup>

<sup>97</sup> " (Religio Christiana) est... evidenter credibilis, non evidenter vera. Evidenter credibilis; nam evidens est, pru-

Infer from hence—

1. That it is not evident—that there is now any true religion in the world. For whence do you know that all flesh has not corrupted his way ?

2. That it is not evident—that of all religions existing upon the earth, the Christian religion is the most true: for have you travelled over all the countries of the world, or do you know that others have ? ...

4. That it is not evident—that the predictions of the prophets were given by inspiration of God: for what refutation will you bring against me, if I deny that they were true prophecies, or assert that they were only conjectures?

5. That it is not evident—that the miracles were real, which are recorded to have been wrought by Christ; although no one can prudently deny them.—(Position 6.)

Neither is an avowed belief in Jesus Christ, in the Trinity, in all the Articles of Faith, and in the Decalogue, necessary to Christians. The only explicit belief which was necessary to the former (the Jews), and is necessary to the latter (Christians), is, 1. Of a God. 2. Of a rewarding God.—(Position 8.)

We are commanded to confess the faith with

*dentem esse quisquis earn amplexatur. Non evidenter vera; nam aut obscure docet, aut quae docet obscura sunt. Imo qui aiunt religionem Christianam esse evidenter veram, fateantur necesse est falsam evidenter esse.*"—Pos. 5.

the mouth, and not with the understanding only ... It is not lawful to dissemble in the presence of a judge who duly examines you; hut it is lawful to do so before a private individual. But what if the judge should examine you privately? It is not lawful in that case to dissemble. But if a private person should examine you publicly? Then you may sometimes dissemble. Under what circumstances? A prudent man will teach you. Naaman the Syrian did not dissemble his faith when he bowed the knee with the king in the house of Rimmon: neither do the Fathers of the Society of Jesus dissemble, when they adopt the institute and the habit of the Talapoins of Siam.<sup>98</sup>

### GEORGE GOBAT.

*Operum Moralium*, Tom. I. Duaci, 1700.

A merchant who had been given over by his physicians, desired that a Lutheran priest might be summoned to attend him. But his servants

<sup>98</sup> " Fidem ore, non animo tantum, confiteri jubemur... Dissimulare nefas est coram iudice rite interrogante; fas coram privato. Quid, si iudex privatim interroget? Ne tum quidem dissimulare licet. Quid, si privatus publice? Tunc dissimulare interdum potes. Quibus in circumstantiis? Vir prudens te docebit. Fidem nec dissimulavit Naaman Syrus cum rege in templo Rimmon genuflectens; nec dissimulant Patres S.J. Talapoinorum Siamensium institutum vestemque affectantes."—Pos. 9.



brought a Catholic. He had no sooner arrived than he began to praise some of the excellencies of Luther; (for in the very devil himself some natural good qualities are to be found.)<sup>99</sup> He secured the attention of the sick man, instructed him in the Catholic religion, heard his confession, administered the communion, and even to his latest breath exhorted him to acts of contrition. This merchant believed indeed that he was confessing himself to a Lutheran priest (for auricular confession, as Luther rightly though contemptuously calls it, still prevails in many towns among the Lutherans): yet, in fact, he was only a Lutheran materially. Hence the deception in regard to the person of the confessor did not vitiate the confession.—(Op. Mor. Tom. I. Tr. 7. Cos. 19, n. 619.)

### JOHN MARIN.

Theologiae Speculativae et Moralis, Tomus II. Venetiis, 1720.

God can speak equivocally for a righteous purpose, and a righteous purpose is often found.—(Tom. II. Tr. 14. de Fide Divina, Disp. 5. Sect. 1. n.9.)

It is certain, and in my opinion matter of

<sup>99</sup> " Hic, ut venit, laudat aliquas dotes Lutheri (nam in ipsomet daemone sunt aliqua bona naturalia)."

faith ... that the humanity (of Christ) was remotely peccable, or possessed a remote power of sinning: because it is matter of faith that the humanity of Christ was of the same kind as our own.<sup>1</sup>

### LE MOYNE.

Propositions extraites des Cahiers dictes au College d'Auxerre, par le Frere Le Moyne, Jesuite, et censurees dans l'Ordonnance et Instruction Pastorale de M. l'Eveque d'Auxerre du 18 Septembre, 1725.

A Christian acting deliberately, may act precisely as man, and lay aside the character of the Christian man, in actions which are not properly those of a Christian.<sup>2</sup>

### Censure.

This proposition is rash, scandalous, offensive to the ears of Christians, erroneous, and conducive to the subversion of the laws of Christianity.—(Ord. Episcop. Prop, 1. p, 36.)

<sup>1</sup> " Dico, certum esse, et meo judicio de fide ... humanitatem (Christi) esse remote peccabilem, seu, habere potentiam remotam peccandi: quia de fide est humanitatem Christi esse ejusdem rationis cum nostra."—Tom, II. Tract. 17. de Incarn. Disp. 12. Sect. 1. n.8.

<sup>2</sup> " Christianus deliberate agens, potest agere precise ut homo, et deponere personam hominis Christiani, in his actionibus quae non sunt proprie Christiani."—Le Moyne, Lib. ii. de Act. Hum. c. 1. Sect, 2. art, 1. obj. 1.

## FRANCIS ODIN.

Epistola Beati Pauli Apostoli ad Romanos explicata per Franciscum Odinum, Societatis Jesu Presbyterum. Parisiis, 1743.

Ep. ad Rom. ex. v. 21. (Ad Israel) that is, what relates to the Israelites : God thus speaks of them by the same prophet (Isaiah) at the same place, " All the day long have I stretched forth my hands to a disobedient and gainsaying people ;" that is, I have not ceased to invite this rebellious and unbelieving people to repentance. I have been standing every day, as it were with extended hands, calling, and ready to receive and embrace this people as often as they would return. If God did not will that the Jews should come to the faith, and through faith unto salvation, he indeed played his mimic part skilfully and splendidly.<sup>3</sup>

## BUSEMBAUM &amp; LACROIX.

Theologia Moralis, nunc pluribus partibus aucta, a R. P. Claudio Lacroix, Societatis Jesu. Colonise, 1757. (Colonise Agrippinae, 1738. Ed. Mus. Brit.)

When and how often this precept (the love of God) is binding, remains uncertain ... (Tom, I. Pars II. Lib. ii. de Fide, Tr. 3. c. 1. Quaest. 37. § 2. n. 132.)

<sup>3</sup> " Si Deus nolebat Judaeos venire ad fidem, et fide ad salutem pervenire, solerter quidem et magnifice agebat histrioniam."—Ep. ad Rom. c. x. v. 21. in notis.

Sotus, Angelus, and others, say that it is binding on every festival... on the other hand, Castro-Palao and others commonly deny it, and with greater probability.—(Ibid. § 3. n. 133.)

Sotus and Valentia say that it is binding when an adult is about to be baptized. But it is objected, that it is not necessary on account of baptism, because for that sacrament attrition<sup>4</sup> is sufficient... (Ibid. § 4. n. 134.)

Sotus, Valentia, and Tolet, say that it is binding when any one has received a benefit from God. To this it is opposed, that in such a case it will be sufficient to return thanks; for thus he satisfies what is due to propriety.<sup>5</sup>

Bannez says that it is binding when any one wishes to receive the eucharist. It is objected, that no such command is to be found, and that a state of grace is sufficient for receiving the eucharist.<sup>6</sup>

Not knowing, therefore, amidst such a vast

<sup>4</sup> Attrition—a regret for having offended God, induced by a fear of his punishment

<sup>5</sup> " Sotus, Valentia, Toletus dicunt obligare, quando quis beneficium a Deo accepit. Contra est, quia tunc sufficet gratias agere; sic enim satisfit honestati debits." — Tom. I. Pars II. Lib. ii. de Fide, Tr.3. c.1. Quaest. 37. §8. n. 138.

<sup>6</sup> " Bannez dicit turn obligare, quando quis vult Eucharistiam sumere. Contra est, quia tale praeceptum nullibi extat, et ad eucharistiam sufficit status gratis."—Ibid. § 10. n. 140.

variety of opinions, when and how often God must be loved, let us choose the safer part..<sup>7</sup> In order that we may be justified, we are obliged to love God. If the sacrament (of penitence) be not received, I grant it: if it be received, I deny it. And this is the privilege of the new grace which Christ has added, that by virtue of the sacrament, justification may be obtained even without love\*

## SECT. IX. IDOLATRY.

### GABRIEL VASQUEZ.

De Cultu Adorationis, Libri Tret. Moguntiae, 1614.

The more true opinion is, that all inanimate and irrational things may be legitimately worshipped. If the doctrine which we have established be rightly understood, not only may a

<sup>7</sup> " Itaque cum in tanta sententiarum varietate nesciamus quandd et quoties sit diligendus Deus, arripiamus tutiora ..." Ibid. § 11. n. 141.

<sup>8</sup> " Pro justificatione manet obligatio amoris Dei, si non suscipiatur sacramentum (Poenitentiae), concedo: si hoc suscipiatur, nego. Et hoc est privilegium novae gratis, quam addidit Christus, ut etiam sine amove possit vi sacramenti obtineri justificatio." — Tom. VI. Lib. vi. Pars II. Tr. 4. c. 1. Dub. 2. de Contritione, Quaest. 119. n. 865. (Colonise Agr. 1724. Ed. Mus. Brit.)

painted image, and every holy thing set forth by public authority for the worship of God, be properly adored with God as the image of himself; but also any other thing of this world, whether it be inanimate and irrational, or in its nature rational, and devoid of danger.—(Lib. iii. Disp. 1. c. 2.)

Why may we not adore and worship with God, apart from danger, any thing whatsoever of this world; for God is in it according to his essence, and preserves it continually by his power; and when we bow down ourselves before it and impress it with a kiss, we present ourselves before God, the Author of it, with the whole soul, as unto the prototype of the image? Neither is it in one manner only that the creature may be lawfully worshipped, by uniting it in thought with God or a saint ... The first is by representation; as in an image. The second is by actual, but past contact; as the things which touched Christ or a saint, the cross, the nails, the vesture, and other things. A third is, when the thing which is worshipped appertained to the saint; such as reliques of his body. For every one may thus represent to himself, in the inanimate thing which he adores—in an image, a vesture, or a bone—the presence and union of the rational thing itself (as Christ or a saint.) To these instances we may add a fourth. Since every thing of this world is the work of God, and God is always abiding and

working in it, we may more readily conceive him to be in it, than a saint in the vesture which belonged to him. And, therefore, without regarding in any way the dignity of the thing created, to direct our thoughts to God alone, while we give to the creature the sign and mark of submission by a kiss or prostration, is neither vain nor superstitious, but an act of the purest religion.—(Ibid.)

## SECT. X.

### LICENTIOUSNESS.

#### EMMANUEL SA.

Aphorismi Confessariorum. Colonise, 1590. (Colonise, 1615. Ed. Coll. Sion.)

Potest et foemina quæque, et mas, pro turpi corporis usu, pretium accipere et petere; et qui promisit, tenetur solvere. — (Aphorism, verbo Luxuria, n. 16.)

Copulari ante benedictionem aut nullum,<sup>9</sup> aut leve peccatum est, (etsi quidam mortale esse putant,) quin etiam expedit, si multum illa differatur.—(Ibid. verbo Debitum conjugate, n. 6.)

<sup>9</sup> In the edition of 1615, the words, aut nullum, are omitted.

## CORNELIUS A LAPIDE.

Commentaria in Daniele Prophetam. Parisiis, 1622. (Antverpiae, 1625. Ed. Coll. Sion.)

In haec verba Susannas (apud Danielelem c. xiii. v. 22.) Si enim hoc egero, mors mini est... In hac vi et metu infamiae mortisque, poterat Susanna dicere: Non consentio actui, sed potior et tacebo, ne me infametis et adigatis ad mortem, uti dicam, v. 23. Quanquam forte Susanna id vel non sciebat, vel non cogitabat. Sic enim honestae castaeque virgines putant se esse reas, seque consensisse lenonibus, si non clamore, manibus totisque viribus eis reluctantur et resistant... (In Danielelem, c. 13. v. 22.)

Peccasset Susanna consentiendo et cooperando, puta commiscendo se senibus, quod ipsi petebant, v. 20. Potuisset tamen in tanto periculo infamiae et mortis negative se habere, ac permittere in se eorum libidinem, modo interno actu in eam non consensisset, sed eam detestata et execrata fuisset, quia majus bonum est fama et vita, quam pudicitia: unde hanc pro illa exponere licet. Itaque non tenebatur ipsa exclamare. Quod ergo exclamarit, nulloque modo libidinem eorum in se permiserit, actus fuit insignis et heroicae castitatis.—(Ibid. c. 13. v. 23.)



**GASPAR HURTADO.**

De Sacramentis et Censuris. Tomus I. Antverpiae, 1633.

Primo est difficultas, an actus conjugalis ante benedictiones nuptiales sit illicitus ... Sancius ... Navarrus ... docent non esse illicitum, et meritis; quia quamvis Tridentinum Sess. 24, de Matrimonio), cap. 1, suadeat et hortetur ne habeatur ante dictas benedictiones, nullibi tamen prohibetur.—(Disp. 10, de Matrimonio, diff. 3. n. 8.)

**JAMES GORDON.**

Theologia Moralis Universa. Tomus Prior. Lutetiae Parisiorum, 1634. (Ed. Bibl. Acad. Cant.)

Facile est definire, an meretrix licite retineat prostitutionis suae pretium. Potest quidem moderatum pretium retinere.—(Lib. v. Quaest. 5. c. 6. n. 3.)

**JOHN DE DICASTILLE.**

De Justitia et Jure caeterisque virtutibus cardinalibtu. Antverpiae, 1641.

Quaeres septim6, an puella, quae per vim opprimitur, teneatur clamare, et opem implorare, ne violetur?

Cajetan ... putat teneri, non obstante infamia, quae inde sequi posset: Sotus, vero et Navarrus

supra, contrarium docent; idemque significat Sa, supra. Cum Cajetano ego sentio, si non sit notabilis infamia, et possit clamoribus se tueri. Si enim notabilis infamia, mors, aut nimia verecundia sequatur, non videtur cum tanto suo incommodo teneri impedire peccatum alterius.—(Lib. i. Disp. 3. Dub. 17, de Temperantia, n. 276, 277.)

... Suppono foeminam nullum praeberere consensum, nec aliqua ratione co-operari ad turpem congressum: sed mere passive se habere.—(Ibid. n.279.)

#### ANTHONY ESCOBAR.

Universes Theologies Moralis receptiores absque lite sententue, necnon problematic disquisitiones, Tomus I. Lugduni, 1652. (Ed. Bibl. Acad. Cant.)

Opera in ebrietate contingentia, etiam ante ebrietatem pravisa, sunt et non sunt peccata.

De fornicatione, nece, aut vulnere praeviso, quaesierim an hujusmodi opera in ebrietate contingentia sint peccata?

... Opera in ebrietate contingentia non sunt peccata, nec denominatione extrinseca a malitia causae; sed sunt quidam peccati praecedentis effectus.

Profecto qui ante ebrietatem praevidet futurum fornicationis aut pollutionis excessum, peccat, eique crimen illud imputatur. Attamen actus

ipse post ebrietatem nulla malitia morali informatur, et per consequens non est peccatum, sed peccati praecedentis effectus ... Primae sententiae etsi haereas, existimo, si te, post haustum merum e quo sis ebriandus, antequam peccata seu actiones externae illae subsequantur, datae causae poeniteat, tunc actiones illas culpa vacare; et per consequens non esse vocanda formaliter et in se peccata, quia per poenitentiam causa eorum fit intercisa, et ideo sunt postea involuntaria: didici a Becano.— (Tom. I. Lib. IV. Sect. 2. de vitiis capitalibus, Probl. 28. n. 238. et seq.)

Clericus rem habeas cum foemina in vase praeposito, incurrit, et non incurrit poenas Bullae, (Pii V.)

Incurrit plane ... (vel) non incurrit.

Existimo hanc sententiam non solum probabilem, sed praeposendam primam? — (Tom. IV. Lib. xxxiii. Sect. 2. de Praecept. 6 et 9. Probl. 39. n. 222. et seq.)

Clericus sodomitice patiens, incidit, et non incidit in poenas Bullae.

Non incidit... incidit equidem...

Hanc sententiam crediderim esse veram... Unde vix auderem primam partem probabilem esse affirmare, nisi eam tot doctoribus fulciri aspectarem.—(Ibid. Probl. 40. n. 225.)

Clericus crimen sodomiticum, semel, bis aut ter perpetrans, incurrit, et non incurrit praefatae Bullae poenas.

Incurrit profecto..

Non incurrit; quia in Bulla illa Pontifex poenas infligit clericis sodomiam exercentibus; at injure intelliguntur hi qui aliquid frequenti usu efficiunt... ita Azor ...

Nimis rigidam esse primam partem reor; ideo teneo secundum. Unde putarim non sufficere unicura lapsum, nec si bis aut ter quis tale crimen commiserit, ut Bullae poenis subjiciatur.—(Ibid. Probl.41. n.227 et 228.)

Clericus vitium bestialitatis perpetrans, incurrit et non incurrit Bulla Fii V. poenas.

