

MORAL THEOLOGY

A Complete Course

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

BY

JOHN A. McHUGH, O.P.

AND

CHARLES J. CALLAN, O.P.

REVISED AND ENLARGED BY

EDWARD P. FARRELL, O.P.

VOLUME I

NEW YORK CITY

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Title: Moral Theology

Author: John A. McHugh
Charles J. Callan

Editor: Edward P. Farrell

Release date: February 22, 2011 [eBook #35354]
Most recently updated: March 10, 2022

Language: English

Other information and formats: www.gutenberg.org/ebooks/35354

Credits: David McClamrock

*** START OF THE PROJECT GUTENBERG EBOOK MORAL
THEOLOGY ***

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Nihil Obstat
ELWOOD FERRER SMITH, O.P., S.T.M.
BENJAMIN URBAN FAY, O.P., S.T.LR.

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

Nihil Obstat
JOHN A. GOODWINE, J.C.D.
Censor Librorum

Imprimatur
+ FRANCIS CARDINAL SPELLMAN
Archbishop of New York

New York, May 24, 1958

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[Transcriber's note: References to the Code of Canon Law in this work are to the 1917 version of the Code, later superseded by the 1983 version.]

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PRINTED IN THE UNITED STATES OF AMERICA

PREFACE

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

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

But not only is it necessary to avoid irrelevant subjects, but it is also needful not to sacrifice essentials for accidentals in any work of this kind. It is the fault of too many textbooks on Moral Theology to stress controversies, cite authors, and quote opinions, at the expense of the principles and reasons that govern and explain the teaching given. This work eschews that method, and is at pains everywhere, first of all, to lay the foundations on which the superstructure is to be built, namely, the definitions and rules that are presupposed to moral judgments and conclusions. Obviously, this is a more logical way of proceeding, and it consequently enables the student much more easily to understand and retain the matter studied, since he can thus reason questions out for himself.

Moreover, such a method makes for brevity and renders it possible, as said above, to treat more subjects than could otherwise be treated; it makes it possible to condense the matter of many pages of larger and less accessible works into brief and terse paragraphs. But from this it should not be gathered that the work which follows aims to present Moral Theology in a dryly scientific fashion. On the contrary, it has been our endeavor to treat the matter in a way that is at once clear, solid, comprehensive and interesting. Since the general and the abstract do not make the same strong impression as the particular and the concrete, laws and axioms are copiously illustrated throughout with pertinent and practical examples that often amount to brief *_casus conscientiae_*, thus combining the theory and the practice of Moral Theology.

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

Heretofore works on Moral Theology in English have been altogether too few or too fragmentary, whereas they have been abundant in the vernaculars of Continental Europe—German, French, Spanish, Italian, etc. This does not mean that the present work is intended to replace the Latin text-books used in our seminaries, but rather that it should enable students and priests

to get a more thorough and ready knowledge of an all-important subject, and to adapt it more easily to the varying needs of the ministry.

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

THE AUTHORS. May 10, 1929.

REVISOR'S NOTE

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

EDWARD P. FARRELL, O.P., S.T.LR., S.T.D. Washington, D.C., June 8,
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MORAL THEOLOGY
A Complete Course

INTRODUCTION

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

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

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

In Dogma, God Himself is considered in His own nature and creatures as they proceed from Him as from an exemplary and efficient cause, or Creator. Moral Theology continues the pursuit of knowledge of God, concentrating upon Him as He is the Final Cause of things. Creatures emanate from God by way of creation, and this is part of the subject-matter of Dogma; but creatures return to Him, each in its own proper way by virtue of its nature created by God and directed by His Providence and

Government, and this return of creatures to God constitutes the general subject-matter of Moral Theology. As Divine Providence and Government are continuations of His Creation, Moral Theology continues to study and to unfold the implications of Dogma's consideration of God as Creator. God is known to have created as an Intelligent Being ordering His handiwork to Himself as end. His special masterpiece, man, special because he is made to the Image of God, returns to God in a special way proper to him as an Image, i.e., by way of acts of his intellect and will guided and moved by Divine Providence and Predestination. It is of this special way of returning to God by man, His image, that Moral Theology treats. Thus it adds to and perfects Dogmatic Theology, enriching our knowledge of God by way of making explicit the implications of Divine Creation and Providence to His image, man.

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

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

(c) The medium through which the above objects are known (objectum formale quo) is the light of natural reason illuminated by faith studying the sources of divine revelation and deducing conclusions from doctrines revealed by God.

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

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

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

8. Tradition.—Tradition contains those doctrines concerning faith and morals, not found in scripture, that were given orally by Christ or inspired by the Holy Spirit, and that have been handed down from one generation to another in the Catholic Church.

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

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

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

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

11. Reason.—The uses of natural reason in Moral Theology are: (a) it demonstrates certain preambles to the teachings of Moral Theology, such as the existence of God, His omniscience and veracity; (b) it corroborates from philosophy many of the revealed teachings, viz., that man's end is not in things finite, that he has duties to God, to society, to himself, etc.; (c) it affords analogies in the natural order by which we may illustrate the end and duties of man in the supernatural order; (d) it supplies the means by which the teachings on morals may be developed into the conclusions that are contained in them, by which those teachings may be defended against the fallacious objections of adversaries, and by which the whole may be arranged scientifically into a body of doctrine.

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

13. The Method to Be Followed in Moral Theology.—(a) The positive method is a simple statement of moral principles and doctrines, with little

attention to argument, except such as is found in the positive sources (e.g., scripture, tradition, the decisions of the Church).

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

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

14. The Scholastic method is the one best suited for the study of Moral Theology, because it is more scientific, and fits one better to understand, retain, and apply what one learns. But it is not exclusive of the other methods, since it perfects the positive method, and is the groundwork for the case method. Each method has a special suitability for certain ends. Thus: (a) the positive method is well adapted to preaching, and hence was much in favor with the Fathers of the Church, as can be seen from their moral homilies and treatises; (b) the Scholastic method is the best for study, teaching, apologetic, and was followed by the great classical works of theology in the Middle Ages and later; (c) the case method is very helpful to the seminarian and the priest in the exercise of the ministry of the confessional.

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

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

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

(b) The Medieval Period (12th to 16th century).—The method of the moralists of this period differs from that of the Fathers in that the former is systematic and philosophical, and more proximately adapted to the use of confessors. The masterpiece of scientific Moral Theology is of course found in the “Summa Theologica” of St. Thomas Aquinas (d. 1274). Works of casuistry were composed by St. Raymond of Pennafort (about 1235), by John of Freiburg (d. 1314), by John of Asti (about 1317), by Angelus of Chiavasso (about 1476), by Sylvester Prierias (d. 1523). The “Summa Theologica” of St. Antoninus of Florence (d. 1459) has been called an inexhaustible storehouse for manuals of casuistry.

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

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

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

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

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

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

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

demon, who tempts man to sin. The external principle of good is God, who instructs us by His law and the voice of conscience, and assists us by His grace.

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

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

PART I
GENERAL MORAL THEOLOGY

Question I
THE LAST END OF MAN AND THE MEANS
TO THAT END

Art. 1: THE LAST END OF MAN

(*_Summa Theologica_*, I-II, qq. 1-5; *_Contra Gentes_*, IV, cc. 1-63.)

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

20. Nature of the Last End.—As man's Last End is that object which will make him perfectly happy, it cannot consist: (a) in external goods, such as wealth, honors, fame, glory and power, since one might have all these and yet be very unhappy; (b) in goods of the body, such as health, beauty, pleasure and strength, since all these things are passing, and moreover satisfy only a part, and that the lower part, of man; (c) in goods of the soul, such as wisdom or virtue, since man's intellect is never content with particular truth, nor his will with particular good, the former always reaching out for the highest truth, the latter for the highest good. Hence, the Last End of man is the Infinite Good, or God "who satisfieth thy desire" (Psalm cii. 5).

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

Art. 2: ACTS AS HUMAN

(*_Summa Theologica_*, I-II, qq. 6-17.)

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

23. Definition.—Those acts are called human of which a man is the master, and he is master of his actions in virtue of his reason and his will, which faculties make him superior to non-human agents that act without reason and freedom. Hence, the following kinds of acts done by a human being are not called human: (a) those that are not under the control of the mind, because one is permanently or temporarily without the use of reason or without knowledge (e.g., the acts done by the insane; by those who are unconscious or delirious, under the influence of hypnotism or drugs, distracted or carried away by vehement fear, anger, etc.; by infants and uninstructed persons); (b) those that are not under the control of the will, even though they are known (e.g., automatic acts, such as the acts of the vegetative powers, growth, circulation of the blood; pathological acts, such as convulsions; acts done under external violence).

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

25. The condition of a person without knowledge is ignorance, which is defined as the absence of knowledge in one who is capable of knowing. Ignorance is of various kinds. From the viewpoint of that which is not known (i.e., of the object of the ignorance), there is ignorance of the

substance of an act and ignorance of the quality of an act. For example, Titus driving rapidly in the dark runs over and kills a pet animal of his neighbor, but knows nothing of this happening (ignorance of the substance of the act); Balbus, a child, fires a pistol at his playmate, not knowing that this causes death (ignorance of the physical quality of an act), and that it is the sin of murder (ignorance of the moral quality of an act).

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

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

(b) Ignorance is consequent (after the act of the will), when it is voluntary, which may happen in different ways: first, when ignorance is affected, as when a person expressly desires to remain ignorant about his duties, so that he may have an excuse for his sins, or that he may not be disturbed in his evil life; secondly, when he neglects to acquire the knowledge he ought to possess, as when a hunter kills a man, thinking him an animal, because he took no pains to be sure before firing.

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

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

when hardly any diligence has been used; thirdly, it is affected, when a person deliberately aims to continue in ignorance.

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

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

29. Effects of Concomitant, Consequent, and Antecedent Ignorance.—(a) Concomitant ignorance does not make an act involuntary, because it does not cause anything that is contrary to the will; but it does make the act that is performed non-voluntary, since what is unknown cannot be actually desired.

(b) Consequent ignorance cannot make an act entirely involuntary, since such ignorance is itself voluntary; but it does in a certain respect make an act involuntary, i.e., inasmuch as the act would not have been done save for the ignorance. (c) Antecedent ignorance makes an act entirely involuntary.

30. Effects of Invincible and Vincible Ignorance.—(a) Invincible ignorance, even of what pertains to the natural law, makes an act involuntary, since nothing is willed except what is understood. Hence, no matter how wrong an act is in itself, the agent is not guilty of formal sin (see 249), if he is invincibly ignorant of the malice involved.

(b) Vincible ignorance does not make an act involuntary, since the ignorance itself is voluntary; hence, it does not excuse from sin. It does not even make an act less voluntary and less sinful, if the ignorance is affected in order that one may have an excuse; for such a state of mind shows that the person would act the same way, even though he had knowledge.

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

32. Like to ignorance are the following: (a) error, which is a judgment not in agreement with the facts (e.g., Balbus, a young child, thinks stealing is lawful, because older persons are represented as stealing in the moving pictures); (b) forgetfulness, which is ignorance of what was once known (e.g., Titus made a study of his duties as a Catholic when he was young, but at present what he does not know about those duties is not inconsiderable); (c) inadvertence, which is a lack of attention to what is being done (e.g., Caius, who is absent-minded, sometimes gets his hair cut and goes away without paying, or takes money that does not belong to him).

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

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

purpose. Hence, natural acts (such as sleeping) and spontaneous acts (such as stroking one's beard absent-mindedly) are not voluntary acts.

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

(b) An act is perfectly or imperfectly voluntary, according as the deliberation and consent that precede it are full or only partial.

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

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

36. An act is voluntary in its cause in two ways: (a) approvingly (physically and morally voluntary in cause), when one is able and obliged not to perform the act that is its cause (e.g., the quarrels of Caius mentioned above are approved implicitly by him, since he could and should prevent the intoxication which is their cause); (b) permissively (physically

voluntary in cause), when one is not able or not obliged to omit the act that is its cause (see 94 sqq.). Examples: Balbus, in order to make a living, has to associate with persons of quarrelsome character, and as a result often hears shocking disputes. Titus, a military commander, orders an enemy fortification to be bombarded, although he knows that this will involve the destruction of other property and the unavoidable killing of some non-combatants or neutrals. Caius writes a book whose purpose and natural result is edification, but he foresees that evil-minded persons will misunderstand it and take scandal.

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

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

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

curious and loquacious, he omits to put the papers away as promised, with the result that Titus finds them and reads them.

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

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

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

43. The acts of one who is under fear are of various kinds.

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

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

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

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

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

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

45. Passion is a movement of the sensitive appetite towards its object through love, desire, hope, or its repose therein through delight. It tends towards good, as fear tends away from evil (see 117 sqq.). Passion is an obstacle to consent in the following ways: (a) it takes away voluntariness

(i.e., the quality of proceeding from an internal principle with knowledge of the end of the act), whenever it is so intense as to prevent knowledge; (b) it diminishes liberty (i.e., the quality of being perfectly voluntary, or indifferent as between many acts), even when it does not prevent knowledge.

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

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

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

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

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

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

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

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

(a) if the habit is in a sense involuntary, i.e., caused by free acts but retracted by a sincere act of contrition, it diminishes or even takes away voluntariness. If the actual advertence to the act is imperfect, the voluntariety is diminished; if advertence is totally absent, all voluntariety is taken away. Thus a drunkard who retracts his habit and makes an act of true contrition may again fall into sin because of the acquired dispositions to drink. Then the sins are less voluntary or at times, owing to total lack of advertence, may be regarded solely as material sins.

(b) if the habit is voluntary, i.e., acquired by free acts and not retracted, it increases the voluntariness in respect to the inclination to act. Should all advertence and deliberation be taken away, a rare occurrence, it diminishes the liberty of the act and consequently its morality as good or bad. Voluntariety, however, is not taken away entirely, since the habit itself was freely willed and hence acts flowing from it are voluntary in cause (see 35.). If sufficient advertence remains, the habit diminishes the freedom of the act owing to the impeding of reason; but this diminution of liberty is in accord with the will of the individual who freely contracted and conserves the habit

to have facility in acting. Accordingly, absolutely speaking, a voluntary habit increases the voluntariness of acts caused by that habit and consequently increases their goodness or evil. Thus St. Thomas asserts that one who sins from habit sins from certain malice, i.e., not from ignorance or passion, but from the will's own choice.

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

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

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

56. Two Kinds of Voluntary Acts.—Having discussed human or voluntary acts in general, we shall now indicate in particular the acts that are of this kind. There are two classes of voluntary acts: (a) those elicited by the will; (b) those commanded by the will.

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

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

will to the gaining of the end through certain means. Fruition is the enjoyment of the end after it has been gained: this is the last act of the will.

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

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

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

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

Art. 3: ACTS AS MORAL

(*_Summa Theologica_*, I-II, qq. 18-20.)

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

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

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

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

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

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

69. The species of morality are three: (a) an act is morally good when it is in harmony with the norms of morality mentioned above (e.g., prayer, works of charity); (b) an act is morally bad when it is out of harmony with those norms (e.g., blasphemy, injustice); (c) an act is morally indifferent

when, if considered in the abstract, it neither agrees nor disagrees with moral norms (e.g., walking, riding, etc.).

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

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

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

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

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

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

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

77. An act is likewise entirely good when at least one of its elements is good, the others being indifferent, and none evil; for it is the good alone that is intended (see 85), and this gives the moral color to the whole act. This happens as follows: (a) when the object is indifferent and the purpose good, as when one takes a walk for the purpose of performing a work of mercy; (b) when the object is indifferent and a circumstance good, as when one eats a meal with intentional moderation; (c) when the object is good and a circumstance indifferent, as when one prays with unintentional stammering.

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

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

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

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

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

(c) when the object is good or indifferent, and a partial but ulterior purpose is evil. For example, if a person extinguishes a fire in order to save a neighbor's house and thus be enabled to rob him; if a person takes physical exercises to develop his strength so as to be enabled to bully a neighbor. The good act and the immediate end in these cases are intended not for the sake of their goodness, but as instruments to the accomplishment of the evil ulterior end;

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

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

82. Indifferent Acts.—An act is entirely indifferent if all the elements in it—its object, circumstances and purpose—are neither harmonious nor

discordant with the standards of morality. Such an act would be walking home rapidly in order to eat a meal, if besides these factors, which bear no relation to good morals, there was nothing else in the act that did bear such a relation.

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

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

85. As to the kind of intention required to make an indifferent act morally good, or which should be had when the act is objectively good, we conclude: (a) The good intended must not be solely a sensible good (i.e., the pleasure that the act gives), but also and chiefly a rational good (i.e., its conformity to moral standards), since man, unlike the animals, was made, not for sensible, but for rational good. Hence, to eat deliberately with no other end than that of gratifying the palate, is to eat without a moral purpose worthy of a human being, and is a bad act.

(b) The moral good of virtue which is intended in acts must not be regarded as the supreme good, but should be referred to God, since He alone is the Last End (see 20). Hence, to eat and drink with moderation solely because that is reasonable and suitable to human nature, if one excludes the Last End, is to slight the necessary purpose and is morally bad.

(c) The intention of moral good or virtue in human acts need not be actual or reflex. Thus, a person who has a previously formed intention of living reasonably, or who at the time of eating intends to eat moderately for the sake of health, sufficiently intends a moral end. Likewise, it is not necessary that the reference of an act to the Last End be made actually or explicitly. Hence, every person in the friendship of God, in all his deliberate acts that are not evil, has a sufficient reference of them to God contained in the fact that he has chosen God for his Last End, or in that here and now he intends some motive that becomes a rational being.

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

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

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

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

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

His acts remain substantially good. (b) The axiom does not mean that an act cannot be substantially bad and yet have good circumstances that diminish its badness (see 81).

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

90. If the external act be considered precisely as it is the object, or effect, of the internal act of the will, it does not add any essential morality to the internal act, since, having no freedom of its own, it is moral only in so far as it proceeds from the will. In this sense, then, he who gives an alms to the poor, and he who would give it if he could, are equal in goodness of will; and he who wishes to defraud, and he who actually defrauds, are equal in malice of will.

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

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

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

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

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

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

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

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

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

what will lead to blasphemy on his part, implicitly desires the act of blasphemy.

96. The Morality of the Consequences of an Act.—Man's life receives its moral character, not only from his internal and external acts which are done in the present and from those which he knows will result from them in the future, but also from the influence his acts exercise now and afterwards upon his fellowman. It is this influence upon others that we now speak of as the consequences of an act. According to the case, the consequences sometimes add, sometimes do not add, to the morality of an act. The good men do lives after them, and also the evil. There are various kinds of consequences:

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

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

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

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

conformity or disagreement with the standards of right) and yet not imputable as good or bad to the agent (e.g., a prayer or imprecation said by an infant, or the drunkenness of one who did not realize the power of a liquor).

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

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

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

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

(c) the morality of the act must be willed. If the act is good, the goodness must be intended, since a person should not get credit for what he does not wish. Example: Titus does not believe in virtue, and Caius is opposed to helping the poor; but both give an alms to a beggar, the former in order to

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

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

101. Goodness is imputable as follows:

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

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

(c) As regards acts indirectly willed, one is not credited with their goodness, if this is merely permitted. Example: Sempronius, who is sorry that thoughts of a better life will go through his mind as a consequence of going to church, has not the credit of those good thoughts;

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

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

102. Evil is imputable as follows:

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

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

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

(d) As regards the evil consequences of acts, foreseen or natural, one is responsible for the evil, if one could and should have prevented it. Examples: Titus knows that a beggar will use profane language if denied an alms, but Titus cannot spare the money and is not responsible for what happens. Sempronius blasphemes in the company of many, and is therefore guilty of the sin of scandal, since he has no right to blaspheme;

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

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

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

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

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

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

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

105. To judge whether a reason for permitting an evil effect is proportionately grave, the following rules should be kept in mind:

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

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

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

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

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

Art. 4: ACTS AS MERITORIOUS

(*_Summa Theologica_*, I-II, q. 21.)

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

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

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

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

110. There are four kinds of supernatural merit: (a) condign merit in the stricter sense, that is merit which arises from justice, and which presupposes no favor on the part of the rewarder. In this sense Christ merited, since even

the grace which made His merits supernatural was due to Him as the God-Man; (b) condign merit in the less strict sense, that is merit which arises indeed from justice, but presupposes a favor on the part of the rewarder. In this way the righteous merit before God, since their works confer a right to their own reward, while the grace which enables them to perform their works is a divine favor; (c) congruous merit in the stricter sense, that is merit which arises not from justice (since there is no equality between the work and the reward), but from the fitness of things, because the person who merits is a friend of God. In this way all who are in the state of grace can merit spiritual goods for others; (d) congruous merit in the wide sense, that is merit which arises from the liberality of God, who answers a good work as if it were a prayer. In this way the good works done by sinners can be said to merit conversion for them.

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

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

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

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

115. For the merit of wide congruity it is necessary that the work done be morally good. Examples of this kind of merit are the sighs of the ancient Patriarchs, as obtaining the coming of the Messiah. The just man can merit with the merit of wide congruity the following: (a) his own conversion after a future fall; (b) his final perseverance; (c) temporal goods.

Art. 5: THE PASSIONS

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

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

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

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

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

120. The irascible passions are explained as follows: (a) hope reaches out towards a future good whose attainment is difficult, but not impossible; despair turns away from a good that seems impossible of attainment; (b)

bravery goes out to attack an evil that seems difficult and imminent, but not unconquerable; fear falls back before a future difficulty that seems irresistible; (e) anger is the desire of vengeance for an injury received.

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

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

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

124. The passions are morally evil: (a) when they are commanded by the will and directed to an object, a purpose, or circumstances that are evil. Thus, envy is an ignoble passion, since it is unreasonable, being sorrow at another's success. Examples; Titus drinks to excess for the delight of intoxication (bad object); Balbus purposely excites his imagination, that he may hate more bitterly and act more cruelly (bad end); Sempronius loves his children so immoderately that he grows morose and jealous (bad circumstance). (b) The passions are also morally evil when they should be forbidden and are not forbidden by the will. Example; Caius is surprised by a sudden burst of anger, which, though he judges to be unreasonable, he does nothing to check.

125. The passions can remove, diminish or increase the evil of an act. (a) Thus, antecedent passions take away all evil, if (a thing that is rare) they prevent entirely the use of reason; they diminish malice if they obscure the judgment. Examples: Balbus, fearing that he is about to drown, becomes panic-stricken, seizes Titus and almost drowns him. Caius, threatened with a black eye if he refuses, calumniates: his calumny would be worse if he acted coldbloodedly. (b) Consequent passions increase the evil, for then they manifest a strong intention, or are the result of direct purpose. Examples: Sempronius attacks the conduct of an opponent, not with

dispassionate argument and from a love of truth, but with bitter personal feeling and from a desire of revenge. Titia works herself into a rage that she may be the more ready for an encounter with a person of whom she is unjustly jealous.

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

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

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

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

127. A passion may become morally bad on account of the physical or mental evils connected with it. (a) Thus, a person has duties to his own well-being, and he indirectly wills (see 35 sqq., 94 sqq.) to neglect these duties, if he indulges harmful passions. Example: Sempronia grieves immoderately over the death of her mother, with the result that her health and mental vigor are impaired. (b) A person also has duties with respect to the life, health, and happiness of his neighbor, and he chooses to neglect these duties if he unjustly provokes emotions in others, foreseeing injurious

consequences (see 96 sqq.). Examples: Titus so vexes Balbus by petty annoyances that the latter loses appetite and sleep, and becomes an invalid. Sempronia so exasperates her father by long-continued unfilial conduct that the latter becomes insane. Caius appeals to prejudices in order to have injustice done to a rival.

128. As to passions that incite to evil or deter from good, we must observe the following: (a) if the passion is consequent, one is placing oneself or others in danger of sin, and one's conduct must be judged according to the principles given in 258 sqq. (Examples: Titus likes to brood over his troubles, although this causes temptations to neglect duty; Sempronia makes remarks to a hot-headed acquaintance which are a provocation to great uncharitableness); (b) if the passion is antecedent, it constitutes a temptation which one is bound to resist (see 252 sqq.). Example: Balbus has a natural dislike for Caius, and often feels impelled to judge him rashly or treat him unjustly.

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

Most theologians since the Council of Trent maintain that the inordinate movements of passion which precede the advertence of reason, such as lust, envy, sloth, etc., are not sins. The Council of Trent defined that the *_fomes peccati_* has never been understood by the Church to be truly a sin in the baptized, but has been called sin by St. Paul in the sense that it is from sin and inclines to sin (Council of Trent, fifth session). On the basis of this text some authors argue that it is of faith that the inordinate motions called *_primo-primi_* are not sins for the baptized. The condemnation of both the fiftieth proposition of Baius: *_The evil desires to which reason does not consent, and which man endures unwillingly (_invitus_), are prohibited by precept_*; and his fifty-first: *_Lust, or the law of the members, and evil desires of it, which men suffer unwillingly, are true disobedience of the law_*; is interpreted as establishing as certain the non-sinfulness of such

movements in infidels. (See Merklebach, O.P., *_Summa Theol_. Mor.*, Vol. I, n. 448).

St. Thomas taught otherwise that such inordinate movements of passion are venial sins (*_Summa Theol_. I-II*, q. 74, a. 3, ad 2^{um}; *_de Malo_* q. 7, a. 6. ad 4^m; *_de Veritate_*, q. 25, a. 5). Although they precede the deliberation of reason, they attain to the order of moral acts, however imperfectly, insofar as sensuality in man by its nature is made to be subject to reason. Reason can and ought to control these motions, but fails to do so owing to the great number of them possible to occur. Hence they are not involuntary, but indirectly voluntary as sins of omission (*_II Dist_. 24*, q. 3, a. 2; *_de Veritate_*, q. 25, a. 5; *_Quodlib_. IV*, q. 11, a. 1). Since these movements are indirectly voluntary, St. Thomas' teaching does not conflict with the Council of Trent which speaks of the *_fomes_* as habitual dispositions and not of its acts which St. Thomas considers. Clearly, too, his teaching does not fall under the condemnation of the propositions of Baius; with Baius the motions are involuntary, but for St. Thomas indirectly voluntary.

St. Thomas distinguishes the motions of sensuality differently from modern manualists. For him the motions-*_primo-primi_* arise from corporal dispositions which are not under the control of reason and hence can not be sins. Motions-*_secundo-primi_* arise from some apprehension of the internal senses proper to the passions and can, at least if taken singly, and ought to be ruled by reason. Thus, they are moral acts (*_de Malo_*, q. VII, a. 6, ad 8^{um}; *_II Dist_. 24*, q. 3, a. 2).

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

131. Though the passions are good in themselves, they are often morally dangerous. The regulation of the passions through the virtues of fortitude and temperance will be treated later on, but we shall indicate here some natural means by which, God helping, their first motions may be controlled. (a) Thus, if a passion is not strong, it may be repressed directly by command of the will. Example: The impulse to anger may sometimes be checked by the command of silence. (b) If a passion is strong, it may be combated through other activities which are its opposites or which, through the amount of energy they call for, will diminish proportionately the force of the passion. Examples: In time of fear one can fall back on thoughts of confidence; in time of mourning one can seek joy or alleviation in the society of friends or in the repose of sleep. Study or other strenuous occupation is an excellent means to overcome impetuous passion.

(c) If a passion is persistent, it may be diverted to some lawful object vividly represented and held in the imagination and thoughts. Examples. Those who are inclined to love immoderately the world or the things that are in the world should direct their love to divine goodness. Those who are inclined to be too fearful of men should think how much more God is to be feared.

Question II

GOOD AND BAD HABITS

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

Art. 1: HABITS IN GENERAL

(*_Summa Theologica_*, I-II, qq. 49-54.)

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

134. Division.—Habits are variously divided, as follows:

(a) From the viewpoint of their subject, they are either entitative or operative, according as they affect directly the nature or the powers of a being. Thus, in the soul there are the entitative habit of sanctifying grace and operative habits like science and virtue; while in the body are entitative habits of health, beauty, etc.

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

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

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

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

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

138. The infused habits cannot be diminished, but they can be destroyed (see 745). As to the acquired habits, they are weakened and destroyed chiefly in two ways: (a) by acts opposed to them, especially if these acts are earnest and frequent—thus, evil custom is overcome by good custom, and vice-versa; (b) by long discontinuance or disuse. Thus, a person who has learned a foreign language will forget it, if he fails to speak, read or hear it. The knowledge of first principles, speculative or moral, is not lost, however, through forgetfulness, as experience shows.

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

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

141. Duties as regards Habits.—(a) Bad habits should be avoided and those that have been formed should be destroyed (see 138). The means to accomplish these victories are divine help obtained through prayer and the

other instrumentalities of grace, watchfulness through self-examination, and the cultivation of a spirit of self-denial, as well as attack made on the habit that is forming or already formed (see 255 sqq.)

(b) Good habits should be acquired, and those already possessed should be exercised and put to the best advantage. The means to this end, in addition to those that are supernatural, are especially a realization of the importance of good habits, a great desire to have them, and constant and regular effort to practise them (see 137).

Art. 2: GOOD HABITS OR VIRTUES

(*_Summa Theologica_*, I-II, qq. 55-70.)

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

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

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

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

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

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

(c) Wisdom is the habit of learning through reasoning the truth that is absolutely ultimate; it is the knowledge of things in their supreme cause, God. Examples are theology and philosophy in their highest sense.

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

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

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

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

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

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

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

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

151. The theological virtues are those that perfect the intellect and the will with reference to God, their ultimate, supernatural object. They are three: (a) faith, which is a virtue infused into the intellect, giving man supernatural truths that are perceived by a divine light; (b) hope, which is a

virtue infused into the will, enabling man to tend towards the supernatural destiny disclosed by faith as towards an end possible of attainment; (c) charity, which is a virtue infused into the will, uniting man's affections to the object of his hope and transforming him into its likeness.

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

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

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

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

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

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

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

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

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

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

155. Without charity one may possess certain other virtues. (a) Thus, one may have the natural or acquired moral virtues, as is the case with many pagans, but such virtues are imperfect, since they do not direct their subject to the Supernatural End of man; (b) one may have the supernatural or infused virtues of faith and hope, as is the case with Christians who are not in the state of grace. Even such faith and hope are imperfect virtues, and are not meritorious.

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

action, in perfecting the appetites, they are more properly principles of action.

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

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

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

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

158. In the blessed the virtues will remain, but changed in some respects.

(a) Thus, the rectitude of soul contained in the moral virtues will endure, but there will be no rebellious passions to overcome, no dangers to oppose, no debts of justice to be discharged, as in this life; (b) the intellectual virtues acquired in this life will remain, but the soul separated from the body will not employ sense images as in its earthly existence; (c) faith and hope will give place to vision and realization, but charity will never fall away.

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

excellence having a corresponding special reward attached to them, The acts are produced by the infused virtues and the Gifts, especially by the Gifts.

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

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

(b) There are the Appetitive Gifts, which make the soul more ready to follow divine motions and inspirations. These Gifts aid the irascible affections by giving them a confidence of victory over every peril and by assuring safe arrival at the term of life (Gift of Fortitude); they aid the will in its social relations by leading to a filial love and devotion toward God (Gift of Piety); they assist the concupiscible affections by filling them with a reverence of God's majesty and a horror of offending Him (Gift of Fear of the Lord).

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

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

163. There are twelve Fruits of the Holy Ghost enumerated by St. Paul (Gal. v, 22-23). (a) Some of these acts grow out of the indwelling Spirit, and are delightful to the spiritual taste because they perfect the agent in himself. Charity, joy, and peace indicate that the soul is rightly disposed as to what is good; patience and longsuffering, that it is not disturbed by evils. (b) Others of these Fruits give spiritual delight because they perfect the

agent in his relations to his fellows. Good will and kindness show that one is well-disposed towards others; meekness and fidelity, that injury does not overcome him, or make him deceitful. (c) Still other Fruits are delightful because they order a man's life rightly as to external actions or internal passions, such as modesty, continency, chastity.

164. There are eight Beatitudes enumerated by our Lord. (a) Some of these are acts that surpass the virtues as regards the use of external goods and the government of the passions. Thus, it is lawful to have possessions, but the poor in spirit despise them; it is lawful to exercise the irascible passions according to reason, but the meek under divine guidance keep themselves in tranquillity; it is lawful to rejoice according to moderation, but the mourners, when this is better, refrain from all rejoicing. (b) Other Beatitudes are acts that surpass the virtues of justice or liberality to one's neighbor. Thus, those who hunger and thirst after justice not only discharge their obligations, but they do so with the greatest willingness; the merciful bestow their bounty, not only on their friends and relatives, but on those who are most in need. (c) Still other Beatitudes are concerned with the acts that most fit one for the contemplation of divine things, namely, that in oneself one be pure of heart or free from the defilements of passion, and that one be peaceful with reference to others. (d) The final Beatitude is the crown of the others; for one is perfectly attached to poverty of spirit, meekness, etc., when he is prepared for their sake to suffer persecution.

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

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

Art. 3: BAD HABITS OR VICES

(*_Summa Theologica_*, I-II, qq. 71-89.)

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

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

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

(b) according to the person who is more directly offended by evil, sins are either against God (e.g., heresy, despair, blasphemy), or against one's neighbor (e.g., theft, calumny), or against oneself (e.g., intemperance, suicide);

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

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

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

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

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

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

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

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

172. The matter of a sin is grave in two ways. (a) It is grave from the character of the act and without exception, when the good which is injured is infinite, or is a finite good of greatest importance and indivisible, Thus, heresy, despair, and simony against divine law are always serious, because they offend against an infinite good; while murder, though it injures only a finite good, is nevertheless always grave matter because earthly life is of highest importance among finite goods, and if taken away is taken entirely. (b) The matter of a sin is grave from the character of the act but with exceptions, when the good that is injured is of grave importance, but finite and divisible. Thus, the worship we give to God is finite and admits of more and less; and hence a sin against worship, though serious from the nature of the offence, may be slight on account of the smallness of the irreverence. Similarly, though theft injures a grave right, it is not grave matter when the amount stolen is small.

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

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

175. Hence in the following cases, even though there be serious matter, a sin is not mortal, on account of lack of full advertence. (a) When without

one's will there is no full advertence to the act itself, as happens with those who are half-asleep, or who are under the influence of drugs, or who are mentally confined by anxiety or physical pain, etc. (see on Human Acts, 24 sqq.). (b) A sin is not mortal when there is no full advertence to the sinfulness or to the gravity of the act. Those who through no fault of their own are unaware that an act is sinful, or that it is a mortal sin (e.g., children, the half-witted, or the uninstructed), have no full advertence to the malice of the act; likewise, those who, without being responsible for their inadvertence, do not think at the moment of the sinfulness or seriousness of what they do (e.g., those who think out plans for revenge before they have taken second thought on its immorality).

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

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

178. The third condition required that a sin be mortal is that full consent of the will be given it, for no one separates himself from God except

through his own free choice. (a) Consent is not full, when there has not been full advertence, or when an act has been done under violent compulsion; (b) consent is full when there has been full advertence and no forceful compulsion (see above on Violence, 52).

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

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

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

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

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

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

is grave, for else the sin would be mortal. (b) The consent may be either full or partial when the matter is light.

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

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

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

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

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

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

188. A change in the object makes venial sin mortal: (a) when that which is light matter objectively is apprehended subjectively as grave matter (e.g., a person tells a small lie or commits a trifling theft, thinking these to be mortal sins); (b) when that which is light matter by itself becomes knowingly grave matter through the additions that are made to it (e.g., a thief steals small amounts frequently with the intention of having a great amount of ill-gotten money after a time).

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

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

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

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

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

(b) The circumstance of the manner in which an act is performed may change it from a venial to a mortal sin, as when the sin is committed out of contempt, or is so coveted that it would be preferred to a grave obligation. Examples: One who violates a law of lesser moment, not because he regards it as bad, but because he wishes to show his disregard of all law and authority; or one who is so attached to games of chance that he is prepared to steal a large sum rather than give them up.

193. The serious harm that is foreseen as a result of venial sin also changes the malice from slight to serious. Examples: One who jokingly annoys another, knowing that this will provoke grave dissensions; or one

who tells small lies to persons who are known for their uncharitable distortions and exaggerations; or one who agrees to take too much strong drink knowing from experience that this invariably leads to serious excess.

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

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

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

197. The Distinction of Sins.—There are three kinds of distinction of sins: (a) sins that differ according to theological species, that is, according as they turn or do not turn the sinner away from God as his Last End. There are only two theological species of sin, viz., mortal and venial; (b) sins that differ according to moral species, that is, according to their essences, or the various kinds of finite good to which they turn the sinner. There are many moral species of sins, for example, infidelity, uncharitableness, etc.; (c) sins that differ according to number, but agree according to moral species (e.g., two distinct acts of uncharitable hatred).

198. The criteria for the specific distinction of sins are two:

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

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

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

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

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

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

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

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

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

204. Morally, there are several acts when a single physical act contains several species of malice (as when one steals from a church), or when there are several physical acts not united by any bond of common purpose or

natural subordination (as when one steals on different occasions because an opportunity suddenly presented itself, or as when one misses Mass on different Sundays).

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

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

(b) Morally, objects that are physically many become one, if they are not such as to require morally distinct acts in their regard, and if they form according to prudent judgment parts of an integral or collective whole. Otherwise, these objects are morally many. Example: Missing Mass for a whole year constitutes, morally speaking, many objects, since it implies many independent external omissions, or morally distinct acts. A box of ordinary coins, though it contains many individual pieces of money, is commonly regarded as one integral object; and likewise religious, civil, domestic, and financial bodies, though each is made up of many members, are each, morally speaking, but one person. The possessions of different proprietors, however, are not one moral object; neither do the individual, personal rights of the members of one group constitute a single object.

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

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

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

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

210. Second Rule of Numerical Distinction.—Many sinful acts, all of which are concerned with an object that is (morally speaking) one and the same in number, make as many numerically distinct sins as there are acts numerically distinct according to moral estimation.

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

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

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

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

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

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

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

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

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

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

missing Mass on Sunday and again on the following day, a holyday, makes one guilty of two distinct violations of the law).

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

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

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

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

219. When the objects are not morally one in themselves and cannot be apprehended as such, distinct sins are committed. Example: He who intends to miss Mass all year, foresees at least in a confused way many distinct

violations of the law; he who purposes to rob various proprietors foresees at least in a vague way many separate and complete external acts of robbery.

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

221. Other things being equal, those sins are worse that offend against a more noble object or a more noble virtue. Hence, sins that are directly against God (such as infidelity, despair, and hatred of God) are the most serious of all; while sins against human personality (such as murder) are more serious than those against human rights (such as theft).

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

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

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

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

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

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

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

224. Spiritual and carnal sins, considered precisely as such, and other things being equal, may be compared from two viewpoints, viz., of malice and of reputation. (a) From the viewpoint of malice, spiritual sins are worse, since, while a carnal sinner is carried away by strong passion and offends directly only his own body, he who commits spiritual sins acts with greater freedom and offends directly against God and his neighbor. Hence, the Pharisees, though they despised the fallen woman, were worse than she, since in the eyes of God their pride, envy, detraction, hypocrisy, etc., were more hateful crimes.

(b) From the viewpoint of reputation, carnal sins are worse, since they liken man more to the beast, and are thus more infamous.

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

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

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

226. Sins different in species rank in the order of gravity, as said above, according to their objects. For, just as diseases are considered more serious when they affect more important vital organs or functions, so sins are more grave when they affect more radical principles of human conduct. The greater the object or end of action that is injured, therefore, the greater is the harm done and the greater the sin committed. Hence: (a) sins committed directly against God are worse than sins committed against creatures, for God is the end of all creatures; (b) sins committed against persons are greater than sins committed against things, for persons are the end of things.

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

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

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

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

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

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

231. Just as virtuous habits have their seats in the will (e.g., justice), in the reason (e.g., prudence), and in the sensitive appetites (e.g., fortitude and temperance), so also contrary habits of vice may be found in these same faculties. (a) From the sensitive appetites proceed impulses caused by sense apprehension or bodily states, which, when they are inordinate and

voluntary, are sinful (e.g., lust, envy; see 129, on Second Motions). (b) From the reason proceed false judgments caused by vincible ignorance, wrong direction deliberately given to the passions, pleasurable dwelling on inordinate thoughts, etc. (c) From the will proceed consent given to sins of the other powers, desires to commit sin, joy over sin already committed, etc.

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

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

234. The sinful thoughts just described are not to be confused with thoughts in which the object of the delight is something else than a sinful picture represented in the mind.

Thoughts of this latter kind are: (a) those in which one takes delight in an external act of sin being committed, as when one destroys one's neighbor's property with great internal satisfaction; here the thought forms one sin with the outer act; (b) those in which one delights in the mental image, not as it represents something morally wrong, but as it contains some object of lawful delight. There is a distinction between bad thoughts and thoughts on things that are bad. Examples: A moralist may think with pleasure about theft, not because he approves of it, but because it is a subject he has to know. A person may read detective stories with great interest, not because crime appeals to him, but because the style of the author is good, the details of the plot exciting, the manner of the crime mysterious, etc. There is danger in thoughts of this kind, however, if one indulges in them from mere curiosity, or immoderately, or if sin itself may take an attraction through them.

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

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

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

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

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

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

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

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

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

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

243. Conditional evil desires, if they are indeliberate and express rather the propensity of nature than the considered will of him who makes them, are not formally sinful. Examples: A poor man who unthinkingly wishes

that stealing were lawful; a sufferer who under the influence of pain wishes that the Almighty had not forbidden suicide.

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

245. Just as we distinguished above between bad thoughts and thoughts on things that are bad, so may we distinguish between bad desires and desires of what is bad. For bad desires that are not mere velleities are sinful, as we have just seen; whereas the desire of what is physically evil is good, if the evil is wished, not for its own sake, but for the sake of some greater good. Example: To desire out of hatred that a neighbor lose his arm is a bad desire and sinful; but if one wished this as a means to save the neighbor's life, while he still desires something evil, it is not the evil but the benefit that is intended, and hence the desire itself is not bad.

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

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

248. Since ignorance and passion may render an act involuntary (see 40 sqq.), the sins that result from them are of two kinds, viz., material and formal. (a) Material or objective sins are transgressions of the law that are involuntary, and consequently not imputable as faults. Examples:

Blasphemies uttered by one who is delirious or hypnotized; breaking of the fast by one who is inculpably ignorant of the law; imprecations pronounced by a person out of his mind through fear. (b) Formal or subjective sins are transgressions of the law that are voluntary, and hence imputable as faults. They are not only against the law, as is the case with material sins, but they are also against conscience.

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

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

(b) Speculative ignorance causes formal sin, when the ignorance is culpable and leads to wrongdoing, as when a person has never taken the pains to learn what the law of fast requires and in consequence violates the law, or when an automobilist through carelessness does not see a person crossing the street and runs him down. Speculative ignorance causes material sin, when the lack of knowledge is inculpable and leads one to do what one would not otherwise do, as when a child shoots a playmate, not knowing that this is a sin, or a soldier shoots a comrade whom, on account of darkness, he mistook for an enemy spy;

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

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

inclination which he cultivates, or willful despair or presumption which he entertains.

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

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

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

(c) sins of malice, which are those that proceed entirely from a free will that is undisturbed by ignorance or passion. Since love is especially ascribed to the Third Person of the Trinity, sins of this class are sometimes called sins against the Holy Ghost. Example: One whose heart is so set on wealth that he decides to sacrifice the friendship of God for new acquisitions; one who sees clearly the offense to God a sin entails, and deliberately chooses it; one who is so jealous of a neighbor that he schemes to ruin him; one who sins habitually without fear or remorse.

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

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

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

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

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

(a) implicit or explicit, according as the dissent is expressed in what contains it, or is expressed in itself. Examples: Contempt of a temptation or displeasure over its presence is implicit resistance, while the resolve never to yield to it is explicit resistance;

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

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

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

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

257. The kind of resistance to be opposed to temptation depends on the character and urgency of the temptation and the disposition of the person tempted. (a) Generally speaking, the more serious the temptation, the stronger should be the resistance. Example: One who knows from experience that temptations to hatred overcome him, if he uses only internal resistance, should make use of external resistance also. (b) In those cases in which the violence of the temptation increases in proportion to the strength of the resistance, it is better that the resistance be internal, indirect, etc. Examples: Temptations against faith are often overcome more readily by turning the mind away from the doubts suggested to other matters. Temptations that last a long time may be conquered more easily by despising them than by worrying about them and renewing protest after protest. The same is true as regards temptations against purity.

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

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

260. It is not lawful imprudently to expose oneself to the danger of sin, since it is manifestly against reason to risk spiritual loss without cause. The character of the sin of him who does this differs according to circumstances. (a) He who rashly exposes himself to the proximate danger of grave sin, or to what he foresees will become proximate danger, is guilty of grave sin and of the species of sin to which he exposes himself—and this even though the sin does not actually follow. For to love what is so closely related to the sin is to love the sin itself. (b) He who rashly exposes himself to the remote danger of grave sin or to the proximate danger of venial sin is venially guilty. For, while such action is unreasonable, it does not imply affection for grave sin.

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

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

263. The Occasions of Sin are external circumstances—persons, places or things—which tempt one to sin. Examples: Persons who invite others to

defraud and show how it can be accomplished, theatres where irreligious plays are staged, books that aim to depreciate virtue, etc.

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

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

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

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

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

intolerance, blasphemy, despair, etc.; (b) according to the natural relationship and sequence between sins themselves, by which some are usually the motives for others _in all men (general motives)_.

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

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

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

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

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

endowed with freedom from suffering and mortality, became burdensome to the soul and subject to pain and death.

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

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

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

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

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

279. The penalty of sin is threefold according to the threefold offense of sin. (a) Inasmuch as sin is against reason, it is punished by remorse of conscience; (b) inasmuch as it is against ecclesiastical, civil or other human law, it is punished by man; (c) inasmuch as it is against divine law, it is punished by God.

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

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

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

283. Not all the afflictions that befall mankind are chastisements. In the strict sense, only those evils are punishments which are inflicted by the lawgiver against the will of the offender as a vindication of justice violated by the personal offense of the latter. Hence we must distinguish punishment from the following: (a) from satisfaction, which is compensation willingly endured for one's own sin, or freely offered for another's (e.g., David after his repentance performed penance for his sins; Christ on the cross offered His satisfaction for the human race); (b) from medicinal afflictions, which are intended, not as reparations to injured justice, but as remedies to preserve men against sin or relapse, or to afford them opportunities for progress (e.g., the calamities of Job, the condition of the man born blind, the dolours of the Blessed Virgin, the physical evils which in this world sometimes happen to subjects as a punishment on their rulers, etc.); (c) from the natural defects of fallen human nature, such as hunger, thirst, disease, etc. These are only indirectly the consequences of original sin, the direct punishment, from which they follow, being the infirmity and corruption of nature produced by original sin.

Question III

LAW

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

Art. 1: LAW IN GENERAL

(*_Summa Theologica_*, I-II, qq. 90-92.)

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

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

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

(c) It is made for the common good, that is, it must tend to promote, directly or indirectly, general happiness, which is the end of society. Hence, the commands of a tyrant which benefit a few at the expense of public peace and prosperity are not truly laws.

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

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

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

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

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

288. Collision of Laws.—Not infrequently it happens that opposite laws seem to call for fulfillment at the same time, as, when in case of unjust attack it seems that one is bound to defend oneself and bound not to injure the other party. Hence arises a conflict of obligations and rights. But the difficulty is only apparent; for, since God is a just and wise lawgiver, He does not intend either that one should be held to impossibilities, or that a superior obligation should yield to one that is inferior. Hence, the rule in such cases of apparent collision of laws is:

(a) if a person can recognize which of the two obligations is superior, he is bound to follow that one; (b) if he is unable to discover after careful examination which obligation has the greater claim, and must decide at once, he may decide for the law whose observance seems to him safer; or, if he sees no difference as regards safety, he may decide for either as he wishes. If the decision is wrong, the error is involuntary, and hence not imputable as sin.

289. When the contending precepts belong to different categories of law, the higher law must be followed. (a) The natural law has precedence over the positive law, divine or human. For example, the natural law of self-preservation allowed David to eat the loaves of proposition, a thing forbidden by the positive divine law. The same law of self-preservation allows a starving man to take what does not belong to him according to human laws, if it is necessary for his life. The same law of self-preservation excuses one from assisting at Mass, if one is very ill.

(b) The positive divine law has precedence over human law. Example: The command of Christ to his Apostles to preach His Name was to be

obeyed rather than the command of the Sanhedrin to the contrary (Acts, v. 19). (c) The ecclesiastical law has precedence over civil law, for the end of the Church is higher than that of the State, and the Church's judgment about the means to her end should prevail.

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

(a) A law on matters purely civil and political made by the Church in opposition to a law of the State would not prevail over the latter, for, as the Church admits, "whatever is to be ranged under the civil and political order is rightly subject to the civil authority" (Leo XIII).

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

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

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

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

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

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

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

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

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

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

(b) as to breadth of application. The Eternal Law regulates, not only contingent things (such as actions) but also necessary things (such as that man should have a soul, hands and feet); for all things created, whether they be contingent or necessary, are subject to divine government. Human laws, as is evident, cannot regulate what is necessary (e.g., it would be foolish for them to decree that men must or must not have souls);

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

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

Art. 2: THE NATURAL LAW

(*_Summa Theologica_*, I-II, qq. 93, 94.)

295. Meaning.—The Natural Law is so called for the following reasons: (a) it is received by man, not through special promulgation, but along with his rational nature. Hence, St. Paul says that the Gentiles, who had not received the laws specially promulgated, were a law unto themselves, that is, through their rational nature (Rom., ii. 14); (b) it includes only such precepts as can be known or deduced from the very nature of man, and thus some pagans fulfilled the Law of Moses naturally, i.e., as regards its natural precepts (Rom., ii. 14); (c) it can be known from the natural light of reason without instruction, being a law written on the heart of man (Rom, ii. 15).

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

296. Relation of the Natural Law to Other Laws.—(a) The Natural Law is inferior to the Eternal Law; for, while the Eternal Law exists in the mind of

God, underived from any other law and is regulative of all created things, the Natural Law exists in the mind of man, as a derivation and image of the Eternal Law and a rule for man's acts only. (b) It is superior to Positive Law, for all Positive Law is a deduction from or a determination of Natural Law.

297. Division.—Since Natural Law is the reflection of the eternal plan of Divine Wisdom in the reason of man, we cannot distinguish different species of it according to difference of lawgivers or subjects. The objects regulated are, however, different; and hence we may distinguish various precepts of Natural Law.

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

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

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

299. Primary and secondary laws of nature are also explained as follows: (a) a primary law is one that expresses the principal purpose of a natural inclination (e.g., social good, that is, the begetting and rearing of children, is the primary law of the married state); (b) the secondary law is one that expresses a less important purpose of a natural inclination. For example, individual good (i.e., companionship, mutual assistance, the practice of virtue and freedom from temptation) is the secondary purpose to be promoted in the married state.

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

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

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

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

302. According to the invariability or permanence of their subject-matter, the laws of nature are of two kinds, namely, necessary and contingent. (a)

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

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

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

305. Properties.—Since the Natural Law is the reflection of God’s Eternal Law impressed on the rational nature of man, it has the following properties: (a) it is both declarative and imperative; being immanent in man, it declares to him his duty; being transcendent in its origin, it speaks with the voice of authority; (b) it is universal, or for all, for it declares the necessities of nature, which are the same in all men; (c) it is unchangeable, that is, it admits of neither abrogation, nor dispensation, nor emendatory

interpretation, for the essences of things, on which it is based, do not change; (d) it is recognizable and indelible, that is, it cannot fail to be known and cannot be forgotten by mankind, for it is promulgated through the light of reason given to man.

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

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

308. From the foregoing it follows that no precept of the Natural Law can be abrogated—that is, repealed and deprived of all force, so that what was today a precept of nature should no longer be such tomorrow; for the necessities of nature on which the Natural Law is based do not change.

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

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

by the law of fast, but he is exempted by competent authority from the obligation of the law.

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

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

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

(b) God cannot grant a dispensation in the strict sense from those precepts of the Natural Law whose matter is contingent, such as the precepts against the taking of human life, against taking possessions from others against their will, etc. For, as long as the subject-matter of these precepts remains what it is supposed to be by the law, transgression of them is necessarily opposed to reason. Example: God cannot command the killing of a person who has the right to life, nor the taking of property that rightly belongs to another.

(c) God can grant a dispensation in the wide sense from contingent precepts of the Natural Law—that is, He can make a change as regards the subject-matter, so that it no longer falls under the law. Thus, since God is the supreme Lord of life and property, He can without injury to human rights command that a person be put to death or deprived of his property by another. These acts would not constitute murder (i.e., unjust homicide) or stealing (i.e., unlawful taking); for God has a higher claim on life and

possessions than the immediate owners have. Examples: The command to Abraham to kill his son was not a dispensation from the law against murder any more than the sending of death to the first-born of Egypt was the commission of murder by God. The command given the Israelites to carry away with them the goods of the Egyptians was not a dispensation from the law against theft, any more than the destruction of the fruits of the Egyptians by plagues was the commission of theft by God.

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

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

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

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

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

(b) Natural obligations that depend upon the act or deed of human beings consenting to obligation (see 304) can be removed. For since human beings

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

313. Human Authority and Modification of the Natural Law.

(a) Additions to the Natural Law may be made, not only by positive laws of God, but also by human laws of Church or State, through the introduction of that which Natural Law permits, or the determination or confirmation of that which Natural Law contains implicitly or explicitly. Examples: Division of property rights introduced by the law of nations; conditions for valid contracts determined by particular codes; the laws against theft and murder confirmed by definite penalties prescribed for those crimes.

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

314. Apparent Cases of Dispensation from Natural Law made by Human Authority. (a) The Church frees from the obligation of vows, contracts and promissory oaths, from impediments to marriage, from espousals, etc. In so doing, however, she does not dispense from the Natural Law that vows, contracts, etc., should be fulfilled, but only declares in the name of God that the subject-matter of an obligation contracted by act of man's will has

become unsuitable for vow, contract, etc., and hence is no longer comprehended under the law.

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

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

(a) Interpretation which explains the intention the lawgiver had in making the law and the sense he gave to the words of the law (verbal interpretation), may be made when either a law itself is not entirely clear, or some person is not clever enough to see its meaning. Example: The commandment, “Thou shalt not kill,” needs to be interpreted, for it does not forbid every kind of killing.

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

316. Verbal interpretation of the Natural Law is made as follows: (a) by private authority—that is, by those who are competent, on account of

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

On the competence of the Church to give authoritative interpretations of the natural law in the field of morals, Pius XII has spoken clearly and forcefully: “... it must openly and firmly be held that the power of the Church has never been limited to the boundaries of strictly religious matters’ as they are called; but the whole content of the natural law, its institution, interpretation and application are within its power insofar as its moral element is concerned. For the observation of the natural law, by the ordination of God, is the way by which man must strive to attain his supernatural end. On the road to this supernatural end. it is the Church that is his leader and guide. This is the way the Apostles acted, and from the earliest times the Church held to this way of acting as it does today—and not in the manner of a private leader and counselor, but from the command and authority of God” (AAS 46 [1954] 671-672).

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

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

(b) In cases of moral impossibility (i.e., when a law cannot be kept without the infringement of a higher law or the loss of a higher good), one is also excused; for it is unreasonable to prefer the less to the more important. Example: Titus lends a revolver to Balbus. Later he asks that it

be returned to him, as he wishes to kill himself. Now, property is less valuable than life, and hence Balbus is unable in this case to observe the law which requires that things borrowed must be returned.

318. Moral impossibility is also defined as the inability to observe the law without serious injury or loss to oneself or a third party. Serious injuries are such as deprive some one of great goods, such as the use of reason, life, knowledge, friendship, health, reputation, property. Serious losses are such as prevent one from obtaining notable goods. The following rules indicate when grave inconvenience excuses, and when it does not excuse, from the guilt arising from the non-observance of Natural Law:

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

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

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

who has the use of reason; (b) complete forgetfulness of the Natural Law by mankind is impossible.

320. Those who have not the use of reason, either habitually (as children and the insane) or actually (as the intoxicated), may be invincibly ignorant of the Natural Law—for example, they may be unable to perceive even the difference between right and wrong. As to those who have the use of reason, they can be ignorant of the Natural Law only as follows:

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

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

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

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

older persons whose mentality is undeveloped, although they know the difference between right and wrong, are frequently unable to draw the conclusion that follows from it (e.g., that one should not tell lies).

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

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

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

(b) If the case is difficult absolutely (i.e., in view of the matter itself, which is complicated and obscure), there can be invincible ignorance, even for a long time. Thus, it is so difficult to settle many problems pertaining to justice (i.e., to the application of the Seventh Commandment) that we find professional theologians who take opposite sides, or admit that, speculatively speaking, they do not know where the truth lies.

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

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

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

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

(a) Some causes are involuntary. Thus, the correct application may be difficult, as when more than one moral principle has to be considered and applied; or, if the case is not difficult, the person who makes the application may be mentally undeveloped, or his mind may be blinded on account of his bad education or environment. Examples: The races who saw no infamy

in robbery committed against their neighbors, lived in a wild age when such acts of violence seemed necessary as measures of self-protection. The savage killed his aged parents, because to his untutored mind this seemed an act of mercy.

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

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

Art. 3: THE POSITIVE DIVINE LAW

(*_Summa Theologica_*, I-II, qq. 98-108.)

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

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

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

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

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

(a) The precepts of the Natural Law are necessary, since they follow as necessary consequences from the nature of man, the precepts of the Positive Law of God, excluding those that are external promulgations of the Natural

Law, are not necessary, since they follow from the free decree of God raising man to that which is above his nature.

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

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

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

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

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

(b) The state of the Law of Nature is that which existed from the Fall to the giving of the written law through Moses. It is called the state of the Law of Nature, not in the sense that there were no supernatural precepts then in

force, but in the sense that there were as yet no written precepts. In that period man knew the Natural Law, not from commandments written on tablets of stone, but from the law of reason inscribed in his heart; he knew the supernatural precepts, not from scriptures given him by God, but from tradition or special divine inspiration. In addition to the inner acts of supernatural worship and faith in the Messiah to come and the outer sacrifices, there were during this state certain rites of purification, or sacraments, by which fallen man was purified from sin. A special precept of the patriarchial times was the prohibition made to Noe against the eating of flesh with blood in it.

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

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

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

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

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

333. The Excellence of the Mosaic Law.—(a) The Law was good (Rom, vii. 12): it commanded what was according to reason and forbade what was opposed to reason; it had God for its Author and prepared man for the Law of Christ. (b) The Law was imperfect (Heb., vii. 19); it was given for a time when men were spiritually but children and not ready as yet for the teaching and morality of the Gospel; it forbade sin and provided punishments, but the necessary helps for observing it came only from faith in Christ, the Author of the New Law.

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

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

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

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

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

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

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

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

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

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

the customs which regulated the details of life so that both priests and people might act as became their special calling, and might be types and figures of the Christian people (e.g., the laws about food, dress, etc.).

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

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

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

344. The judicial laws, like the ceremonial, expired with the New Testament. But since, unlike the ceremonial laws, they were not appointed directly as prefigurative of Christianity, their provisions, if not opposed to Christian law, could be used as part of the civil code of a Christian State.

345. There were four kinds of judicial precepts:

(a) those concerning rulers. The government was monarchical and aristocratic, as being administered by Moses and his successors with the

assistance of a body of elders; but it was also democratic, inasmuch as the princes were chosen from the people and by the people;

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

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

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

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

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

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

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

(b) Both Laws make use of threats, promises and persuasion in order to move men to obedience. But, as the Old Law was for those who were

spiritually but children, it dwells especially on the punishments to be meted out to transgressors and the external rewards that will be given to the obedient (the law of fear); whereas the New Law, being for those who are spiritually mature, holds out as inducements chiefly the love of virtue and rewards that are internal and spiritual (the law of love).

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

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

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

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

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

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

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

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

assistance; but we must also avoid carelessness, having our minds set on the narrow way, and eschewing seductions).

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

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

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

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

354. The Duration of the Law of Christ.—(a) The Beginning.—The New Law was given through the revelation made by Christ and the Holy Ghost to the Apostles; it was ratified at the Last Supper and in the death of Christ,

when the New Testament was proclaimed and the Old Testament came to an end; it was promulgated, first at Jerusalem on the day of Pentecost, and later throughout the world by the preaching of the Apostles.

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

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

(b) The Law of Christ does not oblige all in the same way. Those outside Christianity are obliged directly by the commands to believe and to be baptized. Christians are obliged directly by the laws of faith and works accepted in Baptism.

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

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

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

(b) Its Reality.—Some believe that Christ granted dispensations from His Law (e.g., that He freed the Blessed Virgin and the Apostles from the duty of receiving Baptism, that he authorized the Apostles to give Baptism without mentioning the Trinity), but these opinions seem unlikely and are not well supported. Some also believe that the power of loosing granted the

Church (Matt., xvi. 19) includes the power of dispensing from the Law of Christ. The contrary, however, seems more probable. For the power of loosing is certainly limited to such matters as the good of the Church and of souls requires, and it is more advantageous for the Church and its members that the laws given by Christ Himself should be absolutely unchangeable, in order that the unity of the Church and its dependence on its Founder may be more manifest.

On the other hand, the alternate opinion has solid grounds and arguments, and merits due consideration. Some authors distinguish a twofold law of Christ; (a) absolute, that which obliges immediately and of itself independently of any action of man; e.g., the law concerning the necessity of Baptism or determining bread and wine as the matter of the Eucharist; (b) hypothetic, which presupposes some human action; e.g., the law of the indissolubility of matrimony which urges after man has freely willed to be bound by the laws of matrimony. Similarly, the binding force of vows presupposes the taking of the vow.

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

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

virtue of the commission: “Teach all things whatsoever I have commanded” (Matt, xxviii. 20).

359. Public Interpretation of the Law of Christ—(a) The Church is able to give a declarative interpretation of the Positive Divine Law—that is, to explain its meaning, to show what cases are comprehended in the law, what cases are not, when one is obliged, when one is excused, etc. Example: The Church interprets the doctrine of Christ on the indissolubility of marriage, explaining when the bond is absolutely indissoluble, the conditions under which it may sometimes be dissolved, etc.

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

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

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

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

(a) Physical impossibility is the lack of power to perform an act; for example, it is physically impossible for a blind man to read. This kind of impossibility, of course, excuses from guilt and punishment. Example: Titus is dying and thinks of the command that he should receive Viaticum. But he is unable to receive Communion without vomiting. Hence, in his case the impossibility excuses from the divine command.

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

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

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

debt,” “permission”; while others call it “dispensation” (see 314). Those who consider the dissolution of ratum non consummatum matrimony as “dispensation” list the law of indissolubility as hypothetical positive law (see 357).

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

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

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

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

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

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

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

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

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

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

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

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

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

369. The counsels can be followed in two ways. (a) They are followed completely, when one accepts them as a rule for one’s whole life, as is done by those who embrace the state of perfection in the religious life, taking by vow the three evangelical counsels of poverty, chastity and obedience. (b) They are followed partially when one practises them in particular instances. Examples: A wealthy man who gives to the poor when there is no obligation to do so, practises the counsel of poverty in that case. A person who renounces his own legitimate wishes in some matter, practises the counsel of obedience in that case, as when he confers some favor on one who has offended him, or pardons a debt. Married persons who practise conjugal abstinence for the sake of religion, follow a counsel of chastity (I Cor., vii. 5).

Art. 4: HUMAN LAW

(*_Summa Theologica_*, I-II, qq. 95-97.)

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

371. Division of Human Laws.-Human laws are variously divided.

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

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

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

(c) According to the difference of their objects, laws are either affirmative (i.e., preceptive) or negative (i.e., prohibitive). An affirmative law obliges always, but not for every occasion; a negative law obliges always, and for every occasion. Example: The Third and Fourth

Commandments are always in force, but it is not necessary to elicit a positive act of compliance at every instant. The other Commandments, which are negative, are not only in force always, but it is necessary at every instant to omit what they forbid.

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

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

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

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

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

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

(a) They should not prescribe heroic virtue, unless the common safety demands it, or a subject has voluntarily obliged himself to it. Example: Soldiers in war and pastors in time of pestilence must expose themselves to

danger of death; but for ordinary occasions the law should not oblige one to risk one's life or other great good.

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

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

(b) Human laws are necessary. The Natural Law does not prescribe definite penalties, while the Positive Divine Law prescribes only such as are remote and invisible; and hence, if there were no human laws holding out the threat of determined and present punishments, the Divine laws would be contemned. Moreover, since the higher laws are sometimes unknown, or prescribe no time, place or manner of accomplishment, or do not command things that would be useful for their observance, it is necessary that there be laws made by man to secure the better knowledge and fulfillment of the laws given by God Himself.

376. A human law is unjust in two ways:

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

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

377. Obedience to unjust laws is not obligatory in the following cases. (a) If a law is opposed to the rights of God, it is not lawful to do what that law commands or permits, nor to omit what it forbids. Examples: If a law permits one to practise polygamy, or commands one to blaspheme religion, one may not use the permission or obey. If a law forbids one to give or receive Baptism, it has no force. (b) If a law is certainly opposed to the rights of man in any of the three ways mentioned in the previous paragraph (376, b), it does not of itself oblige in conscience, since it lacks some essential condition of a true law, and even the consent of the majority or of all does not make it just. However, it may oblige accidentally, on account of the greater evils that would follow on disobedience, such as scandal, civil disturbances, etc. The duty of subjects is to remonstrate against such a law and to work for its repeal.

378. The obligation of all laws is not the same in kind, or degree. (a) Moral laws oblige one to do what is commanded or to omit what is forbidden, as a duty owed in conscience; hence, he who violates a law of this kind is guilty of moral fault. Penal laws oblige one to follow what they

prescribe, if one would be free from guilt before the law and not liable in conscience to the penalty prescribed; hence, he who violates a penal law is guilty of juridical fault, and, if he further illegally resists the penalty, he becomes guilty also of moral fault. (b) Moral laws are not all of the same obligatory force, some of them obliging under grave sin, others under venial sin.

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

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

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

382. A matter of light moment cannot be made the object of a law that binds under grave sin, for this would impose an intolerable burden, and would thus be contrary to the common good. What is unimportant in itself, however, may become important on account of its purpose or other circumstance.

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

384. By obliging to the observance of what they command and the avoidance of what they forbid, laws indirectly oblige to what is necessary for such obedience. (a) Hence, the law obliges one to make use of the

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

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

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

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

(b) According to the effect, interpretation is declarative, if it clears up what was obscure in the law; it is supplementary, if it extends or limits the law, by adding to or subtracting from the cases included under it.

(c) According to the manner in which it is made, interpretation is strict or wide, Strict interpretation gives to a word of law that least inclusive and most proper signification it bears (e.g., it understands “son” to stand for son by birth). Wide interpretation gives to a word a more inclusive and less proper signification (e.g., it understands “son” to stand for son by birth or by adoption).

387. Those Subject to Law.—Only those are morally obliged to observe human law who are subjects of the lawgiver and who have the use of

reason. (a) Those who are not subjects in any sense are not bound, for to obligate by law is an act of authority and jurisdiction; (b) those who have not reached the age of reason, or who are habitually insane, are not themselves morally bound, since they are incapable of moral obligation. Of course, they may be restrained as to acts, and their rights may be determined.

388. The lawgiver himself, even though not subject, is held to observe the laws he makes. Thus: (a) if the lawmaking power resides in a legislative assembly, each legislator is subject to the body and hence to its laws; (b) if the lawmaking power is vested in an individual, he is not subject to the coercive force of his own laws, since he cannot punish himself; but he is subject to their directive force, inasmuch as the higher law of nature requires that the superior show good example by observing what he requires of others.

389. Change of Law.—The growth of knowledge and experience, or the change of social circumstances, requires now and then that human laws be improved or adapted to new conditions. But, since laws derive a great part of their influence from custom, they should not be changed unless the break with custom is compensated for by the urgent necessity of the new law, by its manifest advantage, or by the evident iniquity or harmfulness of the old law. In brief, the common good should be the norm by which to decide whether a law should be retained or changed.

390. Constitutional law, as being fundamental and organic, is more immutable than ordinary law. (a) If given to a society established according to the positive ordinance of a superior, it cannot be abrogated or modified by the legislative authority of that society, since this would be contrary to the will of the founder. Hence, the Church has no power to change the fundamental constitution given her by Christ, who prescribed the religious society as established by Him to be necessary. (b) If a constitutional law is given to a society which is perfect and necessary from the law of nature, such constitution can be modified for extraordinary reasons and in the special ways provided (e.g., by amendments approved by the people).

391. The Law of Custom.—Custom (i.e., a long-continued practice that has acquired binding force) is able to establish a new law or to do away with an old law. For the will of the lawgiver is manifested not only by

words, as happens in the written law, but also and more clearly by repeated and continued acts, as happens in the case of the unwritten law of custom. In a democracy it is the consent of the people who follow the custom as law that imposes the obligation; in a monarchy it is the consent of the ruler who permits the custom.

392. With reference to their legal effects, there are three kinds of customs: (a) customs according to the law, which are those that confirm by use an existing law; in this way custom interprets law (see 386); (b) customs beside the law, which are those that introduce a new obligation that is not prescribed by any written law; in this way custom establishes law; (c) customs contrary to law, which are those that remove the obligation of a previous law; in this way custom repeals, at least in part, the law to which it is opposed.

393. Custom has not the power to establish or repeal a law, unless it possesses the requisites of law itself (see 285). Hence arise the following conditions:

(a) Since the exercise of the legislative power requires freedom, customs do not possess legal force unless they have been practised freely. Hence, a custom that has been established by force does not suffice;

(b) Since laws can be made only for perfect societies, customs have not the force of law, unless they are practised by a perfect society, or by a majority of its members who are representative. Hence, a custom observed by a family or by a minority of the voters in a body that has its own jurisprudence has not the status of law;

(c) Since laws must proceed from competent authority, customs do not make or unmake law, unless they have the approval of the ruling power. In a society where the legislative function rests with the people (e.g., in the ancient democracy of Athens), the fact that they follow a custom with the purpose of enacting it into law or of using it against an existing law is sufficient approval. But if the supreme power is not with the multitude, their customs do not obtain the force of legislative acts, unless approved by the constituted authority;

(d) Since law needs to be promulgated, a custom, to have the effect of law, must be practised by public acts through which it becomes known to

the people as a whole.

394. Customs that have the other requisite conditions begin to be obligatory or derogatory as soon as the approval of competent authority is had. (a) If the approval is given expressly, the custom has the force of law at once; (b) if it is given tacitly, inasmuch as the lawgiver, knowing the custom and being under no restraint, does not disapprove, the custom has the force of law as soon as tacit consent is recognized by the learned and prudent; (c) if it is given by the law itself, which explicitly accepts reasonable customs, the custom has the force of law when it has lasted for ten years, or other length of time prescribed.

395. If the superior disapproves of a custom or maintains diplomatic silence for fear of greater evils, his consent is withheld, and the custom cannot be deemed as of legal force.

396. There are other conditions necessary that a custom may acquire the force of law. (a) Since a law is an ordinance knowingly imposed by the will of the legislator, a custom does not constitute a law if it is followed through the erroneous conviction that it is already a law, or if there is nothing to indicate a will to make it obligatory. Signs of the intention to raise a custom to the dignity of a law are the punishment of transgressors of the custom, the observance of the custom even at the cost of great inconvenience, the opinion of the good that it should be followed, etc. (b) Since a law cannot prescribe except what is reasonable and for the common good, a practice opposed to the Natural or Divine Law, or expressly reprobated by written law as an abuse, or one that is injurious to the welfare of the community, cannot become unwritten law through custom.

397. There are special conditions in order that a custom may do away with an existing law. (a) A written law is not repealed unless the legislator wills to take away its obligation, and hence desuetude or a custom contrary to law does not abrogate a law unless it manifests a purpose not to be obligated by what the law prescribes. This it does if the whole people regard a certain law as a dead letter, or feel that circumstances or the common welfare require the opposite of what the law requires, and have no scruple in acting uniformly according to this conviction.

(b) A written law is not repealed, if it is immutable, or if a change would be prejudicial to the common interest; similarly, therefore, a custom cannot

abolish a law, unless this law is one that can be abrogated by human acts, and that is not essential to the public good. Hence, customs contrary to the Commandments or to the Law of Christ, customs that are expressly condemned in Canon Law as corruptions, customs that encourage lawlessness or afford occasions of sin, can never do away with a law, no matter how long or by how many they are practised.

398. Those who start a custom contrary to law are sometimes in good faith, and hence are not guilty of disobedience. (a) It may be that they are in ignorance of the law, but have the interpretative will not to be bound by it; (b) it may be that they know the law, but sincerely think that, on account of conditions, it has ceased of itself.

399. Even when a custom has been started in bad faith, it may continue through good faith, and so become not a violation, but an abrogation of the law. Changed conditions may make the law useless or harmful; or the very fact that it is no longer observed may make it too difficult to enforce.

400. Today customs do not so often attain the force of law. Moreover, so difficult is it to know whether any custom has all the qualities necessary for establishing, modifying, or abrogating a law that only an expert is competent to judge in this matter.

401. Dispensation.—Human law has not the immutability of the Divine Law. Hence, not only may it be changed, but it may also be dispensed. Dispensation is a relaxation of the positive law made for a particular case by him who has the competent authority.

(a) It is a relaxation of the law—that is, it takes away the obligation of the law. Thus, it differs from permission, which is fulfillment of what is conditionally allowed by the law.

(b) Dispensation is made for a particular case—that is, it is granted when the provisions of the law, though beneficial to the community as a whole, are not suitable for a particular person or case. Thus, it differs, first, from abrogation and derogation, which remove the obligation of the whole or a part of the law for the entire community; and, secondly, from privilege, which is granted permanently as a private law.

(c) Dispensation is given by competent authority—that is, by the legislator or others who have the lawful power. Thus, it differs from

epieikeia and private interpretation, which are made by those who have no power to dispense.

(d) Dispensation is a relaxation of the positive law, for since the Natural Law is immutable (see 305), no dispensation can be given from its requirements. Thus, dispensation differs from the official declaration or interpretation of the Natural or Divine Law (see 315).

402. Those who have the power to dispense from a law are the lawgiver and others duly authorized. (a) The lawgiver himself can dispense as follows: in his own laws, since he was able to make them; in the laws of his predecessors, since his authority is equal to theirs; in the laws of his inferiors, since they are his subordinates. (b) Others can dispense who have received from the law, from their superior, or from custom the necessary authority to dispense.

403. Those Who May Be Dispensed from a Law.—(a) Since dispensation is an act of jurisdiction, only those can be dispensed who are in some way subject to the dispenser. Since, however, the jurisdiction used in dispensing does not impose an obligation but grants a favor, it is held that he who has the power to dispense others may also dispense himself, if his power is not restricted. (b) Since dispensation is an act of authority, it may be exercised even in favor of one who is absent, or ignorant of the dispensation or unwilling to accept it. But, since as a rule favors should not be forced, the validity of a dispensation generally depends upon the consent of the one dispensed.

404. The power of dispensing has for its end the common good, and therefore it must be exercised: (a) faith fully, that is, not for reasons of private interest or friendship; (b) prudently, that is with knowledge of the case and with judgment that there are sufficient reasons for dispensation.

405. In order that the reason for a dispensation be sufficient, it is not required that it be so grave as to constitute a physical or moral impossibility of keeping the law, since the obligation of the law ceases in the face of impossibility (see 317, 487), without the need of dispensation. Hence, lesser reasons suffice for dispensation.

406. A dispensation must be granted whenever the law itself or justice requires it. The following cases are usually given: (a) when there exists a

reason that requires, according to law, that a dispensation be granted; (b) when the common good, or the spiritual good of an individual, or his protection from some considerable evil, demands the concession of a dispensation.

407. A dispensation may be either granted or denied, when the case does not demand it and the superior after careful investigation is not certain whether the reason is sufficient or insufficient; otherwise, a greater responsibility would rest on the superior than the law can be thought to impose—viz., that of attaining certainty where it cannot easily be had.

408. He who dispenses without a sufficient reason is guilty of the sin of favoritism, and is responsible for the discontent and quarrels that result. He is guilty of grave sin thus: (a) if serious scandal or other inconvenience is caused, even when the dispenser is the lawgiver himself; (b) if the law obliges under grave sin and the dispensation is not granted by the lawgiver, but by an inferior who usurps the right to dispense.

409. The subject of dispensation is guilty of sin: (a) if he asks a dispensation when he knows for certain that there is no sufficient reason for it; (b) if, having been denied a dispensation, even though unjustly, he acts against the law; or if he knowingly makes use of an invalid or expired dispensation.

410. Sufficient reasons for a dispensation can be reduced to two classes: (a) private welfare (e.g., the difficulty of the law for the petitioner, a notable benefit he will receive through the dispensation, etc.); (b) public welfare (e.g., the benefits that are secured to the community, or the evils that are avoided through the dispensation).

411. *Epieikeia*.—Since human laws regulate particular and contingent cases according to what usually happens, and since they must therefore be expressed in general terms, exceptional cases will occur that fall under the law, if we consider only the general wording of its text, but that do not fall under the law, if we consider the purpose of the lawgiver, who never foresaw the exceptional cases and would have made different provision for them, had he foreseen them. In such exceptional cases legalism insists on blind obedience to the law-books, but the higher justice of *epieikeia* or equity calls for obedience to the lawgiver himself as intending the common welfare and fair treatment of the rights of each person.

412. Epieikeia may be defined, therefore, as a moderation of the words of the law where in an extraordinary case, on account of their generality, they do not represent the mind of the lawgiver; which moderation must be made in the manner in which the lawgiver himself would have made it, had he thought of the case, or would make it now, were he consulted. Hence, epieikeia differs from the various causes that take away the obligation of a law, for it supposes the non-existence of obligation from the beginning and non-comprehension in the law.

Thus: (a) it is not revocation, desuetude, restrictive interpretation, or dispensation; (b) it is not cessation on account of impossibility; (c) it is not presumed permission or self-dispensation.

413. In its use epieikeia is at once lawful and dangerous.

(a) It is lawful, for it defends the common good, the judgment of conscience, the rights of individuals from subjection to a written document, and from oppression by the abuse of power;

(b) it is dangerous, for it rests on the judgment of the individual, which is prone to decide in his own favor to the detriment of the common good as well as of self.

414. Epieikeia by its very nature imposes certain limits on its use.

(a) It is based on the fact that a certain case is not comprehended in a law, because the legislator did not foresee it.

Hence, epieikeia is not applicable to the Divine Law; for the Divine Lawgiver foresaw all cases that could arise, and so excluded all exceptions (see 315). This is clear as regards the Ten Commandments and other precepts of the Natural Law, since they deal with what is intrinsically good or bad, and are unchangeable (see 307). But it applies also to the prescriptions of the Positive Law of God, and apparent cases of epieikeia, such as the eating of the loaves of proposition by David (I Kings, xxi. 6), can be explained by the cessation of law or divine dispensation. Examples: One may not excuse certain modern forms of cheating on the plea that they were not thought of when the Decalogue was given. One may not omit Baptism on the ground that Christ Himself would have excused from it, had He foreseen the circumstances.

(b) Epieikeia is based on the principle that the words of a law must be subordinated to the common good and justice. Hence, it is not applicable to those laws whose universal observance is demanded by the common good—that is, to irritant laws. Any hardship suffered by an individual through the effect of such laws is small in comparison with the injury that would be done to the common welfare if there were any cases not comprehended in such laws; for irritant laws are the norms for judging the validity of contracts and other acts, and public security demands that they be uniform and certain. Example: One may not contract marriage with a diriment impediment, on the plea that the Church would not wish the impediments to oblige under the serious inconvenience that exists in one's case.

415. The dangers of epieikeia also place limitations on its use.

(a) There is the danger that one may be wrong in judging that the lawgiver did not wish to include a case under his law. If this is not certain, one should investigate to the best of one's ability, and have recourse, if possible, to the legislator or his representative for a declaration or dispensation. It is never lawful to use epieikeia without reasonable certainty that the legislator would not wish the law to apply here and now.

(b) There is the danger that one may be in bad faith in deciding that the common good or justice requires the use of epieikeia; the motive in reality may be self-interest or escape from obligation. Hence, a person should not use epieikeia except in necessity, when he is thrown on his own resources and must decide for himself; and, even then, he must be sure that he acts from sincerity and disinterestedness.

416. Cases in which the use of epieikeia is lawful are the following:

(a) Epieikeia in a wide sense—that is, a benign interpretation made by a private individual that a particular case is not comprehended in the intention of the lawgiver, because the latter had not the power to include it—may be used for all cases in which the opposite interpretation would set the law up in opposition to the common welfare or would work injustice to individuals. Example: The law that goods borrowed must be returned to their owners yields to epieikeia, if there is question of putting weapons into the hands of one who would use them against the public security or for the commission of murder;

(b) *epieikeia* in a strict sense—that is, the judgment that a particular case is not included in the intention of the lawgiver, because the latter had not the wish to include it—may be used for all those cases in which the opposite interpretation would suppose in the lawgiver a severity that is not likely. “The rigor of the law may be extreme injustice” (Cicero, *De Officiis*, I, 10). Example: Titus has the opportunity to make a notable sum of money on a Sunday morning, but cannot make use of the opportunity without missing Mass that day. Caius on a fast day feels well, but is tired and will be not a little inconvenienced if he fasts. Both Titus and Caius may use *epieikeia*, for the Church does not wish to be unkind, nor, generally speaking, to have her laws oblige rigorously and for every case.

417. Though all human law is subject to *epieikeia*, the practice of the civil law does not always allow it. (a) Action on individual responsibility makes one guilty of technical violation. Example: Balbus, fearing that his house may be robbed or he himself assaulted, borrows a revolver and practises shooting. He had not time to get the necessary permit, but argued that necessity knows no law. But, if he is arrested, the court may hold him guilty of violating the law. (b) Action in a court of equity, however, will give relief for cases not provided for in law. Example: One may obtain an order from the court restraining a neighbor from injury, when the law itself gives only the right to recover damages for injury done.

Art. 5: ECCLESIASTICAL LAW

418. The Church, being a perfect and independent society, has the power to make laws for its members in order to promote the common spiritual welfare. These laws are not an encroachment on the liberty of the Gospel, for Christ Himself bestowed on the Church legislative and other governmental powers suitable to her mission. The charter of the legislative authority of the Church is contained in the words of Christ to Peter: “I say to thee that thou art Peter, and upon this rock I will build My Church, and the gates of hell shall not prevail against it. And I will give to thee the keys of the kingdom of heaven. And whatsoever thou shalt bind upon earth, shall be bound also in heaven; and whatsoever thou shalt loose on earth, it shall be loosed also in heaven” (Matt., xvi. 18, 19; see also Matt., xviii. 17; Luke, x. 16).

419. The character of laws made by the Church is as follows:

(a) their purpose is to guide and assist the individual that he may more easily and perfectly fulfill the laws of Christ, and to protect and promote the welfare of the Church as a whole;

(b) their contents generally do not impose what is the height of perfection, but what is the minimum necessary for salvation (see 374);

(c) their number, unlike that of the laws of the Synagogue, is few. There are only six precepts of the Church that bind all the faithful; the other laws of the Church do not all oblige each individual, some being for prelates, some for priests, some for religious, some for judges, etc.;

(d) their obligation is not so strict as that of the laws of the Old Testament, for they are more easily changed or dispensed.

420. General Law of the Church.—The general law of the Church is found in the five books of the Code of Canon Law, promulgated by Benedict XV on May 27, 1917. It applies only to the Latin Church, except in those matters that of their nature affect the Oriental Church as well, and it has been in force from Pentecost Sunday, May 19, 1918.

421. The effects of the Code on the older legislation are as follows:

(a) it retains in their entirety liturgical laws that are not expressly corrected; agreements of the Holy See with various nations, even if they are opposed to the Code; favors, privileges and indults that are not revoked (Canons 2-4);

(b) disciplinary laws of ecclesiastical origin opposed to the Code are to be held as revoked, even if they are particular, unless the contrary is provided. Disciplinary laws of ecclesiastical origin omitted by the Code are retained in force, if they are particular; they are abrogated, if they are general and not contained at least implicitly in the Code; if a general law decreed a penalty, it must be expressly mentioned in the Code to retain force (Canon 6);

(c) customs, universal or particular, opposed to the Code, when expressly disapproved by it, must be corrected, even if immemorial; when they are not expressly disapproved by the Code, they may or may not be continued, as a rule, according as they are immemorial—or one century old—or not (Canon 5).

422. The rules laid down for the interpretation of the Code are as follows:

(a) in those parts where the Code agrees with the older legislation, it is to be interpreted by means of the latter; (b) in those parts where it certainly disagrees with the older legislation, it is to be interpreted from its own phraseology (Canon 6).

423. Lawgivers in the Church.—The Pope, as Vicar of Christ and Visible Head of the Church, has supreme legislative power in the Church (Canon 218): “Thou art Peter, and upon this rock I will build My Church And I will give to thee the keys of the kingdom of heaven, etc.” (Matt., xvi. 18, 19). Thus, the Pope can legislate: (a) for the whole Church, either alone or with the body of the Episcopate subject to him in an Ecumenical Council, either directly or through Congregations; (b) for any part of the Church, either directly or through representatives. Thus also, by Papal concession, legates may legislate for a place to which they are sent, *_Praelati nullius_* for a territory over which they are placed, General Chapters for a Religious Order, and the like.

424. The Bishops, “placed by the Holy Ghost to rule the Church of God” (Acts, xx. 28), have legislative power within their own territory, dependently on the Pope (Canon 335). (a) They can make laws, each for his own diocese, either in or out of a synod; (b) when gathered together in council, provincial or plenary, they can legislate for ecclesiastical provinces, or for all the faithful of their country.

425. Subject-Matter of Church Law.—The end of the Church being the glory of God and the salvation of souls, she can legislate concerning all matters that are sacred or that refer, directly or indirectly, to the satisfaction of man or the worship of God (see Leo XIII, Const. *Immortale Dei*, d. 1 Nov. 1885).

(a) The Church can call to mind those things that are already prescribed by the Divine Law, Natural or Positive; and, although she cannot dispense in these laws (see 313-814 and exception as to hypothetical positive law in 357), she can interpret them authoritatively, and can decide when obligations of the Divine Law, that depend upon an act of the human will, cease (see 315-316).

(b) The Church can determine those things that were left undetermined in the Divine Law. Examples: The manner in which the Lord’s Day is to be sanctified, the times and frequency with which the Divine law of Communion is to be fulfilled, the way in which the obligation of fasting is to be complied with, etc.

(c) The Church can make laws in matters that were left free by our Lord whenever this will promote the better observance of His law (e.g., many church laws for the clergy and religious, for the conduct of worship, for administration, etc.).

426. The acts that may be commanded by the Church are of various kinds.

(a) The Church may command acts that are purely external (e.g., fasting) and acts that are partly external and partly internal, that is, those external acts to which, from the nature of things or from law, a special moral act of the intellect or will must be joined (e.g., a true oath, a worthy confession or Communion).

(b) The Church may command acts that are purely internal, that is, acts of the intellect or will that are not necessarily connected with any external act (such as meditation, the intention in applying Mass, etc.), whenever she is explaining, applying, or determining the Divine Law, or acting in virtue of the power of Christ. Examples: The Pope may define a dogma to be accepted internally. A confessor may impose as penance a pious meditation. The Church prescribes the days when pastors must intend to offer Mass for their people. A religious superior may command a spiritual retreat.

(c) It is more probable that, apart from instances such as those just given, the Church cannot legislate regarding acts that are purely internal. For unlike the divine Legislator, who sees the internal acts of the soul and who can pass judgment on them, the Church cannot read the heart or judge the conscience. Hence, it would appear useless for the Church to give commandments about acts that elude her knowledge, all the more so since the Divine Law has given commands and prohibitions regarding internal acts and no one can escape the judgment of God.

427. Those Bound by General Laws.—The general laws of the Church oblige all and only such persons as are at once subjects of the Church and capable of receiving a law (Canon 12).

(a) By Baptism one becomes a member of the Church, and hence it is the baptized who are subject to ecclesiastical laws; (b) by her laws, the Church commands only human and deliberate acts or omissions, and hence it is only those who can reason that are subject to those laws. (c) Moreover, unless the law expressly rules otherwise, those who, although they have attained the use of reason, have not yet completed their seventh year are not bound by purely ecclesiastical law. Specific exceptions are stated in the law. Thus: (1) Canons 854, Sec.2, and 940, Sec.1, regarding the reception of the sacraments in danger of death, Canon 859, Sec.1, stating the precepts of Easter Communion, and Canon 906, containing the precepts of annual confession, declare that the law in these matters is binding on persons having the use of reason, regardless of the actual completion of the seventh year, The law of fasting in Canon 1254, Sec.2 binds after the completion of the twenty-first year. (2) Canon 1099 explicitly exempts non-Catholics, in their own marriages, from the ecclesiastical form of marriage; also Canon 1070 exempts them from the impediment of disparity of cult. (3) The habitually insane are considered as infants under seven (Canon 88, Sec.3).

Accordingly, although they are bound by the Divine Law during lucid moments, they are not usually bound by purely ecclesiastical laws during this period.

428. By the unbaptized are here understood, not only those who have never received Baptism (such as infidels, pagans, Mohammedans, Jews, catechumens), but also those who were baptized invalidly. The divine law of receiving Baptism and entering the Church applies to these persons, but, as long as they are unbaptized, they are not subjects of the Church. Thus: (a) directly they are not obliged by any ecclesiastical law, and hence it is not sinful in itself to ask them to do what is forbidden by such laws (e.g., work on a holyday); (b) indirectly they become subject to ecclesiastical law when they enter into law-governed relations with the baptized who are subject to church law. Example: An unbaptized person who marries a Catholic is married invalidly, unless the law on dispensation has been observed.

429. Baptized non-Catholics include heretics and schismatics. Thus: (a) objectively, these persons are obliged by ecclesiastical laws, unless they are excepted by the law itself, and hence it is not lawful directly to induce them to transgress a Church law (e.g., to eat meat on Friday); (b) subjectively, they are generally excused from formal sin in the non-observance of Church laws, and it is not a sin to co-operate materially in such non-observance (e.g., by giving meat on Friday to a Protestant in good faith who requests it or wishes it).

430. It is held that the Church is more lenient as regards those baptized as non-Catholics, that is, those who were born and brought up in some non-Catholic sect. Thus: (a) laws that have for their object the sanctification of the individual (such as fasting and abstinence, Sunday Mass, etc.), are not insisted on for them, since this would hurt rather than help their spiritual interests; (b) laws that have for their object the protection of the public welfare (such as the laws regarding mixed marriage), apply also to baptized non-Catholics.

Other authors do not admit this distinction and hold that these non-Catholics are bound by the laws of the Church, since Canon 87 expressly states: By Baptism man is constituted a person in the Church of Christ with all the rights and duties of Christians.

Apostates and excommunicated persons are certainly bound by all ecclesiastical laws.

431. Oriental Catholics are not bound by pontifical laws (Canon 1) except in the following cases: (a) when the matter is dogmatic; (b) when the law implicitly extends to them, since it contains a declaration of natural or divine law; (c) when the law is explicitly extended to them. An example of (a) is Canon 218; of (b) Canon 228,2; of (c) Canons 622, Sec.4 and 1099, Sec.1, 3.

432. It is a general rule that all persons baptized, as just explained, are subject to ecclesiastical laws, if they are habitually able to reason; but that they are not subject to those laws, if they are not habitually able to reason.

First Rule.—Persons habitually able to reason are all those who in their normal state are able to understand the difference between right and wrong, that is, the majority of those who have completed seven years of age. Such persons are subject to ecclesiastical laws, even when actually they are unable to reason on account of temporary intoxication, delirium, derangement, unconsciousness, etc. Hence, one who would offer meat on Friday to a person momentarily unbalanced on the plea that his condition excused him from the law, would do wrong; for the state of passing irresponsibility excuses from formal sin (see 249), but not from the law.

Second Rule.—Persons habitually unable to reason are all those who have not yet learned the difference between right and wrong (e.g., infants and idiots), or who have permanently lost all knowledge of right and wrong (e.g., the hopelessly insane). These persons are not bound by ecclesiastical laws, at least not by those that are directive. Hence, in itself it is not wrong to give meat on days of abstinence to such persons, even when they are Catholics.

433. Exceptions to the first rule just given are as follows:

(a) According to Canon Law, the age of reason comes legally when one has completed seven years (Canon 12). If a boy or girl is able to reason before that age, he or she is not obliged by laws that are purely ecclesiastical, although it is advisable that parents accustom their children to the hearing of Mass, to abstinence, etc., as soon as this can be

conveniently done. If a child has passed the seventh year and does not appear able to reason, he is not bound by ecclesiastical laws.

(b) According to Canon Law, the age of puberty is fixed for males at the completion of fourteen years of age, for females at the completion of twelve years of age (Canon 88, Sec.2). These who have not attained this age are excused from all penal laws, unless a law expressly states the contrary; for on account of the want of mature judgment they deserve leniency (Canon 2230).

(c) The age of majority in Canon (as in Civil) Law is reached when one has completed twenty-one years (Canon 88, Sec.1). Minors in the exercise of rights are subject to the power of parents or guardians, except where the contrary is declared by the law, as is the case for the reception of the Sacraments and the choice of a religious life (Canon 89). They are not obliged by the law of fast (Canon 1254, Sec.2).

434. There are some exceptions to the second rule given in 432. Thus, those laws of the Church that grant favors or that invalidate acts can apply even to those who are habitually unable to reason (such as infants and the perpetually demented); for laws of this kind are not directive of the acts of subjects.

435. Those Bound by Particular Laws.—The particular laws of the Church oblige all those who are subject to her general laws, and who become subject to the laws of a locality by reason of domicile or personal presence (Canon 13, Sec.2).

436. There are two kinds of domicile. (a) A true domicile or home is acquired in a place in two ways: immediately, when one takes up one's abode there, with the intention of remaining permanently or indefinitely; finally, after ten years, when one has lived there so long, even though there was no intention of remaining permanently (Canon 92, Sec.1). (b) A quasi-domicile or residence is acquired in a place in two ways: immediately, when one takes up one's abode there with the intention of remaining there for at least the greater part of the year; finally, after the greater part of the year, when one has lived there so long (Canon 92, Sec.2).

437. With regard to abode, four classes of persons are distinguished in Canon Law (Canon 91): (a) an inhabitant, who is one that has a domicile in

a place and is present there; (b) a resident, who is one that has a quasi-domicile in a place and is present there; (c) a stranger, who is one that is outside the places of his domicile and quasi-domicile; (d) a vagus or homeless person, who is one that has no domicile or quasi-domicile anywhere.

438. The rules as regards those who are not strangers are: (a) inhabitants and residents are subject to the diocesan, provincial, and other particular laws of their territory (Canon 13, Sec. 2); (b) the homeless are subject to the local laws of the territory where they are present (Canon 14, Sec. 2).

439. The rules for strangers with reference to general laws (Canon 14, Sec. 1, n. 3) are; (a) a stranger is obliged to follow these laws, if they are observed in the place where he is, even though they are not in force in the place of his domicile or quasi-domicile; (b) a stranger is not obliged to observe general laws, if they are not in force where he is, even though they are in force in the place of his domicile or quasi-domicile. Thus, the general law of abstinence on Friday does not oblige one who is travelling in a place where the law has been suspended, even though he would be obliged by it at home. The traveller would do better, however, to keep to the practice of his home.

440. The rules for strangers with regard to the particular laws of their own domicile or quasi-domicile (Canon 14, Sec. 1, n. 1) are; (a) they are obliged in two cases—first, when those laws are not territorial but personal and obligatory on them everywhere (as is the case with the statutes of religious superiors), and secondly, when the violation of a territorial law would be harmful in its own territory (as when by fiction of law one must be considered as present on account of the law of residence); (b) they are not obliged in other cases. Thus, if one is travelling on a feast-day that is a diocesan holyday in one's home diocese, but not in the diocese where one is, one is not obliged to hear Mass.

441. The following are the rules for strangers with regard to the particular laws of the place where they are: (a) they are obliged in two cases—first, when natural law itself requires that a territorial law be observed by all, and secondly, when the Church includes strangers among those who are subject to a territorial law; (b) they are not obliged in other cases. Thus, if a person is travelling on a feast-day that is observed as a holyday of obligation both

in his home diocese and in the diocese where he is, but not as a general holyday of the Church, he is not obliged to hear Mass; for the law of his home diocese does not bind him, since he is out of its territory, and the law of the diocese where he is does not bind him, since he is not a subject of that law.

442. The natural law requires that strangers should conform themselves to local laws in the following cases:

(a) when non-observance would be a cause of scandal, which the natural law commands one to avoid. In this sense we understand the rule of St. Ambrose: “When you are at Rome, do as the Romans do.” Hence, if a stranger would cause real scandal by eating meat on a local day of abstinence, he would be obliged to abstain from it;

(b) when a local law deals with the solemnities required for validity of contracts (Canon 14, Sec. 1, n. 2). If strangers were not obliged by laws of this kind, they could take advantage of the inhabitants, a thing that is contrary to natural justice. Thus, “the place rules the act”;

(c) when the local law has for its object the maintenance of public order (Canon 14, Sec. 1, 11. 2); for the natural law demands that public safety be guarded. Hence, a stranger who commits a crime is subject to the penalties of the local law (Canon 1566).

443. Examples of territorial laws that oblige even strangers according to the precept of the Church are the laws that require all, even strangers, to follow the Calendar of the Church where they celebrate Mass, and to say the *_collectae imperatae_* prescribed by the bishop of the local diocese.

444. The rules given for strangers can be applied also to those who are in places exempt from local jurisdiction (e.g., in the monasteries of exempt regulars). The exempt are those who by fiction of law are held to be outside the territory of every diocese, and are subject, not to the local bishop, but directly to the Pope (Canon 515).

445. There are various cases, however, in which exempt religious are subject to the territorial laws of the diocese where they are. Thus: (a) when they accept parishes in a diocese, they are subject to the Ordinary in those matters that pertain to the parishes; (b) when the common good or the avoidance of scandal requires it, they should conform to a diocesan law.

446. Those who have a personal privilege can use it anywhere, for a personal privilege, like a personal precept, follows the person, not the territory.

447. Promulgation.—Church laws are promulgated as follows: (a) the laws of the Holy See are promulgated by publication in the official periodical, *Acta Apostolicae Sedis*. They become effective three months from the date of publication, unless from the nature of the case they oblige at once, or it is otherwise provided in the law itself (Canon 9); (b) the laws of a bishop are promulgated in the manner he decides, generally by publication in the official periodical of the diocese. They become effective as soon as published, unless it is otherwise provided in the law itself (Canon 335, Sec. 2).

448. When a law has been promulgated and become known, if it begins to be observed, it is said to be accepted; if it is not observed, it is said to be not accepted. This acceptance is not essential to law. Hence: (a) the observance of a law by the people is not necessary for the obligatory force of the law, for otherwise the lawgiver would be without real authority; (b) the approval of ecclesiastical laws by the State is not necessary for their validity, since Church and State are distinct and independent societies within the proper sphere of each.

449. A law that has been promulgated may fail to obtain force in the following ways: (a) through contrary custom, already existing and not excluded by the law, or then arising to abrogate the law (see 391 Sqq.); (b) through appeal entered with the lawgiver. Thus, if a bishop deems a law of the Pope unsuited to his diocese, he explains the reasons to the Holy See, and pending the answer it is considered that the lawgiver does not wish the law to oblige.

450. Irritant Laws. Laws Based on Presumption.—There are two classes of human laws that deserve particular mention on account of special difficulties regarding them: (a) irritant laws, which would seem to be unjust, since they declare null what according to natural law would be valid; (b) laws based on presumption, which would seem to be of uncertain force, since presumptions are often contrary to fact.

451. An irritant or inhabilitating law is one that expressly or equivalently declares that certain defects make an act void or voidable, or a person

incapable. Such laws are just, even when made by human authority, since it is the common good that makes them necessary, and the natural law itself requires that the common good be promoted.

452. Irritant laws are of various kinds.

(a) They are morally or juridically irritant, according as that which is taken from the irritated act is either the natural value it has in conscience, or the positive value it derives from the law. Hence, an act may be legally null (i.e., have no value that the law recognizes or protects) and at the same time morally valid (i.e., of just as much force in conscience as though no irritant law existed).

(b) Irritant laws are merely irritant or irritant and prohibitive, according as they make an act invalid but not illicit, or both invalid and illicit. Thus, a law that requires certain formalities for making a will invalidates the act of writing an informal will, but does not make it an offense; but the church law of diriment impediments makes a marriage contracted with one of these impediments both null and sinful.

(c) Irritant laws are merely irritant or irritant and penal, according as the legislator does not or does intend them as punishments. For example, the law of clandestinity is merely irritant; the law regarding the impediment of crime is probably both irritant and penal.

453. Laws that are merely irritant do not oblige one in conscience to omit the act, but only to suffer the effect of irritation; but laws that are both irritant and prohibitive oblige one in conscience to omit the act. Example: In itself, it is not unlawful to make an informal will, but it is unlawful to marry with a diriment impediment.

454. As to the time when irritant laws obtain their effect, the following points are important.

(a) Ecclesiastical voiding laws oblige at once in conscience, although like other laws of the Church they are not retroactive, unless the contrary is provided, and they do not oblige in case of a doubt concerning the law. Example: If espousals are made without the canonical formalities, there is no duty to live up to them as such, either in conscience or before the law.

(b) Civil voiding laws are generally only civilly irritant, for as a rule external means are sufficient for the purpose of those laws; thus, they

produce civil irritation at once, but moral irritation only after pronouncement by the courts. Hence, after a judicial sentence the voided act becomes such morally, since the decision is founded on a presumption of common danger (see below, 459). Examples: One who has received money through a will which he knows to be informal (i.e., legally invalid), may retain possession until the civil authority declares that he has no rights to the money. But, on the other hand, one who has been disinherited through a will naturally good, but not made in due form, has the right to contest, if we except the case of pious bequests (see Vol. II).

455. Laws that make an act voidable or rescindable do not irritate before declaration of nullity by a judge. Hence, an act that is rescindable according to law retains its natural force until the court has decided against it. Example: Acts that were done under the influence of grave and unjust fear, or that were induced through deception, are held as valid until declared null by a judge.

456. As to the effects of ignorance on acts irritated by law, the Code states that ignorance of irritating (invalidating) and inhabilitating (disqualifying) laws does not excuse from their observance, unless the law expressly states otherwise (Canon 16, Sec. 1). Moralists discuss the influence of ignorance (as well as force or fear) on such acts as follows: (a) if the law is irritant and not penal, it has its effect, in spite of ignorance, oversight, etc.; for this the common good requires. Example: One who marries his cousin in good faith, being invincibly ignorant that it is against the law, contracts invalidly; (b) if the law is irritant and penal, the irritation being decreed solely as a punishment, ignorance, oversight, etc., sufficient to excuse from fault, excuse also from the penalty of irritation; for penalty presupposes fault. Before the law, however, ignorance and error as to law or penalties are not presumed but must be proved. (Nevertheless, it must be noted that according to some authors no penalty is necessarily or primarily intended in ecclesiastical irritating and inhabilitating laws. Though punishment actually results from the matrimonial impediment of crime, for example, the impediment as such primarily is a personal disqualification intended to protect the dignity of the sacrament and good morals. Ignorance, then, does not excuse from it. Some authors maintain that this is true of all ecclesiastical disqualifying laws.)

457. Generally speaking, *epieikeia* may not be used in the interpretation of irritating and inhabilitating laws. Since they transcend the individual welfare, they demand uniform observance of all subject to them. Some authors permit the use of *epieikeia*, however, in particular cases in which the law itself aims to protect the individual, whereas its observance would tend rather to harm the individual or at times even the interests of the community. Accordingly, it seems probable that an irritant law may cease in case of impossibility or of a most grave inconvenience that is common. Example: If in a pagan country Christians were so few that they could marry only infidels, and if distance or other circumstances made it impossible to seek a dispensation, the diriment impediment of disparity of worship would seem to cease for those Christians.

458. Some authors hold that an irritant law may also cease on account of impossibility, or of a most grave inconvenience that is only private; but this opinion cannot be deemed certain. An example of private inconvenience is the case of an invalidly married person who is near to death and unable to seek the dispensation from the impediment that has made the marriage null.

459. A law based on presumption is one in which the lawgiver rules for certain cases according to what experience shows in their regard—viz., that such cases are generally dangerous, or indicative of a particular fact. These laws are not of uncertain force, for the cases in which they cease to oblige are few and definite.

460. When a law is based on a presumption of common danger and that danger does not exist in a particular instance, the law nevertheless obliges (Canon 21); for the end of the law is the common good, and if it ceased for an individual whenever its presumption of danger was not true in his case, everyone could persuade himself that the law did not apply to him, and thus the common good would be defeated. Examples: The law against the reading of irreligious books is based on the presumption of common danger of sin, the law against clandestine marriages on the presumption of common danger of fraud; hence, they oblige even in the particular instances where these dangers are absent. Examples of laws based on the presumption of common danger can be found in Canons 199; 409, Sec. 1; 420; 422; 1022; 1028; 1114; 1116; 1138; 1396; 1398.

461. When a law is based on the presumption of a particular fact that usually happens in the cases with which the law is concerned, and the fact in an individual instance did not happen, does the law oblige?

(a) In conscience the law does not oblige of itself, because presumptions must yield to the truth; but it may oblige accidentally, if non-observance would cause great public or private harm. Example: The law presumes that a person born and brought up among Catholics has been baptized, and is therefore subject to the church laws. But if, in fact, the person was never baptized, he is not subject to those laws, as long as he remains unbaptized, unless there be some accidental necessity of keeping them, such as the danger of scandal.

(b) Before the public authority the law in question does oblige until the non-existence of the fact presumed by the law has been proved in the manner required by law. Example: When parties contract marriage according to the form prescribed by the Church, the presumption is that the contract was valid, and, as long as that presumption is not overcome, the Church will not sanction a new marriage by either of the parties. But if it can be proved in court that threats or violence produced lack of consent, the obligation not to contract a new marriage will terminate before the law.

462. Fulfillment of Law.—With reference to the manner of fulfilling a law there are a number of questions to be considered: (a) as to the external acts, whether or not one can fulfill the law for another, whether or not the omission of some slight detail renders compliance insufficient, whether or not he who cannot fulfill the whole law is bound to fulfill a part of it, whether or not several obligations can be satisfied at the same time or by the same act, etc.; (b) as to the internal acts, whether or not one must have the intention of meeting the wishes of the lawgiver, whether or not one must be in the state of grace, etc.

463. Personal fulfillment is not always necessary; for an affirmative law requires either that some thing be given, or that some personal act be performed. (a) When the law requires that some thing be given (e.g., that taxes be paid), the obligation can be satisfied through another, since a thing can be transferred from one person to another, who agrees at least interpretatively; (b) when the law requires that a personal act be performed

(e.g., that Mass be heard on Sunday), the obligation cannot be satisfied through another, for actions cannot be transferred from one to another.

464. Minute fulfillment is not always necessary; for sometimes the minor details of the fulfillment of a law are expressly prescribed, sometimes they are not.

(a) If these details are required by the law itself or by the nature of the case, the law is not satisfied if they are neglected. Example: Friday abstinence ends exactly at midnight, and hence to eat meat even one minute before midnight is to break that abstinence.

(b) If the law does not prescribe minute details, these are not required for the fulfillment of the obligation; for laws should not be unduly burdensome. Example: One who is a few minutes late for Mass does not miss Mass, if he is present for the essential parts of the Mass.

465. Partial fulfillment is required of him who cannot make complete fulfillment, only when the part is commanded for its own sake; for that which is commanded by a law is considered by the lawgiver as either an indivisible unit, or as a whole composed of parts that have singly an independent moral value and obligation.

(a) If the thing commanded is morally an indivisible unit (e.g., a pilgrimage to a shrine), he who is not able to fulfill the whole law is bound to nothing. Example: One who has made a vow to go on pilgrimage to a distant sanctuary, is not bound to go part of the way, if he is unable to make the entire journey.

(b) If the thing commanded has parts that contribute to the end of the law, he who is able to fulfill only one or more such parts is obliged according to his ability; if it is certain that he can perform even a part, he is bound to that; if it is not certain that he can perform even a part, it would seem that generally he is excused from all. Examples: A cleric who can say some but not all the Hours of his Office, is obliged to say what he can. A person who can certainly abstain, but who cannot fast, is bound during Lent to abstain.

466. Simultaneous fulfillment by one act of several obligations is lawful, if the obligations differ only materially. They are said to differ only materially, if the motive of the legislator in giving different commands about the same thing is the same in each instance; they differ formally, if

the legislator has a different motive in each instance. The motive is recognized either from the express declaration of the lawgiver, or from interpretation given through authority or custom.

(a) When two commands differ only materially, it can be presumed that the legislator is not unwilling that they be fulfilled by one and the same act, unless it is clear that he wishes them to be fulfilled by distinct acts. Example: If one falls sick at Easter time and receives the Viaticum, it is not necessary for him to receive Communion again in order to make his Easter duty; for the divine law of Viaticum and the church law of Easter Communion have the same motive, and hence can be fulfilled by one and the same Communion.

(b) When two commands differ formally, it can be presumed, unless the opposite is manifest, that the legislator wishes them to be complied with by distinct acts. Example: If a confessor imposes a fast as a penance, this penance cannot be performed on a fast day; for the motive of the law of fast is general, that of the sacramental penance is particular.

467. Simultaneous fulfillment by several acts of several obligations is sometimes possible, sometimes impossible. For the acts prescribed by different laws are either capable or incapable of being done at the same time. Thus, it is possible to hear a Mass and to say a penance of some Hail Marys at the same time. But it does not seem easy for an ordinary person to give attention to four or more Masses at the same time.

(a) If the acts do not impede one another and the legislator is not unwilling, several laws can be fulfilled at the same time. Example: If two Masses are being said on adjoining altars, one can hear both—the one to satisfy the Sunday obligation, the other to perform a penance received.

(b) If the acts impede one another, or if the legislator wishes his laws to be fulfilled at distinct times, the different obligations cannot be satisfied simultaneously. Examples: If a distracted person has received a penance to hear six Masses, he cannot hear them all at once, on account of the division of attention necessary. If the confessor told a person to hear Mass “three times,” the latter cannot satisfy by hearing three Masses at one time.

468. When a law prescribes not only what is to be done, but when it is to be done, the time must be observed. But the obligation does not always

cease with the expiration of the time.

(a) If the time set by the law is a limit beyond which the obligation ceases, he who has not complied within that time has no further obligation. Examples: He who did not fast on Christmas Eve, would not be obliged to fast on Christmas Day. He who did not hear Mass on Sunday, would not be obliged to hear Mass on Monday.

(b) If the time set by the law is not a limit to terminate the obligation, but a date fixed in order to insist on the obligation, he who has not complied within the prescribed period, is nevertheless still obliged. Examples: He who has not made the Easter duty by Trinity Sunday, is obliged to receive Communion after Trinity. He who has not paid a debt on the day required by law, is bound to pay it after that day.

469. It depends on the intention of the lawgiver whether the time he prescribes for fulfillment is a limitation of the obligation or not. The intention of the lawgiver is known either from the words or purpose of the law, or from custom.

470. If the law declares that some duty must be performed within a determined period, allowing freedom for earlier or later performance within the period, the following points must be considered. (a) A person is not obliged to comply early, if he intends to comply before the period has ended. (b) He is obliged to comply early, if he foresees that later he will not be able to do what is required. Examples: If a person who has not made his Easter duty has the opportunity to receive Communion on Easter Sunday, and will not have another such opportunity till Christmas, he is obliged to receive on Easter Sunday. But, if he can communicate any Sunday during the Paschal time, he is not bound to do so on one of the early Sundays. If one can hear an early Mass, but not another Mass, on a holyday, one must hear the early Mass.

471. Just as one may not delay fulfillment until after the time set by law, so neither may one anticipate fulfillment before the time determined, unless the law may be considered to allow this. Examples: If a person has heard Mass on Saturday, he has no right to make this count for the following day. A rosary said before confession cannot be considered as performance of the penance, if in confession one is given the rosary to say.

472. It is held that a cleric who said the Breviary in the morning, just before he was ordained subdeacon and undertook the obligation of the Office, satisfied by that anticipated recitation; likewise, that a traveller who heard Mass in a place where a holyday of obligation of the general law was not in force, has satisfied by anticipation, if later in the morning he reaches as his destination a place where the holyday is observed. For in both these cases the law intends that the Office be said, or the Mass be heard within the day.

473. If a person who is now able to do what the law requires, foresees that he will not be able to do this when the time set by the law arrives, he is not obliged to anticipate fulfillment, even when he has the privilege of anticipation. Examples: A cleric who at 2 p.m. is able to anticipate Matins for tomorrow, and who knows that later, on account of an operation, he will not be able to say his Office, is not bound to anticipate; for no one is obliged to use a privilege. A person who is able to hear Mass on Saturday, and who knows that all of Sunday must be spent on the train, is not obliged to hear Mass on Saturday, though of course this is the better thing to do.

474. The internal acts concerned in the fulfillment of a law are: (a) those in the intellect, such as knowledge; (b) those in the will, such as consent, motive.

475. Knowledge of what one is doing is sometimes necessary, sometimes unnecessary for the fulfillment of a law.

(a) If the law is prohibitive, knowledge is not necessary, since nothing more is required by the law than the omission of what is forbidden. Example: He who ate no meat on a day of abstinence has fulfilled the law, even though he was unconscious all day.

(b) If the law is preceptive of a payment to be made, knowledge is not necessary, since the law requires nothing more than the effect of an external act. Example: He who pays his taxes while intoxicated fulfills his obligation, even though he does not know what he is doing.

(c) If the law is preceptive of an act to be performed, knowledge is required, for it is supposed that the act will be exercised in a human manner. Example: He who sleeps all during Mass on Sunday does not fulfill his

duty, for the law intends that one assist at Mass in a human way (i.e., with consciousness of what is being done).

476. Fulfillment of a law is not morally good and meritorious, unless it is voluntary (see 97 sqq.); but the legal obligation is sometimes satisfied even by an unwilling fulfillment.

(a) When the law commands a payment to be made, one may will the contrary of what is commanded and yet fulfill one's obligation. Example: He who pays his taxes unwillingly and under compulsion satisfies the law, which requires not an act, but its effect.

(b) When the law forbids something, it is possible that one does not will the omission commanded and yet fulfills one's obligation. Example: He who intends to eat meat on a day of abstinence which he thinks is a meat day, but, being unable to find what he wants, omits the meat, satisfies the law, which requires only that one omit what is forbidden and have no will to violate the law.

(c) When the law commands that an act be performed, one must perform the act willingly, since the law being for humans intends that fulfillment be made in a human manner. Examples: He who is dragged to church and forcibly detained there during Mass, does not satisfy the law of sanctifying the Sunday, since force makes his assistance at Mass involuntary (see 52). A child that goes to church only to escape punishment satisfies its duty, if, in spite of reluctance, it really intends to hear Mass, for fear does not necessarily make an act involuntary (see 41 sqq.).

477. As to the intention required in fulfilling a law, it is to be noted that one must have, at least implicitly, the intention of doing what the law prescribes, in the case given in the third section (c) of the preceding paragraph. Example: He who goes to church on Sunday while Mass is being said with no other purpose than that of hearing the music or of waiting for a friend, does not satisfy the Sunday duty, since he does not at all intend to hear Mass.

478. The following kinds of intention, though to be recommended, are not necessary for the fulfillment of a law.

(a) It is not necessary, as a rule, that one intend to satisfy one's obligation, for human lawgivers have not generally the power or the

intention to command acts that are purely internal (see 374, 426). Examples: He who hears Mass on a holyday not intending to perform his duty, as he does not know that it is a holyday, has satisfied the law. He who says the rosary out of devotion and then remembers that he has an obligation of saying it because of a promise made or of a penance received, can regard the rosary said as a fulfillment of his obligation.

(b) It is not necessary that one intend that which the lawgiver had in mind as the purpose of the law; for “the end of the law is not a part of the law.” Example: A person who takes only one full meal during Lent, observes the letter of the law; but he misses its spirit if he eats or drinks greedily, daintily or copiously, in order to avoid the mortification intended by the law.

479. If one intends to perform what a law prescribes, but at the same time expressly intends not to satisfy, by that performance, the obligation imposed, one’s act is sufficient or insufficient for fulfillment according to the source from which the obligation arises.

(a) If the obligation arises from the will of the lawgiver, the act is a sufficient fulfillment, since the human lawgiver, as said in the previous paragraph, does not concern himself with what is purely internal. Example: If a person hears Mass on Sunday out of devotion, intending to hear another Mass in satisfaction of the Sunday duty, he is not bound to hear a second Mass, as he has already done all that the law requires.

(b) If the obligation arises from one’s own will, as in the case of a promise or a vow, the act above described is not sufficient fulfillment; for, as the obligation arose from the will, so also the mode of fulfillment is to be determined by the will. Example: One who has vowed to hear Mass, and who now while hearing Mass expressly determines that not this but another Mass will be in satisfaction of his vow, is bound by his vow to hear another Mass.

480. As to virtuous dispositions in fulfilling a law, it is to be observed that, while a good lawgiver always wishes them, he does not always require them as a duty of obedience. The virtuous dispositions referred to are of two kinds: (a) habitual, that is, the permanent spiritual condition of the soul, such as the state of grace, the habit of charity, etc.; (b) actual, that is, the good manner in which the commanded act is done, such as devout attention

in hearing Mass, heartfelt contrition in making confession, freedom from vain-glory in fasting, etc.

481. Virtuous dispositions are or are not commanded according as that which is prescribed is or is not a mixed, or a purely external act (see above, 426).

(a) When a mixed act is commanded by law, the virtuous disposition that the nature of the case calls for, but nothing further, is strictly prescribed. Hence, the law of Easter Communion requires that Communion be received in the state of grace, the law of yearly confession that the penitent be truly contrite, the law of Sunday Mass that there be sufficient attention to the Mass; but more perfect dispositions (such as freedom from venial sin in the communicant, perfect contrition in the penitent, the state of grace in him who hears Mass) are not required for the fulfillment of the laws we are considering.

(b) When a purely external thing is commanded, the law does not require internal dispositions, and hence one who performs what is required is not obliged to repeat it on account of the imperfect way he obeyed. Example: He who fasts while he is not in the state of grace is not obliged to fast again to make good what was lacking in his previous disposition.

482. Of course, what was said in the preceding paragraph has to do only with single laws, and with what is strictly needed for the fulfillment of the law. Hence: (a) he who sins because of the way in which he fulfills one law, violates another law (e.g., one who is willingly, though not entirely, distracted at Mass, obeys the church law of assistance at Mass on Sunday, but he disobeys the divine law that he worship God devoutly);

(b) he who has less devotion in obeying a law than he might have had, does not deserve reprehension as a transgressor, but his conduct is less praiseworthy.

483. Interpretation.—The meaning of interpretation and its various species were explained above in 315 sqq.

484. As to the force of interpretation of church laws, the following points must be noted:

(a) Authentic interpretation given in the form of law has the force of law; if it is merely declarative of words of the law certain in themselves, it does

not need promulgation and is retroactive; if it is supplementary, it needs promulgation and is not retroactive, since it is a new law (Canon 17, Sec. 2);

(b) Authentic interpretation given in the form of judicial sentence or of rescript in a particular matter has not the force of law; and it obliges only the persons and affects only the things concerned (Canon 17, Sec. 3);

(c) Usual interpretation has the force of law when it is given through a legitimate custom (see above, 391 sqq.), for “custom is the best interpreter of law”;

(d) Doctrinal interpretation has not the force of law, since it does not proceed from the lawgiver. Its value depends on the reasons and the authority by which it is supported. When all the doctors agree, their interpretation is morally certain; when they disagree, the various interpretations have more or less probability.

485. Rules for Doctrinal Interpretation.—(a) The words must be understood in their proper sense according to text and context, unless this be impossible; if doubtful, they must be judged according to parallel places in the Code, the circumstances, reason of the law, and the mind of the lawgiver (Canon 18).

(b) Things that are burdensome should be understood in their most restricted sense (Canon 19), things that are favorable in their widest sense. Thus, the censure pronounced against simony is understood in the narrow sense of simony against the divine law; a privilege granted to the clergy is understood in the wide sense as given to all the clergy.

(c) Things that remain obscure should be understood in the sense that is least burdensome to subjects.

(d) A particular law derogates from a general law; but a general law does not derogate from a previous particular law, unless derogation is expressly mentioned in the general law; for the particular law is considered an exception to the general law (Canon 22).

486. Authentic interpretations of ecclesiastical laws are given by the legislator, his successor, or one delegated by either (Canon 17, Sec. 1). (a) The Pope is the authentic interpreter of all ecclesiastical laws. A special commission appointed by the Pope interprets the general law of the Code.

(b) The bishop is the authentic interpreter of diocesan laws made by himself or by his predecessors.

487. Cessation of Obligation.—The ordinary ways in which a law ceases to be obligatory for an individual are: (a) on the part of the subject, that he ceases to be subject to the law (exemption), or is unable to observe it (excuse); (b) on the part of the lawgiver, that he removes the obligation for the individual (dispensation).

488. As to exemption from Church laws note: (a) he who ceases to be subject to the law (e.g., one who has received a privilege of exemption, or who has departed from the place where the law is in force), is of course not obliged by the law; (b) neither is he guilty of any fault if he brought about his freedom only just before the law became effective and with the sole purpose of being exempt; for the law does not oblige that one remain subject to it.

489. Excuses from the law are reduced to two, namely, ignorance and impossibility.

(a) Ignorance excuses from the guilt of non-observance, if it is inculpable (see 24 sqq.). The question now is whether or not and when it excuses from legal consequences, such as invalidity, penalty, reservation of sin, etc.

(b) Impossibility excuses from both obligation and guilt.

490. Ignorance of ecclesiastical law or of a penalty attached to the law has the following effects determined in the law: (a) No kind of ignorance excuses from irritating or inhabilitating laws, unless the contrary is expressly provided for in the law itself (Canon 16, Sec. 1). Thus a person who contracts marriage, while ignorant that he and the other person are first cousins, is invalidly married.

(b) Affected ignorance of ecclesiastical law or of the penalty alone does not excuse from any penalties *_latae sententiae_* (Canon 2229, Sec.1).

(c) If the law contains the following words: *_praesumpserit, ausus fuerit, scierit, studiose, temerarie, consulto egerit_*, or others similar to them which require full knowledge and deliberation, any diminution of imputability on the part of either the intellect or the will exempts the delinquent from penalties *_latae sententiae_* (Canon 2229, Sec.2). (d) If the law does not contain such words, crass or supine ignorance of the law or

even of only the penalty does not exempt from any penalty *latae sententiae*; ignorance that is not crass or supine exempts from medicinal penalties, but not from vindictive penalties *latae sententiae* (Canon 2229, Sec.3, 1).

491. Other specific determinations of the law include: (a) Inculpable ignorance of the law itself excludes moral imputability (Canon 2202, Sec.1); actual inculpable inadvertence or error in regard to the law has the same effect (Canon 2202, Sec.3). (b) Culpable ignorance, or culpable inadvertence, or error concerning the law or concerning the fact diminish imputability more or less in proportion to the culpability of the ignorance (Canon 2202, Sec.1). (c) If the ignorance, even inculpable, affects only the fact of the existence of the penalty, it does not exclude imputability of the delict, but it does diminish it (Canon 2202, Sec.2).

492. Absolute or physical impossibility (i.e., the want of the power or of the means of complying with a law), of course, excuses from its observance; for no one is bound to what is impossible. This applies to divine law, and hence much more to human law. Example: He who is unable to leave the house is not obliged to go to Mass.

493. Moral impossibility—that is, the inability to comply with the law without extraordinary labor, or the imminent danger of losing a notable good or of incurring a great evil—does not excuse from the observance of ecclesiastical law when this law receives through circumstances the added force of the negative law of nature. This happens when the evil that will result through the observance of the law bears no proportion to the evil that will result from its violation, the former being private or temporal or human, the latter public or spiritual or divine; for the law of nature forbids that the common welfare, or the salvation of a soul, or the honor of God be sacrificed for the benefit of an individual, or for the life of the body, or for the welfare of a creature. Example: The command to abstain from meat on Friday obliges, if one has been ordered to violate it as a sign of contempt of God or of religion, even though death is threatened for refusal.

494. Moral impossibility excuses from the observance of a human law in the following cases:

(a) One is excused when a considerable loss in health, reputation, spiritual advantage, property, etc., or a grave inconvenience will result from

observing a law which is not a prohibition of nature in the sense of the previous paragraph; for the legislator cannot impose obligations that are needlessly heavy, and hence positive law does not oblige in case of such moral impossibility. Example: Our Lord reproved the inhuman rigor of the Pharisees, who insisted that their regulations must be observed, whatever the difficulty or cost.

(b) One is excused when a lower or less urgent law is in conflict with a law that is higher or more urgent. In such a case the greater obligation prevails, and the lesser obligation disappears. Examples: The divine laws that one must preserve one's life or administer Baptism to a dying person prevail over the human law of attendance at church. The less urgent law of fasting yields to the more urgent law of devoting oneself to duties required by one's state of life, if there is a conflict between the two laws.

495. The loss, evil or inconvenience that constitutes moral impossibility with respect to a law, must bear a proportion to the law itself; and hence the higher or the more imperative the law, the greater must be the reason that suffices to excuse from it.

496. Only a learned and prudent man can determine whether moral impossibility exists with reference to a particular case, and hence it would be dangerous for those who are not theologians to decide, either for themselves or for others. The points that have to be considered in judging are: (a) whether or not the difficulty is of a gravity proportionate to the importance of the law (e.g., a graver reason is required to excuse from a law that obliges under mortal sin than to excuse from a law that binds under light sin); (b) whether or not the difficulty is grave in relation to the person concerned (e.g., an obligation that is easy for a healthy person may be very difficult for one who is infirm).

497. It is never lawful to bring about either physical or moral impossibility of observing a law, if this be done with the sole or principal purpose of escaping one's duty. Example: To go away on Saturday in order to avoid Mass on Sunday.

498. It is lawful to cause impossibility of observing a law, if there be some sufficient reason for doing this; for it is lawful to do something from which two effects, one good and the other bad, result, if the good effect is the one intended, and there is a sufficient reason for permitting the evil

effect (102 sqq.). Example: It is sometimes lawful to do some extra work that is very useful, even if the labor makes one unable to observe a fast.

499. The sufficient reason spoken of in the last paragraph is one that is proportionate to the urgency and importance of the command and to the frequency of the non-observance. Examples: A greater reason is required to take up some work which will make it impossible to keep the fast, if this be done on the fast day itself, than if it be done the day before. A far greater reason is required to take up some work that makes the observance of the fast impossible, if this happens frequently or habitually, than if it happens only once or twice.

500. Cessation of Law.—A law ceases in two ways.

(a) It ceases from without (i.e., from the act of the legislator), when he abolishes it, by total or partial revocation (abrogation, derogation), or by the institution of a new law directly contrary to it (obrogation). In the new Code of Canon Law there are many instances of revocation or obrogation of older legislation (see Canons 22, 23), as in the matter of censures and matrimonial impediments. Examples: In the diocese of X a minor feast was made a holyday of obligation. This law was abrogated, if later on it was decreed that neither the prohibition against servile works nor the precept of hearing Mass was obligatory for that feast; it was derogated from, if later it was decreed that servile works were permitted, but Mass was obligatory for that day; it was obrogated, if a later law included the minor feast in a list of special days of devotion for which the hearing of Mass was recommended.

(b) A law ceases from within (i.e., of itself), when through change of conditions the purpose for which it was made no longer exists, or is no longer served by the law.

501. The purpose for which a law was made ceases to be served by the law in two cases.

(a) A law no longer serves its purpose, if, from having been a benefit, it has become a detriment, inasmuch as its observance now would be wicked, or impossible, or too burdensome. In this case the law ceases, since it is now contrary to the supreme law that the common welfare be promoted. Example: A particular law forbade the use of fat or grease in the preparation

of food on days of abstinence. Later, it became impossible to procure the substitutes previously used.

(b) A law no longer serves its purpose, if, from having been useful, it has become useless, inasmuch as it is no longer necessary for the end intended by the lawgiver. In this case the law ceases, for regulations should not be imposed needlessly. Example: The Council of Jerusalem made a law that the faithful should abstain from using as food animals that had been strangled (Acts, xv. 20). The purpose of the law was to avoid offense to the Jewish converts, who at that time formed a large part of the Christian community and who had a religious abhorrence for such food. But shortly afterwards, the Gentile element having become stronger in the Church, no attention was paid to ceremonial rules of Judaism.

502. A law ceases to serve its purpose also as follows:

(a) The law becomes harmful or useless with reference to the purpose of the lawgiver generally and permanently, if the changed conditions affect the whole community or the great majority, and are lasting. In this case the law ceases; for, since it is made for the community as a whole and as a lasting ordinance, it cannot endure, if it becomes permanently unserviceable to the community. Examples are given in the previous paragraph.

(b) The law becomes harmful or useless with reference to the lawgiver's purpose privately or temporarily, if the harm or uselessness affects only individuals, or is not lasting. In this case the law continues to be an instrument of public welfare, or is only momentarily deprived of its beneficial character. Hence it endures; but for temporary inconvenience to the public a remedy is had in suspension of the law, for inconvenience to individuals in dispensation. Example: If the use of fats or grease were forbidden on days of abstinence, and if for a time only it were impossible to obtain the substitutes for the preparation of the food, the law would not cease, but would be suspended until such time as substitutes could be obtained.

503. The inconvenience caused to individuals from the fact that a law does not serve its purpose in a case before them, does not always justify the use of *_epieikeia_*.

(a) If the observance of the law would be detrimental to the purpose intended by the lawgiver, *_epieikeia_* might be used; for the lawgiver does not intend that his law should be an obstacle to what he has in view as its end. Example: Caius needs to read a book placed on the Index in order to defend the Faith against attacks, but he is unable to request the general faculty to read forbidden works. Obedience to the law in this case would defeat the purpose of the law, which is the protection of faith, and hence Caius may use *epieikeia*.

(b) If the observance of the law would be unnecessary, but not detrimental as regards the purpose of the lawgiver, *_epieikeia_* may not be used; else the law would lose its force through the judgments of individuals in their own favor, and the common welfare would suffer. Examples: Titus has an opportunity to read a book placed on the Index, but has not the time to apply for permission. The work was condemned as dangerous to faith; but Titus is strong in faith, and wishes only to study the literary qualities of the writer. Sempronius, a parish priest, is requested to officiate at a marriage immediately, without proclaiming the banns or seeking a dispensation from proclamation. The purpose of the law of banns is that impediments may be detected and invalid marriages avoided, and Sempronius is absolutely certain that there is no impediment in the case before him. Titus and Sempronius must observe the law, and the same must be said as regards every actual case in which there is the possibility of self-deception and peril to the common good. The theoretical case, in which neither of these inconveniences would be present, need not be considered.

504. The purpose of the law ceases to exist as follows:

(a) adequately, when all the reasons on account of which it was made are no longer in existence; in such a case the law itself ceases, for the lawgiver is not considered as intending to oblige when the reason for obligation has ceased. Example: If the bishop orders prayers to be said for rain, the prayers cease to be obligatory when rain has come;

(b) inadequately, when the reason for the law has ceased partially, but not entirely. In such a case the law does not cease, for it still remains useful. Example: If the bishop orders prayers for peace and rain, the prayers are obligatory until both requests have been obtained.

505. A law ceases, therefore, in greater or less degree, according to circumstances. (a) It ceases entirely or partially, according as it is revoked or as it becomes useless as to all its provisions, or only as to one or more of them; (b) it ceases permanently or temporarily, according as the revocation or cessation is only for a time, or for good.

506. Custom.—In Canon Law custom can interpret, abrogate or introduce law, provided: (a) it has the qualities of legitimate custom, and (b) its existence is proved juridically, or is notorious.

507. According to their extension, customs are of various kinds. (a) Universal customs are those that prevail in the entire Church; (b) particular customs are those that are confined to a territorial portion of the Church (e.g., a province of the Church or of an Order); (c) special customs are those that are followed in societies that are smaller, but capable of having their own laws (e.g., independent monasteries); (d) most special customs are those observed by individuals, or by communities not capable of having their own legislation (e.g., parishes). At the most, customs of this last class have only the force of privilege (Canon 26).

508. Custom is formed as follows. (a) As to origin, it arises from the practice of the people, when this practice is followed with the purpose of making or unmaking a law. Hence, the habitual way of acting of an individual, even if he be the superior, does not give rise to a custom. By “people” here is meant a community capable of having its own law (Canon 26). (b) As to legal force, custom arises solely from the consent of the Pope or other prelate, when this consent is expressed by the law or lawgiver, or tacitly admitted by him. Hence, a custom not approved by the superior has no legal force (Canon 25).

509. A custom can introduce or abrogate any kind of ecclesiastical law or other custom—penal, prohibitive, irritant—if it is reasonable and has lasted the prescribed time (Canons 27, 28). Examples: A law that forbids contrary customs can be abrogated, according to the Code, by such customs when they are immemorial, or a century old (Canon 27, Sec. 1). The impediment of disparity of worship became diriment through custom; it was custom that introduced the obligation of the Divine Office, and that mitigated the early law of fast.

510. A custom expressly disapproved of in law is not reasonable or legitimate, and cannot derogate from an existing law, nor establish a new law (Canons 27, 28).

511. The time prescribed by the Code of Canon Law for the acquisition of legal force by customs that have not the personal consent of the lawgiver is as follows: (a) forty continuous and complete years are required to unmake an ordinary law; one hundred years to unmake a law that forbids future contrary custom (Canon 27, Sec. 1); (b) forty continuous and complete years are likewise required to make a new law (Canon 28).

512. The effect of the Code on customs previously existing was considered above under 421.

513. Like the written law, custom ceases: (a) from within, when its purpose has ceased entirely; (b) from without, when it is abrogated by desuetude, or by a contrary law or custom (Canon 30).

514. Laws in a Wide Sense.—In addition to laws strictly so-called, there are laws in a wide sense, commands or provisions made by ecclesiastical superiors that have not all the conditions given above (see 285) for law. Such are: (a) precepts, which differ from law, because they are given not to the community or permanently, but to individuals or temporarily; (b) rescripts, which are given with regard to particular cases and without the solemnity of law; (c) privileges, which are not obligatory; (d) dispensations, which are relaxations of law granted to individuals.

515. A precept is a command given to individuals, or for an individual case, by a competent superior.

(a) It is a command obliging in conscience, and so differs from counsel, desire, exhortation.

(b) It is given to individuals, and thus differs from law, which has the character of universality and stability. A precept may be imposed on a community, but even then it is particular, as being given only for an individual case or for a certain length of time—for a month or a year, or during the lifetime of the superior.

(c) It is given by a competent superior. Even here precept differs from law, since laws can be made only by one who has jurisdictional or public authority (see above, 285), while precepts may be given also by those who

have only dominative or private authority (as parents, heads of families, husbands, employers, abbesses). In canonical matters precepts may be given by religious superiors, parish priests, rectors of seminaries, and for the court of conscience by the confessor.

516. Precept is similar to law: (a) as to its object, which must be just, good, and possible of observance; (b) as to its binding force, since it can be imposed even on those who are unwilling.

517. Precepts are personal (i.e., they affect the person to whom they are given wherever he may be), unless they are given as territorial (Canon 24). Hence: (a) a precept given by one who has no territorial authority (e.g., a religious superior) is personal; (b) a precept given by the Pope, whose authority includes every territory, is also personal; (c) a precept given by the bishop is personal, if given to an individual; it is personal or territorial if given to a community, according to the nature of the case or the wording of the precept. Example: The precept not to go to theatres during a journey, imposed by a bishop under pain of suspension, obliges everywhere, both as to fault and as to penalty.

518. As to the force of precepts: (a) morally or as to fault, they oblige, so that the violator is guilty of disobedience and of sin against any particular virtue the superior willed to impose under precept; (b) juridically or as to the penalty prescribed, they do not oblige, unless the precept was given legally—i.e., by a written document, or in the presence of two witnesses, etc. (Canon 24). Example: If a precept was given under the penalty of loss of office, but without the legal formalities, the canonical process and sentence of deprivation could not be resorted to.

519. A precept expires of itself with the expiration of the authority that gave it (e.g., at the death or cessation of office of the superior), unless the precept was given by document or before witnesses (Canon 24).

520. A rescript is a written reply made by the Holy See or the Ordinary to a request, statement, or consultation. Replies of this kind are employed in reference to the concession of benefices and to dispositions to be made concerning litigation and judicial procedure. Usually they grant favors, either transitory—e.g., a dispensation—or permanent—e.g., a privilege (Canons 36-62).

521. A privilege is a special and permanent right granted by a ruler to an individual or community to act contrary to or beyond the law.

(a) It is a permanent right, and so resembles law, which is also stable and forbids interference with what it grants.

(b) It is a special right, and so it differs from law, which is general and imposes obligation. It is sometimes styled “private law.” Moreover, law requires promulgation, privilege requires only acceptance.

(c) It is granted by the ruler (i.e., by the Pope, bishop, or other legislator), and thus it differs from permission granted by a simple superior.

(d) It is granted to a person, that is, to an individual (Titus, Caius, Balbus, etc.) or to a congregation or community; for, if granted to all, it would not be special.

(e) A privilege gives the right to act contrary to the general law (e.g., by exempting from a tax) or beyond the general law (e.g., by granting the power to dispense). Thus, a privilege differs also from prerogatives that are set down in the Code itself (e.g., the special rights and faculties of Cardinals, bishops, regulars, etc.), all of which are laws and not privileges in the strict sense.

522. The rules for interpretation of privileges are similar to those for the interpretation of law (see 483 sqq.). They should be neither extended nor restricted, but should be understood according to the meaning of the words themselves (Canon 67), yet so that the party receiving the privilege will seem to have obtained a favor (Canon 68). If the meaning intended is doubtful, the following rules of the Code (Canons 50, 68) should be followed: (a) wide interpretation is to be given to the privileges that are beyond or outside of the law and that are not prejudicial to others, as well as to privileges that were given as a reward of merit; (b) strict interpretation is to be given to privileges that are contrary to law (saving the cases of privileges granted to pious causes or in favor of a community), to privileges granted because of an agreement made, and to privileges that are prejudicial to third parties.

523. A privilege is a favor, and hence does not as such impose the duty of acceptance or use; but obligations owed to others often make it necessary to avail oneself of a privilege (Canon 69).

(a) Prerogatives granted in the law cannot be renounced by individuals, since their preservation is required by the common good. Example: A cleric has no right to abandon an immunity which the law gives to his state.

(b) Privileges granted to a community can be renounced by the community, but not by its individual members. An individual member is not bound, however, to use the privilege, unless there be accidental reasons, such as the command of a superior, that require him to do so.

(c) Privileges granted to individuals need not be used by them, unless there be accidental reasons that call on one to use a privilege. Example: A priest who has the privilege of a private oratory is not bound to establish such an oratory; but a priest who has the privilege of absolving from reserved cases is bound in charity to use it, if a penitent would otherwise suffer.

524. Dispensation differs from privilege: (a) because the former from its nature is temporary, the latter permanent; (b) because the former is always contrary to the law, whereas the latter may be only beyond the law.

525. The Pope can dispense as follows: (a) in all ecclesiastical laws he can grant a dispensation strictly so-called (Canon 81); (b) in divine laws in which the obligation depends on an act of the human will (such as the laws of oaths, vows, contracts, etc.), he can grant a dispensation improperly so-called (see above, 313 sqq., 357), In other divine laws, he can interpret or declare, but he cannot dispense.

526. The Ordinary can dispense as follows: (a) in the general law of the Church when he has an explicit or implicit faculty from the Pope or from the law (Canon 81); (b) in diocesan laws and, in particular cases, also in laws of provincial and plenary councils, when there is just reason (Canon 82); (c) in papal laws made for a particular territory, when faculty has been given explicitly or implicitly, or recourse to the Holy See is difficult (Canon 82); (d) in all ecclesiastical laws that are dispensable, when there is doubt of fact (Canon 15).

527. The pastor can dispense as follows: (a) from the general law concerning feasts of obligation and from the laws of fast and abstinence. The dispensation can be granted either to his own subjects or to strangers, but only for a just reason, in individual instances and for particular

individuals or families. The bishop may dispense the whole diocese, but the pastor cannot dispense the whole parish (Canon 1245). (b) When there is danger of death, the pastor can dispense from matrimonial impediments as provided in Canon 1044.

528. Religious superiors, local superiors included, can dispense in the laws and statutes of their own institutes, except where this is forbidden. In clerical and exempt institutes the superiors can also dispense the subjects and all who live day and night in the religious house (such as students, guests and servants) from the general laws of the Church, as follows:

(a) The higher superiors, such as abbots, generals, provincials, have the same authority in this respect as the bishop has with reference to his own diocese. Hence, they can dispense in all ecclesiastical laws in which the Pope dispenses, when there is doubt of fact, or recourse to the Holy See is difficult (Canons 15, 81); in case of necessity, they can dispense from the laws of abstinence individuals, or an entire convent, or an entire province (Canon 1245, Sec. 2); they can dispense in irregularities as provided in Canon 990, Sec. 1.

(b) The other superiors, local superiors included, can dispense their subjects from the laws of fast and abstinence in the same manner as pastors are able to dispense their parishioners (Canon 1245, Sec. 3), Religious superiors are also able to dispense the private non-reserved vows of their subjects (Canons 1313, Sec. 2, 1314).

529. Confessors, when delegated, can dispense as follows: (a) with ordinary faculties, from impediments, irregularities and penalties, as provided in Canons 1044, 1045, 985, 990, 2290; (b) with privileged faculties, from simple vows not reserved to the Pope, if no injury is done to the rights of a third party; and from occult irregularity produced by delinquency, that from homicide excepted. (In the internal sacramental forum the confessor can dispense from the impediments indicated in Canons 1043-1045.)

530. Priests that assist at marriages can dispense from impediments as provided in Canons 1043-1045.

531. The manner of seeking dispensations is as follows: (a) for the usual dispensations (e.g., those from fast, abstinence, observance of feasts, and

the vows that may be dispensed by confessors) no particular procedure is required; (b) for the dispensation that must be sought from the Holy See, if the matter belongs to the internal forum, the petition is sent to the Sacred Penitentiary through the Confessor or Ordinary; if it belongs to the external forum, it is sent to the competent Congregation through the parish priest or Ordinary. Dispensation from public marriage impediments must be sent through the Ordinary.

532. The manner of preparing a petition for dispensation is as follows: (a) the name of the penitent must not be given in petitions to the Sacred Penitentiary, but the name and address of the party to whom the reply is to be sent should be clearly given; (b) the petition should be sent by letter. It may be written in any language, and should state the case with its circumstances, the favor that is asked, and the true reason for asking it.

533. A dispensation is invalidated as follows: (a) through defect of the petition, if it contains a substantial error, and the dispensation is given on condition of substantial truth (Canon 40); (b) through defect of the petitioner, if he is incapable of receiving the favor asked (Canon 46); (c) through defect of the dispensation, as when the requisite signature or seal is omitted; (d) through defect of the dispenser, as when he lacks jurisdiction, or grants without a just and proportionate reason a dispensation for which he has only delegated power (Canon 84).

534. If a dispensation is unjustly refused, note the following: (a) ordinarily, the subject has not the right to hold himself free from the law; (b) in extraordinary circumstances, when the law ceases, or no longer obliges (see 487 sqq.), the subject is free.

535. The faculty of dispensing should be interpreted as follows: (a) widely, when it was granted for cases in general (Canon 200, Sec.1); (b) strictly, when it is granted for a particular case (Canon 85).

536. A dispensation itself should be interpreted strictly in the following cases: (a) when the dispensation has an odious side, as when it is contrary to law and advantageous to private interest or is detrimental to a third party; (b) when wide interpretation is dangerous, as favoring injustice, promoting ambition, etc. (Canons 50, 85).

537. A dispensation ceases intrinsically in the following ways: (a) by the lapse of the period of time for which it was granted; (b) by the entire and certain cessation of the motive of the dispensation, if the effect of the dispensation is divisible—that is, if the motive for dispensation has to be existent each time that the law calls for an act or omission (Canon 86). Example: If one is dispensed from the fast or Office on account of ill-health, and later recovers, the dispensation ceases.

538. A dispensation ceases extrinsically in the following ways: (a) by the act of the one who dispensed, if he validly recalls the dispensation, or by his cessation from office, if he limited the dispensation to his own term of authority (Canons 86, 73); (b) by the act of the one who was dispensed, if he renounces the dispensation without detriment to any third party, and with the consent of the superior (Canons 86, 72).

539. A dispensation does not cease in the following cases through the cessation of the motive for which it was given:

(a) If the motive ceases only partially or doubtfully, even though the effect of the dispensation be divisible—that is, requiring the existence of the motive for the grant each time the dispensation is used. For, if the dispensation ceased in such cases, its benefit would frequently be in great part lost on account of the worry and scruple to which the persons dispensed would be exposed. Example: Balbus has been dispensed from fast on account of poor health. Later on he improves, but has not recovered his strength entirely, or at least is not certain of his recovery. He may continue still to use the dispensation.

(b) A dispensation does not cease if the motive ceases entirely and certainly, but the effect of the dispensation is indivisible—that is, removing the entire obligation once for all.

Example: Titus is a widower with several young children. He wishes to marry in order to have a home for the children, and this wish is the motive of a dispensation given him from an impediment of affinity to the marriage he contemplates. But before the marriage takes place, the children die. The dispensation still holds good.

540. A dispensation does not cease by reason of the grantor in the following cases:

(a) It does not cease through the grantor's cessation from authority, if it was given independently of his term of office. Example: Sempronius received a dispensation "valid until recall," but never made use of it. Although now the grantor has died, the dispensation continues in force.

(b) It does not cease, if the grantor invalidly recalls the dispensation, as when he dispenses from delegated power and his authority ceases with the act of dispensation. Example: Balbus, a confessor, dispensed Caius from the law of abstinence, but now wishes to recall the dispensation. The dispensation remains.

541. A dispensation does not cease on account of the person dispensed in the following cases:

(a) It does not cease when he leaves the territory of the dispenser, if the dispensation was personal. Example: A person dispensed from the general law of fast by indult granted to his diocese cannot use that dispensation outside the diocese; but if he has a personal dispensation, he is dispensed everywhere.

(b) It does not cease when the grantee fails to use it, or acts contrary to it, if there is no renunciation on his part. Examples: Sempronius has been dispensed from the fast of Lent, but he fasts on some days. This non-use of the dispensation on some days does not renew the obligation. Balbus has received a dispensation to marry Sempronia, but he changes his mind and marries Claudia. This act contrary to the dispensation does not take away its force, and, if Claudia dies, he will be free to marry Sempronia.

Art. 6: CIVIL LAW

542. Meaning.—Just as the Church has the right and duty to make laws which will promote the spiritual welfare of her members, so has the State the power and obligation to legislate for the temporal happiness of its citizens: “There is no power but from God and those that are, are ordained of God. He (the ruler) is God’s minister to thee for good” (Rom., xiii. 1, 4).

543. Origin.—The authority to make civil laws resides in that person or body to whom according to the constitution of the State the legislative function belongs. (a) In an absolute monarchy, the legislative authority is vested in the prince; (b) in a state that has an appointed or hereditary aristocracy, the legislative power may be entrusted, at least in part, to a body of nobles; (c) in a limited monarchy or republic the lawmaking function belongs to the people, who exercise it either directly or (as is the case in most modern states) indirectly through elected representatives.

544. The acceptance of civil law by the people is not necessary for its obligation, for obedience to higher powers is commanded (Rom., xiii, 5), and, if law has no authority, the common welfare is defeated. Several points must, however, be noted.

(a) The foregoing principle is to be understood of law in itself, for, if there is question of the form of government or of him who exercises the powers of sovereignty, acceptance by the people may be said to be necessary in the sense that the multitude may set up the particular system of rule which it prefers, and may designate the individuals who are to wield authority under the constitution adopted.

(b) The principle given above is to be accepted regularly speaking, for there may be cases in which the acceptance of the people is required by law itself. Example: Under former civil constitutions, if in a certain place a lawful custom was in force, a contrary law which did not expressly abolish the custom did not oblige unless accepted. But this example is theoretical, for modern civil codes do not recognize the derogatory force of custom. If the constitution of the state calls for a referendum or plebiscite (i.e., submission to the electors for ratification), then the bill passed by the

legislature or a measure proposed by the initiative body lacks force until accepted. This illustrates acceptance of a proposed law, but the acceptance is supplemented by some ministerial act.

(c) The principle given above is to be understood of the taking effect of a law, for the continuance of a law may depend on the acceptance of the people in the sense that a contrary custom of the people is able to abrogate law, if the superior consents (see 500 sqq.). Few codes of modern states give legal force to popular custom; they suppose that, if a law is not satisfactory to the people, the way is open to its repeal through exercise of the suffrage. But, morally speaking, there is no obligation to obey a law that has fallen into desuetude.

545. As to laws made by one who has no lawful authority, we should note: (a) of themselves, they have no binding force, since law is an act of authority; (b) from the necessities of the case, they are obligatory, if, being otherwise just, they are accepted by the great body of the people; for to resist them then would be prejudicial to public order.

546. Subject-Matter.—The objects or classes of temporal goods that fall under the regulation of civil law are many:

(a) external goods, or goods of fortune, which should have the protection of the State; and the laws regarding them should promote agriculture, commerce, industry, the arts, etc.;

(b) the goods of the body, which are more important still, and hence the law should favor the family and the increase of its members, and should provide for the health and well-being of the citizens by sanitary regulations and measures of relief for the needy, the unemployed, the orphans, and the aged;

(c) the goods of the mind, which are necessary for progress and happiness, and hence the law should provide the means for instruction in the secular arts and sciences and for the general diffusion of useful knowledge;

(d) the goods of the will (i.e., virtue and morality), which are most important both to the individual and the community, and hence the law must safeguard public decency and sobriety, and restrain and punish the opposite crimes and vices;

(e) the social goods of the people, which are promoted by wise legislation concerning the form and administration of government, the mutual duties and rights of citizens, the protection of the State and of its members, etc.

547. The relation of civil law to natural law is as follows:

(a) The State has no power to make laws that are opposed to nature, for, since law is an ordinance according to reason, any human command that is contrary to nature and therefore to reason is not law, but the corruption of law. No sin, not even a venial sin, can be made obligatory by law. Example: The rule of Sparta that sickly infants were to be put to death was not law but legalized murder.

(b) The State has the power to declare and enforce by suitable sanctions the conclusions that are derived from the general principles of the law of nature; for many people might be ignorant of these conclusions or inclined to disregard them, unless they were promulgated and confirmed by human law. Example: The natural law requires that parents provide for their young children, and that children assist their needy parents; the civil law adopts these natural principles, compels their observance, and punishes transgressors.

(c) The State has the power to make concrete and to determine the provisions of the natural law that are abstract or general. Example: The natural law decrees that some form of government be set up, that the people contribute to the support of the government, that crimes be punished, that the general welfare be served, etc.; the civil law determines the special form of government, the manner in which the revenues are to be obtained, the specific penalties for each crime, the public measures that are best suited to the circumstances, etc.

548. The relation of the civil law to divine and ecclesiastical law is as follows:

(a) In matters purely spiritual the State has no power to legislate, since its end and authority are confined to things temporal; and hence the State has no right to interfere with the faith, worship and government of the Church. But, since morality promotes the prosperity of the State, and since the end of the individual is spiritual, the civil law should respect and favor religion.

(b) In matters that are partly spiritual, partly temporal, the State has the power to legislate on those aspects that are temporal, yet so as not to infringe on divine or ecclesiastical right. Example: Civil laws on education have the right to regulate non-religious subjects, courses, standards, etc.; but they have no right to proscribe religious training, or to prescribe the teaching of irreligion or immorality, State laws on marriage may require registration, settle the civil effects of marriage, etc., but they have no right to interfere with the unity of marriage or the sanctity of the marriage bond.

549. The State is for the individual, and not the individual for the State; hence, civil law should not interfere with human liberties, except where this is necessary for the common peace and safety or the lawful opportunity of the people as a whole. Hence:

(a) Human liberties that are not inalienable may be limited by the law, when the public good or the welfare of individuals requires this (see 292). Examples: The State has the right to regulate the acts of those who are unable to take care of themselves in matters of importance; to forbid what is detrimental to the common interest (such as hunting and fishing at certain seasons), to protect the public when it neglects to protect itself, etc. Uncalled-for interference by government with the personal and private affairs of individuals—paternalism in government—is of course to be avoided, for restriction of liberty is something disagreeable and should not be resorted to without necessity.

(b) Human rights that are fundamental (such as the rights to live, to marry, to rear a family, to be free, to pursue happiness) should not be trespassed on by civil law. Thus, the State has no right to forbid marriage to the poor, but on the contrary it has the duty to remove conditions that cause poverty. But, when the common welfare demands the sacrifice, the State has the right to call on citizens to expose even life and fortune in its defense.

550. Those Subject to Civil Law.—Civil laws oblige all those who are in any way subject to their authority.

(a) Citizens, when in the country, are bound by all the laws that pertain to them; when outside the country, they are bound by some laws, such as those that regulate their personal status and office, but not by others, in particular such as are of a territorial character.

(b) Aliens are bound by the laws of the country that include them, such as those that regulate public order and the making of contracts.

551. The Obligation of Civil Law.—Civil law, when it has all the conditions of valid law, even if the legislator is non-religious or anti-religious, is obligatory not only before the State, but also before God (i.e., in conscience). This is; (a) by reason of the natural law, of which it is a derivation (see above, 313); (b) by reason of divine positive law, for it is frequently declared in scripture and in the Church's teaching and practice that lawful authority represents God and must be obeyed for conscience' sake: "Render to Caesar the things that are Caesar's" (Matt, xxii 21), "Be subject of necessity, not only for wrath, but also for conscience' sake" (Rom, xiii. 5).

552. Are subjects obliged to offer themselves for punishment prescribed by law?

(a) If the fault committed was merely juridical (i.e., before the law), the penalty is certainly not obligatory before sentence. Example: Balbus through sheer accident, and without design or negligence, kills a man. If involuntary homicide is punished by imprisonment, Balbus is not bound to give himself up. English common law, it should be noted, presumes a man innocent until proved guilty, and a man cannot be convicted of any degree of homicide on his own confession alone. But he may plead guilty to minor offenses.

(b) If the fault committed was theological (i.e., before God) and the penalty is primitive (i.e., the loss of some right or privilege), the penalty is obligatory in conscience. In Canon Law such penalties are sometimes *ipso facto*, that is, before sentence (e.g., suspension of a cleric); but the civil law, it seems, imposes penalties only after judicial declaration. Example: Titus on account of bribery has forfeited the right to vote; but he has not been declared guilty by court, and hence may continue to use the right of suffrage.

(c) If the fault was theological and the penalty incurred is active (e.g., exile, imprisonment, fine), the penalty is not obligatory before sentence; for it would demand too much of human nature to require that one deliver oneself up to exile, accept confiscation, etc. The apprehension and detention

of the guilty is imposed by law as a duty on the police and other officers, not on the guilty.

553. The kind of obligation imposed depends on the will of the lawgiver: (a) he can oblige under pain of sin, or under pain of nullity or punishment; (b) he can oblige under pain of grave sin, or under pain of venial sin.

554. Generally speaking, the legislator is held to oblige under pain of sin in the following cases: (a) when the law is a just determination of the natural law (e.g., the laws that determine ownership); (b) when the law is directly concerned with and necessary to the public good (e.g., laws on national defense in time of war, laws that impose necessary taxation, etc.; see above, 379).

555. The legislator is held not to oblige under sin in the following cases: (a) when the law is enacted as penal, or is prudently regarded as such—as is the case with laws that are of minor importance or that can be enforced without a moral obligation—laws useful rather than necessary; (b) when the law is merely irritant or inhabilitating, the subject is not obliged to omit the act invalidated, but only to suffer the consequence of nullity before the law.

556. In doubt as to the obligation of a law, what is the duty of the subject? (a) If there is doubt concerning its justice, the subject can always observe it with a safe conscience. One may obey an unjust law, until it is judicially declared unjust, if it is not manifestly opposed to divine or human rights. (b) If there is doubt whether a law obliges under sin or not, the subject does not sin directly by non-observance (see 375, 376, 377, 561).

557. Special Kinds of Laws.—Laws that determine ownership are those that define in distinct and explicit terms the rights of citizens as to property, in such matters as goods lost or found, prescription, inheritance, copyright, distribution of property of intestates, rights of wives, capacity of minors, contracts, etc. It is commonly held that these laws are obligatory under sin, even before judicial decision: (a) because they are determinations of the natural law made by the authority that represents God in matters temporal; (b) because they are necessary for the peaceful existence of society.

558. Irritant or voiding laws are those that deprive certain acts of legal value. The common welfare requires that certain acts, even if valid naturally, may be made invalid by the State (e.g., contracts entered into by

minors, donations made under fear, wills devised irregularly), and hence there is no doubt that the effect of invalidation can be imposed under pain of sin.

(a) This holds even before judicial decision, if it is clear that the lawgiver ought to intend and does intend to deprive an act of its moral validity from the beginning. Example: If a lawsuit would put one party (e.g., a minor) under great disadvantage, the law can irritate a contract in conscience and before judgment is rendered.

(b) An irritant law does not oblige under sin before declaration of nullity, if it is not clear that the legislator intended this; for it can be presumed that the State is content with external means as long as these are sufficient for its ends; and, since invalidation of acts is odious, it calls for certain expression of his intention by the lawgiver. But after sentence has been given, that which is civilly null is also null morally. Hence, if the courts declare a will to be of no effect, because it was not drawn legally, the decision is binding under sin.

559. Civil lawgivers in modern times do not, as a rule, concern themselves with moral or natural obligation as such, but rather consider only what regulations will best promote the peaceful intercourse of society. Hence, the question whether a civil irritation obliges in conscience *ipso facto* (i.e., before judicial declaration of a case) has to be decided generally, not from the words, but from the purpose of the law.

(a) An irritant law should be regarded as obligatory *ipso facto*, when the general purpose of law (viz., the common good) or the specific purpose of this law requires that there should be obligation in conscience even before a court decision. Examples are laws irritating agreements to do what is illegal, laws whose purpose is to protect minors or others who would be at a disadvantage in case of litigation, or to lessen the number of cases before the courts.

(b) An irritant law should be regarded as not obligatory *ipso facto*, when the end of the law does not clearly demand obligation before judicial declaration; for, as remarked above, the invalidation of an act is something odious, and hence not to be taken for granted. Thus, laws that void an act, contract or instrument on account of lack of some legal form, do not affect the natural rights or obligations before sentence.

560. Though the civil lawgiver has the right to annul certain acts, and thus to extinguish moral rights or obligations that would otherwise exist, laws seemingly irritant frequently have a different intention.

(a) Laws that make a claim unenforceable in court do not destroy the natural right of the claimant. Example: The Statute of Limitations in modern states generally bars the right to pursue a debtor in court after six years; nevertheless, the moral obligation of the debtor remains.

(b) Laws that make an act or contract voidable do not nullify, but only grant to the person concerned the right to attack validity before the courts. Hence, if the conditions for valid contract required by natural law are present (knowledge, consent, etc.), moral rights and obligations are not voided. Example: Under the civil law some contracts made by minors may be retracted by them. But, as long as such a contract is not disavowed, the other party has a moral right to insist on its execution; if it has been ratified after majority, the former minor has no moral right to seek the benefit of the law by asking for rescindment.

561. With reference to penalty, four kinds of laws can be distinguished.

(a) Purely preceptive laws are such as oblige under pain of sin, but not under pain of punishment. There are church laws of this kind (such as the command to assist at Mass on Sunday), and there are also some civil laws that do not oblige under penalty (e.g., statutes governing the age for legal marriage, for, if a couple misrepresented their age, they might be prosecuted for the misrepresentation, but not for the act of marriage).

(b) Purely penal laws are such as oblige under pain of juridical fault and punishment, but not under pain of sin (e.g., a law that punishes negligence in driving as defined by itself, even though there be no moral culpability involved).

(c) Mixed laws disjunctively are such as oblige under sin either to obey the law or to suffer the penalty (e.g., a law that commands one either to get a license before fishing or hunting, or to pay a fine if caught doing these things without a license).

(d) Mixed laws conjunctively are such as oblige under pain of both sin and punishment (e.g., the laws that forbid injustice and command the punishment of transgressors).

562. There is no question about the existence of laws of the first and fourth classes just described, but some authorities argue against the existence of the other two classes, maintaining that a law that does not oblige in conscience is an impossibility. They argue: (a) the teaching of scripture and of the Church supposes that all just laws oblige in conscience; (b) the lawgiver holds the place of God, and hence one cannot offend against the law of man without offending God; (c) human law, being only a reaffirmation or determination of the higher law, obliges in conscience like the law on which it is based; (d) directions of a superior that do not oblige under sin are counsels rather than laws.

563. To these and similar arguments the defenders of the existence of penal laws reply: (a) such laws do not oblige in conscience, under pain of sin and of offense to God, to do or to omit as the law prescribes, just as a vow which gives one the option of not playing cards, or else of giving each time an alms, does not bind one in conscience not to play cards; (b) but those laws do oblige one in conscience to respect their juridical value, not to resist their enforcement, and to pay the penalty of violation, just as the vow mentioned obliges one in conscience to give an alms each time one plays cards. The Church recognizes penal laws (see 450), and there is no reason why civil law may not be penal.

564. Even when the transgression of a purely penal law is not sinful by reason of the civil law, it will frequently, if not usually, be sinful by reason of repugnance to the law of God. Thus: (a) the transgression will be sinful, if there is a wrong intention (such as contempt for the law) or wrong circumstances (such as culpable neglect or some inordinate passion); (b) the transgression will be sinful, if one foresees or should foresee evil consequences, such as scandal (see 96).

565. It is generally admitted that some civil laws are purely penal, since they impose penalties for fault, negligence, or responsibility that is only juridical at times. Examples: A law that imposes a fine on all motorists caught driving over a certain speed limit, even though they be free of moral guilt; or that makes the owner of a car pay damages for injuries caused while it was used by his chauffeur.

566. Even these laws oblige under sin to some extent. (a) The transgressor is morally bound to the penalty prescribed by law, after

sentence has been passed; and such penalties are just, for the common good requires them. Example: The speed violator is held to pay the lawful fine when it has been imposed. He may have been guiltless of sin, but the fine makes him more careful the next time. (b) The officers of the law are morally bound to apprehend and convict transgressors.

567. Many civil laws are commonly regarded nowadays as disjunctively preceptive or penal; and, since the custom of the prudent affords a good norm of interpretation (see above, 484 sqq., 506 sqq.), this common view is a safe guide, Example: Even conscientious persons do not feel that they have committed a sin if now and then they run a car without a license, or fish in a government reservation without the permit required by law, when there is no danger or damage to anyone.