Incurrit quidem ... non incurrit...

Veriorem admodum hanc puto esse sententiam.—(Ibid. Probl. 44. n.237.)

Masculus, causa libidinis, masculum rapiens, est, et non est ordinance legis poenae obnoxius.

Obnoxius non est raptor masculi capitali legis poenas...

Certe Imperator loquitur expresse de foeminarum, non virorum, raptu; et si voluisset in ea masculorum raptum comprehendere, eos equidem nominasset... Unde magis mihi sententia haec placet.—(Ibid. Probl. 51. n. 258, 259.)

## SIMON DE LESSAU.

Propositions dictees dans le College des Jesuites d'Amiens, par Simon de Lessau. 1665,1666.

Mortaliter non peccant mulieres, quae se praebent conspiciendas adolescentibus, a quibus se

credunt turpiter concupiscendas, si hoc faciant aliqua necessitate, aut utilitate, aut ne se privent sua libertate, vel jure exeundi domo, vel standi ad ostium vel fenestram domus.

### THOMAS TAMBURIN.

Theologia Moralis. Lugduni, 1659.

Quantum pro usu corporis juste exigit mulier? Ad posteriores autem quaestiones, quae hujus pretii taxam inquirebant, communis responsio est, spectatis omnibus, id est, personae nobilitate, pulchritudine, aetate, honestate, &c. esse id decernendum; plus enim meretur honesta, et nemini pervia, quam omnibus obvia, &c. Verum ad hanc responsionem, animus qui explicatius aliquid, et magis determinatum desiderat, non omnino acquiescit.---(Explicatio Decal. Lib. vii. c. 5. § 3. n. 23.)

Distinguunt nonnulli. Vel enim sermo de meretrice, vel de foemina honesta. Meretrix (ait de Lugo) non potest jure petere, vel accipere, nisi quantum plus minus solet ipsa eadem a caeteris conquirere; haec enim est emptio et venditio inter illam et amasium; hic dat pretium, illa usum corporis. Cum igitur conditio emptionis et venditionis justae requirat, ut pretium sit illud quo communiter res venditur, ita erit et hic. Quare si meretrix dolo fingens se esse honestam, cum tamen talis in communi opinione non sit; vel

fingens ab aliis multum accipere, plus notabiliter accipiat, obligabitur excessum restituere: nisi forth ex circumstantiis colligat esse liberalem donationem amasii, quam ego tunc adesse praesumerem, quando is sponte et non exactus a meretrice, tantam vel tantam mercedem porrigeret. De promissione nimis prodiga, vide quae dixi, cum de Juramento.—(Ibid. n. 24.)

At verd foemina honesta potest petere et sumere quantum ei placet. Ratio est, quia in his et similibus rebus, quae pretio statuto vel vulgari carent, tanti res potest vendi, quanti earn aestimat qui vendit; at puella honesta plurimi potest suam honestatem aestimare. Unde vides, meretricem, de qua num. praeced. fuit locutio, potuisse initio suae prostitutionis plus accipere: at ubi tanto vel tanto pretio honestatem suam aestimavit, huic aestimationi debet stare; secus, venderet supra aestimationem. Haec ex De Lugo. Fateor hanc distinctionem esse probabilem; sed quoniam non improbabilis est sententia ... dicens in rebus quae non sunt victui ac vestitui, et his similibus necessariae, quemlibet posse rem suam vendere, quanti sine fraude potest: Sic enim conceditur falconem, canem venaticum, gemmam tanti vendere quanti quis potest; quia haec sunt ad delicias, non ad necessitatem. Cur etiam id non sit sentiendum de meretrice, quae usum actualem sui corporis velit, huic vilius, huic carius, ut ei libet, sine dolo vendere? Addidi (sine dolo) nam si mendaciis

utatur et fallaciis, non illa solum meretrix, verum etiam quaeumque alias honesta, similibus utens, pariter erit injustitiae rea.—(Ibid. n. 25.)

### JAMES TIRINUS.

In S. Scripturam Commentarius. Antverpiae, 1668. (Dilingse, Francof. 1704. Ed. Coll. Sion.)

Neque enim tenebatur (Susanna) ad conservandam castitatem, clamando sese diffamare, et in mortis periculum conjicere; cum integritas corporis minus bonum sit quam fama vel vita.—(In Daniele, c. xiii. v. 22.)

### N.

### CHARLI.

Propositions dictees au College de Rhodes, par N. Charli, Jesuite, Professeur de Theologie, rapportees dans l'Ordonnance de l'Evique Comix de Rhodes, du 19 Octobre, 1722, et censuries par la dite Ordonnance, apres le refus du dit Charli, den faire une retractation claire, nette et precise. 1722.

Sunt varia legis nature precepta ita obscura, ut vix possint a viris fidelibus et doctis percipi, tale est preceptum prohibens simplicem fornicationem cum adhibita prudenti cautione pro honesta educatione prolis si nascatur ... Idem dic ... de pollutionis praesertim quando est necessaria ad sanitatem, vel etiam ad vitam conservandam, ac de similibus aliis qua; communi Doctorum consensu jure naturae prohibita sunt.—(Prop. 12. Cens. Episc. p. 11.)

## JOHN BAPTIST TABERNA.

Synopsis Theologies practices. Colonise, 1736.

Si puellae vis inferatur, et ipsi quidem displiceat fornicatio, non tamen aggressori resistat efficaciter ex parte sua, seu quantum hie et nunc moraliter potest et debet, fornicatio consebitur illi voluntaria, saltern interpretative, et peccabit graviter. Si tamen ob evidens periculum gravissimi mali, v. g. mortis, aut ingentis infamiae, non adhibeat omnia omnino media quae potest ad vim repulsandam, fornicatio non imputabitur illi ad peccatum, secluso consensu in illam: ... Caeterum in praxi propter periculum consensus in delectationem veneream, plane suadendum, ut puella omni modo physico quo potest, aggressori resistat, etiam contempta morte et infamia.—(Tom. I. Pars I. Tr. 1. c. 3. § 1.)

## THOMAS SANCHEZ.

De Sancto Matrimonii Sacramento disputationum, posterior editio. Lugduni, 1789. (Antverpiae, 1626. Ed. Coll. Sion.)

Utrum censeatur matrimonium consummatum, si solus vir intra vas naturale foeminae seminet? Communis sententia affirmat censerit consummatum; eoque innititur fundamento, quod semen foemineum ad generationem necessarium non sit... (Tom. I. Lib.ii. Disp. 21. Qwest. 2. n. 10.)



Sed quamvis haec sententia communior et probabilior sit, non tamen est adeo certa, ut quidam ex ejus defensoribus existimant; cum innitur illi soli principio philosophico, quod semen foemineum non sit necessarium ad generationem; et illud non est certum, quia satis probabiliter multi tenent contrarium ... Cum ergo fundamentum non sit certum, ita nec opinio illi innitens. Quod adeo probabile est, ut Suarez fateatur cum aliis, esse probabile adfuisse semen in Virgine, absque omni prorsus inordinatione, ut ministraret conceptioni Christi materiam, ut sic esset vera et naturalis mater Dei. Quod idem defendit Pero Mato in Append, ad Tract, de Semine; ubi quid naturale et quid miraculosum fuerit in Christi conceptione, § An verd Maria Virgo, et probat absque omni inordinatione et concupiscentia, decidi posse semen.—(Ibid. n. 11.)

Triplex in hac disputatione involvitur quaestio. Prima, quando vas innaturale usurpatur. Secunda, quando seminatio utriusque conjugis non est simultanea, vel data opera, est extra vas legitimum. Tertia, quando est extra, ratione impotentiae.—(Tom. iii. Lib. ix. Disp. 17. n. 1.)

Quaestio 1.—An semper sit culpa lethalis, ubi, vase naturali omisso, innaturali conjuges abutuntur? Et quidem ubi in vase innaturali copula consummatur, aut est animus consummandi, manifesta est sodomia lethalis, peccatumque contra naturam. Quia adversatur fini naturali illius

copulae, qui est prolis generatio. Nec uxor ad similem copulam, sed ad solam copulam intra vas legitimum, uxor est.—(Ibid. n. 2.)

Aliqui tamen id admittunt, ut refert Abulensis... ut verum sit in viro agenti, secus in foemina patienti. Quia non habet sui corporis potestatem, sed solus vir. Deinde, quia stat, petentem reum esse culpa?, reddentem vero illius immunem. Verum tenendum est nullo modo licere uxori pati copulam sodomiticam, aut effusionem seminis extra vas; licet alias mors sibi comminata obeunda sit. Quia ea copula est intrinsece mala, peiorque fornicatione, quae nullo timore potest honestari; nec est matrimonialis quae sola licita est... Nec obstat argumentum contrarium, quoniam vir non habet potestatem in uxoris corpus, ad quemcumque usum, sed ad solum uxorium intra vas legitimum. Hoc tamen libenter fatebor, si velit vir intra vas legitimum copulam habere, quamvis tempore effusionis seminis soleat membrum retrahere, quo semen extra decidat, uxorem copulas assentientem, minime autem membri retractioni, liberam esse a culpa. Quia dat operam rei licitae, debitum legitime exactum reddens, et malitia viri est omnino extrinseca, et aliena ab illo actu, nec uxor illi assentiens fit particeps, quin potius dissentit culpa?.—(Ibid. n. 3.)

Rogabis forsitan, qualis culpa sit, si vir volens legitime uxori copulari, quo se excitet, vel majoris voluptatis captandae gratia, inchoet copulam cum

ea sodomiticam, non animo consummandi, nisi intra vas legitimum, nee cum periculo effusionis extra illud. Quaestionem hanc tetigit Navar. ... et facile se ab ea expedivit, dicens tantum repiriri peccatum tactus cujusdam illiciti, nee teneri virum confiteri circumstantiam sodomiae. Quare aperte solam venialem culpam in eo actu agnoscit; nullamque reddit rationem. Et huic sententiae favere videtur Ovandus ... ubi ait omnem coitum libidinosum excusari inter conjuges, modd non sit periculum extraordinarias pollutionis. Atque probari potest. Quia quidquid conjuges efficiunt, servato vase legitimo, non excedit veniale crimen. Vas autem servari dicitur, quoties extra illud non eminditur semen: ut contingit in praesenti. Secundd, quia tactus hic, instar tactuum membri virilis cum manibus, aut uxoris cruribus, reliquisque partibus, potest ad copulam conjugalem referri, nimirum, ut vir ea delectatione excitetur, aptiorque ad earn efficiatur, et esto ad solam voluptatem referretur, esset culpa venialis, quales sunt caeteri tactus ita relati ad voluptatem... (Ibid. n. 4.)

Prima tamen conclusio sit: Sanum est consilium, ut curetur simul utrumque semen effundi: quare conjugum tardiori ad seminandum consulendum est, ut ante concubitum tactibus venerem excitet, ut vel sic possit in ipso concubitu simul emindere semen. Ita Cajetan ... Et ratio est. Quia licet semen mulieris non sit ad generationem

necessarium, multum tamen confert ad facilius generandum. Turn quia vis activa seminis virilis in foemineum agens, conceptum pulchriorem ac nobiliorem format; turn etiam, quia foeminea matrix voluptate effusione seminis irritata ac incensa, avidius virile semen complectitur. Et foemineum semen valde utile esse generationi, ad idque a natura institutum, vel ex eo convincitur, quod natura nihil frustraneum, sed universa in finem aliquem referens agat. Cum ergo veneram delectationem, eamque vehementissimam in foeminae seminatione constituent, cujus manifestus testis est sedatio venerea; concupiscentiae ex illa in foeminis consurgens, signum est evidens hanc seminationem a natura institutam ad generationem, speciei que conservationem, si non ut necessariam, saltern utilissimam.—(Ibid. n. 8.)

### FRANCIS XAVIER FEGELI.

Quaestiones practice de munere Confessarii. Augustus et Herbipoli, 1750.

QUAEST.—Cui obligationi subjectus sit qui defloravit virginem?

Resp.—Qui corrumpit volentem virginem et consentientem, praeter obligationem poenitendi nullam aliam incurrit: quia puella habet jus usum sui corporis valide concedendi, quin possint absolute impedire parentes, nisi eatenus quatenus tenentur

cavere, ne per proles suas offendatur Deus.—  
(Pars IV. c. 8. n. 127.)

### BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta a R.P. Cleat-  
dio Lacroix, Societatis Jesu. Colonise, 1757. (Colonise  
Agrippinae, 1733. Ed. Mus. Brit.)

Taberna elicit, puellam non peccare, si ob evi-  
dens periculum mortis vel ingentis infamise, non  
adhibeat omnia omnino media ad depellendum  
stupratorem; v.g. si hunc, cum posset, non occidat,  
si non inclamet viciniam, sed mere patiatu coitum,  
tamen secluso omni periculo consensus. Et licet  
hanc propositionem editis libris teneant authores  
plures quam 50, quos refert vind. Tabernae ...  
tamen non expedit eam publice proponere aut  
defendere, quia apta est causare abusus, prassertim  
apud rudes.—(Tom.II. Lib. iii. Pars I. Tr. 4. c.2.  
Dub. 2. Qu. 199. n. 916.)

### TRACHALA.

Lavacrum Conscientiae. Bambergae, 1759.

Sebaldus concubinarius confitetur se saepius  
labi cum consanguinea quam domi alit.

Quaest.—An sit absolvendus antequam concu-  
binam dimittit?

2. Quae proxima occasio censeatur esse peccandi?

Resp.—Ad primum membrum. Si in hunc finera alit consanguineam, non est absolvendus, nisi promittat se illam dimissurum.

Sed quid, si illa concubina sit valde bona et utilis oeconomia?

Resp.—Nec tunc quidem potest absolvi.

Sed quid, si nullam aliam possit habere?

Resp.—Tali casu esset absolvendus, quamdiu illa impotentia aliam acquirendi durat.—(pp.96, 97, 98.)

Resp.—Jam ad secundum membrum. Occasio proxima est illa, quae moralem certitudinem lapsus facit in prudenti hominum aestimatione; sive sunt illae? circumstantiae loci, temporis et personarum &c. in quibus si sit constitutus, certum est moraliter, te peccaturum novo peccato mortali. Ita De Lugo, &c. Unde non est censendus is in occasione proxima, qui decies tentatus solum acquievit bis aut ter.—(Ibid. p. 99.)

## SECT. XI.

PERJURY, LYING, FALSE-WITNESS.

## EMMANUEL SA.

Aphorismi Confessariorum. Coloniae, 1590. (Coloniae, 1615.  
Ed. Coll. Sion.)

It is not a mortal sin to swear that you will not do that which it is better to do; nor if you swear a false oath as to words, but a true oath in reference to the meaning of the enquirer: as if in the time of the plague you should swear that you were not come from such a place, understanding, that in which the plague prevailed, as he supposes; or, that you had not spoken to such a man, meaning, upon the subject which your enquirer may suspect... And lastly, since you are not bound to swear according to the meaning of the enquirer, you may according to your own; which some deny, affirming, that words which are absolutely false are not excused by such an understanding of intention. There are learned men in favour of either opinion, who maintain it on either side with probability.—(Aphorismi, verbo Jura-mentum, n. 6.)

## FRANCIS TOLET.

Instructio Sacerdotum. Romae, 1601. (Antverpiae, 1603.  
Ed. Coll. Sion.)

There is still another point to be considered in reference to an accused person: when he is not lawfully examined, in what words he should reply when he has really committed the crime ... The whole and only difficulty is, whether, when he is pressed, he may reply, I have not done it. Now, in the first place, it is certain that he is not permitted to tell a lie: for he would be perjured, and, in any case, would sin mortally: but it is lawful for him to use equivocation. Sotus maintains, that it is not lawful for him in any way to say, I have not done it; because in this reply there would be no equivocation, but a lie. Yet Adrian asserts, that such an accused person may say, I have not done it. Cajetan affirms that he might answer, that he had no accomplices, although he had. And I think this to be the more probable. Yet the accused should be careful to use such expressions according to his meaning in a true sense, as if he intended to say, I have not done it, meaning, since he had been in prison; and, I have had no accomplices, understanding, in other crimes, or some such meaning: otherwise it would be a lie; but not in this manner; because



in such a case his words are not to be considered according to the meaning of the judge, but of the accused himself.<sup>10</sup>

### FRANCIS SUAREZ.

*Operis de Virtute et Statu Religionis, Tomus II. Lugduni, 1614. (Moguntiae, 1628. Ed. Coll. Sion.)*

It is not intrinsically wrong to use equivocation, even in making oath: whence it is not always perjury.<sup>11</sup>

This is the sure and common opinion ... For, to speak with such equivocation is not always a lie, neither is it therefore intrinsically wrong: and therefore to confirm it by an oath is neither perjury, nor intrinsically a sin... The reason is, that a lie is a declaration contrary to the sense of the speaker; for it is he who is bound to adapt his words to his own meaning, and he is not always bound to adapt them to the understanding of his hearer. But he who uses ambiguous words in a sense which is agreeable to his own meaning,

<sup>10</sup> " Tamen cautus debet esse reus, ut talia verba proferat juxta suam intentionem insensu vero, puta, ut intendat dicere, turn feci, puta, in carcere; et, non habui complices, in aliis criminibus, vel aliquid simile, alias esset mendacium; non autem illo modo; quia verba, in tali casu, non sunt eonsideranda juxta judicis intentionem, sed ipsius rei."—Lib. v. c. 58. n. 7.