568. Whether most modern legislatures intend practically all or the great majority of their laws that are not declarations of natural law or provisions essential to public welfare to be purely penal or only disjunctively preceptive, is a disputed question. For the affirmative view it is argued:

(a) Moral obligation is not necessary, since the enforcement of the law is well taken care of by the judiciary and the police;

(b) Moral obligation would be harmful, for the laws that are put on the statute books every year, along with those already there, are so numerous that, if all these obliged in conscience, an intolerable burden would be placed on the people;

(c) Moral obligation is not intended, for legislatures as bodies either despise or disregard religious motives when framing laws; and so many jurists today believe that the danger of incurring the penalty prescribed by the law is the only obligation the lawgiver intends to impose, or that moral obligation must come from conscience (i.e., be self-imposed);

(d) Moral obligation is not admitted by custom, the best interpreter of law, for most citizens today regard civil legislation as not binding under sin.

569. Opponents of the view just explained answer:

(a) The prevalence of crime and the ineffectiveness of the courts in so many places prove the need of moral obligation of civil laws; and, even if the laws are well enforced, this will scarcely continue, if respect for them is lowered;

(b) Though there is an excess of legislation, it is not generally true that the individual citizen is burdened in his daily life by a multitude of laws;

(c) Lawmakers today are not more irreligious than the pagan rulers to whom the scriptures commanded obedience; and, even though they do not themselves believe in religion or the obligation of conscience, they do intend to give their laws every sanction that the common good requires, and thus implicitly they impose a moral obligation wherever the contrary is not manifest;

(d) The statement that the majority of the people in modern states regard the civil legislation as a whole as not obligatory in conscience may be passed over, as there is no proof for it. Moreover, the customary interpretation of the citizens does not make penal the laws which the elected representatives intended as preceptive, without the consent of the latter (see 394).

570. Signs that a law is merely penal are the following:

(a) The express declaration of the lawgiver that it obliges only under penalty. Examples: In the Dominican Constitutions it is declared that they oblige, not under fault, but only under penalty (No. 32). The same is true of the Franciscan, Redemptorist and most recent religious Constitutions. Some civil laws, it is said, are formulated thus: "Either do this, or pay the penalty on conviction." Other laws define punishable negligence in such a way that it does not ultimately suppose sin.

(b) Another sign of a penal law is the implicit declaration of the lawgiver. If a heavy penalty is prescribed for a transgression regarded by all as very slight proportionately, the government implicitly declares that it imposes no other obligation than that of penalty. Blackstone, in his "Commentary on the Laws of England" (1769), considers as purely penal all those laws in which the penalty inflicted is an adequate compensation for the civil inconvenience supposed to arise from the offense, such as the statutes for preserving game and those forbidding the exercise of trades without serving an apprenticeship thereto (Vol. I, Sect. 58).

(c) A third sign is the interpretation of competent authorities. Example: Practically all Catholic moralists, and the opinion of the people generally, consider as penal some laws that are merely useful, but not necessary (e.g.,

prohibitions against smoking or spitting in certain public places, laws on permits for fishing, hunting, etc.).

571. Whatever may be said about legislatures in general, it cannot be argued that in the United States they are indifferent or contemptuous as regards the moral obligation of law; the public acts and speeches of Congress and of the State Assemblies show that the elected representatives of the people respect religion, and do not wish to deprive themselves of its help in their deliberations and decisions. Nevertheless, the opinion is very prevalent among lawyers that purely positive law in the United States is not intended to oblige under sin.

572. In practice, the attitude of the citizen to civil law should be one of respect and loyalty.

(a) If a law is good, even though the legislator did not impose a moral obligation, it should be obeyed; for reason and experience show that disregard for law is a source of scandal and of many public and private evils.

(b) If a law is not good, every lawful means should be used to have it repealed as soon as possible. But the principle that a bad law is always best overcome by being rigidly enforced, is not borne out by history, and sometimes the public good demands disregard for unreasonable ordinances. The so-called “Blue Laws” are a case in point.

573. Other questions pertaining to civil law that will be found elsewhere are: (a) the obligation of customs, taxation and military duty; (b) the power of the State to inflict capital punishment.

Question IV CONSCIENCE

574. In order that man may tend to his Last End, it is not sufficient that the way be pointed out in a general manner (as is done by the natural and positive laws), but these laws must be applied to each act in particular by the practical reason or conscience, as it passes judgment on the right or wrong of an action in the light of all the circumstances.

Art. 1: THE LAW OF CONSCIENCE

(*_Summa Theologica_*, I, q. 79, aa. 11-13.)

575. Definition.—Conscience is an act of judgment on the part of the practical reason deciding by inference from general principles the moral goodness or malice of a particular act.

(a) It is an act, and as such it differs from moral knowledge and intellectual virtues, which are not transitory but enduring. Moral understanding (*synderesis*), by which everyone naturally perceives the truth of general and self-evident principles of morality; moral science, by which the theologian or ethicist knows the body of conclusions drawn from moral principles; prudence, by which the virtuous man is able to make right applications of moral rules to individual cases—all these are permanent states and are preparatory to the act of conscience, in which one makes use of one's knowledge to judge of the lawfulness or unlawfulness of an action in the concrete, as attended by all its circumstances.

(b) Conscience is an act of judgment, and thus it differs from the other acts employed by prudence—from counsel about the right means or ways of action, and from command as to their use. Counsel inquires what is the right thing to do, conscience gives the dictate or decision, the moral command moves to action.

(c) Conscience is in the reason—that is, it is a subjective guide, and thus it differs from law, which is objective.

(d) Conscience is in the practical reason. Unlike other judgments, which are speculative and deal not with action or only with theoretical aspects of action (e.g., the judgment that God is perfect, that the active faculties are distinct from the soul, etc.), conscience is concerned with action from the view-point of its moral exercise.

(e) Conscience is the inference from general principles, and thus it differs from moral understanding (*synderesis*). This latter is a habit by which everyone who is mentally developed is able to perceive without argument that certain more general propositions of morality must be true, such as the

axioms of the natural law (see above, 319 sqq.); conscience draws conclusions from those axioms.

(f) Conscience judges concerning the morality of an act. Here lies the difference between consciousness and conscience; consciousness is a psychological faculty whose function is to perceive one's own states and acts; conscience is a moral judgment concerning the lawfulness or unlawfulness of those states or acts. Thus, consciousness testifies that one is considering the performance of a certain act, conscience judges the morality, and permits or forbids; or consciousness testifies that a certain thing was done or not done in the past, conscience declares the morality—condemning, excusing, or approving what took place.

(g) Conscience judges concerning a particular act—that is, it considers an act that is to be done here and now (or was done), with all the attendant circumstances. Conscience, thus, differs from moral science, which, though it systematizes the body of conclusions drawn from the natural and positive laws, is not able to make the applications for the innumerable cases that arise. Even works containing moral cases, which give solutions for concrete instances, do not take the place of conscience in such instances, for it is still the individual who judges about those solutions or about their applicability to his particular circumstances.

576. Division.-Conscience is variously divided. (a) According as the act judged is in the future or in the past, conscience is antecedent or consequent. The antecedent conscience is a monitor which decides that a future act will be lawful or unlawful; the consequent conscience is a judge which causes peace or remorse for what has been done in the past. (b) According to the kind of direction or decision it gives, antecedent conscience is commanding, forbidding, permitting or counselling; while consequent conscience is excusing, approving, or condemning (Rom., ii. 15).

577. According as it agrees or disagrees with the external divine or human law, conscience is true or false. (a) A true conscience judges that to be good and commanded which is really good and commanded. Example: According to law, one may use money of which one has the disposal. A sum of money before Balbus is really at his disposal. Hence, his conscience is true if it decides that he may use this money.

(b) A false conscience judges the lawful to be unlawful, or vice versa: “The hour cometh that whosoever killeth you will think that he doth a service to God” (John, xvi. 2). Example: Balbus would have a false conscience, if he decided that he had no right to use the money before him. This would happen if he was mistaken about the general principle, or about the fact that the money was at his disposal, or if he drew a wrong inference from the premises.

578. According to its qualities and suitability as a guide of conduct, conscience may be viewed either with reference to the will or to the intellect. (a) With reference to the will, conscience is either good (right) or bad (wrong), according as it does or does not proceed from a well-meaning intention and a right disposition towards one’s end and duties. Example: If the Balbus mentioned above decided that the money was at his disposal because he wished to know the truth and had investigated to the best of his ability, his conscience would be good. But, if he decided this without sufficient investigation and only because he was prejudiced in his own favor, his conscience would be bad.

(b) With reference to the intellect, conscience is either certain or uncertain, according as the mind assents to its judgment without or with fear of error. Examples: If Balbus decides that he has the right to use the money, and is so firmly convinced that his judgment is true that he has no fears or doubts, his conscience is certain. But, if there remain solid difficulties or objections against his judgment which he cannot satisfactorily answer so that he assents to his view only with the fear that he may be wrong, his conscience is uncertain.

579. A conscience may have some and lack others of the qualities just mentioned.

(a) The same conscience may be true and bad, or false and good—that is, the judgment of the intellect may be in agreement with objective facts, but at the same time it may be directed by a wrong will and intention, or vice versa. Examples: Caius, through no fault of his own, is convinced that he is bound to tell a lie to help Sempronius, because Sempronius once helped him by lying. His conscience is false, but good. Titus is really not bound to pay a sum of money demanded of him. But the arguments by which he persuades himself that he is not bound are not honest, since he has recourse

to what he knows are hair-splitting distinctions, quibbles and sophistical reasonings. His conscience is true, but bad.

(b) The same conscience may be good and uncertain, or bad and certain. Examples: If the Caius above-mentioned believes he is bound to lie, but has some qualms or suspicions that such conduct might not be right after all, his conscience would be good, seeing that he meant to do what is right; but it would be uncertain, seeing that he is not sure he is right. If the Titus above-mentioned had so habituated himself to insincerity and illogical reasoning that he no longer had any fears about his own judgments, and gave firm and unhesitating assent to his decision that he was not bound to pay the money demanded, his conscience, though bad, would be certain subjectively.

580. Obligation of Conscience.—Man is bound to be guided by conscience, both negatively and positively—that is, he must neither disobey when it forbids, nor refuse to obey when it commands.

(a) It obliges by reason of divine command, since it acts as the voice or witness of God making known and promulgating. to us the moral law. Hence “all that is not from conscience is sin” (Rom, xiv. 23).

(b) Conscience obliges from the nature of things, for, since the will is a blind faculty, it must be guided by the judgment, of the intellect, and must follow the inner light given it about the law. Apart from revelation, there is no other way of learning what God wishes one to do here and now.

581. The authority of conscience is not, however, unlimited.

(a) Conscience is not independent of external law and authority. It is not autonomous morality of the reason or will, nor private inspiration or interpretation; for its function is not to establish law or pass judgment on it, but to apply the law as expounded by the Church to a present case. Hence, conscience must aim to be true—that is, to agree with and express the objective law.

(b) Conscience is not independent of the righteousness of the will. It is not a speculative judgment, whose value depends solely on agreement between the mind and the facts, as is the case with a conclusion of pure science. It is a practical judgment, which has to guide all man’s conduct, and thus its value depends on the relation of the means it selects to the end towards which the means should be directed. Hence, conscience must be

good—that is, a judgment dictated by a will well disposed towards the true end of life.

(c) Conscience is not independent of the certainty of the intellect. It is a judgment formed, not by sentiment, emotion, or one's own wishes, but by evidence and firm conviction; for its office is to guide man reliably in the most important of affairs. Hence, conscience must be certain—that is, a judgment to which the intellect yields its unhesitating assent.

582. In order, therefore, that conscience may be the proper rule and moderator of man's moral life, it must have the following qualities:

(a) It must be good, and practically true—that is, in agreement with the Last End of man and, as far as the efforts of the individual can attain to such agreement, with the objective law—for the standard of moral good is not each one's wish or opinion, but God as the Last End and the external natural and positive law as means to that End.

(b) It must be certain—that is, without fear that one is wrong; at least, it must have that degree of certainty which is possible in moral matters. For to act with the fear that one is committing sin, is to be willing to do what may be sin, and is thus consent to sin.

583. Since conscience that has the requisite conditions is our immediate guide in moral matters, it follows: (a) that a conscience which is true objectively, good, and certain must be followed, whenever it commands or forbids; (b) that a conscience which is in invincible error (see 30), but seems to him who has it to be not only true but certain, must also be followed when it forbids or commands. Examples: If a child were told and believed that he was obliged to tell a lie to prevent an evil, he would be bound to do this. If a person eats what he wrongly thinks to be forbidden food, he is guilty of the violation he apprehends.

584. Exception.—If invincible error results from lack of sufficient intelligence to be capable of sin (see above, 249, 387), then the failure to follow one's conscience in such error does not make one guilty. Example: If a person unable to walk were persuaded that he was bound nevertheless to walk to church for Mass, his conscience would not make his omission sinful. Conscience supposes sane judgment, but the judgment we are now considering is not sane.

585. A conscience that has not the requisite conditions is not a safe guide, and hence it cannot be followed.

(a) An erroneous conscience may not be followed, if the error is vincible and there is danger of sin; neither may one act against it if there be danger of sin. To follow such a conscience would be to do what is wrong and to act in bad faith (i.e., to have a bad and erroneous conscience); not to follow it, would be to act against one's judgment, wrongly formed though it was, and to do insincerely what is right (i.e., to have a bad, though true conscience). Example: A person who has made up his mind that dishonesty is necessary in his business, but who realizes that his reasons are not convincing, sins against sincerity if he follows his opinion; he sins against conviction, if he does not follow his opinion. But his predicament is due to his own sophistry or bad will, and the escape from it requires only that he be honest enough with himself to inquire about the matter.

(b) A doubtful conscience may not be followed, if the doubt is such that one is not reasonably sure that a certain act is lawful. Example: If a man does not know whether a certain remedy will be helpful or seriously harmful to another, his conscience is doubtful as to the lawfulness of administering the remedy, and it may not be followed. If in spite of this he makes use of the remedy, he is guilty of the harm he foresaw, even though it does not happen.

586. Exception.—It is lawful to follow a vincibly erroneous conscience, if there is no danger of sin in this. Example: If a person has neglected inquiry about holydays of obligation, and through his own neglect believes that Good Friday is a holyday, he does not sin by attending the services that day.

587. The signs of a vincibly erroneous conscience are: (a) that in the past one did not use the same diligence to inform oneself about one's religious duties as is employed by conscientious persons; (b) that in the present one has fears, doubts or suspicions as to one's own sincerity of judgment.

588. Results of Conscience.—The results of following an erroneous conscience are as follows:

(a) He who follows an erroneous conscience, commanding or forbidding or permitting, is not guilty of sin if his ignorance is invincible. Example: A

child who thinks he is obliged to lie because he has been told to do this, is excused from sin on account of his ignorance.

(b) He who follows an erroneous conscience, commanding or permitting evil, is guilty if his ignorance is vincible. Example: A grown person who has persuaded himself that deception is lawful, obligatory or advisable, or that truthfulness is forbidden, but who ought to know better, is not excused by the conscience he has formed (see above, 97 sqq.).

589. The results of disobeying an erroneous conscience are as follows:

(a) He who disobeys an invincibly erroneous conscience, is guilty. Example: The child who refuses to tell a lie when he thinks he ought to do so because it has been commanded, is guilty of disobedience.

(b) He who disobeys a vincibly erroneous conscience, is also guilty. Example: Caius promises to tell a lie to help another party. The doubt occurs whether or not this is lawful, and he takes no pains to settle it correctly, but decides offhand that a promise must be kept. When the time comes, Caius becomes alarmed and does not keep his promise, lest he get into trouble. He is guilty.

590. If a conscience which was vincibly erroneous in its origin is here and now invincibly erroneous, the acts that result from following such a conscience are to be judged as follows:

(a) They are materially evil in themselves and formally evil in their cause. Example: Titus, who intends to take a position in which he will have to advise others, foresees that later on he may make mistakes costly to others, as a result of his present lack of sufficient study. He secures the position, and tries to make up for former neglect of study, but on one occasion injures a patron by wrong advice which he would not have given, had he worked more faithfully as a younger student. The wrong advice is objectively sinful in itself, as being an injury; it is subjectively sinful in its cause, as being the result of negligence which foresaw what might happen.

(b) The acts in question are not formally evil in themselves. Example: Titus was formally guilty of injury to others at the time he foresaw what would happen on account of his negligence; he was not formally guilty at the time he did the injury, because he had tried meanwhile to repair his negligence and was not conscious of his ignorance.

591. The kinds of sin committed in consequence of an erroneous conscience are as follows:

(a) Sin committed by following a vincibly erroneous conscience is of the same gravity and species as the act for which the conscience is responsible, but the ignorance is an extenuating circumstance. Example: He who blinds his conscience so that it decides in favor of grave calumny, is guilty of mortal sin against justice; but he is less guilty than if he had sinned without any permission from conscience.

(b) Sin committed by disobeying an invincibly erroneous conscience is of the gravity and species apprehended by the conscience. Example: A person who tells a small lie, thinking it a mortal sin against charity, is guilty of the malice he understands to be in his act.

(c) Sin committed by disobeying a vincibly erroneous conscience is of the species that was perceived. Example: Caius who did not live up to his promise of telling a lie, after he had decided that to keep his word was the right thing to do, was guilty of a breach of promise. As to the gravity of sin against a vincibly erroneous conscience, it is always the same as that apprehended by the conscience, unless what is seriously wrong is culpably mistaken for what is only slightly wrong. Examples: If Caius, just referred to, thought that his desertion of his friend inflicted a grave injury, he was guilty of grave sin. A person who persuades himself by vain reasonings that complete intoxication does not differ in gravity from incipient intoxication, is nevertheless guilty of the greater malice, if he puts himself in the former state; for his wrong opinion cannot change the fact, and his culpable ignorance cannot excuse him.

592. An erroneous conscience may apprehend something not wrong as wrong, but in an indeterminate manner.

(a) If the species of evil is not determinate before the conscience, but an indifferent act is thought to be sinful without any definite species of sin being thought of, he who acts against such a conscience seems to commit a sin of disobedience. Example: A person who thinks that smoking is a sin, of what kind he does not know, must have at least vaguely the opinion that it is forbidden by the divine law; and hence, if he smokes, he is guilty of disobedience.

(b) If the gravity of the putative sin is not determinate before the conscience, but an act is thought to be sinful without the degree of sinfulness being at all known or thought of, he who acts against such a conscience commits a mortal or a venial sin according to his own disposition with respect to sin. If he is so attached to the sin he apprehends that he intends to commit it, whether it be great or small, he is guilty of mortal sin, at least in so far as he exposes himself to it. But if he is habitually resolved not to commit grave sin, it can be presumed that he would not do that which he apprehends as sinful, if he thought it was a grave offense, Example: If a person erroneously thinks that it is a sin to read a certain book, and then reads it without adverting at all to the gravity of the sin he apprehends, his greater or less guilt will have to be judged by his character. If he is so conscientious that he would stop reading at once if he feared the book was seriously harmful, he sins only venially; but if he knows that he is lax and is yet resolved to read the book at all costs, it seems that he is guilty of grave sin.

Art. 2: A GOOD CONSCIENCE

(*_Summa Theologica_*, I-II, q. 19, aa. 5, 6.)

593. As was explained in the previous article, conscience is not a proper guide unless it is good. In this article we shall speak of the good conscience and of its opposite the various kinds of bad conscience.

594. Definition.—The distinction of good and bad conscience is applied both to consequent and antecedent conscience (see 576).

(a) The consequent conscience is good, and one is said to have a good conscience, if it testifies that past acts were rightly performed, that past sins were forgiven, that one is in the friendship of God, etc.; “The end of the commandment is charity from a good conscience” (I Tim., i. 5); “War a good warfare, having faith and a good conscience” (ibid., 19). The consequent conscience is bad if it testifies in a contrary way: “Let us draw near with a true heart, having our hearts sprinkled from an evil conscience” (Heb., x. 22).

(b) The antecedent conscience, with which we are now concerned, judges about the morality of an act to be performed here and now, or in the future. It is called good, if it is made by one who is in good faith—that is, one who sincerely loves goodness and who decides according to the truth as far as he is able to see it. It is called bad, if it is the judgment of one who is in bad faith—that is, one who is in error through his own fault, or who arrives at the truth by reasonings that are not honest or not understood by him. Example: Speaking of those who, though fearing that idol meats were forbidden, yet ate of them because they saw others do this, St. Paul says: “There is not knowledge in everyone. For some until this present, with conscience of the idol, eat as a thing sacrificed to an idol, and their conscience being weak is defiled” (I Cor., viii. 7).

595. Divisions.—By training and care a good conscience is developed and becomes better. (a) A vigilant conscience is one that asserts itself promptly and strongly under all circumstances. (b) A tender conscience is one that inclines to a careful observance of all the Commandments and to a

purification of the inner workings of the soul. A possessor of this kind of conscience is called conscientious. (c) A timorous conscience moves one through filial fear to shun even the slightest sins and imperfections, and to use all prudent efforts to avoid occasions and dangers of sin. The possessor of this kind of conscience is called God-fearing.

596. A bad conscience that is in vincible error is divided according to its effects into the scrupulous and the lax conscience. (a) The lax conscience errs on the side of liberty. It is moved by trivial reasons to judge the unlawful to be lawful, the gravely sinful to be only slightly evil, that which is commanded to be only counselled, and so on.

(b) The scrupulous conscience errs on the side of obligation. It is moved by trivial reasons to judge that there is sin in something lawful, grave sin in something venially wrong, and obligation in something that is only counselled; it sees inhability or defect where these do not exist, and so on.

597. The Lax Conscience.—According to the more or less control it has over one, the lax conscience may be divided into the incipient and the habitual. (a) It is incipient when one is becoming familiar with careless decisions and less responsive to remorse about evil done. In this state the conscience is said to be sleeping. (b) It is habitual when through long-continued habit one has become enamored of a worldly, frivolous conception of life, and is rarely visited by compunction. In its worst state, when there is little hope of cure, a lax conscience is said to be seared or cauterized (I Tim., iv. 2).

598. According to the greater or less responsibility of the one in error, a lax conscience is either malicious or not malicious. (a) It is malicious when it results from one's own disregard for religious truth, as in the case of the pagans who did not care to know God, and were thus led into perverse conceptions of morality. St. Paul calls such a conscience a reprobate sense (Rom., i. 28). (b) It is not malicious when it results from some less blamable reason, as in the case of the Christians at Corinth who thought that the eating of idol meats was sinful, but that it was to be practised on account of the example of others. St. Paul calls this a weak conscience (I Cor., viii. 10).

599. Laxity of conscience is either partial or entire. (a) A conscience entirely lax takes an easy and indulgent view in all things. It is careless both

in little and great matters, both in directing self and in directing others. (b) A conscience partially lax is too liberal in some things, but not in others. Examples: Titus is very exacting with his girls, and wishes to have them models of virtue; but he is too easy with himself and his boys. Balbus is very loyal to friends, but has no sense of justice as regards those who do not agree with him. Sempronius tries to serve both God and mammon, being very faithful to church duties, but at the same time dishonest in business matters.

600. A conscience partially lax may even combine scrupulosity and laxism (see 610), becoming like a mirror that reflects large objects as small and vice versa; or like a color-blind eye: “Woe to you that call evil good and good evil, that put darkness for light and light for darkness” (Is., V. 20). This kind of conscience is called pharisaical.

(a) One may be lax and scrupulous about the same kind of things. Examples: Caius regards great disobedience in himself as a mote which he doesn’t need to worry about, but small disobedience in his children as a beam in the eye which he is seriously bound to extract (Matt, vii. 3-5). Titus is lax about almsgiving to those from whom he can expect nothing, but scrupulous about almsgiving to those from whom he expects a return later on.

(b) One may be scrupulous and lax about different things, straining at gnats and swallowing camels. Example: The Pharisees were scrupulous about external observances and minor things of the law, such as tithes; but they were lax about inward justice and the weightier things of the law, judgment, mercy and faith (Matt, xxiii. 13-31).

601. Causes of a Lax Conscience.—(a) If the laxity is inculpable but habitual, it is caused generally by lack of Christian training in childhood and the influence of evil principles and practices that are widespread. In particular cases a lax decision of conscience may be due to want of sufficient consideration or to a sudden storm of passion that obscures the reason, when one has no time for deliberation; and thus it is inculpable.

(b) If the laxity is culpable, its usual causes are an easy-going view of God’s law and its obligation (Is, xliii. 24); or a self-love that sees in one’s vices nothing but virtue or amiable weakness; or a long-continued indulgence of sin that has destroyed all refinement of conscience.

602. Special Dangers of a Lax Conscience.—(a) If the laxity is inculpable, it is an occasion of demoralization to others and a preparation for formal sin in him who has the conscience;

(b) if the laxity is culpable, it is the cause of formal sin; and if it is not corrected, it naturally leads to moral blindness, hardness of heart and impenitence: “There is a way that seemeth to man right, and the ends thereof lead to death” (Proverbs, xvi. 25).

603. Since a lax conscience is a species of erroneous conscience, the rules given above as to the kind of sins committed in consequence of an erroneous conscience, apply also to the lax conscience (see above, 588 Sqq.).

(a) When the laxity is concerned with the existence of sin, the conscience taking what is sinful for something lawful, he who follows such a conscience is guilty or not guilty according as his ignorance is culpable or inculpable (i.e., as he acts from a bad or a good conscience). Examples: The man who practises dishonesty, because he has cheated his conscience by sophistry into deciding that dishonesty is lawful; the child who uses profane language without realization of sin, because he hears his elders use it. But if the lax conscience takes what is sinful for a duty, he who disobeys it is guilty of sin. Example: The person who refuses to tell a lie when he thinks he ought to lie on account of a promise made.

(b) When the laxity is concerned with the gravity of sin, the conscience taking what is mortal for venial sin, he who disobeys such a conscience is guilty of mortal or venial sin, according as his ignorance is culpable or inculpable (i.e., as he acts from a bad or a good conscience). Examples: A child who thinks that calumny or missing Mass is only a venial sin, because he sees grown up persons treat these things lightly; a person that, to solace his conscience, advises with lax associates who always approve of what he wishes to do or has done.

604. He who knows, or who has good reason to think, that his conscience is lax, should guide himself by the following rules: (a) with reference to the past, if there is a doubt whether or not sin was consented to or was grave, the presumption is against him, for laxity willingly contracted makes one responsible for what ensues; (b) with reference to the future, a person must

make use of the means prescribed for one who is in danger of sin (see above, 258 sqq.), for a lax conscience places one in danger of sin.

605. Remedies Recommended for a Lax Conscience.—(a) The defect of will or character should be corrected. Example: The presumptuous should reflect on the justice of God, and recall that the broad way leads to perdition. Those in whom the wish is father to the lax judgment should make war on the passion that leads them astray. Those who have become lax through bad habits, should set about acquiring good habits, like that of going to the Sacraments frequently. (b) The error of the intellect should be corrected. Example: If a person's religious training has been neglected, he should do what he can to get correct information and advice as to his duties. If one has been influenced by lax ideas or conduct, one should change one's reading or associations.

606. Is a lax person held responsible, if he does not know that he is lax? (a) If his conscience is invincibly erroneous, he cannot know that it is lax, and hence he is not responsible; (b) if his conscience is vincibly erroneous, he ought to know that he is lax, and hence he is responsible. Examples: The boy Caius keeps whatever he finds, because he thinks he has a right to do this. The man Titus does not like cheating, but he cheats habitually, because he thinks he has as much right to do so as others. Both the boy and the man are lax, but neither considers himself lax; the difference is that Titus can and ought to know that he is lax.

607. The scrupulous Conscience.—This is a species of erroneous judgment that sees sin where there is no sin, or grave sin where there is only light sin, and whose reasons are trivial or absurd. (a) It differs, therefore, from a strict or tender conscience, which, while it does not exaggerate sin, judges that one should try to avoid even slight sin and imperfection. This is the golden mean between a lax and a scrupulous conscience. Persons with this sort of conscience are sometimes called scrupulous or singular, because they are more exact than the majority. More accurately they are to be called conscientious or God-fearing.

(b) The scrupulous conscience differs also from scrupulosity, which is a state of mind in which one whose judgment is not erroneous, is nevertheless tormented by fears or doubts about his moral condition.

608. The rules given above (588 sqq.) for the erroneous conscience apply also to the scrupulous conscience. (a) He who follows a scrupulous conscience does not sin by this, even though he is vincibly in error; for there is no danger of sin in doing more than is required. Example: Caius is too lazy to make inquiries about his religious duties, but he has the exaggerated notion that grace at meals obliges under pain of grave sin. He does not sin by following his conscience, for grace at meals is recommended to all. (b) He who disobeys a scrupulous conscience commits the sin his conscience apprehends. Example: If Caius omits grace, he is guilty of grave sin.

609. Special Dangers of a scrupulous Conscience.—(a) As to himself, the scrupulous person suffers from his conscience; it makes him guilty of sin where there should be no sin, and by its exaggerated strictness it often drives him to the other extreme of laxity. (b) As to others, the scrupulous person is an annoyance and a detriment; he tries to impose his conscience on them, or at least he makes virtue appear forbidding.

610. It is possible for a conscience to be scrupulous and lax at the same time, over-indulgent on some points, over-severe on others (see 600). (a) It may be scrupulous as regards others, and lax as regards self, or vice versa. Example; Parents sometimes are too lenient with themselves, but rule their children with extreme severity; in other cases they are meticulous as to their own conduct, but think they must allow their children every indulgence.

(b) A conscience may be scrupulous in minor matters and lax in major matters. Example: The Jewish leaders scrupled to take the money from Judas or to enter the house of Pilate, but they did not hesitate to condemn our Lord unjustly.

(c) A conscience may be scrupulous as to externals, lax as to internals. Example: The Pharisees made much of bodily purifications, but gave little thought to purity of mind and heart.

611. The Perplexed Conscience.—Like to the scrupulous conscience is the perplexed conscience, which judges that in a particular instance one cannot escape sin, whether one acts or does not act. Example: Titus fears that, if he goes to church, he will sin by endangering his health, which is feeble; that, if he does not go to church, he will sin by disobeying the law. This seems to have been the conscience of Herod, who thought he was

confronted with the alternative of perjury or murder when the head of John the Baptist was asked of him (Matt, xiv. 9).

612. St. Alphonsus gives the following directions to assist one who is perplexed in conscience:

(a) If without serious inconvenience decision can be delayed, reliable advice should be obtained (e.g., from the confessor).

(b) If decision cannot be delayed, the alternative that seems the lesser evil should be chosen. Example: The natural law requires that Titus should not expose his life to danger unnecessarily. The positive law of the Church requires that he go to Mass on Sunday. It is a less evil to omit what is required by the law of the Church than to omit what is required by the law of God. Hence, Titus should decide that he is not obliged in his circumstances to go to church.

(c) If decision cannot be delayed and the party cannot decide where the lesser evil lies, he is free to choose either; for he is not bound to the impossible.

613. If, in the supposition last mentioned, the perplexed person acts with the feeling that he is committing sin through necessity, is he really guilty or not?

(a) If by the feeling of guilt is meant, not a judgment of the mind, but a scruple or doubt, he is not guilty, as we shall see below when we speak of scrupulosity.

(b) If by the feeling of guilt is meant a judgment of the mind that he has to sin and an intention to welcome the opportunity, he is guilty; but his guilt is considerably diminished by the error and his difficult circumstances. Example: Titus thinks that he sins whether he obeys or disobeys an order to take a good dose of whiskey. He decides to take the dose, and feels rather pleased at the thought that he will become intoxicated.

(c) If by the feeling of guilt is meant a judgment that one has to sin, accompanied by sorrow at the necessity, one is not guilty, if one thinks the matter over to the best of one's ability before acting; there is some guilt, if the perplexity arises from previous culpable negligence and no effort whatever is made to remedy this before acting. Example: Gaia asks her mother if she may go for a ride. The mother fears that, if she refuses, Gaia

will become desperate; if she permits, Gaia will meet unsuitable companions. If the mother's perplexity is due to the fact that she has never taken any interest in Gaia, she is responsible if she carelessly makes a wrong decision; but if the perplexity arises only from the difficult character of Gaia, the mother is not responsible.

614. *Scrupulosity*.—Like to the scrupulous conscience is the state of scrupulosity, which manifests itself in moral matters especially as a vain fear or anxiety concerning the presence or magnitude of sin in one's act. A psychopathic state, scrupulosity is usually listed as a form of psychasthenia which is characterized by weakness of soul, inability to cope with problems, and a lack of psychic energy. Clinically examined, the psychasthenic presents the following characteristics: (1) physically, he is listless and always tired; (2) intellectually, his tiredness makes it impossible for him to concentrate for long periods of time; (c) psychologically, he is an introvert concerned with himself as the center of his interests and activities.

The more common manifestations of the psychasthenic's difficulties include: self-diffidence, uncertainty, hesitation, obsessions and scruples. A species of psychasthenia, scrupulosity may be described as an inordinate preoccupation with the moral and religious order, a special type of worry directed toward the morality of actions.

(a) scrupulosity must be distinguished, however, from the scrupulous conscience, inasmuch as scrupulosity is not a judgment, but a fear that accompanies one's judgment. Example: A scrupulous person knows very well that it is not a sin to omit grace, nor a grave sin to pray with some voluntary distraction; but he worries over these things as if they were sins, or grave sins.

(b) scrupulosity must be distinguished from the tender conscience, inasmuch as scrupulosity is an exaggerated and harmful solicitude. A person of tender conscience is careful even in smaller duties, but in a quiet and recollected way, whereas the scrupulous person is all excitement and distraction.

(c) scrupulosity must be distinguished from the anxious or doubtful or guilty conscience, inasmuch as scrupulosity is a baseless fear or phobia. Examples: A person who has practised injustice for many years, has good reason to be perturbed in conscience when he reflects that restitution or

reparation is a prerequisite to pardon; but a mother who did all she could to train her children well, is scrupulous, if she is constantly reproaching herself that she should have done better. A person who makes a contract while fearing that it may be unlawful, because good authorities hold its unlawfulness, acts with a doubtful conscience; but if he fears that the contract is unlawful, in spite of the fact that others regard it as lawful and that his only reason for doubt is that they may be wrong, he is scrupulous. The Egyptians at the time of the plagues could reasonably forecast grievous chastisements on account of their wickedness (Wis., xvii. 10); but a good person who worries constantly over the possibility of being damned must be scrupulous.

615. Scruples may be divided in various ways, but the simplest division seems to be by virtue of object, extension and duration. By reason of object, scruples may center on only one or, at most, a few moral activities, e.g., duties of charity, or sins against chastity, or they may embrace the whole moral life of the individual. By reason of extension, some scruples are limited to interior actions, others extend to external manifestations. By reason of duration, scruples may be classified as intermittent, or temporary, and quasi-permanent which is characteristic of the constitutionally scrupulous person whose physical and psychical disposition incline him to scrupulosity.

616. The signs or external manifestations of scrupulosity have been variously divided, but a simplified division into intellectual, or cognitive, affective, or volitional, and compulsive suffices for our present purpose.

(a) Intellectual: habitual abulia, i.e., an inability to decide, coupled with and interacting with constant doubt.

(b) Affective: closely allied to the intellectual state is the feeling of insufficiency which extends to actions, to the individual's own personality, to his desire for higher goals, to his abilities, etc. This fosters and strengthens the inability to decide. Inordinate fears, anxieties and sadness contribute to the genesis and growth of the sense of inadequacy.

(c) Compulsive: numerous compulsion factors are present in more serious cases of scrupulosity, e.g., obsessions, phobias, and compulsions properly so called, which concern external actions or rituals.

Obsessions include irresistible, persistent and irrational ideas accompanied by feelings of tension and fear. These ideas which plague the individual are “discordant,” that is, out of harmony with his habitual attitude, and “impulsive,” tending to reduce themselves spontaneously to action. The scrupulous person is frightened and flustered by the thought of doing a thing for which he has a positive abhorrence and by his inability to get the thought out of his mind.

Phobias refer to habitual, irrational fears of a definite entity associated with a high degree of anxiety and unwarranted by objective reality. They are very intense fears, completely out of proportion to their causes or objects.

Finally, compulsions strictly so called may be defined as irresistible, unreasonable urges to perform actions to free the individual from an obsessing idea. Tension and anxiety are associated if the act or external ritual is not performed.

For the confessor, the recognition of a scrupulous person is not too difficult. The penitent’s own difficulties present the first and most obvious sign, e.g., irrational doubts about consent to temptation, as to the gravity of a sin, etc., and undue concern about circumstances. Concomitant signs confirming the judgment that a person is scrupulous include:

(a) Obstinacy of judgment; Although the scrupulous person seeks advice, frequently from many confessors, he tends to follow his own judgment. He is inclined to think that the confessor has not understood him, that he has not given a complete picture of his state of soul, etc.

(b) Inconstancy in acting owing to inability to judge rightly and the consequent frequent changes of judgment for light reasons.

(c) Irrelevant accusations of multiple circumstances that tend to lose the sin in the maze of circumstances.

(d) External motions by which the individual tries to do away with the fear, sin, or other difficulty.

617. Causes of a scrupulous Conscience.—Although the signs of scrupulosity are easily recognizable, the causes are not clearly defined, and authors are not entirely agreed in this matter. A listing of probable causes would include internal causes:

(a) physical—the physical causes are virtually unknown. Most authors admit a constitutional disposition to scrupulosity, just as there is one to its quasi-genus, psychasthenia. Reductively this might involve disorders in the vago-sympathetic nervous system and the neuro-endocrine system. (b) psychical—the cause is attributed to too low a psychic tension. The inability to cope with obsessions and the attacks of phobias serve to exhaust the individual; (c) moral—perhaps a suspicious and melancholy character, a disposition that is overly impressionable and changeable, or a self-opinionated nature, overconfident of its own ability.

618. The external causes of scrupulosity are: (a) the devil, who excites vain fears in order to diminish devotion, to discourage the use of prayer and of the Sacraments, to drive to tepidity and despair; (b) the neighbor, who teaches scrupulosity by his words or example; association with persons who are scrupulous; the reading of spiritual books of a rigoristic character; assistance by persons of a timid character at terrifying sermons on the divine justice; overly protective and overly rigorous education.

619. Though God cannot be the cause of scrupulosity in the same way as the evil spirits (who use it for man's destruction), nor in the same way as human agencies (which are unable to bring good out of the evil they cause), He does in exceptional cases directly permit even saintly persons to be vexed by scrupulosity that they may thereby satisfy for sin, or exercise themselves in humility and patience, or shake off spiritual torpor.

Scrupulosity that is supernatural in origin is much rarer than that which has a natural source, and it can be usually recognized by certain signs, like the following; (a) when it cannot be accounted for by natural causes, and is generally short in duration; (b) if it is from the evil spirits, it leaves the soul shaken or dismayed, if from God, it is followed by light and peace.

620. Dangers of scrupulosity.—The evil results of indulged scrupulosity are as follows: (a) temporal evils—the constant fears and worries of the scrupulous affect the brain and nerves, break down the bodily vigor, and lead to neurasthenia, hysteria, insanity or monomania; (b) spiritual evils—time is wasted in useless regrets and anxieties, prayer becomes a torture, confidence in God decreases, and, seeing they do not find consolation in virtue, the scrupulous often end in vice and despair.

621. Rules to be observed by the scrupulous.—(a) They must not yield to their scruples. As was said above, scrupulosity is not a conscience, but only the counterfeit appearance of a conscience; not a help to the soul, but a grave drawback and danger. Hence, the scrupulous must learn to despise their foolish fears and imaginations. (b) They must follow blindly the commands of a prudent spiritual director. To attempt to make decisions for themselves is a harrowing experience for scrupulous persons, and one fraught with great peril. They must protect themselves, therefore, by following the decisions made for them by one who will guide them aright. Gradually, as their condition improves, however, they must learn to take the initiative and thus prepare themselves to act as responsible persons capable of forming a correct judgment.

622. Not to follow their scruples means: (a) that scrupulous persons should recognize their scruples for what they really are (i.e., for a spiritual disorder), and that they should firmly resolve to use the means to get rid of them; (b) that they will prevent scruples from arising by keeping themselves occupied with external things, or by interesting themselves with matters that will exclude the worrisome thoughts; (c) that they will banish scruples at once, as they would a temptation. The two key aims of the scrupulous individual is to counteract his introversion by greater social activity and to re-train his faculty so that he will be in control at all times.

623. Though the scrupulous are obliged not to heed their scruples, they rarely sin by heeding them, because their condition is such that they are not responsible. For, as was said above (40 sqq.), fear and other passions lessen or remove deliberation and the voluntariness of acts.

624. To give absolute obedience to the spiritual director means: (a) that scrupulous persons should recognize that it is wrong for them to depend on their own prudence, whereas they are absolutely safe in following the advice and precepts of the spiritual father who holds the place of God; (b) that they should avoid changing directors, and should adhere strictly to the rules prescribed for them.

625. Qualities required for a successful direction of the scrupulous are:

(a) Knowledge. The spiritual physician must be able to distinguish scrupulosity from spiritual diseases or conditions that are similar, lest he prescribe what is not suitable for the case. Example: A person of tender

conscience should continue in that state, a person of scrupulous conscience needs instruction that he may put aside his erroneous views; a scrupulous person stands in need of special guidance. He must also recognize that scrupulosity is a mental illness that at times requires the expert treatment of a psychiatrist. Knowing his own limitations and the need of expert therapy, he should not hesitate to send the penitent to a competent doctor.

(b) Prudence. Some persons pretend scrupulosity in order to get a name for holiness, or to make a good impression; needless to say, they must be dealt with cautiously, as they often prove very unscrupulous. With a person who is really scrupulous, the spiritual director must carefully obtain all the knowledge necessary to ascertain the true state of soul, prudently bring the individual to recognize that he is a sick person, help to restore his confidence in himself, in his confessor, in God, etc.

(c) Patience. The scrupulous are almost as troublesome to their directors as they are to themselves; but they are heavily burdened and are unable to help themselves. The law of charity applies. They have the same right to charitable treatment as others who are physically suffering and needy.

(d) Firmness. Disobedience will defeat every effort of a director to help a scrupulous person. On this point, therefore, there must be no leniency: the rules laid down must be insisted on, the reasons should not be given, and no argument or discussion should be allowed. The director should speak with certainty and authority; he should be brief, and, if he must repeat, he will do well to use the same words.

(e) Good judgment. After deciding that a person is scrupulous, the director must discover what is the particular form of scrupulosity in the case, and must apply remedies that are suitable.

626. Rules Concerning Persons Scrupulous about Past Confessions.—(a) For the first time the confessor may permit a general confession of the past life, if the scrupulous penitent has fears about previous confessions and has not already made such a general confession. Let the individual relate his whole story at once, with all its details and complications. This might perhaps take more than one confession to complete, but the full recital is necessary if the scrupulous person is to have confidence in his director's knowledge of his exact state of soul. (b) After this general confession, no mention of past confession must be permitted, unless the scrupulous person

is ready to swear without hesitation that he is sure that a sin certainly grave was committed by him and never rightly confessed.

627. Rules Concerning Persons scrupulous about Present Confessions.—

(a) Before confession, the penitent must be content with a certain brief space of time appointed by the confessor for making his examination of conscience and act of contrition. A longer time spent in these preparations is useful to other penitents, but harmful to the scrupulous.

(b) During confession only those sins need be mentioned which are seen from a brief examen to be both certain and grave, and only those circumstances whose declaration is absolutely necessary. If the scrupulous penitent begins to speak of doubtful sins or irrelevant details, the confessor must forbid him to go on; for though confessions must be complete, whenever possible, doubts and details must not be permitted in the case of such scrupulous persons (see Vol. II).

(c) After confession, if the confessor judges that there is not sufficient matter for absolution, he must not yield to the penitent's fears, but must assure him that he does not need absolution and that he may go to the Sacraments Without it.

628. Rules Concerning Persons scrupulous about the Performance of Duties.—(a) The scrupulous person should be instructed that positive laws, divine as well as human, do not oblige in case of moral impossibility (i.e., when their observance is too burdensome); that the matter about which he has scruples has become too difficult for him, and hence that he is not obliged to it as others are.

(b) The scrupulous person should be commanded to leave undone what his vain fear calls on him to do; and, if this does not suffice, he should be told that he is not bound by the duty which causes him such anxiety. Example: Titus is scrupulous about the performance of obligatory prayers, so much so that he is not satisfied until he has repeated them several times, lest some syllable may have been omitted or hurried over, or the intention or attention may have been lost sight of at some part of the prayer, or the devotional posture may not have been observed throughout. If Titus cannot learn to say these prayers without making senseless repetitions, he should be told that the obligation has ceased until such time as he is able to fulfill it without torture to himself or others.

629. Of course, if harm is done to another by the incomplete performance of a duty, even a scrupulous person cannot be dispensed from repetition. Example: If a priest has not pronounced a sacramental form correctly, the fact that he is scrupulous does not excuse him from repeating the form correctly.

630. Rules Concerning Persons Scrupulous about the Commission Of Sin.—(a) The scrupulous person should be told that he is scrupulous, that his scrupulosity is not a conscience that he is obliged to follow, but a vain fear which he is obliged to struggle against by observing the directions given him.

(b) He should be directed not to deliberate long before acting, but to do what seems right to him at first; not to conclude after acting that he has committed sin, unless this appears certain and evident. Since the scrupulous are over-careful, the presumption is in their favor, and they can act and judge prudently by disregarding their fears and doubts. If by deciding offhand they sometimes sin or fail to recognize sin in a past act, this will come from invincible ignorance, and they will be excused from responsibility.

631. Since a disease is best cured by removing its cause, the confessor, when he has diagnosed a case of scruples, should prescribe remedies that are opposed to the source of the trouble.

(a) If scrupulosity seems to come from God, the penitent should be encouraged to regard it as a means of satisfaction for past negligences or as an occasion of virtue and progress, to pray incessantly for light and assistance, and to follow the guidance which God has provided. (b) If scrupulosity appears to be the result of diabolical obsession, and exorcism seems to be called for, the sufferer should not be told this. (c) If scrupulosity comes from associations or reading, the sufferer should avoid these occasions, and cultivate the companionship of persons or books that are cheerful and that give a hopeful outlook on one's duty and destiny.

632. Remedies for Scruples That Are Mental in Origin.—(a) Those who suffer from fixed ideas, phobias, and delusions, should not be reprovved harshly and told that their fears are insane, but should be treated with kindness and firmness. In ministering to these troubled minds, the best course seems to be kind assurance that they have nothing to fear, along with

insistence that they imitate the example of the generality of good people, avoid singular practices of piety, discuss their anxieties only with their director, and give themselves to some occupation that will distract their attention from their manias.

(b) Those whose minds are over-active and given to doubts and objections must avoid introspection and the study of moral problems that are too difficult for them; they must take a proper amount of suitable recreation, think and plan how they may help others who are in need, and avoid idleness.

633. Remedies for Scruples Whose Origin is Moral.—(a) If scruples arise from a stubbornness of character, the penitent must be told that the confessor is better fitted to judge the case, and that it is the height of rashness and presumption for a scrupulous person to prefer his ideas to those of the priest.

(b) If a melancholy or timid nature accounts for the existence of scruples, confidence and cheerfulness should be inculcated, and the penitent should be encouraged to meditate frequently on the goodness of God, and to remember always that God is not a harsh taskmaster, but a kind Father.

(c) Those who are scrupulous because their character is fickle and easily moved by every suggestion or imagination, need to cultivate seriousness, and to hold strongly to their judgments and resolves deliberately formed. Obedience to their director will be of more lasting benefit to these and other psychical scrupulants than psychiatric treatments through hypnotism, mental suggestion, and psychoanalysis; observance of the rules prescribed is an excellent cultivation of will-power, and it is sustained and perfected by the motives and helps which religion alone can supply.

634. Remedies for scrupulosity Whose Cause Is Physical.—(a) The physician is the proper person to care for bodily ills; hence, a scrupulous person who is troubled with headaches, dizziness, sleeplessness, loss of appetite, nervousness, hallucinations, etc., should go to a competent and conscientious specialist in the healing art. Removal of the causes of hurry and worry, moderate but sufficient diet, fresh air and exercise, and especially congenial occupation and surroundings are by general consent included among the best natural cures.

(b) The confessor, if he perceives that illness is the cause of scruples, should forbid any spiritual practices that cause or aggravate the malady. Example: scrupulous penitents should not be permitted to practise mortification by depriving themselves of necessary sleep, food, exercise or fresh air, or to use devotions or austerities for which they are physically unfit.

635. Persons who are scrupulous and lax at the same time need to be directed so as to overcome both spiritual maladies.

(a) If they are more scrupulous than lax, the case is less difficult, as they incline rather to the safer side, and it will suffice to apply the remedies indicated above for laxity and scrupulosity, as they are needed. Example: Titus, on account of scrupulosity, spends too much time at his prayers, and thus neglects the exercise and recreation which are necessary for his health. He should be instructed to limit his devotions, to have a regular time for them each day, and to realize that he has an obligation to take proper care of his health.

(b) If persons are more lax than scrupulous, the case is difficult, as they incline more to evil; indeed, if the trouble is Pharisaism, it is well-nigh incurable, on account of the pride and blindness that oppose resistance to every effort to cure. These persons need to be treated with severity, since nothing else will make any impression; they should be told in plain language how they stand and what is in store for them, unless they repent. Examples: Caius is extremely careful not to be guilty of sins of commission, but he thinks nothing of sins of omission; he would not take a postage stamp without express permission of the owner, but he neglects from year to year to pay bills, and sees nothing wrong in this. Titus thinks himself a saint because he worships the letter of the law, when it is to be applied to others; but he cares nothing about its spirit, and, though indulgent to self, is a tyrant with others. Both these men need to be told that, far from being good, they are very bad; that, far from being secure, they are in great danger. If insensible to reproofs, they should be reminded of the woes that await the wilfully blind (Matt., xxiii. 13 sq.).

636. Practical Conclusions.—An instrument is called good when it produces with sufficient exactness the effects for which it was intended; it is bad, if it fails to produce those effects. Thus, a timepiece, a compass, or a

thermometer is good if it indicates accurately, and bad if it indicates inaccurately. But, as it would be harmful to guide oneself by an unreliable instrument (e.g., by a watch with a defective mainspring, or which runs fast or slow), one naturally corrects the defects and regulates the working of the mechanism. Now, from what has been said above in this article, we see that conscience can be a deceptive indicator, and that its accuracy can be improved. Hence, the need of correcting a bad conscience and of cultivating a good conscience.

637. Remedies for a bad conscience and means for cultivating a good conscience are as follows:

(a) The remote causes of a bad conscience are in the will itself. A person judges wrongly often because he is wrong in himself, wrong in his intentions and purposes with regard to life as a whole, wrong in his attitude towards a particular line of duty, wrong in his lack of sincerity with himself. Hence, the correctives needed are a sincere love of God and of virtue, courage to wish the truth, and an honest examination of motives and actions: "The sensual man perceiveth not the things that are of the Spirit of God, but the spiritual man judgeth all things" (I Cor., ii. 14, 15).

(b) The immediate causes of a bad conscience are in the intellect. One judges wrongly because one clings in time of doubt to erroneous ideas or principles. The remedy, therefore, is to seek diligently for light through prayer, to study the lives and conduct of those who are models, to consult with the prudent and the conscientious. The bad conscience says to God: "Depart from us, we desire not the knowledge of Thy ways" (Job, xxi. 14); but the good one says: "Teach me Thy justifications. Thy testimonies are my delight, and Thy justifications my counsel" (Ps. cxviii. 12, 24).

638. Signs of a Good Conscience.—(a) Extraordinary holiness is not necessary before one may consider one's conscience good, for there are degrees of goodness. If, therefore, a person's external life is directed by the duties of his state, and his internal life, as far as he can judge, is free from serious guilt and guided by love of God and hatred of sin, he may safely regard his will as good. If sometimes he sins venially, this is not because he lacks a good conscience, but because he does not always follow it.

(b) Extraordinary diligence in studying one's duties is not necessary before one may regard one's conscience as good, for otherwise a heavier

burden would be imposed than we can suppose God to intend. A person who is using all the means for obtaining religious instruction that are used by others in his position and who are conscientious, may safely regard himself as free from voluntary error. If sometimes he judges wrongly, the mistake will be involuntary and not due to a bad conscience. Of course, one whose conscience is not in vincible error may sin even mortally, not because his conscience is bad, but because he does not follow it.

639. The following are means for preserving and maintaining a good conscience: (a) we should judge our motives frequently with the severity with which we judge the motives of another (Rom., ii. 1), and as before God (I Cor., ii. 10); (b) we should measure our actions, not by the standards of the world, its maxims and examples, but by those of Christ (I John, ii. 15-17; III John, 11).

Art. 3: A CERTAIN CONSCIENCE

(*_Summa Theologica_*, I-II, q. 57, a. 5; II-II, q. 47, a. 9.)

640. As was said above, only that conscience is a safe guide which is not only good—that is, in agreement, as far as one’s efforts can secure this, with the external law—but also certain. A certain conscience is one which, without any prudent fear of erring, judges that a particular act is obligatory or unlawful, and hence here and now to be done or omitted.

641. Necessity of Certitude.—We must be sure we are right before we act; otherwise, we expose ourselves to the danger of sinning, and therefore commit sin (see 582). Hence, it is necessary to act with a certain conscience, and unlawful to act with an uncertain conscience. “If the trumpet give an uncertain sound, who shall prepare himself to the battle?” (I Cor., xiv. 8) may be accommodated to conscience. In Rom., xiv. 22, 23, the Apostle declares that he who acts with conviction is blessed, whereas he who acts in uncertainty is condemned. Examples: Sempronia doubts whether it is sinful to sew on Sunday; she is not sure, but has grave suspicions that sewing is servile work; if she goes ahead, she will be guilty of violating the law, as being willing to take the risk, and therefore the responsibility. Titus offers another a drink, being uncertain whether it has poison in it or not; he is guilty of sin, since he has no right to expose himself to sin and his neighbor to the danger of death.

642. Those persons who act with a doubtful conscience, and later discover that what they feared might be wrong was not wrong, or not so bad as they suspected, must bear in mind: (a) that their past conduct is not to be judged by their newly acquired knowledge, for that conduct must be judged by the knowledge had at the time. Example: Sempronia does some work on Sunday, doubting whether she is committing a grave or a slight sin. Later she discovers that it was really only a venial sin, and she congratulates herself that she did not sin seriously. Her judgment is wrong, because she did not know at the time of the work that it was not a grave sin; (b) that they must guide themselves in future acts by their newly acquired knowledge.

643. Kinds of Certitude.—Judgments may be certain in a greater or less degree.

(a) They are metaphysically certain, when error is absolutely impossible, the opposite of what is held by the mind being a contradiction in terms which omnipotence itself could not make true. Example: The judgments that the same, identical act cannot be both good and bad, that good is to be done and evil to be avoided, that God is to be honored, are metaphysically certain, since they result immediately from the very concepts of being, of goodness, and of God.

(b) Judgments are physically certain, when error is impossible according to the laws of nature, the opposite of what is held by the mind being unrealizable except through intervention of another cause. Example: The judgments that he who takes poison will destroy life, that he who applies fire to a house will destroy property, are physically certain. because natural agencies, like poison and fire, act infallibly when applied to suitable matters and under suitable conditions and left to their course, unless they are overruled by superior power.

(c) Judgments are morally certain, when error is impossible according to what is customary among mankind, the opposite of what is held by the mind being so unlikely that it would be imprudent to be moved by it. Examples: One is morally certain that what a reputedly truthful and competent person relates to one is true. A person is morally certain that a conclusion he has drawn about his duty in a particular instance is correct, if he believes that he has overlooked no means of reaching the truth. Testimony and inference, since they come from free and fallible agencies, may lead into error; but, when they appear to have the requisite qualities indicative of truth, they are for the most part reliable and in practical life have to be considered as such.

644. As to the certainty that is required in the judgment of conscience, the following points must be noted:

(a) Metaphysical certainty is not required, since conscience does not deal with primary propositions, but with deductions about particular acts. The first moral principles, which are the object of synderesis, and at least some of the general conclusions, which are the object of moral science, are metaphysically certain (see above 145, 300), as they are based on necessary

relations; but the particular conclusions, which are the object of conscience, are concerned with the contingent and the individual.

(b) Physical certainty is not required for the judgment of conscience, since conscience is not concerned with the activities of natural agents, but with the activities of moral agents that act with freedom and responsibility.

(c) Moral certitude, therefore, is sufficient for the conclusions drawn by conscience. That a higher kind of certitude is not necessary should not surprise us, for it would be unreasonable to expect that the same degree of assent be given to judgments that are concerned with particular and contingent cases as to those that are concerned with universal and necessary principles.

645. Moral certitude is of two kinds: (a) certitude in the strict sense, which excludes not only the fear of error, but every doubt, prudent and imprudent, great and small, Example: Titus thinks of a way in which he could easily make money dishonestly; but his conscience sees that the thing is manifestly wrong and decides without the slightest fear or doubt that it must not be done; (b) certitude in the wide sense, which excludes all fear of error and every serious or prudent doubt, but not one or other slight and imprudent doubt. Example: Caius was baptized by an excellent priest, but the date was omitted in the register. The doubt occurs to Caius that perhaps something essential was also omitted, and that it may be his duty to seek another Baptism. His doubt is unreasonable.

646. Moral certitude in the wide sense is sufficient for a safe conscience, even in matters of great importance, since it is frequently the only kind of certitude one can have, and he who would strive to be free from every slight and baseless suspicion would be soon involved in a maze of scruples and perplexities. Example: If the Caius above referred to were to yield to his doubt and be rebaptized, a similar doubt about the second Baptism might easily arise in his mind, and he would be no more contented than before.

647. From the point of view of its object, certitude is twofold. (a) Speculative certitude refers to a judgment considered as a general law, abstraction being made from particular circumstances. Example: It is speculatively certain that farm work on a holyday is a forbidden kind of work, and that clerics are obliged to say the Divine Office. (b) Practical certitude refers to a judgment which is an application of a general law to a

particular case, consideration being given to all the pertinent circumstances. Example: It is practically certain that Titus may make hay on a holyday, if otherwise he will suffer great loss; and that a cleric is excused from the Divine Office, if his physician has warned him that he is physically or mentally unable to perform it.

648. Speculative certainty is not sufficient for conscience, but practical certitude is required, since conscience refers not to abstract laws but to concrete cases—not to what is right if only the object of the act is considered, but to what is right when one considers the object, the motive, and all the circumstances here and now present.

649. From the point of view of the arguments on which it is based, certitude is of two kinds. (a) Demonstrative certitude is the assent that rests on a conclusion logically drawn from certainly true premises. Example: Caius argues that he is obliged to go to Mass on Sunday, because the law is certain, and it is also certain that the law applies to him. (b) Probable certitude, which is the assent that rests on a conclusion, whose premises, though not certain, seem to be true, and against which there is no counter conclusion, or none that cannot be readily answered (see 703). Example: Caius is pretty sure that he is seriously ill, because he perceives a number of alarming symptoms; the possibility that these may be due to imagination is excluded by the fact that they are new and sudden. Caius, therefore, concludes that he may hold himself excused from attendance at Mass.

650. Probable certitude is sufficient for conscience, for in moral matters it is impossible to have at all times reasons that amount to a demonstration, and hence a person acts prudently in following a decision that is solidly probable and unopposed by any contrary serious probability. What is called “probable certitude” here is very different from probable opinion, about which there will be question below (662 sqq.)

651. From the point of view of the manner in which it is obtained, certitude is again twofold. (a) Direct certitude is that which is obtained from principles that are intrinsic to the case by applying to the matter the law concerning it. Examples: A judge who decides according to the evidence and proofs given in court that an accused is guilty, and a son who concludes from the Fourth Commandment that he is bound to help his parents in necessity, have direct certainty in their judgments, because they argued

from principles that deal with the question before them. (b) Indirect certitude is that which is obtained from principles that are extrinsic to the case by applying to the matter in hand reflex principles (i.e., rules that direct how one should act in doubt) or the principle of authority (i.e., the argument drawn from the opinion of those who are acknowledged as competent to decide). Examples; If a judge is not able to form a certain judgment from intrinsic reasons concerning an accused, because strong arguments have been given both for guilt and for innocence, he has recourse to principles that have reference to his own state of doubt, and which declare that he must acquit when he is not certain of guilt. If a man is not able to decide whether the Fourth Commandment obliges him to keep his grandparents or mother-in-law in his home, when they upset his family and are able to take care of themselves, he can have recourse to the external principle of authority by consulting his confessor.

652. Direct certitude is not necessary for the judgment of conscience, for often, as in the cases just mentioned, it is not possible. Moreover, indirect certitude suffices to give one who is in doubt such practical assurance that one's fears become unimportant and one is able to act prudently in spite of them.

(a) The principle of authority—that “in doubt we can safely follow the advice of those who are experts and truthful”—is reliable, as both the conditions required for authority (viz., knowledge and truthfulness) and also daily experience show.

(b) Reflex principles likewise, although they do not prove what is deduced from them, are well founded, and point so clearly the side to be taken when judgment is suspended between alternatives that they enable one to act with all the certitude that prudence demands. Example: The principle that “in doubt decision should be given in favor of the accused,” is based on the fact that a man's right to his life and liberty is so certain that he does not forfeit that right unless it is proved convincingly that he is guilty.

653. Examples of uncertain and certain consciences are the following:

(a) Uncertain conscience: It is lawful to make a just contract (major premise certain); but this contract is just (minor premise a matter of doubt or opinion); therefore, this contract is lawful (conclusion a matter of doubt or opinion).

(b) Conscience directly certain: It is lawful to make a just contract (certain); but this contract is just (certain); therefore, I may make this contract (certain).

(c) Conscience indirectly certain: It is lawful to follow competent advice or a moral system approved by the Church (certain); but a competent spiritual adviser or an approved system of Moral Theology holds that this kind of contract is lawful (certain); therefore, it is lawful for me to make this contract (certain).

654. An Uncertain Conscience.—Uncertainty of conscience can be understood in two senses.

(a) Conscience is uncertain in a more strict sense, if the verdict of the moral judgment on a question of lawfulness or unlawfulness is that no decision can be given either way, either because there are no reasons of importance on either side (negative doubt), or because the opposing reasons balance so perfectly that it is impossible to choose between them (positive doubt). Examples: Titus, wishing to do some drawing on Sundays, asks himself whether drawing is servile work. Not knowing the definition of “servile,” he can only reply to his doubt that he has no reasons either for affirmation or for negation. Caius reads moral authors on the same question, and the pros and cons seem to him so equally strong that he cannot pronounce for either side.

(b) Conscience is uncertain in a less strict sense, if the verdict of the moral judgment on a question of lawfulness or unlawfulness is that the mind inclines to one side more than the other, but cannot decide in its favor (suspicion), or that it decides for one side, while perceiving that the arguments for the contrary are not to be despised (opinion). Example: Titus decides to spend a good part of Sunday taking photographs. Caius argues that this is unlawful; Sempronius, that it is lawful. Titus thinks the arguments of both are strong, but is better pleased with those of Sempronius. If he feels he cannot act on either opinion, his state of mind is what we called suspicion; if he feels that the opinion of Sempronius has prevailed, his state of mind is one of opinion.

655. From what was said above concerning the certitude requisite for conscience (see 641 sqq.), it follows that: (a) when the state of mind is positive or negative doubt, one is not allowed to act; for a person who is

ignorant of what he should do, or who is fluctuating between opposites, runs the risk of sin and its consequences, if he acts blindly; (b) when the state of mind is suspicion, one is not allowed to act, for conscience must be more than conjecture or inclination; (e) when the state of mind is opinion, one is or is not allowed to act, according as the opinion has or has not the qualities required for certitude that is moral and practical (as explained above in 643 sqq.).

656. Doubt and Suspicion.—The following are the duties of a person whose state of mind about his obligation is one of doubt or suspicion:

(a) If he has no time to resolve his hesitation but must decide at once, he should follow the rules given for a perplexed conscience (see above, 611 sqq.). Example; Sempronius is ordered by his father to go on an errand; by his mother, to remain at home. He does not know whom he should obey, but argues that there can be no harm in performing the errand, since he feels that he is forced anyway. Sempronius' impromptu decision proceeds from a sense of moral responsibility; it is good, and as certain as he is able to make it.

(b) If a person has time to resolve his hesitation, he should not trust to common sense, but should consult moral theology, if he is competent to understand and apply it, or should have recourse to his confessor, if he is not a theologian. The attention given to his problem should be proportionate to the gravity of the duty in question, its importance for third parties, etc. (see below, 667 Sqq.). Example: If a layman is uncertain whether a practice he follows in his business is dishonest, he should consult a priest; if the priest is uncertain, he should refer to his theology and study the matter until he is able to give a well-founded, morally certain judgment.

657. Reflex principles by the aid of which a negative doubt may be solved, when the question is about the existence or non-existence of some fact connected with obligation, are the following:

(a) If the fact at issue is one about which presumption may be had from general or personal experience, the doubt may be settled by the principle: "In uncertainty decide according to what usually happens." Examples: Titus is uncertain whether his boy of seven years has the use of reason and is bound to go to Mass. As a rule, children attain discretion at the age of seven; and hence Titus should take his boy to Mass. Fr. Caius is uncertain

whether he has said Terce. His experience is that such uncertainties on his part have always been baseless in the past; hence, he may consider that he has said Terce as usual.

(b) If the fact at issue is one about which no presumption is afforded, either from general or personal experience, recourse may be had to the principle: "A fact should not be taken for granted, but must be proved." Examples: Sempronia doubts whether her practice of saying the Rosary daily was the result of a vow; but, as there is no proof or circumstantial evidence of a vow, it may be held that her practice originated in a resolution. Caius, a stranger, claims that Titus owes him for an unpaid debt of his father. Titus knows nothing of the alleged debt, and the only substantiation for its existence is the word of the stranger. Titus is not obliged to pay.

658. Presumption of a fact is of three kinds according to Weight:

(a) Violent presumption is based on indications so significant or numerous that it leaves only slight room for evasion. This kind of presumption suffices, but is not essential in solving doubts. Example: Caius has no direct proof or disproof that he paid Titus in a certain business transaction, because all the papers have been lost. But he remembers distinctly that he drew the money and went personally to the office of Titus on the day payment was to be made, and that the latter, up to the time of his death several months later, always acted as if full settlement had been made.

(b) Strong presumption is based on circumstances or signs so moving that they permit one to infer a fact as being their natural or usual accompaniment or result. This kind of presumption suffices in solving the doubts we are considering. Example: If Caius, spoken of above, has no individual recollection of any circumstances bearing on the payment of his debt to Titus, but knows that it was his invariable custom to pay all his debts promptly, the presumption that he paid this debt is strong.

(c) Light presumption occurs when the reasons are so slight, that they hardly ever suffice to permit us to infer a given fact from them. Example: If we suppose that Caius was dilatory in paying debts, and that he has no better indication of payment having been made than the fact that Titus gave him a cigar about the time of their business transaction, there is little presumption that the debt was paid.

659. Reflex principles that may be used to settle negative doubts about the quality of an act performed are the following:

(a) If there is an individual presumption, the quality of the act may be inferred from what usually happens. Example: Sempronius cannot remember whether a certain good work he undertook was prompted by zeal or ambition. But, as he usually tried to keep his motives pure, it may be concluded that the work in question proceeded from a right intention.

(b) If there is no individual presumption, the quality of an act may be settled from general presumptions or principles. When the act was according to law, and the doubt concerns its validity or sufficiency, one may take it that all was rightly done; for it usually happens that he who complies with the substance, also complies with what is accessory. Moreover, the welfare of the public and of individuals require that an act done outwardly according to law should be deemed as rightly performed unless the contrary can be proved. Hence the rules: “In doubt decide for the validity of what was done”; “What has been done is presumed to have been rightly done.” Examples: Caia cannot remember whether she really consented when she married Titus. Sempronius cannot remember whether he had sufficient attention in hearing Mass on Sunday. The presumptions are that Caia married validly and that Sempronius heard Mass properly, if they acted in good faith.

660. Reflex principles that may be used to settle negative and invincible doubts concerning law or obligation are the following:

(a) If no serious reasons can be found to prove or disprove the existence of a law, or its gravity or application to a present case, use may be made of the principle: “Invincible ignorance of the law excuses from sin.” Example: Titus on an ember day consults all the sources of information he has to discover whether it is a fast day; but all he can learn is that some vigils are fast days, others are not.

(b) If no serious reasons can be found to prove or disprove that a law bears a certain meaning, recourse may be had to such principles as the following: “A law obliges only in so far as it is knowable”; “The interpretation may be made against the legislator who could have spoken more clearly”; “Things burdensome to the subjects of the law should be construed narrowly; things favorable, broadly.” Example: Caius, who

supervises workingmen, has no notion regarding the meaning of the word “workingman” as used in an indult on fasting—viz., whether it applies to supervisors of work or exclusively to laborers.

(c) If no serious reasons can be found to prove or directly disprove that a certain law has ceased or been abrogated, the principle to be followed is: “In doubt decide for that which has the presumption.” In this case the presumption is for the continuance of the law, since it was certainly made, and there is no probability for its non-continuance. Example: Sempronius learns that certain mitigations have been made in the law of fasting, and wonders whether the same is true as regards the law of abstinence; but he has no reason to think that any change has been made on this latter point.

661. In the above cases negative doubt was solved generally in favor of non-obligation as against obligation. But there are two cases in which negative doubt must be settled in favor of obligation, according to the rule: “In doubt follow that which is safer.” The two cases are:

(a) Negative doubt must be settled in favor of obligation, when the doubt is about a matter of such importance that it does not permit the taking of risks in its performance, as when there is question of laws that safeguard the supreme rights of man, or of laws that prescribe the essentials to be used in the administration of the Sacraments. Example: Sempronius adopts a newly-born infant abandoned at his door. As there is nothing to indicate whether the baby has been baptized or not, Sempronius takes the safer course and has it baptized.

(b) Negative doubt must be settled in favor of obligation when it persists because no reflex principle is found, or none that seems to be suitable for the case. Example: Titus wavers between uncertainties about the existence of a law; he can discover no reasons pro or con, and he knows no principle or presumption to guide himself by in his difficulty. He does not know or even think that he may act as if the law were non-existent, and hence he must inquire further, or else act as if the law did exist.

662. Opinion.—The duty of one whose state of mind is opinion is as follows:

(a) If he is able to remove every objection against his judgment or to make unimportant such objection or objections as remain, his opinion has

become moral certainty (see above, 644 Sqq.), and he may follow it as a safe guide. Example: Caius promises to marry Sempronia, but his parents forbid the marriage. Caius opines that he should keep his promise, but to be sure he consults his pastor. The latter shows him that the opposition to his marriage is unreasonable, and thus sets at rest the difficulties of Caius.

(b) If a person is not able to remove one or more important objections against his judgment, his opinion has not become moral certitude, and he may not follow it as a safe guide. Example: If Caius' pastor holds that the parents are right and Caius wrong in the question of marriage with Sempronia, so that Caius, while still thinking he should keep his promise, has serious fears that it would be a wrong step, the young man should not follow his own view.

663. Those who act when their state of mind is doubt, suspicion, or uncertain opinion are: (a) guilty of sin, for they do not act in good faith (Rom, xiv. 22, 23), and they are imprudent and lovers of danger (Ecclus., iii. 27); (b) guilty of the species and gravity of sin which they fear may be in their act; for they interpretatively wish that to which they expose themselves. Example: If Titus takes an oath, fearing that his act is perjury, he is guilty of perjury before God, even though what he says is true.

664. Fears or objections against an opinion are unimportant as follows: (a) if they have only a slight probability (e.g., Titus opines that he is not obliged to say the second lessons, because he knows that he began them, and therefore must have said them; but he fears he may be obliged to say them, because he cannot remember the details of the lessons, and hence has probably not said them); (b) if they are improbable (e.g., Caius fears that he may have omitted Sext, although he recalls going to choir to chant at the regular times.)

665. Fears against an opinion are important, when they are not merely possible, but have such an appearance of truth that even a prudent man would consider them as worthy of support.

(a) Intrinsic signs of this solid probability are the good arguments by which the fear, or contrary of an opinion, is supported. Example: Titus after careful examination of conscience decides that he is not obliged to mention a theft in confession, because it happened just before his last confession;

yet, he fears that he is obliged, because he does not remember having thought of restitution.

(b) Extrinsic signs of solid probability are the good authorities by whom the contrary of the opinion is defended. Example: Caius opines that he is not obliged to confess a calumny, because he is not certain that it is unconfessed; he fears that he is obliged, because St. Alphonsus, whose authority is great in Moral Theology, teaches that a grave sin must be confessed unless it is certain that it has been confessed already.

666. He who is moved by unimportant fears or difficulties is scrupulous, but not so he who hesitates in the face of an important difficulty. Examples: Balbus fears he may be guilty of murder, because he left a sick person for a moment and the latter unexpectedly died in his absence (scrupulous conscience). Sempronius fears he may be bound to restitution, because by his ridicule he made Titus lose his means of livelihood (disturbed conscience).

667. What is to be done by one who holds an opinion as to what he may or may not do here and now, but who has a serious fear that his opinion is wrong?

(a) If the fear persists as serious, when the means to remove it (such as consideration and consultation) have been duly resorted to, he should delay, if this is possible, or follow the safer course, if delay is not possible. Example: Titus must go to confession now, but he cannot recall whether or not a past theft was ever confessed; he thinks he is not obliged to mention it now, but is far from feeling certain about this, because of a serious doubt which he cannot resolve. The thing for him to do is to resolve to confess the theft as one that was perhaps unconfessed before.

(b) If the fear is removed or made unimportant, by direct means (such as theological argument from moral principles) or by indirect means (such as consultation or the use of reflex principles), the opinion may be followed. Example: If Titus, mentioned above, learns from his confessor or deduces from reliable reflex principles that he is not obliged to confess the theft, he may act with a safe conscience in following this decision.

668. The authority that may be safely followed by a lay person who holds an opinion, but fears that the opposite may be true, is that of anyone whom

he knows to be pious, instructed and prudent; for, as it is impossible for him either to settle the question for himself or to remain in perpetual uncertainty, he must acquire certainty here as in other important affairs by consulting those who are expert and reliable. Hence, if the conscience is merely opinionative, a dependable adviser should be conferred with to make it certain.

(a) In the case of an accusing or excusing conscience, it is at least advisable that the doubtful sin be mentioned in confession, and especially by those who are not strict in their lives and who are inclined to judge their own acts and motives with leniency.

(b) In case of a forbidding or permitting conscience, it is necessary that one seek reliable information where it can be had, as from parents or teachers, and if these cannot give it, from a pastor or confessor or other priest. Example: Sempronius thinks he has a right to drink a glass of wine now and then to be sociable; but he fears he has no right to do so, as the drink occasions excitement or foolish remarks, and sometimes makes it difficult for him to get to his home safely.

669. The authority that may be safely followed by confessors and other priests in resolving important doubts against a moral judgment is as follows:

(a) If the opinion is supported as morally certain by all or nearly all of the approved text-books on moral teaching, it may be followed; for surely there would not be such unanimity, if the objections were really formidable.

(b) If the opinion is supported as morally certain by a goodly number (say, six or seven) of those who are considered as preeminent in Moral Theology, and who independently arrived at the same conclusion, it may be followed; for the judgment of many is better than that of one, and the certainty of authorities should prevail over the doubt of one who has not the same authority.

(c) If the opinion has the support as certain of only one theologian, it may be followed without further investigation, if he has received special mention from the Church as an authority and a safe guide. Thus, the Holy See has expressly declared that the doctrine of St. Alphonsus may be safely followed by confessors, and the approbation given to St. Thomas Aquinas

as Universal Doctor makes his word more convincing than a contrary argument based on one's own reasoning. Of course, this does not mean that these or any other private Doctors are infallible in their judgments, or that one should not depart from their teaching in a point where the Church has decided against them, or where there is a manifest reason for doing so; it simply means that they are so conspicuous among moralists for the correctness of their teaching that one who is in doubt may safely follow them unless the contrary is known to him.

670. But one may be unable to settle one's difficulty by appeal to authority, as such, as in the following instances: (a) when the particular case to be decided is not considered at all in text-books, or is not considered under the circumstances that exist; (b) when the authorities speak hesitatingly about the question, and say that the opinion in question is at most probable, etc.; (c) when the authorities are about equally divided, as when a few great names are opposed to many names of inferior rank, or when those who are equal in knowledge so disagree that half are on one side, half on the other. In counting authorities, however, it is not always easy to decide who should be included, as a writer may himself be arguing from the authority of an individual or of a school, and thus he is not a distinct witness in favor of what he holds.

671. When a priest or other person sufficiently instructed in theology is not able to change through recourse to authority an opinionative or doubtful conscience into a certain conscience, he can still obtain certitude: (a) directly, by reexamining the question diligently and with entire impartiality, until he has discovered reasons strong enough to settle it convincingly one way or the other; (b) indirectly, by submitting the question to the arbitrament of a reflex principle that really appears true to him, and permitting it to decide between the opinion and the objection, or between the contending doubts.

672. The Moral Systems.—There are two general systems regarding reflex moral principles:

(a) Tutorism, which teaches that the only principle which can change uncertainty into certainty is: "When one is undecided between the safer and the less safe, he must always choose the safer," because only what is safer excludes the uncertainty of sinning;

(b) Anti-tutorism, which teaches that the principle given above is true in a few exceptional cases on account of special reasons, but untrue as a rule. The general principle which it substitutes for that of Tutorism is: “When one is undecided between the safer and the less safe, one may choose the less safe if it is morally certain.”

673. Of two moral judgments that are compared, it must be noted:

(a) that one is safer which departs more from the danger of sin by deciding for the stricter side. Example: In doubt whether a law exists, whether it obliges in a present case, whether its obligation is grave, the safer opinion is that which holds for the affirmative;

(b) that moral judgment is more likely which is supported by stronger arguments. Example: That a law has ceased, or does not apply in a certain case, or does not oblige under sin, is a more likely opinion if the arguments in its favor outweigh those against it.

674. Thus, it may happen that an opinion which is safer is less likely. Example: The opinion that the precept of repentance obliges under pain of new sin from the moment a sin is committed is safer, but less likely than the opposite opinion.

675. Danger of sin is twofold. (a) Danger of formal sin (see 249, 258) is a risk taken which involves, not only that an act may be unlawful, but that the doing of it may be unlawful. Example: Caius eats meat, doubting whether the day is one of abstinence and whether he is obliged to abstain or not. (b) Danger of material sin (see 249, 258) is the danger that an act may be unlawful, not in the concrete or as to its performance, but in the abstract as to itself. Example: Titus is unable to discover whether this is a day of abstinence, but he is of the opinion that it is not. Hence, he takes meat, arguing that, while this may be a violation of the law, he himself is not guilty of sin, since he feels that he has a right to eat meat under the circumstances.

676. Tutorism.—This system has been condemned by the Church, and with good reason, for the following motives:

(a) If by that which is safer, Tutorism intends that which is better, it contradicts the Gospel, which distinguishes between counsel and precept

(see 364 sqq.), commanding what is good, but only recommending what is better.

(b) If by that which is safer Tutorism means that which favors law against liberty, it imposes an intolerable yoke on the consciences of men; for, while law obliges only in so far as it is promulgated and known, Tutorism would bind one to observe, not only what was not known to be obligatory, but what was held to be most probably not obligatory.

677. A modified form of Tutorism taught: “When one is undecided between the safer and the less safe, one must choose the safer, unless the less safe is most probable.” This system has not been censured by the Church, but Catholic theologians with hardly an exception have rejected it, for the following reasons:

(a) Most probable, as understood by the defenders of this system, is that which has such likelihood and such appearance of truth as to remove every probable danger of even material sin. Thus, in reality this system requires absolute certitude and agrees with the rigorous tenet of Tutorism that even a most probable opinion against the law may not be followed.

(b) Most probable, as commonly understood, is that side of a question which so far excels the other side that no answer can be given to any of its arguments, while all the arguments of the other side can be answered. To require this in moral difficulties is to require the impossible, for even the greatest theologians have to be content at times with less.

678. We are obliged always to follow a safe course, that is, not to expose ourselves to the danger of formal sin (see 249, 258); but Tutorism errs when it teaches that we are also obliged always to follow the safer or safest course, that is, never to expose ourselves even to the danger of material sin. There are cases, however, when we are obliged (because some law requires it) to follow a safer course, that is, not to expose ourselves or others to some great harm. Thus, we must follow the safer side in the following cases:

(a) when there is question concerning something essential for the salvation of ourselves or of others, for the law of charity forbids that any risk be taken in this supremely important matter. Example: Titus instructs the dying Caius only concerning the existence of God and of the future life. He should also instruct him about the Trinity and the Incarnation, which is

the safer course, since it is more probable that an explicit faith in these two mysteries is a condition of salvation;

(b) when there is question of some great spiritual loss or gain for ourselves or others, for justice or charity forbids that we take chances in such affairs. Examples: Sempronia doubts whether she is excused from the law of abstinence, and whether she will be guilty of sin if she eats meat. Caius doubts whether attendance at a certain school will do harm to the religion of his son. Balba doubts whether she is bound to inquire about the truth of her sect. As long as their serious doubts remain, these persons should follow the safer course;

(c) when there is question of the validity or invalidity of a Sacrament, for the virtue of religion requires that the Sacraments be administered with fidelity, and be not exposed to the peril of nullity. Example: It is not lawful to consecrate matter that has probably been substantially adulterated;

(d) when there is question of some temporal good or evil to oneself or another, and one is certainly obliged to promote the former or prevent the latter. Examples: Caius suspects that a drink before him is deadly poison; Titus suspects that an object at which he is preparing to shoot is a human being. Neither may disregard his suspicion, even if its contrary is more probable, because the safer side must here be taken. The Fifth Commandment forbids one needlessly to imperil one's own or another's life.

679. In emergency one may expose a Sacrament to nullity by taking a course that is less safe for the Sacrament, but safer for the subject, relying on the axiom that the Sacraments are for men, and not men for the Sacraments. Example: Titus is called to baptize the dying Caius. No water can be procured except rose water, whose sufficiency is doubtful. Titus not only may, but should, use the doubtful matter, since no other can be had.

680. Laxism.—The extreme opposite of Tutiorism is Laxism, whose principle is: "When one is undecided between the safer and the less safe, one may choose the less safe, if it is only slightly or uncertainly probable," because whatever seems at all probable may be prudently followed, and so forms a certain conscience. Example: According to Laxism, one would be justified in following an opinion, because it was defended by one theologian, even though he was of little authority.

681. This system has been condemned by the Church for the following reasons:

(a) It is contrary to the teaching of the Gospels and of the Fathers, which requires one to observe the laws of God with understanding and diligence;

(b) It leads to corruption of morals. The Laxists of the seventeenth century were called in derision those “who take away the sins of the world,” and it was against their loose teachings that Pascal inveighed;

(c) Its argument is of no value, for no prudent person would feel that he should follow what was only slightly above the improbable, or that a law should be deemed uncertain because an opinion of uncertain probability could be quoted against it.

682. The true system of reflex principles will lie between the extremes of Tutorism and Laxism. As already said, these two doctrines have been censured by the Church; but there are other systems that are moderate, and that are permitted by the Church and defended by theologians. These systems are:

(a) Probabiliorism, whose principle is: “When one is undecided between the safer and the less safe, one may choose the less safe only when it is more probable”;

(b) Equiprobabilism, whose doctrine is: “When one is undecided between the safer and the less safe, one may choose the less safe only when it affirms the non-existence of the law, and is at least equally probable with the opposite”;

(c) Probabilism, whose doctrine is: “When one is undecided between the safer and the less safe, one may choose the less safe whenever it is certainly and solidly probable”;

(d) Compensationism, whose doctrine is: “When one is undecided between the safer and the less safe, one may choose the less safe whenever it is certainly and solidly probable, and there is a proportionate reason to compensate for the risk taken.”

683. Probabiliorism.—The arguments in favor of Probabiliorism are as follows:

(a) extrinsic or from authority. This system is more ancient, and, when the controversy over systems began in the seventeenth century, this was the one that was most favored by the Church and theologians;

(b) intrinsic and direct. An essential note of certitude is that it should exclude all doubt, for as long as doubt remains there is only opinion. But one who is undecided cannot exclude all doubt, unless the arguments against the doubts not only balance, but outweigh the latter (i.e., unless one has greater probability on one's side). Hence, he who acts against the safer, which is always certain enough, when his own opinion is not more probable, acts with an uncertain conscience;

(c) intrinsic and indirect. In all other matters a man is not prudent if he assents to that which is less safe and less probable. Thus, in things speculative no scholar would think of accepting a theory which to his knowledge was further removed from the truth; in things practical no man of common sense would prefer a road that seemed less likely to lead to his destination. But we should not be less prudent about the good than we are about the true and the useful. Hence, in doubt we should always decide in favor of the law, unless the arguments for liberty are more convincing.

684. The answers given to the above arguments are:

(a) Probabiliorism is not more ancient as a system, since none of the moral systems were formulated before the sixteenth century; if Patristic and medieval authorities can be quoted who decided cases probabilioristically, others who were contemporary can be named who decided according to milder principles. Moreover, the passages cited are frequently obscure, and do not necessarily bear a Probabilioristic sense. That Probabiliorism enjoyed more favor at the beginning of the controversy is not wonderful, since other systems were more or less identified with Laxism, and the question at issue had not been studied thoroughly. Today Probabiliorism has few defenders.

(b) That which is more probable by far, or most probable, does overcome all doubt, and is even speculatively certain; but he who would require the more probable in this sense does not differ from the Tutorists spoken of above. That which is more probable, but not to a notable extent, does not exclude all doubt, for the very definition of the more probable is "that judgment which appears more likely to be true than another, but which does

not exclude all fear that the other may be true.” Hence, if Probabiliorism calls for the notably more probable, it does not differ from Tutorism; if it calls for the moderately more probable, it wrongly claims that there is no probability on the opposite side.

(c) The true is that which is in harmony with facts, the useful that which conduces to the obtaining of an end, the good that which is in conformity with law. Certainly, a man is not a prudent seeker of truth if he arbitrarily prefers the less to the more true-seeming, nor a prudent seeker of the useful if he chooses the less safe way of obtaining what is a necessary end; but a man can be a prudent seeker of the good, even though he prefers the less safe and less probable, when the law itself, the norm of good, does not demand more from him. Hence, one who makes a judgment according to the anti-Probabiliorist systems does not feel that he is yielding assent to what is speculatively less probable; but that he is making a decision that is practically certain; not that he is choosing a perilous way, but one that is absolutely safe.

685. Arguments against Probabiliorism.—(a) Theoretical Objection.—The principle of Probabiliorism that it is lawful to act against the safer side when the less safe side is more probable, cannot be justified except on the ground that invincible ignorance of obligation exists, and hence that the law does not oblige. But the same argument can be used in favor of milder systems; for even if the less safe side is only probable, it makes one invincibly ignorant that one is obliged. Hence, the basis of Probabiliorism is fatal to its own claims.

(b) Practical Objection.—A system for the direction of conscience should be so simple that it can be easily applied in the everyday affairs of life. Abstract questions may receive attention from moralists for days and months, but concrete cases have to be decided as a rule without delay. But Probabiliorism is such a complicated system that it is unsuited to everyday life. St. Alphonsus declares that he found by the experience of many years that this system cannot be profitably used in the guidance of souls, for it imposes an intolerable burden on both confessors and penitents. And how few are so skilled as to be able to decide quickly, without scruples, and correctly about the relative degrees of probability in opposite opinions!

686. Answers of the Probabiliorists.—(a) A probable opinion against the existence of obligation does not create invincible ignorance, but only doubt; nor does a more probable opinion against obligation create invincible ignorance, since it excludes the less probable opinion for obligation, and makes one assent unwaveringly and in good faith, even though erroneously, to the judgment that one is not bound.

(b) It is no more difficult to decide what is more probable than to decide what is equally probable, or truly and solidly probable; nor is the same skill and attention expected in all persons and cases, but each person must judge according to the best light he has, and each case must receive the measure of attention its importance calls for. If Probabiliorists may become scrupulous, may not Probabilists become lax?

687. The debate between Probabiliorism and its adversaries is not often heard today, as most modern moralists give their allegiance either to Equiprobabilism (a modified Probabiliorism) or to Probabilism.

688. Equiprobabilism.—The doctrine of Equiprobabilism is a middle way between Probabiliorism and Probabilism. Thus: (a) it agrees with Probabiliorism in holding that it is not lawful to follow the less safe, if the safer is more probable, or if the safer is equally probable, and the question is about the cessation of the law; (b) it agrees with Probabilism in holding that it is lawful to follow the less safe, if the safer is only equally probable, and the question is about the existence of the law.

689. The principle that “it is not lawful to follow the less safe, if the safer is equally probable and the question is about the cessation of the law,” is defended as follows by Equiprobabilists:

(a) In real doubt we should decide in favor of that side which is possession. But, when doubt is about the cessation of a law, the law is in possession; for there is no question that it was made. Therefore, in such a doubt we should decide for the safer side, that is, that the law has not ceased.

(b) A certain obligation is not complied with by a doubtful fulfillment. But doubts about the cessation of the obligation of law usually arise from a probability that one has already fulfilled the law. Therefore in such cases we

should decide that the law has not been fulfilled—that is, that its obligation has not ceased.

690. The Probabilists reply that: (a) it is not true that, in equiprobability about the cessation of law, the law is in possession; for liberty is naturally prior to law, and hence has possession in doubt; (b) nor is it true that an obligation that has probably been complied with or removed is certain.

691. The Equiprobabilists answer: (a) liberty was in possession, until it was dispossessed by the making of the law; (b) an obligation that certainly existed must be held as certainly in existence, until the contrary is proved; whereas a fact, such as dispensation, abrogation, or fulfillment, is not proved if it is only probable.

692. The principle that “it is lawful to follow the less safe side, if the safer is only equally probable and the question is about the existence of the law,” is defended as follows by Equiprobabilists:

(a) In real doubt we should favor the side that is in possession. But when doubt is about the existence of a law, liberty is in possession; for liberty is prior to law. Therefore, in such doubt we may decide that there is no obligation.

(b) An uncertain law does not oblige, if one is invincibly ignorant of its existence. But, when there are equiprobable reasons against the existence of a law, one is invincibly ignorant of its existence. Therefore, in such cases one is not obliged.

693. The principle that “it is not lawful to follow the less safe side if the safer side is more probable,” is defended as follows by Equiprobabilists:

(a) In doubt improperly so called—that is, in that condition of mind in which there is no fluctuation between equal arguments, but only some indecision between the more and the less probable—we should decide in favor of the more probable, as being morally certain. Hence, it is not lawful to follow what is less safe and less probable.

(b) A law sufficiently promulgated obliges. But, when it is more probable that a law was made or is in force, such law is sufficiently promulgated to the conscience. Hence, the safer side must be followed, if it is more probable.

694. Probabilist Criticism of the Foregoing Arguments.

(a) If the excess of the more probable over the less probable is so great that the latter is only slightly or doubtfully probable, the more probable is equivalent to certitude; for certitude is assent without fear of the opposite, and the fear of the opposite in such a case would be so slight that it may be considered as non-existent. If the excess is not so great, the less probable remains solidly and certainly probable, and the more probable is not certitude, but opinion (that is, assent with fear of the opposite). The Equiprobabilists are speaking of greater probability in the second sense, and hence they are wrong when they identify it with certitude (see above, 654).

(b) A law must be so promulgated to the conscience that one knows the law or could know it with sufficient diligence; it does not suffice that one can get no further than opinion. It would be unreasonable to oblige one to observe not only what is the law, but also what seems to be the law. Now, he who has only more probable opinion that he is bound by some law, does not know that such obligation exists; he only knows that it seems to exist.

695. Reply of the Equiprobabilists.—(a) The more probable always removes the appearance of truth from the less probable. Hence, he who recognizes an opinion as more probable can assent to it without any fear of error.

(b) One who holds it as more probable that he is obliged by a certain law, does not know for certain that he is obliged by reason of that law; but he does know for certain that he is obliged by reason of a higher law. Superior to every particular law is the general law that nothing may be done that will deprive law of its efficacy. But law loses its efficacy if each one is free to decide that he is not bound even when the greater weight of probability is to the contrary.

696. General Arguments in Favor of Equiprobabilism.—(a) From Authority.—St. Alphonsus Liguori, who holds a unique place in the Church as a moralist, preferred Equiprobabilism to every other moral system; and his views are followed not only by his own Congregation, the Redemptorists, but by many others.

(b) From Comparison with Other Systems.—Truth lies midway between extremes; for truth is lost either by exaggeration or by defect. But

Equiprobabilism is a happy medium between Probabiliorism inclining to Rigorism, and Probabilism inclining towards Laxism. Hence, the relation of Equiprobabilism to other systems is in its favor.

(c) From the Character of Its Teaching.—According to principles of justice universally admitted as true, a judge should pronounce sentence in favor of the more probable when there is evidence of unequal weight and in favor of that which is in possession when there is evidence of equal weight. But these principles ought to be of universal application. Therefore, Equiprobabilism does right in making these the guiding principles for the court of conscience.

697. Probabilist Criticism of these Arguments.—(a) St. Alphonsus is one of the greatest moral theologians of the Church. Whether in his later years (1762-1787) he taught Equiprobabilism, is a matter of dispute among those who are familiar with his writings. But there is no doubt that in his mature age (1749-1762), when he wrote his Moral Theology, he was a Probabilist.

(b) Probabilism can likewise claim that it stands midway between the extremes of Rigorism (represented by Probabiliorism and Equiprobabilism), on the one side, and of Laxism, on the other side.

(c) The principle of possession invoked by Equiprobabilism applies to matters of justice, because there is a presumption that he who holds property has a right to it, and also because human laws must favor him who is in possession, lest property rights be left uncertain and disputes be multiplied. The principle of possession does not apply, however, to other matters; if the law obliged one yesterday, how can that create a presumption that it obliges one today, if one has good reasons for thinking the obligation has ceased? And as for human ordinances, while they have jurisdiction over external goods and may award them in case of doubt to the possessor, they have not, and have never claimed, the right to make the principle of possession a rule for solving all difficulties about duty.

The principle of Probabiliorism for which the Equiprobabilists claim the authority of judicial practice certainly does not apply to criminal cases, for in these preponderance of evidence against an accused is not to be followed if there is a reasonable doubt. In civil cases judges apply the principle of probabiliorism, but it does not follow that conscience should do the same, for the circumstances are different. The judge is seeking to decide which of

two litigants has the more likely claim, and hence he is bound to declare for the side that has stronger evidence. Conscience is seeking to decide whether an obligation is certain or uncertain, and hence it is not obliged to decide for obligation when this is more probable, but still not certain.

698. Answer of Equiprobabilists to this Criticism.—(a) Granted that St. Alphonsus once held Probabilism, he rejected it later emphatically, and when dying declared that his former defense of Probabilism was the only thing that gave him anxiety.

(b) Equiprobabilism is further removed from Rigorism than Probabilism is from Laxism. It hears both sides of the question—that for liberty and that for law—before it decides. Probabilism is satisfied to hear one side, that for liberty; or at least it does not compare the two sides.

(c) The principle of possession is applied more strictly in cases of justice; for, since justice implies a more exact equality and a more rigorous right than other virtues (see 154), disputes in matters of justice demand stronger proofs. But every virtue renders to someone his due, and hence there is no reason why principles applicable to justice should not be applicable to other virtues also. The principle of Probabiliorism, likewise, is just as applicable to the court of conscience as to the civil court, since in both courts the aim is to get the truth as nearly as possible.

699. General Arguments Against Equiprobabilism.—(a) Theoretical Objection.—If we judge Equiprobabilism by its arguments, we find it unconvincing, for that which is old in it does not agree with that which is new, and that which is new argues equally well for Probabilism. Thus, the old arguments for Probabiliorism mean in the last analysis that the greater probability deprives the opposite side of all solid probability; logically, then, one should conclude that equal probability deprives both sides of all solid probability, since one neutralizes the other. The new arguments are drawn from the principles that in doubt one should decide in favor of the side in possession, that a doubtful law does not oblige, etc.—all of which principles, as we shall see, favor Probabilism.

(b) Practical Objection.—If we judge Equiprobabilism by its adaptability for use, we find it wanting. A moral system should be one that can be easily understood and applied, otherwise it is unworkable and useless. But Equiprobabilism is so complicated and abstruse that even the professional

theologians who hold it are often at a loss how to apply it, and are found to give inconsistent decisions. How can it be expected, then, that anyone else will be able to decide whether the law or liberty is possession, whether the degree of probability on one side is greater than or equal to that on the other, whether the question has to do with the existence of the law or its cessation, etc.?

700. Replies of the Equiprobabilists.—(a) The old (i.e., probabilioristic) principles of Equiprobabilism are not contrary to the new. A more probable opinion not only balances the opposition by its equal arguments, and thus puts away doubt, but it also wins assent by the surplus in its favor, and thus certitude is had. When the two opposites are equally probable, there is a state of true doubt, but certitude is had by recourse to the principles of possession and doubtful law. These principles proper to Equiprobabilism do not favor Probabilism, if one is impartial in one's use of them, and willing to use them against as well as for liberty.

(b) Equiprobabilism is not more difficult in its application than Probabilism. It does not require that one determine minutely and exactly the greater or equal probability of the arguments for law and for liberty, or that one devote extraordinary diligence to the solution of the problem. All it requires is that one consider the matter seriously, weigh the arguments on both sides impartially, and decide to the best of one's ability which side appears to be more probable or to have the presumption in its favor.

701. Probabilism.—The meaning of Probabilism can be seen from a comparison with the opposite systems. (a) Unlike Probabiliorism and Equiprobabilism, Probabilism does not require a greater or equal probability, but permits one to follow what is less probable; (b) unlike Laxism, it does not allow one to follow what is only slightly or uncertainly probable, or to apply the system to all cases of doubt.

702. A judgment is probable when it is supported by arguments that make it seem true, although there may remain reasons for doubt. Examples are conclusions based on analogy, on hypothesis, on the opinions of others, or on the calculus of probabilities.

703. Probability is of various kinds. (a) It is absolute or relative, according as the supporting reasons are grave, either when considered alone, or when compared with the objections. Even the Probabiliorists

admit that an opinion that is merely probable may be followed, if it is solidly probable and there is no argument against it (see 649). (b) We have solid or slight probability, according as the supporting motives are or are not such as would move, if not convince, a prudent man—that is, a man who shows good judgment in most things. (c) We have certain or uncertain probability, according as a person is sure or not, after reasonable consideration, that the arguments seem valid and the opinion likely. (d) Probability is internal or external, according as the arguments are drawn from the matter at issue itself (i.e., from its nature, properties, causes, effects, etc.) or from the authority of the doctors who have defended an opinion.

704. Relative probability according to logicians remains even when a lesser is compared with a greater probability. (a) If the opposing arguments are drawn from different sources, the more probable does not attack the less probable, and hence does not weaken its probability. Example: An intrinsic argument has more weight than a mere appeal to authority, but it does not attack the opposite argument, and hence does not diminish its probability. (b) If the opposing arguments are drawn from the same source, each one weakens the opposite, since there is direct opposition. But the more probable does not destroy the less probable, since, in spite of the greater appearance of truth on the one side, there still remains room for the possibility that the other side may be true.

705. A moral judgment is solidly probable when the following conditions are present:

(a) For the judgment there must be an intrinsic or extrinsic argument that would be considered weighty by a prudent man. Example: An opinion that has the support of a universally acknowledged authority is strongly probable, whereas, if it has only the support of one obscure writer, it is only slightly probable.

(b) Against the judgment there must be no decisive argument from authority or reason. Example; The judgment that a certain course of action is lawful because St. Alphonsus permits it, is ordinarily solidly probable; it is not probable, however, if the opinion of St. Alphonsus (e.g., that Catholics may act as sponsors in non-Catholic baptisms) has been disallowed by the Church, or if the argument he uses (e.g., that concerning

the amount that constitutes grave matter in theft, which reasons from conditions in his day) is not strong.

(c) The arguments for the judgment must retain their probability, if they are set over against the arguments for the opposite. Manifestly, if the arguments are all satisfactorily answered by the opposite side, the judgment based on them ceases to retain the appearance of truth. Probabilism does not require, however, that one determine the relative degrees of probability in opposite opinions.

706. It is not sufficient according to the Probabilists that another be certain of the probability of an opinion; but the person who follows the opinion must himself be certain that it is solidly probable.

707. Regarding the kind of authority necessary to make an opinion solidly probable from external evidence, Probabilism teaches:

(a) that absolute probability (that is, such a weight of authority as would appear strong even to the most learned) ought to be estimated by quality rather than quantity—by the learning, prudence, impartiality, and independent study of the authors, rather than by their numbers. If five distinguished moralists arrive by separate study at the same conclusion (i.e., that an opinion is probable), or if one of special reputation in a matter under question supports the probability of an opinion, the argument from authority is strong;

(b) that relative probability (that is, such a weight of authority as suffices for one who is unlearned, such as a child, a halfwit, an uneducated person) is had sufficiently through the word of only one person who is looked up to as a guide or instructor, such as a parent, confessor, or teacher.

708. Probabilism supposes that one regards the opinion one follows as truly probable, and that one is convinced that it is lawful to follow such an opinion. Hence, the system does not apply in certain cases.

(a) It does not apply to cases in which there is no probability on either side—that is, to cases of negative doubt (see 656 sqq.), whether the doubt be of law or of fact.

(b) Probabilism does not apply to cases in which there is only slight or uncertain probability for the less safe side. Example: Caius has heard that a certain novel opinion is defended by a recent author, but he is uncertain of

the author's standing as a theologian, and he realizes that the fact that a man has written a book does not make his ideas solidly probable.

(c) Probabilism does not apply to cases in which there is solid probability for the less safe side, but one doubts whether one can lawfully follow it; for it is always sinful to act with a doubtful conscience (see 641 sqq.). Example: Caius has read in a reliable work of theology that a person in certain circumstances, which are his own, is probably excused from Mass. But the word "probably" makes him uncertain whether he can follow this opinion.

709. For the above-mentioned cases, to which their principle does not apply, Probabilists refer to the rules for a doubtful conscience (see 656 sqq.). The following special rules are given for cases of negative doubt:

(a) If the doubt is one of law and insoluble, one is free to act; for it is a general principle that an act may be considered lawful, as long as there is no serious reason to the contrary. Example: Sempronius goes out into the country on Sunday afternoon. An opportunity to fish presents itself, but Sempronius begins to doubt whether there is or is not a church law against fishing on Sundays. As no argument for either side is known to him, he may act on the general principle that what is not forbidden is lawful.

(b) If the doubt is one of fact and insoluble, and a prohibitory law is involved, one is free to act; for it is commonly admitted that legislators do not intend their prohibitions, which are restrictions of liberty, to be interpreted with the utmost rigor. Example: Titus is eating a chicken dinner late on Thursday night when his watch stops. As he has no way of discovering the time, he does not know whether Friday or the end of the dinner will arrive first. He may continue the meal, making no undue delays.

(c) If the doubt is one of fact, and a preceptive law is in question, one must take reasonable precautions to settle the doubt; for the lawgiver wills that those who are subject to the law should make use of the ordinary means to learn the facts on which obligation depends (see above, 384). If the doubt remains insoluble, one may decide in favor of liberty; for it may reasonably be presumed that the legislator does not intend to obligate those whose obligation remains uncertain. Example: Caius doubts whether he has reached the age of sixty, when the obligation of fasting ends. He should try to discover his real age; but, if he can find no real proofs either for or

against the age of sixty, he may decide in favor of sixty, if there are some indications that he is of that age.

710. The solutions given above for cases of negative doubt suppose that there is no other or higher law that forbids one to take the risk of deciding in favor of liberty. Hence, in the following instances one must decide against liberty:

(a) in negative doubts when the validity of acts is at stake. Example: Titus is uncertain whether the law requires the age of fourteen for a valid contract of marriage; he is also uncertain whether he is fourteen years old. The doubt of law and of fact does not excuse Titus from the law, if he wishes to marry. He must clear up the doubts, and if necessary he must secure a dispensation.

(b) in negative doubts when reasons of charity or justice forbid one to take risks. Example: Caius is uncertain whether he paid Sempronius for work done for him. He is bound to make inquiries about the matter.

711. Probabilism cannot be applied, therefore, when the mental state of the subject is doubt, weakly founded opinion, or practical uncertainty. But, even when one holds an opinion as solidly and certainly probable, one may not follow it as a moral guide, if there is something in the nature of the object or matter itself which forbids this.

(a) A probability of law favoring liberty may not be followed in those matters in which some natural, divine or human law requires one to follow the safer side (see cases enumerated above, 678, 661). Example: The following opinions are probable; that instruction regarding the Trinity and the Incarnation is not indispensable for salvation; that rye-bread is valid matter for the Eucharist. But in practice it would be unlawful to take the risk of following these opinions, except in cases of extreme necessity, when nothing else can be done.

(b) A probability of fact favoring liberty may not be followed so long as there remains nothing more than probability of fact; for, while the will of the lawgiver may on account of probability of non-obligation change one's relation to the law from obligation to non-obligation, it does not change facts. Examples: On Friday Titus doubts whether a dish before him is meat or fish; probably it is meat on account of its appearance, probably it is fish

on account of its odor. At night Fr. Caius is much fatigued, and doubts whether he has said Vespers. Probably he did not, because he cannot recall what feast will be celebrated tomorrow; probably he did, because he remembers having said Compline.

712. For probabilities of fact, to which as such their system does not apply, Probabilists offer the following solutions:

(a) In certain cases one may take from the doubt of fact its bearing on obligation, by recourse to the manifest will of the legislator as declared in the law itself or expressed through dispensation. Examples: While hearing confessions, Sempronius doubts whether his jurisdiction has already expired. He cannot recall the date of expiration, but, thinking the matter over, he sees that probably the date has not arrived. His difficulty is therefore solved, for the Code (Canon 209) supplies jurisdiction in cases of probability of fact. Titus and Caia wish to marry. There is a doubt whether or not they are first cousins, but it seems that probably they are not so related. Their difficulty is solved by obtaining a dispensation.

(b) In other cases one may change the probability of fact into a probability of law by recourse to a probable opinion or argument that under the existing doubt of fact the legislator does not wish the law to oblige. Examples: Titus, who has what is probably lawful food before him, argues with himself that it is not likely that the Church wills to put him to the expense, trouble, and loss of time required to order other food. Fr. Titus, who has probably said Vespers, argues that theologians of authority teach that, when there is a serious reason for thinking one has performed such an obligation, it may be presumed that the Church does not require more.

713. If a case of probability of fact on which obligation hinges cannot be solved by recourse to the expressed or inferred will of the lawgiver, one has no choice but to follow the safer side, for then, though it is probable that a certain thing is a fact, it is not probable that one has a right to act. Example: Sempronius, while hunting, sees an object moving in the bushes. The probabilities are that it is not a human being, but it is not probable that Sempronius has the right to risk homicide by firing at it.

714. Not all Probabilists use the principle of the presumptive will of the lawgiver for all cases of negative doubt; some employ different principles for different kinds of doubt, and sometimes arrive at other decisions than

those given in the preceding paragraphs. Thus, they give such rules as the following:

(a) In negative doubt of law regarding the lawfulness of an act, use the principle that law or liberty should be followed according as one or the other is in possession (see 660). Example: He who has only slight reasons for thinking that a law exists, or that it is of grave obligation, or that it extends to his case, etc., may decide against the law. But he who has only slight reasons for thinking that a law has been abrogated, or that a dispensation has been granted, etc., must decide for obligation.

(b) In negative doubt of law regarding the validity of a past act, use the principle _that what was done is to be held as rightly done_. Example: He who has no reasons, or only trifling ones, for thinking that a Sacrament was not administered validly or received validly, should decide for validity.

(c) In negative doubts of fact, use the principles that one should judge according to what usually happens, or that facts must not be taken for granted but must be established, or that presumption favors that which has possession. Examples: If there is no good reason to think that a conscientious person gave consent to a temptation, one may decide for the negative, since that would usually be true. If there is no good reason to think that one has made a vow, one may decide for the negative, since the burden of proof is with the other side. If, in a question about fast and abstinence, it is uncertain whether or not a person has reached twenty-one years, or whether Friday has commenced, the presumption is for the negative, since liberty has been in possession; but if it is uncertain whether a person has reached the age of sixty or whether Friday has ended, the presumption is for the negative, since the law has been in possession.

715. Having discussed the cases to which Probabilism is not extended, we pass on to the cases to which it is applied. Probabilism is used in any and every case where speculative certainty as to what is lawful or unlawful is not had, but where there is only speculative probability against an opposite probability.

(a) Probabilism is used not only in probability of law, but also in probability of fact that can be reduced to probability of law, as was explained above (see 712).

(b) Probabilism is used in probability of law, whether or not the question be about the existence or the cessation of the law. There is probability against existence of law, when one has good reason to think that a law was not made or not promulgated, or that the time when it goes into force has not arrived, or that it does not apply to certain persons or circumstances, etc.; there is probability for cessation of law, when it is certain that a law did exist, but one has good reason to think that it ceased or was abrogated, that one is excused or dispensed from it.

(c) Probabilism is used in probability of law, whether the law in question be natural, divine or human—that is, in every case of law where invincible ignorance is possible (see 319 sqq., 356).

716. The claim of Probabilism is that, in all the cases given above, he who follows an opinion excusing him from obligation, may act with a practically certain conscience and be free of all moral guilt, if the opinion is theoretically and seriously probable. The arguments for this thesis are of two kinds: (a) extrinsic proofs, from the approval given Probabilism by the Church and the favor it has enjoyed among moralists; (b) intrinsic proofs, from the nature of law and obligation, and the superiority of Probabilism in practice.

717. Extrinsic Arguments.—(a) The Church gave explicit approval to Probabilism by praising the theological works of St. Alphonsus in which Probabilism is defended; she gave and continues to give implicit approval by the freedom she has granted to the teachers of this system from the days of Bartholomew Medina, its first expounder (1527-1581), down to the present. The Church even makes use of the principles of Probabilism in interpreting her own laws, as is evidenced by such rules of law as the following in the Decretals: “Things that are odious should be understood strictly, things that are favorable widely” (Rule 15); “Where the law is doubtful, follow the minimum” (Rule 30); “Where the lawgiver could have spoken more clearly, the interpretation should be against him” (Rule 57); “The kinder interpretation should be given penal laws” (Rule 89).

(b) In the Patristic and medieval periods Probabilism had not been scientifically formulated, but many of the Fathers and early Doctors solved cases probabilistically, and there are not a few passages in the great theologians before the sixteenth century which enunciate the same

principles as those advocated by Probabilists. When the system was formulated by Medina in 1577, it met with universal favor among Catholic moralists, and, though it suffered an eclipse from the middle of the seventeenth to the middle of the eighteenth century, it has been growing in influence since the days of St. Alphonsus, and appears today to have recovered its former preeminence. Among its adherents are some of the greatest names in the history of theology, and it is not confined to any particular school or body.

718. Objections of Equiprobabilists.—(a) The praise given to St. Alphonsus by the Church reflects no glory on Probabilism, since the Saint rejected Probabilism and professed Equiprobabilism. Further, more than one Pope, and especially Innocent XI (1676-1689), has expressed a dislike for Probabilism, while the silence of others does not mean more than toleration. The legal axioms used by canonists apply to the external forum, and cannot be used equally in the forum of conscience. (b) Probabiliorism had the field before Probabilism, having been formulated and defended before Medina appeared, and it is that more ancient system that is represented today in a milder form as Equiprobabilism.

719. Answer of the Probabilists.—(a) St. Alphonsus teaches Probabilism in his Moral Theology, which is his chief work; if later, in his old age, he was an Equiprobabilist, it can be shown that the change was not free, but under compulsion. As to Pope Innocent XI, he is the only Pope who expressed disapproval of Probabilism, and even he refrained from any official pronouncement. The fact that hundreds of works written by Probabilists since the sixteenth century have not been censured or forbidden by the Church authorities, indicates more than mere toleration.

(b) Probabiliorism, as a systematized method, preceded Probabilism as a systematized method only by a brief interval, if at all. Before the 16th century neither of these systems had been formulated, and neither can make much of the argument of priority in time. As for Equiprobabilism, it is first seen in the writings of Christopher Rassler (about 1713) and of Eusebius Amort (1692-1775).

720. Intrinsic Arguments for Probabilism.—(a) Theoretical Argument.—An uncertain law does not oblige. But a law is uncertain if there is a solidly probable opinion against its existence, or for its cessation, even though the

other side be equally or more probable. Therefore, he who follows such an opinion does not violate any obligation.

(b) Practical Argument.—Probabiliorism and Equiprobabilism impose on confessors and the faithful impossible burdens, since, as was explained above (see 683 sqq.), they require that one compare and weigh probabilities, decide whether or not possession is had by the law or by liberty, etc.; whereas Probabilism is simple and easily applied, requiring only that one be convinced that one's opinion is really probable, and that one use it in good faith.

721. The proposition that an uncertain law does not oblige (saving cases of validity, etc., as above, 678), is defended as follows:

(a) If the uncertainty arises from the law itself, because it has not been clearly worded or sufficiently promulgated, the truth of the proposition is manifest, for the very nature of law requires that it be brought to the knowledge of those for whom it is made (see 285).

(b) If the uncertainty arises from the invincible ignorance of one who is subject to the law, the proposition is true in the sense that no one is a transgressor in the internal forum who fails against a law unwittingly (see 327, 489 sqq.). But an act that transgresses no law is lawful in conscience, for all that is not forbidden is lawful.

722. The adversaries of Probabilism offer the following criticism:

(a) As to the proposition that “an uncertain law does not oblige,” the use of this principle by Probabilism may be considered as a begging of the whole question; for what is in dispute is whether, in case a law is uncertain, there is or is not a higher law that requires one to decide for obligation. It can be shown, however, that there is such a higher law; for the legislator cannot be willing that his ordinances be at the mercy of every uncertainty or loophole which subtle minds can devise, and God cannot be willing that those who are subject to laws should expose themselves to sin by deciding against a law because it appears to them to be of doubtful obligation.

(b) As to the proofs given for that proposition, they proceed from an incomplete enumeration, for a law can be doubtful on account of vincible ignorance, as well as for the reasons given. And no one will maintain that vincible ignorance excuses.

723. The Probabilists reply: (a) The principle that “an uncertain law does not oblige,” cannot render law nugatory, since there is question here only of honest doubt, not of pretended or responsible ignorance. Neither can that principle expose one to the danger of formal sin (see 249), since it is supposed that he who follows it is convinced that it is true, and that he has the right to regulate his conduct by it. It does expose to the danger of material sin (see 249), since the law about which there is uncertainty may be existent; but we are not obliged to avoid every danger of material sin, else we should be under the intolerable necessity of fulfilling not only all certain, but all uncertain duties. Moreover, the danger of material sin is not avoided by any moral system except Tutorism, since even equiprobable and more probable opinions may be false.

(b) The enumeration of cases of doubtful law is sufficient; for, as just remarked, only those cases are being considered in which one is judging about one’s duty in good faith.

724. The second proposition used above as the Minor of the argument for Probabilism—that “a law is uncertain whenever there is a solidly probable opinion against its existence or for its cessation”—is defended by the very definition of the term “uncertain.”

A thing is said to be accepted as certain when one yields it firm assent and has no serious misgivings that it may be false; hence, the uncertain is that which is not assented to firmly (the doubtful), or that which does not exclude serious doubts about its truth (matter of opinion). Now, a law whose existence or obligation seems likely, but against which there militates a solidly probable argument, is not so firmly established as to inhibit every prudent doubt. In other words, such a law is uncertain.

725. Criticism of the Argument in the Preceding Paragraph.—(a) The supposition on which the argument rests is false. It supposes that the interpretation of the legal axiom that “a doubtful law does not oblige,” should be drawn from the philosophical definition of the terms, whereas it should be drawn from the sense given it by other rules of law. Now, there are canonical rules which declare that in doubt one should follow that which has possession, or that which seems more probable. Hence, the axiom quoted by the Probabilists refers only to cases of negative doubt; the other two rules refer to cases of doubt in the wide sense, or to cases of

opinion; otherwise, we should have to admit that these legal maxims are contradictory, one to the other. Thus, it appears that Probabilism is based on a principle formulated to solve difficulties of an entirely different kind from those which the system deals with.

(b) The argumentation itself is fallacious. It takes for granted that an opinion is certainly and solidly probable, not only when it has no opposite or when its opposite is less probable, but also when its opposite is equally or more probable. This cannot be. Solid probability on the other side of a question must create doubt about an opinion held, and so make it at best uncertainly probable or probably probable; while greater likelihood or presumption on the other side must make one's own opinion appear imprudent and unworthy of a rational being, and therefore not solidly probable.

726. The Probabilists answer: (a) The two principles with reference to doubtful law are understood and proved by Probabilism by an analysis of the notions of obligation and incertitude (see 285, 654), and hence they apply to every case that is restricted to the question of probable lawfulness or unlawfulness.

The rules quoted against Probabilism—there are some that might also be quoted against Probabiliorism and Equiprobabilism—are opposed to it only in appearance, since they deal with matters that are outside its sphere (see 697). Thus, in civil cases when both ownership and possession are doubtful, the decision must be given for the more probable side, since the issue is not what is lawful, but what seems to be true. As to the principle of possession, it is not, as supposed, unfavorable, but favorable to Probabilism; since liberty, inasmuch as it is presupposed by obligation (for only those who have freedom can receive obligation), has priority and must be given the benefit of the doubt, whenever a strictly probable reason in its favor cannot be refuted.

(b) Solid probability for the law creates doubt of the truth of the opinion for liberty, but it does not create doubt of its probability; for truth is the agreement of one's judgment with the facts, probability the appearance of such agreement on account of the arguments by which the judgment is supported. Hence, greater probability for law does not make uncertain the probability there is for liberty. Neither is it a sign of imprudence to accept

the less probable, if one has sincerely and diligently sought the truth; for even the more probable may not be true, and the great majority of moralists hold that one is not obliged to follow it.

727. Criticism of the Pragmatic Test Offered by Probabilists.—Probabilism boasts of the ease with which it can be used (see 700, 720); but the ease with which it can be misused is greater still.

(a) Persons not inclined to piety must quickly fall into Laxism, if they make use of this system, for they will accustom themselves to find every sort of pretext to escape unwelcome duties by raising doubts and dignifying them with the name of probable opinions; they will follow, now one opinion, now its contrary, according as it suits their interests; they will become stubborn in their own views, and unwilling to change or accept instruction.

(b) Persons inclined to piety, if guided by Probabilist principles, will soon lose all interest in what is higher and better, and content themselves with the minimum; for in every case of uncertainty Probabilism permits one to choose what is less safe and less probable.

728. General Answer of the Probabilists to the Objections of the Preceding Paragraph.—(a) The history of Probabilism contradicts these objections. From its beginning to the present day it has been defended and followed by men noted for piety, who used kindness towards others, but were severe with themselves. While the principles of stricter systems have proved a torture both to confessors and penitents, no detriment to holiness is observed from the use of Probabilism.

(b) The nature of Probabilism refutes the objections in question. There is no system so good that it may not be perverted and turned to evil, and stricter systems have been converted into Tutorism or Rigorism. But the logical and usual results of Probabilism are not a lowering of moral standards. If these evils follow it, they do so only when it is not rightly understood or not rightly applied.

729. The charges of a tendency to Laxism are thus answered:

(a) Probabilism holds that only learned theologians are judges of internal probability. Others must not decide for themselves, but must seek instruction from their spiritual guides who have competent knowledge. The

moralists themselves must not be so wedded to their opinions that they are not always ready to change when they find they are wrong or learn that the Church does not admit their view.

(b) Probabilism permits one to use contrary probable opinions in different instances (e.g., to use for one will or testament the opinion that informality makes it invalid, and for another will the opinion that informality does not make it invalid); but it does not permit contrary opinions to be used in the same case for one's advantage (e.g., to use the opinion that an informal will is valid, in order to secure an inheritance, and at the same time to use the opinion that it is invalid, in order to escape the payment of legacies).

(c) Probabilism does not sanction the use of a probable opinion, unless it has been examined without prejudice, and has been honestly judged to be of certain and solid value (see 708 sqq.). Neither does it approve of the conduct of those who put themselves voluntarily in a state of doubt. On the contrary, it considers such conduct as sinful, and as gravely so, if the matter be serious and if this occur frequently. Example; Titus is uncertain whether three hours remain before Communion time, and yet he takes some refreshment, and thus makes it doubtful whether he has the right to receive Communion. The principle that a doubtful law does not oblige will enable Titus to receive Communion, but it does not excuse him from venial sin in putting himself without cause in a state of doubt and in danger of material sin.

730. The charge of a tendency to minimism in spiritual matters is thus answered: Probabilism deals only with what is lawful, not with what is better; it aims to show only what one may do without sin, not what one ought to do in order to become perfect. Hence, it is used when there is question of imposing obligations, or of deciding whether a certain course is lawful; for in these matters one must be kind, lest by exceeding one's authority one drive others to sin; but it is not used when there is question of giving spiritual advice and direction, for here all should be exhorted to seek after progress in holiness.

731. Compensationism.—Between 1850 and 1880 a number of theologians, feeling that there were serious difficulties against all the systems up to then considered, developed a reformed or restricted Probabilism, which would not be open to the criticisms made against

ordinary Probabilism, and yet would have those good qualities that make it preferable to the stricter systems. This new doctrine is called Compensationism, because it permits one to follow a probable opinion against the law only when there is present a sufficient reason to compensate for this course of action.

732. The following rules are, therefore, given as restrictions on the use of Probabilism: (a) the more serious or the more probable the doubtful law, the greater the reason must be to justify one in acting against it; (b) the higher and greater the good to be obtained from the exercise of freedom against a doubtful law, the less the reason that suffices for exercising freedom.

733. Illustrations of the Use of Compensationism.—(a) Titus, a poor man, is in uncertainty, through no fault of his own, about two debts. He thinks it more probable that he owes \$10 to Sempronius, and 10 cents to Caius; but he believes it is really probable that he has paid both debts. He foresees that, if he offers the money to Sempronius, he will be subjected to serious quarrels and vexations, or at least that very bad use will be made of the money; while, if he offers to pay Caius, the latter may take some slight offense. He decides that there are proportionate reasons in each case to justify his following the less probable opinion.

(b) Fr. Titus thinks that a penitent is more probably bound to ask pardon of one whom he has offended. But he knows that, if he imposes the obligation, the present good faith of the penitent will be changed to bad faith, and he will refuse to do what is imposed. Fr. Titus decides, therefore, that it will be more profitable for the penitent if the less probable opinion—that there is no obligation—be followed.

734. The two chief arguments for Compensationism, which are also the two chief objections it makes against ordinary Probabilism, are:

(a) The obligation of a law depends on the knowledge one has about it. If one knows that the law exists, there is certain obligation; if one knows that the law does not exist, there is no obligation; if one holds it as probable that the law exists, there is probable obligation. Now, since one may not be excused from obligation unless there is a reason proportionate to the obligation itself (see 495), he who is under probable or more probable obligation must have a graver reason for using freedom than he who is under no obligation (against Probabilism), but he need not have as grave a

reason as one who is under a certain obligation (against Probabiliorism). Hence, one may not act against a probable law, unless by so doing there is some good secured that compensates for the danger to which the right of the law is exposed.

(b) It is lawful to perform a good act from which an evil effect will result, only if one has a proportionally grave cause for permitting the evil effect (see 102 sqq.). But he who follows the opinion for liberty against a more probable or equally probable opinion for law, performs an act from which will probably result the evil of a material transgression of law. Therefore, one may not use Probabilism unless by so doing there is some good secured that compensates for the danger of material sin to which one exposes oneself.

735. Criticisms from the Probabilists.—(a) The dictum that a doubtful law obliges doubtfully cannot be applied, for in actual life there is no middle way between decision for the law and decision for liberty, unless it be indecision. The principle of Compensationism must mean, then, that we must always decide for a doubtful law (which is Tutorism), or remain in suspense (which is no help to the one in doubt).

(b) The supposition that there must always be some special reason of good to offset the evil of the danger of material sin is not correct. For there always exists a compensation proportionate to the danger, namely, the exercise of liberty, a great gift of God, and the avoidance of the burden of fulfilling all uncertain obligations.

736. Reply of the Compensationists.—(a) The principle that a doubtful law obliges doubtfully means only that the reasons in favor of the law deserve some consideration, and should not be put aside unless one has some better reason than mere arbitrariness, self-will, or the intention to take always the easier way. There is no question of either Tutorism or hesitation, but only of a prudent and honest facing of the fact that there are two sides to one's doubt.

(b) It is not true that the exercise of liberty and the escape from the burden of uncertain obligations are always a sufficient compensation for the danger of material sin. For material sin is not only an evil in itself, as being a violation of law; it is also the source of many and great evils both to the individual and society, such as wrong habits acquired, scandal given, etc.

Liberty is a great gift, but it should not become a cloak for malice. Neither is the foregoing of liberty so great an evil that one should not be willing to suffer it now and then in order to prevent the greater evils spoken of just above.

737. Other Objections Against the System of Compensation.

(a) From Authority.—Compensationism is of very recent origin, and it cannot be admitted that the right solution of moral difficulties was unknown before this new system appeared.

(b) From Reason.—It runs counter to the principle commonly accepted in the controversies of the systems, namely, that the decisive factor as to obligation in doubt is knowledge. For it introduces a new factor, that of sufficient reason or compensation.

(c) From Serviceability.—It is easy to say in the abstract that one should always have a suitable reason for adopting a probable opinion in favor of liberty. But, when one attempts to apply this rule to actual cases, difficulties innumerable arise (searchings of motives, comparison of probabilities, measuring of consequences, etc.), so that for use Compensationism is impossible, or impracticable.

738. Reply of Compensationists.—(a) Compensationism is an example of doctrinal progression from the implicit to the explicit. The principles on which it is based are found in the teaching and practice of the most ancient authorities.

(b) Sufficient reason is not a new principle, since it is admitted by all moralists for the case of double effect (see above, 102 Sqq.); its application to the solution of doubts of conscience is not an innovation, since the cases of doubt and of double effect are analogous.

(c) Compensationism is not intended as a system to be applied by those who have not sufficient theological training, but as a guide for moralists, directors and confessors. That it is not difficult, is clear from the fact that it is only an application of the commonly accepted principle of double effect, and that Probabilists themselves recommend it and make very general use of it, as if they instinctively recognized its necessity.

739. Practical Conclusions.—From the foregoing discussions one may deduce three rules for the guidance of those who are not expert theologians:

(a) If your state of conscience is certitude (i.e., if you are firmly convinced which way your duty lies), entertain no fears or scrupulous doubts, and, having done your part to understand your obligations, you need not hesitate to follow your conscience.

(b) If your state of conscience is imprudent assent (i.e., the acceptance of what you recognize as unlikely), or if it is suspended assent (i.e., a wavering between opposites), do not act blindly, but seek truth and decision.

(c) If your state of conscience is opinion (i.e., the acceptance of what you regard as likely though uncertain), consult your confessor or another competent theologian; if there is no time for this, decide for any course that seems true and prudent (see on perplexed conscience, 611 sqq.).

740. Regarding the respective merits and the use of the rival systems of conscience, the following conclusions may be drawn:

(a) If there is question of what is to be counselled, one should be a “Meliorist,” for the better and more perfect is more advisable than what is merely good or lawful. All Christians should be directed to aspire after holiness, but, if one is unwilling to follow a counsel, it should not be imposed on him as a precept. Naturally, of those in higher station higher things are required.

(b) As between doubt and certitude regarding obligations, one must be a “Certitudinist,” that is, one must resolve doubts or slight probabilities into direct or indirect certitude (as was explained above in 641 sqq.). If a doubt remains, one must for that case be a Tutorist, that is, one must follow the safer side (as explained in 661).

(c) As between the safer and the less safe, one must be a Tutorist, when some law requires this, as is the case when validity or supreme rights are at stake (as explained in 678, 679).

(d) As between the more likely and the less likely, one must be a Probabiliorist, when this is according to law, as is the case in civil suits where the preponderance of evidence must be followed (see 697).

(e) One may not follow either Tutorism (see above, 676) as a general moral system, nor Laxism (see above, 681).

(f) If a probable opinion for liberty is opposed by no contrary probable opinion or by none whose arguments cannot be overcome, one is free to follow that opinion, as explained in 649, 703.

(g) If a probable opinion for liberty is opposed by an opinion that is less, equally or more probable, one is free to act according to the principles of Probabiliorism, Equiprobabilism, Probabilism or Compensationism, according to conviction.

741. As for the use of moral systems by confessors, the two following rules are generally admitted:

(a) If a penitent has formed his conscience according to one moral system, the confessor has no right to impose on him the opinion of a different moral system; for the Church allows liberty.

(b) If a penitent has not formed his conscience according to any moral system and seeks the answer to a moral doubt, the confessor should decide, not necessarily for what his own system declares lawful, but for what appears, all the circumstances being considered, to be most advantageous spiritually for the penitent. Example: Fr. Titus is a Probabilist, and he usually advises questioners to follow opinions that are less probable; while Fr. Caius, who is a Probabiliorist, always requires that such persons follow the more probable opinions. Both act unwisely. For persons who are better disposed, it will often be more profitable to follow what is more probable or favorable to obligation; for those whose dispositions are less good, milder opinions may be recommended, lest the smoking flax of goodness that is in them be entirely extinguished. Neither is it right to impose as certain an obligation which the penitent, if he were acquainted with Moral Theology, would see is controverted.

742. In case of disagreement between confessor and penitent as to whether absolution may be given, whose opinion should prevail? (a) If the disagreement is concerned with matters about which the confessor himself has to judge (e.g., the disposition of the penitent, the requisite matter for absolution, etc.), the opinion of the confessor must prevail; for the act of judging is his own, and he must be guided therefore by his own conviction.

(b) If the disagreement is concerned with matters about which the confessor is not the judge (such as the controversies of schools and

theologians), the confessor may not refuse absolution to a well-disposed penitent, just because the latter will not accept the opinion of his school or system. If it be manifest that the penitent's opinion is false or improbable, absolution may be denied him, unless it seems more prudent to leave him in good faith.

PART II

SPECIAL MORAL THEOLOGY

743. In the First Part of this work, the means to man's Last End were spoken of in a general way; the features that are common to all good acts—that they be human, morally deserving, directed according to law and conscience—were treated. In the present Part the means to the Last End will be discussed in particular, and we shall consider in turn the kinds of duties that are owed by all men and those owed by persons in special states of life.

Question I

THE DUTIES OF ALL CLASSES OF MEN

744. Good habits, specifically different, are all reducible to seven most general virtues (see 150, 151), and hence in studying these seven virtues, we shall at the same time study all the common duties of man.

745. The properties of the seven infused virtues are chiefly four:

(a) In the first place, these virtues may be increased: “This I pray, that your charity may more and more abound” (Phil, i. 9). The increase takes place *_ex opere operato_* through the Sacraments, or *_ex opere operantis_* through meritorious works—that is, whenever sanctifying grace, their root, is increased.

(b) A second property of the infused virtues is that they may be lost: “I have somewhat against thee, because thou hast left thy first charity” (Apoc., ii. 4); “Some have made shipwreck concerning the faith” (I Tim., i. 19). The loss is caused by the contrary of the virtue: faith is lost by disbelief, hope by despair; charity and the moral virtues are lost by any mortal sin, for they are built on sanctifying grace, which mortal sin destroys.

(c) A third property of the infused virtues is that they cannot be diminished directly. If we leave out of consideration their opposites (which, as just said, remove these virtues entirely), there is nothing else that can act directly upon them. Mere failure to exercise them cannot lessen them, since they are caused by divine infusion, not by human exercise; venial sin cannot lessen them, since it does not lessen grace on which they depend.

(d) A fourth property of the infused virtues is that they are diminished indirectly. Failure to practise them or venial sin does diminish the ease and fervor with which the acts of these virtues are exercised; and thus indirectly—that is, by preparing the way for acts that are directly contrary—neglect or venial sin diminishes the habits themselves.

Art. 2: THE VIRTUE OF FAITH

(*_Summa Theologica_*, II-II, qq. 1-9.)

746. The order of the theological virtues here followed is that given by St. Paul in I Cor., xiii. 13—viz., faith, hope, charity. The order of these virtues is twofold: (a) according to dignity the order is charity, hope, faith; (b) according to time, the order is that of I Cor., xiii. The habits of these three virtues are infused at the same time (i.e., at the moment when grace is conferred), but their acts are not simultaneous, and one must believe before one can hope or love.

747. Excellence of the Virtue of Faith.—(a) Faith is the beginning of the supernatural life, the foundation and the root of justification, without which it is impossible to please God and arrive at fellowship with Him. (b) It is an anticipation of the end of the supernatural life, for by faith we believe that which we shall behold in the beatific vision: “All these died according to faith, not having received the promises, but beholding them afar off, and saluting them and confessing that they are pilgrims and strangers on the earth” (Heb., xi. 13).

748. Utility of Faith for the Individual.—(a) Through faith the intellect receives a new light, which discloses to it a higher world—“the wisdom of God in a mystery” (I Cor., ii. 7)—and which illuminates even this lower world with a heavenly brightness, that man may know more quickly, more surely, and more perfectly the natural truths that pertain to God and duty. (b) The will is strengthened to perform duties valiantly through the motives and examples which faith offers: the patriarchs of old “by faith conquered kingdoms, wrought justice, obtained promises, recovered strength from weakness” (Heb., xi. 33). In adversity faith is a stay and a consolation: “For what things soever were written, were written for our learning, that through patience and the comfort of the scriptures, we might have hope” (Rom., xv. 4).

749. Utility of Faith for Society.—(a) Domestic society is defended in its security and happiness by faith, which teaches the sacramental character of marriage, which offers the model of the Holy Family to Christian homes,

which never ceases to declare in the name of God the duties of husbands and wives, parents and children. (b) Without faith and religion civil society cannot be maintained in strength and prosperity. It is faith in God more than laws or armies that gives security to life, reputation, and property, with order and peace at home and abroad.

750. The Meaning of Faith.—In Holy Scripture and other religious writings the word faith has various meanings.

(a) Sometimes it stands for a promise, or for the quality of being true to one's promises. Examples: St. Paul condemns widows who remarry against their word, "because they have made void their first faith (promise)" (I Tim., v. 12). Speaking of the unbelief of the Jews, he says: "Shall their unbelief make the faith (i.e., fidelity to promise or faithfulness) of God without effect? God forbid. But God is true" (Rom, iii. 3, 4).

(b) Sometimes the term faith stands for good reputation, or for confidence in another. Examples: "He that discloseth the secret of a friend loseth his faith (credit, reputation), and shall never find a friend to his mind" (Ecclus., xxvii. 17); "O thou of little faith (trust, confidence), why didst thou doubt?" (Matt., xiv. 31).

(c) Sometimes faith stands for truths or doctrines offered for one's belief, or for the assent of the mind to the judgment of conscience or to the revelation of God. Examples: "Thou has not denied My faith" (that is, "the truths revealed by Me," Apoc. ii. 13); "All that is not of faith (i.e., from the firm conviction of conscience) is sin" (Rom, xiv. 23); "Without faith (i.e., assent to the unseen on the word of God) it is impossible to please God; for he that cometh to God must believe" (Heb., xi. 6).

751. It is faith only in the last sense that is known as the theological virtue of faith, and hence with it alone we are here concerned. St. Paul describes this faith as follows: "Faith is the substance of things to be hoped for, the evidence of things that appear not" (Heb., xi. 1). This verse is variously interpreted. (a) According to St. Chrysostom, the meaning is: Faith is the subsistence or anticipated existence in the soul of future blessings that are hoped for, through the firm confidence it gives; it is the conviction of the reality of the unseen. (b) According to St. Thomas, the meaning is: Faith is the substance or basis on which is built the hope of blessedness, or on which rests as on its foundation the whole work of

justification; it is an argument producing certainty of that which is not seen. The elements of St. Thomas' interpretation have been incorporated into the Vatican Council's definition: "The Catholic Church professes that this faith which is the beginning of human salvation is a supernatural virtue by which we, with the aid and inspiration of the grace of God, believe that the things revealed by Him are true, not because the intrinsic truth of these things has been perceived by the natural light of reason, but because of the authority of God Himself revealing, who can neither deceive nor be deceived" (Sess. 3, chap. 3, Denz. 1789).

752. Thus, faith is an intellectual habit and act, but it differs from all other intellectual habits and acts as follows: (a) it differs from science, vision, understanding, for its object is "the things that appear not"; (b) it differs from opinion, doubt, suspicion, for it is a firm "substance," a certain "evidence"; (c) it differs from human faith or belief resting on man's word and promises, for it is the pledge, beginning and cornerstone of the happiness promised by God Himself.

753. Faith will now be considered according to two aspects: (a) objectively, as regards the things that are believed by him who has faith; (b) subjectively, as regards the habit and act of the believer which put him in contact with these truths of the unseen world.

754. The Object of Faith.—There is a twofold object of faith, viz., material and formal.

(a) The material object, or the truth that is believed, includes all that is contained in the Word of God, whether written or handed down by tradition. The principal material object is God Himself as the Deity, or Supreme Truth in Being (*_prima veritas in essendo_*); the secondary material object embraces all other revealed truths.

(b) The formal object of faith, or the motive that prompts one to give assent to the material object, is the authority of God, who is Supreme Truth in Knowing and Speaking (*_prima veritas in cognoscendo et dicendo_*), and hence He can neither be deceived nor deceive.

755. The material object of faith includes all truths revealed by God; but, since it belongs to the Church to teach those truths, there is a distinction of truths that are revealed by God but not defined by the Church, and truths

that are revealed by God and defined by the Church as revealed. Thus: (a) divine faith is belief in revealed truth that has not been declared by the Church as revealed; (b) divine and Catholic faith is belief in a revealed truth that has been proposed as such by the Church, either solemnly or ordinarily. Example: Dogmas contained in creeds, definitions of Popes or general councils. The Vatican Council has determined the object of this faith: By divine and Catholic faith all those things must be believed which are contained in the written word of God and in tradition, and which are proposed by the Church, either by a solemn pronouncement or by her ordinary and universal magisterium, to be believed as divinely revealed (Ibid., Denz. 1792).

756. The formal object of faith extends to all truths that have been revealed and to no others. Theologians discuss the status of certain truths connected with revelation concerning which the Church is guaranteed infallibility on account of her teaching office. Special difficulties arise in relation to: a) dogmatic facts, that is, definitions concerning particular facts closely related to dogma (e.g., that Anglican orders are invalid; that a particular book contains a sense contrary to revelation; that this Supreme Pontiff, legitimately elected, is the successor of St. Peter in the primacy and consequently infallible); b) theological conclusions, that is, deductions drawn from revealed truth.

Many theologians teach that both dogmatic facts and theological conclusions when defined by the Church constitute a special object of faith distinct from divine and Catholic faith, namely, ecclesiastical faith. Accordingly, for them, ecclesiastical faith is the internal assent given to truths connected with revelation and defined by the Church as true, the motive of assent being the infallibility of the Church in her teaching office.

Others deny the existence of such faith and insist a) that dogmatic facts are contained in revealed doctrine implicitly as singulars in universals and hence are believed before definition by divine faith implicitly, and after definition by divine and Catholic faith, b) that theological conclusions before definition are held by theological assent, afterwards by divine and Catholic faith. Some also have maintained that before definition such conclusions belong to divine faith. (For a summary of the various teachings on this problem see Reginaldo-Maria Schultes, O.P., *Introductio in*

Historiam Dogmatum_, pp. 46 ff.; Marin-Sola, O.P., *L'Evolution homogene du Dogme Catholique*).

757. Private revelations, even when approved by the Church, are not an object of divine and Catholic faith, for they form no part of the revelation given to the whole human race that was closed with the death of the Apostles and committed to the Church. Hence: (a) if they are negatively approved by the Church, the approval means only that such revelations contain nothing contrary to faith and morals, and are useful and edifying; (b) if they are approved positively (as is the case with the revelations of St. Hildegarde, St. Brigit, and St. Catherine of Siena), the approval means that they appear to be true divine revelations and may be prudently accepted as such.

758. The assent to be given to private revelations, therefore, is as follows:

(a) Such revelations should receive the assent of divine faith, if it is certain that they are genuine. This applies to those to whom and for whom they were given, and probably to others also. It rarely happens, however, that the genuineness of a private revelation can be critically established, and the Church does not require that such revelations be accepted by all the faithful. To refuse assent, therefore, to a private revelation is not generally an offense against divine faith.

(b) Private revelations cannot receive the assent of Catholic faith, since, even when approved by the Church, they are not proposed as a part of the Christian revelation committed to her care. To dissent from them, therefore, is not a sin against Catholic faith, unless in rejecting them one would also reject defined dogma (e.g., by denying the possibility of revelation).

(c) Private revelations are not offered for the assent of ecclesiastical faith, since in approving them the Church does not propose them as necessarily connected with the exercise of her teaching office or under guarantee of infallibility. To dissent from them, therefore, is not a sin against ecclesiastical faith, unless other errors (e.g., against the authority of the Church in matters connected with revelation) are also involved.

(d) Private revelations are offered for the assent of human faith, since the Church proposes them to the faithful, if approved, as matters of pious opinion, which are according to the rules of prudence truly probable on

account of traditions in their favor, supported by suitable testimony and documents (Benedict XIV, *De Canonizatione Sanctorum*, lib. II, cap. 23; III, cap. ult.; Sacred Cong. Rites, May 12, 1877, n. 3419, ad 2). The Church permits, but does not exact belief in these revelations. One would not be excused, however, who rejected them through pride or contempt, or without sufficient reason.

759. Similarly, although the Church offers for human faith alone certain particular facts of history, one who rejects them may easily be guilty of contempt or temerity. Such particular facts are: (a) apparitions of heavenly beings in post-Biblical times, such as the appearance of the Archangel Michael in Monte Gargano about 525 and the appearance of the Blessed Virgin at Lourdes in 1858, for which the Church has instituted feasts; (b) deeds related in the legends of the Saints, such as the victory of St. Catherine of Alexandria over the pagan philosophers and the carrying of her body to Mt. Sinai by Angels, which the Church inserts in the Breviary lessons; (c) the authenticity of relics. In granting certificates of genuineness, the Church guarantees only that there is sufficient historical evidence or probability for the belief that particular bones or other objects belonged to a particular Saint.

760. Many tenets of the Church, indeed, have not the prerogative of infallibility—for example, decrees of the Popes not given *ex cathedra*, decisions of Congregations made with Papal approval, teachings of Bishops to particular members of the Church, doctrines commonly held by Catholics as theological truths or certain conclusions. These decrees, decisions, etc., receive not the assent of Catholic faith, but what is called religious assent, which includes two things, viz., external and internal assent.

(a) External assent should be given such teachings—that is, the homage of respectful silence due to public authority. This does not forbid the submission of difficulties to the teaching authority, or the scientific examination of objections that seem very strong.

(b) Internal assent should be given such teaching—that is, the submission of the judgment of the individual to the judgment of the teacher who has the authority from Christ and assistance from the Holy Spirit. This internal assent differs, however, from the assent of faith, inasmuch as it excludes fear of error, but not of the possibility of error, and it may later on be

suspended, called into doubt, or even revoked. Pope Pius X in his *„Motu proprio*_, “*Praeestantia scripturae Sacrae*” (Nov. 18, 1907), indicated the binding force of the decrees both of the Pontifical Biblical Commission and of all doctrinal decrees: All are bound in conscience to submit to the decisions of the Biblical Commission which have been given in the past and which shall be given in the future, in the same way as to the decrees which appertain to doctrine, issued by the Sacred Congregations and approved by the Supreme Pontiff; nor can they escape the stigma both of disobedience and temerity, nor be free from grave guilt as often as they impugn their decisions either in word or writing; and this over and above the scandal which they give and the sins of which they may be the cause before God by making other statements on these matters which are very frequently both rash and false. (Reaffirmed by the Biblical Commission on Feb. 27, 1934.)

761. The objects, therefore, which formally or reductively pertain to the virtue of faith, are as follows:

(a) Divine faith has for its object all the truths revealed by God as contained in the Canonical scriptures approved by the Church, and in the teachings received by the Apostles from Christ or the Holy Spirit and handed down to the Church as Tradition. Private revelations in exceptional cases may also be the object of divine faith.

(b) Catholic faith has for its object all the truths formally revealed in scripture and Tradition that have been defined as such by the Church. The definitions of the Church are either solemn (e.g., those given in the Creeds, *„ex cathedra* definitions of the Popes, decisions of Ecumenical Councils) or ordinary (e.g., those contained in the universal preaching, practice or belief of the Church, encyclical letters [see *„Humani Generis*_, n.20]). Equivalent to definitions are the condemnations of error opposed to revealed truths.

(c) According to some theologians ecclesiastical faith has for its object all infallible decisions of the Church about matters not revealed, but connected with revelation, or necessary for the exercise of the teaching office of the Church. Such are: (i) definitions, that is, definitive declarations of theological conclusions or of dogmatic facts, disciplinary laws made for the entire Church, canonization of the saints, solemn approbation of religious Orders, express or special recognition of Doctors of the Church, declaration

of the relation of private revelations to the public revelation; and (ii) censures, that is, condemnations of teachings, on account of falsity, as heretical, near to heresy, savoring of heresy, erroneous, rash, etc.; on account of their expression, as equivocal, ambiguous, presumptuous, captious, suspected, ill-sounding, offensive to pious ears, etc.; on account of their tendency, as scandalous, schismatical, seditious, unsafe, etc. Examples: The definitions concerning the sense of the book Augustinus, the suitability of the terms “consubstantial” and “transubstantiation,” the agreement of the Vulgate with the original scriptures, the lawfulness of the insertion of the Filioque.

(d) Religious assent has for its object all doctrinal pronouncements of the Church that are not infallible, but are yet official and authoritative. Examples are ordinary instructions and condemnations given by Pontifical Congregations and Commissions. The Syllabus of Modern Errors issued by Pius IX was most likely not an infallible or definitive document, although many of the errors it rejects are contrary to dogma, and hence, even apart from the Syllabus, they are to be rejected as opposed to Catholic faith. Likewise, many of its tenets are drawn from encyclical letters. Papal allocutions, radio addresses, and the doctrinal parts of Apostolic Constitutions, in themselves, are in this class.

(e) Respect is due to the judgment of the Church even in non-doctrinal matters and where no obligation is imposed by her, on account of her position and the careful examination given before decision. Example: It would be disrespectful to reject without good reason a pious belief which the Church after mature deliberation has permitted to be held.

762. Though the truths of faiths are many, the duty of believing imposes no great burden on the believer. Thus: (a) it is not required that explicit belief be given to all the teachings of faith; (b) it is not required that one distinguish the particular kind of assent in case of uncertainty, but it suffices to yield assent according to the mind and intention of the Church. Example: When a group of propositions is condemned under various censures, no indication being made of the censure that applies to particular propositions, it suffices to hold that all of them are false, and that to each of them applies one or more of the censures listed.

763. Faith is divided into explicit and implicit, according as the object believed is unfolded or not to the mind.

(a) Faith is explicit regarding any truth, when assent is given to that truth as known in itself and expressed in terms proper to itself. Example: He has explicit faith in the Eucharist who has been instructed concerning the meaning of the mystery, and who assents to it according to that distinct knowledge.

(b) Faith is implicit regarding any truth, when that truth is not known or not accepted in itself, but is accepted in another truth. Example: He has implicit faith in the Eucharist who has not yet heard of it, but who accepts all the teachings of the Church, even those he does not know.

764. Faith is implicit as follows:

(a) Improperly, faith is implicit, if one does not give assent, but is prepared to give it, if necessary, or wishes to give it. These pious dispositions are not the act of faith itself, but they are its beginnings, or preparations leading up to it; they are good, but not sufficient. Example: A pagan who says he would accept the Christian creed, if he thought it were true, or who wishes that he could believe it.

(b) Properly, faith is implicit, if one gives assent to a truth by accepting another in which it is contained, as a particular is contained in a universal (e.g., he who explicitly accepts all the truths of Christianity, implicitly accepts the Eucharist, even when in good faith he thinks it is not revealed), or as an instrument is involved in its principal cause (e.g., he who explicitly believes in the Redemption implicitly believes in Baptism, which is the instrument by which Redemption is applied), or as means are contained in their end (e.g., he who explicitly believes that eternal life is a reward, implicitly believes that good works must be performed as a means to that end), or as the reality is expressed in the figure (e.g., those in the Old Testament who explicitly believed in the Paschal Lamb, implicitly believed in the sacrifice of Christ of which the Paschal Lamb was the figure), or as the assent of the disciple is bound up with the assent of the teacher (e.g., the child who explicitly accepts as true the doctrines of faith taught by his pastor, implicitly believes the sense and implications contained in the latter's instructions).

765. The points about which explicit faith is required can be reduced to four heads (see Catechism of the Council of Trent). These heads are:

(a) The things to be believed: “Preach the Gospel to every creature. He that believeth shall be saved” (Mark, xvi. 15). The Gospel doctrine is summarized in the Apostles’ Creed;

(b) The things to be done: “Teach them to observe all things whatsoever I have commanded you” (Matt., xxviii. 20). The Ten Commandments (see Vol. II) are called the epitome of the whole law;

(c) The ordinances to be observed; “Baptize them in the name of the Father, and of the Son, and of the Holy Ghost” (Matt, xxviii. 19). The Seven Sacraments are the sacred instruments through which the merits of the Passion of Christ are applied to the soul;

(d) The petitions to be made to God: “Thus shall you pray: Our Father, etc.” (Matt., vi. 9). The prayer (see Vol. II) given us by Christ teaches us both the manner of prayer and the requests that should be offered.

766. Faith in the revelation given by God is necessary for salvation (Heb., xi. 6), but in the usual providence of God faith cannot be had or safeguarded without short formulas of its principal doctrines.

(a) Faith cannot be received without such formulas, because, its doctrines being many and frequently difficult and the study of all scripture and Tradition being impossible for most persons, a list of short and clear propositions of revealed truths (Creed) is needed that the faith may be proposed and accepted.

(b) Faith cannot be retained without such formulas, because, being unchanging in itself and yet for all times and places, its doctrines would be easily corrupted if there were not an official standard (Symbol) by which both truth and error could be at once recognized (I Cor., i. 10; II Tim., i. 13).

767. The formulas of Christian teaching as summarized in the Creeds, since they must be brief and orderly, are divided into short and connected propositions, which are therefore known as articles. Brevity being the character of Creeds, not all revealed truths are expressed in them as articles, but only those that have the following characteristics:

(a) An article of the Creed deals with one of the two main objects of belief, namely, the end of man, which is eternal life (Heb., xi. 1), and the means thereto, which is Jesus Christ (John, xvii. 3). Other things, which are proposed for faith, not for their own sake, but only on account of their relation to these two main objects (e.g., the wandering of the Israelites in the desert, the details of the journeys of St. Paul, etc.), are not mentioned in the Creeds.

(b) An article of the Creed deals only with those doctrines concerning eternal life and Christ which are in a special manner unseen or difficult, for faith is “the evidence of things that appear not” (Heb., xi. 1). Other doctrines which have no special difficulty of their own are considered as implicit in those that express the general mysteries, and hence they are not mentioned. Thus, the three Persons of the Trinity are given distinct articles, because the mysteriousness of the Triune God cannot be reduced to any more general mystery, whereas the Eucharist is not mentioned, as having no mystery that is not implied in the articles on the divine omnipotence and the sanctification of man through Christ.

768. Has there been an increase in the articles of faith?

(a) If by increase is meant the addition through new revelation of main beliefs not contained in the primitive revelation, there has never been an increase in the articles of faith; for from the beginning God made known His own being, which includes the eternal things of God and the end or happiness of man, and His providence, which includes the temporal dispensations of God and the means for the salvation of man (Heb., xi. 6).

(b) If by increase is meant the addition of new revelations that brought out more clearly and definitely things contained in previous revelation, there was an increase in the articles of faith from the beginning of revelations down to the end of the Apostolic age. Thus, the nature of God and His purpose as regards the redemption of humanity were brought out ever more distinctly by new revelations in Old Testament times (Exod., vi. 2), and were given in final and complete form by the revelation of Christ (Heb., i. 1; Eph., iii. 5; Heb., xii. 27, 28; II Tim., i. 13).

(c) If by increase is meant a clearer and fuller explanation of the revelation once delivered to the Saints, there has been and always can be an increase of articles of faith. Thus, in the Council of Nicaea the Apostles’

Creed was amplified; in the Council of Constantinople the Creed of Nicaea was added to, and similarly today or tomorrow the Pope could add new explanations or developments to the Creed, if new heresies or necessities required that the true sense of revelation already given should be brought out more clearly or fully.

769. There are three principal Creeds used by the Church:

(a) the Apostles' Creed, which according to an early tradition was composed by the Apostles themselves before they separated to preach the Gospel. It was in use from the first centuries in the Roman Church, which required that the catechumens learn and recite it before receiving Baptism. It is divided into twelve articles;

(b) the Nicene Creed, which is used in the Mass and was drawn up at the Council of Nicaea (325) against the Arian denial of the divinity of Christ, and was revised by the Council of Constantinople (381) against the Macedonians, who refused to acknowledge the divinity of the Holy Ghost;

(c) the Athanasian Creed, which is used in the Office of Prime and is a resume of the teaching of St. Athanasius on the Trinity and Incarnation. It was composed in the West some time after the beginning of the fifth century.

770. Summary of the teaching of the First Article of the Creed: "I believe in God, the Father Almighty, Creator of heaven and earth."—(a) "I believe," i.e., I give unhesitating assent to God revealing His mysterious truths; (b) "in God," i.e., the Supreme Being, one in nature and three in persons; (c) "the Father," i.e., our Maker and Provider, from whom also we receive the spirit of adoption of sons; (d) "almighty," i.e., all-powerful, and therefore all-wise and endowed with every other perfection in the highest degree; (e) "Creator," i.e., who freely produced the world out of nothing, without external model or effort of any sort, and who preserves, rules and moves all creatures; (f) "of heaven and earth," i.e., of the world of pure spirits, of matter, and of man, who is at the confines of matter and spirit—in other words, of all finite things, visible and invisible.

771. Summary of the Second Article: "And in Jesus Christ, His only Son, our Lord."—(a) "Jesus," a name given by command of God and meaning "Saviour"; (b) "Christ," i.e., "the anointed," because He was King, Priest,

and Prophet; (c) “His only Son,” i.e., born of the Father before all ages, God of God, Light of Light, true God of true God, begotten not made, consubstantial with the Father, by whom all things were made; (d) “our Lord,” for as God He shares all the perfections of the divine nature, as man He has redeemed us and thus deservedly acquired the title of Lord over us, while as the God-man He is the Lord of all created things. It should be noted that there is nothing imperfect or carnal in the generation of the Son, or in the procession of the Holy Ghost, for God is a spirit and all-perfect.

772. Summary of the Third Article: “Who was conceived by the Holy Ghost, born of the Virgin Mary.”—(a) “Who was conceived.” The Only-begotten Son, the second Person of the Trinity, for us men and for our salvation, became incarnate and was made man. Thus, the same Divine Person is in both the divine and human natures, and the union preserves the properties and the actions of both natures. (b) “By the Holy Ghost.” At the moment when Mary consented to the announcement of the angel, the body of Christ was formed in her womb from her flesh, the rational soul was infused, and the divine and human natures were united in the Person of the Word. Thus, Mary is truly the Mother of God. This conception was miraculous, accomplished without the aid of man, through the sole operation of the three Persons of the Trinity. Being an external work of God in which love towards us is especially manifested, the Incarnation is attributed to the Holy Ghost, who in the internal life of the Deity proceeds as the mutual love of Father and Son. (c) “Born of the Virgin Mary.” Mary was ever a virgin, before, during, and after childbirth; immaculate and holy in soul; the spiritual Mother of whom Christians are born in holiness.

773. Summary of the Fourth Article: “Suffered under Pontius Pilate, was crucified, dead and buried.”—(a) The effect of that which is contained in this article is expressed in the words of the Nicene Creed, “for us.” The passion and death of Christ, willed by Himself, accomplished our salvation, as satisfaction, sacrifice and redemption; (b) The manner in which this was brought about is declared in the words above quoted. In His human nature Christ suffered agony and pain of body; He was sentenced to death by the Roman governor and nailed to the cross. His soul and body were separated in death, although the Divinity never departed from either, and His dead body was laid in the tomb.

774. Summary of the Fifth Article: “He descended into hell; the third day He rose again from the dead.”—(a) “He descended.” After His death the soul of Christ went to the abode of the departed, to liberate those who were there. (b) “Into hell.” The name hell is applied in a wide sense to all those secret abodes in which are detained the souls of those who have not obtained the happiness of heaven—viz., the hell of the damned, in which the impenitent suffer eternal pain of loss and sense; purgatory, in which the souls of just men are cleansed by temporary punishments; limbo, where the fathers of the Old Testament awaited in peaceful repose the coming of Christ. It was this last abode into which the soul of Christ entered. (c) “The third day”—i.e., on Sunday morning, the third day after His burial. (d) “He rose again.” As He had laid down His life by His own power, so He took it up again by His own power. (e) “From the dead.” Christ not only returned to life, He also conquered death; He rose to die no more, and thus He is first in the final resurrection. (f) “According to the scriptures.” These words are added in the Creed of Constantinople, to call attention to the fact that the resurrection is the attestation of the truth of our Lord’s claims and doctrine (I Cor., xv. 14, 17; Matt., xii. 39, 40).

775. Summary of the Sixth Article: “He ascended into heaven, sitteth at the right hand of God, the Father almighty.”—(a) “He ascended.” By His own power as God and man Christ ascended into heaven. (b) “Into heaven.” As God, He never forsook heaven, the Divinity being omnipresent; but as man, body and soul, He ascended to the abode of glory forty days after the resurrection. (c) “Sitteth at the right hand of God the Father Almighty.” Christ is said to stand at the right hand of God, inasmuch as He is our Mediator with the Father (Acts, vii. 55; Heb., vii. 25; John, xiv. 2); He is said to sit at the right hand of the Father to express the permanent possession of royal and supreme power and glory (Eph., i. 20-22; Heb., i. 13).

776. Summary of the Seventh Article: “From thence He shall come to judge the living and the dead.”—There is a particular judgment at death; at the end of the World, of which the time is uncertain, there will be a general judgment, both of the living and the dead. Christ will come a second time, and as Judge will pass sentence either of eternal loss and pain or of eternal happiness.

777. Summary of the Eighth Article: “I believe in the Holy Ghost.”—The Third Person of the Trinity is equal to the Father and the Son, proceeds from them both as their mutual love, and is spoken of, therefore, by appropriation, as the Author of works of grace and sanctification, in which especially the charity of God is manifested: “The Holy Ghost, the Lord and Giver of life, who proceedeth from the Father and the Son, who together with the Father and the Son is adored and glorified, who spoke by the prophets” (Creed of Constantinople).

778. Summary of the Ninth Article: “I believe the Holy Catholic Church; the Communion of Saints.”—(a) The Church pertains to the material, not the formal object of divine faith (see 754), and hence it is not said: “I believe in the Church.” We believe of the Church that she is the visible society made up of the faithful scattered throughout the world, called also the house of God (I Tim., iii. 15), the flock of Christ, the spouse of Christ (II Cor., xi. 2), the body of Christ (Eph., i. 23; Col., i. 24); that besides the Church militant on earth, composed of both the good and the bad, and outside of which are unbelievers and the excommunicated, there is the Church triumphant in heaven and the Church suffering in purgatory; that there are four marks by which the true Church may be recognized—viz., that she is one, holy, Catholic, and Apostolic; that she is divine in her origin and possesses divinely given powers. (b) “The Communion of Saints.” The members of the Church have different offices, but there is among them a community of spiritual goods, the Sacraments being a bond of union, and each one profiting according to his condition in the good works done by others, The Church suffering is assisted by our suffrages, while we in turn are helped by the intercessions of the Church triumphant.

779. Summary of the Tenth Article: “The forgiveness of sins.”—God forgives all sins, when they are truly repented of, either through Baptism (in case of sins before Baptism) or through the due exercise of the power of the keys given the Church (in case of sins after Baptism). Venial sins may be forgiven by private repentance.

780. Summary of the Eleventh Article: “The resurrection of the body.”—The soul is immortal, the body mortal. But at the end of the world the bodies of all the dead, even though corrupted, shall be restored and reunited with their principle of life—i.e., the soul to which they belonged.

Substantially, the risen body will be identical with the mortal body, but it will have certain new qualities corresponding to its new state.

781. Summary of the Twelfth Article: “Life everlasting.”—Those who die in the friendship of God will be received into unending happiness, in which they will be exempted from all evil and enjoy the beatific vision and other divine gifts.

782. The Acts of Faith.—According to St. Paul, there are two acts of faith, one internal, the other external: “With the heart we believe unto justice, but with the mouth confession is made unto salvation” (Rom., x. 10). (a) The internal act of faith is the firm and constant judgment of the intellect assenting to divine revelation (II Cor., x. 5), but freely and under the command of the will (Mark, xvi. 16), being moved thereto by divine grace (Eph., ii. 5). (b) The external act of faith is the profession before the world by signs, such as words or deeds, of the internal assent given to divine revelation.

783. The internal act of faith is one, but it has a threefold relationship: (a) it believes about God, if we consider the intellect as assenting to the material object; (b) it believes God, if we consider the intellect as assenting to the formal object; (c) it believes in God, if we consider the will as moving the intellect to assent, and tending towards God as the Last End.

784. The truths to which the assent of faith is given are either supernatural or natural. (a) Supernatural truths or mysteries (e.g., the Trinity of Persons in God) are revealed for faith, that man may know, desire and work for the supernatural destiny to which he has been raised. (b) Natural truths (e.g., the Oneness of God) are revealed for faith, so that mankind may obtain more quickly, more generally, and more certainly the knowledge of divine things which reason can afford. It is impossible, however, that an act of faith and an act of knowledge should coexist in the same individual about the same truth, for faith is of things that appear not.

785. The act of faith is a necessary preliminary to other supernatural acts, for we do not tend towards the supernatural, unless we first accept it by belief; hence, faith is necessary. But the act of faith may also be made after other supernatural acts, like those of hope and charity; and so it may be meritorious. (a) The act of faith is necessary, both as a means and as a precept (see 360). The necessity of means will be treated now, the necessity

of precept later, when we speak of the commandments of faith (see 913 sqq.). (b) The act of faith before justification is meritorious congruously and in a wide sense; but after justification it has condign merit (see 110).

786. For all adults the act of faith is necessary for salvation as a necessity of means (see 360), for the Apostle says: “Without faith it is impossible to please God” (Heb., xi. 6). The truths which must be believed under necessity of means are of two kinds. (a) One must believe with implicit faith all revealed truths which one does not know and is not bound to know. An act of implicit faith is contained in the formula: “O my God, I firmly believe all the truths the Catholic Church teaches, because Thou hast revealed them.” (b) One must believe with explicit faith all the truths which one is bound to know. An act of explicit faith in all the truths necessary by necessity of means is contained in the Apostles’ Creed. Other truths that must be explicitly believed on account of a necessity of precept will be discussed in 918, 920.