<sup>11</sup> " Non est intrinsece malum uti amphibologia, etiam jurando: unde nec semper est perjurium."—Lib.iii. de Juram. Præcept. et Peccat. eis contr. c. 9. Assert. 1. n. 2.

cannot be said to speak against his meaning: therefore he does not lie, he does not utter a lie: therefore, thus to speak is not intrinsically wrong; for there can only be such wickedness in consequence of the lie. Whence it is inferred, that to confirm such an expression with an oath is not perjury; because by that oath God is not called to witness a lie, since that is not a lie.—(Lib. iii. de Juram. Praecept. et Pecc. eis contrar. c. 9. Assert. 1. n. 2.)

### THOMAS SANCHEZ.

Opus Morale in Praecepta Decalogi. Venetiis, 1614. (Antverpiae, 1624. Ed. Coll. Sion.)

He who may conceal goods which he requires for the sustenance of life, lest they should be seized by his creditors and himself reduced thereby to beggary, may swear, when he is examined by the judge, that he has no concealed goods. And they who are privy to it may swear the same thing, provided they are persuaded that he has lawfully concealed them for that purpose, understanding within themselves, that he does not retain any. things concealed which he is bound to discover to the judge.—(In Praecept. Decal. Pars II. Lib. iii. c. 6. n. 31.)

When a man who has truly or feignedly promised marriage, is, for some reason, free from the obligation of fulfilling his promise, he may swear,

when required by the judge, that he did not promise, understanding, in such a manner that he is bound to fulfil his engagement. Which applies ... not only when there is manifest cause for not fulfilling the promise, but also when it is probable in the opinion of learned persons that he is not bound to fulfil it. Because, by adopting a probable opinion, he may think that he is not bound, with a safe conscience.<sup>12</sup>

If a sworn promise to pay any sum of money be unjustly extorted, it is lawful for the person who swears to use this equivocation: I swear to you that I will pay the money, understanding, that the case (of the pronoun), to you, is governed by the verb to swear: so that the meaning may be, I swear to you, that I will hereafter pay the money, either to yourself, or to some one else... If, moreover, in the language in which the oath is sworn the name of God has different significations, it would be lawful to swear by God, by using that word in another sense.<sup>13</sup>

<sup>12</sup> " Sive vere, sive fecte promittens matrimonium, immunis est ob aliquam causam ab implendi obligatione, posse eum a Judice vocatum, jurare se non promississe, intelligendo, ita ut teneatur implere. Quod ... diximus procedere, non tantum quando est certa causa non implendi, sed etiam quoties sapientum judicio est probabile non teneri servare. Quia potest, amplectendo opinionem probabilem, existimare se, tuta conscientia, non obligation"—In Praecept. Decal. Pars II. Lib. iii. c. 6. n. 32.

<sup>13</sup> Si per injuriam extorqueatur promissio jurata alicujus

A man who is urged to take a woman for his wife whom he is not compelled to marry, may swear that he will take her, by understanding within himself, If I am obliged, or, If she should afterwards please me.—(Ibid, n. 39.)

He would not sin mortally who, without deception, but influenced by his reverence for an oath, and from scruple, should feign to swear, so that the bystanders and the notary might think that he did swear.<sup>14</sup>

### VALERIUS REGINALD.

Praxis Fori Poenitentialis. Lugduni, 1620, Tom. II. (Moguntiae, 1622. Ed. Coll. Sion.)

If there is a lawful cause for using equivocation or artifice in swearing, even although he to whom the oath is sworn should understand it in a sense different from that in which it is understood by him who swears it, and would thus be deceived, a mortal sin is not committed; and sometimes it

pecuniae dandae, licere juranti uti hac aequivocatione: Juro tibi me numeraturum pecuniam, intelligendo, ut ille casus, tibi, regatur a verbo Juro: ita ut sit sensus, Tibi juro, fore ut numerem pecunias, give tibi, sive alteri... Item, si in ea lingua in qua juratur, nomen Dei habeat diversas significationes, liceret jurare per Deum, usurpando id nomen in alia significatione"—(Ibid. n. 87.)

<sup>14</sup> " Nec enim mortaliter peccaret, si nulla fraude, sed reverentia juramenti ductus et scrupulo, fingeret se jurare, ita ut astantes et tabellio intelligerent eum jurare" ...—Ibid. c.7. n.2.

does not even amount to one which is venial.—  
(Tom. II. Lib. xviii. c. 7. Sect. 1. n. 90.)

Qu.—Whether it is lawful to conceal the truth by speaking ambiguously?... It is lawful. And the ambiguity by which the truth may be concealed without a falsehood is such, that what a man utters shall be true according to his own meaning, although it may be false according to the sense of his hearer, and the common acceptation.—  
(Lib. xxiv. c. 1. Sect. 4. n. 9.)

The equivocation which is here spoken of, is not only that which arises from the different significations of words ... but that which also happens when words are pronounced which are indeed false when uttered aside and taken separately, but are true with certain additions which are understood by the speaker.<sup>15</sup>

## LEONARD LESSIUS.

De Justitia et Jure. Parisiis, 1628. (Antverpiae, 1621. Ed. Coll. Sion.)

If a judge examines concerning an action which has been committed without sin, at least without mortal sin, the witness and the accused are not

15 " Adverte autem amphibologiam de qua hic agitur, esse non tantum eam quae contingit ex diversa verborum significatione, .., sed etiam quae contingit, cum verba prolata sunt quidem falsa seorsim per seque sumpta; sed vera sunt aliquibus adjunctis, quae a dicente subintelliguntur." — Lib. xxiv. c.1. Sect. 4. n. 10.

obliged to answer according to the meaning of the judge.<sup>16</sup> For instance, you have killed your assailant Peter, having observed a reasonable forbearance, or refrained from any considerable excess. You are not bound to acknowledge that you have killed him, although the report of your having done so has been spread; neither is the witness bound to give evidence of it. For the judge tries you for murder: and if you should confess it and could not prove that you had done it in necessary self-defence, he would condemn you of homicide upon a false presumption.—(Lib. ii. c. 31. dub. 3. n. 14.)

Hence it follows, that there is no compulsion to swear according to the meaning of the judge, but that equivocation and mental restriction may be used.<sup>17</sup>

A priest should not oblige his penitent to confess the truth, while there is a hope of escaping ... But when there is no hope of escape (as if the criminal should perceive that his crime may be readily and fully proved), then he is bound to confess the truth, because there is no longer reason for concealing it.—(Ibid. n. 18.)

<sup>16</sup> " Si judex quaerat de facto, quod absque culpa, saltern lethali, patratum est, testem et reum non teneri respondere ad mentem judicis."—Lib.ii. c. 31. dub. 3. n. 14.

<sup>17</sup> " Ex dictis sequitur primo, non teneri jurare ad mentem judicis, sed posse uti amphibologia, vel mentali restrictione..." Ibid. dub. 3. n. 17.

## VINCENT FILLIUCIUS.

Moralium Quaestionum de Christianis officiis et casibus conscientie, Tomus II. Lugduni, 1633. (Ursellis, 1625. Ed. Coll. Sion.)

1. I ask, whether it is wrong to use equivocation in swearing? It must be premised, that equivocation is nothing more than this, that the swearer understands the words in a sense different from that in which another person receives them.—(Tom.II. Tr. 25. c. 11. de Juram. n.321.)

I answer, 1st, that it is not in itself a sin to use equivocation in swearing ... This is the common doctrine after Suarez. 2dly, That it may often be a sin to use equivocation, as, when it is done without a reasonable cause, or in order to deceive: in which sense some holy fathers are to be understood.—(Ibid. n. 322.)

2. Is it perjury or sin to equivocate in a just cause? It is not perjury: as, for instance, in the case of a man who has outwardly made a promise without the intention of promising: if he is asked whether he has promised, he may deny it, meaning, that he has not promised with a binding promise; and thus he may swear: otherwise he might be compelled to pay a debt which he did not owe.—(Ibid. n.323.)

3. If the equivocation be only mental, is the oath lawful?—I answer, 1st, that it is a probable

opinion that it is not lawful to swear in such a case ... I answer, 2dly, that it is more probable that it is lawful.—(Ibid. n. 325, 326.)

4. "With what precaution is equivocation to be used?—When we begin, for instance, to say, " I swear," we must insert in a subdued tone the mental restriction, " that to-day? and then continue aloud, " I have not eaten such a thing;" or, " I swear? then insert, " I say? then conclude in the same loud voice, " that I have not done this or that thing:" for thus the whole speech is very true.<sup>18</sup>

## SECT. XII.

COLLUSION OF JUDGES.

HONORATUS FABRI.

Apologeticus Doctrines Moralis Societatis Jesu. Lugduni, 1670. (Colonise, 1672. Ed. Coll. Sion.)

Is a judge bound to restore that which he has received as a bribe for passing an unjust sentence? Some affirm that he is ...

<sup>18</sup> " Cum incipit, verbi gratia, dicere Juro, interponere submissee restrictionem mentalem, ut me hodie, et deinde addere alta voce, non comedisse rem illam; vel, Juro, et interponere, me dicere, turn absolvere alta item voce, quod non feci hoc vel iilud; sic enim verissima est oratio tota."—Tom. II. TV. 25. c. 11. de Juramento, n. 328.



The reason is, that a judge cannot receive any thing, either for a just or an unjust sentence. Yet he is bound to restore that which he has received for a just sentence, because the donor is supposed to have given it by compulsion, since he had a right to the just sentence. But it is otherwise with him who has procured an unjust sentence to which he had no right: for then the judge is not bound to restore, at least until required to do so by a judicial sentence!<sup>19</sup>

### JOHN BAPTIST TABERNA.

Synopsis Theologiae Practicae. Colonise, 1736.

Qu. 5. — Is a judge bound to restore the bribe which he has received for passing sentence?

... If he has received the bribe for passing an unjust sentence, it is probable that he may keep it... This opinion is maintained and defended by fifty-eight doctors.<sup>20</sup>

Qu. 6.—May a judge receive presents?

... Scripture ... and justice forbid the recep-

<sup>19</sup> " Secus tamen qui obtinuit injustam, ad quam nullum penitus jus habebat; igitur restituere hic non tenetur, saltern ante judicis sententiam." — Anonymus adversus Anonymum, c. 30.

<sup>20</sup> " ... Si autem pro injusta sententia pretium acceperit, probabiliter retinere potest... Hanc sententiam tenent et defendunt quinquaginta-octo doctores." — Pars II. Tr. ft. c. 31.

tion of presents, except of certain provision for eating and drinking which may be consumed in a few days.—(Pars II. Tr. 2. c. 31.)

### BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta a R. P. Claudio Lacroix, Societatis Jesu. Colonise, 1757. (Colonise Agrippinae, 1733. Ed. Mus. Brit.)

Is a judge bound to restore the bribe which he has received for pronouncing judgment?

Answ.—If he has received it for a just sentence he is bound to restore it, because it was otherwise due to the pleader, and he has therefore received no benefit for his money.

If the judge has received it for an unjust sentence, he is not bound by natural right to make restitution, as Bannez, Sanchez, &c. teach, because he was not obliged to pronounce that unjust sentence. But this action is useful to the pleader, and the unjust judge exposes himself to great danger by it, especially in his reputation, if he should be convicted of injustice. Now the exposure to such danger in the service of another may be valued at a price.<sup>21</sup>

<sup>21</sup> " Haec autem actio est utilis litiganti, et injustus judex ratione illius subit magnum pericula, praesertim famae, si de injustitia convincatur. Subire autem pro altero tale periculum ad causandum ei utilitatem, est pretio cestimabile."— Tom. IV. Lib. iv. de Judice, c. 3. Dub. 2. Art. 4. Quaest. 268. n. 1498.

## SECT. XIII.

## THEFT AND SECRET COMPENSATION.

## EMMANUEL SA.

Aphorismi Confessariorum. Colonise, 1590. (Coloniee, 1615.  
Ed. Coll. Sion.)

It is not a mortal sin to take secretly from him who would give if he were asked, although he may be unwilling that it should be taken secretly; and it is not necessary to restore.

It is not theft to take a small thing secretly from a husband or a father: but if it be considerable it must be restored.

If you have taken any thing which you doubt to have been your own, some say that you ought to restore it, others deny it; because, in the doubt, the condition of the possessor is the better.<sup>22</sup>

He who has caused no loss in taking any thing which belonged to another, because the proprietor made no use of it, is not bound to restore it if it will not be of any future use to its owner.

He who from any urgent necessity, or without causing much loss, takes wood from another man's pile, is not obliged to restore it.

<sup>22</sup> " Si accepisti quod dubitas an tuum esset, debere te restituere quidam aiunt, alii negant, quod in dubio melior sit possidentis conditio."—Aphorismi, verbo Furtum, n. 7.

He who has stolen small things from any one at different times, is obliged to make restitution when they amount together to a considerable sum, although some persons deny it with probability.—(Aphorism, verbo Furtum, n. 3—8.)

### FRANCIS TOLET.

*Instructio Sacerdotum, ac de Septem Peccatis Mortalibus.*  
Romae, 1601. (Antverpiae, 1603. Ed. Coll. Sion.)

A man cannot sell his wine at a fair price, either on account of the injustice of the judge, or through fraud of the purchasers who have agreed among themselves to be few in number in order to lower the price: then he may diminish his measure, or mix a little water with his wine, and sell it for pure wine of full measure, demanding the full price, provided only that he does not tell a lie: which if he does, it will neither be a dangerous nor a mortal sin, neither will it oblige him to make restitution.—(De Septem Peccat. Mort. c. 49. n. 5.)

### VALERIUS REGINALD.

*Praxis Fori Poenitentialis.* Lugduni, 1620. (Tom. I. Cologne, 1622. Ed. Coll. Sion.)

Servants may not take the property of their masters secretly and by way of compensation, in pretence that their wages are not equitable;

unless it should in reality appear to be the case in the opinion of an experienced man.--( Tom. I. Praxis, Lib. x. c. 18. n. 258.)

Servants are excused both from sin and restitution if they only take in equitable compensation; that is, when they are not furnished with such things necessary for food and clothing as are usual in other houses, and which ought to be provided for similar servants, they only take so much of their masters' property as will compensate for such an injustice, and no more... Among the conditions of a lawful compensation this is the chief, that the debt cannot be obtained by any other means.<sup>23</sup>

### JAMES GORDON.

Theologia Moralis Universa. Lutetiae Parisiorum, 1684.  
(Ed. Bibl. Acad. Cant.)

Of what value the thing stolen ought to be, in order to render the theft a mortal sin compelling restitution.

<sup>23</sup> " Excusari autem famulos et a peccato, et a restitutione, si capiant in compensationem justam; nempe, qua, cum non administrentur ipsis ad victum et vestitum necessaria, qualia in aliis domibus communiter solent ac debent similibus famulis subministrari; tantum de bonis dominorum accipiant, quantum ad compensationem talis injuriae requiritur, neque plus ... Inter condiciones licitae compensationis, illa una est; quod res debita nequeat aliter quam per earn obtineri."— Lib. xxv. e. 44. n. 555. (Tom. II. Moguntiae, 1622. Ed. Coll. Sion.)

Some think that the value cannot be accurately defined, but that it must rest upon the opinion of a prudent man depending upon the circumstances of time and place, and on the manner in which the theft has been committed, the injury which has resulted from it, and the quality of the persons, whether they are princes, rich men, persons in the middle rank of life, or poor.— (Tom. I. Lib.v. Qu.3. c. 2. § 1.)

A son is sometimes, and even often, to be accounted free from deadly sin and from the necessity of restitution, when he robs his father: and sometimes he is reckoned to sin grievously. A son is not accounted to sin mortally, 1. when he has a probable reason for believing, that if his father were asked, he would grant him (what he steals) without reluctance; for then the owner is not averse to the matter, but to the manner of the transaction. 2. If the amount is not thought considerable in respect to his condition. 3. If he steals with the intent to give alms to one who is in great need; for then his parent is not reasonably averse to it. 4. If he robs his father to procure an innocent diversion suited to his rank... (Ibid. c. 4. § 1.)

## STEPHEN FAGUNDEZ.

In quinque posteriora praecepta Decalogi. Lugdani, 1640.  
(Ed. Coll. Sion.)

An useful doubt arises in the case of a son who transacts at a distance his father's business, or always remains with him in the house to sell the goods of his father who is a merchant, whether he may take secretly as much of his father's property in return for his labour and industry, as his father would have given to a hired servant for the same labour and occupation; and that, too, in addition to his father's expense in maintaining him? The reply must be made in the affirmative.—(Tom. II. Lib. vii. c. 3. n. 11.)

Servants are also bound to restore to their master whatever they have taken beyond their wages and proper food, provided that their masters have not compelled them to fulfil duties over and above those for which they agreed; for then they may take something more (provided it be just) for the duty and service which they are compelled to discharge beyond their agreement.—(Ibid. c.11. n. 4.)

## FRANCIS AMICUS.

Cursus Theologici, Tomus V. Duaci, 1642.