787. What specifically are the truths just referred to that all are bound to know as a necessary means? (a) Theologians generally agree that it has always been necessary for adults to know and accept two basic mysteries—God’s existence, as the supernatural End or happiness of man, and His providence as exercised in supplying the means necessary for supernatural salvation (see 768). Without such belief, supernatural hope and charity, at all times necessary, are impossible. (b) A majority of theologians hold, and with greater probability it seems, that since the promulgation of the Gospel it is necessary for adults to know and accept the two basic mysteries of Christianity— viz., that in God, who is our beatitude, there are three persons (the Trinity), and that the way to our beatitude is through Christ our Redeemer (the Incarnation).

788. Even before the Gospel, it was always necessary as a means that one believe explicitly in God as our supernatural happiness and as the provider of the means thereto. Thus, the Apostle, speaking of the ancient patriarchs, says: “He that cometh to God, must believe that He is, and is a rewarder to them that seek Him” (Heb., xi. 6). He that would come to God (i.e., be saved), must believe in God as the Author of glory and of grace. Hence, one must believe: (a) that God exists, who is not ashamed to be called our God, and who prepares for us a better, that is, a heavenly country (Heb., xi. 6); (b) that God is a remunerator, from whom must be expected the working

out of His promises and the helps to attain the reward, as well as the meting out of justice. In this faith is included implicitly a faith in Christ, and thus in the Old Testament a belief, at least implicit, in the Messiah to come was always necessary: "Man is not justified by the works of the law, but by the faith of Jesus Christ" (Gal., ii. 16).

789. Since the promulgation of the Gospel (see 342, 354), it is also necessary as a means that one believe explicitly in the mysteries of the Trinity and Incarnation. For he who does not accept these, does not accept the Gospel, whereas Christ says: "Go ye into the whole world, and preach the Gospel to every creature. He that believeth not shall be condemned" (Mark, xvi. 15, 16).

(a) Theoretically, this opinion seems more probable than the opposite opinion; but chiefly on account of the difficulty about negative infidels, which is discussed in dogmatic treatises on Predestination and Grace, many theologians either reject it (e.g., those who say that belief in the two great Christian mysteries is necessary only as a precept, or that implicit faith suffices), or modify it (e.g., those who say that belief in these two mysteries is not necessary as a means for justification, but only for glorification, and those who say that regularly such faith is a necessary means, but that an exception is allowed for invincible ignorance, or for the insufficient promulgation of the Gospel in many regions).

(b) Practically, this opinion is safer, and hence all theologians, even Probabilists, hold that one must act as if it were true and certain, whenever it is possible to give instruction on the Trinity and Incarnation.

790. Knowledge about the mysteries of faith is either substantial (by which one knows the essentials of a mystery) or scientific (by which one knows also its circumstances and details, and is able to give a more profound explanation of it). Scientific knowledge is required, on account of their office, in those who are bound to teach the faith, but substantial knowledge suffices for salvation. Hence, for an adult to be saved, it suffices that he have the following kind of knowledge about the four great mysteries:

(a) There is a God who has spoken to us, promising freely that He will take us to Himself as our reward. It is not necessary that one understand such theological concepts as the essence of deity, the definition of

supernaturality, the formal and material objects of beatitude, etc.; for many persons are incapable of understanding them.

(b) This God, who will be our reward, is one, but there are three divine Persons—the Father, the Son and the Holy Ghost, really distinct and equal. It is not necessary that one understand the distinction between nature and person, nor subtle questions about the processions and properties.

(c) God provides for us, giving us the helps we need, and also, if we serve Him, the reward He has promised. It is not necessary that one understand the theology of providence, grace, and merit.

(d) Jesus Christ, who is God the Son, became man, suffered and died for us, thus saving us from sin and winning back for us the right to heaven. It is not necessary that one understand scientifically that in Christ there are two natures united hypostatically in the one Person of the Word.

791. Since Baptism is fruitless without due faith in the recipient, it is not lawful as a rule to baptize those who lack substantial knowledge of the four mysteries just mentioned. (a) Outside of danger of death, it is never lawful to baptize a person, adult in mind, who is in substantial ignorance of any of these four mysteries. Such a person must first receive instruction. (b) In danger of death, when instruction cannot be given, an adult in substantial ignorance about the Trinity and the Incarnation may be baptized conditionally; for it is probable that explicit knowledge of those two mysteries is not a necessity of means (see 789; Canon 752, Sec.2).

792. Since absolution is invalid if the person absolved is incapable of receiving grace, and since acts of faith in the four chief mysteries are an essential means to justification in adults, absolution given to one who is in substantial ignorance about one of the four mysteries above mentioned is certainly or probably invalid, as the case may be. Absolution certainly invalid is never lawful, but absolution probably valid may in certain cases be regarded as lawful before administration, and as valid after administration. Hence, the following cases must be distinguished:

(a) Outside of danger of death, it is not lawful to absolve one who is in substantial ignorance about any of those four mysteries. Such a person should be sent away for further instruction, or given a brief instruction then and there, if there is time.

(b) In danger of death, when instruction cannot be given, an adult in substantial ignorance about the Trinity and Incarnation may be absolved conditionally, for the reason given in the similar case of Baptism.

(c) After the fact, absolution given to one who was in substantial ignorance of the Trinity and Incarnation, may be regarded as valid, since the opinion that explicit knowledge of these mysteries is not a necessary means, is at least probable. Hence, according to the principles of Probabilism a penitent who made confessions While ignorant of those two mysteries is not obliged to repeat his confessions, since he has probably satisfied his obligation.

793. In the following cases (which would be rare, it seems) Baptism or absolution cannot be administered, even to the dying who are unable to receive instruction: (a) when it is certain that the dying person is substantially ignorant about the existence of God, the Author of grace and glory; (b) when it is certain that the dying person is substantially ignorant of the Trinity and Incarnation through his own fault, and is unwilling to hear about them.

794. Practical rules for granting the Sacraments in case of doubt or urgency to those who seem to be indisposed on account of substantial ignorance are the following:

(a) In danger of death, when instruction is out of the question, if there is doubt about his ignorance, the dying person should be given the benefit of the doubt.

(b) In danger of death, and when instruction is impossible, if there is doubt about the mental ability of the dying person and his obligation to have explicit faith, he should receive the benefit of the doubt.

(c) In danger of death or other urgent necessity, when instruction is needed and possible, it should be given briefly as follows: "Let us say the act of faith: I believe in one God, the Father, Son and Holy Ghost, who has promised to take to Himself after this life all those that love Him, and who punishes the wicked. I hope to have the happiness of being received into His companionship through the help of Jesus Christ, the Son of God, who became man and died for my salvation." This or a similar instruction should be given by the priest or lay person present in baptizing an adult who is

about to die. When there is not immediate danger of death, a person who is baptized or absolved after short instruction on account of emergency, should be admonished of the duty of receiving fuller instruction later on.

795. Faith is the free exercise of the free assent of the intellect to the unseen, an acceptance of obligations and tasks hard to human nature. It is, therefore, an act of homage to the authority of God, and is meritorious: "By faith the ancient patriarchs obtained the promises" (Heb., xi. 33). Is the freedom and meritoriousness of this act of faith lessened if one seeks for other arguments than the authority of God in giving one's assent to revelation? (a) The merit of the act of faith is not lessened, when one seeks human arguments for the assent of credibility which is prior to the assent of faith; for it is only the part of prudence that one should first assure oneself of the fact that a revelation has been made, before one assents on faith to the doctrines contained in that revelation. Now, the arguments by which one assures oneself of the fact of a revelation are human arguments, such as proofs that revelation is possible and suitable, that there are miracles, prophecies and other signs to guarantee the divine mission of those who delivered the revelation, etc.

(b) The merit of the act of faith is not lessened if one seeks human arguments for the preambles of faith, that is, for those divine truths that can be established by natural reason (such as the existence of God, His infinite knowledge and truthfulness). The person who demonstrates these preambles by philosophical proofs, has knowledge, not belief, about them; but the merit of faith is not lost, if, while knowing these truths, he remains willing to accept them on the authority of revelation.

(c) The merit of faith is not lessened, if one seeks human arguments for the mysteries of faith, that is, for those truths of revelation that are above human reason (such as the Trinity and the Incarnation), provided these arguments are sought not for the demonstration, but for the confirmation or defense of dogma. Nay, a person ought, in so far as he is able, to use his reason in the service of faith, and to do so is a sign, not of little, but of great faith. "Be ready always," says St. Peter (I Peter, iii. 15), "to satisfy everyone that asketh you a reason of that hope which is in you." And St. Anselm says: "It appears to me a sign of carelessness, if, having been confirmed in the faith, we do not take pains to understand what we believe." St. Thomas writes: "When a man is willing to believe, he loves the truth, meditates

upon it, and takes to heart whatever reasons he can find in support thereof; and with regard to this, human reason does not exclude the merit of faith, but is a sign of greater merit.”

(d) The merit of faith is lessened if one seeks human arguments as the formal object, that is, as the motive on which faith is grounded; for then one does not wish to believe, or to believe so readily, on the word of God alone, but feels one must call in other testimony to support it.

The attempt to understand mysteries or to establish them by natural reason is opposed to the humble assent of faith: “He that is a searcher of majesty, shall be overwhelmed by glory” (Prov., xxv. 27); “Seek not the things that are too high for thee, and search not into things above thy ability” (Ecclus., iii. 22); “Faith loses its merit, if it is put to the test of reason” (St. Gregory the Great, Hom. xxvi).

796. Besides the internal act of acceptance of revealed truth, faith has also external acts. (a) It commands the external acts of the other virtues, that is, acts directed to the specific ends of those virtues. Hence, one who fasts exercises an external act of the virtue of temperance, but it is his faith in the virtue that commands the fast. (b) Faith elicits the external act of profession of faith as its own proper external act directed to its own specific end: “I believed, for which cause I have spoken” (Ps. cxv. 10; II Cor., iv. 13). External profession of faith, therefore, is not an act proceeding from faith; it is an act of faith. The necessity of this act will be considered below in the article about the commandments of faith.

797. The Habit of Faith.—Faith is not only an act that passes, but it is also a permanent quality or habit conferred by God, one of the “most great and perfect promises” which man must make use of (II Peter, i. 3 sqq.), a charism that is not for a time but for all this life, just like hope and charity (I Cor., xiii. 13). God, who does all things sweetly (Wis., viii. 1), and who has provided for His natural creatures internal powers by which they incline and move themselves towards the ends of their activities, has not done less for those whom He moves to a supernatural destiny; and, in justifying the sinner, He infuses along with grace the supernatural virtues of faith, hope and charity (Council of Trent, Sess. VI, Cap. 6).

798. The virtue of faith is thus defined by the Council of the Vatican: “Faith is a supernatural virtue, by which, with the help of God’s grace, we

believe the truths revealed by Him, not on account of an intrinsic evidence of the truths themselves, perceived by natural reason, but on account of the authority of God who revealed them.”

799. Hence, the virtue of faith has the following properties:

(a) It is supernatural, not only because its object and motive are supernatural, but because it proceeds from a supernatural principle, i.e., grace (John, vi, 29; Eph., ii. 8).

(b) It is obscure, because the believer assents to that which has no intrinsic evidence for him. He does not see its truth as the blessed see God, for “we see now through a glass in a dark manner, but then face to face” (I Cor., xiii. 12). He does not know its truth as he knows evident or naturally demonstrated propositions, for faith is about truths that surpass reason—things “that appear not.” This, of course, does not mean that faith is not rightly called a new light added to the mind, and that the motives which call for the acceptance of faith are not evidently credible.

(c) It is free, because, although one cannot dissent from that which is evident intrinsically (e.g., that two and two make four), one is able to dissent from that which is obscure.

(d) It is not a process of reasoning, but a simple act of assent, in which one accepts at the same time the authority of the Revealer and the truth of His revelation. “Jesus said to her (Martha): I am the resurrection and the life Believest thou this? She saith to Him: Yea, Lord, I have believed that Thou art the Christ, etc.” (John, xi. 25-27).

(e) It is firm and unshaken in a far higher degree than the assent of understanding and science, since it rests on the infallible authority of God (I Thess., ii. 13).

800. Before justification, faith exists, it seems, only as an act performed under the influence of actual or transitory grace. After the infusion of habitual grace, faith is a habit or infused virtue. But there are two modes of existence characteristic of this one habit, and hence the distinction of living and dead faith (Gal., v. 6; James, ii. 26).

(a) Living faith is that which is informed or animated by charity. This latter virtue is called the soul of all the other virtues, inasmuch as it directs them to their supreme end, divine friendship, and gives meritorious value to

their works. All those have living faith who join to belief a life in agreement with belief—that is, the state of grace, love of God and good works.

(b) Dead faith is that which is separated from charity. It is a true virtue, because it directs the assent of the intellect to its proper end; but it is an imperfect virtue, because its acts are not directed to the Last End, and are not meritorious of eternal life. All those who believe, but who do not live up to their belief in matters of importance, who neglect serious duties to God or others, have dead faith. Examples are those who call themselves Catholics, but neglect attendance at church and the reception of the Sacraments.

801. Those who have, or who had faith, are the following:

(a) the Angels in the state of probation and our first parents in Paradise, for faith is necessary as a means in every condition short of the beatific vision (see 785, 158); (b) those in this life who are in the friendship of God, and also those believers who are not in the friendship of God, the former having living, and the latter dead faith (see 800); (c) the souls in purgatory, the ancient patriarchs in limbo.

802. Those who have not faith are the following: (a) those who have vision of the truths of faith, that is, the Saints in heaven and Christ while on earth (I Cor., xiii. 10); (b) those who reject obstinately even one doctrine of faith, for, if individual judgment is put above the authority of God even in one point, the motive or keystone of faith, and therefore faith itself, is no longer assented to; (c) the lost, for, being cut off entirely from grace, these possess no virtue infused by God. “The devils believe and tremble” (James, ii. 19), but their belief is not supernatural or free, but natural and unwilling.

803. Of those who have faith, some have greater, and some less faith. Thus, our Lord reproved St. Peter for his little faith (Matt., xiv. 31), and praised the Woman of Canaan for her great faith (Matt., xv. 28). But since all are obliged to have supreme confidence in God and to accept all He teaches, how is there room for different degrees of faith?

(a) Faith must be supreme appreciatively, that is, all must put the formal object of faith, the motive of its assent, above every other motive of assent, for the First Truth speaking deserves more adherence than any other authority. In this respect, therefore, and in the exclusion of every doubt, the

faith of all is equal. But faith need not be supreme intensively, that is, it is not required that the intellect should feel the assent of faith more than the assent given to natural truth, or that the will must experience the highest alacrity, devotion and confidence; for the truths that are nearer to us move us more vehemently than do higher and invisible truths. Hence, in this respect the faith of one may be more firm or fervent than the faith of another, according as one is more childlike, more loving, more intense in his acceptance of God's Word than another.

(b) Faith must be universal, that is, we must accept the entire material object of revelation, and none may pick and choose according to his likes or fancies, for all of revelation has God for its Author. In this respect the faith of all is equal, all believers accepting twelve articles, while those who accept eleven or six or one or none, are not believers. But faith need not be explicit as to all its doctrines, and hence, while one believer who is not thoroughly instructed may know only the twelve articles of the Creed, another believer who is better instructed may know the hundreds of other truths that are contained in the articles. In this way the faith of one is greater extensively.

804. Can faith grow or decline in the same person? (a) If there is question of acts of faith, the later acts can be more or less firm or fervent than those that preceded, in the way explained in the previous paragraph. In this sense we may understand the Apostles to have asked of our Lord a higher degree of faith, that they might work miracles in His name (Luke, xvii. 5). (b) If there is question of the habit of faith, it itself is increased at every increase of sanctifying grace (see 745). St. Paul writes to the Corinthians (II Cor., x. 15) that he has hope of their "increasing faith." Moreover, by repeated acts of faith the ease and delight with which the habit is exercised increases, as is the case with acquired habits. But the habit of faith is not diminished directly as was explained regarding the infused virtues in general (see 745).

805. The means of growing in faith are: (a) prayer to the Father of lights: "Lord, increase our faith" (Luke, xvii. 5); (b) reading of the scriptures, the Lives of the Saints and other similar works, and attendance at spiritual instructions; (c) frequent acts of faith in the world we see not and its coming rewards; (d) exercise of faith, by directing our thoughts, words, and actions according to the teaching of faith, rather than according to the

maxims of the world; for “the just man liveth by faith” (Heb., x. 38), and “faith without works is dead” (James, ii. 20).

806. The cause of faith is God. (a) It is God who directly through revelation, or indirectly through the Church, the evangelists, preachers, etc., “brings the message before man” (Rom., x. 15); (b) it is God who “causes the mind of man to assent” to His message. No matter how persuasive the teacher or how well disposed or learned the hearer may be, faith will not come unless the light of grace leads the way (Eph., ii. 8).

807. The effects of faith are fear of God and purification of the heart. (a) Dead faith causes one to fear the penalties of divine justice, that is, to have servile fear (James, ii. 19); living faith causes one to fear sin itself, that is, to have filial fear. (b) Faith, by elevating man to higher things, purifies his soul from the defilements of lower things (Acts, xv. 9): if faith is dead, it at least purifies the intellect from error; if it is living, it also purifies the will from evil.

808. The Gifts of Understanding and Knowledge.—As was said above (see 159), the Gifts of the Holy Ghost are intended as means for perfecting the theological virtues. There are two Gifts that serve the virtue of faith, namely, the Gifts of Understanding and Knowledge.

(a) Faith, being assent, must have a right idea of what is proposed for acceptance; but, as it is obscure (see 799), and as there are things apart from faith that may corrupt our notion of it, the Gift of Understanding is conferred, a simple perception and divine intuition through which one receives a correct notion of the mysteries of faith.

(b) Faith, being the starting point of all supernatural activities, must be the norm by which we judge of what we should think and do in the affairs of life; but, as it is a simple act of assent (see 799) and as the creatures of the world are a temptation and a snare (Wis., xiv. 11), the Gift of Knowledge is given, through which one receives a correct judgment about the things of this world. These then take on a new and fuller significance in the light of the teachings of faith.

809. The Gift of Understanding must not be confused with the Beatific Vision. (a) A perfect penetration of the mysteries, which enables one to perceive their essence and causes (e.g., the how and the why of the Trinity),

is given by the Beatific Vision; but such understanding removes all obscurity, and is therefore insociable with faith. (b) An imperfect penetration of the teachings of faith, which does not take away the obscurity and mysteriousness, is given by the Gift of Understanding, and is therefore sociable with faith. The effects of this Gift are: it distinguishes the truths of faith from false doctrines; it conveys a clear view of the credibility of the mystery of faith against all difficulties and objections; it gives knowledge of the supernatural import of the secondary truths of faith, that is, of those revealed happenings and facts that are not themselves supernatural (Luke, xxiv. 32); it gives understanding of the practical aspect of a mystery—for example, that the intratrinitarian relations of the Divine Persons are a model for the regulation of the Christian life, in knowledge and love of divine things.

810. The Gift of Knowledge, which like the other Gifts is had by all the just, must not be confused with sacred knowledge or theology, nor with the extraordinary gifts of infused knowledge and the charism of knowledge.

(a) The Gift of Knowledge resembles theology in that it reproduces objectively what reason does when it argues from the visible world to the invisible Creator; but, while subjectively theology is the result of study in which one passes successively from premise to conclusion. Knowledge is the result of a divine light that may be found even in the illiterate, and it takes in at a glance all that is contained in a process of argumentation. Through this Gift the wonders of nature, the events of history, the arguments of philosophy, lead one firmly and spontaneously to the Last End and the supernatural realities of faith.

(b) Infused knowledge may have for its object things purely natural (such as truths of philosophy and the ability to speak foreign languages), while the Gift of Knowledge is concerned only with faith, judging what is to be believed or done according to faith.

(c) The charism of knowledge (I Cor., xii. 8) is a grace given one for the benefit of others, by which one is able to communicate to them successfully the teachings of faith; the Gift of Knowledge, on the contrary, proceeds from the habit of sanctifying grace, and is intended for the benefit of its recipient.

811. To each of the Gifts of the Holy Ghost correspond Beatitudes and Fruits (see 159).

(a) To the Gift of Understanding corresponds the Sixth Beatitude: “Blessed are the pure of heart, for they shall see God.” For by Understanding the mind is pure from wrong ideas of truth, and sees that God is above all that the intellect can comprehend. The two fruits that proceed from Understanding are faith (i.e., conviction about revealed truth) and ultimately joy, in union with God through charity. (b) To the Gift of Knowledge corresponds the Third Beatitude: “Blessed are they that mourn, for they shall be comforted.” For by Knowledge one judges rightly about created things, grieves over the wrong use made of them, and is comforted when they are turned to their proper end.

Art. 2: THE SINS AGAINST FAITH

(*_Summa Theologica_*, II-II, qq. 10-15.)

812. The sins against faith can all be reduced to four heads: (a) sins of unbelief (see 813-886), which are opposed to the internal act of faith; (b) sins of blasphemy (see 887-903), which are opposed to the external act of faith; (c) sins of ignorance (see 904-911), which are opposed to the Gift of Knowledge; (d) sins of blindness and dullness (912), which are opposed to the Gift of Understanding.

813. The Sin of Unbelief.—Unbelief in general is a want of faith. It is of two kinds, negative and positive.

(a) Negative unbelief is the absence of faith in a person who has never heard of it at all, or only insufficiently. Thus, the Indians in America before the coming of Christian missionaries were negative unbelievers. This kind of unbelief is a punishment, since it results from original sin; but it is not a sin itself, and those who die in negative unbelief are lost, not on account of this, but on account of sins against the natural law (John, xv. 22; Rom., x. 14). With this kind of unbelief we are not here concerned.

(b) Positive unbelief is the absence of faith in one who has heard it sufficiently, so that the lack of it is due to his own fault. This kind of unbelief is, of course, a sin, for it supposes that one is acting against the light one has received.

814. Positive unbelief is either a refusal or a renouncement of faith. (a) Ordinary unbelief is a refusal of faith, that is, non-acceptance of faith by one who has never had faith; (b) apostasy, or desertion, is the abandonment of faith by one who formerly accepted it. This is not a distinct kind of unbelief, since, like ordinary unbelief, it has for its object or term the denial of revealed truth; but it is an aggravating circumstance of unbelief (II Peter, ii. 21).

815. The sin of unbelief is, committed either directly or indirectly. (a) It is committed directly, when one rejects what pertains to faith (its acts, objects or motive); (b) it is committed indirectly, when one guiltily places

oneself or others in the occasion or danger of unbelief. The dangers against faith will be considered after the sins of unbelief (see 848-886).

816. Direct sins of unbelief are those opposed to the elements that belong to the nature of faith and that are contained in its definition (see 751, 798). (a) Opposed to the act of assent are sins of non-assent or dissent (see 817-839); (b) opposed to the certitude and firmness of assent are sins of doubt (840-846); (c) opposed to the right object of faith are sins of credulity (847); (d) opposed to the motive of faith is rationalism (847).

817. Sins of non-assent are those by which one omits to make an act of faith when one should. This kind of sin will be treated when we come to the commandments of faith as to its internal and external acts (see 925 sqq.)

818. Sins of dissent are sins of commission, and are of two kinds: (a) privative unbelief, which is the want of faith in one who has heard the faith sufficiently and should realize the obligation of embracing it, but who refuses to believe, although he makes no opposition to faith; (b) contrary unbelief, which is the want of faith in one who has heard the faith and its motives of credibility sufficiently to know the duty of embracing it, and who not only refuses to believe, but even accepts the errors opposed to faith.

819. What is the gravity of sins of dissent, doubt, and rationalism? (a) From their nature, these sins are always mortal, for they refuse to God the homage of the intellect and will that is due Him, deprive man of the beginning of spiritual life, and lead to eternal condemnation (Mark, xvi. 16). (b) From their circumstances, these and other sins against faith may be venial (see 180-184). Thus, if a man refuses to believe or accepts error, not having sufficient knowledge of his obligation or not fully consenting to the sin, his fault is venial subjectively or formally.

820. Are sins against faith more serious than all other kinds of sin? (a) From their nature, sins against faith are worse than sins against the moral virtues, for the former offend directly against God Himself, but not so the latter. Hatred of God, however, is a greater sin than sins of unbelief, as will be shown when we treat of sins against charity. (b) From their circumstances, sins against faith may be less serious than sins against the moral virtues. Example: A venial sin against faith is less serious than a mortal sin against justice.

821. With regard to the effect of sins against faith on good acts it should be noted: (a) an unbeliever is able to perform works that are ethically or naturally good (Rom., ii. 14), and the Church has condemned the opposite teaching of Baius (Denzinger, *_Enchiridion_*, n. 1025). (b) an unbeliever is not able to perform works that are supernaturally good and meritorious (see 112).

822. Contrary unbelief (see 818), which not only refuses to believe but also assents to contrary errors, has three degrees according to the greater or less number of truths denied or errors admitted in these three degrees. Some theologians see different species of unbelief, while other theologians regard them as only accidental modes or circumstances of the one species of sin.

(a) The most extensive denial of faith is found in infidelity, which rejects both Christ and His revelation. To this form of unbelief belong atheism, agnosticism, pantheism, paganism, polytheism, animism, and denials of Christ and Christianity. The chief religious bodies today that profess such errors are: Confucianism, Taoism and Shintoism (founded in China and Japan), which are polytheistic and practise idolatry and ancestor worship; Brahmanism (founded about 14 centuries before Christ), which is polytheistic or animistic; Buddhism (founded 6th century B.C. in India), which is polytheistic and practises idolatry; Zoroastrianism (founded in Persia about the 7th century B.C.), which is dualistic; Mohammedanism (founded in Arabia in the 6th century A.D.), which makes Mohammed and his religion superior to Christ and Christianity, and rejects the Trinity and the Incarnation. (b) A less complete departure from faith is found when Christ and His revelation are accepted as contained in the figures and prophecies of the Old Testament, but rejected in their fulfillment and development in Jesus and the New Testament. This is the error of Judaism, which today has about 15 million adherents.

(c) A still smaller degree of rejection of faith exists when Christ is recognized as leader and teacher, but not all of His revelation is accepted. This kind of error is called heresy, and those bodies which profess it are known as sects. The chief heresies in times past were Gnosticism and Manicheism in the first centuries; Arianism and Macedonianism in the fourth century; Nestorianism, Monophysism and Pelagianism in the fifth century; Monothelism in the seventh century; Iconoclasm in the eighth century; Photianism in the ninth century; Albigenianism in the eleventh

century; Waldensianism in the twelfth century; Wicliffism in the fourteenth century; Hussism in the fifteenth century; Protestantism in the sixteenth century, and Modernism in the twentieth century. Today, the erring Christian groups outside the Church are the Orientals, called Orthodox, and the Protestants.

823. Since error is not consistent, false teachings are found that accept all the above-mentioned degrees of unbelief, or borrow impartially from all.

(a) Indifferentism or Latitudinarianism holds that all forms of religion are equally true, and that it makes no difference whether one is Buddhist, Jew or Christian. In a modified form, Indifferentism teaches that any form of Christian belief, provided it suits the inclinations of the individual concerned, may be followed, and hence it is left to each one to decide whether he prefers Catholicism or one of the bodies of the Orthodox Church or of Protestantism. Many who profess a denominational creed or confession are Indifferentists in belief.

(b) Syncretism holds that there are truths in all separate religions, but that none of them has all the truth, and hence that one must select what is good from each, rejecting the evil. Thus, the Judaizers of the first century borrowed from Judaism, the Gnostics and Manicheans from paganism, while today Freemasonry, Theosophy, Christian Science and Spiritism accept, along with the Gospel, ancient pagan, Buddhistic, Brahmanistic and Mohammedan theories; finally, Mormonism endeavors to unite characteristics of the Old and the New Testament dispensations. In a restricted form, religious Syncretism teaches the doctrine of Pan-Christianism—that is, that truth is scattered among the various Christian denominations, and that all should confederate as equals on the basis of more important doctrines to be agreed on by all.

824. What is the order of gravity in unbelief, as between infidelity, Judaism, heresy?

(a) The gravity of a sin against faith is to be determined primarily from the subjective resistance made to faith, so that he sins more against the light to whom greater light was given. The sin of unbelief in one who has received the Gospel (heresy), is greater than the same sin in one who has accepted only the Old Testament (Judaism); in one who has received the revelation of the Old Testament (Judaism) the sin of unbelief is more

serious than the same sin in one who has not received that revelation (infidelity).

(b) The gravity of unbelief is measured secondarily from the objective opposition of error to truth, so that he is farther away from faith who is farther away from Christ and the Gospel. Thus, a Buddhist denies Christian truths more radically than a Jew, and a Jew more radically than a Protestant. Hence, of three apostates, one to Protestantism, another to Judaism and a third to Buddhism, the second sins more grievously than the first, the third more grievously than the second.

825. If we leave out of consideration the radical truth of divine revelation (formal object of faith), it is possible that a heretic, in spite of his acceptance of Christ and the scriptures, should be farther away objectively from faith than an infidel—that is, that he should deny more revealed truths (material objects of faith). Thus, the Manicheans called themselves followers and disciples of Christ, but their teaching on God contains more errors than does the doctrine of many pagans.

826. Heresy.—Heresy is defined as “an error manifestly opposed to faith and assented to obstinately by one who had sincerely embraced the faith of Christ.”

(a) It is called “error,” that is, positive assent given to error, or dissent from truth. Hence, those who merely act or speak as if they do not believe, but who internally do believe, are not heretics, although in the external forum they may fall under the presumption of heresy. Similarly, those who have doubts or difficulties in matters of faith, but who do not allow these to sway their judgment, are not guilty of heresy, since they give no positive assent to error (see 842 sqq.). Examples: Titus is internally convinced of the truth of the Church’s teaching; but he attends Protestant services, says he does not believe the Trinity, refuses to make a profession of faith required by the Church, separates himself from obedience to the authorities of the Church, and calls himself an independent. By his former external acts he makes himself guilty of disobedience and falls under the suspicion of heresy, and by his last external act he incurs the guilt of schism; but, since internally he does not disbelieve, he is not a heretic. Balbus has doubts before his mind from his reading or conversation, but he must immediately give his whole attention to a very pressing matter of business, and so gives

neither assent nor dissent to the doubts. He is not guilty of heresy, since he formed no positive erroneous judgment.

(b) Heresy is “opposed to faith.” By faith here is understood divine faith, especially divine and Catholic faith (see 755). Hence, an error opposed to what one held to be a genuine private revelation, or to the public revelation, especially when dogmatically defined by the Church, is heretical. On the contrary, an error opposed to ecclesiastical faith alone, to human faith, or to human science, is not of itself heretical. Examples: The Saints who received special private revelations from Christ with proofs of their genuineness would have been guilty of heresy, had they refused to believe. Sempronius refuses to believe some Biblical teachings about things not pertaining to faith and morals and not expressly defined by the Church (e.g., chronological, physical, geographical, statistical data). If he really believes that what he denies is contained in the Bible, he is guilty of heresy. Balbus admits the infallibility and authority of the Church, but he does not believe that a certain Saint solemnly canonized is in heaven, that a certain non-infallible decision of a Roman Congregation is true, that certain second lessons of the Breviary or certain relics are genuine. He is not a heretic, since, as supposed, he denies no revealed truth; but in his first unbelief he sins against ecclesiastical faith; in his second unbelief, if the contrary of the decision has not been clearly established, he sins against the duty of religious assent; in his third unbelief, he sins against prudence, if he has no good grounds for his opinion, or against the respect due the Church, if he is moved by contempt for its judgment. In a conversation between A, B, C, D and E, the following opinions are defended. A thinks that any use of natural knowledge with reference to matters of faith is wrong; B, that the theologian should employ mathematics and physical science, but avoid reasoning and philosophy; C, that the method and principles of Scholasticism are not suited to our age or to all peoples; D, that the psychology and cosmology of the Scholastics should be remade entirely; E, that many hypotheses of Aristotle in physics have been proved false. The opinion of A contains heresies condemned in the Vatican Council regarding the preambles of faith and the motives of credibility. The opinions of B and C are at least contrary to the religious assent due the authority of the Church (see Denzinger, *Enchiridion*, nn. 1652, 1680, 1713, Code of Canon Law, Canon 1366, Sec.2, *‘Humani Generis’*, n. 11-14). The opinion of D, as it stands, contains a denial of several doctrines of faith, such as the

immortality of the soul and the creation of the world, and is thus implicitly heretical. The opinion of E is true and admitted by all.

(c) By “opposed” to faith is meant any judgment which, according to the logical rules of opposition between propositions, is irreconcilable with the truth of a formula of dogma or of a censure of heresy. Examples: The Council of Trent defined that “all sins committed after Baptism can be forgiven in the Sacrament of Penance.” It would be heretical, therefore, to hold that “no sins committed after Baptism can be pardoned in the Sacrament of Penance” (contrary opposition), or that “some sins committed after Baptism cannot be absolved” (contradictory opposition). Similarly, the Council of Trent (Sess. VI, Can. 7) rejected the proposition that “all Works done before justification are sinful,” and hence according to Logic the contradictory—viz., that “some works before justification are not sinful”—is of faith, for two contradictories cannot both be false; the contrary—viz., that “no works before justification are sinful”—is not, however, defined, for two contraries can both be false.

(d) Heresy is “manifestly opposed to faith.” He who denies what is only probably a matter of faith, is not guilty of heresy. Example: The Instruction of Eugenius IV on the matter of the Sacraments is held by some authorities of note not to be a definition, and hence those who accept opposite theories are not on that account heretical.

(e) Heresy is “assented to obstinately,” This is the distinctive note of heresy, and hence those who assent to error through ignorance, whether vincible or invincible, are not heretics, if they are willing to accept the truth when known. A heretic, therefore, is one who knowingly refuses to admit a truth proposed by the Church, whether his motive be pride, desire of contradicting, or any other vice.

(f) Heresy is held “by one who had sincerely embraced the faith of Christ.” This includes only catechumens and the baptized, for others who deny the truths of faith are Jews or infidels, not heretics.

827. The sin of heresy (heresy before God), as just defined, differs from the canonical crime of heresy (heresy before the Church), since it is more inclusive. (a) These two differ as regards the error in the intellect, for one is guilty of the sin, but not of the crime, even without error—that is, if one denies what is really false, thinking it to be defined doctrine; (b) they differ

as regards the obstinacy in the will, for one is guilty of the sin, but not of the crime, if one is prepared in mind and purpose to deny a truth not yet defined, if it is ever defined; (c) they differ as regards the truths rejected, for one is guilty of the sin, but not of the crime, if one rejects divinely revealed truths not defined as such by the Church; (d) they differ as regards the person who denies, for not everyone who merely accepted the faith of Christ can be guilty of the crime of heresy, but only those who after Baptism retain the name of Christian (Canon 1325, Sec.2).

828. Various Kinds of Heresy.—(a) Heresy is positive when error is accepted (e.g., the doctrine of consubstantiation); it is negative when truth is denied (e.g., the doctrine of transubstantiation).

(b) Heresy is internal, when it is in the mind alone and not externally professed. It is external, when expressed in an external way (i.e., by words, signs, acts or circumstances that clearly indicate present heresy), if this is done not for a good purpose, such as that of asking advice, but for the purpose of professing error.

(c) External heresy is occult, when it is made known to no one, or only to a few; it is public or notorious, when it is made known before a large number and cannot be concealed. Example: One who calls himself a Catholic and is known as such, but who in conversation with a few intimate friends declares himself a Modernist, is an occult heretic. One who declares in public addresses or articles that he agrees with Modernism, or who joins openly an heretical sect or has always belonged to one, is a public heretic.

(d) Occult and public heresy may be either formal or material, according as one is in good or bad faith. Heresy is formal, if its malice is known and willed by the one in error; if its malice is not known by him, it is material.

829. Heresy is not formal unless one pertinaciously rejects the truth, knowing his error and consenting to it.

(a) One must know that one's belief is opposed to divine revelation or to Catholic faith. Hence, those who were born and brought up in Protestantism, and who in good faith accept the confession of their denomination, are not formal but material heretics. Even those who are ignorant of their errors through grave fault and who hold to them firmly, are guilty, not of formal heresy, but of sinful ignorance (see 904 sqq.)

(b) One must willingly consent to the error. But for formal heresy it is not required that a person give his assent out of malice, or that he continue in obstinate rejection for a long time, or that he refuse to heed admonitions given him. Pertinacity here means true consent to recognized error, and this can proceed from weakness (e.g., from anger or other passion); it can be given in an instant, and does not presuppose an admonition disregarded. Hence, if one sees the truth of the Catholic Church, but fears that assent will involve many obligations and out of weakness turns away from the truth, one then and there pertinaciously consents to error.

830. Examples of material heresy are: (a) Catholics who deny certain dogmas of faith, because they have not been well instructed, but who are ready to correct their errors, whenever the Church's teaching is brought home to them; (b) non-Catholics who do not accept the Catholic Church, but who have never had any misgivings about the tenets of their own denomination, or who in doubts have searched for the truth to the best of their ability.

831. The sinfulness of heresy is as follows: (a) formal heresy is a grave sin, as was said above regarding unbelief in general (see 819; Tit., iii. 10); (b) material heresy is no sin at all, if the ignorance is invincible; it is a grave or a venial sin, according to the amount of negligence, if the ignorance is vincible.

832. Circumstances of the sin of heresy are of various kinds. (a) Circumstances that change the species. Most theologians hold that the particular article denied, or the particular sect adhered to, does not constitute a particular species of heresy, and hence that in confession it suffices for one to accuse oneself generically of heresy. (b) Circumstances that aggravate the sin. The facts that heresy is external, that it is manifested to a large number, that it is joined with apostasy and adhesion to an heretical sect, etc., increase the accidental malice of this sin. (c) Circumstances that multiply the number of sins. It seems that when several articles or defined truths are denied at the same time, so many numerically distinct sins are committed (see 219). Example: Titus says: "I do not accept the Resurrection, either of Christ or of the dead." The act is one, but two sins are committed.

833. Various penalties and inhabilities are incurred through heresy, for example, excommunication *_latae sententiae_* reserved to the Pope (Canon 2314), loss of the power of suffrage (Canon 167, Sec.1, n.4), irregularity (Canon 984, n. 5; 985), inhability for the office of sponsor (Canons 765, 795), deprivation of ecclesiastical burial (Canon 1240, Sec.1, n. 1). The excommunication which perhaps had been incurred by those who now wish to join the Church is absolved according to the form for the reception of converts prescribed by the Congregation of the Holy Office, July 20, 1859, and found in rituals. Rituals published after March, 1942, contain the formula of profession of faith and abjuration approved by the Holy Office.

834. If a confessor should meet with a case of heresy, his procedure will be as follows: (a) If the heresy was merely internal, no censure was incurred, and every confessor has power to absolve from the sin, no matter how serious it was. (b) If the heresy was external, but the person was in good faith, or even in affected ignorance of the sin, or inculpably ignorant of the penalty, no censure was incurred; for the excommunication attaches only to formal heresy, and contumacy (Canon 2242). (c) If the heresy was external and formal, but not notorious (i.e., the party did not publicly join an heretical sect), ordinarily the case should be brought before the bishop for absolution in the external or internal forum. But in urgent cases every confessor has power to absolve as prescribed in Canon 2254. (d) If the heresy was public and notorious (i.e., if the party joined officially an heretical sect), absolution is regularly to be given in both the external and internal forums. The case should be submitted first to the Ordinary, unless there is urgency (Cfr. Canon 2254), or the confessor has special powers from Rome. The Ordinary can absolve in the external forum. Afterwards, the heretic can be absolved by any confessor in the forum of conscience (see Canon 2314, Sec.2.)

835. Apostasy.—Apostasy (etymologically, desertion) has various meanings in theology.

(a) In a special sense, it means the abandonment of the religious or clerical state; but in its usual sense it means the abandonment of the Christian religion.

(b) Apostasy from faith in a wide sense includes both partial abandonment (heresy) and total abandonment; but, in the strict sense, it

means only total abandonment of Christianity.

Example: A Christian who denies one article of the Creed becomes a heretic and an apostate in a wide sense; if he rejects the entire Creed, he becomes an infidel and an apostate in the strict sense.

(c) Apostasy which extends to infidelity is also twofold: before God and before the Church. The first kind is committed by any person who really had faith, even though unbaptized or not a Catholic; the second kind is committed only by those who were baptized and were Catholics. Examples: A catechumen who accepted Christianity and asked for Baptism, becomes an apostate before God if he abandons his belief and purpose and goes back to paganism. Similarly, a person brought up as a Lutheran becomes an apostate before God, if he abandons all belief in Christianity. But the crime of apostasy of which the Church takes cognizance is the desertion of Christianity by a baptized Catholic.

(d) A Catholic apostatizes from Christianity, either privatively (by merely renouncing all belief in Christ), or contrarily (by taking up some form of unbelief, such as indifferentism or free thought, or by joining some infidel sect, such as Mohammedanism or Confucianism).

836. What was said above regarding the gravity, divisions, penalties and absolution of heresy, can be applied also to apostasy.

887. As to the comparative gravity of sins of apostasy, the following should be noted. (a) Apostasy is not a species of sin distinct from heresy, since both are essentially the same in malice, being rejections of the authority of divine revelation; but it is a circumstance that aggravates the malice of unbelief, since it is more sweeping than heresy (see 822, 824). (b) Apostasy into one form of infidelity is not specifically different from apostasy into another, but the form of infidelity is an aggravating or extenuating circumstance. Example: Paganism is further from faith than Mohammedanism; atheism further than paganism.

838. Could one ever have a just reason for abandoning the Catholic Church or remaining outside its faith? (a) Objectively speaking, there can never be a just cause for giving up Catholicism or for refusing to embrace it. For the Catholic Church is the only true Church, and it is the will of Christ that all should join it. (b) Subjectively speaking, there may be a just

cause for leaving or not entering the Church, namely, the fact that a person, ignorant in this matter but in good faith, believes that the Catholic Church is not the true Church. For one is obliged to follow an erroneous conscience, and, if the error is invincible, one is excused from sin (see 581-583). Examples: A Protestant taught to believe that the teachings of the Church are idolatrous, superstitious and absurd, is not blamed for not accepting them. A Catholic, poorly instructed in religion and thrown in with non-Catholic and anti-Catholic associates, might become really persuaded, and without sinning against faith itself, that it was his duty to become a Protestant.

839. Apostasy is committed not only by those who leave the Church and join some contrary religion (e.g., Mormonism), but also by those who, while professing to be Catholics, assent to the non-Catholic principles of some society that claims to be philosophical, charitable, economic, patriotic, etc. Much more are those apostates who join societies that openly conspire against the Church. Such are: (a) Societies that are really non-Catholic sects, because they have an infidel or heretical creed—e.g., Freemasonry (which, according to its own authorities, is a brotherhood based on Egyptian mysteries and claiming superiority to Christianity), Theosophy (which is a conglomeration of nonsensical ideas about the Deity, Christ and Redemption), the Red International, whose aims are the destruction of property rights, etc; (b) Societies that are anti-Catholic sects, because their creed is hatred of the Church—e.g., the Orangemen's Society, the Grand Orient, the Ku Klux Klan, Junior Order, etc.

840. The Sin of Doubt.—Faith as explained above must be firm assent, excluding doubt (see 752, 799), and hence the saying: "He who doubts is an unbeliever." The word "doubt," however, has many meanings, and in some of those meanings it is not opposed to firm assent, or has not the voluntariness or acceptance of error that the unbelief of heresy or infidelity includes. To begin with, doubt is either methodical or real.

(a) Methodical doubt in matters of faith is an inquiry into the motives of credibility of religion and the reasons that support dogma, made by one who has not the slightest fear that reason or science can ever contradict faith, but who consults them for the purpose of clarifying his knowledge and of strengthening his own faith or that of others. This kind of doubt is employed by St. Thomas Aquinas, who questions about each dogma in turn (e.g.,

“Whether God is good”), and examines the objections of unbelievers against it; but unlike his namesake, the doubting Apostle, he does not withhold assent until reason has answered the objectors, but answers his own questions by an act of faith: “In spite of all difficulties, God is good, for His Word says: ‘The Lord is good to them that hope in Him, to the soul that seeketh Him’ (Lament, iii. 25).”

(b) Real doubt, on the contrary, entertains fears that the teachings of revelation or of the Church may be untrue, or that the opposite teachings may be true.

841. Real doubt in matters of faith is always unjustifiable in itself, for there is never any just reason for doubting God’s word; but it is not always a sin of heresy or of infidelity. There are two kinds of real doubt, viz., the involuntary and the voluntary. (a) Doubt is involuntary, when it is without or contrary to the inclination of the will, or when it proceeds from lack of knowledge (see 40-55 on the Impediments to Voluntariness). Example: Indeliberate doubts, and doubts that persist in spite of one, lack the inclination of the will, while doubts that proceed from invincible ignorance lack knowledge. (b) Doubt is voluntary, when it is according to inclination and with sufficient knowledge.

842. Involuntary doubt in matters of faith is neither heretical nor sinful, for an act is not sinful, unless it is willed (see 99).

(a) Indeliberate doubts arise in the mind before they are adverted to and without any responsibility of one’s own for their appearance. From what was said above on first motions of the soul (see 129), it is clear that such doubts are not sinful.

(b) Unwelcome doubts persist in the mind after they have been adverted to, and, since faith is obscure (see 752, 799), it is not possible to exclude all conscious doubts, or even to prevent them from occurring often or lasting a considerable time. From what was said above on temptation (see 253 sqq.), it is clear that, if the person troubled with unwished doubts makes prompt and sufficient resistance, he not only does not sin, but gains merit. But, if his resistance is not all it should be, and there is no danger of consent to the temptation, he sins venially.

(c) Ignorant doubts occur in persons who have not received sufficient religious instruction, through no fault of their own, and who therefore regard the doctrines of faith as matters of opinion, or at least look upon doubts as not sinful. From what was said above on invincible ignorance (see 30), it is clear that such persons do not sin by their doubts.

843. Voluntary doubt is entertained either in ignorance for which one is responsible, or in full knowledge; in the former case it is indirectly voluntary, in the latter, directly voluntary.

(a) The doubts of one who is responsible for them because he did not use the means to instruct himself in the faith, are a sin of willful ignorance proportionate to the negligence of which he was guilty; but, if he is willing on better knowledge to put aside his doubts and accept the teaching of the Church, he is not pertinacious, and hence not guilty of heresy or infidelity.

(b) The doubts of one who is responsible for them, and not uninstructed or ignorant in faith, are sometimes positive, sometimes negative. Neither of these kinds of doubt is equivalent to heresy or infidelity in every case.

844. Negative doubt is the state of mind in which one remains suspended between the truth contained in an article of faith and its opposite, without forming any positive judgment either of assent to or dissent from the article, or its certainty or uncertainty.

(a) If this suspension of decision results from a wrong motive of the will, which directs one not to give assent on the plea that the intellect, while not judging, offers such formidable difficulties that deception is possible, then it seems that the doubter is guilty of implicit heresy, or at least puts himself in the immediate danger of heresy.

(b) If this suspension of judgment results from some other motive of the will (e.g., from the wish to give attention here and now to other matters), the guilt of heresy is not incurred, for no positive judgment is formed. Neither does it seem, apart from the danger of consent to positive doubt or from the obligation of an affirmative precept of faith then and there (see 925), that any serious sin in matters of faith is committed by such a suspension of judgment. Examples: Titus, being scandalized by the sinful conduct of certain Catholics, is tempted to doubt the divinity of the Church. He does not yield to the temptation by deciding that the divinity of the

Church is really doubtful, but the difficulty has so impressed him that he decides to hold his judgment in abeyance. It seems that there is here an implicit judgment (i.e., one contained in the motive of the doubt) in favor of the uncertainty of the divinity of the Church. Balbus has the same difficulty as Titus, and it prevents him from eliciting an act of faith on various occasions. But the reason for this is that an urgent business matter comes up and he turns his attention to it, or that he does not wish at the time to weary his brain by considering such an important question as that of faith, or that he thinks he can conquer a temptation more easily by diverting his thoughts to other subjects (see 257), or that he puts off till a more favorable moment the rejection of the difficulty. In these cases there is not heretical doubt, since Balbus forms no positive judgment, even implicitly, but there may be a sin against faith. Thus, Balbus would sin seriously if his suspension of assent should place him in immediate danger of positive doubt; he would sin venially, if that suspension be due to some slight carelessness.

845. Positive doubt is the state of mind in which one decides, on account of some difficulty against faith, that the latter is really doubtful and uncertain, and that assent cannot be given to either side. With regard to such a state of mind note: (a) If this judgment is formed by a Catholic, it is heretical; for his faith, as he knows and admits, is the true faith, revealed and proposed as absolutely certain. Hence, although he does not deny the faith, he does positively judge that what is revealed by God and proposed infallibly by the Church as certain, is not certain, and thus in his intellect there is pertinacious error.

(b) If this judgment is formed by a non-Catholic, it is likewise heretical, if the truth doubted belongs to divine or Catholic faith, for we are now considering the formal heretic who belongs to a non-Catholic sect against conviction; but it is not heretical, if the doctrine doubted belongs only to what is wrongly considered in his sect as divine faith, or to what may be called Protestant faith (i.e., the official confession of his religion), for he does not profess to accept his church as an infallible interpreter.

846. The doubts We have been just discussing are the passing doubts that come to those who are believers, or who consider themselves believers. There are also doubts that are permanent, and that are held by those who class themselves, not as believers, but as doubters or agnostics. Some of these sceptics doubt all religious creeds, holding that it is works and not

beliefs that matter. This doctrine amounts to infidelity, since it rejects Christian faith entirely. Others profess Fundamentalism, which accepts a few Christian beliefs and considers the others as optional, pretending that the true faith cannot be recognized amid so much diversity of opinions. This doctrine is heretical, since it accepts some and rejects others of the articles of faith.

847. Credulity and Rationalism.—Opposed in special ways to the material and formal objects of faith are credulity and errors about the existence and nature of revelation.

(a) Other sins against faith are opposed to its material object (i.e., the articles of belief), inasmuch as they subtract from it by denying this or that article. Credulity, on the contrary, adds to the material object of faith by accepting a doctrine as revealed when there is no prudent reason for so doing, contrary to the teaching of scripture that “he who is hasty to believe is light of heart” (Ecclus., xix. 4). This sin is opposed rather to prudence, inasmuch as it causes one to neglect the consideration of the reasons on which a prudent judgment rests (see Vol. II), and hence it does not destroy the virtue of faith. It is, nevertheless, injurious to faith, since it brings Christianity into contempt, keeps others from embracing the teachings of the Church, and leads to superstition, the “twin-sister of unbelief.” Examples: Sempronia, who is not well educated, accepts as matters of faith every pious legend, every marvellous report of miracle no matter from what source it comes or how suspicious may be its appearance. Titus holds many views considered by good authorities as improbable or false, or as at best only opinions, but he gives them out as doctrines of the Church that must be accepted, or as infallible or revealed teaching. The credulity of Sempronia is excusable imprudence on account of her ignorance, if she has not neglected instruction; but that of Titus is blameworthy, for he ought to inform himself better before attempting to instruct others.

(b) Other kinds of unbelief are opposed to the formal object of faith (i.e., to the authority of revelation as the motive of belief); for implicitly at least they substitute private judgment for authority. The various systems of Naturalism, such as Deism, go farther and openly attack supernatural revelation as the ground of belief. Some of these systems deny the fact of revelation (e.g., Deism), others its character (e.g., Modernism, which makes revelation to consist in the internal experience of the believer), others its

necessity (e.g., Rationalism). These heterodox teachings pertain, some to infidelity (e.g., Deism), some to heresy (e.g., Modernism). The great majority of Protestants nowadays cannot be said to have faith, declares Cardinal Newman, since they deduce from scripture, instead of believing a teacher. What looks like faith is mere hereditary persuasion.

848. Dangers to Faith.—One becomes guilty of heresy, infidelity, doubts against faith, etc., indirectly, by placing oneself in the danger of those sins (see 258 sqq., on the Dangers of Sin). Dangers of this kind are partly internal, partly external.

(a) Internal dangers to faith are especially the following: intellectual pride or an excessive spirit of independence, which makes one unwilling to accept authority; love of pleasure, which sets one at odds with the precepts of faith; neglect of prayer and piety, particularly in time of temptation.

(b) External dangers to faith are especially as follows: literature opposed to religion; schools where unbelief is defended; mixed marriages; association with unbelievers in religious matters; certain societies.

849. Dangerous Reading.—There is a threefold prohibition against the reading of literature dangerous to faith.

(a) The natural law forbids one to read or hear read written matter of any description which one knows is dangerous to one's faith, even though it is not dangerous to others and not forbidden by the law of the Church. For a similar reason one may not keep such material in one's possession. Example: Titus and Balbus read the letters of a friend on Evolution. Titus finds nothing unsound in the letters, and is not troubled by reading them; but they fill the mind of Balbus with doubts and perplexities, as the subject is above him. This reading is naturally dangerous for Balbus, but not for Titus.

(b) The law of the Church forbids the use of certain kinds of writings or representations dangerous to faith (Canon 1399), as well as of those individual writings that have been denounced to the Holy See and placed on the Index, or forbidden by other ecclesiastical authorities. (See Appendix I for Summary of Common Law on Prohibition of Books.)

(c) The law of the Church also pronounces ipso facto excommunication against those who make use of works written by unbelievers in favor of

their errors (Canon 2318).

850. As regards the kind of sin committed by using writings dangerous to faith, the following points must be noted:

(a) If a writing is dangerous and forbidden under natural law, the sin committed is of itself grave whenever the danger itself is serious and proximate; it is venial, when the danger is slight or remote. The sin committed depends, therefore, not on the time spent in reading or the number of pages covered, but on the danger (see 260-261, on the Dangers of Sin). No sin at all is committed, if the danger is slight or remote, and there is reason for reading the writing in question (e.g., the defense of truth).

(b) If the writing is forbidden under ecclesiastical law, the sin committed is of itself grave, even though the danger to an individual is not serious or proximate, for the law is based on the presumption of a common and great danger (see 460). The sin is not grave, however, when the prohibition is generally regarded as not binding under grave sin, or when the use made of the writing is inconsiderable. No sin at all is committed, if one has obtained the necessary permission to read forbidden works, and is not exposed to spiritual danger in using the permission.

851. There are two cases in which the use of writings forbidden by the Church is only a venial sin. (a) When a writing, which in itself is not dangerous or only slightly dangerous, is forbidden, not on account of its contents, but only on account of its lack of ecclesiastical approval, it is not ordinarily regarded as forbidden under grave sin (e.g., Catholic Translations of scripture that have not received the Imprimatur). (b) When a writing has been condemned on account of its contents or manner of presentation, one does not sin mortally, if the use one makes of it is only slight.

852. What constitutes notable use of forbidden matter is not determined by law, but recent moralists, bearing in mind the character of the law and what would prove proximately dangerous to faith for the generality today, offer the following rules: (a) notable matter in reading a book is three or four pages from the more dangerous parts, from thirty to sixty pages from the slightly dangerous parts; (b) notable matter in reading a paper or periodical is habitual use of it, or even one very bitter article; (c) notable matter in retention of forbidden writings is a period in excess of the

reasonable time (say, a month) for securing permission or for delivering the writings to those who have a right to have them.

853. It is more difficult to decide what is notable matter, when a book has been condemned on account of its general tendency. (a) Under the natural law, of course, even a page or less is notable matter, if it places an individual in proximate danger; (b) under the positive law, perhaps anything in excess of one-tenth of the book would place one in proximate danger. But, as we are dealing now with the general tendency of a writing, this may have its effect on the reader before he has read one-tenth, if the book is large, or the treatment is very seductive. Hence, “one-tenth” is an approximation, rather than a rule.

854. The kinds of printed matter forbidden by the Code (Canon 1399) are as follows: (a) the prohibition extends to books, to other published matter (such as magazines and newspapers), and to illustrations that attack religion and what are called “holy pictures” (i.e., images of our Lord and the Saints), if opposed to the mind of the Church; (b) the prohibition extends to published matter dangerous to faith, and therefore to the following; to writings or caricatures that attack the existence of God, miracles or other foundations of natural or revealed religion, Catholic dogma, worship or discipline, the ecclesiastical hierarchy as such, or the clerical or religious state; to those that defend heresy, schism, superstition, condemned errors, subversive societies, or suicide, duelling, divorce; to non-Catholic publications of the Bible and to non-Catholic works on religion that are not clearly free from opposition to Catholic faith; to liturgical works that do not agree with the authentic texts; to books that publish apocryphal indulgences and to printed images of holy persons that would be the occasion of error (e.g., the representation of the Holy Ghost in human form).

855. The mere presence, however, of condemned matter in a writing does not cause it to fall under prohibition.

(a) Some works are not forbidden unless the author’s purpose to teach error or attack the truth is known. Hence, books on religion written by non-Catholics which contain errors against the Catholic Faith are not forbidden, unless they deal with religion *ex professo* (i.e., not incidentally or cursorily, but clearly for the purpose of teaching). It is not necessary, however, that religion be the main theme of the book. Similarly, books that

attack religion are forbidden, not when attacks are casual or by the way, but when they are made purposely; and the same is true as regards books that insult the clerical state. The purpose is recognized from the declaration of the author, from the nature of the work, from the systematic treatment, length or frequency of argumentation or attack, etc.

(b) Other works are not forbidden, unless they contain not only agreement with error, but also argument in defense of error. Thus, books in favor of heresy, schism, suicide, duelling, divorce, Freemasonry, etc., are forbidden when they champion wrong causes by disputing in their behalf.

(c) Other works are forbidden, not because they state, but because they approve of error. Such are books that attack or ridicule the foundations of religion or the dogmas of faith, those that disparage worship, those that are subversive of discipline, those that defend proscribed propositions, those that teach and favor superstition, etc.

856. Books that deal with religion *_ex professo_* (i.e., of set purpose), or *_obiter_* (i.e., incidentally), are as follows: (a) Books that are *_ex professo_* religious are manuals of theology, works of sermons, treatises on the Bible, instructions on religious duties, works of piety, text-books of church history. Works of a profane character, such as scientific books, may also teach religion *_ex professo_*, but it is not easy as a rule to perceive the intention of teaching religion in works of this kind. (b) Books that deal with religion only *_obiter_* are works of a profane character, in which the subject of religion is introduced only briefly (e.g., by way of illustration).

857. Books dealing *_ex professo_* with religion and written by non-Catholics are: (a) forbidden, if they contain matter contrary to Catholic faith; (b) not forbidden, if it is clear to one (e.g., from a competent review) that they contain nothing contrary to Catholic faith.

858. How is one to know in a particular case whether a book falls under one of the foregoing classes forbidden by the Code? (a) If the Holy See has made a declaration, the matter is of course clear; (b) if no declaration has been made, and one is competent to judge for oneself, one may read as much as is necessary to decide whether the book is one of those proscribed by the Code; but if a person has not received the education that would fit him for judging, he should consult some person more skilled than himself, such as his parish priest or confessor.

859. Is it lawful to read newspapers, magazines, or reference works (such as encyclopedias), which contain some articles contrary to faith, and others that are good or indifferent, if these papers or books have not been condemned? (a) If the reading or consultation, on account of one's individual character, will subject one to grave temptations, then according to natural law it should be avoided. (b) If there is no serious danger or temptation, but the policy of the works or journals in question is anti-religious or anti-Catholic, as appears from the space given to hostile attack, their frequency or bitterness of spirit, then, according to the law of the Code just mentioned, one should avoid such reading matter. Examples of this kind of literature are papers devoted to atheistic or bolshevistic propaganda, anti-Catholic sheets, etc. (c) If there is no danger to the individual, and the editorial policy is not hostile, one may use such matter as is good and useful, while passing over any elaborate or systematic attack on truth or defense of error.

860. Individual books are forbidden by name to all Catholics by the Holy See and to their own subjects by Ordinaries and other local or particular councils (Canon 1395). Books condemned by the Apostolic See must be considered as forbidden everywhere and in whatsoever language they may be translated into (Canon 1396).

(a) If a book is forbidden, one may not read even the harmless parts of it, for there is the danger that, if one part is read, the other parts will also be read. But, if the part that occasioned the prohibition be removed, the prohibition ceases as regards the remainder of the book.

(b) If a work is forbidden, one may not read any volume, if all the volumes deal with the same subject. But, if the volumes treat of different subjects or of one subject that is divisible (e.g., universal history), one may read such volumes as do not contain the danger that occasioned the prohibition.

(c) If all the works of an author are condemned, the prohibition is understood to apply only to books (i.e., not to smaller works), and only to books dealing with religion, unless it appears that the other kinds of writings are also included; but the prohibition is to be presumed to include works that appear after the condemnation, unless the contrary is manifest.

861. Some outstanding works that have been condemned are the following: (a) In English: Decline and Fall of The Roman Empire (Gibbons); Myth, Ritual, and Religion (Andrew Lang); History of England (Goldsmith); The Roman Popes (Ranke); The Life and Pontificate of Leo X (Roscoe); Constitutional History of England (Hallam); Political Economy (Mill); Happiness in Hell (Mivart); History of English Literature (Taine); Reign of Charles V (Robertson); Zoonomia, or The Laws of Organic Life (Darwin).

(b) In French: Notre Dame de Paris (Hugo); Life of Jesus and eighteen other works of Renan; all the works of Anatole France; The Social Contract and four works of Rousseau; nearly all the works of Voltaire; The Gospel and the Church, Gospel Studies, The Fourth Gospel, Apropos of a Little Book, The Religion of Israel (Loisy); all the works of Jean Paul Sartre; La Deuxieme Sexe and Les Mandarins by Simone de Beauvoir.

862. What is meant by “use” of forbidden writings? (a) In the first place, those “use” a writing who read it—that is, who go over it with their eyes, understanding the meaning therein contained. Hence, a person does not violate the church law against forbidden books if he merely listens to another read; although he might sin against the natural law, and even against the church law, if he induced the other to read to him; neither does a person violate the church law, if he merely glances at the characters, without understanding the sense expressed. Example: Titus, a professor of theology, has permission to read forbidden books, and he sometimes reads to his class doctrinal passages from works on the Index in order to explain and refute errors. Balbus examines very carefully the pages of a beautifully printed copy of a forbidden work, but he understands hardly a word of it, since it is in a foreign language. Neither Titus’ class nor Balbus are guilty of reading as forbidden by the Church, for strict interpretation is given to penal laws (see 485).

(b) In the second place, those “use” a forbidden writing who retain it—that is, who keep it in their home as belonging to themselves or borrowed from another, or who give it for safekeeping to another, even though they are not able to read it. Hence, a librarian who has forbidden books on his shelves does not break the law, since the books are not his property, nor are they kept in his home. A bookbinder also who receives forbidden books is

considered as excused through *_epieikeia_* for the time the books are in his shop, especially if his customer has the permission to read those books. Example: Sempronius bought an expensive work and then discovered that it is on the Index. Is he obliged to destroy it? No, if he does not wish to destroy it, he may, if he does not delay beyond a month, either give it to someone who has permission to keep it, or obtain that permission for himself.

(c) In the third place, those “use” a forbidden writing who communicate it to others—for example, those who make presents of works that are on the Index, who lend such books to others, or place them where others will read them, who read to others passages or write out excerpts for them. It is lawful, however, for professors in theological and other classes of sacred science to read from forbidden works to their student body, if a suitable explanation and refutation exclude all danger.

(d) Lastly, those fall under the law as violators who co-operate in the production or distribution of forbidden literature—for example, publishers, owners, authors, translators, booksellers, printers, etc. (cfr. 976 sqq., on cooperation in Worship).

863. The church law on forbidden literature affects all Catholics not excepted by law, no matter how learned they may be, what position they may hold, or how immune from danger they may seem, unless they obtain permission to read such literature from the Holy See, the Ordinary, or their regular Superior (Canon 1402). Those excepted by law and who do not need to seek such permission are certain prelates and students. (a) Cardinals, Bishops, and other Ordinaries (Canon 1401), and likewise major superiors in exempt clerical orders (Canon 198, Sec. 1) are not bound by the church prohibition of books dangerous to faith; (b) those who are pursuing theological or biblical studies may use forbidden editions of scripture, provided these are correct and complete as to the text, and contain no attacks on Catholic teaching in the introductions and annotations (Canon 1400). This permission extends not only to seminarians, but also to lay students; not only to those who are at school, but also to those who are really studying outside of school, such as professors, writers and those who are preparing lectures or dissertations.

864. When the necessity of reading a forbidden book is urgent, and the opportunity of asking permission from the Holy See or Ordinary is lacking, a person whose duties call for acquaintance with such a book may consider that the law does not bind in his particular case (see 411-417 on _epieikeia_). (a) A professor, editor, critic, etc., who had not yet received permission might read a forbidden book, if, being called upon to criticize it, he could not await the permission; (b) a confessor, pastor, etc., in similar circumstances could read a forbidden book in order to be able to refute it.

865. Those who have received permission to read books forbidden as generally dangerous to faith, may also read papers and periodicals of the same character, and they may use the permission given them anywhere, since it is a personal indult (see 446). The following restrictions, however, are understood in the grant of permission:

(a) Permission to read, no matter by whom granted, does not make it lawful to read what is really a danger to one's faith, for this (as explained above in 849-850) is contrary to natural law. Moreover, those who have received an apostolic indult may not read or retain books proscribed by their Ordinaries, unless the indult extends even to this.

(b) Permission to retain does not make it lawful to keep forbidden books in such a way that they will fall into the hands of those who have no right to read them. On the contrary, there is a grave obligation arising from the natural law to prevent such a thing from happening. Hence, those who have permission to keep writings dangerous to faith should not place them on shelves to which there is general access, or else they should label them as dangerous and forbidden (see Canons 1405, Sec.1, and 1403, Sec.2).

866. According to Canon 2318, the following censures are incurred through the use of forbidden books:

(a) Excommunication specially reserved to the Apostolic See is incurred _ipso facto_ by those who offer to the public books, even of a non-religious character, written by apostates, schismatics, or heretics in systematic defense of heresy or schism. This censure applies, first, to the chief causes of publicity of the work—i.e., to the author who offers it for publication, and to the publisher and printer (owner or manager of the press) who accept it for that purpose—not, however, to remote cooperators or helpers; secondly, to such chief causes as understand the character of the book,

either from the word of the author or from the contents. It is not incurred, if the work is not published (i.e., if it remains in manuscript, or is circulated only privately), or if it is published in other than book form (e.g., as a pamphlet, leaflet or article). Ignorance, if not crass or supine (see 27), excuses from this censure (Canon 2229, Sec.3, n. 1).

(b) The same censure is incurred by those who defend the aforementioned books, either materially (e.g., by saving them from destruction) or morally (e.g., by defending, praising, or recommending them). Ignorance excuses here as in the case of publishers.

(c) The same censure is incurred by those who defend books of any author condemned by name through Apostolic letters. Hence, the censure does not apply to books condemned by a pontifical congregation nor to books condemned in a Papal Letter, if their title is not mentioned. Ignorance excuses here as in the previous case.

(d) The same censure is incurred by those who knowingly keep or read any of the forbidden books mentioned so far in this paragraph. The sense to be attached to the words “keep or read” has been given above (see 862). Even crass and supine ignorance of law or penalty, provided it be not affected, as well as other causes that lessen imputability (see 40), excuse from this censure (Canon 2229, Sec.Sec.1, 2).

(e) Excommunication not reserved is incurred *_ipso facto_* by authors and publishers who are responsible for the printing without due authorization of books of Holy Writ, or of notes or commentaries on the Bible, even though the text be correct and the explanation orthodox. This censure is not incurred by those who are not responsible for the printing done, such as typesetters and readers. Ignorance, if not crass and supine, excuses here (Canon 2229, Sec.3).

867. Dangerous Schools.—With reference to their danger to faith, schools are of three kinds:

(a) sectarian schools, in which heresy or infidelity is prescribed as part of the curriculum, and assistance at non-Catholic rites is required. Examples are colleges and universities supported by Protestant denominations, sectarian Sunday schools, Bible classes;

(b) neutral schools (i.e., schools in which all religious teaching is forbidden and no recognition given to any denomination) whose spirit and teaching in secular branches is anti-religious or anti-Catholic. Examples are non-sectarian colleges or universities in which materialism is incidentally taught, or in which the faculty are freethinkers or bigots;

(c) neutral schools in which no positive offense is given to religion or the Church. Examples are public schools in which only the profane sciences are taught, and care is exercised that neither the text-books nor the teachers shall be irreligious or interfere with the religious beliefs of others. Reducible to this category are mixed schools, that is, those which are open also to non-Catholics (Canon 1374).

868. The danger of the foregoing kinds of schools to the faith of pupils is as follows:

(a) in the sectarian schools there is danger of heresy or infidelity, since the pupils are obliged to hear the defense of false doctrine and to join in the services of a false religion;

(b) in the neutral schools of an anti-religious spirit the danger is the same, for the pupils must attend courses in which the interpretations given to history, science, philosophy, letters, etc., are unfriendly to the faith;

(c) in the neutral schools whose spirit is not anti-religious, there is a danger of Indifferentism that arises from the system itself; for the very fact that religion is slighted tends to impress the students with the idea that it is unimportant or unrelated to other matters of life, and this prepares the way for doubt and scepticism. Moreover, since example teaches more effectively than the printed or spoken word, the neglect or contempt of religion by professors and fellow-pupils in mixed schools is a danger to faith.

869. The lawfulness or unlawfulness of attending or patronizing schools dangerous to faith must be decided according to the principles given above on the occasions of sin (see 263 sqq.).

(a) If the danger to faith is voluntary, the use of such schools is not lawful, for those who are able are bound to seek or provide religious education both in elementary and higher schooling (see Canon 1373). Example: In the town of X there are good parochial and Catholic high schools. Sempronius could easily send his children to these schools, but he

thinks that certain select schools offer greater social and financial advantages, and so he chooses them. His conduct is not lawful.

(b) If the danger to faith is necessary, the use of such schools is lawful, provided the needed precautions are duly observed. Example: In the country district of Y there is no school except the public school, and therefore Balbus sends his children to that school. His conduct is lawful, but he must see that his children receive religious instruction outside of school.

870. The danger to faith is necessary when there is no Catholic school, or none that is sufficient for the needs of individual students, and their parents are unable to send them elsewhere. In such a case it is lawful to attend a school that is neutral, but means must be used to make the proximate danger remote. Such means are the following: (a) religious instruction must be taken outside of school, as in special week-day classes, Sunday school, home study, etc.; (b) special attention must be given to the strengthening of faith on those points that are attacked or slighted in the neutral school; (c) parents, guardians, or others responsible must see that the reading and the associates of their wards in the neutral schools are good, and that they are faithful to their religious duties.

871. Is attendance at non-Catholic schools sometimes unlawful, even when there are serious reasons in its favor?

(a) It is unlawful, if the schools are sectarian, and then no excuse can justify such attendance; for, in addition to scandal and cooperation in false worship, there is present a proximate danger to faith that is not made remote. Parents or guardians who knowingly send their children to schools for education in a non-Catholic religion are suspected of heresy and incur excommunication *_ipso facto_*, reserved to the Ordinary (see Canon 2319). Example: Titus sends his daughter to a sectarian academy because it is nearer and cheaper than the Catholic academy. He claims that she is old enough not to lose her religion, that opposition will make her faith stronger, etc. Titus' arguments are fallacious and his conduct gravely sinful.

(b) Attendance at non-Catholic schools is unlawful, if the schools are neutral in theory, but so dangerous in practice that loss of faith is practically certain if one attends. Example: Balbus sends his son to an undenominational university which is regarded as a hotbed of atheism, and whose students practically to a man lose all religion.

872. Absolution should be denied in some cases to those who send their children to non-Catholic schools, if they refuse to change.

(a) Absolution should be denied on account of lack of faith in the parents themselves, if they send their children to non-Catholic schools on account of their own ideas that are contrary to the teachings of the Church. Example: Sempronius refuses to send his children to parochial schools, because he thinks each one should judge about religion for himself, and not receive it from instructors.

(b) Absolution should be denied on account of the danger caused to the faith of the children, when the children are sent to sectarian schools, or when they are sent to neutral schools and sufficient efforts are not used to counteract the evil influence there felt.

(c) Absolution should be refused on account of scandal or cooperation in evil, if, while the parents themselves are sound in faith and prevent all danger of perversion of their children, they send them to non-Catholic schools without sufficient reason, to the grave disedification of others, or the great assistance of unchristian education.

873. Absolution should not be denied in the following cases: (a) when the parents have a sufficient reason for sending their children to non-Catholic schools (i.e., a reason approved by the local Ordinary as sufficient). It belongs only to the Ordinary to decide in what circumstances and with what precautions attendance at such schools is allowable (Canon 1374; for application to the United States, see Holy Office, 24 Nov., 1875; Council of Baltimore, III, n. 199, in regard to elementary and high schools. As to colleges and universities, see S.C.Prop.Fid., 7 Apr., 1860; Fontes, n. 4649, Vol VII, p. 381; n.4868, Vol. VII, p.405; also S.C.Prop.Fid., 6 Aug., 1867); (b) when the parents have no sufficient reason, but there is no lack of faith on their part, no danger of perversion of the children, no grave scandal or sinful co-operation in evil.

874. The presence of Catholics as teachers in non-Catholic schools is beneficial, since it lessens to some extent the evil influence of such schools; but there is also the danger that it may cause scandal or create the impression that attendance at Catholic schools is not necessary. Hence, it has been permitted by the Church in certain cases but only when danger of scandal or wrong impression is absent. (a) The secular sciences may be

taught by laymen in non-Catholic schools of higher or lower education, if there is no scandal, no unlawful cooperation, and no immediate danger of perversion. (b) Christian doctrine may be taught by priests to Catholic students of neutral schools, either in the school building or elsewhere (as in a church), and certain priests may be appointed as chaplains for this work (Sacred Congregation of the Holy Office to Bishops of Switzerland, March 26, 1866).

875. Dangerous Marriages.—The following kinds of marriage are dangerous to the faith of Catholics: (a) marriage with non-Catholics, unbaptized or bigoted persons (mixed marriages); (b) marriage with fallen-away Catholics (that is, with those who have given up the Catholic religion, although they have not joined another), or with those who belong to societies forbidden by the Church.

876. The danger to faith in the aforesaid kinds of marriage are serious and proximate, and hence such unions are forbidden by divine law, as long as the danger is not removed or made remote through the use of precautions. The dangers are for the Catholic party and the children.

(a) The Catholic party is in serious danger of losing the faith (i.e., of joining the religion or sharing the ideas of the other party), or of doubting the truth of the Church, or of taking refuge in Indifferentism. For, if domestic life is peaceful, the Catholic may easily be led in time to regard with favor the other party's religion or views; if it is not peaceful, the Catholic through fear or annoyance may make compromises or sacrifices in matters of faith, or else suffer temptations that could have been avoided.

(b) The children born are in serious danger of being deprived of the faith (i.e., of not being brought up as Catholics), or of having their faith weakened by the example of parents who do not agree in the matter of religion. If the non-Catholic or fallen-away Catholic interferes with the religion of the children, their baptism, religious education, attendance at church, etc., will be forbidden or impeded; if that party does not interfere, there will be at least the example during impressionable years of one parent who does not accept the Catholic faith or who disregards its requirements. Statistics indicate that one of the chief sources of leakage in the Church today is mixed marriages.

877. Dangerous marriages are also forbidden by the law of the Church. (a) Lack of baptism in the non-Catholic party causes the diriment impediment of disparity of worship (Canon 1070); (b) membership of the non-Catholic party in an heretical or schismatical sect causes the prohibitive impediment of mixed religion (Canon 1060); (c) unworthiness of one of the parties, on account of notorious apostasy or affiliation with forbidden societies (see 945 sqq.), prevents the pastor from assisting at the marriage without permission from the Ordinary (Canon 1065).

878. No one may enter into any of the dangerous marriages here considered, unless the requirements of the natural and ecclesiastical laws be complied with. (a) The natural law requires under pain of grave sin that the danger of perversion be removed, that no non-Catholic ceremony take place, and that the Catholic spouse work prudently for the conversion of the other party. (b) The ecclesiastical law requires under grave sin that guarantees be given that the requirements of the natural law shall be fulfilled (Canons 1061, 1071); that there be grave and urgent reasons for the marriage (*ibid.*); that dispensations from the impediments be obtained, or permission, in the case of unworthiness of one of the parties, to assist at the marriage be granted by the Ordinary (Canons 1036, 1065).

879. The canonical consequences of dangerous marriages illegally contracted are as follows: (a) Those who knowingly contract a mixed marriage without dispensation are *_ipso facto_* excluded from legitimate ecclesiastical acts, (e.g., the office of godparent), and from the use of sacramentals, until a dispensation has been obtained from the Ordinary (Canon 2375). Marriage contracted with the impediment of disparity of worship is invalid, whether the parties are in ignorance or not (Canon 1070, Sec.16). (b) Catholics who enter into marriage before a non-Catholic minister acting in a religious capacity or who contract marriage with the implicit or explicit understanding that any or all of the children will be educated outside the Church incur excommunication *_latae sententiae_* reserved to the Ordinary (Canon 2319).

880. The prenuptial guarantees required by church law in case of mixed or other dangerous marriages are as follows: (a) According to the Code, no dispensation for mixed marriages will be granted unless the non-Catholic party gives a guarantee that the danger of perversion for the Catholic party shall be removed, and both parties promise that all the children shall be

baptized and brought up only in the Catholic faith. There must be moral certainty that the promises will be kept, and as a rule they should be demanded in writing (Canons 1061, 1071). The permission for marriage with fallen-away Catholics is not granted until the Ordinary has satisfied himself that the danger to the Catholic and the children has been removed (Canon 1065, Sec.2). (b) The pre-Code legislation further required that both parties promise that there would be no non-Catholic ceremony and that the Catholic promise to work for the conversion of the other party. Canons 1062-1063 speak of these obligations, but do not exact promises.

881. Remedies against mixed and other dangerous marriages are the following: (a) Before engagement Catholics should be instructed and encouraged to marry those of their own faith. Thus, confessors can discourage company-keeping with non-Catholics, parents can provide their children with opportunities for meeting suitable Catholics, and, above all, pastors should frequently speak and preach to old and young on the evils of mixed marriages. (b) After engagement to a non-Catholic has been made, the non-Catholic should be persuaded to accept the Catholic religion, if he or she can do this with sincerity; otherwise, the Catholic should be warned of the danger of the marriage, and the pastor should refuse to seek a dispensation unless there is a really serious cause (see Canon 1064; II Plenary Council of Baltimore, n. 336; III Plenary Council of Baltimore, n. 133).

882. Dangerous Communication.—Mixed marriages are mentioned specially among the communications with non-Catholic that are dangerous to faith, because marriage is a lifelong and intimate association. But there are other communications with unbelievers that can easily corrupt faith, the less dangerous being communication in matters that are not religious, and the more dangerous being communication in religious matters. (a) Non-religious or civil communication is association with non-Catholics in secular affairs, such as business, social life, education, politics. (b) Religious communication is association with non-Catholics in sacred services or divine worship.

883. Non-religious communication is sinful as follows: (a) It is sinful according to natural law, when in a particular case it would be a proximate danger of perversion freely chosen, or an involuntary danger against which one does not employ sufficient precaution. Examples: Titus chooses infidels

and freethinkers for his friends and intimates, understanding their character and bad influence. Balba on account of her poverty is obliged to work in a place where all her companions are unbelievers who scoff at religion and try in every way to win her over to their errors; yet she is not concerned to arm herself more strongly in faith.

(b) According to ecclesiastical law, civil communication is forbidden with those who have been excommunicated as persons to be avoided (Canon 2267). Such persons are those who lay violent hands on the Roman Pontiff (Canon 2343), or who have been excommunicated by individual name and as persons to be avoided through public decree or sentence of the Apostolic See (Canon 2258). Exception is made, however, for husband and wife, children, servants, subjects, and for others in case of necessity.

884. Religious communication is sinful on account of danger in the following cases:

(a) If it is a proximate and voluntary occasion of sin against faith. Examples: Sempronius goes to a non-Catholic church to hear a minister who attacks the divinity of Christ and other articles of the Creed. The purpose of Sempronius is to benefit himself as a public speaker, but he knows that his faith suffers, because he admires the orator. Balbus chooses to listen over the radio to attacks on religion and Christianity, which cause serious temptations to him.

(b) If it is a necessary occasion of sin and one does not employ sufficient precautions against it, religious communication becomes sinful. Example: Titus, a prisoner, has to listen at times to a jail chaplain, who teaches that there are errors in the Bible, that man evolved from the ape, etc. Titus feels himself drawn sympathetically to these teachings, but makes no effort to strengthen his faith.

885. Communication with unbelievers that is a remote occasion of sin, is not sinful, for “otherwise one must needs go out of this world” (I Cor., v. 9). On the contrary, reasons of justice or charity frequently make it necessary and commendable to have friendly dealings with those of other or no religious conviction. (a) Reasons of justice. It is necessary to cooperate with non-Catholic fellow-citizens in what pertains to the welfare of our common country, state, city, and neighborhood; to be just and fair in business relations with those outside the Church, etc. (b) Reasons of charity.

Catholics should be courteous and kind to all (Heb., xii. 14), and be willing to assist, temporarily and spiritually, those outside the Church. Thus, St. Paul, without sacrificing principle or doctrine, made himself all things to all men, in order to gain all (I Cor., ix. 19). Indeed, the mission of the Church would suffer, if Catholics today kept aloof from all that goes on about them. The Church must teach, by example as well as precept, must be a salt, a light, a leaven, an example of the Gospel in practice; and surely this ministry will be weakened if her children aim at complete isolation and exclusivism.