He who has stolen to a considerable amount, is not obliged under pain of mortal sin to restore the whole; but it is sufficient if he restore as much as will secure his neighbour from considerable loss: so that if the amount of the theft be one florin, the thief is not bound, under pain of mortal sin, to restore the whole florin, but it will be sufficient to restore four or five grates, by which the material loss occasioned by the theft is removed.—(Disp. 38. Sect. 4. n. 47.)

## STEPHEN BAUNY.

Somme des Peches qui se eommettent en tons Etats. Rouen,  
1653.

Qu. 10. — Whether from many small thefts one can result which would be a mortal sin? For instance, a penny has been taken from one or more persons at different times; it is asked whether these trifling and inconsiderable sums, taken together, constitute a sin which is mortal? and under what circumstances?

The common opinion is, that the last act of theft, which is necessary to complete, the sum which constitutes the mortal sin, may deprive a man of the friendship of God, and that therefore



it must be ranked among the number of mortal sins. Thus reason Salas, Filliucius, &c. ... Yet with their permission I will venture to say, that the last theft, which is supposed to be as inconsiderable as those which have preceded it, is only venial... For the action takes its nature from the object, and the theft from the injury which is committed, &c. Emmanuel Sa, at the word *Furtum* (n. 8), reasoning upon this ground, says, that it is very probable that he who *per vices pauca alicui est furatus, cum ad notabilem quantitatem pervenerit*, is not obliged, under pain of eternal damnation, to restore any thing ... And these trifling thefts, committed on different days and at different opportunities, against one man or against many, however great may be the amount which has been stolen, will never become mortal sins. (*Des Larcins*, c. 10.)

### THOMAS TAMBURIN.

*Explicatio Decalogi.* Lugduni, 1659. (Lugduni, 1665. Ed. Coll Sion.)

That a number of small thefts may constitute a mortal sin, it is necessary that they should be committed continuously, and that they should not be separated by any considerable intervals of time ... If four years elapse between the commission of one theft and another, it is accounted by Rebel to be a considerable interval ... one

year by Sanchez ... six months by some, and fifteen days by others.—(Lib. viii. TV. 2. c. 3. 4 1. n. 3.)

### Compensation of Servants.

Qu. 4.—May servants requite themselves clandestinely, when their masters deny them a just remuneration?

Ans.—They certainly may if they refuse them equitable recompense, but only on the conditions described (at § 1.)—(Ibid. de compensat. occult. c. 5. § 5. n. 1.)

### BUSEMBAUM & LACROIX.

*Theologia Moralis, nunc pluribus partibus aucta a R. P. Claudio Lacroix, Societatis Jem. Colonise, 1757. (Colonise Agrippinae, 1733. Ed. Mus. Brit.)*

He does not steal who takes in just compensation, if he cannot obtain what is due to him by any other means. For instance, if a servant cannot otherwise obtain his lawful wages, or is unjustly compelled to serve for an unjust remuneration.—(Tom. II. Lib.iii. Pars I. Tr.5. c.1. Dub. 1. n. 935. resol. III.)

If any one prudently presumes that his master would be perfectly satisfied, or knew that he would certainly give (the thing taken) if he were asked, he does not sin greatly in taking it.—(Ibid. c. 1. Quaest. 208. § 2. n. 946.)

An extremely poor man may steal what is neces-

sary for the relief of his want... And what any one may steal for himself, he may also steal for another whose indigence is extreme.—(Ibid. Quaest. 211. §2. n.950.)

Lessius, Dicastille, and Tamburin add, that he who should prevent another from stealing what he thus required, might be killed by such a poor man; as the thief who steals or forcibly retains valuable, or at least necessary things, might be killed, according to what has been said before.—(Ibid.)

#### SECT. XIV. HOMICIDE.

HENRY HENRIQUEZ.

Summa Theologiae Moralis, Tomus I. Venetiis, 1600. (Ed. Coll. Sion.)

If an adulterer, even although he should be an ecclesiastic, reflecting upon the danger, has entered the house of an adulteress, and being attacked by her husband, kills his aggressor in the necessary defence of his life or limbs, he is not considered irregular.<sup>24</sup>

<sup>24</sup> " Si adulter, etiam clericus, advertens periculum, intravit domum adulterae, et invasus a marito illius, occidat invasorem pro necessaria vitae aut membrorum defensione: non videtur irregularis."—Lib. xiv. de Irregularitate, c. 10. § 3.

## VALERIUS REGINALD.

Praxis Fori Poenitentialis. Lugduni, 1620. (Tom. II. Morguntise, 1622. Ed. Coll. Sion.)

If you are preparing to give false evidence against me, by which I should receive sentence of death, and I have no other means of escape, it is lawful for me to kill you, since I should otherwise be killed myself: for it would be immaterial in such a case whether you killed me with your own or by another man's sword; as, for instance, by that of the executioner.—(Tom. II. Lib. xxi. c. 5. n. 57.)

## STEPHEN FAGUNDEZ.

In Praecepta Decalogi. Lugduni, 1640. (Ed. Coll. Sion.)

Christian and Catholic sons may accuse their fathers of the crime of heresy if they wish to turn them from the faith, although they may know that their parents will be burned with fire, and put to death for it, as Tolet teaches ... And not only may they refuse them food, if they attempt to turn them from the Catholic faith, but they may also justly kill them, observing the moderation of a blameless defence, if they forcibly compel their children to abandon the faith.<sup>25</sup>

<sup>25</sup> " Filii Christiani et Catholici possunt accusare patres de crimine haeresis, si eos a fide velint avertere, etiamsi sciant

It is lawful for us to kill a man, when, if we kill him not, another will kill us.—(Tom. I. Lib. 5. c. 6. n. 11.)

If we speak of the case and circumstances in which it is lawful for us to defend our neighbour, by killing the man who attacks him unjustly, it seems evidently certain that we may also intrust the same defence and homicide to another.—(Ibid, c. 7. n. 14.)

If a judge had been unjust, and had proceeded (in trial) without adhering to the course of the law, then certainly the accused might defend himself by assaulting, and even by killing the judge; because ... in that case he cannot be called a judge, but an unjust aggressor and a tyrant.<sup>26</sup>

parentes ob id esse igne cremandos et occidendos, ut docet Toletus ... Nec solum eis poterunt alimenta negare, si eos a fide catholica avertere conentur, sed etiam eos poterunt juste occidere, cum moderamine inculpatae tutelae, si filios ad deserendam fidem vi compellant."— Tom. I. Lib. iv. c. 2. n. 7,8.

<sup>26</sup> " Si iudex iniquus esset, et processisset, juris ordine non servato, tunc omnino posset reus se defendere, cum iudicis etiam lasione, imo et occisione, quia ... nec tunc iudex dici potest, sed injustus invasor et tyrannus."—Tom. II. Lib. viii. c.32. n.5.

## FRANCIS AMICUS.

Cursus Theologici, Tomus V. Duaci, 1642.

An adulterer, taken in the flagrant sin, might defend himself against the husband and father of the adulteress; since they are not considered to attack the adulterer by the public authority ... (Disp. 36. Sect. 5. n. 77.)

It will be lawful for an ecclesiastic, or one of a religious order, to kill a calumniator who threatens to spread atrocious accusations against himself or his religion, when other means of defence are wanting ... (Ibid. n. 118.)

## AIRAULT.

Propositions dictees au College de Clermont d Paris, par N. Airault, de la Societi de ceux qui se disent Jisuites. Collation fait a la requete de l'University de Paris, 1643, 1644. Paris, 1720.

If you endeavour to ruin my reputation by false impeachment before a prince, a judge, or men of distinguished rank, and I cannot by any means avert this injury of character, unless I kill you secretly; may I lawfully do it?

Bannez asserts that I may ... The right of defence extends itself to every thing which is necessary for insuring protection from every injury. Still the calumniator should first be

warned that he desist from his slander; and if he will not, he should be killed, not openly, on account of the scandal, but secretly.<sup>27</sup>

## SECT. XV.

### PARRICIDE AND HOMICIDE.

#### JOHN DE DICASTILLE.

De Justitia et Jure, caeterisque Virtutibus cardinalibus. Antverpiae, 1641.

It may be asked, whether a son is permitted to kill his father who is banished? Many authors affirm that he is, among whom are Bartholomew Gomez and others ... Yet what Clarus teaches is more probable, that he is not permitted. For a son does not on that account cease to be a son, neither is he released from the bond of natural obligation towards his father. Yet, were I to pronounce a decision, if a father were obnoxious to the state and to society at large, and there were no other means of averting such an injury, then I should approve the opinion of the aforesaid authors.—(Lib. ii. Tr. 1. Disp. 10. dub. 1. n. 16.)

27 " Jus defensionis extendit se ad omne id quod necessarium est, ut se quis ab omni injuria servet immunem. Monendus tamen prius esset detractor, ut desisteret; et si nollet, ratione scandali non esset aperte occidendus, sed clam."—Cens. pp. 319, 320.

## ANTHONY ESCOBAR.

Theologia Moralis, Tom. IV. Lugduni, 1663.

A son either is obliged, or is not obliged, to support an infidel father who is in extreme necessity, if he endeavours to turn Mm from the faith,

... I conceive that the latter opinion must be certainly maintained: for catholic sons may accuse their parents of the crime of heresy ... although they may know that their parents would be committed for it to the flames, as Tolet teaches ... They might also refuse them sustenance, although they should perish for want of food. Fagundez adds ... that they might even kill them, with the moderation of a blameless defence, as enemies who violate the rights of human nature, if they forcibly compel their children to desert the faith; but still that they are not to force them into imprisonment, so that they may die pf hunger.<sup>28</sup>

Since by the civil law a father und husband is permitted to kill his daughter or his wife taken in adultery, the death either may, or may not, be intrusted to others with impunity.

<sup>28</sup> " Poterant etiam eis abnegare alimenta, quamvis aovidat inedia deperire. Addit Fagundez ... eos posse etiam occidere cum moderamine inculpate totelae, si filios ad deserendam fidem vi compellant, tanquam hostes naturae humane jura violantes, non tamen in vincula trudere ut fame deperreant."— Tom. IV.Lib. xxxi Sect.2.de.Praecept. IV. Probl.5. n. 55, 56, 57.



The husband and father certainly may intrust it to their children or their servants.

I conceive this to be the common opinion in the present day. Many even affirm that fathers and husbands may not only intrust such kinds of homicide with impunity to their children and their servants, but also to any strangers.—(Tom. IV. Lib. xxxii. Sect. 2. de Praecept. V. Probl. 35. n. 169, 170, 171.)

### GEORGE GOBAT.

Operum Moraliū, Tomus II. Duaci, 1700.

Father Fagundez (In Decal. Lib. ix.) thus expresses himself: " It is lawful for a son to rejoice at the murder of his parent committed by himself in a state of drunkenness, on account of the great riches thence acquired by inheritance."<sup>29</sup>

He 'deduces this doctrine from a principle which is true, and of which many are persuaded, namely, that when any benefit results to us from an action which is in itself forbidden, but rendered blameless through a deficiency of deliberation, we may lawfully rejoice at it, not only for the benefit, which is in itself clear, but also for the forbidden

<sup>29</sup> " Pater Fagundez (In Decal. Lib. ix.) sic loquitur: Licitum est filio gaudere de parricidio parentis a se in ebrietate perpetrato, propter ingentes divitias inde ex haereditate consecutas."—Op. Mor. Tom. II. Pars II. Tr. 5. c. 9. Sect. 8. n. 54.

action; not indeed because it is forbidden, but inasmuch as it is the cause or occasion of a happy event. Vasquez, Tanner, &c.—(Tom. II. Pars II. Tr. 5. c. 9. Sect. 8. n. 54.)

Since, then, it is supposed on the one hand that the parricide was blameless, as well from deficiency of deliberation caused by drunkenness, as through the absence of premeditation; and, on the other, that very great riches would result from this parricide, an effect which is either good, or certainly not bad; it follows that the doctrine of Father Fagundez, which may seem a paradox, is true in theory, although it may be dangerous in practice.<sup>30</sup>

... He would be mistaken who should infer from what has been said, that for the sake of such results it would be lawful to desire voluntary drunkenness, or to rejoice in it. He would more rightly infer, that it is sometimes lawful to desire a blameless drunkenness, by which the great benefit would be produced. See Caramuel, in *Theologia Regulari*.<sup>31</sup>

<sup>30</sup> " Cum igitur, ex una parte supponatur, illud parricidium fuisse inculpabile, ob defectum tarn deliberationis impeditae per ebrietatem, quam praevisionis non antegressae; ex altera autem parte, amplex opes sint hujus parricidii, effectus vel bonus, vel certe non malus; fit ut illa P. Fagundez doctrina, quae paradoxa videri possit, veritatem habeat speculativam, etsi practice periculosam."—Tom. II. Pars II. Tr. 5. c.9. n.55.

<sup>31</sup> "... Erraret is, qui ex dictis inferret, fas esse ob istos eventus, optare ebrietatem voluntariam, vel de illa gaudere.

## CHARLES ANTHONY CASNEDI.

Crisis Theologica. Tom. V. ... 1719.

I may desire my father's death, either as an evil to my father, which is not lawful... or as an advantage to myself; and that in two ways:

1. By rejoicing in the good which I derive from my father's death, or in the death of my father which is, as it were, the cause of so much good.
2. By rejoicing simply in the good which I derive from my father's death, and not in Ms death by which I procure the good. In the former manner it is not permitted ... in the latter it is: for then I abstract his death, and do not rejoice in it; but I only rejoice in the good which I derive from it. — (Tom. V. Disp. 13. Sect. 3. Paragr. 4. n. 169.)

This doctrine should be made familiar, since it is continually occurring to all those who desire a good which they can only obtain by the death of another; as it commonly happens in every station in peace or in war, in every secular or ecclesiastical dignity— (Ibid. n. 170.)

Rectius inferret, licere optare quandoque inculpatam ebrietatem, ex qua orietur grande bonum. Vide Caramuelem, in Theologia Regulari."... (Ibid. n. 57.)

## SECT. XVI.

## SUICIDE AND HOMICIDE.

## PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748. Lutetiae Parisiorum, 1627. (Ed; Coll. Sion.)

Although the doctrine of St. Augustine may be true, that it is not in any case lawful for a man to kill himself, unless God so command it; yet still it is not so plainly evident, that learned men may not fail to perceive it... For the Stoics have maintained, that self-destruction in our country's cause is honourable. It is for this reason that the action of Cato has been often commended, who killed himself at Utica lest he should be compelled to look upon Caesar the tyrant and conqueror.—(Lib. iii. Sect. 5. TV. 3. Pars III. c. 1. n.3.)

## BUSEMBAUM &amp; LACROIX.

Theologia Moralis, nunc pluribus partibus aucta a R. P. Claudia Lacroix, Societatis Jesu. Colonise, 1757. (Coloniae Agr. Tom.II. 1733. Tom. III. 1724. Ed. Mus. Brit.)

It is probable that it is never lawful for a private person directly to intend the death of another. Thus St. Thomas, &c. Yet the opposite opinion of many persons, who are quoted and

followed by Lessius, Diana and de Lugo, is more common, and sufficiently probable for the reasons already adduced ... (Tom. II. Lib. iii. Pars I. Tr. 4. c. 1. Dub. 3. Quaest. 181. §9. n. 821.)

If Caius has impregnated wine with poison, and has placed it before Sempronius with a view to cause his death; but Titius, who is ignorant of the design, takes it, and Caius suffers him to do so lest his crime should be detected; Caius is not really a homicide, neither is he bound to make compensation for the injuries which have been occasioned by the death of Titius; because the death of Titius was not voluntary on the part of Caius, who could not foresee the accident, neither was he bound to prevent it by exposing himself to such great danger.—(Tom. III. Lib.iii. Pars II. Tr. 5. c. 2. Dub. 6. Quasi. 46. § 3. n. 202.)

## SECT. XVII.

HIGH TREASON AND REGICIDE.

### EMMANUEL SA.

Aphorismi Confessariorum. Colonise, 1590. (Colonise, 1615.  
Ed. Coll. Sion.)

The rebellion of an ecclesiastic against a king is not a crime of high treason, because he is not subject to the king.<sup>32</sup>

<sup>32</sup> " Clerici rebellio in regem, non est crimen laesse-majestatis, quia non est subditus regi."—Aphorismi, verbo Clericus. (Ed. Colonise, 1590.)

He who tyrannically governs an empire which he has justly obtained, cannot be deprived of it without a public trial: but when sentence has been passed, every man may become an executor of it; and he may be deposed by the people, even although perpetual obedience were sworn to him, if after admonition given he will not be corrected.<sup>33</sup>

### ANDREW PHILOPATER.

Elizabethae Anglice Regince, haeresim Calvinianam propugnantis, saevissimum in Catholicos sui Regni Edictum, quod in alios quoque Reipublicae Christiana Principes contumelias continet indignissimas. Per Andraeam Philopatrum.<sup>34</sup> Lugduni, 1593. (Augusts, 1592. Ed. Bibl. Acad. Cant.)

Hence the whole school of theologians and ecclesiastical lawyers maintain (and it is a thing both certain and matter of faith), that every Christian prince, if he has manifestly departed from the Catholic religion and has wished to turn others from it, is immediately divested of all power

<sup>33</sup> " Tyrannice gubernans juste acquisitum dominium, non potest spoliari sine publico iudicio: lata vero sententia, potest quisque fieri executor: potest autem deponi a populo, etiam qui iuravit ei obedientiam perpetuam, si monitus non vult corrigi."—Aphorism, verbo Tyrannus, n. 2. Colonise, 1615, Ed. Coll. Sion.

<sup>34</sup> A marginal note in the *Extraits des Assertions* (Vol. IV. p. 94) ascribes this work to Robert Persons, the associate of Campian. Persons wrote under the feigned name of Doleman; that of Philopater was assumed by the Jesuit Cresswell. See *Les Jesuites Criminels de Leze Majesti* (1759), pp. 174,175.

and dignity, whether of divine or human right, and that, too, even before the sentence pronounced against him by the supreme pastor and judge; and that all his subjects are free from every obligation of the oath of allegiance which they had sworn to him as their lawful prince; and that they may and must (if they have the power) drive such a man from the sovereignty of Christian men, as an apostate, a heretic, and a deserter of Christ the Lord, and as an alien and an enemy to his country, lest he corrupt others, and turn them from the faith by his example or his command. — (Responsio ad Edictum, Sect. 2. n. 157.)

This true, determined, and undoubted opinion of very learned men, is perfectly conformed and agreeable to the apostolic doctrine.—(Ibid. n. 158.)

### JOHN BRIDGWATER.

*Concertatio Ecclesiae Catholicae in Anglia adversus Calvinopapistas.* Augustae Trevirorum, 1594.

All kings who have submitted themselves and their sceptres to the mild yoke of Christ, are thereby engaged, equally with the rest of the flock, to yield to the authority of the church and her pastors.—(Resp. fol. 340.)

Zonaras writes, that the Patriarch of Constantinople freely and openly said to Isaac Comnenus, that as he had received the empire from his

hands, so would he also lose it by his authority, unless he governed with dignity and wisdom...

On these conditions alone, therefore, are kings received into the communion of the church by the bishops upon divine authority; on these conditions are they anointed and crowned. If they should themselves be the first to break the bonds of their solemn league and oath, and violate the faith which they have pledged to God and to the people of God; the people are not only permitted, but they are required, and their duty demands, that at the mandate of the vicar of Christ, who is the sovereign pastor over all the nations of the earth, the faith which they had previously made with such princes should not be kept.—(Ibid. fol. 348.)

### ROBERT BELLARMINE.

*Disputationes de Controversy Christiana Fidei, adversus hujus temporis Haereticos, Tom. I. Ingolstadii, 1596. (Parisiis, 1608. Ed. Mus. Brit.)*

The spiritual power does not blend itself with temporal affairs, but it suffers all things to proceed as they did before they were united, provided they are not opposed to any spiritual object, or are not necessary to obtain it. But if any such thing should occur, the spiritual power may and must restrain the temporal power, by every mean and expedient which may be considered necessary ... It may change kingdoms, and take them from one



to transfer them to another, as a spiritual prince, if it should be necessary for the salvation of souls.<sup>35</sup>

Christians may not tolerate an infidel or heretic king, if he endeavours to draw his subjects to his heresy or infidelity. But it is the province of the sovereign pontiff, to whom the care of religion has been intrusted, to decide whether the king draws them to heresy or not. It is therefore for the pontiff to determine, whether the king must be deposed or not<sup>36</sup> ...

#### ALPHONSO SALMERON.

Commentarii in Evangeticam Historiam, et in Acta Apostolorum, Tom. IV. Colonise Agrippinae, 1602. (Colonise Agrippinae, 1612. Ed. Coll. Sion.)

Princes are bound to obey the command of the pope as the word of Christ; and if they resist, he

<sup>35</sup> " Spirituality (potestas) non se miscet temporalibus negotiis, sed sinit omnia procedere sicut antequam essent conjunctae, dummodo non obsint fini spirituali aut non sint necessaria ad eum consequendum. Si autem tale quid accidat, spiritualis potestas potest et debet coercere temporalem omni ratione ac via, quae ad id necessaria videbitur ... Potest mutare regna, et uni auferre, atque alteri conferre, tanquam princeps spiritualis, si id necessarium sit ad animarum salutem."—Lib. V. c. 6. de Romano Pontifice, p. 888.

<sup>36</sup> " Non licet Christianis tolerare regem infidelem aut haereticum, si ille conetur pertrahere subditos ad suam haeresim, vel infidelitatem. At judicare an rex pertrahat ad haeresim necne, pertinet ad pontificem, cui est commissa cura religionis. Ergo pontificis est judicare, regem esse deponendum, vel non deponendum"—Ibid. c. 7. p. 891.

can punish them as rebellious persons; and if they undertake any thing against the church and the glory of Christ, he may deprive them of their empire and kingdom, or he may transfer their dominions to another prince, and absolve their subjects from their allegiance which they owe to them, and from the oath which they have sworn. That the word of the Lord which he spake to Jeremiah the prophet may be true when applied to the Roman pontiff—" Behold, I have put my words in thy mouth: See, I have this day set thee over the nations and over the kingdoms, to root out and to pull down, and to destroy and to throw down, to build and to plant."<sup>37</sup>

#### FRANCIS TOLET.

Commentarii et Annotationes in Epist. B. Pauli Apost. ad Romanos. Lugduni, 1603. (Moguntiae, 1603. Ed. Coll. Sion.)

Since the spiritual power, for the better and more effectual fulfilment of its office, has thought

37 " Pontificis praecepto, tanquam Christi verbo habent principes obedire; et si resistant, potest eos tanquam contumaces punire; et si in ecclesiam, et Christi gloriam aliquid moliantur, potest eos imperio et regno privare, vel eorum ditiones alteri principi tradere, et eorum subditos ab obedientia illis debita, et juramento facto absolvere. Ut verum sit in pontifice Romano illud verbum Domini dictum ad prophetam Jeremiam, " Ecce, dedi verba mea in ore tuo: ecce, contitui te hodie super gentes et super regna, ut evellas et destruas, et disperdas et dissipas, et aedifices et plantes."— Tom. IV. Pars III. Tr. 4. p. 410.

fit to separate certain classes of persons from the secular power, it is indeed rightly done; and the language of St. Paul is not Opposed to it, who means that all men should be subject to the higher powers, but not to the secular powers: for he does not deny to spiritual ministers the power of exempting all, as many as they shall choose, from the secular power, whenever they may deem it expedient.<sup>38</sup>

### ALPHONSO SALMERON.

Commentarii in omnes Epistolas Beati Pauli, et Canonical, Tom. XIII. Colonise Agrippinae, 1604. (Coloniae Agrippinse, 1614. Ed. Coll. Sion.)

Peter condemned Ananias and Sapphira to death by the word of his mouth. In like manner the Roman Bishop, the successor of Peter, for the good of his flock, may now take away the life of the body by his word (when other remedies are not sufficient), provided that he only makes use of the word of his mouth, without the outward service of his hands; and he may carry on war with heretics and schismatics by means of Catholic princes, and may put them to death. For in commanding him to feed his sheep, (Christ) has given

38 " Nec adversatur huic Pauli verbum, qui omnes vult esse subjectos potestatibus sublimioribus, non verb saecularibus: non tamen negat potestatem ministris spiritualibus quando id expedite judicaverint; eximendi quos et quantum eis visum fuerit."—Annot. 2. in cap. xiii. Ep. ad Rom.

him the power to drive away the wolves and to kill them, if they should be obnoxious to the sheep. And it will also be lawful for the shepherd to depose the ram, the chief of the flock, from his sovereignty over the flock, if he infects the other sheep with his contagion, and attacks them with his horns.<sup>39</sup>

### JOHN MARIANA.

De Rege et Regis Institutione, Libri Tres. Moguntise, 1605.  
(... 1640. Ed. Mus. Brit.)

It is necessary to consider attentively what course should be pursued in deposing a prince, lest sin be added unto sin, and crime be punished by the commission of crime. This is the shortest and the safest way: if a public meeting can be held, to deliberate upon what may be determined by the common consent; and to consider as firmly settled and established whatever may be resolved by the general opinion. In which case the

39 " Petrus Ananiam et Sapphiram ad mortem suo precepto damnavit. Ita modo Petri successor, Episcopus Romanus, ad gregis sui utilitatem, potest verbo (ubi alia remedia non suppetunt) corporalem vitam auferre, modo id verbo suo absque externo manus suae ministerio efficiat; et per principes catholicos bellum haereticis et schismaticis inferre valet, et illos interficere. Nam praeciendo oves pascere, dedit illi potestatem arcendi lupos et interficiendi, si infesti sint ovibus. Imo etiam arietem, ducem gregis, si alias oves tabe conficiat, et cornibus petat, licebit pastori de principatu gregis deponere."—In Epist. B. Pauli, Lib.i. Pars III. Disp.12.

following course would be pursued. First of all, the prince must be admonished and brought back to his senses. If he should comply, if he should satisfy the state and correct the errors of his past life, I am of opinion that it will be necessary to stop, and to desist from harsher measures. But if he refuse the remedy, and there remains no hope of cure, it will be lawful for the state, after sentence has been pronounced, in the first place to refuse to acknowledge his empire; and since war will of necessity be raised, to unfold the plans of defence, to take up arms, and to levy contributions upon the people to meet the expenses of the war; and if circumstances will permit, and the state cannot be otherwise preserved, by the same just right of defence, by a more forcible and peculiar power, to destroy with the sword the prince who is declared to be a public enemy. And let the same power be vested in any private individual, who, renouncing the hope of impunity, and disregarding his safety, would exert an effort in the service of the state. But you will ask, what is to be done if a public meeting cannot be held? which may very commonly happen. In my opinion, a similar judgment must be formed; for when the state is oppressed by the tyranny of the prince, and the people are deprived of the power of assembling, the will to abolish the tyranny is not wanting, or to avenge the manifest and intolerable crimes of the prince, and to restrain his

mischievous efforts: as, if he should overthrow the religion of the country, and introduce a public enemy within the state. I shall never consider that man to have done wrong, who, favouring the public wishes, would attempt to kill him... Thus the question of fact which is contested is this, Who may deservedly be considered as a tyrant? The question of right, Whether it is lawful to kill a tyrant? is sufficiently evident...

Most men are deterred by a love of self-preservation, which is very frequently opposed to deeds of enterprize. It is for this reason that among the number of tyrants who lived in ancient times, there were so few who perished by the swords of their subjects ... Still it is useful that princes should be made to know, that if they oppress the state, and become intolerable by their vices and their pollution, they hold their lives upon this tenure, that to put them to death is not only lawful, but a laudable and a glorious action.<sup>40</sup>

The life of a tyrant is evidently wretched which is held upon the tenure, that he who should kill him would be highly esteemed, both in favour and in praise. It is a glorious thing to exterminate

<sup>40</sup> " Est tamen salutaris cogitatio, ut sit principibus persuasum, si rempublicam opprimerint, si vitiis et foeditate intolerandi erunt, ed conditione vivere, ut turn jure tantum, sed cum laude et gloria perimi possint."—Lib. i. c. 6. p. 61.

this pestilent and mischievous race from the community of men. For putrescent members are cut off lest they infect the rest of the body. So should the cruelty of that beast in the form of man, be removed from the state, as from a body, and he severed from it with the sword.<sup>41</sup>

There is a doubt whether it is lawful to kill a tyrant and public enemy (the same decision will apply to both) with poison and deadly herbs... for we know that it is frequently done ... In my own opinion, deleterious drugs should not be given to an enemy, neither should a deadly poison be mixed with his food or in his cup, with a view to cause his death ... Yet it will indeed be lawful to use this method in the case in question; not to constrain the person who is to be killed, to take of himself the poison which, inwardly received, would deprive him of life, but to cause it to be outwardly applied by another without his intervention: as, when there is so much strength in the poison, that if spread upon a seat or on the

<sup>41</sup> " Miseram plane vitam (tyranni) cujus ea conditio est, ut qui occiderit, in magna tum gratid, turn laude futurus sit. Hoc omne genus pestiferum et exitiale ex hominum communitate exterminate gloriosum est. Enimvero membra quaedam secantur, si putrida sunt, ne reliquum corpus inficiant. Sic ista, in hominis specie, bestiae immanitas a republica, tanquam a corpore, amoved debet, ferroque excindi."—Lib. i. c. 7. p. 64.

clothes,<sup>42</sup> it would be sufficiently powerful to cause death.<sup>43</sup>

### JOHN OZORIUS.

Concionum Joannis Ozorii, Societatis Jesu, de Sanctis, Tomus III. Parisiis, 1607.

The power of the keys is delivered to Peter and to his successors, in which power many things are included. First, to rule the universal church and to appoint bishops in different places; to preach the gospel throughout the world; to give, to resume, or to moderate all power; to establish kings, and to deprive them of their kingdoms again if they abandon or oppose the preaching of the faith,—(Tom. III. Cone, in Cathedra S, Petri, p. 64.)

When it is expedient for the spiritual welfare, the pope can remove rulers, kings, and emperors,

42 " Me auctore, neque noxium medicamentum hosti detur, neque lethale venenum in cibo et potu temperetur in ejus perniciem. Hoc tamen temperamento uti in hac quidem disputatione licebit; si non ipse qui perimitur venenum baurire cogitur, quo intimis medullis concepto pereat, sed exterius ab alio adhibeatur, nihil adjuvante eo qui perimendus est. Nimirum cum tanta vis est veneni, ut sella eo aut veste delibuta, vim interficiendi habeat."—Lib. i. c. 7. p. 67.

<sup>43</sup> It was thus that Squire attempted the life of Queen Elizabeth, at the instigation of the Jesuit Walpole.—Pasquier, *Catechisme des Jesuites* (1677), p. 350, &c.; and Rapin (fol. Lond. 1783), Vol II. Book xvii. p. 148.



and can take away their dominions from wicked and disobedient kings, who impede the promulgation of the gospel.<sup>44</sup>

### SEBASTIAN HEISSIUS.

*Ad Aphorismos doctrinae Jesuitarum aliorumque Pontificiorum, Declaratio Apologetica. Ingolstadii, 1609.*

This I hold to be the better and more commonly received opinion, that no private person, without the necessity of defending himself or his relations, may attack a legitimate prince before a public sentence has been judicially pronounced by which he is declared a tyrant and an enemy of the state, and is thus deprived of the power which he possessed by those who may lawfully divest him of it. Cajetan and Sotus confirm this doctrine, and of the theologians of our society, Gregory of Valentia, Leonard Lessius, Louis Richeome, James Gretser, and others; while they deny that a prince who has the right of reigning maybe lawfully killed by a private person, although he should tyrannically oppress the state. Our Emmanuel Sa has well and concisely expressed the same thing in his Aphorism Confessariorum at the word Tyrannus, n. 2—"He who tyrannically

<sup>44</sup> " Cum expedit spiritualibus, potest papa dominos, reges et imperatores mutare, regna auferre ab impiis regibus, inobedientibus, fit publicationem evangelii impediuntibus."—Tom. III. Conc. in Cath. S. Petri, p. 70.

governs a justly acquired empire, cannot be deprived of it (of his dominion, and much less of his life) without a public sentence? Here you have the common opinion of the Jesuits; and therefore princes are threatened with no danger when they are accounted tyrants in the opinion of the whole people, if the people follow the advice of doctors and celebrated men (as Mariana requires), and they Jesuits, as you have already heard. I am unwilling to omit Alphonso Salmeron, one of the blessed deced of Fathers who were the first-fruits of our society, who enlarges upon this argument in his disputations upon the 13th chapter of the Epistle to the Romans. He thinks that even tyrants who have unjustly oppressed the state, if they are in quiet possession of it, cannot be killed by a private person, without divine authority. Others rightly add, or by command of the public authority, or at least by tacit consent, as we have already set forth. But the opinion of Father Alphonso more fully shews how inimical the Jesuits are against princes.—(Cap. 3. Aph. 1. n. 97.)

#### ROBERT BELLARMINE.

*Tractatus de potestate Summi Pontificis in temporalibus, adversus Gulielmum Barclaium. Romae, 1610. (Operum, Tom. VII. Colonias, 1617. Ed. Coll. Sion.)*

It is not for monks or other ecclesiastics to take away life ... much less may they destroy kings by treachery. Neither has it been usual for the

sovereign pontiffs to restrain princes by such means. It is their custom first to reprove them with paternal correction, afterwards to deprive them of a participation of the sacraments by an ecclesiastical censure, and finally to absolve their subjects from the oath of allegiance, and to divest them of their royal dignity and authority, if the case require it. The execution belongs to others.<sup>45</sup>

### ANDREW EUDAEMON JOHN.

*Apologia pro Henrico Garneto. Qrionise Agrip. 1610.*<sup>46</sup>

The Jesuit Hamond is accused of having absolved all the conspirators in the house of Robert Winter, on the Thursday after the conspiracy,<sup>47</sup> when the rebels had already taken arms in their defence.—(Apol. c. x. art. 2. p. 272.)

Since he does not sin who thinks with probability that what he does is lawful, the confessor

<sup>45</sup> " Non pertinet ad monachos, aut alios ecclesiasticos viros, caedes facere ... multo autem minus per insidias reges occidere. Neque summi pontifices consueverunt ista ratione principes coercere. Ipsorum mos est, primura paterne corripere, deinde per censuram ecclesiasticam sacramentorum communionem privare, denique subditos eorum a juramento fidelitatis absolvere, eosque dignitate atque auctoritate regia, si res ita postulat, privare. Executio ad alios pertinet."—Tract.c. 7. p. 876.