886. Societies that are purely civil or profane—e.g., social clubs, charitable organizations, temperance societies, labor unions, that are not identified with any church and are neutral in religion—may be dangerous to faith. (a) There may be danger on account of the membership, even when the nature of the society is purely indifferent or good. Example: It would be dangerous to faith to join a convivial society whose members were mostly aggressive infidels, even though the purpose of the organization was only recreation. (b) There may be danger to faith on account of certain methods or principles of the society. Example: A Boys' or Girls' Club whose purpose is to train young people for good citizenship is dangerous to faith, if it acts as though the natural virtues were sufficient, or as though moral education belonged to itself exclusively or principally.

887. The Sin of Blasphemy.—So far we have spoken of the sins of unbelief that are contrary to the internal act of faith. We now come to the sins that are contrary to the external act, or profession of faith. These sins are of two kinds: (a) The less serious sin is that of ordinary denial of the faith, that is, the assertion that some article of faith is false, or that some contrary error is true. This sin will be treated below in 913 sqq. on the commandments of faith. (b) The more serious sin is blasphemy, that is, the denial to God of something that is His; or the ascription to God of what does not belong to Him. Of this sin we shall speak now.

888. Blasphemy etymologically is from the Greek, and signifies damage done to reputation or character; theologically, it is applied only to insults or calumnies offered to God, and is threefold according to the three stages of sin described above (see 168). (a) Blasphemy of the heart is internal, committed only in thought and will. So "the wicked man said in his heart: There is no God" (Ps. xviii. 1), and the demons and lost souls blasphemed

God without words (Apoc., xvi. 9). (b) Blasphemy of the mouth is external, committed in spoken words, or in their written or printed representations. (c) Blasphemy of deeds is also external, committed by acts or gestures. The action of Julian the Apostate in casting his blood towards heaven was intended as a sign of contempt for Christ.

889. Internal blasphemy does not differ from unbelief or disrespect for God. We are concerned here, therefore, only with external blasphemy, which is contrary to the external profession of faith. External blasphemy is opposed to faith either directly (by denying what is of faith) or indirectly (by showing disrespect to what is of faith), and hence it is either heretical or non-heretical.

(a) Heretical blasphemy affirms about God something false, or denies about Him something true. The false affirmation is made directly, when some created imperfection is attributed to God, or indirectly, when some divine perfection is attributed to a creature. Example: It is heretical blasphemy to affirm that God is a tyrant or the cause of sin, or that man is able to overcome God. It is also heretical blasphemy to deny that God is able to perform miracles, that His testimony is true, etc.

(b) Non-heretical blasphemy affirms or denies something about God according to truth, but in a mocking or blaming way. This sin is opposed, therefore, to reverence rather than to faith, and will be treated later among the sins against the virtue of religion (see Vol. II). Example: A person in anger at God says scornfully: "God is good!"

890. The nature of heretical blasphemy will better appear, if we compare it with other kinds of speech disrespectful to God.

(a) It differs from maledictions or curses, (e.g., "May God destroy you!"), because the one directly offended in blasphemy is God Himself, while in a curse it is some creature of God.

(b) It differs from non-heretical blasphemy, from perjury and disregard of vow, from vain use of the name of God, because none of these necessarily proceeds from a lack of faith, as does heretical blasphemy. Non-heretical blasphemy proceeds from hatred or contempt of God, perjury from presumption, disregard of vow from disobedience, vain use of the Divine Name from irreverence.

(c) Heretical blasphemy differs from temptation of God (e.g., “God must help me now if He can,” said by one who exposes himself rashly to danger), for, while temptation of God implies doubt, it is directly an act of irreverence by which one presumes to put God Himself to proof, whereas heretical blasphemy is directly an act of denial of truth.

891. Heretical blasphemy calumniates God, either in His own attributes and perfections, or in those created persons or things that are specially His by reason of friendship or consecration. Thus, we have: (a) blasphemy that attacks the Divine Being Himself, as was explained above; (b) blasphemy that attacks what is especially dear to God, which consists in remarks or acts derogatory to the Blessed Virgin, the Saints, the Sacraments, the crucifix, the Bible, etc.

892. Unlike God, creatures are subject to imperfections, moral or physical, and thus it is not always erroneous or blasphemous to attribute imperfections to the Saints or sacred things.

(a) If sacred persons or things are spoken ill of precisely on account of their relation to God, or in such a way that the evil said of them reverts on God Himself, blasphemy is committed. Example: It is blasphemous to say that the Mother of God was not a Virgin, that St. Peter was a reprobate, that St. Anthony and St. Simeon Stylites were snobbish or eccentric, that the Sacraments are nonsense, that relics are an imposture, etc.

(b) If sacred persons or things are criticized precisely on account of their human or finite imperfections, real or alleged, the sin of irreverence is committed, when the criticism is prompted by malice or levity. No sin at all is committed, if one is stating facts with due respect for the character of the persons or things spoken of. Examples: To call a Doctor of the Church an ignoramus out of anger at a theological opinion defended by him, would be of itself a serious sin of disrespect. To speak of a Saint as a dirty tramp or idle visionary, if the intention is to insult, is also a serious sin of disrespect. But, if one were to say in joke that St. Peter was a baldhead, St. Charles Borromeo a big nose, the sin of irreverence would be only slight. No sin would be committed, if one, describing a religious painting from the artistic standpoint, called it an abomination.

893. Heretical blasphemy is expressed not only by sentences that are complete and in the indicative mood, but also by phrases or interjections, by

wishes, commands, or even signs.

(a) Blasphemy is expressed optatively, imperatively, or interrogatively. Examples: “Away with God!” is equivalent to the assertion that God is not eternal. “Come down from the cross, if Thou be the Son of God” (Matt., xxvii. 40), is equivalent to the statement that Christ is not the Son of God. The question put to the Psalmist, “Where is thy God?” (Ps. xli. 4.), meant in the mouth of the Psalmist’s enemies that Jehovah did not exist, or was powerless.

(b) Blasphemy is expressed even by short words, or by a grunt or snort of contempt. Example: To utter the name of our Lord in a contumelious way signifies that one regards Him as of no account. The word “hocus-pocus” is sometimes used in derision of the Mass or other sacred rites.

(c) Blasphemy is expressed by acts that signify disbelief and dishonor, for example, to spit or shake one’s fist at heaven, to turn up the nose or make a wry face at the mention of God, to trample in the dust a crucifix, etc.

894. Rules for Interpreting Cases of Doubtful Blasphemy.—(a) Custom or usage is a better guide than etymology or grammar in discovering whether a blasphemous meaning is contained in certain common expressions of an ambiguous character. Examples: According to signification the phrase, “Sacred Name of God,” is harmless and might be a pious ejaculation, but according to the sense in which it is taken in French it curses God and is blasphemous. According to signification, the expression “Ye gods” in English, “Thousand names of God” in French, “Thousand Sacraments” in German, are blasphemous; but according to the sense in which they are used by the people they merely express surprise, and are at most a venial sin of irreverence. The English language as a whole is singularly free from blasphemous expressions, just as English classic literature as a whole is singularly free from obscenity.

(b) The dispositions or feelings of the user are a better index of the presence or absence of blasphemy than the mere words, if the latter are capable of various senses. If doubt persists about the sense of an ambiguous expression that could be blasphemous, it may be held that no blasphemy was intended. Examples: Titus, a good man, is so annoyed trying to correct his children that he exclaims: “Why did the Lord ever send me such pests?”

Balbus, who is a hater of religion, answers him: “Who is to blame if they are pests?” Since Titus is habitually religious and Balbus habitually irreligious, the question of the former sounds like irritation, the question of the latter like blasphemy. Claudius is a very religious-minded man, but he meets with a series of calamities which so stun him that he exclaims: “I must be only a step-child of God. Certainly, He cares little for me. Why did He ever create me?” The sentiment seems to be one of grief and wonder rather than of insult to God. Balbus is very devoted to his mother, and often addresses her in hyperbolic language, saying that he adores her, that she is the goddess at Whose shrine he worships, his supreme beatitude, etc. Taken literally, these expressions are blasphemous, but as used by Balbus they are harmless.

895. The Sinfulness of Blasphemy.—(a) From its very nature (i.e., from the importance of the rights it attacks and the goods it injures), blasphemy is a mortal sin, since it outrages the Majesty of God, and destroys the virtues of religion, love of God, and frequently faith itself. In the Old Testament it was punished with death (Lev., xxiv. 15 sqq.), and Canon 2323 of the Code prescribes that blasphemy be punished as the Ordinary shall decide. It is also a crime at common law and generally by statute, as tending to a breach of the peace and being a public nuisance or destructive of the foundations of civil society; when printed, it is a libel.

(b) Unbelief is the greatest of sins after hatred of God (see 820). But blasphemy is the greatest of the sins against faith, since to inner unbelief it adds external denial and insult.

(c) Blasphemy cannot become a venial sin on account of the smallness of the matter involved, for even slight slander or scorn becomes great when its object is God Himself. Example: It is blasphemous to say that our Lord was not above small or venial imperfections, or to show contempt for even one of the least of the Saints as such.

(d) Blasphemy cannot become a venial sin on account of unpremeditation, if at the time it is committed one is aware of its character, just as murder does not become a venial sin, because one killed another in a sudden fit of anger. Example: Sempronius has the habit when driving his refractory mules of shouting at them: “You creatures of the devil!” A priest on hearing this admonishes Sempronius that the expression is blasphemous.

But Sempronius continues to use it whenever the mules irritate him, making no effort to improve.

896. There are some cases in which blasphemy is only a venial sin or no sin on account of the lack of deliberation.

(a) If there is no advertence or only semi-advertence to the act itself, the blasphemy pronounced, unless it be voluntary in its cause (see 102, 196), is not a mortal sin. In the former case, there is no sin at all, for the act is not human (see 33); in the latter case there cannot be mortal sin, for there is no full reflection on the deed (see 175). Example: Balbus now and then catches himself humming blasphemous songs that he heard years ago, but he always stops as soon as he thinks of what he is saying. Titus, coming out of the ether after an operation, makes a few blasphemous remarks, but he is so dazed that he hardly knows who is speaking. Sempronius makes himself drunk, foreseeing that he will blaspheme while out of his senses. Balbus commits no sin, Titus may be guilty of venial sin, but Sempronius is guilty of mortal sin in blaspheming.

(b) If there is no advertence or only semi-advertence to the malice of the act, the blasphemy pronounced, if it is not voluntary in its cause, is not a mortal sin; for one is not responsible for more than one knows or should know (see 99-100, on imputability). Examples: Titus, a foreigner, has been taught to repeat certain blasphemous phrases, whose real meaning he does not suspect. Balbus has the habit when angry of blaspheming at his mules, but he is doing his best to use more suitable language. Sempronius unawares gets into a tipsy condition in which he realizes his acts, but is confused about moral distinctions, and hence uses blasphemous expressions which he would abhor if he were in his normal state. Caius, a boy, blasphemes, thinking that he is committing only a venial sin of “cussing.”

897. Different kinds of blasphemy must be noted with reference to the duty of confession.

[a] There are three distinct species of blasphemy—non-heretical, which is opposed to the virtue of religion; heretical, which is opposed to religion and faith; diabolical, which is opposed to religion, faith and the precept to love God. These species should be distinguished in confession. Examples: Titus, angered because his Patron Saint did not obtain a favor for him, ironically turns the Saint’s picture to the wall, saying: “You have great influence with

God!” (non-heretical blasphemy). Balbus in similar circumstances said: “I have lost all faith in Saints” (heretical blasphemy). Sempronia, Whose child has just died, rebels against God and calls Him a cruel monster (diabolical blasphemy).

(b) Circumstances may aggravate the malice of blasphemy. Blasphemy that is directly against God Himself is worse than blasphemy against the Saints; blasphemy against the Blessed Virgin is worse than blasphemy against other friends of God; blasphemy that ascribes evil to God is greater than blasphemy that denies Him some perfection; blasphemy that excuses itself or boasts is worse than blasphemy that is more concealed; blasphemy that expressly intends to dishonor God is graver than blasphemy that only implicitly intends this. Some authors require that aggravating circumstances be mentioned in confession, but others say this is not necessary (see Vol. II).

898. According to the causes from which they proceed (see 250), blasphemies are divided into three kinds: (a) blasphemy against the Father, which is contumely spoken against God out of passion or weakness, as when one being annoyed uses what he knows to be blasphemy; (b) blasphemy against the Son, which is contumely against God spoken out of ignorance. Thus, St. Paul said of himself that he had been a blasphemer, and a persecutor, and contumelious, but that he obtained mercy, because he did it ignorantly in unbelief (I Tim., i. 12, 13); (c) blasphemy against the Holy Ghost, which is contumely against God spoken out of sheer malice. Such was the sin of the Jews, who attributed the divine works of Christ to the prince of demons (Matt, xii. 31).

899. To the Holy Ghost are appropriated the supernatural gifts of God that prevent or remove sin; and, as these can be reduced to six, there are also six sins against the Holy Ghost (i.e., six kinds of contemptuous disregard of spiritual life). The expression of this inner contempt is a blasphemy.

(a) Man is kept from sin by the hope mingled with fear which the thought of God, as both merciful and just, excites in him. Hence, despair and presumption which remove these divine preventives of sin are blasphemies against the Holy Ghost.

(b) Man is kept from sin, next, by the light God gives him to know the truth and by the grace He diffuses that all may perform good. Hence,

resistance to the known truth and displeasure at the progress of God's kingdom are also sins against the Spirit of truth and holiness.

(c) Man is kept from sin by the shamefulness of sin itself and the nothingness of the passing satisfaction it affords; for the former inclines him to be ashamed of sin committed, or to repent, while the latter tends to make him tire of sin and give it up. Hence, the resolve not to grieve over sin and obstinate adherence to such a resolve are also sins against the Holy Ghost.

900. There is no sin which, if repented of, cannot be forgiven in this life. How then does our Lord say that the blasphemy against the Holy Spirit shall not be forgiven, neither in this world nor in the world to come (Matt., xii. 31)?

(a) The sins against the Holy Ghost are unpardonable according to their nature, just as some diseases are incurable according to their nature, because not only do they set up an evil condition, but they also remove or resist those things that could lead to betterment. Thus, if one despairs, or presumes, or resists truth or good, or determines not to abandon error or evil, one shuts out the remedy of repentance, which is necessary for pardon; whereas, if one sins through passion or ignorance, faith and hope remain and help one to repentance.

(b) The sins against the Holy Ghost are not unpardonable, if we consider the omnipotence of God. Just as God can cure miraculously a disease that is humanly incurable, so can He pardon a sin which, according to its nature, is unpardonable; for He is able to bring hope and repentance to those who were in despair, for example. Hence, we repeat, there is no sin which, if repented of, cannot be forgiven in this life.

901. Does one arrive at the state of malicious sin or blasphemy suddenly or gradually? (a) Malice in sin (i.e., the willing choice of evil by one who is not weakened by ignorance or passion) is sometimes due to a disorder in the will itself which has a strong inclination towards wrong, as when long-continued habit has made sin attractive. It is clear that in such cases one does not arrive at blasphemy suddenly, Example: Titus blasphemes with readiness and without remorse. This argues that he is an adept and not a beginner, for readiness and strong attachment are signs of practice. (b) Malice in sin is sometimes due to the fact that the will has lost certain

protections against sin, and hence chooses sin readily and gladly, as happens when a sin against the Holy Ghost has been committed. Generally, the contempt of God's gifts contained in sins against the Holy Ghost does not come suddenly, but follows as the climax of a progressive deterioration (Prov., xviii. 3); but, since man is free and sin very alluring, it is not impossible that one should suddenly become a blasphemer, especially if one had not been careful before in other matters. It is next to impossible, however, that a religious-minded man should all at once become a blasphemer or malicious sinner.

902. Remedies Against Blasphemy.—(a) Those who blaspheme maliciously should be admonished of the enormity of their sin, as well as the absurdity of defying the Almighty (Ps. ii. 1, 4). Prayers and ejaculations in praise of God are a suitable penance for them. (b) Those who blaspheme through habit or out of sudden anger or passion should be told that at least they cause great scandal, and make themselves ridiculous. A good practice for overcoming habit or sudden outbursts is that some mortification or almsdeed or litany should be performed each time blasphemy is uttered.

903. Absolution of Blasphemers.—(a) If blasphemy is not heretical, no censure or reservation is incurred under the general law, and every confessor may absolve; (b) if blasphemy is heretical, excommunication is incurred under the conditions given above in 834, and absolution may be granted as explained there.

904. Sins of Ignorance, Blindness, Dullness.—After the sins against faith itself come the sins against the Gifts of the Holy Ghost that serve faith (see 808): (a) against the Gift of Knowledge is the sin of ignorance; (b) against the Gift of Understanding are the sins of blindness of heart and dullness of understanding.

905. Ignorance (as explained in 28 and 249) is a cause of sin—of material sin, if the ignorance is antecedent, of formal sin, if the ignorance is consequent. But ignorance is also a sin itself, in the sense now to be explained.

(a) Ignorance may be considered in itself (i.e., precisely as it is the absence of knowledge), and in this sense it is not called a sin, since under this aspect it is not opposed to moral virtue, but to knowledge, the perfection of the intellect.

(b) Ignorance may be considered in relation to the will (i.e., precisely as it is a voluntary defect), and in this sense it is a sin, since under this aspect it is opposed to the moral virtue of studiosity (i.e., the part of temperance which moderates the desire of learning and keeps the golden mean between curiosity and negligence). This sin of ignorance pertains to neglect, and is twofold; it is called affected ignorance, if the will is strongly desirous of the lack of due knowledge, and is called careless ignorance, if the will is remiss in desiring due knowledge. Affected ignorance is a sin of commission, careless ignorance a sin of omission.

(c) Ignorance may be considered in relation to obligatory acts (i.e., precisely as it makes one voluntarily incapable of fulfilling one's duties), and in this sense it partakes of various kinds of sinfulness, inasmuch as he who is voluntarily ignorant of his duty is responsible for the mistakes he will make. Thus, he who is sinfully ignorant in matters of faith, will fail against the precepts of that virtue; he who does not know what his state of life as judge, lawyer, physician, etc., requires, will fail against justice; he who does not know what charity demands of him, will sin against charity.

906. The malice of the sin of ignorance in matters of faith is as follows: (a) Vincible ignorance of the truths one is obliged to know, whether the obligation be of means or of precept (see 360, 786 sqq.), is a grave sin, for faith in these truths is commanded under pain of losing salvation (Mark, xvi. 15, 16). (b) The sin committed is but one sin, regardless of length of time, and is incurred at the time one omits due diligence in acquiring knowledge, as is the case with other sins of omission. Hence, he who remains in culpable ignorance of Christian doctrine for a year commits one sin, but the length of time is an aggravating circumstance.

907. Culpable ignorance regarding truths of faith, as a distinct sin, is as follows:

(a) It is not distinct from its cause (i.e., negligence), for ignorance is not a sin at all, except in so far as it proceeds from negligence. Hence, one would not be obliged to accuse oneself of the sins of omission in regard to instruction in Christian doctrine and of ignorance in Christian doctrine, for these are but one sin.

(b) Culpable ignorance is not distinct from its effect (i.e., from a sin committed on account of the ignorance), if the truth one is ignorant of has

to be known only on account of some passing duty that must be performed here and now; for in such a case the knowledge is required, not for its own sake, but for the sake of the duty. Hence, ignorance of fact or of a particular law is not distinct as a sin from the sin that results from it. Examples: Titus knows that he should not take money that belongs to another; but through his own carelessness he is ignorant of the fact that the money before him belongs to another, and takes the money. Balbus knows that the precept of the Church on fasting is obligatory; but through his own negligence he is unaware that today is a fast day, and does not fast. Titus and Balbus committed one sin apiece.

(c) Culpable ignorance is distinct from its effect, if the truth one is ignorant of has to be known for its own sake; for in such a case one sins against the virtue of studiosity (see 905) by not knowing something which one should know habitually, and also against some other virtue by violating its precepts as a result of one's sinful ignorance. Truths one is obliged to know for their own sake are the mysteries of faith, the Commandments of the Decalogue, the Precepts of the Church, and the duties of one's own state. Examples: Sempronius through his own carelessness does not know the mystery of the Incarnation, and as a result blasphemes Christ. Titus does not know that stealing is a sin, and therefore he steals. In both cases two sins are committed, the sin of ignorance and the sin that resulted from ignorance.

908. Cases in which ignorance in matters of faith is not culpable are the following: (a) if one has used sufficient diligence to acquire knowledge, one is not responsible for one's ignorance; (b) if one has not used sufficient diligence to acquire knowledge, one is not responsible for one's ignorance, if the lack of diligence is not one's fault.

909. Sufficient diligence is a broad term and has to be understood with relation to the mental ability of the person and the importance and difficulty of the truth in question. What is sufficient diligence in an illiterate person, or with regard to a matter of minor importance, would be insufficient in a learned person, or in a matter of greater importance. However, the following general rules can be given:

(a) To be sufficient, diligence need not be as a rule supreme (i.e., it is not necessary that one employ every possible means to acquire instruction), for

even the most conscientious persons feel they have used sufficient diligence when they have employed the usual means for obtaining religious instruction;

(b) To be sufficient, diligence should equal that which is employed by good people in similar circumstances. Thus, the unlearned who consult the learned or frequent the instructions provided for them, the learned who devote themselves to study as ordered and who seek assistance in doubts, are sufficiently diligent.

910. One who has not used sufficient diligence is sometimes responsible, sometimes not responsible.

(a) A person is not responsible for his ignorance and lack of sufficient diligence, if he conscientiously desires to have the proper amount of instruction, and has not even a suspicion that his studies and knowledge are not sufficient. Example: Titus, having gone through a very small catechism, thought that he understood Christian doctrine sufficiently and had done all that was required. But some years later he discovered, when examined, that he was ignorant of many important matters, and had entirely misunderstood others.

(b) A person is responsible for his lack of diligence and knowledge, if at heart he does not care to know, even though no fears or doubts about his ignorance disturb him. Examples: Balbus always felt religion a bore. At Sunday school he was daydreaming; now during sermons on Sunday he falls asleep. The result is that he has many infidel ideas, but doesn't know it, and is not much concerned. Caius secured for himself an office, for which he is unfitted on account of his ignorance. But he enjoys his position so much, and cares so little about its responsibilities, that he does not even dream of his incompetence, and would not try to change things if he did.

911. Similar to negligence about the truths of faith itself is negligence about truths connected with faith. (a) An unbeliever is guilty of negligence when against conscience he fails to pray for light and to inquire or inform himself about the credentials of religion, revelation, and the Church; (b) a believer is guilty of negligence if he fails to seek answers to objections against faith, when thrown much in the company of objectors.

912. Like to sins of ignorance are the two sins opposed to the Gift of Understanding. (a) Dullness of understanding is a weakness of mind as regards spiritual things which makes it very difficult for one to consider or understand them. It is sinful inasmuch as it arises from over-affection for carnal things, especially the delights of eating and drinking. (b) Blindness of mind is a complete lack of knowledge of divine things due to the fact that one refuses to consider them lest one feel obligated to do good, or to the fact that one is so wedded to passion that one gives it all one's attention (Ps. xxv. 4). Blindness is sometimes a punishment (Is., vi. 10; Wis., ii. 21); it is a sin when it is voluntary—that is, when carnal delights, especially lust, make one disgusted or negligent as to the things of faith. Abstinence and chastity are two means that greatly aid spiritual understanding, as is seen in the example of Daniel and his companions (Dan. i. 17).

Art. 3: THE COMMANDMENTS OF FAITH

(*_Summa Theologica_*, II-II, q. 16.)

913. Unlike the commandments of justice, which are summed up in the Decalogue, the commandments of faith are not given in any one place of scripture; but they may be reduced to three: (a) one must acquire knowledge and understanding of one's faith according to one's state in life and duties; (b) one must believe internally the truths of faith; (c) one must profess externally one's belief.

914. The Commandment of Knowledge.—The first of the foregoing commandments includes three things. (a) The doctrines of faith must be taught and must be listened to—"These words thou shalt tell to thy children" (Deut., vi. 6), "Teach ye all nations" (Matt, xxviii. 19), "He that heareth you heareth Me, and he that despiseth you despiseth Me" (Luke, x. 16). (b) One must apply oneself to understand what one hears—"Thou shalt meditate on these words, sitting in thy house, and walking on thy journey, sleeping and rising" (Deut., vi. 7), "Meditate upon these things, be wholly in these things. Take heed to thyself and doctrine" (I Tim., iv, 15, 16). (c) One must retain what one has learned—"Thou shalt bind the words of the law as a sign on thy hand, and they shall be and shall move between thy eyes. And thou shalt write them in the entry and on the doors of thy house" (Deut., vi. 8, 9); "Have in mind in what manner thou hast received and heard" (Apoc., iii. 3).

915. The means of communicating a knowledge of the faith to unbelievers are as follows:

(a) The remote means is to get a hearing from those who have not the true faith, and this supposes that one secure their good will through edifying example and charity towards them: "Be without offense to the Jews and the Gentiles, and to the church of God; as I also in all things please all men, not seeking that which is profitable to myself, but to many that they may be saved" (I Cor., x. 32, 33); "Let us work good to all men" (Gal., vi. 10).

(b) The proximate means of communicating a knowledge of faith is the declaration of the faith to non-Catholics who are willing to hear, through missionaries sent to foreign countries, Catholic literature given to those who are well-disposed, invitations to Catholic instructions, public lectures on the faith, the question box at missions, etc. (see Canons 1350, 1351). cooperation with Catholic schools and publications, foreign and home missions, etc., makes one a sharer in the work of the apostles who are bearing the burden of the day.

916. The means appointed by the Church for communicating the doctrines of faith to Catholics are as follows:

(a) For the Laity.—From childhood religious and moral training should have the first place in education, and should not be confined to elementary schools, but continued in secondary and higher schools (Canons 1372, 1373). Pastors are obliged to give catechetical instructions, and parents must see that their children attend them (Canons 1329-1336).

(b) For the Clergy.—Aspirants to the priesthood must follow the courses prescribed for preparatory and higher seminaries or houses of studies (Canons 1352-1371, 587-592), and no one is admitted to Orders who has not passed canonical examinations (Canons 996, 997, 389, Sec.2). The faculties for hearing confessions and preaching also presuppose examinations (Canons 1340, 877), and no one is to be promoted to ecclesiastical offices, such as that of parish priest, unless he is judged competent in knowledge (Canons 459, 149). The clergy are encouraged to take university studies and degrees (Canons 1380, 1378).

917. A person applies himself sufficiently to the understanding of the teaching of faith when he takes care that, both extensively or in quantity and intensively or in quality, his knowledge is all that is required of him.

(a) Extensively, the knowledge should be such as to include at least all those truths that have to be known, because explicit faith in them is necessary; (b) intensively, the knowledge should be more or less perfect according to the greater or less intelligence, rank or responsibility of the person.

918. The truths that have to be known by all capable of the knowledge are as follows:

(a) All must know, from the necessity of the case (necessity of means), that they have a supernatural destiny and that Christ is the Way that leads to it; for one cannot tend to a destination, if one is unaware of its existence and of the road that will bring one there. Hence, all must know the four basic truths: God our Last End, the Trinity, the Incarnation, God the Remunerator (see 787).

(b) All must know, from the will of Christ (necessity of precept), the other truths to which He wishes them expressly to assent, and the duties, general or particular, that He wishes them to fulfill (Mark, xvi. 16); that is, they must know the doctrine contained in the Creed, the commandments and ordinances of Christ concerning the Sacraments and prayer, and the special obligations of each one's particular state or office.

919. As to the degree of knowledge that one must possess intensively (i.e., as to its quality and perfection), it is clear that knowledge ought to be more perfect in those who are more intelligent or whose duties call for a more excellent learning.

(a) Knowledge of the truths that should be known by all the faithful ought to be of a more developed kind in those whose minds are more mature. A scientific and theological understanding of religion is not required in any lay person; nor should we expect the same knowledge in a child as in an adult, or in a subnormal person as in one who is normal mentally. Examples: No religious instruction is necessary for an idiot (i.e., a grown-up person who has the mind of a two-year-old child), for such a one cannot reason. A child of seven or an imbecile (i.e., a grown-up person whose mentality is on a par with that of a child of seven) may be received to Communion, after such a child or imbecile has learned in a simple way that the God-Man is received in the Eucharist and that it is not common food. A child who is between ten and twelve and a moron (i.e., a grown-up who is not mentally such a child's superior) should receive more instruction than an imbecile.

(b) Knowledge of sacred doctrine naturally should be greater in priests than in the laity; for in religious things priests are the teachers, the people their pupils (Mal., ii. 7). A mediocre knowledge of theology in a priest is not sufficient, especially in these days when the laity are educated, when theological questions are debated on all sides, and when so many outside

the Church as well as in it are looking for help and light. A profound knowledge of abstruse questions, however, is not demanded of all priests in an equal degree: more is expected of a bishop than of his parish priests, more of a parish priest than of one who has not the care of souls or office of teaching, more of one who has to speak to or write for the better educated than of one who has to do these things for those who are less educated, etc. Knowledge should include not only learning, but also prudence (i.e., good judgment and practical ability to use learning well), for a priest learns, not for his own sake alone, but also for the benefit of others.

920. Scientific or complete knowledge is not required of those who are not theologians, as was said about the four basic truths (see 790). It suffices for lay persons that they know in a simple way, according to their age and capacity, the substance of the truths they must believe. Thus, they should know:

(a) The Creed.—One should know about God, that He is but one and that there are three divine Persons, Father, Son and Holy Ghost; that God is the maker of the world, and that He will reward everyone according to his deeds. One should know about Christ, that He is the Son of God and God Himself; that He was miraculously born of the Blessed Virgin Mary; that He suffered and died for our salvation; that He rose from the dead and by His own power ascended into glory and will come again after the general resurrection to judge all. One should know about the Church, that it is the one true Church founded by Christ, in which are found the communication of spiritual goods and the forgiveness of sins.

(b) The Decalogue.—One should know the general meaning of the Commandments so as to be able to regulate one's own conduct by them. It is not necessary that a child should know all the kinds of crimes and vices that are forbidden by the Commandments. In fact, it is better for such not to know much about evil. Nor is it required that a layman should know how to make correct applications of the Commandments to complicated situations that require much previous study.

(c) The Virtues.—One should know enough to be able to apply to one's own life, for ordinary cases, what a virtuous life demands. It is not necessary that a child should know the requirements of prudence as well as an experienced person, or that a layman should be able to settle doubts of

conscience as well as a priest. But each should know enough to fulfill what is required of one of his age and condition. Both old and young should know in substance the acts of faith, hope, charity and contrition; for to these all are bound. The young should know the laws of the Church that apply to them (e.g., the law of abstinence); the older people should understand the law of fasting which they are bound to observe, etc.

(d) The Sacraments.—One should know substantially the doctrine of the Sacraments that are necessary for all, namely, Baptism, Penance and the Eucharist. Since all the faithful have the duty of baptizing in case of necessity, all should know how to administer lay Baptism properly and fruitfully. When the time comes for receiving a Sacrament, the recipient should know enough to receive it validly, licitly, and devoutly, although less knowledge is required in children and in the dying who cannot be fully instructed (see Canons 752, 854, 1330, 1331, 1020).

(e) Special Duties.—One should know the essentials of one's condition or state of life and the right way to perform its ordinary duties. Children should understand the obligations of pupils and of subjects; the married, religious and priests should know the duties of their respective states; citizens, the loyalty owed to the community; officials, judges, lawyers, physicians, teachers, etc., the responsibilities to the public which their own professions imply.

(f) The Lord's Prayer.—The substance of this form of prayer should be known by all, namely, that God is to be glorified, and that we should ask of Him with confidence goods of soul and body and deliverance from evil. Though Christ is the only necessary Mediator (I Tim., ii. 5), it is most suitable that all should know substantially the Hail Mary, namely, that we should ask the intercession of her who is the Mother of God and our Mother (John, xix, 27).

921. Is a person guilty of sin who does not know what to do in some manner that pertains to his state of life? (a) If he is blamably ignorant of the nature of a state he has undertaken or of the ordinary duties that it imposes, he is guilty of sin; for he is, in a sense, unjust to himself by obligating himself to what he does not understand, and to others by promising what he cannot fulfill. Examples: A young person who marries without understanding the meaning of the contract, or becomes a religious without

knowing the meaning of the vows, would be ignorant of the nature of the state embraced. A priest occupied in the ministry, who does not know how to administer the Sacraments validly, how to explain the Gospels correctly, how to judge usual cases in confession rightly, etc., would be ignorant of the ordinary duties of his office. A ruler who habitually acts beyond his authority, a lawyer who regularly gives wrong advice, and a teacher who makes mistakes in the elements of his specialty, would also be ignorant of their ordinary duties.

(b) If a person understands the nature of his state and his everyday duties, but is ignorant of recondite points or extraordinary cases, he is not guilty; otherwise, no one could undertake with a safe conscience the office of pastor, physician, judge, etc.; for, even when a person has devoted a lifetime to a calling, he has to admit that he finds difficulties or problems that he cannot solve offhand. Example: Father Titus gave an incorrect solution about a case of restitution, because he had to express an opinion at once, and there were so many angles and circumstances that some of them were overlooked.

922. The means appointed by the Church for the retention of knowledge in matters of faith are:

(a) For the Laity.—The course of Christian doctrine should not be discontinued with the parochial school or Sunday school, but should be continued in the higher schools (Canon 1373). Moreover, for adults catechetical instruction is given on Sundays and feast days (Canon 1332), and the people are exhorted to attend sermons on matters of faith and morals that are preached at parochial Masses (Canons 1337-1348).

(b) For the Clergy.—The clergy are admonished not to give up study after ordination (Canon 129), and the law requires that the junior clergy should take examinations annually during the first three or five years after ordination to the priesthood (Canons 130, 590), and that all the clergy should take part in theological conferences several times a year (Canon 131).

923. What has been learned by heart is more easily retained in the memory, and hence the common practice of committing the Catechism to memory is to be recommended. Some believe that it is obligatory to memorize the Creed and other points mentioned above (see 920); but this is

unlikely, since even the form of the Decalogue and of the Lord's Prayer is not identical in different parts of scripture. In the early centuries the catechumens were obliged to learn the Creed and the Lord's Prayer by heart before Baptism, but there is no general law that requires this at the present time.

(a) According to positive law, one is not obliged to memorize the words and order of the Creed and other formulas, and it may be considered an indication that a person has retained sufficiently what was learned, if he is able to reply correctly to questions put to him (e.g., to explain the first article of the Creed by stating the direct and simple signification of its terms, and so on with the rest).

(b) According to natural law, one is obliged to learn by rote the formulas of faith, if this is possible and there is danger of spiritual detriment when it is not done. There is hardly anyone who cannot by practice commit to memory the Our Father, the Apostles' Creed, and short forms of acts of faith, hope, charity, and contrition; and, if none of them is thus known, it is practically certain that the grave duty of prayer will be neglected. Hence, it seems that there is a serious obligation of memorizing at least the Our Father. Feeble-minded persons are not obliged to memorize, or even to know, the truths of faith, if they are incapable.

924. Confessors should examine in religion penitents who show signs of ignorance (e.g., in the manner of making their confession), and should grant or deny absolution according to the case.

(a) If the ignorance is about the truths that are necessary as a means of justification (see 790), the penitents should be dealt with as explained in 792.

(b) If the ignorance is about the truths that are necessary because commanded and there is urgent need of absolution (e.g., on account of mortal sin committed), the penitent may be absolved, if he is truly contrite and promises to repair his negligence by studying his religion, attending Sunday school, instructions, etc.

(c) If the ignorance is about the truths necessary because commanded, and there is no urgent necessity of absolution, the penitents may be sent away without absolution. Thus, children who have no serious sins to

confess and who do not know how to say the act of contrition or other prayers, or who cannot answer simple questions of the Catechism, should be sent away with a blessing and told to study these things and return when they know them better.

925. The Commandment of Internal Acts of Faith.—The second commandment of faith mentioned above (see 913) is both negative and affirmative. (a) As negative, it forbids at any time disbelief or doubt concerning that which God proposes for faith. This aspect has been treated above in discussing the sins against faith (see 813 sqq., 840 sqq.). (b) As affirmative, it commands that one at certain times should give assent to the truths revealed by God. This aspect of the commandment will be considered now.

926. The existence of the command that one should elicit a positive act of assent to divine truth is taught in both Testaments. (a) In the Old Testament, implicit faith in all scripture was required; for lawgivers, prophets, and inspired writers spoke as delivering a message from God. Moreover, explicit faith in God and His Providence was commanded (see 788). (b) In the New Testament, implicit faith in all revealed doctrine is required, whether delivered in writing or as tradition (II Thess., ii. 15). Moreover, there is a command of explicit faith in the Gospel: “This is His commandment that we should believe in the name of His Son, Jesus Christ, and love one another, as He hath given commandment unto us” (I John, iii. 23).

927. This commandment obliges adults under grave sin as to all revealed truths. (a) The primary truths of revelation, truths of faith and morals to which all are commanded to give assent (i.e., to believe explicitly), are so important that those who refuse to believe them merit condemnation (Mark, xvi. 16). (b) The secondary truths of revelation—i.e., those that were made known by God, not for their own sake, but on account of their relation to the primary truths (e.g., the names of the patriarchs, the size of Saul, the complexion of David and thousands of similar facts)—need not be known by all, for that is impossible. But all are seriously obliged to believe that everything contained in the Word of God is true, and to be ready to give assent even to the truths that are not known. Hence, the minor truths of revelation must be believed under pain of grave sin—implicitly, if they are not known, explicitly, when they become known.

928. The obligation of explicit faith in the primary truths or articles of faith is not grave with reference to every detail contained in those truths. (a) Some details, on account of their difficulty, oblige to explicit faith only under venial sin. Such are (in the Creed) the descent into Limbo, the procession of the Holy Ghost, the mode of the Communion of Saints. (b) Other details, on account of less importance, do not oblige to explicit faith under any sin. Such are the facts that it was Pilate under whom Christ suffered, that it was the third day when Christ rose from the dead.

929. An affirmative commandment “obliges at all times, but not for all times” (see 371). Hence, the question: How often or when must one give internal assent to the teachings of faith, in order to fulfill the law? Before answering this question, let us distinguish three kinds of laws that may oblige one to an act of faith: (a) the divine law expressly prescribing an act of faith; (b) the divine law prescribing an act of some other virtue, which presupposes an act of faith; (c) human law prescribing something that at least presupposes or includes an act of faith.

930. The divine law expressly prescribing an act of faith (about which we spoke in 925), obliges in the following cases: (a) at the time when the commandment is first presented to one, and one recognizes its obligation: “Preach the Gospel to every creature. He that believeth and is baptized shall be saved; he that believeth not shall be condemned” (Mark, xvi. 16); (b) it also obliges at other times during life; for “the just man liveth by faith” (Rom, i. 17). The Church has rejected the Jansenistic teaching that an act of faith once in a lifetime suffices (see Denzinger-Banwart, nn. 1101, 1167, 1215).

931. The commandment of internal belief is brought before one for the first time, either of one’s whole life or for the first time after loss of faith, as follows:

(a) It is brought before a person for the first time in his life, when he first hears the truths of faith, or first realizes his duty of accepting them. Examples: A Catholic child who has just reached the age of reason and has been told in Sunday school that he must believe the Creed and other truths he has been taught; an adult Catholic who hears for the first time of transubstantiation, or of some other dogma just defined by the Church; a non-Catholic who has just perceived the truth of the Catholic Church.

(b) The commandment of internal belief is brought before one for the first time after loss of faith, as soon as the duty of returning to belief occurs to the mind.

932. Does this commandment require that, as soon as the obligation of faith dawns on one, one is obliged without an instant's delay to make a formal and explicit act of faith?

(a) As regards children, on account of the imperfection of their understanding, it can easily happen that they do not perceive that the obligation binds them there and then, or that it binds under sin, and thus some time may elapse after the use of reason, or after knowledge of the command of faith, before the omission of the act of belief would become a sin. Practically every child of Catholic education complies with the command when, having learned the truths that must be known, he says devoutly the act of faith, either in his own words or according to the form given in the Catechism.

(b) As regards adults, while the entrance of converts into the Church admits of some delay for necessary preparation, the act of faith itself should not be postponed for an instant, once the necessity of making it is perceived as certain.

933. As to its frequency or the times when the act of faith should be renewed, there are various opinions, but in actual life the question presents no difficulty.

(a) As to theory, the theologians are divided, some holding that the act of faith should be made at least once a year, others holding for once a month, still others for all Sundays and holydays. There is no solid support for any of these opinions, and it seems that the time and frequency of acts of faith are not determined by divine law.

(b) As to practice, the theologians agree that one who fulfills the usual religious duties of a Catholic, has also fulfilled the command to renew the act of faith. Thus, those who attend Mass and receive the Sacraments, as the law of the Church prescribes, make acts of faith in doing so, which satisfy the divine law of faith.

934. Those who omit to make an act of faith in time of temptation against faith, are also guilty of sin, if the omission is through sinful neglect.

(a) If the act of faith is the only means by which the temptation can be overcome (a rare contingency, outside the danger of death), one is of course gravely bound to elicit the act. The sin committed by one who would neglect the act of faith in such a circumstance is by some considered as opposed to the negative command, that one do not dissent; by others as opposed to the affirmative command, that one assent to faith. Example: Caius is very much tempted to blasphemy, and finds that the best remedy is an act of faith in the Majesty of God.

(b) If the act of faith would be harmful, as prolonging or intensifying the temptation (a thing that is not infrequent), it is better to struggle against the temptation indirectly by turning the attention to other matters (see 257, 844).

935. Other cases in which one is obliged to make an internal act of faith are as follows:

(a) By reason of a divine commandment of some virtue other than faith, it is sometimes necessary to make an act of faith also. Examples: When a sinner is preparing himself for the state of grace, of which faith is the prerequisite; when one is tempted against hope, justice, etc., and needs to call on faith to resist the tempter; when one is near to death and must make an act of charity in preparing to meet God. In these cases there are divine precepts of repentance, hope, justice, charity, and virtually of faith, which is presupposed.

(b) One must at times make an internal act of faith by reason of a human commandment enjoining some external act or virtue which supposes faith. Examples: The command to swear on the Bible, or by some mystery of religion, supposes an act of faith. The commands to receive Communion at Easter (Canon 859), to make meditation and spiritual retreats (Canons 125, 126, 595, 1001), to apply the intention of Mass (Canons 339, Sec. 1, 466, Sec. 1), all include virtually the command of an act of faith, for the things required (Communion, retreat, Mass) cannot be rightly performed without such an act.

936. The act of faith is either formal or virtual, according as it is made in itself, or in the act of another virtue that supposes it.

(a) The act of faith is formal, when one mentally accepts the truths of revelation on account of divine authority, even though one does not express the assent in words or according to any set formula. This kind of act of faith is necessary when one passes from non-belief or unbelief to belief, for none of the acts prior to faith contains supernatural assent to revelation. Hence, the commandment of faith requires in children or in converts from unbelief a formal act.

(b) The act of faith is virtual, when one elicits the act of some other supernatural virtue without thinking expressly about faith; for faith is presupposed by all other supernatural virtues, since one cannot wish what one does not believe. Thus, the acts of hope, charity, and contrition are virtually acts of faith. It seems that commandments of other virtues and of the renewal of faith itself do not require that one make a formal act of faith, although of course this would be the better thing to do. Thus, to fulfill the Easter precept of yearly Confession and Communion well, it is not required that one make a formal act of faith before Confession, since faith is included in the act of contrition. It is not necessary, then, that the penitent should say: "I believe in the forgiveness of sins, etc.," for in his purpose to receive forgiveness he makes a virtual act of faith in the tenth article of the Creed and in the Sacrament of Penance, as well as in the other mysteries of faith.

937. Practically, there is no difficulty for confessors about the violation of the commandment regarding internal acts of faith.

(a) If penitents are instructed and practical Catholics, they have made at some time a formal act of faith, even though they do not remember the time, for the act of faith precedes the acts of other virtues they are exercising. True, this act of faith may not have been made as soon as the age of reason was attained or the duty of faith perceived, but invincible ignorance excuses those who were in good faith about the matter. Regularity in prayer and other duties is an index that the act of faith is being renewed in such a way as to comply with the commandment. Hence, there is no necessity of questioning this class of penitents about the act of faith.

(b) If penitents are very ignorant Catholics (e.g., young children), it is clear that they have not made an act of faith as they should, for no one believes what he does not know. They should, therefore, be instructed that it

is their duty to acquire more knowledge, and to make an act of faith along with their other prayers. Regarding absolution, see 924.

(c) If penitents are instructed but not practical, the confession that they have neglected prayer, Mass, and the Sacraments, means that they have also neglected the command of making acts of faith. It is not necessary, therefore, that the confessor interrogate or instruct them about this command, and he may absolve them, if they are resolved to amend. It is well, however, to recommend daily acts of faith, hope, charity and contrition to careless Catholics, especially to those who cannot attend Mass or receive the Sacraments often.

938. The Commandment of External Profession of Faith.—The third commandment of faith given above (see 913) is both negative and affirmative: (a) as negative, it forbids denial of the faith or profession of error opposed to faith; (b) as affirmative, it commands that one make open profession of one's faith.

939. The existence of a prohibition against denial of the faith or profession of error is taught in scripture and the sinfulness of such denial is clear from its nature. (a) "He that shall deny Me before men, I will also deny him before My Father who is in Heaven" (Matt., x. 33). Denial of Christ is a grievous sin, for it entails denial by Christ. (b) He who denies the faith is a heretic or infidel, if he means what he says; he lies, if he does not mean what he says, and his lie is a grave injury to God, whose truth is called into question, and against the neighbor, who is scandalized.

940. With reference to its voluntariness, denial of faith is either direct or indirect. (a) It is direct, when one intends to deny the faith; (b) it is indirect, when one does not intend to deny the faith, but wills to use words, acts, etc., which either from their signification or use, or from the meaning that will or may be given them by others, will in the circumstances express a denial of the faith. Examples: A convert from paganism conceals a crucifix in the idol of a temple and then joins the pagans in their customary bows of reverence, while intending only adoration to Christ crucified and detesting the idol. Titus takes off his hat when passing any church, as a mark of respect for the good they do. Balbus, a convert from Nestorianism, recites the names of Nestorius and Dioscurus at Mass, intending only to honor the patron Saints of those two heresiarchs.

941. There are three ways of denying the faith: (a) by words, spoken or written, as when one says: “I am not a Catholic,” “I do not believe in miracles”; (b) by acts, as when one dissuades persons of good faith from entering the Church, or moves them to abandon it, or refuses to genuflect before the Blessed Sacrament, or studiously excludes scapulars, pictures and all religious symbols; (c) by omission, as when one fails to answer calumnies against faith, which one could profitably answer, or fails to protest when another speaks of oneself as a non-Catholic.

942. There are various ways in which error opposed to faith is professed: (a) by words, as when one says that one is a freethinker or Christian Scientist; (b) by acts, as when one offers incense to an idol, or receives the Lord’s Supper in a Lutheran church, or cheers an anti-religious address; (c) by signs, as when one uses the Masonic grip, wears the robes of a Buddhist bonze, takes a Mohammedan or pagan name, etc., in order to pass oneself off as a non-Catholic; (d) by omission, as when one is silent when introduced as a Rationalist, or makes no protest when Indifferentism is being advocated by one’s companions.

943. The following are not a denial of faith or profession of error:

(a) Words that deny, not one’s allegiance to religion, but one’s acceptance of it as qualified by some calumnious designation. Examples: Titus denies that he is a “Papist,” because he wishes his questioner to use a term that is not intended to be an insult. Balbus, entering a pagan region where the name Christian has the meaning of criminal or enemy on account of crimes committed there by white men in past times, says to the tribesmen that he is not a Christian, but a follower of Jesus and a Catholic.

(b) Words that conceal one’s rank or state in the Church, are not against faith, because one can hold the faith without being in a certain rank or state in the Church, Thus, St. Peter’s denial that he was a follower of Jesus, that he had ever known Him, etc., was, according to some authorities, not a denial of the Divinity of Jesus or of the truth of His teaching. Example: A Catholic who hides or denies his character of priest or religious, his membership in a Catholic family, organization, race, does not thereby necessarily deny his faith.

(c) Deeds that are contrary to practices of religion, but not to the profession of faith, are not denial of belief; for one may be very much

attached to one's religion, even ready to fight for it, but not willing to follow its requirements. Example: Caius is careless about church duties, misses Mass, eats meat on Fridays, and never goes to the Sacraments; but he always calls himself a Catholic and wishes to be considered one.

(d) Signs that have some association with non-Catholic religion, but do not necessarily represent it (since they are indifferent in themselves and have other and legitimate uses), do not deny the faith, when not used as symbols of false religion. Similarly, the omission of signs that are associated with Catholicity, but which are optional, is not a denial of the faith. Examples: Titus, when travelling in the Orient, makes use of the national salutation of the pagan peoples among whom he lives. Balbus builds a church with architectural features borrowed from pagan temples. Caius wears a fez or turban in Mohammedan regions where it is not looked on as a religious headgear. Sempronius practises circumcision as a hygienic measure. Claudius does not say grace at meals when dining in public, and does not wear scapulars when bathing at the seashore.

(e) Omission of profession of faith, when it is not obligatory, is not a denial of faith; for no one is bound to make known his affairs and convictions to every acquaintance. Example: Titus works in an office where most of the clerks are non-Catholics. But no one ever speaks about religion, and hence it is not known that he is a Catholic.

944. Dangers of Profession of Unbelief.—The principal dangers of making external profession of false religion, if not of losing faith itself, are the following: (a) membership in forbidden societies; (b) communication in sectarian services; (c) cooperation in activities whose tendency or principles are erroneous.

945. Forbidden Societies.—Societies are forbidden by the Church when they are intrinsically or extrinsically evil. (a) A society is intrinsically evil, when it has an evil purpose, or uses evil means to obtain even an honest end. Thus, societies or parties that conspire against Church or State, or that seek to undermine Christian doctrines or morals, have an evil purpose; while those that demand absolute secrecy or oaths of blind obedience to unknown persons, that favor cremation, use a sectarian ritual, promote evil literature, etc., are employing evil means, no matter what may be the end in view. (b) A society is extrinsically evil, when its end and means are good,

but membership in it is dangerous to faith or morals on account of circumstances (e.g., on account of the bad type of individuals who make up the society or control it).

946. The Code (Canon 684) mentions the following kinds of societies as banned for Catholics:

(a) secret societies, that is, those which demand of members that certain things which the society considers secrets be told absolutely to no one outside the society, or certain degrees of the society, not even to those who may legitimately inquire about them, such as the bishop or civil superior in the external forum, parents with regard to their children not emancipated, pastors and confessors in the internal forum. Those societies are also secret which demand blind and absolute obedience to unknown leaders;

(b) condemned societies, that is, such as have been censured by the Church, or simply forbidden. Canon 2335 decrees ipso facto excommunication reserved to the Holy See against all those who join Masonic or similar associations which plot against the Church or lawful civil authority. Among the societies forbidden without censure are: various Biblical societies, societies for the promotion of cremation, the Knights of Pythias, the Odd Fellows, the Sons of Temperance, the Independent Order of Good Templars, Theosophical societies, the Y.M.C.A. Female societies affiliated with these are also condemned, since they are branches of the main society—for example, the Rebeccas, the Eastern Star, the Pythian Sisters.

Worthy of detailed consideration is the condemnation of the Communist Party and the penalties attached to membership in, or defense, or propagation of the Party. The following questions were asked of the Holy Office:

1. Whether it is licit to join the Communist Party or to favor it.

Reply: In the negative; for Communism is materialistic and anti-Christian; and the leaders of the Communists, although they sometimes verbally profess that they are not attacking religion, in fact, nevertheless, by doctrine and action show themselves to be enemies of God and of the true religion and the Church of Christ.

2. Whether it is licit to publish, propagate, or read books, periodicals, daily papers, or sheets which promote the doctrine or action of Communists, or to write in them.

Reply: In the negative: for they are forbidden *_ipso iure_* (see Canon 1399).

3. Whether the faithful who knowingly and freely do the acts mentioned in 1 and 2 can be admitted to the sacraments.

Reply: In the negative, according to the ordinary principles governing the refusal of the sacraments to those who are not properly disposed.

4. Whether the faithful who profess the materialistic and anti-Christian doctrine of Communists, and especially those who defend or propagate it, incur *_ipso facto_* as apostates from the Catholic faith the excommunication specially reserved to the Holy See.

Reply: In the affirmative (Decree of the Holy Office, July 1, 1949).

The sanction of excommunication specially reserved to the Holy See was imposed also upon those who teach boys and girls in associations set up by the Communists to imbue youth with principles and training which are materialistic and contrary to Christian morality and faith. The associations themselves are subject to the sanctions of the decree of July 1, 1949. Moreover parents or guardians who send their children to such associations, and the children themselves, as long as they have part in these associations, cannot be admitted to the reception of the sacraments (Monitum of the Holy Office, July 28, 1950).

(c) seditious societies, that is, those organizations, even though not secret, which aim at the overthrow of family and property rights;

(d) suspect societies, that is, those whose principles or methods have the appearance of being unsound. On January 11, 1951 the Holy Office in response to the question: "Whether Catholics may join the 'Rotary Club'?" issued the following decree: "It is not licit for clerics to join the Association 'Rotary Club' or to be present at its meetings; the laypeople are to be urged to preserve the prescript of Canon 684." The decree seems to have taken many English-speaking people by surprise, one paper describing it as "a bewildering document." The surprise flowed from personal experience of Rotary Clubs as social clubs dedicated to *bonhomie* and community

improvement. Nevertheless, the decree was in accord with the general trend of Church policy in regard to undenominational societies. They are not approved; they are not condemned as Masonry has been condemned. What is their position? The response that layfolk are to be exhorted to observe Canon 684 is indicative of the attitude of the Church in regard to such societies. The canon instructs them to “beware of secret, condemned, seditious and suspect societies.” Since Rotary Clubs are seldom considered to be secret and never as condemned nor as seditious, the implication is that they are suspect. Such was the interpretation of the decree given in the Osservatore Romano of Jan. 27, 1951.

In regard to clerics, the effect of the decree was to make illicit what was formerly simply inexpedient; for the Sacred Consistory had replied on February 4th, 1929, that it was not expedient for Ordinaries to permit clerics to join Rotary Clubs, or to take part in their meetings. Moreover, as the Osservatore article indicates, the prohibition is limited to meetings of members only and does not extend to meetings at which non-members may be present, provided the purpose of such meetings befits priestly activity.

The exhortation to layfolk in regard to “Rotary” simply reaffirms the Church’s general attitude to all secular associations. As early as November 5, 1920 the Holy Office, referring specifically to Y.M.C.A., warned the Ordinaries that the note of “suspicion” attaches to all secular societies. Their efforts to promote good works and good moral standards independent of religious authority tend to foster the spirit of religious indifferentism and moral naturalism. Both the Spanish hierarchy (1929) and the Dutch hierarchy (1930) have so judged Rotary. However, the degree of suspicion to be attached to each Rotary Club is a question of fact to be determined in specific instances by the proper local Ordinary. Where evidence of suspicion is available, exhortations not to join the clubs must be made; in the lack of such evidence, the ordinaries may maintain discreet silence.

(e) societies that aim to elude the lawful vigilance of religious authority.

947. The following organizations fall under the censure against Masonic societies:

(a) all varieties and degrees of Freemasonry, for all the Masonic sects are included in the Canon. The fact that American, English and Irish Masons have many excellent individuals in their ranks, and lack the irreligious and

revolutionary character of the Masonry of Continental Europe or Latin countries, does not exempt them from the censure.

(b) all organizations similar to Masonry, that is, secret societies that conspire against lawful authority. Such are societies like the Carbonari, the Fenians, anarchists and nihilists.

948. The sin committed by membership in forbidden societies is grave, since the purpose of the law—viz., the safeguarding of faith against serious danger—is itself grave. Such membership is interpreted also as a profession of false religion, when one joins oneself to a body which in its branches or degrees has a false creed of its own. (a) Even though the branch or degree to which one belongs does not require assent to such a creed, membership expresses a fellowship with those who do accept it; (b) similarly, participation in the ritual of the lodges is a communication in ceremonies expressive of false religion; for, though their externals may appear good or even Christian, the internal meaning known to the adepts is anti-Catholic or anti-Christian.

949. Absolution of Those Who Belong to Forbidden Societies.—(a) The sin cannot be absolved unless there is repentance, and hence absolution cannot be granted those who without sufficient reason refuse to withdraw from membership, or who refuse to discontinue participation in false rites.

(b) The excommunication is not incurred by those who joined forbidden societies in ignorance of the law or of the penalty, provided the ignorance was not crass or supine. If the censure was actually incurred, the mode of absolution will depend on the nature of the case: if the case is occult (i.e., if it is not known and not likely to become known that the penitent belonged to a society forbidden under pain of excommunication), the Ordinary may absolve or grant faculties to absolve (Canon 2237); if the case is a public one, and it would be very inconvenient to await faculties from Rome, absolution is given under the condition of recourse to the proper authority within a month (Canon 2254). Many Ordinaries have by Indult faculties to absolve members of secret societies.

950. Nominal membership and temporary attendance at meetings may be permitted as an exception when there are sufficient reasons.

(a) Nominal membership means that one leaves one's name on the roster of the society and continues to pay its assessments, but does not communicate with the society or attend its meetings. In 1896 the Holy Office replied to the American Bishops that this kind of membership in the Odd Fellows, Sons of Temperance and Knights of Pythias might be permitted under certain conditions, if there was a sufficient reason (viz., that grave material loss would be incurred by withdrawal). (b) Temporary attendance at meetings means that for a short time, and not for longer than absolutely necessary, one is present at gatherings of the society, but takes no active part in its false cult.

951. The following conditions were laid down for permission of nominal membership in the Odd Fellows, Sons of Temperance, etc.: (a) that the penitent joined the society in good faith, before knowing that it was condemned; (b) that there be no danger of scandal, or that it be removed by the declaration that membership is only nominal and only for the purpose of avoiding temporal losses; (c) that there be no danger of perversion of the party himself or of his family, in case of sickness or of death, and no danger of a non-Catholic funeral.

952. Procedure of the confessor with a penitent who has incurred excommunication on account of membership in the Masons or other like society should be as follows: (a) the faculty to absolve must be obtained (see 949), (b) the following promises must be exacted from the penitent—that he will withdraw entirely from the sect and that he will repair, as well as he can, the scandal he may have caused; (c) the penitent must be required to renounce the sect, at least in the presence of the confessor, and to deliver over to him the books, manuscripts, insignia, and other objects that are distinctive of it (the confessor should give these objects to the Ordinary as soon as he prudently can, but, if grave reasons prevent this, he should burn them); (d) a salutary penance should be given and frequent confession urged.

953. Procedure of the confessor with a penitent who belongs to the Odd Fellows or other society forbidden by name, but without censure, should be as follows: (a) if the penitent is contrite and promises to leave the society, he can be absolved without special faculties; (b) if the penitent is contrite but wishes to retain nominal membership, the case must be referred to the Archbishop of the Province or to the Apostolic Delegate; (c) if the penitent

wishes to retain full membership, he is not repentant and cannot be absolved.

954. Procedure of the confessor with a penitent who belongs to a society not condemned by name, but which the confessor himself regards as evil should be as follows: (a) if the confessor is certain that the society is one of those condemned implicitly by the Church, because it exacts inviolable secrecy or blind obedience to its leaders, or has Masonic characteristics, etc., he should treat it in the same way as the societies condemned by name; (b) if the confessor is certain that the society is condemned by natural law for the penitent before him (e.g., on account of the evil associates and moral dangers it contains), he should treat it as any other occasion of sin, but it should be noted that no priest or local Ordinary has authority to condemn publicly and by name any society not condemned by the Church; (c) if the confessor is in doubt, he should proceed according to the rules for an uncertain conscience (see 678, 679, 742), and for the prudent administration of the Sacraments (see Vol. II).

955. As one of the chief remedies against evil societies is the formation of Catholic societies, the Code (Canon 684) praises those of the faithful who enroll as members in associations established or recommended by the Church. Catholic societies distinct from religious Orders or Congregations are of two kinds.

(a) Distinctly religious societies are those instituted for the purpose of promoting a more Christian life among their members, or of fostering works of piety and charity, or of contributing to the solemnity of public worship. Such are the Secular Third Orders, Confraternities of the Blessed Sacrament and of Christian Doctrine, and other pious unions.

(b) Societies that are not distinctly religious, but whose membership and spirit are Catholic, are of many kinds. Such are the Knights of Columbus, Ancient Order of Hibernians, Catholic Daughters of America, Volksverein, Young Men's Institute, etc.

956. Communication in Worship.—Communication with non-Catholics (as was said above in 882) is either religious or non-religious. It is clear that communication in non-religious matters does not contain a profession of error, but the same cannot be said of communication in religious services, since these are not only acts of worship, but also expressions of faith in the

creed of a certain religion. We must distinguish, however, between private and public communication.

(a) Communication is private, when a Catholic and non-Catholic offer together the Lord's Prayer or other similar prayer as a private devotion, not as an act of official worship. Private devotion is not the expression of a sectarian creed, and, if there is nothing false in it and no danger of scandal or perversion from communication between Catholic and non-Catholic in such devotion, this kind of communication is not unlawful. In the following paragraphs there will be question of public communication.

(b) Communication is public, when the rites performed are the official services of the Catholic Church or of some non-Catholic sect (e.g., the Mass, the Lord's Supper of the Lutherans, the Evensong of the Anglicans, the prayer-meeting of other sects). Thus, public communication takes place either when non-Catholics take part in Catholic worship, or Catholics take part in non-Catholic worship.

957. Participation of non-Catholics in Catholic services is either by mere presence, or by reception or performance of Catholic rites.

(a) Mere presence consists in a purely material attendance at a service, as when non-Catholics assist at Mass and sit, rise and kneel with the congregation or remain seated throughout. There is no objection whatever to this kind of participation; on the contrary, non-Catholics should be invited to Catholic sermons and services, and made to feel welcome, for in what better way can the divine command of working for their conversion be complied with? Only excommunicated persons are excluded from the offices of the Church (Canon 2269, Sec.1). It is also allowed that Catholic bishops and clergy accompany a non-Catholic ruler to the church, and assign him and his escort an honorable place therein.

(b) Reception of Catholic rites is had when non-Catholics, without performing any liturgical function, receive some spiritual favor through the rites of the Church, as when a non-Catholic receives a priest's blessing.

(c) Performance of Catholic rites exists when a non-Catholic exercises some office in a liturgical function of the Catholic Church, as when a Protestant acts as sponsor at a Catholic Baptism.

958. Cases of reception of Catholic rites by non-Catholics permitted by law are the following:

(a) Reception of Sacramentals.—Since the purpose of these rites and objects is to implore graces and temporal favors with a view to the illumination and salvation of the recipient, and since our Lord Himself blessed and cured even the pagans, the Church permits blessings and exorcisms to be conferred on non-Catholics (Canons 1149, 1152). Similarly, blessed candles, palms, ashes and other real sacramentals may be given to them. Examples: The Church has permitted priests to visit the homes of Mohammedans to bless and pray over the sick, and also to bless the houses of schismatics, provided they were summoned and avoided all communication in prayer.

(b) Reception of Sacraments.—Since it is possible that the salvation of a dying person may depend on absolution, good moralists, relying on decisions of Roman Congregations, hold that conditional absolution may be given to a heretic or schismatic who is dying and unconscious, or even to one such who is dying and conscious, provided he is in good faith and contrite, and danger of scandal has been removed.

(c) Reception of Fruits of the Mass.—Since Christ died for all, there is nothing in the nature of things to prevent the application of Mass to any persons who are living or in Purgatory; and from Canon 809 it appears that Mass may be offered for any living person, and also for any deceased person about whose salvation we may entertain hope. Hence, neither the divine nor the ecclesiastical law forbids the application of Mass for heretics, schismatics, or infidels. The Church also permits Mass to be said privately, all scandal removed, for excommunicated persons. Under these same conditions, then, Mass may be said for non-Catholics, both living and dead (Canon 2262, Sec.2, n. 2).

(d) Reception of the Suffrages of the Church.—Since God wishes all to be saved and public peace to be maintained (I Tim., ii), and since the Church desires that Ordinaries and pastors should have at heart the conversion of non-Catholics (Canon 1350), public prayers for the prosperity of non-Catholic rulers and officials—likewise sermons, missions and other works for the conversion of unbelievers—are not only allowed, but recommended and required.

959. Non-Catholics have not the same right as Catholics to receive the rites of the Church, and hence when they are admitted to them, there are certain restrictions to be observed.

(a) Restrictions as to Sacred Things.—As admission of non-Catholics to sacramentals, etc., is a favor, not a right, it should be confined to cases allowed by the Church. Thus, it is forbidden to grant indulgences or to give the nuptial blessing to non-Catholics, and only in very exceptional cases may any ceremonies be permitted at mixed marriages (Canons 1102, 1109). Non-Catholics may not receive the Pax; may not be invited to take part in the solemn services of receiving ashes on Ash Wednesday, palms on Palm Sunday and candles on Candlemas Day; may not receive ecclesiastical burial (Holy Office, June 8, 1859). Children sent by their parents to non-Catholic services may not be confirmed (Holy Office, August 28, 1780); a Catholic priest is not allowed to supply for a non-Catholic minister, by accompanying the body of a non-Catholic from the home to the graveyard, even though the body be not brought to Church, nor the bell tolled (Holy Office, January 26, 1886). It is not permissible to lend a Catholic church to non-Catholics for their services.

(b) Restrictions as to Persons.—As superstition and irreverence have to be avoided, the sacramentals may not be administered or given at all to non-Catholics about whose good faith and purpose there is doubt.

(c) Restrictions as to Mode.—The Church, while she wishes to help and benefit non-Catholics, must avoid anything that would cause scandal or have the appearance of equal recognition of believers and unbelievers. Thus, when Mass is offered for outsiders, the same publicity and pomp is not permitted as when there is question of Catholics.

960. As regards the performance of Catholic rites by non-Catholics, the Church disapproves of every kind of such participation, but does not refuse to tolerate the more remote kind, when there is grave necessity and no scandal is caused.

(a) By more remote participation we understand such as scarcely differs from passive assistance (e.g., to act as witness at a marriage), or such as carries with it no recognition as an official of the Church (e.g., to act as substitute or temporary organist). Hence, the Church has permitted this kind of participation in particular cases, when the authorities decided that there

was urgent necessity and no scandal. Examples: Moralists hold that, when a heretic or schismatic has been designated as sponsor at Baptism and cannot be refused without grave offense, he may be allowed to act as witness. The Holy Office has also declared that heretics should not be used as witnesses at marriage, but may be tolerated as such by the Ordinary, when there is a grave reason and no scandal (August 18, 1891); that a non-Catholic organist may be employed temporarily, if it is impossible to secure one who is a Catholic, and no scandal is caused (February 23, 1820); that in certain special circumstances girls belonging to a schismatical sect might be allowed to sing with the Catholics at church functions, especially at Exposition and Benediction of the Blessed Sacrament (January 25, 1906).

(b) Proximate participation is the exercise of functions connected with a sacred rite (e.g., to act as server at Mass), or that imply a recognition of the religion of the one who participates (e.g., to act as representative of some sect at a funeral and receive liturgical honors). The Church has always refused to tolerate this kind of participation. Examples: Non-Catholics may not act as sponsors at Baptism or Confirmation under pain of invalidity of sponsorship (Canons 765, 795), nor chant the Office in choir (Holy Office, June 8, 1859), nor be employed as singers of the liturgical music (Holy Office, May 1, 1889), nor carry torches or lights in church ceremonies (Holy Office, November 20, 1850). Likewise, non-Catholics may not become members of Catholic confraternities, nor assist at Catholic services as official representatives of some sect or sectarian society.

961. Participation of Catholics in non-Catholic services may happen today in so many ways, and it is so difficult at times to draw the line between lawful and unlawful communication, that it is well before considering these cases to state the general rules that apply here.

(a) It is lawful to perform an act from which two effects follow, one good and the other bad, if the act in itself is good or indifferent, if there is a sufficiently grave reason for performing it, if the evil effect is not intended, and if the evil effect be not prior to the good effect (see 104).

(b) Circumstances vary in different localities and countries, and communication that would signify unity of belief in a place where Catholics and non-Catholics are very unequal numerically might be very harmless in

a place where there is no great numerical difference. Offense to non-Catholics should not be given needlessly.

(c) In doubtful cases the decision whether or not a particular kind of communication is lawful or unlawful pertains to the Ordinary (Canon 1258).

962. Participation of Catholics in non-Catholic services is either active or passive. (a) Participation is active when one takes a part or fulfills some function in an act that is an official expression of the worship and belief of a sect, even though this takes place outside a church, or is not open to the general public.

(b) Participation is passive, if one merely assists as a spectator, and not as a worshipper, at something pertaining to non-Catholic worship.

963. Sacred things in which communication is possible are of three classes:

(a) the chief acts of divine worship (i.e., Sacrifices, Sacraments, sacramentals);

(b) the secondary acts of divine worship (such as prayers, processions, vows, oaths, the Divine Office, hymn singing, scripture reading, etc.). In the Protestant denominations some one or other of these is, as a rule, the central or distinctive service, although some have other proper features of their own, such as the silent meeting of the Quakers, the seance of the Spiritualists, the march of the Salvation Army, the charity kiss of the Dunkards;

(c) places (e.g., churches, lodge rooms, cemeteries), times (e.g., days of feast or fast), and objects (e.g., images, badges, aprons, banners, robes), pertaining to divine worship.

964. It is unlawful for Catholics in any way to assist actively at or take part in the worship of non-Catholics (Canon 1258). Such assistance is intrinsically and gravely evil; for (a) if the worship is non-Catholic in its form (e.g., Mohammedan ablutions, the Jewish paschal meal, revivalistic "hitting the trail," the right hand of fellowship, etc.), it expresses a belief in the false creed symbolized; (b) if the worship is Catholic in form, but is under the auspices of a non-Catholic body (e.g., Baptism as administered by a Protestant minister, or Mass as celebrated by a schismatical priest), it

expresses either faith in a false religious body or rebellion against the true Church.

965. It is unlawful for Catholics to simulate active assistance in the worship of non-Catholics, for, while the non-Catholic rite would be avoided, something which appeared to be that rite would be done, and thus profession of faith in it would be given.

(a) Hence, it is not lawful to do an indifferent act which bystanders from the circumstances will have to conclude is an act of false worship. Thus, Eleazar would not eat lawful meat which was put before him in order that he might pretend to eat the meat of sacrifice after the manner of the heathen (II Mach., vi).

(b) It is not lawful to accept a false certificate of participation in false worship. Hence, the early Church condemned as apostates the Libellatics (i.e., those Christians, who, to protect themselves in time of persecution, obtained by bribery or otherwise a forged or genuine magistrate's certificate that they had sacrificed to the heathen gods).

966. It is unlawful for Catholics to assist passively at non-Catholic worship, unless there are present the conditions requisite for performing an act that has two results, one good and the other evil (see 104); for even passive assistance frequently involves sin.

(a) Hence, the assistance itself must be really indifferent, that is, it must be a merely passive presence without any active participation in the service. Examples: A person who stands in the rear of a Quaker meeting house as an onlooker assists passively; but one who sits quietly among the others present, as if in meditation, assists actively. A person who sits in a pew during a revival in order to see what is going on, assists passively; but, if he joins with the congregation in bowing, groaning, etc., he assists actively.

(b) The evil effect that may result from assistance (such as scandal and danger of perversion) must not be prior to the good effect; otherwise, evil would be done for the sake of good. Examples: Titus, a non-Catholic, goes to Mass as a spectator, with his Catholic friend Balbus. He then asks Balbus to assist as a spectator at the services of his denomination, and thus see for himself that the latter is better. Balbus, in order to be courteous, consents. Here Balbus aims to show politeness, which is good, but the means he uses

—namely, the impression he gives that he is not convinced of the superiority of his own religion—is bad.

(c) The evil effect (i.e., remote danger of perversion, unavoidable scandal) must not be intended or approved, but only permitted. Example: Caius, a Catholic public official, has to attend funerals and weddings in Protestant churches as a mark of the public respect for notable persons. He knows that a few will take scandal at his action, but he wishes only to do his duty as an official, and not to offend anyone (see on Scandal).

(d) The cause of assistance must be in proportion to the kind of assistance. Hence, a greater reason is required for assistance on several occasions than on one, for assistance at infidel than at heretical services, for assistance at the primary than at the secondary act of worship, for assistance by a priest than for assistance by a layman, etc. Example: Graver reason would be necessary to justify assistance at a non-Catholic funeral, if there were signs of anti-Catholicism manifested (e.g., flower designs and regalia of a hostile sect placed on the coffin), than if the service contained nothing offensive.

967. Cases of communication in false sacrificial rites are as follows: (a) Active participation is had in such acts as the slaying and offering of victims, the burning of incense before idols, the eating of sacrificial banquets; (b) Passive participation is had when one merely watches the rite of sacrifice without taking any part therein.

968. Cases of communication in the Sacrifice of the Mass are as follows: (a) Active participation is had in such acts as taking the part of deacon in a schismatical Mass, assisting at a schismatical Mass with the intention of hearing Mass formally (i.e., of offering it with the priest). If on Sunday, one is where there is only a schismatical church, one is excused from the obligation of hearing Mass, and may not hear Mass in that church (Holy Office, December 5, 1608; August 7, 1704). (b) Passive participation is had when one is present merely as a spectator, kneeling before the Blessed Sacrament, but giving no other signs of religious devotion. This is permissible under the conditions mentioned above (see 966), if there is no scandal, or danger of perversion (Holy Office, April 24, 1894).

969. Cases of participation in the Sacraments or sacramentals, real or reputed, are as follows: (a) Active participation takes place when one

receives a Sacrament from a non-Catholic minister, or offers one's child to receive a Sacrament from such a minister, or contracts marriage in the presence of such a minister, or acts as sponsor at a non-Catholic baptism or confirmation or as the religious witness at a non-Catholic marriage, or answers in public non-Catholic prayers, or takes ashes blessed by schismatics. (b) Passive participation is had when one merely looks on at the administration of a Sacrament or sacramental by a non-Catholic minister, without signs of approval or union in what is being done.

970. There are certain cases that seem to be active participations in Sacraments with non-Catholics, and yet are permitted by the Code. In reality, however, there is no active communication in those cases.

(a) Canons 886 and 905 allow the faithful to receive communion and absolution according to a Rite different from their own, so that one who belongs to the Latin Rite may lawfully receive in Communion a Host consecrated according to the Greek Rite, or go to confession to an Oriental priest. But in these Canons there is question of different Rites within the Catholic Church, not of those of non-Catholics.

(b) Canons 742 and 882 allow those who are in danger of death to receive Baptism and absolution from an heretical or schismatical minister, and theologians apply the same principle to Extreme Unction and the Viaticum. But there is no communication in non-Catholic ceremonies in these cases, for the Sacraments belong to the Catholic Church, and for the sake of the dying she authorizes non-Catholic ministers to act as her representatives, provided there is no scandal or danger of perversion.

971. Cases of participation in non-sacramental rites are as follows:

(a) Oaths and Vows.—Participation is active when one swears in words or by other signs which, according to local usage, manifest belief in the creed of some sect; it is not active, when the manner of the oath does not signify adherence to a false creed; Example: If one is required to swear, by touching or kissing the non-Catholic Bible, as a sign of approval of Protestantism or Masonry, one may not consent. But, if the Government presents a non-Catholic Bible with no thought of Protestantism, there is no approval of Protestantism in the one who swears on that Bible, although, if the custom is not general, there might be scandal if no protest were made. A

Catholic may bring his own Bible with him, or ask for a copy of the Catholic Bible.

(b) Services—Participation is active when one marches in an Anglican procession, plays the organ or sings at Y.M.C.A. services, joins in the prayers or responses offered in a Protestant church, etc. (Holy Office, July 6, 1889). Participation is passive if one looks on during a rare visit, or listens by radio to the musical program broadcast from Protestant services, or if one is obliged to attend non-Catholic services habitually, not as a profession of faith, but as a matter of civil duty or of domestic discipline, as happens with soldiers or with inmates of public institutions. Participation is not active if one adores the Blessed Sacrament carried in a schismatical procession which one meets by chance and unavoidably. Examples: Titus belongs to the honorary guard of a state ruler, and has to accompany the latter to non-Catholic services on certain state occasions. Balbus is tutor in a non-Catholic family, and is expected to take his charges to their church and back home on Sundays. Claudia is a maid in a non-Catholic family, and is ordered to hold one of the children while it is being baptized by the non-Catholic minister. In all these cases the presence at the services is purely passive, since the intention of the Catholic present is not to perform any religious duty, but only some civil or domestic service (see IV Kings, v. 18). But, on the other hand, the martyrs during the reigns of Elizabeth and her successors refused to attend the Anglican services, because this was required by law as a sign of conformity to the Established Church—that is, an active presence was prescribed.

972. Cases of participation in religious places, times and objects are as follows:

(a) Places.—Participation is active when one orders one's body to be buried in a sectarian graveyard, when one enters a schismatical or heretical church privately in order to visit the Blessed Sacrament or pray, when one offers up Catholic services in a non-Catholic temple, if these things are looked upon by the public as indications of identity of belief between Catholics and non-Catholics. Participation is merely passive, if one visits non-Catholic places of worship out of curiosity in order to look at the pictures, hear the music or listen to or take part in a political lecture or debate. In case of necessity, the Church permits Catholic services to be performed in the same building as that wherein non-Catholic rites are held,

e.g., the Church of the Holy Sepulchre at Jerusalem which is used by various denominations (Holy Office, 12 April, 1704).

(b) Times.—Participation is active if one observes new moons, sabbaths, and days of fast as prescribed in the Old Law.

(c) Objects.—Participation is active if one wears the uniform of a condemned society, the ring or other emblem of Freemasonry, etc., or makes use of other insignia whose sole purpose is to indicate membership in some sect, unless it be evident that these are used for some other purpose (e.g., in order to act a certain part in a play).

973. Cases of participation through attendance at non-Catholic religious instructions are as follows:

(a) Active participation in worship is had when one listens to a preacher, Sunday school teacher, etc., and signifies approval by joining in “Amens” or other acclamations.

(b) Participation is merely passive, if at church or over the radio, one listens out of curiosity, or in order to be able to refute errors, or for the sake of perfecting oneself in diction or eloquence, or of showing respect to a person whose funeral oration is being delivered, etc. But, even though there be no active participation, it will usually be unlawful to listen to these sectarian discourses on account of the danger of perversion to the listener or of scandal to others. Catholics who are scientifically trained and staunch in faith may for good reasons hear sectarian sermons, but the greater number would be disturbed or unsettled (see the principles given above on dangerous books and schools, 854-857, 868). Moreover, even those who have a right to listen to non-Catholic religious talks have to be on their guard against scandal, for outsiders may regard their attention as approval of doctrine or participation in cult, and Catholics not sufficiently instructed may regard their example as an encouragement to imitate (cfr. 979, 981).

974. Participation in non-Catholic assemblages or occasions whose character is of a mixed kind (partly religious and partly non-religious) are permitted by the Church, when due regard is had for avoidance of scandal, perversion, denial of faith, etc.

(a) Some of these occasions are chiefly religious, but are also looked on as family or civic solemnities, such as christenings, weddings, funerals.

Hence, it is allowed to assist at the religious part of the occasion in a passive way for the sake of courtesy, or to exercise some function which is looked upon as belonging to the non-religious part of the occasion. Caution must be taken to ensure that the particular sect involved does not consider the exercise of the particular function as participating in the religious aspect of the ceremony. Likewise, on condition that the possibility of scandal, perversion, etc., has been removed, the following functions may be performed. One may act as a witness at the christening of a near relative who is not a Catholic; however, it is forbidden to be a sponsor, even by proxy, at baptisms performed by a heretical minister (Holy Office, decr., May 10, 1770). To be pallbearer or undertaker at a funeral, to be an usher at a wedding, to be an extra bridesmaid, etc., may be permitted. (If the function of best man or maid of honor be considered as merely attendants to the bride or groom, such participation in itself would not be illicit; but since the danger of scandal might often be present, such participation is dangerous. It is lawful for a Catholic pastor to attend the funeral of a non-Catholic friend or relative, provided he does not wear his sacred garb and takes no part in the ceremonies. Canon 1258, Sec.2 establishes the general norm regulative of these cases: a passive or merely material presence may be, for a serious reason, tolerated as a mark of esteem or social courtesy at funerals, weddings, and similar functions, provided there is involved no danger of perversion or scandal; in a doubtful case, the serious reason for this presence must be approved by the local Ordinary.

(b) Other occasions are chiefly non-religious in character, but are also partly religious, or have the appearance of being religious. Such are, for example, the coronation, birthday, wedding, or funeral of a ruler, school commencements, political conventions, patriotic meetings, civil marriage before a magistrate who is also a non-Catholic minister. When these exercises are chiefly non-religious or entirely civil, even though conducted in non-Catholic churches or by non-Catholic ministers, the Church grants permission to participate in them to some extent, if there is sufficient reason.

975. Among the mixed occasions just mentioned are not included such as have an anti-Catholic or anti-religious spirit, such as funerals from which all manifestations of religion are excluded on account of hatred of religion,

entertainments held by forbidden societies in which the members are present in regalia, picnics under the auspices of the Orangemen, etc.

976. Cooperation in Religious Activities.—A third danger of making external profession of a false religion is cooperation in activities whose tendency or principles are erroneous (see 944). Cooperation in a false religion is of two kinds, immediate and mediate. (a) Cooperation is immediate, when one takes a part in an act of a false religion itself (e.g., by worshipping an idol). This kind of cooperation was discussed above, as participation or communication (see 956-975). (b) Cooperation is mediate, when one takes part, not in an act of a false religion, but in some other act which is a preparation for a help to the act of a false religion. This is the kind of cooperation we are now considering.