<sup>46</sup> The original extract has been collated with a copy of the same edition of the work.

<sup>47</sup> The powder-plot.

has not any just cause for refusing absolution to him who follows a probable opinion, although it may differ from his own opinion and judgment... It is very certain moreover that the conspirators who would otherwise have had a clear conscience, had for a long time meditated upon their purpose; they had weighed every reason by which they might persuade themselves that there was nothing in their design contrary to the commands of God; and, as they possessed ability, they found many arguments by which to justify themselves and their design ... Be it then entirely as Coke would have it—that Hamond did absolve the conspirators after they had taken up arms in their defence. I answer, that Hamond believed those reasons to be probable which they produced in favour of their design, and that he could not therefore in justice refuse them absolution, although he might not approve their purpose. What fault will Coke find with this?-- (Cap. x. art. 2. p. 274, et seq.)

As to what the Earl of Salisbury alleged, that when Garnet prayed for the failure of the plot he added this reservation—" unless it should greatly promote the cause of the Catholics"—I do not see what it proves. For he might abhor the cruelty of the crime; and still, because he was ignorant whether by these means God would choose to consult the good of England, might use that reservation. When Christ, in the agony of his bloody

sweat, prayed that the cup might pass from him, he did not dissemble, although he chose that his Father's will should be done in preference to his own. Why then should not Garnet, although he might have abhorred such a carnage in the state, conceive himself bound to endure it, if it were ultimately to prove extremely beneficial to the church ?—(Cap. 12. art. 1. p. 319.)

### JAMES KELLER.

*Tyrannicidium, seu scitum Catholicorum de Tyranni inter-  
necione.* Monachii, 1611. (Ed. Mus. Brit.)

The theologians generally enquire, whether it is lawful for a private person to kill a tyrant. Lest we involve ourselves in obscurity, we will distinguish two kinds of tyrants. There are some who invade foreign kingdoms with hostile forces, who ravage, and destroy with the fire and the sword, against all equity and justice, who plunder peaceful citizens, and violate all laws, both human and divine. According to the opinion of many and most excellent theologians, these (tyrants) may certainly be put to death by any one who has the courage and inclination to kill them.

Tyrants of the other kind, who obtain their kingdom or empire either by succession or election, or by any other right, who are legitimate rulers, and are accounted to be so, may never be killed by any man, whether citizen or foreigner.

But you will ask, what relief can be afforded to a wretched country oppressed by insufferable cruelty, and what remedy can be applied to the removal of this excessive destruction? They who carefully consider these things reply, that a tyrant of this kind either fears a superior power, or feels the superiority of his own. If there is another to which he is inferior, recourse must be had to the superior government, and succour must be implored; with a good government there will be the inclination, and with a powerful, the force, to restrain such a man ...

But if the tyrant cannot be summoned to a higher tribunal, the Thomists advise, that in such an extreme state of things, he should be deposed ... If you ask whether a tyrant, as soon as he is deprived of his dignity, may be put to death by any man? know, that according to the opinion of approved authors, his situation is precisely the same as that of other criminals, and he must be similarly tried, that the course of justice may not be transgressed. Therefore he must himself be heard, unless the atrocity of his actions should have previously proclaimed his guilt, so that no one can doubt that he has exceeded in wickedness, and that it only remains for him to suffer punishment.

The Jesuits, you will say, should have remembered the apostolic rule, not to do evil that good may come. What do I hear of the word of God?

Where does it entirely forbid all killing? In the fifth commandment, you will say. Well! but what if I should tell you on the other hand, that the fifth commandment is so encompassed with formidable difficulties, that no one can keep it: what would become of him who should violate it? You would not inflict any punishment upon him? If you did, you would become a tyrant, and would punish a fault which an unfortunate could not avoid.—(Tyrannicidium, Quaest. 2. p. 20, et seq.)

## NICHOLAS SERRARIUS.

Commentarii in sacros Bibliorum Libros. Lutetiae Parisiorum, 1611. (Ed. Coll. Sion.)

Quest. 1.— Was it lawful for Ehud to kill the tyrant Eglon?...

Some maintain that it was lawful for him to do so for this reason only, because he was preternaturally moved to it by God...

Others assent to the opinion that Ehud acted rightly, because he was moved to it by God; yet not for that reason only, but also because it is according to the course of the common law thus to act against tyrants...

If I wished to enquire which of these two opinions is the more true, it would be necessary that I should discuss the question—" Is it lawful to kill a tyrant?" But the sovereign tyrant? ... Time,

the destroyer of all things, forbids me to touch upon the subject.—(In Lib. Judicum, cap.3. Quaest. 1. p. 82.)

### JOHN OF SALAS.

Tractates de Legibus in primam secundae S. Thomae. Lugduni, 1611. (Ed. Mus. Brit.)

Since God alone is the Lord of life and death, the state cannot, upon its own authority; invest princes with the power of legislation and government, in which the power of executing malefactors is included; but God alone can do so. Yet this last assertion is frivolous; for, as you affirm that this power is imparted unto kings by God, I will affirm that it is imparted by God, as the Author of nature, to the state; and that the state may grant the power unto kings, as it also possesses from its very nature the right of deposing a tyrant from the sovereignty, and even, if it cannot otherwise expel him, of putting him to death... See also Mariana, De Regis Institutione, c.8.—(Tract. de Legibus, Quaest.95. TV. 14. Disp.7. Sect. 2. n. 17.)

### GABRIEL VASQUEZ.

Commentariorum ac Disputationum in primam secundar Sancti Thomae, Tomus II. Ingolstadii, 1612. (Antverpiae, 1621. Ed. Coll. Sion.)

If all the members of the royal family are heretics, a new election to the throne devolves to



the state. For all his (the king's) successors could be justly deprived of the kingdom by the pope, because the preservation of the faith, which is of greater importance, requires that it should be so. But if the kingdom were thus polluted, the pope, as supreme judge in the cause of faith, might appoint a Catholic king, for the good of the whole realm, and might place him over it by force of arms, if it were necessary. For the good of the faith and of religion requires that the supreme head of the church should provide a king for the state.<sup>48</sup>

#### BENEDICT JUSTINIAN.

In omnes B. Pauli Apost. Epistolas Explanationum, Tomus I. Lugduni, 1612.

Except the ecclesiastical power, there is no other power among men which has received its strength and authority directly from God, and

<sup>48</sup> " Si omnes de stirpe regia haeretici sint, tunc devolvitur ad regnum nova regis electio. Nam juste a pontifice omnes illi successores regno privari possunt, quia bonum fidei conservandae, quod majoris momenti est, ita postulat. Quod si etiam regnum infectum esset, pontifex, ut supremus judex in causa fidei, assignare posset catholicum regem pro bono totius regni, et ipsum vi armorum, si opus esset, introducere. Nam bonum fidei et religionis hoc exposcit, ut supremum ecclesiae caput tali regno de rege provideat."—Disp. 169. c. 4. art. 5. n. 42 et 43.

which can affirm with truth that it may lawfully act by divine authority. — (In Epist. ad Rom. c. xiii. v. 2.)

### FRANCIS SUAREZ.

*Defensio Fidei Catholicae et Apostolicae.* Colonise Agrippinse, 1614. (Ed. Coll. Sion.)

Augustine (de Civitate Dei, Lib. v. c. 19) reckons Nero among those tyrants who are sometimes permitted by God to reign: thus interpreting the passage of the Book of Proverbs— " By me kings reign and princes decree justice: by me princes rule and nobles, even all the judges of the earth." (c. 8. v. 15,16.) And every prince in Christendom must be reckoned among the number, who leads his subjects to heresy, or to any other kind of apostacy or public schism.<sup>49</sup>

After a king has been lawfully deposed, he is no longer king or lawful prince ... and if such a king should persevere in his obstinacy after legitimate deposition, and retain his kingdom by violence, he begins to bear the title of tyrant.— (Lib. vi. de Forma Juram. Fidel, c. 4. n. 14.)

<sup>49</sup> " (Talis fuit Nero), quem inter tyrannos, quos Deus interdum dominari permittit, numerat Augustinus (Lib. v. de Civitate Dei, c. 19): sic legens illud Proverbiorum 8.—Per me reges regnant, et tyranni per me tenent terrain. Et inter Christianos maxime est in hoc ordine numerandus princeps, qui subditos suos in haeresim, vel aliud apostasise genus, vel publicum schisma inducit."—Lib. vi. de Forma Juramenti Fidelitatis, c. 4. n. 1.

After sentence has been pronounced, he is entirely deprived of his kingdom, so that he cannot hold it by any just title. He may therefore from that time be treated in all respects as a tyrant, and he may consequently be killed by any individual.—(Ibid.)

Thus (said James, King of England, as in derision of Bellarmine) a new and excellent sense has been attached to these words of Christ, " Feed my sheep" as if they had conveyed this meaning, Destroy, proscribe, and depose Christian kings and princes ... Bellarmine, therefore, and we all who in this cause are as one, do not immediately and directly prove from these passages the primacy of Peter in civil or temporal matters... Let not the King of England say that the words, " Feed my sheep," are explained by us as if they meant, Destroy, proscribe, and depose Christian princes: for no Catholic has said this. But if he desires to know what is true and faithfully attested, we say that among many other things which are comprised in these words and in the power which they convey, this also is included, Destroy, proscribe, depose heretic kings who will not be corrected, and who are injurious to their subjects in things which concern the Catholic faith.<sup>50</sup>

<sup>50</sup> " Sic (ait Jacobus Rex Anglise, quasi Bellarminum irridens) novum et egregium, scilicet, sensum his Christi verbis affinxit, Pasce oves meas, &c. quasi hoc significarent,

## JOHN LORIN.

Commentariorum in Librum Psalmorum, Tomus III. Lugduni, 1617. (Coloniae Agrippinse, 1619. Ed. Coll. Sion.)

We ought to be assured that it is not lawful for an individual to attack a tyrant, except in the case in which any<sup>51</sup> man may be attacked by another, namely, in the necessary defence of person and life.—(In Psalm. 105, v. 30.)

Since Peter had more zeal than the rest of the apostles ... when he struck the servant of the high priest, it is for this reason among others, we may conceive, that the sovereign priesthood was committed to Mm by Christ. And, if the

Tolle, proscribe, abdica Christianos principes atque reges... Bellarminus ergo, et nos omnes, qui in hac causd unum sumus, ex illis locis non probamus proximo et immediate primatum Petri in civilibus, seu temporalibus ... Non dicat ergo rex Angliae, verba, Pasce oves meas, ita a nobis exponi ac significarent, Tolle, proscribe, abdica Christianos principes: hoc enim nullus Catholicus dixit. Si autem, quod verum est, sincere testatum cupit, Dicimus, inter alia multa quae in illis verbis et potestate per ea data continentur, etiam illud esse, Tolle, proscribe, abdica haereticos reges, qui emendari nolunt, et subditis suis in rebus ad fidem Catholicam pertinentibus perniciosi sunt."—Lib. iii. c. 11. n.4&5, 6.

<sup>51</sup> " Nisi ut cujus afferri," &c. (Ed. Lugd. 1617.) In the *Extraits des Assertions* there is the following marginal note upon these words: " Sic legitur in textu; videtur tamen legendum—ut cuivis afferri," &c. The same note is also applicable to the edition of 1619, which has been consulted in the library at Sion College.

comparison be admissible, we may affirm that Ignatius was chosen to be the general of our order, because he would kill a Moor who had blasphemed.<sup>52</sup>

### ANTHONY FERNANDIUS.

Commentarii in visiones Veteris Testamenti. Lugduni, 1617.  
(Ed. Coll. Sion.)

It is said in the fourteenth chapter of the Book of Proverbs: " In the multitude of people is the king's honour? for no one is called a king for any quality inherent in himself, but on account of the preference wherewith the people have chosen him; which must be entirely referred to the popular good-will... And certainly their (the king's) body is neither planted, nor fixed, nor rooted in the earth. For they have not the royal dignity vested in themselves, but in another, namely, in the opinion and good pleasure of the multitude, as has been said before ... It is for this reason that Daniel beheld the kingdoms in a vision; because (monarchies) are nothing more than ridiculous exhibitions, having no value in them beyond a fictitious pomp."<sup>53</sup>

<sup>52</sup> " Quoniam supra caeteros Apostolos zelus in Petro fuit... quando percussit principis servum, propterea inter alias causas summum Sacerdotium ei a Christo delatum existimari potest. Et si quis comparationi locus est, idcirco Ignatium delectum ordinis nostri ducem affirmare possumus, quia blasphemum Maurum voluit trucidare."—In Psalm. 105. v. 31.

<sup>53</sup> " Quia dignitatem regiam non habent radicatam in se,

## ANTHONY SANCTARELLE.

Tractatus de haeresi, schismate, apostasid, sollicitatione in Sacramento Poenitentie, et de polestate Romani Pontificis in his delictis puniendis. Romae, 1625. (Ed. Bibl. Acad. Cant.)

As the power of punishing such persons with temporal punishment, even with death, was granted unto Peter for the correction and example of others; so must it also be believed, that the power of punishing with temporal penalties those who are transgressors of the divine and human laws, has been conceded to the church and her sovereign pastor... It was said to Peter and to his successors, " Feed my sheep." Now it is the province of shepherds to punish their sheep with that punishment with which just reason may determine that they ought to be punished: if, therefore, for the general good of the church, prudence and right reason require that disobedient and incorrigible princes be punished with temporal penalties and deprived of their kingdom, the sovereign pastor of the church may impose those penalties upon them; for princes are not without the fold of the church.<sup>54</sup>

sed in alio, videlicet, in ipsa opinione et beneplacito multitudinis, ut supra dictum est... Monstratas ideo monarchias in somniis (vidit Daniel), quia nihil amplius sunt, quam phantasmata ludicra, nihil rei habentia, praeter fictitiam pompam."— Visio 21 Danielis, c. 2. Sect. 2. n. 3 et 4.

<sup>54</sup> "Sicut Petro fuit concessa facultas puniendi poena temporalis, imo etiam poena mortis, dictas personas, ob aliorum cor-

## CORNELIUS A LAPIDE.

Commentaria in Acta Apostolorum et in Epistolas canonical.  
Lugduni, 1627. (Antverpiae, 1627. Ed. Coll. Sion.)

The priestly kingdom of the church is apparent, first, in bishops and in episcopacy ... But chiefly is it apparent in papacy and in the sovereign pontiff, a vast and ample power extending itself over the whole world, by which he commands lyings (whence suppliant princes prostrate themselves before him, and place their sceptres at his feet), and can deprive of their dominions kings who have rebelled against the church, as he often has deprived them. — (In 1 Epist. S.Petri, c. 2. v. 9.)

## LEONARD LESSIUS.

De Justitia et Jure, caeterisque virtutibus cardinalibus. Parisiis,  
1628. (Antverpiae, 1621. Ed. Coll. Sion.)

The sovereign pontiff, as the vicar of Christ and the superior of Christendom, can directly

rectionem et exemplum; sic etiam credendum est, ecclesiae summoque ejus Pastori concessam esse facultatem puniendi poenis temporalibus transgressores legum divinarum et humanarum ... Petro ejusque successoribus dictum est, Pasce oves meas: sed ad pastores pertinet punire suas oves ea poena, qua recta ratio judicat esse illas puniendas; ergo si propter bonum commune ecclesiae, prudentia et recta ratio exigit, ut principes inobedientes et incorrigibiles poenis temporalibus afficiantur, regnoque priventur, potest summus ecclesiae pastor illas poenas imponere; nec enim principes sunt extra ovile ecclesiae."—Tractatus de haeresi, c. 30. Dub.unic. §5.

annul and remit every obligation contracted with another upon the faith of an oath, when there is sufficient cause for it; which remission is as valid as if the person, in whose behalf the oath had been sworn, himself had made it.<sup>55</sup>

The punishment of a guilty person, and the precaution which is necessary against dangers to be apprehended from him, are very often a sufficient cause for annulling the oath which had been lawfully made and exacted, in this manner the oath is annulled by which subjects are bound to their prince or other superior, when the prince, on account of some crime, is lawfully deprived by the sovereign pontiff or his superior, of the dignity or office in virtue of which the oath had been sworn to him, or when he is restrained from the exercise of his official functions.<sup>56</sup>

<sup>55</sup> " Summus pontifex, ut Christi vicarius et omnium Christianorum superior, potest immediate tollere et condonare omnem obligationem ex juramento promissorio ortam erga aliquem, quando justa causa subest; quae condonatio non minus efficax est, quam si ipse promissarius, in cujus favorem juramentum erat, eam fecisset."—Lib. ii. de Juram. c. 42. dub. 12. n. 64.

<sup>56</sup> " Saepe etiam justa causa relaxandi juramenti etiam debito modo praestiti et exacti, est punitio delinquentis, et cautio periculorum quae ab ipso impendent. Hoc modo relaxatur juramentum subditorum quo obstricti sunt suo principi, vel alteri superiori; quando ille ob crimen per summum pontificem, vel alias per suum superiorem legitime privatur dignitate vel officio, ratione cujus ei praestitum erat juramentum, vel quando suspenditur ab officii sui executione."—Ibid. n. 65.



## PETER ALAGONA.

Sancti Thomae Aquinatis Summae Theologiae Compendium.  
Lutetiae Parisiorum, 1620.

Quest. — Does a prince, by reason of his apostasy, lose his sovereignty over his subjects, so that they are no longer bound to obey him?

Answ.—No; because sovereignty and infidelity are not incompatible, and may subsist together; but the church can deprive him of his sovereignty by a decree. Wherefore, as soon as he is declared excommunicate on account of his apostasy from the faith, his subjects are absolved from the oath of allegiance.<sup>57</sup>

## JOHN DE DICASTILLE.

De Justitia et Jure, caeterisque virtutibus cardinalibus. Antverpiae, 1641.

That the clergy are exempt from lay-power even in temporal things, is thus proved: no man is directly subject unto one who has not any jurisdiction over him... but the lay-prince has no jurisdiction over the clergy or ecclesiastics ... It is proved, secondly, in this manner: he to whom another is subject, can punish him when

<sup>57</sup> " Resp.—Non, quia infidelitas et dominium non pugnant, et possunt esse simul; sed potest ecclesia eum privare dominio per sententiam. Quare statim ac aliquis denunciatur excommunicatus propter apostasiam a fide, ejus subditi sunt absoluti a juramento fidelitatis."—Ex Secunda Secundae, Quaest. 12.

his authority seems useless without the exercise of restraint... But a secular prince cannot punish ecclesiastics ... therefore ecclesiastics are not subject to lay princes.—(Lib.ii. Tr. 1. Disp.4. Dub.8. de *Judicio prout Actus Justitue*, n. 126.)

The clergy are exempt from lay-power, not only by human, civil, and canonical law, but also by the divine law.—(Ibid. n. 128.)

### JOHN DE LUGO.

*Disputationes Scholasticae et Morales, de virtute Fidei Divinae.*  
Lugduni, 1656. (Lugduni, 1646. Ed. Bibl. Acad. Cant.)

Christ is a sovereign prince who sends forth preachers. His ambassadors may therefore restrain those who impede their preaching, by virtue of the power contained in the commission which is intrusted to them. For every state, especially when it possesses supreme authority, as the church, may defend its rights against those who unjustly attempt to oppose and violate them.<sup>58</sup>

When, therefore, an infidel prince opposes the preaching of the gospel in his dominions, he wrongs his subjects... and the church may under-

<sup>58</sup> " *Christus praedicatorum mittens est princeps supremus. Ergo ejus legati possunt quoslibet praedicationem impediunt coercere ex potentia imbibita in ipso legationis munere sibi commisso. Quaelibet enira respublica, praesertim habens potestatem supremam, qualis est ecclesia, potest tueri jura sua adversus eos, qui ea violare et impedire injuste conantur.*"—*Disp. 19. Sect. 2. §1. n. 38.*

take their defence and repel the injury which is done them, by constraining the infidel prince in every possible manner to permit the preaching of the faith... (Disp. 19. Sect. 2. § 1. n. 39.)

Every sovereign state possesses the right of sending ambassadors of peace to other princes; and if they are ill-treated or abused, they may be defended by their own prince or the state, and revenge may be taken proportioned to the injury which has been done to them. The church may therefore exercise the same right... a prince who opposes preachers, is, in that respect, a tyrant; and he may therefore be compelled by the church to desist from the practice ... (Ibid. n. 40,)

Secular princes do not possess the right of compelling infidels to suffer preaching, and of punishing those who resist; for this right is vested in the church ... The sovereign pontiff exercises this power when he commits the charge to faithful princes, and deposes them, as it were, to protect the preachers of the faith in the provinces of infidels, and to restrain those who oppose them ... It was thus that Alexander VI. divided the Indian provinces between the kings of Castille and Portugal, by allotting to them the right and care of defending the preachers of the faith, and of restraining those who unjustly resisted them, that they might respectively exercise this power in the provinces and districts which were assigned to them.—(Ibid. n. 49.)

Hurtado assents to this doctrine. He adds moreover that the pope, because he is at the same time a temporal king, may carry on war against infidels in those cases in which other Christian princes might do so upon his authority: wherefore also he might raise an army and direct it by his command<sup>59</sup>... Although the ministers of the gospel ought not strictly to defend themselves with force, by attacking and killing their adversaries, yet it may sometimes be expedient to do so for the greater advantage of the faith. For what if a petty king should oppose the conversion of a vast kingdom or empire, by imprisoning and persecuting the preachers who have been sent for that purpose? They might not only escape by flight, but they might also overpower their guards, or they might liberate themselves and continue the work which they had begun, provided the sovereign pontiff did not withhold his permission.—(Ibid. n. 50.)

<sup>59</sup> " Addit tamen, posse papam, quia est simul rex temporalis, bellum infidelibus inferre, quando scilicet alii principes Christiani ex ejus commissione possent: quare posset tunc exercitum cogere, illumque jure suo mittere."—Disp. 19. Sect. 2. §1. n.50.

## ANTHONY ESCOBAR.

Liber Theologize Moralis, viginti quatuor Societatis Jesu Doctoribus reseratus, quern R. P. Antonius de Escobar et Mendoza, e Societate Jesu Theologus, in Examen Confessariorum digessit, addidit, illustravit. Lugduni, 1659. (Ed. Mus. Brit.)

What is sedition? The disagreement of citizens: a special offence against charity. If the state is drawn away from its obedience to the prince, it is a crime of high treason. If it extends but to the deposition of magistracy, it is only sedition. But when it is in opposition to a tyrant, it is not a sin, neither is it properly sedition; because a tyrannical government is not directed to the general good.<sup>60</sup>

## JAMES PLATEL.

Synopsis Cursus Theologici, Duaci, 1679.

Since secular princes, without the privilege or consent of the sovereign pontiff, have no power over the persons of the clergy... the latter cannot be punished by them.—(Pars II. c.5. §5. n.466.)

<sup>60</sup> " Quidnam est seditio? Civium dissensio; speciale crimen contra charitatem. Quod si fiat, ut civitas ex obediential principis abstrahatur, crimen est laesse-majestatis. Si autem ad deponendum magistrates, solummodo seditio est. Porro contra tyrannum, nec peccatum est, nec proprie seditio; quia tyrannica gubernatio ad commune bonum non dirigitur."—Tract. V. Examen 5. c. 5. n. 69.

## LOUIS MOLINA.

De Justitia et Jure. Moguntiae, 1602. (Moguntiae, 1614.  
Ed. Coll. Sion.)

The spiritual power of the sovereign pontiff, applied to a spiritual purpose, possesses as it were by necessary consequence, supreme and ample jurisdiction over all princes and others who are within the church, precisely to as great an extent as the spiritual object may require for which the spiritual power is ordained. Therefore if the spiritual end require it, the sovereign pontiff can depose kings and deprive them of their kingdoms. He may also judge between them in temporal things, invalidate their laws, and accomplish all things among Christians which may be considered necessary for a spiritual purpose and for the common salvation, not by every kind of means, but simply as it should seem expedient in the judgment of a learned man: he may do it, not only by compulsory censures, but also by outward penalties and by force of arms, in the same manner as any other secular prince. Yet it may generally be expedient that the sovereign pontiff should accomplish it, not of himself, but by means of secular princes.<sup>61</sup>

<sup>61</sup> " Si id exigat finis supernaturalis, potest summus pontifex deponere reges, eosque regnis suis privare. Potest etiam inter eos judicare de rebus temporalibus, legesque eorum infirmare, et reliqua omnia inter Christianos omnes exequi, quae ad

## JOHN BAPTIST TABERNA.

Synopsis Theologiae Practicae. Colonise, 1736.

Are ecclesiastics subject to the civil laws?

As to the directive power, ecclesiastics are bound, indirectly at least, by the common laws Of the state in which they live, if their substance relates to them and does not contain any thing unsuited to their state, to the sacred canons, or to the immunity of the church.

I have said, as to the directive power; because secular princes, upon their own authority and without any privilege or consent ceded by the sovereign pontiff, have no compulsive power over the clergy; but when the latter do any wrong, they ought to be punished by their own superiors.—(Tom. I. Tr. 4. c. 5.)

## JAMES GRETSER.

Opera Omnia. Tom. VII. Defensio Romanorum Pontificum. Ratisbonae, 1736.

The first (proposition) is, that secular princes have no power over the clergy who dwell in their

supernaturalem finem, salutemque communem spiritualem, non utcumque, sed simpliciter prudentis arbitrio judicata fuerint necessaria; idque non solum censuris ad id cogendo, sed etiam poenis externis, ac vi et armis, non secus ac quivis alius princeps saecularis. Tametsi ut plurimum expediens sit, summum pontificem non per se, sed per principes saeculares id exequi."— Tom. I. Tr. 2. Disp. 29. n. 23.

dominions, either by divine or human right. This proposition, says Marsilius, is found in the answer of Bellarmine to the eight propositions, *Propos. I. § 1, Sec.*<sup>62</sup>

Capellus objects, that the following deduction is not good: It was foretold that the house of Eli should lose the priesthood; therefore Solomon deposed Abiathar, as a prophet. Yet this is not the reasoning of Bellarmine, neither can it be supported by Bellarmine's words: but this conclusion may rather be deduced from them, if any one would examine them fairly: Solomon deposed Abiathar the priest; he did it not therefore as a king, but as a prophet... for he could not remove him as a king, since he was not subject to him<sup>63</sup> ...

... We deny that any example can be produced

<sup>62</sup> " Prima est (propositio) principes seculares nullum habere potestatem supra clericos habitantes in suis dominiis, neque de jure divino, neque de jure humano. Haec propositio, inquit Marsilius, habetur in responsione Bellarmini ad octo propositiones, *Propos. I. § 1, &c.*"—*Tom. VII. Lib. i. Consid. p. 450, G.*

<sup>63</sup> " Objicit F. Capellus, non est bona consequentia, praedictum fuit fore ut domus Heli pontificatum amitteret: ergo Salomon deposuit Abiathar, tanquam propheta. At haec non est Bellarmini argumentatio, nec ex Bellarmini dictis confici potest; sed haec potius conficienda foret, si quis candide institueret agere: Salomon deposuit Abiathar sacerdotem; ergo non fecit hoc ut rex, sed ut propheta ... non enim potuit illum ejicere ut rex, cum ei non fuerit subjectus" ... *Tom. VII. Lib. ii. Consid. 3. p. 465, F.*



from the Old Testament, which proves that the Levites were subject to laymen.<sup>64</sup>

The clergy ought indeed to be subject to the higher powers; but to their own, and to those which are suited to their state, that is, to the ecclesiastical powers.<sup>65</sup>

The clergy should also be obedient to the laws of princes, which they enact with the assent and concurrence of the ecclesiastical magistrate.<sup>66</sup>

All men who are under the jurisdiction of the king, should know that they will be punished by the king, if they commit a punishable offence. But the clergy do not belong to the king's jurisdiction. Therefore the exhortation of the synod has no reference to them.<sup>67</sup>

What the Apostle says of the payment of tribute relates to those who are subject to the secular power, not to those who are not subject

<sup>64</sup> "... Negamus ullum exemplum ex veteri testamento produci posse, quod evincat Levitas laicis fuisse subjectos."—Lib. ii. Consid. 3. p. 467, D.

<sup>65</sup> " Revera etiam clerici debent esse subjecti potestatibus sublimioribus; sed suis, et statui suo convenientibus, hoc est, ecclesiasticis."—Ibid. H.

<sup>66</sup> " Item clerici obedire debent legibus principum, quas ferunt, annuente et consentiente ecclesiastico magistratu" ... Ibid. p. 468, C. & D.

<sup>67</sup> " Omnes qui ad jurisdictionem regis pertinent, scire debent, se a rege punitum iri, si culpam castigabilem admittant. At clerici non pertinent ad regis jurisdictionem. Nihil igitur ad illos haec synodi exhortatio."—Ibid. p. 468, E.

to it... Thus the clergy ought not to pay it, because they are not subject to the civil magistrate . . . Let him, therefore, pay tribute from whom tribute is due... If nothing is due, he is not obliged to pay.<sup>68</sup>

It will not be found in any Catholic author that a pope can be deposed by an emperor; but that emperors may be deposed by the pope, will be found in many.<sup>69</sup>

### JAMES GRETSER.

Opera Omnia. Tom. XI. Defensio Societatis Jem. Ratisbonae, 1738.

It is a question in the schools, Whether it is lawful to kill an innocent person? Whether, &c. ... What harm, I pray you, is there in these questions? Or what do they contain contrary to the public peace and tranquillity? Certainly if the question, "Is it lawful to kill a tyrant?" be seditious, the question, Is it lawful to kill an innocent person? will be much more seditious. A

68 " Quae de tributis Apostolus memorat, pertinent ad illos qui potestati saeculari subjiciuntur, non ad non subjectos ... Sic et clerici pendere non debent; quia non sunt civili magistratui subjecti ... Ergo qui tributum debet, is reddat tributum ... Si nihil debet, nihil ergo tenetur reddere."—Ibid. p. 477, D. & E.

69 " In nullo enim auctore Catholico invenietur, papam ab iraperatore deponi posse: bene autem imperatores a papa."—Ibid. p. 484, B.

question is neither an affirmative nor a negative, but simply an enquiry. And to put a question has nothing to do with sedition<sup>70</sup> ...

The preacher adds—that the Jesuits, in this question, incline to the affirmative rather than to the negative, their writings sufficiently shew. We do not only incline, but most willingly adhere to the part which has been chosen by St. Thomas and others, who reply to this question by a distinction. In conformity with their doctrine, a Jesuit of great celebrity<sup>71</sup> has thus written ..." (A prince) is either a tyrant, not because he has unjustly usurped his power, but because he makes a bad use of his otherwise legitimate authority in the administration of his government; or else he is a tyrant through the power which he has forcibly usurped ...If he were a tyrant of the latter kind, any man might kill him."... Thus far this writer. You may perceive from his words, what has been condemned by the Council of Constance.<sup>72</sup>

<sup>70</sup> " Quæritur in scholis, utrum liceat occidere innocentem ? utrum, &c. ... Quid, oro, criminis in his quæstionibus? Quid seditionis? Quid publicæ quieti et paci adversum? Certe si quæstio, utrum liceat occidere tyrannum, seditiosa est, multo magis seditiosa erit illa quæstio, utrum liceat occidere innocentem ... Quæstio nec affirmat, nec negat, sed quærit. Quærerere non pertinet ad seditiones." ... Tom. XI. Append. ad Apol. p. 315, H. p. 316, A.

<sup>71</sup> Gregory of Valentia, Tom. III. Disp.5. Qu.8.

<sup>72</sup> " Addit prædicans, Jesuitas in hac quæstione, points ad partem affirmantem, quam ad negantem inclinare, satis indicant

A king is not a tyrant, especially if we use the appellation of tyrant in the latter sense, and a tyrant is not a king... Lest you should be anxious about the death of John, Guignard, know that it must be ascribed to the times, and not to his guilt. You will never be hanged if you continue as innocent as he was.—(Tom. XI. Append, ad Apol. p. 317, A.)

But if the pontiff were to expel a prince from the kingdom, lest he should pervert his subjects with his heresy, then I freely confess that we unite our judgment to that of the pope, and we conceive it better that the Catholic religion should be preserved sound and entire, than that it should be destroyed ... And it was for this reason, and no other, that our society, and a vast number of persons of every rank and condition in France, opposed themselves to Henri IV., when as yet he had not become reconciled to the church by renouncing his heresy.<sup>73</sup>

*illorum scripta. Non modo inclinamus ad illara partem, sed illam partem libentissime amplectimur, quam amplectitur S. Thoma ... et alii, qui ad hanc quaestionem respondent cum distinctione. Ex quorum doctrina hunc in modum scribit quidam magni nominis Jesuita; Vel est tyrannus, non per arrogatam sibi injuste potestatem, sed solum per pravum legitimae alioquin autoritatis usum in gubernando; vel est tyrannus per arrogatam potestatem, quam vi obtineat ... Si autem esset tyrannus secundo modo, quilibet posset eum occidere. Haec ille. Ex cujus etiam verbis habes, quidnam Concilium Constant, damnaverit."—Ibid. p. 316, D.E. F.*

<sup>73</sup> " At si pontifex aliquem ob haeresim a regno arceat, ne

... We are not so timid and faint-hearted, that we fear to affirm openly that the Roman pontiff can, if occasion require, absolve Catholic subjects from their oath of allegiance, if the prince should use them tyrannically and destroy the true religion; and we add moreover, that if it be done discreetly and circumspectly by the pontiff, it is a meritorious work.<sup>74</sup>

Mariana (De Regis Institutione, Lib. i. cap. 6), argues concerning tyrants, of whom there are two kinds; the former, consisting of those who forcibly seize and retain the territories of others, against all law and justice ... the latter, of those who indeed are lawful princes, but who afterwards convert their legitimate power into tyranny... Of the tyrant of the former kind there is no difficulty in speaking. It is chiefly concerning the tyrant of the latter that there is much discussion ... Say then, scribbler, Is every prince who refuses to

subditos in haeresim inducat, tum libere fateor, nos nostrum iudicium ad pontificis iudicium aggregate, satiusque reputare, ut Catholica religio sarta tecta praestetur, quam ut evertatur ... Et hoc respectu, non ullo alio, opposuerunt se nostri, et infiniti alii omnis dignitatis et conditionis in Gallia Henrico IV. cum adhuc cum ecclesia in gratiam non rediisset, relicta haeresi."—Ibid. Defens. Apol. Gallic, p. 329, A. B.