977. Mediate cooperation is of various kinds. (a) It is proximate or remote, according as the preparation or help afforded to false religion is near to or far from the religious act. Thus, to make ready the lights, incense, flowers, etc. in front of an idol is proximate cooperation; to give money to an idolatrous priest or bonze is remote cooperation. (b) Mediate cooperation is material or formal, according as the intention of the cooperator is to share in or help error itself, or merely to help those who are in error, while disapproving of their error. Thus, if one prepares a pagan temple for worship or contributes money towards its maintenance because one's sympathies are with its idolatry, one's cooperation is formal; if one does these things only in order to make a living or to show friendship to an individual pagan, one's cooperation is material. It is clear that formal cooperation is a grave sin against faith, and hence we shall speak now only of material cooperation.

978. The principles governing the lawfulness of material cooperation will be treated at length below in their proper place among the sins opposed to charity. But since, on account of the mixed conditions of society today, there are innumerable cases of material cooperation in religion, it will be useful to state in advance in this place the principles bearing on material cooperation and their application to cases on religion and worship. The principles are the same as those given for an act that has two effects, one good and the other bad. Hence, material cooperation is not lawful, except when the following conditions are present:

(a) The action of him who cooperates must be good in itself or at least indifferent, for of course, if it is evil, it is not lawful. Thus, if a person were to give to one pagan temple objects he had stolen from another temple, his action would be intrinsically sinful on account of the theft. Similarly, if a person were to contribute to a collection list as “sympathizer” with a school for the propagation of atheism or as “beneficiary” from the sacrifices to be offered an idol, his act would be intrinsically sinful as being a promotion of error or superstition, even though he were not really a sympathizer with atheism or a believer in idols.

(b) The intention of him who cooperates must be good; for, if he wills to help a false religion, he is guilty of formal cooperation; if he wills some other wrong end, he is guilty of some other species of sin. Thus, if one who does not believe in idolatry contributes to it on account of sympathy with anti-Christian movements, he is guilty of enmity to the truth.

(c) There must be a reason for the cooperation proportionate to the gravity of the sin which will be committed by others, to the proximity and necessity of the cooperation, and to the obligation which one has of preventing the sin of others. Examples: To contribute to a sect which plots the downfall of legitimate authority is never lawful, for there is no reason of temporal or private good that can be a compensation for the destruction of the public good. To contribute to the building of a Mohammedan mosque does not require so serious a reason as to contribute to the building of a pagan temple, for mosques are not used for idolatry. A graver reason is needed to justify ringing the bell or ushering the people to their seats for a service of false worship than to justify sweeping and dusting the temple the day before the service, for in the former case the cooperation is closer. A greater reason is required to build a house of false worship, when there is no one else to build it, than when there are many others who will gladly build it if one refuses, for in the former case one’s cooperation is so necessary that without it the false worship cannot take place, but not so in the latter case. A much more serious reason would be required to justify parents conducting their children to a place of false worship than would be required to justify a public chauffeur in taking passengers thither; for the parents have a special duty to guard the religion of their children.

979. The above principles on mediate cooperation are clear enough, but it is frequently very difficult to apply them on account of the uncertainty as to

whether or not a particular act of cooperation is indifferent in itself, or whether a particular reason for cooperation is sufficient. But the following rules will help:

(a) An act is indifferent or good, when it does not tend to evil from its very nature or the circumstances, but has purposes that are not bad. It is bad when either intrinsically (i.e., from its nature) or extrinsically (i.e., from circumstances) it tends necessarily to evil. Examples: A derisory image of Christ and the manual of an obscene cult are intrinsically evil, inasmuch as they necessarily convey error or immorality. To draw up plans for a temple of idolaters in a Christian country would have the appearance of favoring the propagation of idolatry; to work on the construction of a temple in a pagan country where the lending of one's labor is regarded as a sign of acceptance of paganism, to help build a meeting house for a sect that plots the overthrow of government or religion—all these acts are indifferent in themselves (for one may also draw plans and put up walls for good or indifferent purposes), but from the circumstances they are evil in the cases given.

(b) Reasons for cooperation may be ranked as great, greater and greatest according to the kinds of goods that are at stake, and their sufficiency or insufficiency may be determined by measuring them with the gravity of the cooperation that is given. Great reasons are: fear of serious suffering, or of the wrath of husband or other superior, or of loss of an opportunity to make a considerable profit. Greater reasons are: fear of loss of position, or of notable detriment to reputation or fortune, or of severe imprisonment. Among the greatest reasons for cooperation in the worship of a false religion are the following: danger of loss of life or limb, of perpetual imprisonment, of great dishonor, of loss of all one's earthly possessions, of disturbance of the public peace.

980. Cases of cooperation in false religion that occur most frequently are: (a) contributions made to schools, churches, institutions; (b) labor given to buildings and objects of worship or instruction; (c) labor given to acts of worship or instruction.

981. Contributions to false worship are unlawful, even apart from scandal, danger of perversion, and the bad intention of the cooperator in the following cases:

(a) When on account of circumstances the contributions are signs of sympathy with religious errors. Examples: Titus gives many stipends for Masses to a schismatical priest. Balbus, when asked, contributes liberally to a fund for the building of a hall under the auspices of atheists. Caius, without being asked, gives a small donation towards the erection of a pagan temple. Claudius sends in a subscription to the treasury of a political organization whose purpose is anti-religious, and promises to support their ticket.

(b) Contributions, even though they manifest no sympathy with religious error, are unlawful, when there is no reason for the cooperation, or only an insufficient reason. Examples: Caius contributes to a pagan temple for no other reason than that he has not the heart to refuse anyone. Titus advertises constantly in an antireligious paper in order to help his business (cfr. 1530).

982. If there is no bad intention on the part of the contributor, and if the danger of scandal or perversion is excluded, contributions are permitted under the following conditions, of which both must be present:

(a) The contribution must not be a mark of sympathy with religious error. This condition will be fulfilled more readily in countries of mixed religion, where Catholics and non-Catholics have been long associated together, and where non-Catholic denominations are engaged in many things other than the preaching of their doctrines, such as works of benevolence. Example: Balbus contributes at times to the building or maintenance of Protestant orphan asylums, hospitals, and schools, in a locality where these institutions are open to all and a contribution is not regarded as a sign of agreement with sectarian purposes.

(b) There must be a sufficient reason for making the contribution, such as the common good or great private necessity. Examples: Claudius contributes to the building of a non-Catholic church, in order that Catholics may thus obtain exclusive use of a church till then used by Catholics and non-Catholics alike. Titus buys tickets for bazaars, lawn fetes, oyster suppers, dances, picnics and other entertainments held for the benefit of non-Catholic churches, since, if he does not do this, he will lose trade and his business will be injured.

983. The building of houses of false worship, the production and sale of articles used in false worship, are unlawful also in two cases:

(a) when, on account of circumstances, they are a mark of approval of the false worship. Examples: Christians of Japan were forbidden by the Church to cooperate in the erection of altars or temples to idols, even if threatened with death or exile, and the reason of the prohibition seems to have been in each instance that such work was looked on and demanded as a profession of faith in paganism. Similarly, the construction of non-Catholic edifices in a Catholic country, of a pagan temple in a Christian country, or of an atheistic hall, would be signs of approbation of error. It is difficult to see how one who sells idols to those who request them for purposes of idolatry does not show favor to false worship, although he might be excused if, under threat of great harm, he delivered them with a protest that he was acting under compulsion;

(b) when there is no reason, or no sufficient reason, for cooperation with false worship. Example: Balbus helps to build non-Catholic places of worship for no other reason than that he is asked to do so, or that he receives good pay.

984. Building non-Catholic temples or furnishing the appurtenances of worship, scandal and other evil being avoided, are lawful under two conditions as above:

(a) the work must not be regarded as a sign of approval of false worship. Examples: The Church has permitted Christians to assist in the construction of Mohammedan mosques, when this was done unwillingly by them and under compulsion. The manufacture of statues of Buddha or of other idols is not a sign that one approves of idolatry, because these objects have legitimate uses, such as adornment of palaces or art galleries. Similarly, the production and distribution of emblems of a non-Catholic sect or secret society is regarded as being in itself an indifferent act, on account of the various uses to which such objects may be put;

(b) there must be a reason sufficiently grave for doing this kind of work. Hence, a greater reason is needed to build a pagan temple than a Mohammedan mosque, and graver reason to build a mosque than an heretical place of worship; likewise, greater reason is required to cooperate as architect than as hirer and supervisor of labor, greater reason to cooperate as supervisor of labor than as stonecutter, bricklayer, etc.; greater reason is required to justify selling than making idols; greater reason to justify selling

altar cloths and breads for the Lord's Supper than for selling pews and stained glass windows. Examples: Since lights, benches, bells, tables, cloths, etc., are not necessarily intended for direct use in acts of worship, a sufficient reason for selling them to non-Catholic churches is the profit that will be made. But, since vestments and chalices pertain directly to worship, a more serious reason is required for selling them than business gains.

985. Making the preparations for non-Catholic services is unlawful in the two cases given above, that is, when there is approval or insufficient reason. (a) If the work manifests an approval of the services, it is unlawful. Such positions as sexton, sacristan, usher, beadle, church-warden, and trustee, imply recognition of the worship or membership in the congregation, although the same does not seem to be true of membership in the civil corporation of a church, nor of external offices such as janitor, caretaker, and attorney. Examples: Balba, an Anglican who is sick, wishes her minister to bring her communion. She asks her nurse, Titia, who is a Catholic, to telephone the minister to bring communion, and also directs Titia to prepare an altar and assist the minister on his arrival by lighting the candles, making responses, etc. Titia may not consent, for such immediate cooperation would mean approval of and participation in Anglican rites. Claudius, a Catholic, is hired by the minister of a Protestant church to take care of the yard and garden about the church and parsonage. Sometimes the minister asks Claudius to play the chimes in his church tower which call the people to the services. The gardening work is indifferent, but the playing of the chimes seems at least an unlawful cooperation, since it is an invitation to non-Catholic worship.

(b) If there is no sufficient reason for the work, it is unlawful. Examples: Gaia, a Catholic, acts as scrubwoman and cleaner in a schismatical church for no other reason than friendship for members of the altar society. On certain feast days her husband, Caius, a Catholic, takes pilgrims to the schismatical church in a bus, only because he makes considerable profit.

986. Making preparations for non-Catholic services, scandal and other danger being avoided, is lawful when the two conditions given above are present. (a) Hence, the preparations must contain no indication of approval of the services. Examples: If Titia, the nurse mentioned in the previous paragraph, called in an Anglican nurse to receive and fulfill the orders of Balba, she would show that she did not herself approve of the rites, and her

act would be indifferent in itself. If she could not avoid telephoning the minister without serious consequences, it would not be unlawful for her to tell him that Balba wished him to call. She might even in great necessity prepare the table herself, but could take no part in the rite. The acts of telling the minister that a visit from him was desired and of preparing the table would not be, in the circumstances, approving of the rite that followed. If Claudius mentioned in the foregoing paragraph wound up the clock in the church tower, or rang the bell at certain times to indicate the hour of the day, his acts would be indifferent, since they have no necessary reference to worship.

(b) There must be a reason sufficiently grave for engaging in the work that prepares for the services. Examples: If Caia mentioned in the preceding paragraph were in great poverty and could find no other employment, this would be a sufficient reason for her cooperation. Likewise, if her husband drove a bus that carried passengers to whatever destination they desired, and he could not refuse to let them off at the church without being dismissed or causing other like inconveniences, he would have sufficient reason for his cooperation.

987. The Commandment of External Profession of Faith.—The third commandment of faith (mentioned in 918) has been considered so far in its negative aspect—that is, as a prohibition against the denial of truth or the profession of error. It remains to consider it in its affirmative aspect—that is, as a precept of profession of faith or of denial of error.

988. The ways of making profession of faith are various: (a) It is made implicitly, if one performs acts that suppose faith; explicitly, if one declares in words one's internal belief. Thus, a Catholic professes his faith implicitly by observing the precepts of the Church; explicitly, by reciting before others an act of faith or the Creed.

(b) The declaration of one's faith in words is made in ordinary ways, if one affirms it to others, privately or publicly, or if one teaches it or defends it in debate; it is made solemnly, if it is recited according to a prescribed form as a ceremony. Thus, a Catholic who answers to a questioner that he is a Catholic, or who explains the truths of faith to an inquirer, or who replies to the objections of an unbeliever, makes an ordinary profession of faith; one who reads before the bishop or other designated authority a formula

prescribed by the Church, makes solemn profession of faith. The solemn profession of faith is usually made before the altar, on which candles are lighted; and he who makes profession of faith kneels before the authority who receives it. Sometimes witnesses are present and the profession is signed.

(c) The solemn profession of faith is sometimes an abjuration (i.e., a declaration of one's adherence to the faith of the Church and a recantation of previous errors); sometimes it is a declaration or oath that one rejects errors or accepts truths. Thus, converts before reception into the Church abjure the errors they formerly held; officials in the Church before assuming authority make a profession of faith in which they reprobate Modernism and express their belief in the Creed and the teachings of the Church.

989. The existence of a divine precept of profession of faith is proved from revelation and intrinsic reasons, as follows:

(a) "If thou confess with thy mouth the Lord Jesus, and believe in thy heart that God hath raised Him up from the dead, thou shalt be saved. For with the heart we believe unto justice, but with the mouth confession is made unto salvation" (Rom., x. 9, 10). This precept obliges under grave sin, since it is required for salvation.

(b) The first reason for external profession of faith is the honor of God; for it is a mark of disrespect to God to be ashamed or afraid to acknowledge oneself as a believer in His Word or a witness to its truth, on account of what others may think or say or do.

(c) A second reason for the external profession of faith is one's own good. It is well known that faith is strengthened by external acts, and that it grows weak and decays among Catholics who have no priests or churches or means of practising their faith.

(d) A third reason for profession of faith is the good of others, for the confession of faith is an encouragement to those who are strong in faith, an example to those whose faith is weak, and a light to those who have not the faith.

990. The divine precept of profession of faith, since it is affirmative, does not call for fulfillment at every moment. It obliges only at those times when

the honor of God, the Revealer of Truth, or the needs of our neighbor, who is called to the truth, demand that one declare externally one's internal belief. (a) The honor of God demands a confession of faith, when a refusal to give it signifies that one does not accept the truths revealed by God, that revelation contains error, etc. (b) The needs of our neighbor demand a confession of faith, when a refusal to give it will prevent another from embracing the faith, or will cause him to lose it or give up its practices, etc.

991. The honor of God or the good of the neighbor calls for an external profession of faith at the following times: (a) when a person is joining the Church or returning to it, for the Church is a visible society and membership in it should be visible; (b) when a Catholic is interrogated about his faith, for here the honor of God and the good of others require that he be not ashamed of Christ or His Words (Luke, ix. 26), and that he should cause his light to shine before men (Matt., v. 16); (c) when a Catholic is in the company of others who are ridiculing or calumniating the faith, and a protest is looked for from him on account of his authority, knowledge, etc.

992. The profession of faith made by one who is joining the Church must be external, but the same publicity is not necessary for every case.

(a) Secret profession of faith is made when the reception of a convert is known only to himself and the priest who received him. This is permitted only in grave necessity, when the spiritual good of the convert requires it, and no injury is done to the honor of God or the Welfare of the neighbor. Example: Titus is dying and wishes to be baptized, but for an important reason he is unwilling to have the fact of his conversion disclosed. Father Balbus, therefore, baptizes without witnesses.

(b) Private profession of faith is made when the reception of a convert is made before the priest and two witnesses, but the fact of the conversion is not made known to others on account of circumstances. This is permitted only for a short time and for serious reasons (see 932, 993), as the task of concealing one's faith for a long time is most difficult and is dangerous to faith itself. Example: Caius is a pagan who wishes to become a Catholic, but is kept back on account of dangers from his fellow-pagans, who will persecute him as an apostate. He, therefore, asks to be received as a secret Christian, with liberty to profess no religion externally. This may be

permitted for a time, until Caius can move to some other place, but it cannot be permitted permanently.

(c) Public profession of faith is made when the reception of a convert is made before the priest and two witnesses, and the convert thereafter makes it known that he is a Catholic by attending Mass, receiving the Sacraments, etc. This kind of profession of faith is ordinarily required, but there is no law making it necessary for a convert to publish the news of his conversion.

993. A difficult case occurs when one who wishes to become a convert is unable to make public profession of Catholicity without suffering very great detriment, and is unable to make private profession without continuing in external practices of the non-Catholic religion. An example of this would be a non-Catholic girl who is threatened with destitution by her parents if she becomes a Catholic openly, and who knows that she will be forced to go to church with them if she becomes a Catholic privately. There are three courses in such a case: (a) public profession of Catholicism at once could be advised if the party showed signs of a special divine call and of a heroism equal to the difficulties the public profession would entail; (b) private profession of Catholicism could be tolerated for a time, if the party was of such age and circumstances as to appear able to cope successfully with the temptations and perplexities that beset this course; (c) delay of Baptism until things take a better turn would be the most prudent plan, if the deprivation of spiritual advantages would in the long run prove a lesser evil than the inconveniences of public or private profession of Catholicism.

994. Examination about one's religious status refers either to one's faith, or to something not necessarily connected with faith. (a) When a person is examined about his faith (e.g., whether he is a Catholic, whether he believes in the doctrine of the Real Presence, or in Papal Infallibility), profession of faith is obligatory, if its omission is equivalent to denial. (b) When he is examined about something not necessarily connected with faith, denial or concealment of the truth would not be denial of faith, and concealment might be lawful, if the question were unfair. Evasion would be sinful, if the denial or concealment contained a lie or caused scandal. Examples: If a missionary in England or Ireland in the sixteenth century had refused to admit that he was a priest or religious, or a layman had refused to confess that he had harbored a priest in his house or had assisted at Mass, these denials would not necessarily contain a denial of the faith.

995. Examination about one's faith is made either by a private person or by public authority.

(a) When a person is questioned about his religious belief by a private person, he is not bound by reason of the question itself to make a profession of his faith, for a private person has no authority to call upon one in the capacity of a solemn and public witness; but he is bound to make a profession of faith by reason of circumstances, if the honor of God or the good of his neighbor requires that he declare his belief. Examples: Titius is known as a very inquisitive and meddlesome character, who is continually asking others about their personal affairs and putting silly questions. Wherefore, those who know him are accustomed to pay no attention to his questions, or to tell him to mind his business, or to give him some humorous reply. One day Titius asked Balbus, whom he knew very well to be a Catholic: "What is your religion?" Balbus retorted: "What is yours?" and left him. Caius is studying Christianity with a view to embracing it, and asks Sempronius' opinion on miracles. Sempronius, fearing the ridicule of some others present if he admits belief in miracles, says that he knows nothing about that subject. Balbus had a right to deny an answer to his questioner; but Sempronius should have replied for the edification of Caius and the honor of God.

(b) When a person is questioned about his religious belief by public authority, his obligation to make a profession of faith is certain, if the questioner has the right according to law to ask the question, and if it is made to one individually and out of hatred of the faith; for to this case apply the words of Christ: "You shall be brought before governors and kings for My sake, for a testimony to them and to the Gentiles" (Matt., x. 18).

996. In the following cases, one is not bound to confession of faith on account of the public authority that puts the question, although one may be bound on account of the circumstances:

(a) When the question is not put to an individual, but to a whole community, by a law which requires them in time of persecution to deliver themselves up as Christians or Catholics, there is no obligation to comply with this law, since it is unjust, and neither the honor of God nor the good of others requires one to make the profession of faith it demands (see 377, 552).

(b) When the question is put to an individual by one in authority but contrary to the law of the land, there is no obligation to answer. Thus, if according to civil law the magistrates have no right to examine about matters of conscience and one of them should nevertheless do so, the party questioned could treat the question as out of order and deny any answer.

(c) When the question is made according to law, but does not proceed from hatred of the faith, one is not obliged positively to profess one's faith, unless the omission would seem to those present to be a denial of faith. Thus, a person might remain silent, or say that he did not wish to answer, that he did not wish to say what his belief was, etc., and in the circumstances it would seem that he would not be denying his faith, but merely for some reason refusing to discuss it when he thought there was no necessity.

997. The third case mentioned above (see 991), in which one is obliged to profess one's faith publicly, is when the faith is being attacked in one's presence. The honor of God and the good of the neighbor then require one to speak out. (a) Thus, if the doctrines of the faith are being blasphemed or ridiculed, one should defend them, if one is able. Otherwise, one should protest or leave the company, if this will be advantageous to religion. (b) If sacred things are being profaned, one should resist physically, if one is able to prevent what is going on.

998. Debates on religion between Catholics and non-Catholics are not in themselves wrong, but as a rule they are useless and inexpedient.

(a) That such debates are not essentially wrong, is clear from the fact that a suitable defender of the faith is able by argumentation to show the misconceptions that are entertained about the faith and the fallacious objections that are made against it. This is honorable to God and profitable to the neighbor: "Saul confounded the Jews that dwelt at Damascus, affirming that this is the Christ He spoke also to the Gentiles and disputed with the Greeks" (Acts, ix. 22, 29).

(b) That controversy is generally unprofitable is a matter of experience. Religious debates often lead to bitterness, and seldom effect conversions. There is, moreover, an ever-present danger that the sophistry or eloquence of an adversary may give him the appearance of victory to the discredit of

the faith, for even a foolish person can raise difficulties which only a wise man can answer.

999. Consequently the rule governing religious disputations is that they should be avoided, unless ecclesiastical authority deems them useful at times. (a) If no provocation is offered, or if no good seems likely to result from a debate, it should be avoided. (b) If one is attacked and it seems that the honor of God and the good of souls will be served by a debate, then capable and prudent speakers are permitted by the Church to defend the faith, provided permission is secured from the Holy See, or, in case of urgency, from the local Ordinary (Canon 1325, Sec.3). The prescriptions of this Canon were reaffirmed recently by the Holy Office and applied especially to “ecumenical” conventions convoked to promote church unity. Catholics, both lay and clerical, may in no way be present at such meetings without the previous consent of the Holy See (Holy Office, Monitum, June 5, 1948). See Appendix II.

1000. The divine precept of profession of faith so far considered obliges on account of the virtue of faith itself, that is, on account of the external honor or service due to the Word of God. There is also a divine precept of profession of faith which obliges on account of other virtues that may require such a profession of faith to be made (e.g., on account of charity or justice). The omission of the profession of faith in these cases, however, is not a sin against faith, but against the other virtues, and should be confessed as such.

(a) Justice requires a profession of faith when, by reason of his office, a person has the duty of teaching others in the faith, for to teach the faith is to manifest one’s own belief in it. Hence, bishops and other pastors are obliged to preach: “Woe is unto me, if I preach not the Gospel” (I Cor., ix. 16); and their teaching is a manifestation of faith: “Having the same spirit of faith, as it is written: I believed, for which cause I have spoken; we also believe, and therefore we speak also” (II Cor., iv., 13).

(b) Charity requires a profession of faith when a person has not the office of teacher, but has a suitable opportunity to impart instruction to one who is in great ignorance about religion. For, as charity requires one to perform corporal works of mercy for the suffering and destitute, so it requires one to perform spiritual works of mercy for the spiritually indigent, such as to

instruct the ignorant, to counsel the doubtful. Thus, a lay person who can prudently do so (the circumstances of time, place, person, etc., being duly considered), ought in charity to instruct in faith and morals the neglected children around him.

1001. One is not bound to give instruction about matters of faith or morals when this would lead to more harm than good; but misrepresentation must be avoided.

(a) The purpose of instruction is to fulfill the will of God and to benefit others; therefore, if these ends are not obtained but rather defeated by an instruction, it should be omitted. The truth is always good in itself, but its communication may not be expedient on account of the recipient, who, being immature, may be harmed by the wrong impression he will receive, or who, being badly disposed, may use knowledge as a means to wrongdoing. Strong meat should not be given to infants (Heb., vi. 11-14); pearls should not be cast before swine (Matt., vii. 6). Examples: The mysteries of the faith (e.g., transubstantiation), should be explained with caution to those who are not well instructed, lest they be overwhelmed with the brightness and misunderstand. Difficult matters (such as predestination) or dangerous subjects (such as sex duties) should not be discussed indiscriminately with all kinds of persons. It is not right to instruct those who are in ignorance of their duty, if this is not absolutely necessary and one foresees that instruction will not prevent them from continuing in evil ways but will only add to their guilt. It is wrong to put the Bible into the hands of those who will use it for bad purposes.

(b) Misrepresentation or suppression is a lie, and in matters of doctrine a denial of faith; hence, it is never lawful. The rule to be followed, therefore, in teaching the faith is that one communicate the same doctrine to all, but according to the capacity of his hearers—to some in outline and to others more fully. This was the method of Christ, who “with many parables spoke to them the word, according as they were able to hear” (Mark, iv. 33).

1002. The Church has the duty not only of keeping the faith untarnished among Catholics, but also of spreading it among non-Catholics, Protestants, Jews and infidels, as far as circumstances will allow. For God “Will have all men to be saved, and to come to the knowledge of the truth” (I Tim., ii. 4). Those, therefore, who assist missionary work for unbelievers at home or

abroad, do a work thrice blest, for (a) it is a thanksgiving offering to God, testifying our appreciation of the gift of faith which we have received from Him, (b) it is a work of charity to ourselves, for by helping others to receive the faith we strengthen our own faith, and (c) it is an act of supreme mercy to those who are sitting in darkness and the shadow of death.

1003, In addition to the divine precepts, there are also ecclesiastical laws prescribing profession of faith.

(a) Ecclesiastical precepts of profession of faith for various officials are contained in Canon 1406 and in the Sacrorum Antistitum of Pius X (September 1, 1910), and Canon 2403 decrees that those who contumaciously refuse to make the profession of faith of Canon 1406 may be deprived of their office. Converts to the faith who are received without absolute Baptism make an abjuration (Holy Office, July 20, 1859), and persons who have incurred excommunication on account of apostasy, heresy or schism are absolved in the external forum after juridical abjuration (Canon 2314).

(b) The purpose of these ecclesiastical laws is to prevent the acceptance of spiritual or temporal jurisdiction or authority in the Church, or the commission of teaching or the benefits of membership by those who are unbelievers. Hence, the purpose is grave, and the laws themselves are held to bind under grave sin.

(c) The persons bound by these ecclesiastical laws are both ecclesiastics and laymen, namely, those who are about to be received into or reconciled with the Church, and those who are about to be admitted to some dignity, order, office or function (such as candidates for the ranks of Cardinal, bishop, canon, parish priest, religious superior, professor, preacher, confessor, doctor, etc).

(d) The form of the profession of faith is the Tridentine or Pian given in the Bull of Pius IV, Injunctum Nobis, of November 13, 1564, with additions referring to the Vatican Council. The oath against Modernism prescribed in the Sacrorum Antistitum of Pius X, of September 1, 1910, is also obligatory.

(e) The times when these professions of faith must be made are at admission into the Church and at the reception or renewal of an office.

1004. The affirmative precepts of profession of faith, divine and ecclesiastical, oblige only at the proper time and place, and therefore on other occasions one is not obliged to make profession of faith. (a) Hence, one may avoid a profession of faith by evading interrogation in time of persecution—for example, through the payment of money to be exempted from examination, or through flight. As these acts indicate that the person is unwilling to deny his faith, but has reasons for wishing to preserve his life or to avoid the danger of apostasy, they are not of themselves unlawful, and may be a duty. (b) One may omit a profession of faith by concealing one's religion, when prudence calls for concealment rather than publication.

1005. Flight in time of persecution is lawful or unlawful according to circumstances, since in itself it is something indifferent, being simply the act of moving from one place to another.

(a) Flight is unlawful, if one's circumstances are such that one will do an injury to justice or charity by departure. Hence, a pastor would sin against justice if he fled in time of persecution, leaving his flock who stood in need of his presence: "The good shepherd giveth his life for his sheep. But the hireling and he that is not the shepherd, seeth the wolf coming, and leaveth the sheep and flieth" (John, x. 11, 12). Hence also, one who has no care of souls but whose presence is necessary to a persecuted community should prefer out of charity their spiritual good to his own bodily safety: "We ought to lay down our lives for the brethren" (I John, iii. 16).

(b) Flight is necessary, if one's circumstances are such that one will do an injury to justice or charity by remaining. Hence, if a pastor's life is necessary for his flock, while his absence can be supplied by others who will take his place, justice to his subjects requires that he save his life for their sake. Thus, for the good of souls St. Peter escaped from prison (Acts, xii. 17 sqq.); St. Paul fled from Damascus (Acts, ix. 24, 25); our Lord Himself hid when the Jews took up stones to cast at Him (John, viii. 59). Similarly, if a person is very fearful lest his courage may fail him if he is brought before the persecutors, charity to self requires that he take flight so as to escape the danger of apostasy.

(c) Flight is permissible, if there is no duty to remain and no duty to depart: "When they shall persecute you in this city, flee into another" (Matt., x. 23). Hence, if one's presence is useful but not necessary in time of

persecution, it is lawful for one to flee. Some authorities hold that the desertion of Jesus by the disciples during the Passion was not sinful flight.

1006. To refuse to flee when flight is permissible, is usually not advisable, for this is dangerous for most persons. It would be advisable, however, if a person had strong and prudent confidence of his victory, had the right intention, and used the means to prepare himself for the struggle.

1007. Concealment of one's faith is lawful, if the requisite conditions are present.

(a) Thus, it is not lawful to conceal one's faith at times when a profession of it is called for by divine or ecclesiastical law (see 991, 1003); at other times it is lawful. Example: Titus is travelling in a country where there are no Catholic churches, and where no one ever asks him about his religion. He never tells anyone what he is.

(b) It is not lawful to conceal one's faith from a dishonest motive. Example: If Titus conceals his religion in order not to be unjustly discriminated against, his motive is good; but if he wishes to be taken for a non-Catholic, his motive is evil.

(c) It is not lawful to conceal one's faith in a sinful way. Example: If the means of concealment employed by Titus imply deception or denial of the faith (such as lying about his origin and active participation in non-Catholic worship), he is guilty of sinful concealment. But, if the means employed are permissible (such as silence about himself, omission of grace before and after meals, eating meat on Fridays in virtue of dispensation, etc.), his method of concealment is not sinful.

1008. Generally speaking, concealment of one's religion is not advisable. (a) The reasons for concealment are often imaginary, rather than real. We see that Catholics who are not ashamed of their religion, or afraid to have it known that they practise it, are respected for their sincerity and conscientiousness even in bigoted regions, while on the contrary those who are apologetic or who do not live up to their religion are looked down on as cowards or hypocrites. (b) The means employed for concealment will cause endless doubts and scruples, for it is often difficult to decide what means are lawful and what unlawful.

Art. 4: THE VIRTUE OF HOPE

(*_Summa Theologica_*, II-II, qq. 17-22.)

1009. Definition.—The word “hope” is variously used. (a) In a wide and improper sense, it signifies the expectation of some wished-for evil, or desire without expectation. Hence, colloquially one hopes for misfortune to another (hope of a future evil), or that another has succeeded or is in good health (hope of past or present good), or that some unlooked-for fortune will turn up (hope without expectation). (b) In its strict and proper sense, hope signifies the expectation of some desired good in the future. Thus, one hopes to pass an examination, or to recover from illness.

1010. Hope, strictly understood, is of various kinds. (a) It is an emotion or an affection, according as it proceeds from the sensitive or the rational appetite. The emotion of hope is an inclination of the irascible appetite to possess some object known through the senses and apprehended as good and attainable, and is found both in man and in the brutes. The affection of hope is a spiritual inclination, tending to good as known through the reason.

(b) Hope is either natural or supernatural, according as it tends either to goods that are temporal and within the power of man to acquire, or to goods that are eternal and above the unaided powers of creatures. It is in this latter sense that hope is now taken.

1011. Supernatural hope is understood, sometimes in a wide sense, sometimes in a strict sense. (a) In a wide sense, it is used objectively to designate the object, material or formal, of hope. Thus, St. Paul is speaking of the material object of hope (i.e., of the things hoped for), when he says: “Hope that is seen is not hope” (Rom., viii. 24), “Looking for the blessed hope” (Tit., ii. 13); while the Psalmist is speaking of the formal object of hope (i.e., the motive of hope), when he says: “Thou hast been my hope, a tower of strength against the face of the enemy” (Ps. lx. 4). (b) In a strict sense, hope is used subjectively to designate the act or habit of hope. The act of hope is spoken of in the following texts: “We are saved by hope” (Rom., viii. 24); “Rejoicing in hope” (Rom., vii. 12). The habit of hope is indicated in these verses from Job and St. Paul: “This my hope is laid up in

my bosom” (Job, xix. 27); “There remain faith, hope, charity, these three” (I Cor., xiii. 13). Hope is now taken in the strict sense, as a virtue or infused habit, from which proceed supernatural acts.

1012. The virtue of hope is defined: “An infused habit, by which we confidently expect to obtain, through the help of God, the reward of everlasting life.”

(a) It is “an infused habit.” These words express the genus to which hope belongs, and they set it apart from the emotion and the affection of hope, as well as from any acquired habit of hoping for purely natural goods. A natural virtue of hope, strengthening the will with reference to natural happiness, is not necessary in any state of man, fallen or unfallen, for the will does not stand in need of a superadded virtue with respect to those things that fall within its proper sphere of action.

(b) Hope is a habit “by which we expect, etc.” These words express the specific subjective elements of hope, that is, the powers of the soul in which it resides and the kinds of acts it performs.

(c) “Through the help of God.” These words express the formal object or motive of hope.

(d) “The rewards of eternal life.” These words express the material object of hope, that is, the thing that is hoped for.

1013. There is a general similarity between the virtue of hope and natural hope as regards their objects and acts.

(a) Natural hope is the result of a love of some good, and so differs from fear, which is the dread of some evil. Similarly, the virtue of hope springs from a love of heavenly goods (Rom., viii. 24, 25).

(b) Natural hope has to do with a good that is absent, and it is therefore desire, not enjoyment. Similarly, the virtue of hope looks forward to goods not as yet attained: “We hope for that which we see not, we wait for it with patience” (Rom, viii. 25).

(c) Natural hope, unlike mere desire, seeks a good whose attainment is not certain or easy, and hence it presupposes courage. Similarly, the virtue of hope demands strength of soul: “Do ye manfully and let your heart be strengthened, all ye that hope in the Lord” (Ps. xxx. 25).

(d) Natural hope tends towards an objective, which, while difficult, is not impossible; hence, it expects with confidence, for, when an object of desire is impossible, one does not hope for it, but despairs. The virtue of hope also is confident: “Hold fast the glory and confidence of hope unto the end” (Heb. iii. 6).

1014. Christian hope is superior to natural hope, because it is a supernatural virtue.

(a) It is a virtue, since its acts are commanded by God, and through it the will is directed to its beatitude and the secure means of realizing its lofty aspirations: “I have inclined my heart to do Thy justifications for ever, for the reward” (Ps. cxviii. 112); “Trust in the Lord, and do good” (Ps. xxxvi. 3).

(b) Christian hope is a supernatural virtue, since through it man is sanctified and saved: “I (Wisdom) am the mother of holy hope” (Ecclus., xxiv. 24); God “hath regenerated us into a lively hope” (I Pet., i. 3); “We are saved by hope” (Rom., viii. 24); “Everyone that hath this hope in Him sanctifieth himself” (I John, iii. 3).

1015. Though hope seeks its own reward, it is not therefore mercenary or egotistic. Experience shows that hope produces idealism and self-sacrifice, while the lack of it leads to engrossment in the things of time and sense and to selfishness. (a) Thus, the hope of the just man is not separated from charity, and hence he loves God above all, and his neighbor as himself: “I have inclined my heart to do Thy justifications forever, for the reward” (Ps. cxviii. 112). (b) The hope of the sinner is a preparation for charity, since he must desire charity as a means to the beatitude he wishes: “He that hopeth in the Lord shall be healed” (Prov., xxviii. 25).

1016. Just as faith is divided into living and dead faith, so hope is divided into animated and inanimated hope. (a) Animated hope is that to which is joined the state of grace and charity, and which is thereby perfect as a virtue and meritorious. This hope is stronger, because we hope more confidently from friends. An act of animated hope is more perfect when commanded by the virtue of charity, less perfect when not so commanded—that is, he who makes an act of hope out of love of God performs a better work than he who makes an act of hope out of some other motive (such as self-encouragement). (b) Inanimated hope is that to which the state of grace and

charity is not joined, and which therefore is an imperfect virtue and not meritorious.

1017. The following divisions of hope made by the Quietists are not admissible:

(a) The division of hope into natural hope (which seeks its own good, and which is permitted to the ordinary faithful) and supernatural hope (which is entirely disinterested, and which is necessary for the perfect) contains Rigorism; for since natural hope is of no avail towards justification or for merit, it would follow that without disinterested love of God one could not obtain forgiveness, nor could an act be meritorious.

(b) The division of hope into two supernatural species, the one disinterested (which desires heavenly goods for the glory of God alone) and the other interested (which desires heavenly goods for the advantage of self), is useless; for acts of disinterested love belong to charity, not to hope (Denz., 1327-1349).

1018. The Object of Hope.—By the object of hope we mean three things: (a) the good that is hoped for (material object, the end which is intended); (b) the person for whom that good is hoped (the end for whom); (c) the ground or foundation of hope (formal object).

1019. The material object of hope is twofold, namely, the primary object, which is desired for its own sake, and the secondary, which is desired on account of the primary object.

(a) The primary object of hope is God Himself, the infinite good, considered as our Last End and Beatitude (Ps. lxxii. 25). Connated in this object is the beatific vision, the finite act by means of which the creature attains to the possession of God. The primary object of our hope is the imperishable crown (I Cor., ix. 25), glory (Col., i. 27), the glory of the children of God (Rom., v. 2), salvation (I Thess., v. 8), eternal life (Tit., i. 2), entrance into the holy of holies (Heli, x. 19, 23), the inheritance incorruptible and undefiled that cannot fade, reserved in heaven (I Pet., i. 4), the vision of God (I John, iii. 3). It is this object especially that distinguishes supernatural from natural hope (I Cor., xv. 19). “From God,” says St. Thomas (II-II, q. 17, a. 2), “we should expect nothing less than God Himself.”

(b) The secondary object of hope embraces all those created things that assist one to attain one's Last End. We may hope for all those things for which we may pray, as St. Augustine remarks.

1020. The primary object of hope includes: (a) essential beatitude, that is, the beatific vision; (b) accessory beatitude, that is, all resultant joys, such as glory of soul and body, the companionship of the Saints, security from harm, and the like.

1021. The secondary object of hope includes: (a) spiritual goods, such as graces; (b) temporal goods, such as health and the means that will enable us, at least indirectly, to work for the life to come and acquire merit; (c) deliverance from evils that would hinder spiritual goods; (d) all that promotes one's salvation, such as labors for God.

1022. The person for whom eternal life is hoped may be either oneself or one's neighbor. (a) Absolutely speaking (i.e., apart from the supposition of friendship towards a neighbor), a person can hope only for himself; for the salvation of others is not attained by him, but by them; and thus, if there is no bond of affection, it cannot arouse in him that feeling of courageous confidence which belongs to hope. (b) Accidentally (i.e., on the supposition of friendship or charity towards others), one can hope for them; for love makes a person regard the good of others as his own. Thus, St. Paul is hopeful for the perseverance of the Philippians (Phil., i. 6), and he labors for the Corinthians that his hope for them may be steadfast (II Cor., i. 7).

1023. The formal object of hope is twofold, namely, the primary object, which is the principal cause that effects our salvation, and the secondary object, which is a secondary or instrumental cause of salvation. (a) The primary motive of hope is God Himself, the Author of salvation, and hence it is said: "Cursed be the man that trusteth in man" (Jer, xvii. 5). (b) The secondary motive of hope are creatures by whom one is assisted in obtaining the means for salvation (such as the Saints, who aid us by their intercessions). Thus, in the *_Salve Regina_*, our Lady is addressed as "our hope." The merits of Christ and our own merits, since they are instruments used by God, are motives of hope.

1024. On what divine attribute is the virtue of hope based?

(a) Essentially, hope is based on God's character of omnipotent helper; for the specific and differentiating note of this virtue is its courageous confidence, and this, in view of the surpassing height one expects to attain and the feebleness of all created efforts, must rely on the assistance of One who is equal to the task: "The Lord is my rock and my strength. God is my strong One, in Him will I trust" (II Kings, xxii. 2, 3); "You have hoped in the Lord Mighty forever" (Is., xxvi. 4); "The name of the Lord is a strong tower; the just runneth to it and shall be exalted" (Prov. xviii. 10).

(b) Secondary (i.e., as regards acts that it presupposes, or that are connected with it), hope is concerned with other divine attributes. Thus, a person does not hope unless he first believes that God has promised beatitude and that He is true to His promises, unless he regards beatitude as something desirable; and so he who hopes has placed his dependence on the loyalty of God to His given word, and on the desirability of God as the prize of life's efforts: "Let us hold fast the confession of our hope without wavering, for He is faithful that hath promised" (Heb., x. 23); "Unto the hope of life everlasting, which God, who lieth not, hath promised before the times of the world" (Tit., i. 2); "The Lord is my portion, therefore will I wait for Him" (Lam., iii. 24); "Fear not, I am thy reward, exceeding great" (Gen., xv. 1). Just as faith presupposes a beginning of belief and a pious inclination towards it, so does hope presuppose faith and the love of God, as He is our beatitude.

1025. Omnipotent divine help as the foundation of hope can be understood in two senses:

(a) It may be taken for some created help, that is, for some gift of God possessed by us (such as habitual or actual grace, merits, virtues, etc). It is not in this sense that divine help is called the motive of hope; for even a sinner can and should hope, and the just man's merits, while they are dispositions for beatitude, are not a principal cause that will conduct him to it.

(b) This divine help may be taken for uncreated help, that is, for the act by which God confers His gifts upon us. In this sense only is divine aid the basis of hope. For if a person is asked why he is confident of salvation, he will not answer, "Because I am in the state of grace and do good works," but "Because I know that God will help me."

1026. The divine perfections included in the title of helper now given to God are:

(a) essentially, the almighty power of God; for this is the immediate and sufficient reason for the confident expectation that one will at last possess the same object of felicity as God Himself. The higher and more difficult the goal one sets before oneself, the greater must be the resources on which one counts for success;

(b) secondarily, these perfections include the infinite kindness of God; for it is the goodness of God that prompts Him to employ His omnipotence in assisting creatures to attain their Last End. Man has hope, therefore, of attaining supreme felicity, because he relies on supreme power to aid him, while this supreme power aids him, because it is directed by infinite goodness and mercy. Thus, the Psalmist says: “I have trusted in Thy mercy” (Ps. xii. 6). Just as faith rests proximately on the reliability of God and remotely on His perfection of being, so hope rests proximately on God’s almighty power and radically on His goodness and perfection.

1027. The Excellence of Hope.—Hope is a theological virtue, and is therefore superior to the moral virtues.

(a) It is a theological virtue, inasmuch as it tends immediately to God Himself. As was said above (see 1019, 1023), we hope for God and we hope in God: “In God is my salvation and my glory. He is the God of my help, and my hope is in God” (Ps. lxi. 8); “What is my hope? Is it not the Lord?” (Ps. xxxviii. 8); “In Thee, O Lord, have I hoped” (Ps. xxx. 1). Hence, the Apostle numbers hope along with the other theological virtues (I Cor., xiii. 13). “By faith the house of God receives its foundations, by hope it is reared, by charity it is completed” (St. Augustine, Sermon. xxvii., 1).

(b) The two moral virtues that most resemble hope are longsuffering and magnanimity, for the former is the expectation of good that is distant, while the latter is the readiness to encounter difficulties in the quest of high ideals. But these two virtues belong to courage, rather than to hope; for the goods they seek are finite, and the difficulty they encounter is external struggle, whereas the good which hope seeks is infinite, and the difficulty lies in the very greatness of that good.

1028. There are various points of view from which virtues may be compared one with another.

(a) One virtue is prior to another in duration, when it precedes the latter in time. Thus, the natural virtues that pagans have before their conversion are prior in duration to the supernatural virtues that are received in Baptism.

(b) One virtue is prior to another by nature, or in the order of generation, when it is the necessary preparation or disposition for that other, which essentially presupposes it. Thus, the intellectual virtues are naturally prior to justice, for a man cannot will to give others their due, unless he first knows that this is his duty.

(c) One virtue is prior to another virtue in excellence as a habit, when it has an object that is more elevated and comprehensive, and when it is fitted to be the guide of the other virtue. For the standard of comparison of habits must be taken from the objects to which they tend, and from which they derive their specific character (see 134). Thus, the habit of philosophizing is in itself more noble than the habit of accumulating wealth, for truth is better than money.

(d) One virtue is prior to another in excellence according to the general concept of virtue, when it does more to set the will right. For the standard of comparison then is to be taken from the influence exercised on one's acts (as the word "virtue" or "power" intimates), and the will is the motor power that sets the other faculties in motion. Thus, for one who has debts to pay, it is better that he give his time to earning money than to storing his mind with the lore of scientists; justice has more of a claim on him than knowledge.

1029. Comparison of Hope with Faith.—(a) These virtues are not the same, for, while faith makes us cling to God as the giver of truth and assent to what is obscure to us, hope makes us turn to Him as the author of beatitude and strive for that which is difficult for us.

(b) Faith and hope are normally equal in duration, since as a rule they are infused at the same time (as in Baptism). Accidentally, however, faith may precede hope, as when one who preserves his faith loses hope on account of despair, and later recovers it.

(c) They are unequal as to natural precedence, faith being prior to hope, since both glory and grace—the objects of hope—must be known through faith (Heb., xi. 6).

(d) They are unequal in their excellence as habits, faith being superior to hope, as the intellectual habits are superior to the moral; for faith is regulative and directive of hope, and has an object more abstract and universal.

(e) They are unequal in their excellence according to the general concept of virtue, hope being superior to faith, as the moral virtues are superior to the intellectual (see 156). For hope includes a rightness of the will towards God that is not included in the concept of faith, which is chiefly intellectual, and it is the will that moves the other powers to action.

1030. Comparison of Hope with Charity.—(a) These virtues are not the same, for, while faith and hope adhere to God as the principle from which one derives truth or goodness, charity adheres to God for His own sake. Hope tends towards God as our good, from whom beatitude and the means thereto are to be expected; but charity unites us to God so that we live for God rather than for self.

(b) Hope and charity are normally equal as to duration, but accidentally hope may precede charity, as when one commits a mortal sin, but retains his hope of salvation, and later recovers charity. There is question now only of the habits, because the acts of the sinner leading up to charity—faith, fear, hope, contrition, etc.—are for the most part successive, although in a sudden conversion hope may be virtually included in charity.

(c) They are unequal as to natural precedence, hope being prior to charity, for, just as fear naturally leads to interested love such as is contained in hope, so does this interested love prepare one for a higher love that is disinterested: “The end of the commandment is charity from a pure heart” (I Tim., i. 5). We speak here of hope unanimated by charity; for animated or living hope trusts in God as a friend, and hence presupposes charity.

(d) They are unequal in excellence, for hope proceeds from imperfect love, which desires God for the sake of the one who loves, while charity is perfect love and desires God for His sake.

1031. Hope, as said above (see 1015-1017), is good and virtuous even when separated from charity, or when exercised without the actual motive of charity. But imperfect or less perfect hope must not be confused with the following acts, which have only the appearance of hope: (a) acts that remove the material object of hope, which are such as look for all beatitude in something different from God (e.g., in secondary joys of heaven); (b) acts that do injury to the objects of hope, such as those that subordinate them to lesser goods (e.g., hope which puts self above God or delight above virtue).

1082. Three types of the latter kind of pseudo-hope may be distinguished:

(a) Egotistical hope is that which places the end for which beatitude is hoped (i.e., self, as was said in 1022) above the end which is beatitude (i.e., God the Last End, as was said in 1019 sqq.), or which places subjective beatitude (i.e., the act of intuitive vision by which beatitude is attained) above objective beatitude (i.e., God as the object in which beatitude consists). Just as the intellect is in error when it mistakes the conclusion for the premise, so is the will in disorder when it takes a means for the end. Hence, while there is nothing inordinate in a man's hoping for food on account of eating and in his eating on account of health (since in reality health is the purpose of eating, and eating the purpose of food), it is extremely inordinate to hope for God on account of the beatific vision or on account of self, since God is the End of all, and the beatific vision is only the condition for attaining to this Last End, and self merely the subject to whom God and the beatific vision are to be given for its perfection through them.

(b) Epicurean hope is that which places pleasure above the other elements that pertain to subjective beatitude. The subjective happiness of man consists essentially in the act that is highest and distinctly human—namely, in the act of the intellect seeing God intuitively; hence, pleasure—even the chief spiritual pleasures—should be esteemed as something secondary and consequent.

(c) Utilitarian hope is that which places reward above virtue, as if the latter were merely a means, as when one says: "If there were no heaven, I would practise no virtue." There are three kinds of good: (i) useful good, or that which is desirable only because it serves as a means to something else

(e.g., bitter medicine, which is wished, not for its own sake, but for the sake of health); (ii) moral good, or that which is desired for its own sake, as being agreeable to the rational nature of man (such as virtue); (iii) delightful good, that is, the repose or satisfaction of the will in possession of that which is desirable for its own sake. It is a mistake, therefore, to regard virtue as merely a useful good, something that is disagreeable in itself and cannot be practised on account of its inherent goodness. It is also a mistake to consider heaven as something above and apart from virtue; for eternal life is the perfect flowering and fruitage of the moral life that has been planted and developed here on earth. The things of this world are only means to virtue, and virtue reaches its climax in the beatific vision. The delights of heaven are results of that vision, not its end.

1033. Hope, therefore, must seek God as the chief good; it must not prefer the lesser to the greater, and it must not hold virtue as good only in view of the reward. But, on the other hand, hope seeks God as its own good, and it need not be joined to disinterested love, in order to be a true virtue.

(a) Hence, it is not necessary that one hope with the proviso that, in the impossible hypothesis that God were unwilling to reward virtue, the reward would not be expected; for it is not necessary to consider chimerical cases.

(b) It is not necessary that hope be elicited by the act of charity (i.e., that one always direct one's desire of salvation to the end that God may be glorified), for thus the motive of hope would cease to be active, and the lesser virtue would be absorbed in charity.

(c) It is not necessary that hope be commanded by the act of charity (i.e., that one hope for salvation as one's own good, only when a previous act of charity has bidden that this be done as a mark of love towards God), for to desire that which God wishes one to desire is in itself good and laudable, and stands in need of no other act to justify it.

1034. Discouragement and aridity occur even in the lives of great Saints, and at such times, when pure love of God seems almost impossible, hope comes to the rescue by offering encouragement and spurring on to activity. Hence, the importance of this virtue in the spiritual life; for (a) hope is an anchor of the soul in times of tempest, since it offers reasons for patience and good cheer (Heb, vi. 19; Eccclus., iii. 9; Rom., xii. 12, viii 25; I Thess., v. 8); (b) hope gives wings to the soul in times of weariness, since the

motives it presents are inducements to courage and good works (Is., xl. 31, xxx. 15; Ps. cxviii. 32; Heb., X. xi).

1035. The following means are recommended for growth in hope: (a) to ask this from God: “Grant us, O Lord, an increase of faith, hope, and charity” (Missal, 13th Sunday after Pentecost); (b) to meditate on the rewards of heaven and the motives of hope, and to make corresponding acts (II Cor., iv. 18; Ecclus., ii. 11-13); (c) to have recourse to God in all our needs, casting all our care on Him (I Pet., v. 7); (d) to work courageously for salvation and to preserve purity of conscience (Ps. xxvi. 14; I John, iii. 21, 22).

1036. The Subject of Hope.—By the subject of hope we mean the power of the soul to which this virtue belongs and also the persons who are capable of hope. (a) The faculty of the soul in which hope resides is the will, for this virtue seeks the good, not the true. (b) The persons capable of hope are all those who have not yet received their final reward or punishment.

1037. The virtue of hope does not remain in the blessed. (a) They cannot hope for the principal object of bliss, since they already enjoy it: “Hope that is seen is not hope. For what a man seeth, why doth he hope for?” (Rom., viii. 24). (b) The blessed can desire secondary objects, such as the continuance of their state, the glorification of their bodies, the salvation of those who are still on earth, etc.; but this desire belongs to the virtue of charity, since with the blessed there is no longer the struggle and expectation of the future that is contained in the desire of hope. Moreover, the desire of objects other than God does not constitute the theological virtue of hope, which tends directly to God.

1038. As to the departed who are not in heaven, we must distinguish between those in hell and those in purgatory.

(a) Those who are in hell, whether demons or men, cannot hope; for it is part of their punishment that they know their loss is eternal (Matt., xxv. 41; Prov., xi. 7). Dante expresses this truth when he says that on the gates of hell it is written: “Hope abandon ye that enter here.” Only in an improper sense can the lost be said to hope, inasmuch as they desire evils, or things other than heaven. Unbaptized infants either do not know their loss, or else

are not tormented by the thought that heaven is for them unattainable, realizing that its privation has resulted from no personal fault of their own.

(b) Those who are in purgatory have hope; for, although they are certain of their salvation, it still remains true that they must ascend through difficulties to their reward. Hence, in the Mass the Church prays for the departed “who sleep the sleep of peace”—that is, who are secure about their salvation. The Fathers in limbo also had hope before their introduction into heaven: “All these died according to faith, not having received the promises, but beholding them afar off and saluting them, and confessing that they are pilgrims and strangers on the earth.... They desire a better, that is to say a heavenly country” (Heb., xi. 13, 16).

1039. As to those who have not yet passed from this mortal life, some have hope, others have it not.

(a) Those who have no hope are unbelievers and those believers who have rejected hope. Unbelievers have no theological hope, since faith is “the substance (i.e., basis) of things to be hoped for” (Heb., xi. 1). Hence, even though one accepts the Article of the Creed, “I look for the resurrection of the dead and the life of the world to come,” one’s hope is not real, if one culpably rejects some other Article; for then one expects the end without the necessary means (Heb. xi. 6). Believers who despair of salvation, or who do not look to God for it, have not the virtue of hope; for, just as faith is lost if its object or motive is not accepted, so also hope perishes if its object is not expected or its motive is not relied on.

(b) Those who have hope are all believers not guilty of a sin contrary to hope. Sinners cannot expect to be saved if they continue in sin, but they can expect through the grace of God to be freed from sin and to merit eternal life; indeed, they are bound to believe that God wishes their salvation and to hope for it.

1040. The certainty of hope does not exclude the uncertainty of fear; on the contrary, man must both hope and fear, as regards his salvation.

(a) If a person looks to the motives of hope (i.e., God’s power and mercy), he has the assurance of faith that God can and will help him to attain salvation; and thus there arises in him a firm and unshaken hope: “I know whom I have believed, and I am certain that He is able to keep that

which I have committed unto Him, against that day” (II Tim., i. 12; cfr. Heb., vi. 18; Ps. xxiv. 2; Ps. xxx. 2.; Rom., xiv. 4)

(b) But, if a person looks to his own frailty and remembers that others have hoped and yet have been lost, he is not certain that he will cooperate with God and be saved, and hence he must fear (Eccles., ix. 1 sqq.; I Cor., iv. 4, ix. 27). The Council of Trent declares that no one can promise himself with absolute certainty that he will persevere (Sess. VI, Cap. 13). Therefore, it is written: “He that thinketh himself to stand, let him take heed lest he fall” (I Cor., x. 12); “With fear and trembling, work out your salvation” (Phil., ii. 12).

1041. The Gift of Fear of the Lord.—The Gift of the Holy Ghost that perfects the virtue of hope is Fear of the Lord (see 159 sqq.); for (a) hope is the root from which the Gift of Fear is derived, since hope joins the affections to God, and fear acts upon the soul that is thus tending towards its beatitude—we fear to lose what we hope for; (b) fear assists hope, since it makes us dread, not the loss of beatitude or of divine help, but the lack of cooperation on our own part with the assistance given by God.

1042. Not every kind of fear pertains to the Gift called Fear of the Lord. In the first place, we must distinguish between physical and moral fear. (a) Fear, physically considered, is the emotion treated above (see 41 sqq., 120), which manifests itself in aversion, bashfulness, shame, dismay, alarm, horror, etc. This kind of fear, like the other passions (see 121), is morally indifferent in itself. (b) Fear, morally considered, is a dread of imminent evil as leading one to God or away from Him. In this sense fear is now discussed.

1043. The object of fear is always some evil, for the good does not repel, but attracts. The motive of fear, however, is something good; for one dreads evil on account of some good one wishes to obtain or retain. By reason of the motive, then, fear may be divided into two moral species, namely, fear of the world and fear of God.

(a) Fear of the world is that which dreads creatures more than God, because it sets more store by the things of time than by those of eternity. Thus, St. Peter’s denial of Christ was prompted by fear of the world. When the object of this fear is loss of the esteem of men, it is called human respect.

(b) Fear of God is that which dreads the Creator more than creatures, because it prizes Him above all. Thus, St. Peter's death for Christ proceeded from his fear of God.

1044. Fear of the world is always sinful, because it makes one offend, or be willing to offend, God for the sake of escaping some temporal evil. It is forbidden by our Lord: "Fear ye not them that kill the body and are not able to kill the soul, but rather fear Him that can destroy both body and soul in hell" (Matt, x. 28). Elias (or Eliseus) is praised because of his freedom from fear of the world: "In his days he feared not the prince" (Ecclus., xlviii. 13). We should note, however, the distinction between habitual fear, on the one hand, and actual or virtual fear, on the other hand.

(a) Habitual worldly fear is a state, not an act—that is, the condition of those who are in mortal sin, and have therefore preferred self to God as the supreme end of life. It is a matter of faith that not all the acts of sinners or unbelievers are bad, for they are able to seek certain particular or natural goods.

(b) Actual fear of the world is a deliberate choice of sin out of fear of some temporal evil; virtual fear is a deliberate act proceeding from such a choice though without advertence to the choice or fear. In both these kinds of fear there is sin, for actual fear commands evil, virtual fear executes it. Examples: Sempronius internally resolves to be guided by his fear of imprisonment rather than by the law of God against perjury (actual fear). He then proceeds to perjure himself, adverting to what he says, but not thinking about his previous fear (virtual fear).

1045. The species of sin to which worldly fear belongs are as follows:

(a) The theological species of this sin depends on the disposition of the person. He sins mortally, if on account of fear he is ready to offend God seriously; he sins venially, if on account of fear he is prepared to commit only a venial sin. Examples: Titus, in order to escape imprisonment or exile, swears falsely. Balbus, having been absent from his office without leave, tells a little lie to escape reproof for this misdemeanor. Titus' fear is a grave sin, that of Balbus a venial sin.

(b) The moral species of worldly fear is, as a rule, the same as the species of the sin to which it leads, so that but one sin is committed and need be

confessed. The reason is that generally the object of fear is something that deserves to be dreaded, and that the aversion from it is not wrong except in so far as it is carried to the extreme of using sin as a means of escape. Example: Caius is wrongly suspected of theft. To free his reputation he swears falsely about a circumstance that appears incriminating. His fear of losing his good name is not a sin in itself, and hence he is guilty of the one sin of perjury.

1046. There are exceptional cases when fear is a distinct sin from the sin to which it leads.

(a) If the fear of losing some temporal good is so great that one is prepared to commit any sin to escape the loss, and if later by reason of this fear one swears falsely, two sins are committed—one against charity, because a temporal good was preferred to God, and the other against religion, because God was called on to witness to falsehood.

(b) If the fear is that one will not be able to commit one kind of sin, and this induces one to commit another kind of sin, evidently two sins are committed. Example: Balbus wishes to calumniate Caius, but is not able to do so himself. Fearing that Caius will escape his vengeance, he steals money and offers it to Sempronius as an inducement to calumniate Caius. The two sins, calumny and theft, are committed.

1047. Not every fear of man or of temporal evil falls under worldly and sinful fear. (a) To fear or reverence man in those things in which he represents the authority of God is a duty: “Render to all men their dues ... fear to whom fear, honor to whom honor” (Rom., xiii. 7). (b) To fear temporal evils (such as loss of life, reputation, liberty, property) in a moderate and reasonable manner, is good. Hence, our Lord bids us pray for deliverance from evil.

1048. Fear of God is of two specifically distinct kinds, according as the object one dreads is offense of God or punishments from God. (a) Servile fear, that of a servant with regard to his master, dreads sin because of the punishment it entails; (b) filial fear, that of a son with regard to his father, dreads sin because of the offense to God that is contained in it.

1049. Servile fear may be considered either as to its substance or as to its accidents. (a) The substance or essence of servile fear is derived from its

object (see 71), that is, from the evil of penalty which it entails; (b) the accidents of servile fear are its circumstances (see 72), such as the state of the person who has the fear, the manner in which he fears, etc.

1050. Servile fear in itself is good and supernatural.

(a) That servile fear is good, is a dogma of faith defined in the Council of Trent (Sess. VI, Can. 8; Sess. XXIV, Can. 5). Our Lord recommends this fear when he says: "I will show you whom ye shall fear. Fear ye Him who after He hath killed, hath power to cast into hell. Yea, I say to you, fear Him" (Luke, xii. 5). the object of this fear is penalty, which is an evil, and consequently something that ought to be dreaded.

(b) That servile fear is supernatural, follows from the fact that its acts are supernatural. It comes from the Holy Ghost that man may prepare himself for grace; it is "the beginning of wisdom" (Ps. cx. 10), because through it the wisdom of faith first becomes effective as a rule of action, causing man to depart from sin on account of the justice of God which it makes known to him. Servile fear is thus far superior to that natural fear of pain and suffering which all have.

1051. Though servile fear is good, useful and praiseworthy, it is not perfect. (a) It is inferior to filial fear; for, while servile fear looks upon God as a powerful master who cannot be offended with impunity, filial fear regards Him as a loving Father whom one does not wish to offend. Hence, the Old Law, given amid the thunder of Sinai and with many threats against transgressions, is less perfect than the New Law, which relies more on love than on fear (Rom., viii. 15; Heb., xii. 18-25; Gal., iv. 22 sqq.). (b) Servile fear, although it is regarded by some theologians as an infused habit, is not a Gift of the Holy Ghost, since it may coexist with mortal sin. It seems that it is not even a virtue, since it turns man away, not from moral, but from physical evil; but a number of authorities consider it as a secondary act of the virtue of hope.

1052. Servile fear, as to its circumstances, may be evil. (a) The circumstance of the state of the person who has servile fear is good, when the person is a friend of God; it is evil, when that person is an enemy of God. (b) The circumstance of the manner in which servile fear is elic[i]ted is good, if punishment is not feared as the greatest evil; it is bad, if punishment is feared as the greatest evil, for then one makes self the

principal end of life, and would be disposed to sin without restraint, were there no punishment.

1053. The effect of evil circumstances on servile fear itself is as follows:

(a) Servile fear is not rendered evil because of the evil state of the person who fears. Just as a person who is habitually foolish may actually say or do something wise, so a person who is habitually wicked may perform virtuous acts. Mortal sin is no more a defect of servile fear in a sinner than it is a defect of faith or hope in one who has faith or hope without works; neither faith nor hope nor fear is to be blamed for the state of mortal sin, but the person who has those gifts of God is at fault. True, the sinner, by reason of his lack of love of God, does not put fear of sin above fear of punishment. But from this it does not follow that he puts fear of punishment above fear of sin, for he may fear punishment absolutely (i.e., without making any comparison between the evil of sin and the evil of punishment). The fear which makes no comparisons is good, or else we must say that only filial fear avails, which, as said above, is not true.

(b) Servile fear is rendered evil as to the manner in which it is performed, when one compares sin and punishment, dislikes only the latter, and avoids sin only to escape punishment. This kind of fear is slavish, for it makes one do something good unwillingly, like a slave forced to labor against his wishes, whereas God is pleased only with service that comes from a willing spirit (I Par., xxviii. 9).

1054. Hence, we must distinguish the following cases of servile fear:

(a) Fear of punishment is purely servile when it makes a person avoid sin, but does not make him put away his love of God.

(b) Fear of punishment is not purely servile, when it causes a sinner not only to cease from sin, but to give up his affection for sin; this fear is distinct from charity, but prepares for it: "The fear of the Lord driveth out sin" (Ecclus., i. 27).

(c) Still less is the fear of punishment purely servile, when it leads a just man, who already detests sin as an offense against God, to detest it as involving punishment from God. This fear exists along with charity, for the love of God and the right love of self are not exclusive. But, as charity increases, servile fear must decrease; the more a person loves God, the less

is he concerned about his own good, the more confidently does he hope in God, and hence the less does he fear penalty.

1055. There are two degrees of filial fear to be distinguished:

(a) Initial fear is that of beginners in charity. On account of past sins, they fear punishments from God; on account of their present love of God, they fear they may be again separated from Him. The second fear is stronger with them, and it commands that the first fear be aroused to hold the will more firmly against whatever might separate from love. Of this fear it is said: "The fear of God is the beginning of His love" (Ecclus., xxv. 16).

(b) Perfected fear is that of those who are established in charity. The more the love of God sways the heart, the more is every other love, that of self included, subjugated to the love of God, and the less is one troubled by the thoughts of evils that may befall self. Even in this present life some souls are so strong in the love of God that all servile fear disappears: "I am sure that neither death nor life ... shall be able to separate us from the love of God" (Rom., viii. 38, 39); "Perfect charity casteth out fear, because fear hath pain, and he that feareth is not perfected in charity" (I John, iv. 18).

1056. The perfected fear of God has two acts:

(a) In the present life, where it is possible that one may offend God and lose His friendship, one dreads the commission of offense and the loss of friendship. This fear should be always with us: "Keep His fear and grow old therein" (Ecclus., ii. 6). With the growth of charity there is a corresponding growth in the fear of separation from God, because the more ardently God is loved, the more one realizes the greatness of the loss sustained through sin.

(b) In eternal life, where sin and separation from God are impossible, the blessed do not fear these evils: "He that shall hear Me, shall rest without terror, and shall enjoy abundance without fear of evils" (Prov., i. 33). But in the presence of the Divine Majesty the Angels and Saints are filled with awe and reverence: "I saw them that had overcome the beast, singing: Who shall not fear Thee, O Lord, and magnify Thy name?" (Apoc., xv. 3, 4); "The pillars of heaven tremble and dread at His beck" (Job, xxvi. 11); "Through whom (Christ) the Angels praise Thy majesty, the Dominations worship it, the Powers are in awe" (Preface of the Mass). This holy fear is

unending, for the infinite distance between God and His creatures, His incomprehensibility to them, will never cease: “The fear of the Lord is holy, enduring forever and ever” (Ps. xviii. 10).

1057. The filial fear of God is identical with the Gift of fear of the Lord, spoken of in scripture: “He shall be filled with the spirit of the fear of the Lord” (Is., xi. 3). The function of the Gifts is to make the soul docile to the inspirations of the Holy Spirit, and to supplement or serve the habits of virtue, and both these benefits are conferred by filial fear.

(a) This fear makes the soul ready to follow impulses prompted by God, for through it we subject ourselves to God as our Father, revering His wondrous majesty and fearing to stray from Him. Indeed, this is the first of the Gifts, for the realization of one’s nothingness before God is the starting-point of promptitude in receiving His teaching and guidance.

(b) Filial fear is a principle from which proceed acts of all the moral virtues, inasmuch as the reverence for God’s surpassing majesty and respect for His almighty power and justice incline one to lay aside pride, intemperance, and every vice, and exercise good works that are pleasing to Him: “The root of wisdom is to fear the Lord, and the branches thereof are long-lived” (Ecclus., i. 27).

(c) Filial fear is especially and primarily related to the virtue of hope, for these two complement each other, as do the emotions of hope and fear. Hope aspires to conquer the heights of heaven, and feels that God is on its side; fear reminds one of the greatness of God and of the dangers of over-confidence. Each then is necessary to balance the other: “The Lord taketh pleasure in them that fear Him, and in them that hope in His mercy” (Ps. cxlvi. 11).

1058. To the Gift of Fear correspond the first Beatitude and the fruits of modesty, continency and chastity. (a) Filial fear makes one realize that all but God is as nothing, and hence that true greatness must be sought, not in the self-esteem of pride, nor in the external pomp of riches and honors, but in God alone: “Some trust in chariots, and some in horses; but we will call upon the name of the Lord our God” (Ps. xix. 8). This is the disposition of soul to which is promised the First Beatitude: “Blessed are the poor in spirit, for theirs is the kingdom of heaven” (Matt, v. 3). To the first of the Gifts, in the order of preparation, corresponds the first of the Beatitudes. (b)

Filial fear makes one dread the thought of separation from God, and hence it leads one to use temporal things with moderation, or to abstain from them entirely. To it, then, pertain the Fruits of the Spirit, which St. Paul names “modesty, continency, chastity” (Gal, v. 23).

1059. The Sins Against Hope.—There are two sins contrary to hope: (a) despair, which is the opposite of hope by defect; (b) presumption, which is the opposite of hope by excess.

1060. Since hope has many elements of which it is composed, despair—or the falling short of hope—may happen in various ways. (a) Hope is a turning of the soul towards beatitude, and so the omission of the act of hope may be called despair (negative despair). (b) Hope regards beatitude as its good, and so aversion from divine things may be called despair (despair improperly so-called). (c) Hope pursues a good that is difficult of attainment, and so he who is dejected by the difficulty is said to despair. (d) Hope firmly believes that its goal may be reached, and hence one who doubts the possibility of success in the quest of heaven is in despair. (e) Hope has the expectation of one day entering into eternal life, and hence he is guilty of despair who admits that salvation will be secured by others, but denies that he himself should expect it.

1061. Definition of Despair.—Leaving out of consideration negative despair and despair improperly so-called, the sin we are now considering may be defined as follows: “Despair is an act of the will by which one turns away from the beatitude one desires, not under the aspect in which it appears as good, but because one apprehends it as impossible, or too difficult, or never to be realized, and under this aspect as evil.”

(a) Despair is an “act of the will,” and as such it differs from the intellectual sin of unbelief. The Novatians, who rejected the forgiveness of sins, and a heretic who denies the future life, are guilty by these acts of sin against faith, though of course one who disbelieves must also despair (see 1029, 751).

(b) Despair is a positive “turning away from beatitude.” It differs, therefore, from the mere omission of the act of hope or from an act of feeble hope, as well as from the sins against the moral virtues, which consist primarily in a turning towards some created good.

(c) Despair turns away “from God,” and thus it differs from despondency about other things.

(d) Despair turns away from God “apprehended as good and desired as the beatitude of man,” for no one is said to despair of what he considers evil or undesirable. Hence, despair differs from aversions and fears; such as hatred of God (which regards Him as evil) or fear of God (which thinks of Him, not as a rewarder, but as the author of chastisement).

(e) Despair, however, does not reject God, because He is good and desirable, but because He is apprehended as a “beatitude that is impossible,” or too difficult for one, or as a good that one will never attain to. For a person does not turn away from that which he regards as the object of his happiness, unless he considers that there is some inconvenience in seeking after it.

1062. Is despondency about things other than God a sin? (a) It is the sin of pusillanimity, when it makes a person abandon hope of something which he is capable of attaining and which he should aim at, as when students, on account of the labor required, give up hope of learning a certain subject which they have been assigned. This sin will be treated in the section on Fortitude.

(b) It is no sin, if a person gives up the expectation of something about which he has no reason to hope, or which he is not obliged to hope for. Examples: Caius gives up the hope of getting an education, because he lacks money to pay the expenses. Balbus ceases to pray for health, because he thinks it is not God’s will to grant that request. Titus abandons the expectation of a long life, and even at times wishes for death.

1063. To wish for death may include despair of salvation or other sin.

(a) If this wish means that one has no desire for any kind of existence (as when one desires extinction), manifestly eternal life is not looked for, and hence there is despair. It should be noted, however, that such expressions as, “Would that I had never been born!” “Would that I were out of existence!” often signify nothing more than weariness of life on earth, or disgust with conditions.

(b) If the wish is not for annihilation, but only that God send death, it is not a sin of despair; but if the wish is inordinate, some other species of sin

is committed—for example, if the person wishing to die is not resigned or submissive to God's will in the matter, he is guilty of rebellion against Providence, and his sin is grave, if there is sufficient reflection and consent.

(c) If the wish is merely for death and is not inordinate, it may be an act of virtue, as when, out of a longing for heaven, one deliberately desires to be taken from this world, if this be pleasing to God. Thus, St. Paul said that he desired “to be dissolved and to be with Christ” (Philip., i. 23).

1064. Certain acts of fear or sadness must not be mistaken for despair: (a) acts that are praiseworthy, like servile and filial fear spoken of above (see 1048 sqq.), grief over sin, etc.; (b) acts that are a trial from God, such as spiritual desolations in holy persons, scruples about forgiveness of sins, anxieties about predestination, perseverance, or the Judgment; (c) acts that are sinful, such as worldly fear, fear of God that is purely servile, timidity (i.e., an excessive dread of death or other evils). Those who fear that, on account of their frailty, they may not acquire a good habit or overcome an evil one, are guilty of pusillanimity. Those who, on account of sadness, neglect prayer are guilty of spiritual sloth.

1065. There are two species of despair, namely, the despair of unbelief and the despair that is found even in those that have faith.

(a) The despair of unbelief arises from a judgment contrary to faith, as when one holds as general principles that salvation is impossible, that God is not merciful to sinners, that all sins or certain sins cannot be forgiven. Thus, St. Paul designates the pagans who do not accept the Final Resurrection as those “who have no hope” (I Thess., iv. 12).

(b) The despair of believers arises from a judgment formed by them which is not directly opposed to faith, but which is erroneous, and is induced by some wicked habit or passion. Example: Titus lives a very disorderly life, and so thinks that he is predestined to hell, or that he is too weak to repent and persevere. Since his predestination and perseverance are not matters of faith, he is not guilty of unbelief by his judgment about them, but the judgment itself is wrong, and one which he has no right to form or act on.

1066. Signs which indicate that a penitent suffering depression has not been guilty of despair are: (a) if he retains the faith and has not abandoned

the usual practices of religion and piety; (b) if he retains the faith, but has given up some of its practices through discouragement or weakness, but intends to repent. His sin is sloth or cowardice or attachment to some vice.

1067. Hence, the erroneous judgment that precedes despair is similar to that which precedes every act of sin, namely, it is always practically erroneous, though not always speculatively so.

(a) Judgment is speculatively erroneous with regard to duty, when one decides that in general something is lawful which is unlawful; or vice versa, as when one thinks that lying is pleasing to God. It is clear that this kind of error need not precede sin, or else all sinners would err against the faith.

(b) Judgment is practically erroneous about duty, when a person decides that here and now he should do something which in fact he should not do, as when he knows well that lying is displeasing to God, and yet makes up his mind that, all things considered, he ought to tell a lie. It is clear that this kind of error precedes every sin, for no one wills something unless his judgment has first told him that he ought to will it. The sinner first judges in a particular case that he should prefer the good of pleasure or of utility to the good of virtue, or he first neglects to consider the right manner in which he should act: "They err that work evil" (Prov., xiv. 22).

1068. The Malice of Despair.—(a) Despair is a sin, for Holy Scripture declares woe to the fainthearted, who trust not God and lose patience (Ecclus., ii. 15, 16), and it holds up the despair of Cain and Judas for reprehension. The malice of despair appears in this, that it is based on a perverse judgment that one ought not to labor for salvation in confident expectation, despite God's promise and command to the contrary. (b) It is a mortal sin according to its nature, for it destroys the theological virtue of hope, turns man away from God his Last End, and leads to irreparable loss.

1069. In the following cases despair is not a mortal sin, nor at times even a venial sin. (a) When there is not sufficient reflection, despair is not a grave sin. Examples: Those who are ignorant of the sinfulness of despair, those who on account of great discouragement or fear do not fully advert to their despair of amendment, do not sin gravely. Despair is often a result of insanity. (b) When there is not full consent of the will, despair is not a grave sin. Examples: Those who, on account of a melancholy disposition, inclination to pessimism, past sins, etc., are tempted to give up the hope of

salvation, are not guilty of sin, provided they fight against these suggestions of the mind or imagination.

1070. The gravity of despair as compared with other sins is as follows:

(a) Despair is a greater sin than offenses against the moral virtues, for the chief inclination of despair is aversion from God, whereas the chief inclination of the latter kind of sins is conversion towards creatures. Thus, a person who drinks excessively does not primarily intend offense against God, but his own enjoyment or escape from certain worries.

(b) Despair in itself is less serious than the sins of unbelief and hatred of God; for, while despair is opposed to God as He is our good, the other two sins are opposed to God's own truth and goodness.

(c) Despair is more serious than the sins of unbelief and hatred of God with reference to the danger it contains for the sinner; for it paralyzes effort and resists remedies: "Why is my sorrow become perpetual and my wound desperate, so as to refuse to be healed?" (Jer., xv. 18) "If thou lose hope, being weary in the day of distress, thy strength shall be diminished" (Prov., xxiv. 10). Despair is, therefore, a sin against the Holy Ghost, a sort of attempt at spiritual suicide. But (see 900) it is not unpardonable and may be overcome by divine grace.

1071. It is important to know the causes of despair, for this knowledge enables us to distinguish it from the mystical state known as "the dark night of the soul," and to prescribe suitable remedies. Despair comes from one's own fault, whereas mystical purgation from God is a preparation for a higher state of divine union. The causes of despair can be reduced to two, luxury and sloth.

(a) The secondary characteristic of a hopeful pursuit of heaven is courage, the adventurous spirit which foregoes ease and comfort for the sake of higher things, despising the danger and difficulty. Hence, the vice of lust, since it makes one love bodily delights and disregard or underestimate those that are spiritual, is a cause of despair, as well as of other sins opposed to the spiritual life (Gal., v. 17).

(b) The chief and most distinctive characteristic of hope is its cheerful confidence of success. Hence, the vice of sloth, since it is sadness weighing

down the soul and making it unwilling to think rightly or to exert itself, is the principal cause of despair (Prov., xvii. 22).

1072. The apparent despair that is a trial to holy persons can be distinguished, therefore, from the sin of despair, especially by two signs: (a) though they are spiritually desolate and find no joy in religious practices, these persons do not turn to unlawful delights for consolation, but retain their dislike for lower pleasures; (b) though overcome with dismay at the thought of their own imperfection and of God's holiness, they do not so lose heart as to give over their exercises of piety (cf. St. John of the Cross, *The Dark Night*, Bk. I, c. 9 ff.).

1073. Spiritual writers make the following recommendations for cases of spiritual desolation: (a) the afflicted persons should understand that the deprivation of former sensible devotion is a sign of God's love and has been experienced by the Saints, and should, therefore, possess their souls in peace, leaving to God the time and manner of His heavenly visitation; (b) they should not burden themselves with new and heavier mortifications, lest they be overcome by too great sorrow, but should go on with their accustomed good works, and realize that, though bitter to them, these works are now all the more pleasing to God (Ibid., c. 10).

1074. Some Remedies for the Sin of Despair.—(a) If the cause is lust, one should learn that spiritual joys are nobler and more enduring than the joys of the flesh, and should take the means to sacrifice the lower in favor of the higher.

(b) If the cause of despair is spiritual sloth, one should meditate on the greatness of God's power, mercy and love, and should avoid whatever fosters undue sadness, "lest he be swallowed up with over-much sorrow" (II Cor., ii. 7). Thus, those who are tormented by the thoughts of past sins or future temptations must subject their scruples to direction, and remember the mercy shown to the good thief, to Magdalene, and other penitents; those who have lost courage because they read spiritual books of a rigorous or terrifying nature, or have been advised to attempt that for which they were unsuited, should seek more prudent instruction and counsel; those who are naturally nervous or melancholy, should employ such therapeutical or preventive measures as are useful or necessary. All should follow the

direction of St. Peter to labor the more, that by good works they may make sure their calling and election (II Pet., i. 10).

1075. Presumption is the name given to certain acts of the intellect. (a) Sometimes it signifies an arrogant self-esteem, as when an ignorant person thinks he is able to dispute with a learned scholar. (b) Sometimes it is a judgment about the affairs of others made rashly or out of fear: “A troubled conscience always presumeth grievous things” (Wis., xvii. 10). (c) Sometimes it is a conclusion based on probable evidence, and which by jurists is called violent, strong, or weak presumption according to the evidence (see 658).

1076. Presumption is also a name given to various acts of the will. (a) It is used, in a good sense, to signify an excellent confidence or hope, which seems rash according to human standards, but is really well founded, since it rests on the immensity of the divine goodness. Thus, Judith prayed: “O God of the heavens, Creator of the waters and Lord of the whole creation, hear me a poor wretch, making supplication to Thee, and presuming on Thy mercy” (Jud., ix. 17). Thus, too, Abraham hoped against hope (Rom., iv. 18). (b) Generally, however, the word “presumption” is applied to acts of the will in a bad sense, and indicates the purpose to do what exceeds one’s powers.

1077. Here we are concerned only with presumption as it is an act of the will choosing to do what exceeds one’s power. “Power” may be understood in three ways, and thus there are three kinds of sins all bearing the name of presumption.

(a) If a person chooses to overstep his moral power (i.e., his right of action), he is guilty of the general sin of presumption, which is not a special category of sin, but a circumstance common to any kind of sin in which one acts with full knowledge, and without subjection to any fear or coercion. Hence, in Canon Law it is said in various places: “If anyone shall presume to transgress” (i.e., if anyone shall coldbloodedly transgress).

(b) If a person wishes to accomplish by his own efforts something so great and difficult that it surpasses his physical powers, he is guilty of the special sin of presumption that is opposed to the moral virtue of magnanimity or greatness of soul, which attempts great things for which it is suited. Thus, he is presumptuous who undertakes a profession, when he

has no sufficient knowledge of its duties (cf. Luke, xiv. 28 sqq.). This may be called the moral sin of presumption.