<sup>74</sup> " Tarn timidi et trepidi non sumus, ut asserere palam vereamur Romanum pontincem posse, si necessitas exigat, subditos Catholicos solvere juramento fidelitatis, si princeps tyrannice illos tractet, veramque religionem extirpet; et addimus, si hoc a pontifice prudenter et circumspecte fiat, esse opus meritorium."—Vespertilio Haereticus, p. 882.

obey the Roman pontiff, a tyrant of the former or of the latter kind? Do the Jesuits determine this ? Has every such prince been declared, by a judicial sentence, an enemy and oppressor of his country, and, as a violator of all justice and equity, has he been delivered over unto death, to suffer it at the hand of every man, even of a private individual? This is what Mariana requires, that a tyrant of the latter kind may be killed by a private person; or at least, that if such a judicial sentence cannot be pronounced, the common voice of the people may, with the consent and approval of learned men, proclaim this or that prince to be a tyrant.<sup>75</sup>

Heissius observes, that the latter part of this opinion is peculiar to Mariana. The more common opinion is, that it is never lawful to attack a prince who has become a tyrant of the second kind, before a public and judicial sentence has been pronounced, by which he may be solemnly declared an enemy to the state, and therefore before he can be deprived of the power which he possessed by those who have the right of taking it away.<sup>76</sup>

<sup>75</sup> " Hoc enim requirit Mariana, ut tyrannus secundi generis & private occidi possit; vel saltem, si talis sententia judicialis ferri nequeat, ut communis populi vox clamet, accedente eruditorum assensu et comprobatione, hunc vel illum principem esse tyrannum."—(Ibid. p. 883. B. C. D. E.)

<sup>76</sup> Communior sententia est, nunquam licitum esse manus principi in tyrannum secundi generis transformato inferre, ante

## PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748. (Lutetiae Parisiorum, 1627. Ed. Coll. Sion.)

As the body is subordinate to the soul ... and things temporal to things eternal, so should the civil power be subordinate to the ecclesiastical power ... Whence Boniface VIII. concludes, in Extrav. Unam Sanctam ...It is necessary that the sword should be subject to the sword, and the temporal authority to the spiritual power; since the apostle says, " There is no power but of God:" yet the things which proceed from God must be regulated with order; but they would not be regulated with order unless the sword were subject to the sword, and were reduced as an inferior to the highest power.—(Lib. i. Tr. 4. c. 6. de Legibus, n. 2.)

The church does not receive, but reproveth, those laws of secular princes, which affect, by command or prohibition, the possessions, and particularly the persons of ecclesiastics, although they should seem to conduce to the interest or protection of the church . . . The reason is, that in such laws the direct jurisdiction of lay-princes overrules the ecclesiastical, (for to legislate is an act of jurisdiction): but such an usurpation of power is

publicam et judicialiter latam sententiam, qua hostis reipublicae solemniter declararetur, adedque potestate qua potiebatur, ab his quibus jus est, exuatur."—(Ibid.)

opposed to the ecclesiastical immunity, and therefore an injury rather than a benefit is brought upon the church ... (Ibid. c. 13. n. 1.)

The clergy do not incur the penalty awarded by the civil laws, neither can they be punished by the civil magistrate; but when the complaint is brought before their own ecclesiastical judge, the clergy who offend against the civil law should be punished by him with deserved punishment, either with the same penalty which has been awarded by the civil law to lay-men, or with another and a milder judgment, as Rodriguez, Vasquez, and Suarez have well maintained.—(Ibid. n. 4.)

Corollary. The civil laws which invalidate a contract or will, or which render persons incapable of making a contract or a will, in punishment of some crime committed by themselves or their ancestors, do not extend to the clergy, as Navarre and Suarez remark after the common opinion. The reason is evident. For such a law is penal, and comprises a co-active force; which cannot extend to ecclesiastical persons.—(Ibid. n. 5.)

After what has been said, it will be easy to answer the following question,—Whether the obligation of the clergy to observe the civil laws, which are the common laws of citizens, and are not opposed to the sacred canons and to the ecclesiastical government, proceeds directly, or only indirectly, from the civil legislative power 1 Victoria, Sotus, Medina Salas, and many others,



contend that the obligation is direct... (Ibid. n. 5.)

Yet the contrary opinion, which is that of Azor and Suarez, of Bellarmine in his Apology against the King of England, and of Adam Tanner, is much more easy and more probable; that the clergy are not directly and specially bound by the civil laws, either by virtue of the laws themselves, or of the civil legislative power; for they are entirely exempt from such authority by every kind of right.—(Ibid. n. 6.)

#### BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta a R. P. Claudio Lacrrix, Societatis Jem. Colonise, 1757. (Coloniae Agrippinae, 1733. Ed. Mus. Brit.)

To strike one of the clergy, or to bring him before a secular tribunal, is personal profanation.—(Tarn. II. Lib. iii. Pars I. Tr. 1. c. 2. Dub. 2. n. 48. Resol. I.)

A man who has been banished by the pope may be killed any where, as Filliucius; Escobar, and Diana teach: because the pope has at least an indirect jurisdiction over the whole world, even in temporal things, as far as may be necessary for the administration of spiritual affairs, as all the Catholics maintain, and as Suarez proves against the King of England.<sup>77</sup>

<sup>77</sup> " Bannitus a papa potest occidi ubique, uti docent Filliucius, Escobar, Diana; quia papa habet jurisdictionem

The pope has the power of forbidding Christian princes to carry on war, when the general good of the faith or of religion demands it: for in these things he is the vicar of Christ appointed with power, and princes themselves are also primarily bound to be mindful of this good.<sup>78</sup>

per totum mundum, saltern indirectam, etiam in temporalia, quantum necesse est ad administrationem spiritualium, uti tenent Catholici omnes, et demonstrat Suarez contra Regem Angliae."— Tom. II. Lib. iii. Pars I. Tr. 4. c. 1. Dub. 2. Qwest. 178. § 4. n. 795.

<sup>78</sup> " Papa habet potestatem prohibendi bella principibus Christianis, quando ita exigit bonum commune fidei vel religionis: quia in his est vicarius Christi cum potestate constitutus, tenenturque ipsi principes etiam primarid, hoc bonum attendere."—Tom. II. Lib. iii. Pars I. Tr. 4. c. 1. Dub. 5. Quaest. 190. § 7. re. 874.

# APPENDIX.

## I.

(Page 14.)

THE following schedule, used by the rectors in reporting to the General, and transmitted to him with their annual letters, is taken from Pasquier's Catechisme des Jesuites. Ed. 1677, p. 211.

Catalogus Primus Collegii Parisiensis, Anno MDXC.

Ingeniom.	Judicium.	Prudentia.	Experientia.	Profectus in Literis.	Naturalis Complexio.	Ad quae Societatis ministeria talentum habeat.
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livered such Notice or Statement as is herein-before required, the Sum of Fifty Pounds.

Jesuits, &c. coming into the Realm, to be banished. XXIX. And be it further enacted, That if any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, shall, after the Commencement of this Act, come into this Realm, he shall be deemed and taken to be guilty of a Misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the Term of his natural Life.

Natural-born Subjects, being Jesuits, may return into the Kingdom, and be registered. XXX. Provided always, and be it further enacted, That in case any natural-born Subject of this Realm, being at the Time of the Commencement of this Act a Jesuit, or other Member of any such Religious Order, Community, or Society as aforesaid, shall, at the Time of the Commencement of this Act, be out of the Realm, it shall be lawful for such Person to return or to come into this Realm; and upon such his Return or coming into the Realm he is hereby required, within the Space of Six Calendar Months after his first returning or coming into the United Kingdom, to deliver such Notice or Statement to the Clerk of the Peace of the County or Place where he shall reside, or his Deputy, for the Purpose of being so registered and transmitted, as herein-before directed; and in case any such Person shall neglect or refuse so to do, he shall for such Offence forfeit and pay to His Majesty, for every Calendar Month during which he shall remain in the United Kingdom without having delivered such Notice or Statement, the Sum of Fifty Pounds.

XXXI. Provided also, and be it further enacted, That, notwithstanding any thing herein-before contained, it shall be lawful for any One of His Majesty's Principal Secretaries of State, being a Protestant, by a Licence in Writing, signed by him, to grant Permission to any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, to come into the United Kingdom, and to remain therein for such Period as the said Secretary of State shall think proper, not exceeding in any Case the Space of Six Calendar Months; and it shall also be lawful for any of His Majesty's Principal Secretaries of State to revoke any Licence so granted before the Expiration of the Time mentioned therein, if he shall so think fit; and if any such Person to whom such Licence shall have been granted shall not depart from the United Kingdom within Twenty Days after the Expiration of the Time mentioned in such Licence, or if such Licence shall have been revoked, then within Twenty Days after Notice of such Revocation shall have been given to him, every Person so offending shall be deemed guilty of a Misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the Term of his natural Life.

The Principal Secretaries of State may grant Licences to Jesuits, &c. to come into the Kingdom; and may revoke the same.

XXXII. And be it further enacted, That there shall annually be laid before both Houses of Parliament an Account of all such Licences as shall have been granted for the Purpose herein-before mentioned within the Twelve Months then next preceding.

Accounts of Licences to be laid before Parliament.

XXXIII. And be it further enacted, That in case any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, shall, after the Commencement of this Act, within any Part of the

Admitting Persons as Members of such Religious Orders deemed a Misdemeanor.

not only approved, but endowed them with many exemptions, privileges and faculties, in order that they might be so much the more excited to the cultivation of piety and religion: to the direction of the manners of the people, both by their instructions and their examples; to the preservation and confirmation of the unity of the faith among the believers. But if at any time any of these religious orders did not cause these abundant fruits to prosper among the Christian people, did not produce those advantages which were hoped for at their institution; if at any time they seemed disposed rather to trouble than maintain the public tranquillity; the same Apostolic See, which had availed itself of its own authority to establish these orders, did not hesitate to reform them by new laws, to recal them to their primitive institution, or even totally to abolish them where it has seemed necessary. Upon motives like these, Innocent III. our predecessor, having considered that the too great multiplicity of regular orders served only to bring confusion into the church of God, did, in the fourth Council of Lateran, forbid all persons to invent any new religious institution, and counsel all those who were called to the monastic life, to embrace one of the orders already established. He determined, also, that whoever was disposed to found any new religious house, should submit it to some of the rules or institutions already approved. From hence it results that no one has a right to found any new order, without the special permission of the Roman pontiff, and that with very good reason; the rather, as the end of the new institutions being the attainment of a greater degree of perfection, it is proper that the Apostolic See should previously and carefully examine the rules of conduct proposed to be laid down,

lest great inconveniences, and even scandals, should be introduced into the church of God, under the specious appearance of a greater good.

Notwithstanding the wisdom of these dispositions of Innocent III. in after times excess of importunity wrung from the Holy See the approbation of divers regular orders; nay, such was the arrogant temerity of many individuals, that an infinite number of orders, especially mendicants, started up without any permission at all. To remedy this abuse, Gregory X. likewise our predecessor, renewed the constitution of Innocent III. in the General Council at Lyons, and forbad every one, under the most severe penalties, to invent thereafter any new orders, or to wear the habit of them. And as to the new institutions and mendicant orders, established after the Council of Lateran, and not then approved by the Holy See, he abolished them all; and with regard to those which had then been confirmed by the Apostolic See, he ordained, that those who had already taken the vows might, if they saw good, remain in them, on condition that they received no new members, that they acquired no new houses, lands, or possessions whatever, and that they did not alienate the possessions they then had, without the express permission of the Apostolic See. And further, he reserved to the said See the disposition of all the goods and possessions, to be carried to the subsidies destined for the Holy Land, or for the poor, or for other pious uses, and that through the channel of the Ordinary of the place, or of such other person as the Holy See should appoint. He prohibited likewise the members of the said orders to preach, confess, or even inter any other dead except those of their own order. He declared, however, that the orders and preachers called "Fratres Minores"

should be exempted from this constitution, inasmuch as the evident advantage the Catholic church reaped from them, entitled them to an entire approbation. He ordained, likewise, that the order of the Hermits of St. Augustine, and that of the Carmelites, should remain on their ancient footing, inasmuch as their institution was prior to the Council of Lateran. And finally, he permitted the individuals of the orders comprised in the said constitution; full liberty of transporting themselves and their effects into any other order already approved; provided only that no whole order or convent should pass with all their effects into any one other order, without a previous and express permission of the Holy See.

The other Roman pontiffs, our predecessors, followed the same steps, as circumstances required. Among others, Clement V. by a letter sub plumbo, expedited the 3d of May, in the year 1312, induced thereto by the general discredit into which the order of Templars was fallen, did entirely suppress and abolish the said order, though it had been legally approved, and though, on account of the services it had rendered to the Christian republic, the Holy See had heretofore bestowed on it many and important privileges, faculties and exemptions; and though the General Council of Vienna, to whom the examination of this affair had been committed, had not thought proper to pronounce a formal and definitive sentence.

St. Pius V. likewise our predecessor, whose eminent virtues are honoured by the church, suppressed and entirely abolished the order called "The Humble Brothers," though it was anterior to the Council of Lateran, and had been approved by Innocent III. Honorius III. Gregory IX. and Nicholas III. pontiffs



of blessed memory, and our predecessors; his reasons for which were, that the disobedience of this order to the apostolic decrees, their quarrels among themselves and with strangers, left no room to hope from them any example of virtue; and that besides some individuals of this order had made an infamous attempt on the life of St. Charles Boromseus, a cardinal of the holy church, and apostolic visitor of the said order.

The Pope Urban VIII. our predecessor, of blessed memory, did in the same manner, by a brief dated the 6th of February, abolish and for ever suppress the congregation of "Fratres Conventuales reformatio" though this order had been approved by Pope Sixtus V. who had distinguished it by particular benefactions and favours. Urban VIII. suppressed it, because the church of God did no longer receive any spiritual advantages from it; and because violent disputes had arisen between this order and those of the "Fratres Conventuales non reformatio" He ordained that the houses, convents and goods, moveable and immoveable, belonging to their congregation, should be assigned over to the "Fratres Minores Conventuales" of St. Francis, except only the house at Naples, and that of St. Anthony of Padua, called "Be Urbe." This last he incorporated, and applied to the apostolic chamber, leaving the disposition of it to his successors. Lastly, he permitted the brothers of the said congregation to pass into the houses of Capuchins, or into those of the brothers called. "De Observantia."

This same Urban VIII. by another letter in the form of a brief, dated the 2d of December, 1643, suppressed for ever, extinguished and abolished the regular order of the Saints Ambrose and Barnaby, ad nemus, submitting the regulars of the said order to the jurisdiction

and government of the Ordinary, permitting the individuals thereof to pass into other regular orders approved by the Holy See. Innocent X. confirmed this abolition afterwards by his letter sub plumbo of the first of April, 1645. He further secularized all the benefices, monasteries, and houses of the said order, which were heretofore regular. The same Innocent X. our predecessor, having been informed of the great disorders which had arisen among the regulars of the pious schools of "The Mother of God;" and notwithstanding the said order had been solemnly approved by Gregory XV., did, after a mature examination, and by his brief, dated 16th of March, 1645, reduce the said order to a simple congregation, dispensing with all obligation to make any vow, in imitation of the institution of the congregation of secular priests of the oratory, in the church of St. Mary, at Valicella de Urbe, or, as it is commonly called, of St. Philip of Neraea; he granted the said regulars the permission of passing into any other order, forbade the further admission of novices; and the administration of the vows to the novices already received. And, lastly, he transferred to the Ordinaries all the superiority and jurisdiction which had heretofore been vested in the minister general, the visitors, and superiors. And these dispositions had their full effect for some years; till at last the Holy See, convinced of the utility of this institution, recalled it to its first form, re-ordained the ancient solemn vows, and reinstated it as a fixed regular order.

By another brief, of the 29th of October, 1650, this same Innocent X. totally suppressed the order of St. Basilicus of the Arminians; and that on the same account of dissensions and troubles arisen therein, he invested the ordinaries with full power and authority

As quoted by the Commissioners.		As found in Sion College.
FRANCIS SUAREZ		
nec id juramento	300	—nec juramento id
vel aliud apostasiae genus	481	—vel aliud apostasies tenus
THOMAS TAMBURIN		
opinionis probabili	39	—opinionis probabili
FRANCIS TOLET		
si casu accidit	9	—si casu accidat
fieret. Et ponit exemplum.	148	—fieret, et ponit exemplum.
posset eis dari pecunia		—posset eis dare pecunia
pro ipsa electione liceret		—pro ipsa electione licere
Tantum tota difficultas est	297	—Tamen tota difficultas est
autem illo modo	297	—autem in illo modo
GABRIEL VASQUEZ		
sibi licere putat	22	—licere sibi putat
et jura., transgrediatur	479	—et jure... transgrediatur.