(c) If one wishes to obtain through divine aid something that surpasses even the divine power to confer, one is guilty of the special sin of presumption that is opposed to the theological virtue of hope, which expects from God only such things as are worthy of God and as God has promised. Thus, he who looks forward to a free admission into eternal bliss, without repentance or obedience, does injury both to the character of God and to the virtue of hope. It is this special sin of presumption that we are now considering. It may be called the theological sin of presumption.

1078. Definition of Presumption.—The theological sin of presumption may be defined as follows: “An act of the will by which one rashly expects to obtain eternal happiness or the means thereto.” (a) It is an act of the will, and hence is distinct from intellectual sins, such as disbelief in the justice of God or the necessity of repentance. (b) It is an act of pleasing expectation, and so differs generically from fear, which is an act of dreadful expectation. (c) It is a rash expectation, and so is specifically opposed to hope, which is well-founded expectation.

1079. The objects of presumption are material and formal.

(a) The material object is eternal happiness and the means thereto, such as forgiveness of sin, observance of the Commandments, etc. This object by extension would include also such extraordinary supernatural gifts as the hypostatic union, equality in glory with the Mother of God, etc.; for it would be rash to expect against His will what God has made unique privileges.

(b) The formal object, or motive, of presumption is divine mercy not joined with justice, or divine power not regulated by wisdom, as when one hopes for heaven because one reasons that God is too merciful to be a just judge of sinners. The motive by extension would include also the unaided power of human nature relied on as equal to the task of working out salvation, as when a man feels so confident of his own virtue and his security against temptation that he thinks he can dispense with prayer and all appointed means of grace and yet save his soul. Similarly, a person is presumptuous if he feels that it is absolutely impossible for him to be lost, because he has received Baptism or other Sacraments.

1080. Presumption is rash, therefore, for the following reasons: (a) because it leads one to expect what is impossible according to the absolute or ordinary power of God (e.g., to share in some divine attribute, to sit at the right hand of Christ in glory), or (b) because it makes one expect to obtain supernatural goods in ways other than those ordained by God (e.g., to obtain forgiveness without repentance, to obtain glory without merits or grace).

1081. The nature of presumption as compared with temptation of God and blasphemous hope is as follows: (a) they are alike, inasmuch as all three wrongly expect something from God; (b) they differ, for presumption looks towards salvation and one's own happiness, whereas temptation of God seeks rashly some sign from God as a proof that He is wise, good, powerful, etc., or that the person is innocent, holy, etc., and blasphemous hope expects that God will help one in working revenge or committing other sin.

1082. The Malice of Presumption.-(a) It is a sin, because it is an act of the will agreeable to false intellectual judgments, namely, that God will pardon the impenitent or grant eternal life to those who have not labored for it. (b) It is a mortal sin, since it does grave injury to the divine attributes. We cannot hope too much in God, but we can expect what a perfect God cannot grant; in this latter respect—that is, in its contempt of God's majesty and justice—consists the offense of presumption. (c) It is a sin against the Holy Ghost, because it makes one despise the grace of God, repentance, etc., as if they were not necessary.

1083. The gravity of presumption as compared with other sins, is as follows:

(a) It is graver than sins against the moral virtues, because it is directly against God. Thus, theological presumption, being injurious to the power of God, is a more serious offense than moral presumption, which is an exaggeration of the power of man.

(b) It is less grave than despair, for, while presumption is a disregard of God's vindictive justice, despair is a disregard of His mercy, and God's vindictive justice is due to the sins of man, His mercy to His own goodness.

(c) Presumption is less grave, therefore, than unbelief and hatred of God, which, as said above, are more wicked than despair (see 1070).

1084. Presumption and Unbelief.—(a) Presumption is joined with unbelief whenever it proceeds from a speculatively false judgment about matters of faith. Persons, however, who are in error (e.g., Pelagians, Lutherans, Calvinists, etc.), may be in good faith, and hence guiltless of the formal sin of presumption. Examples: Caius expects to win heaven by his own unaided efforts (Pelagian presumption). Balbus expects to be equal in glory to the greatest Saints, and to be saved by the merits of Christ without repentance or observance of the Commandments (Lutheran presumption). Titus expects to be saved on the strength of wearing scapulars, practising certain devotions, or giving alms, while he wholly disregards church duties and important Commandments (Pharisaic presumption). Sempronius thinks that all members of his sect are predestined, and hence concerns himself little about the Commandments, being persuaded that all must end well with the elect (Calvinistic presumption).

(b) Presumption is committed without unbelief, when it proceeds from a practical judgment that one should act as if salvation were obtainable without merits or repentance, or as if natural efforts were alone sufficient, although speculatively one does not accept such errors (see 1067). The same is true when presumption springs from a failure to consider the divine justice or the established means of obtaining salvation.

1085. Presumption and Loss of the Virtue of Hope.—(a) Presumption properly so-called (i.e., hope of the impossible) takes away the virtue of hope, for it removes the motive and reasonableness of the virtue; now, the essence of true hope is a reasonable expectation, just as the essence of faith is assent to divine authority. Hence, he who expects future blessedness unreasonably (i.e., through his own efforts alone or through exaggerated mercy exercised by God), is not hopeful, but presumptuous.

(b) Presumption improperly so-called (i.e., hope of the uncertain) does not take away the virtue of hope, since it does not remove the motive of hope. Thus, one who commits sin, trusting to go to confession and to make restitution after he has enjoyed the benefits of wrongdoing, is presumptuous in the sense that he puts himself in a state of sin, for it is uncertain whether the time to repent will be granted him. However, he is relying on the mercy

of God, which never abandons man during life, and not on his own efforts, or on pardon given freely. He is guilty of a want of charity towards self, and of injustice to his neighbor, rather than of a want of hope.

1086. Presumption properly so-called is a sin rarely committed by Catholics. For (a) the presumption of unbelief is excluded by their faith in the justice of God and in the necessity of repentance and good works; (b) the presumption that is not the offspring of erroneous doctrines is also unusual, because even those who go on sinning with the expectation of being saved in the end, generally have the purpose of repenting at some future date.

1087. Is a sin worse because committed with the hope that later it will be pardoned? (a) If, at the moment of sin, a person has the intention to continue in sin, though he hopes for pardon, he is guilty of presumption, and his sin is made worse. (b) If he has the intention of sinning, but hopes for pardon, and is resolved to repent later on as a means to pardon, he is not guilty of presumption. The intention not to continue in sin diminishes the sin, for it shows that one is not so strongly attached to evil.

1088. The intention to sin now and repent later varies in malice according to circumstances.

(a) If the hope of obtaining forgiveness is concomitant as regards the sin now committed—that is, if one sins with the hope, but not because of the hope of pardon—one is less guilty. Example: Titus while on a tour indulges in much drunkenness, because he has the opportunity and is not known; but he intends to repent on his return home.

(b) If the hope of obtaining forgiveness is antecedent as regards the sin—that is, if one sins because of the hope of pardon—one is more guilty. Example: Balbus stays away from Mass most Sundays, because he reasons with himself that God is kind and it will be easy to obtain pardon. Caius, when urged to repent, always replies that it will be a simple matter to turn over a new leaf at the hour of death. Sempronius goes on multiplying sins from day to day, because he argues that it is just as easy to be pardoned late as early, just as easy to repent of a hundred sins as of ten.

1089. In the following cases presumption is not a grave sin: (a) no mortal sin is committed, if there is not sufficient reflection; for example, a person

who is invincibly ignorant of the seriousness of presumption, or who on account of immaturity has exaggerated ideas of his own strength, does not sin gravely if he presumes on God's mercy or his own power; (b) no mortal sin is committed, if there is not full consent of the will. For example, Titus is a self-made man, and hence is inclined at times to feel that he can work out even his salvation without any assistance, but he rids his mind of this presumptuous thought as soon as he takes notice of it.

1090. Are there cases in which presumption and despair are transformed into venial sin, not on account of the imperfect knowledge or consent of the subject, but on account of the slightheadedness of the matter involved? (a) If there is question of presumption and despair properly so-called, they are never venial on account of the lightness of the matter, for the matter, man's eternal destiny, must always be an affair of the utmost moment. (b) If there is question of presumption and despair in a wider sense, these sins may be venial on account of smallness of matter; for they may be understood with reference to things other than salvation. Examples: Titus despairs of his success in overcoming a habit of arriving late for his meals or of talking too much. Balbus imprudently trusts to his own efforts to get up promptly in the morning, or to fight against some slight distraction in prayer.

1091. The causes of presumption are as follows: (a) the presumption which depends too much on one's own powers arises from vainglory, for, the more one desires glory, the more is one inclined to attempt things that are above one, especially such as are new and will attract applause; (b) the presumption that depends rashly on divine assistance seems to result from pride, for a person who desires and expects pardon without repentance, or heaven without merits, must have a very exaggerated opinion of his own importance.

1092. The Commandments of Hope and of Fear.—Since hope is a necessary preparation for justification, and since man should tend towards the supernatural beatitude prepared for him by God, we cannot be surprised that scripture in many places inculcates the duty of hope.

(a) In the first legislation, given in the Decalogue, neither faith nor hope are enjoined by distinct Commandments, for, unless man already believed and hoped in God, it would be useless to give him commandments from God. Hence, in the Decalogue faith and hope are presupposed, faith being

enjoined only in so far as it is taught, as when the law begins with the words: “I am the Lord thy God” (Exod., xx. 2), and hope being prescribed only in so far as promises are added to the precepts, as in the First and Fourth Commandments.

(b) In the later laws there are given distinct commandments about hope, in order to remind man that he must observe not only the law, but also that which the law presupposes. Thus, we read: “Hope in Him, all ye congregation of people” (Ps. lxi. 9); “Charge the rich of this world not to be high-minded, nor to hope in the uncertainty of riches, but in the living God” (I Tim., vi. 17).

1093. Since acts of hope are obligatory for all adults in this life, the Quietists were in error when they defended disinterested love and absolute holy indifference (Denzinger, 1221 ff., 1327-1349). (a) Hence, man can at times make acts of pure love of God, in which self is not thought about, or even acts of renunciation of beatitude on condition that that were possible and necessary; but the habitual state of pure love, in which self-interest is entirely lost sight of, cannot be admitted (Philip., iii. 14; II Tim., iv, 8). (b) Indifference to the happenings of life, sin excluded, is good; but it is not lawful to be indifferent about one’s own salvation, or the means thereto. Indifference about salvation is not holy, but unholy.

1094. Is it lawful to desire to surrender beatitude for the sake of another’s spiritual good? (a) If there is question of beatitude itself, this is not lawful. The prayer of Moses that he be stricken from God’s book (Exod., xxxiii. 31, 32), and of St. Paul that he suffer loss of Messianic benefits (Rom., ix. 3), were only velleities or hyperbolical expressions of their great love for their race. (b) If there is question, not of beatitude itself, but of something that refers to it (such as the time of receiving it, present certainty about its possession), one may be willing to sacrifice this good for the benefit of his neighbor. Thus, St. Martin of Tours was willing to have his entrance into heaven delayed for the sake of his flock (cfr. Philip., i. 22 sqq.), and St. Ignatius Loyola would have preferred to remain uncertain of salvation and labor for souls, rather than to be certain of salvation and die at once.

1095. At what times does the commandment of hope oblige? (a) In its negative, or prohibitory aspect, this commandment obliges for all times and at all times (see 371). Hence, it is not lawful to despair, even when things

are darkest, nor to presume, even when they are brightest. (b) In its affirmative, or preceptive aspect, this commandment obliges for all times, but not at all times. Hence, the law of hope remains always in force, but one is not obliged at every instant to make acts of hope.

1096. By reason of the virtue of hope itself (i.e., on account of the response one should make to the promises of God concerning eternal life), an act of hope is obligatory on the following occasions:

(a) Such an act is obligatory at the beginning of the moral life, that is, at the time when one first realizes that one must choose between God and creatures as the object of one's happiness. This moment occurs for all when the age of reason is attained, and to it we may apply in this connection the words of Christ: "Seek ye first the kingdom of God and His justice" (Matt, vi. 33). This moment occurs for those who are in the state of sin as soon as they perceive the necessity of turning from creatures towards God: "Delay not to be converted to the Lord, and defer it not from day to day" (Ecclus, v. 8).

(b) During the course of the moral life, one is also bound to renew the act of hope: "The grace of God our Saviour hath appeared to all men, instructing us that we should live soberly, and justly, and godly in this world, looking for the blessed hope" (Titus, ii. 11, 12), "Serving the Lord, rejoicing in hope" (Rom., xii. 11, 12); "He that plougheth, should plough in hope" (I Cor., ix. 10). Even those who are more perfect must have on "the helmet of hope" (I Thess., v. 8), for by hope all are saved (Rom, viii. 25).

(c) It seems that at the end of life one is especially bound to elicit an act of hope, as on that moment eternity depends (Heb., iii. vi). But, if one has received the Last Sacraments or is otherwise well prepared for death and undisturbed by temptations to despair, there is no manifest need of making an express act of hope (cfr. 930).

1097. How frequently should acts of hope be made during life? (a) About the theoretical question, there is the same diversity of opinion as with regard to the act of faith (see 933). (b) But, practically, there is agreement among theologians that the commandment is fulfilled by all those who make an act of hope when this is necessary to preserve the virtue on account of danger of presumption or despair, and who comply with the

duties of a Christian life, such as attendance at Mass and the reception of the Sacraments.

1098. How should the act of hope be made? (a) The act is made explicitly, when one expresses one's confident expectation, the objects expected and the basis of the expectation, as when one prays according to the formulas of the Catechism or prayer books: "O my God, relying on Thy all-powerful assistance and merciful promises, I firmly hope to obtain pardon for my sins, obedience to Thy commandments, and life everlasting." This form of the act of hope is recommended, since it expresses the essential elements of the virtue. (b) The act of hope is made implicitly, when one offers petitions to God as one ought; for the confidence that accompanies every good prayer makes it an expression of hope of God and of hope in God. Thus, the words, "Thy Kingdom come," utter the soul's expectation of bliss and its reliance on God. The implicit act of hope satisfies the commandment, and hence those who comply with the duty of prayer, comply also with the duty of hope.

1099. By reason of some virtue other than hope (cfr. 935), there also arises at times an obligation of making an act of hope. (a) If another virtue will be lost or endangered without the assistance of hope, one is bound to make an act of hope. Examples: Titus is so discouraged by the difficulties of his duties that he will not perform them, unless he stirs up his will by thinking of the reward. Balba, on account of aridity, finds prayer so hard that she will give it up, unless the motive of future blessedness is before her mind. (b) If another commandment presupposes an act of hope, one is bound to the act of hope, although it may be made virtually or implicitly, as being contained in another virtue. Example: Sempronius is in the state of sin, and therefore obliged to repentance. Since repentance presupposes hope of pardon as a means to salvation, Sempronius must not only grieve over his sins, but must also have confidence in the divine mercy.

1100. Do those persons sin against hope by omission who wish they could remain in the enjoyment of the present life forever?

(a) If those persons are so disposed that they would willingly forego heaven for earth, they are guilty of a neglect of the precept of hope (I Tim., vi. 17). Hope requires that God be the chief object of our desires, but these persons give the first place to creatures (see 1019, 1031).

(b) If such persons are not willing to relinquish heaven, and their wish to remain here forever merely denotes an over-fondness for life or its goods or an exceeding dread of death, hope is not excluded, but they are guilty, slightly or seriously according to the case, of inordinate love of creatures.

(c) If such persons mean by their wish only that they are very much attached to something of earth and wish to retain it as long as God will allow, there is no sin committed. Thus, man and wife happily mated or other friends sometimes express the wish that both might live forever, meaning only that the thought of any separation is unpleasant.

1101. So far we have spoken of the necessity of precept of the act of hope. But there is also a necessity of means, as was said above about faith (see 785, 918), as regards both the act and the habit of hope.

(a) The act of hope is an indispensable condition of salvation for all adults. The unjustified man cannot prepare himself for pardon unless he hopes in God's mercy; he cannot resolve on amendment of life unless he relies on the necessary divine help. The justified man must earn heaven by his works and must pray to God in his necessities—things that are impossible without the firm confidence of hope (Rom., vi. 23).

(b) The habit of hope is an indispensable condition of salvation for all, infants included. For it is by justification, in which the soul and its various powers are sanctified (Rom., v. 6), that one is elevated to the supernatural sphere and made ready for the beatific vision.

1102. The habit of hope is not lost by every sin against hope.

(a) It is not lost by sins of omission, for it depends on divine infusion, not on human acts (see 745).

(b) It is not lost by sins of commission that do not remove its formal object or motive, such as sins against charity and the moral virtues. For it is possible for one to expect external happiness and at the same time not love God for His own sake, or not regulate one's conduct conformably to the happiness desired, just as it is possible for one to believe and yet not practise one's belief (see 1016, 1030).

(c) Hope is lost by sins of commission that remove its foundation or its formal object. Hence, sins of unbelief (since they remove the foundation of hope) and sins of desperation and despair (since they take away the formal

object of hope) are destructive of this virtue. It should be noted, however, that sins which only in a wider sense are named presumption and despair, do not remove the object, nor consequently the virtue of hope. Examples: Titus does not believe in a future life, and hence does not expect it. Claudius believes in a future life, but he is so weak in virtue that he has given up all expectation of its rewards for himself. Balbus, on the contrary, is living on stolen property and intends to continue to do so, but he hopes that somehow all will turn out well in the end. Sempronius, who is associated with Balbus, intends to make a deathbed repentance and restitution. The sins of the first three are ruinous to hope, since by reason of them there is no expectation of salvation, or only an expectation that is not based on divine power. The sin of Sempronius is presumptuous, since it risks a most grave danger imprudently; but it is not theological presumption, since it expects forgiveness through divine power and in a way that does not exceed divine power. It is not contrary to, but beyond theological hope.

1103. Divine Commandments Concerning Fear.—(a) Servile fear was not commanded in the Decalogue by any distinct precept, for fear of punishment is supposed in those who received the law; it was, however, commanded there implicitly, inasmuch as penalties were attached to transgressions. Later, in order to keep man more strictly to the law already given, instructions or commandments about the necessity of fear were given. Thus, Job says: “I feared all my works, knowing that Thou didst not spare the offender” (Job, ix. 28), and the Psalmist prays: “Pierce Thou my flesh with Thy fear, for I am afraid of Thy judgments” (Ps. cxviii. 120); our Lord commands: “Fear Him that can destroy both soul and body in hell” (Matt, x. 28).

(b) Filial fear, on the contrary (i.e., reverential love of God), since it is the principle from which proceed the external acts of respect and homage enjoined in the Decalogue, was inculcated at the time the first law was given. “What doth the Lord thy God require of thee, but that thou fear the Lord thy God, and walk in His ways, and love Him, and serve the Lord thy God?” (Deut., x. 12).

1104. As to the times and frequency of obligation, the principles and conclusions given above for hope can be applied also to fear.

Art. 5: THE VIRTUE OF CHARITY

(*_Summa Theologica_*, II-II, qq. 23-27.)

1105. Definition.—The word “charity” (*_carum_*, what is held dear, highly esteemed) is used either in a more general, or in a particular sense.

(a) In its more general sense, it is applied to acts or feelings of a kindly nature towards others, whether or not God be concerned in them as the object or motive. Thus, it is applied to kindly judgments about others, to a benevolent disposition towards their welfare, to gratuitous relief of the needy or suffering, to the bestowal of gifts for public benefit, and the like. In scripture the word is sometimes applied to friendship: “It is better to be invited to herbs with charity than to a fatted calf with hatred” (Prov., xv. 17).

(b) In its particular sense, charity refers to divine love, that is, to the love of God for man or the love of man for God. Here we are considering charity as the virtue by which the creature loves God for His own sake, and others on account of God.

1106. Love in general is the inclination towards a suitable good, or what is considered as one’s good. It is the root of all appetites of the soul, and hence the importance that the object of love be a true good.

(a) Every attraction is based on the recognition of some suitability in a certain good that attracts, and so is based on love. Example: Love may result from desire, as when from a desire of money springs love of the giver of money; but in the last analysis it will be found that the desire itself came from a previous love, for a person would not wish for money, unless he saw in it some advantage which inclined him towards its possession.

(b) Every repulsion is based on the fact that a certain thing is opposed to that which is suitable for self, and hence results from love. Example: Love sometimes is an effect of hate, as when one loves A because he hates A’s enemies; nevertheless, hate is basically always the result of some love, for one hates only those things that impede or destroy what one loves.

(c) Every satisfaction is due to the possession or presence of something helpful or congenial, and so it presupposes love. Example: A particular satisfaction may cause love, as when one loves a person because his company is entertaining; but the satisfaction is due to the love one has of being entertained.

1107. The effects of love are two; (a) union of affection, for the lover regards the object of love as another self and desires its presence; he delights to think of it and wishes what it wishes; (b) separation from other things, for the lover's thoughts are on the object of his love, and he is jealous of anything that might take it from him.

1108. Several degrees of love may be distinguished:

(a) Natural love is the tendency of things to their ends which results, not from knowledge, but from nature, and which is found in the irrational and inanimate as well as in higher forms of being. Thus, we may say that fire loves to burn, that every being loves its own existence;

(b) Sense love (*_amor_*) is the attraction that follows on knowledge obtained through the senses, and that exists in the brutes as well as in man. Thus, a dog loves bones, a cat loves fish. Sex-attraction is a species of sense love;

(c) Rational love (*_dilectio_*) arises from the reflection of the mind, and is a choice based on the judgment of the reason concerning the worth of the beloved object.

1109. Rational love is of two kinds: (a) love of desire (*_amor concupiscentiae_*), which is affection for an object which one desires for oneself or for another, in such a way that good is not wished for the object, but the goodness of the object is wished for something else (thus, one loves food or money with the love of desire, because one does not wish good for them, but from them); (b) love of benevolence (*_amor benevolentiae_*), which is had for an object to which one wishes good (thus, one loves a poor person with the love of benevolence when one wishes to give him food or money).

1110. The love of benevolence is called friendship when the following conditions exist: (a) when the love is mutual, for, if one party who is loved does not reciprocate the other party's affection, they are not considered

friends; (b) when the love is based on some similarity which is a bond of union, for friendship supposes that the parties have common interests and that they delight in each other's company, which is impossible without congeniality (see Ecclus., xiii. 19). Thus, there is friendship of relative for relative, of citizen for citizen, of soldier for soldier, of scholar for scholar. True, those who belong to the same state in life are often enemies; but this is due, not to the similarity of their life, but to some individual dissimilarity, as when one is successful and the other unsuccessful, one rich and the other poor. Aristotle remarked that potters never got along together, and Proverbs, xiii. 10, says that between the proud there are always quarrels; for each potter saw in the other potter one who took away profits, and each proud man sees in another proud man an obstacle to personal glory. Unfriendly feeling may exist, then, among those who are alike, but friendship is impossible when the parties have nothing special in common.

1111. Two kinds of friendship must be distinguished. (a) The friendship of utility or of pleasure is that by which one desires good for one's friend, not for the friend's sake, but for one's own advantage or gratification. Hence, friendships of this kind contain some love of benevolence, but they are prompted by love of desire. On account of this admixture of selfishness, they fall short of friendship in the truest sense. Examples: Titus cultivates the friendship of Balbus, because the latter is wealthy and will patronize his business; Balbus, on his part, returns the friendship of Titus, because he finds his prices cheaper (a friendship of convenience or utility). Caius and Claudius associate together much and help each other gladly, but the only thing that draws them together is the amusement they get out of each other's companionship (a friendship of pleasure).

(b) The friendship of virtue is that by which one desires good for another, and by which the cause of attraction is the virtue of the friends. This is true friendship, because it is unselfish and has the highest motive; it is naturally lasting, since it is built on moral goodness, the real good of an intelligent being (Ecclus., vi. 14-16). Example: David and Jonathan became friends because each recognized the other's virtue.

1112. Charity is a true friendship between God and His intellectual creature, for in scripture the just are called the friends of God (John, xv. 15; James, ii. 23; Ps. cxxxviii. 17), and the conditions of true friendship are affirmed about their relation to God. (a) There is a mutual love of

benevolence between God and the just: “I love them that love Me” (Prov., viii. 20); “He that loveth Me shall be loved of My Father, and I will love him” (John, xiv. 21). (b) There is a common bond; for, while according to nature God and man are infinitely distant, according to grace man is an adopted son of God and the heir to glory in which he will share happiness with God.

1113. Charity is twofold, namely, uncreated and created. (a) Uncreated charity is God Himself. The entire Trinity is called charity, just as It is also called truth, wisdom, etc.: “God is charity, and he that abideth in charity, abideth in God” (I John, iv. 8). The Holy Ghost especially is called charity, because he proceeds in the Trinity as love. Hence, in the *—Veni Creator—* He is addressed as “Fount of life, fire, charity, and spiritual anointing.” (b) Created charity is a supernatural habit added to the will, inclining it to the exercise of love of God and enabling it to act with promptness and delight: “The charity of God is poured out in our hearts by the Holy Ghost who is given to us” (Rom., v. 5). We are concerned here only with created charity.

1114. Created charity is defined: “A supernatural virtue infused by God, through which we love with friendship God, the author of our beatitude, on account of His own goodness, and our neighbor, on account of God.” Charity is given with sanctifying grace, but differs from it, inasmuch as grace is a principle of being and makes man himself holy, whereas charity is a principle of acting and makes acts holy.

1115. The Excellence of Charity.—Human friendship of the lower kind is not a virtue, while that which is higher is rather the extension or result of virtue than a virtue in itself. The divine friendship, however, constitutes the theological virtue of charity.

(a) Thus, charity is a virtue, since through it our acts are regulated by their supreme standard and our affections united to the divine goodness.

(b) Charity, although it exercises a sway over the other virtues, is distinct from them; for it has its own proper object, namely, the divine goodness, all-perfect in itself: “These three: faith, hope and charity” (I Cor., xiii. 13).

(c) Charity, although it includes our neighbor as well as God among the objects of love, is but one virtue, since it has but one end (i.e., the goodness

of God), and it is based on but one fellowship (i.e., the beatific vision to be bestowed by God).

1116. Charity is less perfect than the act of the intellect by which God is seen intuitively in the beatific vision, but it is preeminent among the virtues of this life. (a) Thus, it is superior to the normal virtues, for while they regulate actions by the inferior rule of reason, charity regulates them by the supreme rule, which is God Himself. (b) It is superior to the other theological virtues, since it tends to God in Himself, whereas faith and hope tend to God as He is the principle whence we derive truth and blessedness: “The greatest of these is charity” (I Cor., xiii. 13).

1117. The other virtues require charity for their perfection.

(a) Without charity the other virtues are either false virtues, or true but imperfect virtues; for they are then directed, not to the universal and last End, but at most to some particular and proximate good end. Nor are they meritorious without charity, for “if I should distribute all my goods to feed the poor, and if I should deliver my body to be burned, and have not charity, it profiteth me nothing” (I Cor., xiii. 3).

(b) With charity the other virtues become true and perfect virtues. Examples: Titus gives alms to the poor in order to win them to infidelity (false charity). Caius avoids drunkenness, not because he dislikes it, but because he is a miser and dislikes to spend money (false temperance). Balbus has no religion, but is very faithful to his family duties (imperfect justice). Claudius discharges his duties to his family and neighbors out of love for God (perfect justice).

1118. The influence of charity on the other virtues is expressed by various titles.

(a) Charity is called the informing principle of the other virtues. This does not mean that charity is the type on which the other virtues are modelled, or the internal character that makes them what they are; otherwise, all the virtues would be absorbed in the one virtue of charity. It means, then, that the other virtues derive the quality of perfect virtue from charity, through which they are directed to the Last End.

(b) Charity is called the foundation and root of virtues (Eph., iii. 17), not in the sense that it is a material part of them, but in the sense that it supports

and nourishes them.

(c) It is also spoken of as the end and the mother of the other virtues, because it directs the other virtues to the Last End, and produces their acts by commanding their exercise: “The end of the commandment is charity” (I Tim., i. 5).

1119. Charity causes the other virtues, negatively by forbidding evil, affirmatively by commanding good (I Cor., xiii, 4-7).

(a) It forbids that evil be done the neighbor, either in desire or in deed: “Charity envieth not, dealeth not perversely.”

(b) It forbids evil passions by which one is injured in oneself, such as pride, ambition, greed, anger: “Charity is not puffed up, is not ambitious, seeketh not her own, is not provoked to anger.”

(c) It forbids that one harm one’s own soul by thoughts or desires of wrong: “Charity thinketh no evil, rejoiceth not in iniquity.”

(d) It commands that good be done the neighbor, bears with his defects, rejoices over his good and bestows benefits upon him: “Charity is patient, is kind; rejoiceth with the truth, beareth all things.”

(e) It commands that good be done towards God by the practice of the theological virtues of faith and hope, and by continuance in them: “Charity believeth all things, hopeth all things, endureth all things.”

1120. Direction is given by charity to the other virtues that makes them perfect and meritorious.

(a) Actual direction—that is, the intention here and now to believe, or hope, etc., out of love for God—though more perfect, is not required for merit in faith, hope and other virtues: otherwise, merit would become extremely difficult and rare.

(b) Habitual direction—that is, the mere fact that one has the habit of charity, though it in no way influences an act of faith, or of hope, etc, now made—does not suffice; otherwise, it would follow that an act of faith recited by a person in the state of charity, but here and now unconscious, is meritorious, which would make merit too easy.

(c) Virtual direction—that is, the influence of an intention, once made and never retracted, of acting out of love for God, which continues, though it is not adverted to, while one believes, hopes, etc.—at least is necessary; otherwise, one would make oneself deserving of the Last End, without ever having desired it, for the other virtues do not tend to the Last End in itself. In practice, however, there is no person in the state of grace who does not perform all his acts that are human and virtuous under the direction of charity, actual or virtual.

1121. Production of Charity.—The virtue of charity belongs to the appetitive part of the soul, but supposes a judgment by which its exercise is regulated. (a) Thus, the power of the soul in which charity dwells is the will, for its object is good apprehended by the intellect; but (b) the judgment by which it is regulated is not human reason, as is the case with the moral virtues, but divine wisdom (Eph., iii. 19).

1122. The Origin of Charity.—(a) Charity is not caused by nature, nor acquired by the powers of nature. Natural love of God, indeed, is possible without grace; but charity is a supernatural friendship based on a fellowship in the beatitude of God. (b) It is introduced or begotten by other virtues, in the sense that they prepare one to receive it from God (I Tim., i. 5).

1123. The cause of charity, then, is God, who infuses it into the soul: “The charity of God is poured forth in our hearts by the Holy Ghost, who is given to us” (Rom., v. 5). The measure according to which God infuses the gift of charity depends on His will and bounty.

(a) The Angels received charity at their creation, according to their natural rank, so that those who were higher excelled those who were lower, both in nature and in grace.

(b) Those who receive charity through infant baptism have it according “to the measure of the giving of Christ” (Eph., iv. 7; cfr. John, iii. 8; I Cor., xii. 2).

(c) Those who receive charity through repentance, have it, “everyone according to his proper ability” (Matt., xxv. 15), that is, according to the disposition with which he has prepared himself. But the preparation itself depends on the grace of God (Col., i. 12).

1124. Charity may be increased: “I pray that your charity may more and more abound” (Philip., i. 9). It must, however, be noted that: (a) the increase is not in the motive of charity, for the goodness of God is supreme and incapable of increase, nor is it in the objects of charity, for even the lowest degree of this virtue extends to all those things that must be loved on account of God; (b) the increase, then, is in the manner in which charity exists in the soul, in that it becomes more deeply rooted and takes stronger hold of the will, whose acts of love become correspondingly more intense and fervent. Just as knowledge grows as it becomes clearer and more certain, so does charity progress to higher degrees as it exists more firmly in its subject.

1125. With reference to the increase of charity, acts of love are of two kinds: (a) the less fervent are those that do not surpass the degree of charity one already possesses; (b) the more fervent are those that surpass the degree of charity one has. Example: If one has ten degrees of habitual charity, an act of five degrees is less fervent, an act of fifteen degrees is more fervent.

1126. Every act of charity, even the less fervent, contributes to an increase of the charity one already possesses. This is true whether the act be elicited by charity (i.e., an act of love of God), or commanded by charity (i.e., an act of some other virtue performed out of love for God). Every act of charity merits from God an increase of the habit of charity (see Council of Trent, Sess. VI, Can. 32). Even a cup of cold water given in the name of a disciple shall not go without its reward (Matt., X. 42).

1127. As to the manner and time in which the increase takes place, there are various opinions, but the following points sum up what seems more probable:

(a) The increase of the habit of charity merited by a more fervent act is conferred at once, for God confers His gifts when one is disposed for their reception. Example: Titus, who has habitually ten degrees of charity, makes an act of charity whose degree is fifteen; he thereby merits the increase of the habit, and it is conferred at once.

(b) The increase of the habit of charity merited by less fervent acts is not conferred until the moment one enters into heaven or purgatory, for there is no time during life on earth when one has a disposition equal to the added quantity contained in less fervent acts, since, as just said, more fervent acts

are rewarded at once by the increase that corresponds to them, while less fervent acts do not dispose one for an increase then and there. But the increase must be conferred when one enters into glory; otherwise, one would lose the degree of beatitude one merited during life. Hence, those who make many—even though less fervent—acts of charity during life, will receive a very high degree of reward for them hereafter.

1128. The increase of charity will come to an end in the future life, when one has attained the degree of perfection to which one was predestined by God (Philip, iii. 12). But, as long as a person lives here below, he may continually grow in charity, for each increase makes him capable of receiving from the infinite power of God a further participation in the infinite charity, which is the Holy Ghost (II Cor., vi. 11).

1129. Charity is absolutely perfect, when it loves God in the same degree in which He is lovable—that is, infinitely; but it is clear that so great charity is possible only to God. Charity is relatively perfect, when one loves God as much as one can. This relatively perfect charity is possible to man (Matt, v. 48; I John, ii. 5, iv. 12, 17); but it has three degrees:

(a) The perfect charity of heaven, which is not possible in this life, consists in this, that one is constantly occupied in thinking of God and loving Him.

(b) The perfect charity of earth, which is special to some of the just, consists in this, that one gives all one's time to divine things, as far as the necessities of mortal existence allow.

(c) The perfect charity of earth that is common to all the just, consists in this, that habitually one gives one's whole heart to God, permitting no thought or desire opposed to the divine love.

1130. Those who are growing in charity are divided into three classes: (a) the beginners, or those whose chief care is freedom from sin and resistance to what is contrary to divine love; (b) the proficient, or those who must still fight against temptation, but whose chief attention is given to progress along the way of virtue; (c) the perfect, or those who are progressing in holiness, but whose chief desire is to reach the end of the journey and be with the object of their love (Philip., i. 13).

1131. The Decline of Charity.—(a) Actual charity can decline, in the sense that subsequent acts can be less fervent than those that preceded (Apoc., ii. 4). (b) Habitual charity cannot grow less in itself. The only causes that can be supposed for a decline in habitual charity are omission of the act of charity and commission of venial sin; the former, however, cannot lessen charity, since this habit, being infused, does not depend on human acts; the latter, which is a disorder about the means to the end, does not contradict charity, which is the right order of man with reference to his Last End itself. Thus, charity differs from human friendships, which grow cold through neglect or slights. (c) Habitual charity can be lessened, first, with reference to the disposition that makes for its preservation and increase (as when one commits numerous and dangerous venial sins), and secondly, with reference to itself (as when one rising from sin has less charity than he had before). But in neither of these cases does the same numerical habit decrease.

1132. The Loss of Charity.—(a) The charity of the blessed cannot be lost, because they see God as He is, and are constantly occupied in loving Him. But the charity of earth, since it proceeds from a less perfect knowledge and is not always in use, may be surrendered by man's free will (see Council of Trent, Sess. VI, Cap. 12, 13, 14, Can. 23). (b) The habit of charity is lost, not only by any sin against the love of God, but by any other mortal sin opposed to other virtues (see Council of Trent, Sess. VI, Cap. 15). Every mortal sin is a turning away from the Last End, and so is incompatible with charity, which is a turning to God, the Last End: "He that hath My commandments and keepeth them, he it is that loveth Me" (John, xiv. 21). Venial sin diminishes the fervor of charity, but does not remove charity itself.

1133. The Object of Charity.—There is a threefold object of charity: (a) the formal object, that is, the reason for love, which is the infinite amiability of God in Himself, as known from the supernatural illumination of faith; (b) the primary material object, that is, the chief thing which charity loves, which is God (i.e., the divine Essence, the divine Persons, the divine attributes): "Thou shalt love the Lord, Thy God. This is the greatest and the first commandment" (Matt, xxii. 37, 38); (c) the secondary material object, that is, the thing loved because of God, which is self and the neighbor:

“And the second is like to this: Thou shalt love thy neighbor as thyself” (ibid, 39).

1134. The love of creatures is not always an act of the virtue of charity. (a) Sinful love of creatures, by which one loves them more than God or inordinately, destroys or deviates from charity. Hence, St. John says: “Love not the world, nor the things that are in the world” (I John, ii. 15). (b) Natural love of creatures, by which one loves them on account of reasons apart from love of God (such as the benefits one derives from them or the excellences they possess), is not charity, even though good. Thus, gratitude which sees in another only a benefactor, friendship which sees in another only a congenial spirit, and philanthropy which sees in another only a fellow-man, differ from charity, although they are good in themselves. (c) Supernatural love of creatures, by which one loves them on account of the divine that is in them, inasmuch as they are friends of God or made for the glory of one’s divine Friend, does not differ specifically from love of God, for in both loves there is the same motive (viz, the amiability of God Himself).

1135. Since charity is friendship, it does not include among its objects those things that are loved with the love of desire (see 1109), that is, those things whose good is desired, but for another.

(a) Hence, charity itself is not an object of charity, for it is loved not as a friend, but as a good that one wishes for one’s friends. The same applies to other virtues and to beatitudes.

(b) Irrational creatures are not objects of charity, for a fellowship with them in friendship, and especially in the beatific vision, is impossible. We can love them out of charity, however, inasmuch as we desire their preservation for the sake of those whom we love with charity (e.g., desiring that they be preserved for the glory of God or the use of man).

1136. Love of self is of various kinds.

(a) Sinful self-love is that by which a person loves himself according to his lower and corrupt nature, and not according to his higher or rational nature, or loves himself egotistically to the hurt of others. Of those who indulge their passions it is said: “In the last days shall come dangerous times. Men shall be lovers of themselves” (II Tim., iii. 1, 2); of those who

love themselves selfishly it is said: “All seek the things that are their own, not the things that are Jesus Christ’s” (Philip., ii. 21); whereas charity seeketh not her own (I Cor., xiii.) to the exclusion of others, but desires what is for the advantage of the neighbor (I Cor., x. 33).

(b) Natural self-love is that necessary desire which each one has for his own good, happiness, existence, etc. (II Cor., v. 4), or any desire for reasonable self-improvement that is not prompted by a supernatural love of God. This love is stronger than love for another, for it implies not merely union, but unity. It is not friendship, but the root of friendship, for one is said to be friendly towards another when one holds him as another self.

(c) Supernatural self-love is that love which one has for God, and consequently for self as a friend of God.

1137. If by “self” we understand the substance and nature of man, as composed of soul and body, then both good and bad understand aright the meaning of self and desire its preservation. But if by “self” we mean principally the inward man and secondarily the outward man (II Cor., iv. 16), then only the good understand what self is, and have a true love for it, whereas the wicked hate their own souls (Ps. x. 6). For the five marks of true friendship are shown to the inner man by the good, to the outward man by the sinner: (a) the good are solicitous for the life of the soul, the wicked for that of the body; (b) the good desire spiritual treasures for the soul, the wicked carnal delights for the body; (c) the good labor to provide for the needs of the soul, the wicked work only for the needs of the body; (d) the good are pleased to converse with their souls, finding there thoughts of past, present and future good things to delight them, while the wicked seek to distract themselves from wholesome thought by pleasure; (e) the good are at peace with their souls, whereas the wicked are troubled by conscience.

1138. Supernatural love of self, which pertains to charity, extends not only to the soul, but also to the body; for (a) according to its nature, the body is good, since it is from God and may be employed for His service (Rom., vi. 13), and hence it may be loved out of charity with the love of desire on account of the honor it may give to God and the service it may render in good works; (b) according to grace, the body is capable of sharing in secondary beatitude, through glorification with the soul, and hence it may be loved with charity and with the love of benevolence, inasmuch as we

desire for it a share in beatitude: “We would not be unclothed, but clothed over, that that which is mortal may be swallowed up by life” (II Cor., v. 4); (e) according to the consequences of sin that are in it, the body is a drag on the soul, or a hindrance to it, and one should not love but rather desire the removal of its imperfections. Hence, St. Paul desired to be freed from the body (Rom., vii. 24; Philip., i. 23), and the Saints have shown their hatred of the body’s corruption by the mortifications to which they subjected it (John, xii. 25).

1139. Love of neighbor is of three kinds: (a) sinful love, which is all love that is excessive, irregular, or directed to what is evil in others; (b) natural love, which is all love that is attracted by some excellence of a human or created kind, such as knowledge or skill; (c) supernatural love, which is that by which one is drawn towards another on account of the divine in him, such as his gifts of grace and of heavenly calling.

1140. Hence, it seems that there is no such thing as a special and distinct virtue of human friendship. (a) Thus, friendships of utility or of pleasure are clearly not virtues, since they are not caused by attraction towards moral good. (b) Virtuous friendships are the consequences of virtues rather than virtues, for the attraction one has for one’s friend arises from the attraction for the virtue one sees in him. Thus, friendship for another because he is not the slave of passion, is an exercise of the virtue of temperance. (c) Supernatural friendships are not distinct from the virtue of charity, for the gifts and graces which evoke them are participations of God’s goodness, which is the object of charity.

1141. The neighbors whom we are to love according to charity are all those who can have with us the relation of supernatural friendship, that is, all rational creatures. (a) Hence, the Angels are objects of this love, and in the resurrection men will be fellow-citizens with them (Heb., xii, 22); (b) our fellow-men are objects of this love, for they also are called to the heavenly companionship (ibid., 23).

1142. Charity for Sinners.—Should we love with charity those who are sinners and enemies of God? (a) If we consider sinners precisely as enemies of God, we may not love them, for their sin is an evil, an offense to God and a hurt to themselves. On the contrary, we should hate even in those who are nearest to us whatever is opposed to love of God (Luke, xiv. 26). (b) If we

consider sinners precisely as creatures of God, we may not love them with charity or as friends, if they are demons or lost souls; for in their case fellowship with us in beatitude is out of the question. We may, however, love their nature out of charity towards God, desiring that it be preserved by Him for His glory. (c) If we consider sinners precisely as creatures of God, we may love them with charity or as friends, if they are still in the present life; for we should wish that God may be glorified in them by their conversion and salvation. The commandment of love of neighbor was not restricted to loving the just.

1143. If sinners be considered precisely as they are enemies of God, is it lawful to hate them and wish evil to them? (a) It is lawful to hate the evil that is in sinners, but not their persons. He who hates their sin, loves themselves, for their sin is against their own interests. In this way the Psalmist hated sinners (Ps. cxviii. 113, cxxxviii. 32). (b) It is lawful to wish that punishment overtake sinners, if one is actuated, not by a spirit of malevolence, but by love of justice (Ps. lvii. 11; Wis., i. 13; Ps. x. 8). It is also lawful to wish that the sinfulness that is in them may be destroyed, that they themselves may be saved. In this sense we may understand some of the imprecations that are met in scripture (Ps. ciii. 35). Thus, a judge sentences a criminal, not because he hates the man before him, but because he wishes to reform him, or to protect society, or to do an act of justice.

1144. The evils of punishment or of destruction of sin are in a broader view not evils, but goods. But the following punishments may not be desired: (a) that anyone living lose his soul and be condemned to hell, for charity requires that we desire the salvation of sinners; (b) that a sinner be punished by blindness of heart and go from bad to worse. He who wishes sin approves of the offense to God; but it does not seem unlawful to wish that God permit a person to fall into sin, as a means to a spiritual awakening.

1145. Association with Sinners.—(a) It is never lawful to associate with sinners in their sins, for thus one becomes a sharer in their guilt. Hence, St. Paul says: “Go out from among them and be ye separate” (II Cor., vi. 17). (b) It is not lawful to associate with sinners even in matters indifferent or good, if one is weak and apt to be led away by them into sin (see 258 sqq.). (c) It is lawful to associate with sinners in things not forbidden, if one is not endangered, and if one aims to convert them to better ways. Thus, our Lord

ate with sinners, because He came to call them to repentance (Matt., ix. 10-13).

1146. Friendship with Sinners.—(a) If this means that we like and dislike the same things as the sinners, it is an evil friendship, and it should be discontinued; (b) if it means that we seek to bring the sinner to imitate our good likes and dislikes, the friendship pertains to charity (Jer, xv. 19).

1147. Should one continue to show signs of special regard to a friend who has taken to ways of sin? (a) As long as there is hope of betterment, one should not deny the other the benefits of friendship. If it would be wrong to desert a friend because he was perishing from starvation, much more would it be wrong to desert him because he was perishing morally. (b) But if all hope of betterment has gone, one should give up a companionship which is not profitable to either party, and may prove harmful.

1148. Charity towards Enemies.—Enemies can be considered in two senses: precisely as enemies, or precisely as human beings destined for beatitude. (a) If considered as enemies, they are not to be loved with charity—that is, it should be displeasing to us that they are enemies and opposed to us, for it would be contrary to charity to love in a neighbor that which is evil in him. (b) If considered as human beings, enemies should be loved with charity—that is, their nature created by God and capable of receiving grace and glory should be pleasing to us, for love of God should make us love all that belongs to Him, even that which is not well disposed towards ourselves.

1149. The precept of love of enemies did not originate with the law of Christ. (a) It pertains to the natural law, for (i) it follows from the natural principle: “Do unto others as you would have them do unto you,” and (ii) it was known by natural reason (e.g., Plato and Cicero knew it). (b) Love of enemies was commanded in the Old Law, being the second great commandment of that law (Matt., xxii. 39), and was taught in various Old Testament books (Lev., xix. 17, 18; Exod., xxiii 4, 5; Prov., xxi. 21, 22). (c) It was renewed by Christ, who corrected the false interpretation of Leviticus, xix. 18, given by the scribes and Pharisees, who taught: “Thou shalt love thy friend and hate thy enemy.” In the Sermon on the Mount our Lord declares: “I say to you: Love your enemies: do good to them that hate

you: that you may be the children of your Father who is in heaven” (Matt., v. 44, 45).

1150. The following examples of love of one’s enemies are found in the Bible: (a) in the Old Testament, Joseph forgave his brethren who had sold him into Egypt, David spared the life of his persecutor Saul and wept over the ungrateful Absalom, and Moses prayed for the people who had rebelled against him; (b) in the New Testament our Lord mourned over Jerusalem which had rejected Him, and on the Cross prayed for His enemies.

1151. What kind of love must we entertain for enemies?

(a) A general love of enemies is that which extends to all neighbors for the love of God, no exception being made as regards enemies. This kind of love is required. Example: Caius makes an act of love in which he declares his love for his neighbor, but mentions no names. Titus makes this act of love: “I love all except Caius.” The act of love made by Caius is sufficient, that of Titus is insufficient.

(b) A special love of enemies is that which extends to them in particular, not as included in the human race or the community, but as individuals, as when one expressly mentions the name of an enemy in his act of love. This kind of love of enemies is not required at all times.

1152. Is there an obligation of special love of enemies? (a) In cases of necessity (e.g., when the omission of a special love would bring on hate), one is bound to special love. (b) Outside of cases of necessity, one is bound to be willing to love an enemy in particular, if the necessity should arise. (c) Outside of necessity, one is not bound to love an enemy in particular, for it is impossible to give such attention even to all those who are not enemies. But to give an enemy more love than is required is a sign of perfect charity.

1153. The principles just given as to internal love of enemies apply also to external love, or to the signs by which internal love is manifested. For St. John says: “Let us not love in word, nor in tongue, but in deed, and in truth” (I John, iii. 18).

(a) Hence, it is not lawful to deny to an enemy the common signs of charity (i.e., such benefits as are bestowed on his community or class as a whole), for to do so would be to signify a desire for revenge (Lev., xix. 18).

Consequently, he who excludes his enemies from prayers offered for his neighbor sins against charity.

(b) In cases of necessity, as when an enemy is in great need as to life, fame, fortune or salvation, one is bound to show special signs of charity, such as salutation, conversation, assistance, etc. Thus, we are told: “If thy enemy be hungry, give him to eat; if he be thirsty, give him to drink” (Prov., xxv. 21).

(c) Outside of cases of necessity, one is bound to be ready to assist an enemy, should there be need.

(d) Outside of necessity, one is not bound actually to manifest particular love for an enemy, by speaking to him, trading with him, visiting him, etc. Hence, David, although he had pardoned Absalom, would not meet him (II Kings, xiv. 24). To confer special benefits on an enemy when there is no obligation is a counsel of perfection: “Do good to those that hate you” (Matt., v. 24). This heaps coals of fire upon the head of the enemy, curing him by the salutary pain of repentance, and so overcomes evil by good (Rom., xii. 20, 21).

1154. The common signs of charity are not limited to those that are shown to all mankind, but include also such as are usually shown by one Christian to another Christian, by one citizen to a fellow-citizen, by a relative to a relative, etc. Thus, to make a social call, though it would be a sign of special regard in the case of one not a relative, might be only a common sign of charity in the case of a relative.

(a) Hence, it is against charity to deny an enemy signs of charity that are customarily shown to all men. Example: Titus dislikes Balbus, and therefore refuses to sell to him, does not return his salutations, speaks to all others in company, while ignoring Balbus, and will not even answer if Balbus addresses him.

(b) It is against charity to deny an enemy signs of charity that are commonly shown to all those to whom one is similarly related. Examples: Claudia calls on her other children frequently and makes them presents, but she keeps away from one daughter, even when the latter is sick and poor and she is calling next door. Sempronius habitually invites to his house for family festivities all his relatives except his brother.

(c) It is against charity to deny to an enemy some benefit not commonly shown, but which one has bestowed out of liberality on the group to which the latter belongs. In such a case a special sign of charity becomes common. Example: Titus prepares a banquet for a neighboring institution, and purposely sends no invitation to two members whom he dislikes.

1155. The rule that common signs of charity must be shown does not apply, if some higher or more urgent duty requires that they be omitted: however, internal charity must persist all the while.

(a) Thus, by reason of charity owed to self or to the better interests of an offender, one should at times omit the common signs of charity. Examples: Caius avoids Balbus, with whom he has had a quarrel, because he knows well that Balbus is seeking some pretext to get revenge. Titus has a surly way of speaking, and his mother, in order to cure him, does not answer until he has spoken civilly.

(b) By reason of justice, the signs of charity should sometimes be denied as a punishment. Examples: Claudia punishes her children, when they are disobedient, by refusing them for a time privileges given the other children. For the same reason she refuses to call on a daughter who ran away from home and married a worthless fellow.

(c) By reason of justice, the signs of charity should be refused, when this is required for the protection of one's own rights. Example: Titus goes about defaming Sempronius and his family, but appears very affable when he meets Sempronius; the latter knows all this, and hence is very cool with Titus, to show that the injuries are not held as light.

1156. The following are the rules for judging whether (apart from scandal to others) sin has been committed through refusal of the signs of charity:

(a) If internally there is hatred (i.e., a contempt for one's neighbor, as if he were unworthy of common charity), or malevolence (i.e., a will to exercise spite), then one is guilty of grave uncharitableness, unless the smallness of the matter makes it only a venial sin.

(b) If externally the denial of charity is such that in the judgment of a prudent man it indicates real hatred, and the injured party perceives this and is scandalized or hurt thereby, the sin of uncharitableness is committed, even though there be no internal hatred. The gravity depends on the scandal

or offense caused the other party. Example: Claudius and Balbus, once very friendly, have had a disagreement. Now, when Claudius sees Balbus coming in his direction, he turns off by a side street, not to show hatred, but to avoid a meeting. If Balbus does not know this, or does not care, no sin—or at most only a venial sin—is committed; but if Balbus is deeply wounded or scandalized by this conduct, Claudius sins seriously against charity.

1157. Refusal of Greetings.—(a) To refuse to exchange a bow or salutation (such as “Good morning”) indicates a want of charity, when such mutual courtesy is expected according to custom; not, however, when custom does not require it, Example: In Balba’s office the girls employed usually salute one another on arrival and departure, but Balba never salutes Titia, and hence is regarded as her enemy. On Caius’ street the neighbors are of a very mixed kind, and it is not customary to speak to everybody. Hence, the fact that Caius never salutes certain neighbors, whom he dislikes, does not signify any uncharitableness on his part.

(b) To refuse to salute another first, where custom expects this, is a mark of uncharity, unless one has a sufficient excuse. Examples: Claudius has a grudge against Sempronius, an elderly man who is much his senior, and says he will never salute him as others do. Titus refuses to greet Balbus, his acquaintance, when they meet, because in the past Balbus has treated his greetings with contempt, and shows that he does not care to notice Titus.

(c) To refuse to return a salutation sincerely given indicates a want of charity.

1158. The Order of Charity.—Charity not only requires that we love God, ourselves, and our neighbors, but it also obliges us to love these objects according to a certain order, some being preferred to others.

(a) God must be loved above all, more than self (Matt, xvi. 24), more than father and mother (Matt., x. 37; Luke, xiv. 26), for He is the common good of all, and the source of all good.

(b) Other things being equal, one should love self more than one’s neighbor, for the love of self is the model for the love of neighbor (Matt., xxii. 39), and nature itself inclines to this in accordance with the saying: “Charity begins at home.”

(c) Among neighbors those should be loved more who have more of a claim on account of their greater nearness to God or to ourselves.

1159. Love can become greater in two ways: (a) objectively, when the person loved is esteemed as of greater worth, or has more titles to affection, or has a more enduring right to be loved; (b) subjectively, when the person loving is more touched and moved in his feelings, even though the object be not more amiable in itself.

1160. The Character of our Love of God.—(a) It must be supreme objectively, since He is infinite perfection and has the highest of all claims on our love. Hence, one should be disposed to suffer any loss rather than abandon God. (b) It must be supreme subjectively, in our desire, that is, realizing that God is the highest good, we should at least wish to give Him the utmost of our fervor and ardor. (c) It need not be supreme subjectively, in fact; for we are not always masters of our feelings, and things that are nearer to us affect us more than those that are more important, but remote from sense. Hence, it is not against charity that one should be more moved sensibly at the thought of a dear human friend than at the thought of God, provided the will places God above all.

1161. Regarding the love of God for the sake of reward, we must note: (a) If there is question of the eternal reward, one may love and serve God for the sake of reward, provided one makes the reward the end of one's service, but not the end of God; for salvation is really the end of our faith (I Pet., i. 9), but God is the end of all, and He is to be preferred to all. This love of God for the sake of reward coexists with charity, for one may love a friend for his own sake, and at the same time expect benefits from the friendship, provided the love of benevolence is uppermost. (b) If there is question of a temporal reward, one may love and serve God for the sake of the reward, not in the sense that spiritual things are made a means and temporal things their end, but in the sense that one hopes one's service of God will be so blessed that one will have health, strength and opportunity, so as to be enabled to continue and progress in that service.

1162. Regarding the love of self (i.e., of the inner man, or our spiritual nature), we should note: (a) Objectively, one esteems others who are higher in sanctity than oneself (e.g., the Blessed Virgin), as more worthy of love. But one may desire for self according to charity such progress in virtue that

one will pass some others who are now better than oneself; for the virtue of charity is given us that we may perfect ourselves. (b) Subjectively, one holds self as being nearer than other persons, and thus loves oneself with a greater intensity.

1163. Is it lawful to sacrifice one's own spiritual goods for the benefit of a neighbor?

(a) One may not sacrifice necessary spiritual goods for the benefit, spiritual or temporal, of any one, not even of the whole world; for in so doing one inflicts a wound on one's own soul and prefers the good of others to one's own spiritual welfare. Hence, it is not lawful to wish to be damned in place of another; to commit sin, mortal or venial, to prevent another from sinning; or to expose oneself to the certain and proximate danger of sin for the sake of another's spiritual progress.

(b) One may, however, sacrifice unnecessary or less necessary spiritual goods for the benefit, spiritual or temporal, of a neighbor; for, by doing this, one chooses the course which God wishes, and does not lessen but rather increases one's own profit. Thus, a priest should interrupt his devotions to hear the confession of a penitent; a daughter should give up the idea of becoming a nun as long as her parents need her; a lay person should stay away from Mass on Sunday, if an invalid has to be cared for, or a dying person must be baptized; it is laudable to make the heroic act of charity, by which one transfers the satisfactory value of one's good works to the souls in purgatory; one may expose oneself to a remote danger of sin in order to perform a great service of charity, as in waiting on a sick person who on account of irritability is a great temptation to anger; one may wish that one's entrance into heaven be delayed, so that one may labor longer for souls (Philip., i. 23, 24).

1164. The Love of the Body.—(a) One should prefer the spiritual welfare of one's neighbor to one's own bodily welfare, for our neighbor is called to be a partaker with us in the beatific vision, while the body will share only in accidental glory. (b) One should prefer one's own bodily welfare to that of another, all other things being equal, for it has more of a claim on one.

1165. There are three kinds of spiritual necessity in which a neighbor may be placed, and in which one might be called on to sacrifice one's bodily welfare for the other's good (cfr. 1236), Thus, there is: (a) extreme

spiritual need, or that in which a neighbor will perish eternally unless help is given him, as when an infant is about to die without baptism; (b) grave spiritual need, or that in which a neighbor runs grave danger of losing his soul unless help is given, as when a dying person, who is in mortal sin, asks for a confessor, because he is scarcely able to make an act of perfect contrition; (c) ordinary spiritual need, or that in which a neighbor is in remote danger of damnation, or in proximate danger of sin, but can easily help himself, as is the case with those who from choice live in occasions of sin.

1166. For a neighbor who is in extreme spiritual need, one should risk death (I John, iii. 16) or lesser evils, if the following conditions are present: (a) if there is a good prospect of success in helping the needy one (e.g., a mother is not obliged to undergo an operation dangerous to her life, in order to secure the baptism of her child, if it is uncertain that the baptism can be administered); (b) if there is no one else who can and will give the needed help; (c) if there is no reason of public good that stands in the way; thus, if by helping one in extreme need a person would lose his life, and so deprive of his aid a large number who are also in extreme need, he should prefer to help the many rather than the one.

1167. For a neighbor who is in grave spiritual necessity, the same risk is not required of all. (a) The risk of death itself is required of pastors of souls (John, x. 11), since they have bound themselves to this. Hence, a pastor who would refuse to go to a parishioner dying of pestilence and needing absolution and Extreme Unction, would offend against justice, while another priest who would go to such a dying person would practise the perfection of charity; for the dying person can help himself by an act of contrition, and the strange priest is not bound by office to care for him. (b) The risk of some great corporal evil (such as a sickness or impairment of health) should be taken even by those who are not pastors of the person in need, if there is no one else to help. Thus, if a pastor were sick, another priest ought to visit a dying person, even at the risk of catching a severe cold.

1168. For a neighbor who is in ordinary spiritual necessity charity requires that something be done (Ecclus, xvii. 12). (a) But it does not require the risk of life or of serious bodily loss, for the person in danger can easily and better help himself. Thus, it is not necessary that one should

penetrate into the haunts of criminals and endanger one's life, in order to drag away one who chooses to go to such places. (b) It does require that one be willing to undergo a slight bodily inconvenience or deprivation. Thus, an ordinary headache or the loss of a meal ought not to stop one from counselling another in order to keep him away from bad company.

1169. If only corporal good (life, health, liberty, etc.) is compared with corporal good of the same kind, then, as said above, one should prefer one's own good to that of another. Thus, it is not lawful to offer oneself as substitute for a condemned criminal, or to put one's family into bankruptcy to save another family from bankruptcy. But, if a neighbor's corporal good is of a more important kind or is connected with higher goods, then one may sacrifice one's own good for that of another.

(a) Thus, one may prefer a greater corporal good of a neighbor to a lesser corporal good of one's own. Examples: One may weaken one's health to save another's life. One may give of one's blood for a transfusion to assist another who is in danger of death.

(b) One may prefer an equal corporal good of a neighbor to an equal corporal good of one's own, if the common good requires this; for the good of all is preferable to that of an individual. Thus, one may expose oneself to the peril of death in order to protect a public person whose life is very important to the nation. Thus, policemen and firemen, soldiers and sailors, are daily imperilling their own safety for the safety of the public.

(c) One may prefer an equal corporal good of another, who is only a private individual, to one's own equal good, if the intention is to practise virtue, to assist a person in need, or to give edification. At least, it is more probable that this is lawful, for the good of virtue is a higher good than the good of the body, and the Fathers praise holy men who sold themselves into slavery, or who gave themselves as hostages to barbarians, for the liberation of captives; and they hold up for admiration Damon and Pythias, each of whom was ready to die for the other. Hence, it is not against the charity owed to self to jump into a river and risk one's life in order to rescue a drowning person, for heroic charity is a hotter adornment to self than mere, ordinary charity. Similarly, if two explorers in a wilderness have only enough provisions for one to reach civilization, one of them may surrender his rations to the other, that both may not be lost.

1170. There are two exceptions to the rules just given: (a) A person should not risk his life for another's life, if he thereby endangers his own salvation (e.g., if he is in a state of sin and cannot reconcile himself to God). But this case is theoretical, for it is admitted that one who makes the supreme sacrifice of giving his life with a virtuous intention, has not only charity, but the perfection of charity (John, xv. 13), which will certainly purify him even from a multitude of sins. (b) One should not risk one's life for the life of another, if a third party has a higher claim on him. Thus, a married man, who has a dependent wife and children, may not throw away his life for the sake of a friend.

1171. The order of charity between different neighbors is as follows: (a) as to good in general (e.g., the attainment of salvation), we should love all neighbors alike, for we should desire salvation for all; (b) as to good in particular (e.g., the degree of beatitude), we should love some more than others. Thus, we should desire a higher degree of glory for the Blessed Virgin than for the Saints.

1172. The reasons for loving one neighbor more than another can be reduced to two. (a) One neighbor may be nearer to God than another, and hence more deserving of love—for example, a saintly acquaintance may be nearer to God than a sinful relative. (b) One neighbor may be nearer to ourselves on account of relationship by blood or marriage, friendship, civil or professional ties, etc. Thus, a cousin is nearer by nature to his cousin than another person who is not a relative.

1173. The order of charity as between those nearer to God and those nearer to self is as follows:

(a) Objectively, we should esteem more those who are better, and desire for them that higher degree of God's favor which belongs to their merits. But we may desire for those nearer to ourselves that they will finally surpass in holiness those now better than they are, and thus attain to a greater beatitude. Moreover, while we prefer in one respect (i.e., that of holiness) a saintly person, who is a stranger, we prefer in many respects (e.g., on account of relationship, friendship, gratitude) another who is less holy.

(b) Subjectively, the love for those nearer to self is greater, that is, more intense, more vividly felt. The preferences for those nearer to self,

therefore, far from being wrong or the expression of mere natural love, are expressions of charity itself. For it is God's will that more love should be shown to those who are nearer to us: "If any man have not care of his own, and especially of those of his house, he hath denied the faith, and is worse than an infidel" (I Tim., v. 8). Hence, charity itself inclines one to have more love for one's own, and it supernaturalizes filial piety, patriotism, and friendship.

1174. The order to be followed in the manifestation of charity will correspond with the order of charity itself. (a) To those to whom greater objective love is due, on account of their holiness, more respect due to their excellence should be shown. (b) To those to whom greater return of love is due on account of the benefits they have shown (as parents, friends, etc.), more assistance should be given spiritually and temporally. That is, if one had to choose between helping either a relative or a stranger who was more virtuous, one would have to decide in favor of the relative. (c) To those to whom greater subjective love is due, more signs of affection (such as visits) should be given.

1175. Exceptions to the above are the following cases, in which the good of the better person should be preferred:

(a) if the common good requires such a preference. Thus, public interest demands that in conferring positions, making appointments, or voting for candidates, one should not be guided by family affections or private friendships, but only by the common welfare; and one should decide in favor of the better man;

(b) if the person nearer to self has forfeited his claims to preference. Thus, a son who has treated his father with contempt and is a wastrel, may be deprived of his share of the family goods in favor of strangers who are self-sacrificing and who promote some holy cause.

1176. The order of charity between various kinds of natural relationships is as follows: (a) the relationship that arises from consanguinity is prior and more stable, since it arises from nature itself and cannot be removed; (b) the relationship of friendship, since it arises from one's own choice, may be more congenial and may be preferred even to kinship, when there is question of society and companionship (Prov., xviii. 24).

1177. In practice, other things being equal, one should manifest more love to a relative in those things that belong to the relationship.

(a) To those who are related by blood, corporal or temporal assistance is more due. If one has to choose between helping one's indigent parents or an indigent friend, one should rather help one's parents.

(b) To those who are spiritually related (e.g., pastor and parishioner, director and penitent, god-parent and god-child), more spiritual assistance in instruction, advice and prayer is due. Thus, a pastor is supposed to be more solicitous about instructing his congregation than his relatives who belong to another congregation.

(c) To those who are related by some special tie, political, military, religious, etc., more is due in things political, military, religious, etc., than to others. Thus, a soldier owes obedience to his officer, and not to his father, in matters that pertain to army life; a priest owes deference to an ecclesiastical superior in clerical matters, not to his parents.

1178. Kinship, as being an older and more fundamental relationship, should have precedence in assistance over any other kind of private relationship in case of conflict and extreme necessity. (a) Thus, as regards spiritual matters (e.g., calling a priest to give absolution), if a parent and a spiritual father were both in extreme necessity, one's first duty would be to one's parent. (b) As regards temporal matters, if one has to choose between assisting one's needy parents and remaining in some relationship in which one cannot help them, one should give up the relationship, if possible. Thus, a Religious is allowed to return to the world, if his parents require his support.

1179. The order of charity as between kinsfolk gives preference of course to the nearer relatives-parents, children, wife. Between these nearer relatives there is also an order of preference, as follows: (a) objectively (or with reference to the greater or less claim to respect and honor), the order is: father, mother, wife, children; (b) subjectively (or with reference to the greater or less intensity of affection), the order is the reverse, namely: children, wife, parents.

1180. The following should be noted about this order of preference between the members of one's family: (a) the basis of preference given is

only kinship, and hence there may be other considerations to change the order given (e.g., a pious mother is rightly more respected and honored by her children than a worthless father); (b) there is no notable excess in the claim of one member of the family over that of another, and hence those whose affections do not follow the order given are not guilty of serious sin.

1181. The order in which relatives have a claim on assistance when several are in equal need is as follows: (a) in cases of ordinary need the order is, first, the wife, for a man leaves his parents for his wife (Gen., ii. 24), second, the children, for ordinarily parents must provide for children, and not children for parents (II Cor., xii. 14), third, parents; after these come in order, brothers and sisters, other relatives, friends, fellow-citizens of the same locality or country, all others; (b) in case of extreme need, however, parents are to be preferred to all others, even to wife, children or creditors, since one receives life from parents.

1182. The order of charity is also observed in heaven. (a) Thus, God is loved above all, not only objectively, but also subjectively, for His amiability is better understood and is not for a moment neglected. (b) Self is loved less, objectively, than those who are higher, and more, objectively, than those who are lower in glory: for the state of the blessed is fixed, and each of them desires that which God wills. But, subjectively, each loves self with a more intense love, since charity itself inclines that one first direct self towards God, and then wish the same for others. (c) Among neighbors, since love of them will be entirely divine, the reason of earthly preferences (such as dependence of one on another) having ceased, those who are more perfect in holiness will be loved with deeper appreciation and affection than those who are nearer by kinship or friendship.

1183. The Acts of Charity.—The principal act of the virtue of charity is love. It is sometimes spoken of as benevolence, but in reality the love of charity includes more than mere benevolence. (a) Thus, benevolence wishes well to another according to a right judgment, and so it pertains to charity, which rejoices in the perfections of God and wishes beatitude to man; but (b) love is a union of affection with another, which makes one regard him as another self, and so it pertains to charity, which, as said above, is a supernatural friendship. One can be benevolent towards a stranger and for a passing moment, but love is intimate and lasting, from its nature.

1184. Exercise of the Act of Love.—(a) From benevolence proceed gladness at the perfections of God (I Pet., i. 8), zeal for His external glory (I Pet., iv. 11), grief over sin committed against Him (Ps. lxxii. 3), obedience to His commandments (John, xiv. 15, 21, 23). (b) From the union of affection proceed a warmth of inclination and a personal interest in the things of God, so that one rejoices over the divine perfections, not merely because one knows that this is a duty, but because one feels the attachment of a friend for all that pertains to God.

1185. Charity loves God: (a) for His own sake; (b) immediately; (c) entirely; (d) without measure.

1186. We love God for His own sake, in the sense that there is nothing distinct from God that causes Him to be loved. (a) Thus, there is no ulterior end on account of which He is loved, for He is the Last End of all; (b) there is no perfection different from His nature that makes Him lovable, since He is perfection itself; (c) there is no source of His goodness on account of which He is loved, since He is the Primal Source.

1187. We may love God for the sake of reward (see 1161), on account of benefits, and for fear of punishment, in the following senses: (a) the eternal reward is the proximate end of our love of God: “Receiving the end of your faith, even the salvation of your souls” (I Pet., i. 9); but the end of salvation itself, and the Last End of love of God, is God Himself; (b) temporal rewards, benefits received, and the wish to avoid punishment, are dispositions that lead up to love of God, or to progress in His love; but they are not the end of the act of love.

1188. Charity loves God immediately, and so differs from natural love of God. (a) Thus, natural love of God rises from love of neighbor whom we see to love of God whom we do not see, just as natural knowledge rises from the creature to the Creator. (b) Charity, on the contrary, tends to God first, and by reason of Him includes the neighbor in its love.

1189. Charity loves God entirely. (a) But this does not mean that the creature’s love is adequate to the amiability of God, for God is infinite, whereas love in the most perfect creature must be finite. (b) It means, with reference to the object of love, that charity loves everything that pertains to God—each of the Divine Persons, all of the divine perfections. (c) It means, with reference to the person who loves, that he loves God to the best of his

ability, by subordinating all else to God and preferring His love to other loves. On earth, charity gives to God the greatest objective love; in heaven, it also gives Him the greatest subjective love (see 1129): “Thou shalt love the Lord, thy God, with thy whole heart” (Deut., vi. 5).

1190. Charity loves God without measure, as St. Bernard says (*De diligendo Deo*, cap. 1). God has fixed a degree of perfection in charity beyond which a soul will not progress, but no one should set a limit for himself, for love has to do with God, who is not measured, but is the measure of all things.

(a) Hence, in the internal act of love, there is no possibility of excess, since the Object is infinitely amiable and the End of all, and so the greater the charity, the better it is.

(b) In external acts proceeding from charity, however, there is a possibility of excess, since these acts are a means to an end, and have to be measured by charity and reason. Thus, it would be excessive to give more to strangers than to one’s needy parents, for this act would not be according to the rule of charity. It would also be excessive to perform works of charity, when one ought to be attending to household duties, for reason requires that everything be done at its proper time and place.

1191. The love of an enemy may be a better act than the love of a friend, when there are special excellencies in the former love that are not found in the latter. (a) Thus, if the enemy, all things considered, is a better person than the friend, and if he is for that reason objectively preferred, this is as it should be (see 1173). (b) If the parties are of equal merit, an act of love towards the enemy on account of supernatural charity is better than an act of love towards the friend on account of natural affection: “If you love them that love you, what reward shall you have? do not even the publicans this?” (Matt, v. 46).

1192. If all other things are equal, the love of the friend is essentially better, while the love of the enemy is better in some minor respects. (a) Thus, the love of the friend has a better object, for the friend who loves us is better than the enemy who hates us; it has also an object that has a greater claim on charity, as being nearer to self. Hence, it is essentially a better and more meritorious act. (b) The love of the enemy is more difficult, and may thus be a more convincing sign that one really loves God. But the fact that

an act is more difficult does not suffice to make it more meritorious, or else we should have to say that the love of neighbor is more meritorious than the love of God.

Art. 6: THE EFFECTS OF CHARITY

(*_Summa Theologica_*, II-II, qq. 28-33.)

1193. Internal Effects of Charity.—There are three acts of the soul that result from love, viz., joy, peace, mercy. (a) The joy of charity is a repose or delight of the soul in the perfections of God and in the union of self and the neighbor with Him: “The fruit of the Spirit is charity, joy” (Gal., v. 22). (b) The peace of charity is the harmony of man with God, self and the neighbor: “There is much peace to those that love Thy law” (Ps. cxviii. 165). (c) Mercy is an inclination of the will to relieve the misery of another; it follows from charity, for love of the brotherhood “weeps with them that weep” (Rom., xii. 10, 15).

1194. Joy.—The precept of charity includes a precept of joy, and hence the Apostle says: “Rejoice in the Lord always; again, I say, rejoice” (Philip., iv. 4, 5). This joy of charity has the following properties: (a) it is about good, not about iniquity, and it is not unrestrained; it rejoices “in the Lord”; (b) it should not be discontinued or interrupted by sin, but should rejoice “always.” It may, however, be mixed with sorrow over sin or the delay of entrance into the presence of God (Rom., xii. 15; Ps. cxix. 5), for only in heaven will joy be filled (John, xv. 11). St. Paul spoke of himself as “sorrowful, yet always rejoicing” (II Cor., vi. 10).

1195. Peace.—The precept of charity also includes a precept of peace, and our Lord commands: “Have peace among yourselves” (Mark, ix. 49). Peace, like joy, has two properties: (a) it should be genuine (i.e., it should be a contentment and agreement based on right), for there is a false peace, of which Christ says: “I am not come to bring peace” (Matt, x. 34), which rests in a good that is only apparent, and which does not exclude great evil and anxiety (Wis., xiv. 22), (b) peace is constant, for, as long as charity remains, there are friendly relations with God and man, and order in the interior of the soul. Perfect tranquility, it is true, is found only in heaven. On earth, disturbances may arise in the lower part of the soul, or from without, but the will continues in the peace of God (II Cor., i. 4).

1196. Reconciliation of a sinner to God is effected through an act of perfect charity: “He who loves Me, will be loved by My Father and I will love him” (John, xiv. 21). (a) Thus, sin is washed away, even before Baptism or absolution, when the sinner makes an act of love of God joined with a desire, at least implicit, of receiving the Sacrament of Baptism or Penance. The act of love is not the cause, but the final disposition introducing justification. (b) The punishment of sin is forgiven, when one makes an act of love, or performs a good deed out of love of God; but the degree of remission corresponds to the fervor of the charity.

1197. Does the precept of peace demand unanimity of judgments?

(a) In matters of greater importance, there should be agreement in judgments; else, there will not be that harmony of wills, desiring the same things and disliking the same things, which constitute peace. In necessary things, therefore, there should be unity of judgments: “I beseech of you, brethren, by the name of our Lord Jesus Christ, that you all speak the same thing, and that there be no schisms among you, but that you be perfect in the same mind and in the same judgment” (I Cor., i. 10).

(b) In matters of slight importance, difference of opinion does not remove friendship, for each one thinks that his judgment will better serve the good that is sought alike by all. We find that even very holy men have disagreed on matters of opinion—for example, Paul and Barnabas on the question whether or not Mark should be taken on the second missionary journey (Acts, xv. 37), Jerome and Augustine on the status of Mosaic observances after the death of Christ. Disputes may offend against charity, however, if they become too personal or too heated, as sometimes happens even to minds occupied with heavenly things (e.g., theologians, spiritual writers).

1198. Reconciliation with enemies is necessary, in order that peace may be maintained. It includes: (a) internally, the putting away of thoughts and feelings contrary to concord; (b) externally, signs of renewed charity, if there has been an open breach.

1199. The duty of reconciliation does not necessitate the forgiveness of every kind of wrong suffered from an enemy—that is, it does not always oblige one freely to remit the consequences of an enemy’s acts. There are three kinds of wrong: (a) offenses, which are such contradictions offered to the will of another as do not trespass on any strict right or occasion any

damage. Example: Balbus, who is in great distress, asks his friend Titus to secure employment for him. Titus could easily do this favor, but he refuses; (b) injuries, which are violations of the strict right of another, but without damage. Example: Claudia addresses Caia in very disrespectful language when no witnesses are present; (c) damages, which are the taking from another of what is his, or harm done to him as regards his soul, his life, his fame, or his fortune. Examples are theft, scandal, assault and slander.

1200. Whether an offender asks pardon or not, one is obliged to forgive the offense—that is, to put aside all aversion, indignation and hatred: “Forgive us our trespasses, as we forgive them that trespass against us” (Matt., vi. 12). But, granting that one desires salvation for the offender as for others, shows the common signs of charity, and is not prompted by hatred, the following are not required: (a) that one so pardon the offense as to take the offender back to the same special friendship as may have existed before; (b) that one overlook an injury so as not to require satisfaction (and hence, without acting against charity, Gaia may insist on an apology from Claudia for the disrespectful language used by the latter); and (c) that one renounce restitution or reparation for damage done one. No one is obliged to give to another what is one’s own, and, if there is no other way of securing one’s rights, one may have recourse to court. If the result of prosecution will be punishment of the offender rather than restitution (as in case of libel or slander), it is not uncharitable to prosecute the offender, if one’s motive is the fulfillment of justice, the prevention of the same wrong to others, or the honor of one’s family (Lev., xix. 17).

1201. There are cases, however, in which charity requires one to forgive a debt of satisfaction or restitution, namely, when this would impose too heavy a burden on the offender, compared with the benefit that would be derived therefrom. (a) Thus, restitution should not be insisted on, when the offender is repentant and can ill afford to pay the debt, and the party offended can easily get along without the payment. (b) Punishment should not be insisted on, if the harm done the offender or his family will be out of proportion to any good that may result. (c) Prosecution should not be used, if a wrong can be amicably adjusted out of court (I Cor., vi. 1).

1202. Who should make the advances towards reconciliation after a rupture of charitable relations? (a) If only one party was the offender, he should normally make the first move towards reconciliation. It is of

counsel, but not of precept, that the innocent party ask for reconciliation, unless the circumstances require that he should do so, as when the offended party can much more easily make the advances, or when great scandal will arise, or when the offender will become hardened in hate and lose his soul, if the party offended does not make efforts for peace. (b) If both parties were offenders, he who offended more seriously should make the advances. (c) If both offended equally, he who was first to disturb the peace should also be first to work for its restoration. (d) If it does not appear which of the parties was more to blame in any of the foregoing ways, both are equally bound.

1203. The manner of seeking reconciliation is as follows: (a) Reconciliation can be sought either in person, or through an intermediary who is a friend to both parties. (b) It can be sought either explicitly (by expressing regret and asking pardon), or implicitly (by a friendly conversation or favors shown). Generally speaking, an inferior (e.g., a child) should explicitly request reconciliation with a superior (e.g., a parent); but it will suffice for a superior to seek forgiveness from an inferior implicitly.

1204. The time for seeking reconciliation is the earliest possible moment: “If thou offer thy gift at the altar, and there thou remember that thy brother hath anything against thee, leave there thy offering before the altar, and go first to be reconciled to thy brother, and then coming thou shalt offer thy gift” (Matt, v. 23, 24). (a) Thus, internal reconciliation (i.e., repentance on the part of the offender and forgiveness on the part of the one offended) should not be delayed, and should precede any sacred action, such as offering a gift to God, if this latter is to be acceptable and meritorious. (b) External reconciliation (i.e., asking pardon and making satisfaction) and the manifestation of forgiveness should be attended to as soon as the circumstances of time and place permit. The resolve to be reconciled externally is included in internal reconciliation, but prudence dictates that one wait for the suitable occasion, lest precipitation make matters worse.

1205. Mercy.—From charity results mercy, for he who loves his neighbor as a friend in God, must grieve over the latter’s sorrows as if they were his own. Our Lord commands: “Be ye merciful, as your Heavenly Father is also merciful” (Luke, vi. 36). But not all compassion is true mercy or supernatural.

(a) Thus, as regards the object that causes sorrow, true mercy grieves over the evils that befall another against his will, such as sickness, failure in an enterprise, or undeserved misfortune. But wilful evil, such as sin, provokes not mercy, but rather indignation, although one may compassionate sinners on account of the ills their sins bring on them (Matt., ix. 36).

(b) As regards the internal cause of sorrow or sympathy, supernatural mercy arises from the love of charity for the one suffering; natural mercy, from the fear one has that a similar evil may overtake oneself, or that oneself may suffer loss on account of another's misfortune.

(c) As regards the act of mercy, it is to be noted that it proceeds from the will, regulates the emotions, and is itself regulated by reason. Thus, mercy differs from the sensible distress a refined person experiences at the sight of suffering, which, though good in itself, may never lead to a wish to alleviate sorrow. Thus, also, it differs from unregulated sympathy, which bestows help or forgiveness indiscriminately, without thought of the greater evils that may result; it differs from sentimentality, which does not restrain tears and other emotional expressions within due bounds. The virtue of mercy has a care for the interests of justice, but mere pity, like prejudice, blinds the mind to what is true and right.

1206. The causes of an unmerciful spirit are: (a) lack of charity towards one who is in misery; (b) pride or too much prosperity, which makes one feel that others suffer justly, or that one is above their condition (Prov., xxviii. 4); (c) great misfortunes or fears that have hardened one's disposition, or made one self-centered.

1207. Mercy Compared with the Other Moral Virtues.—(a) Mercy, if taken for the emotion of sympathy as regulated by reason, is inferior to prudence and justice, which are perfections of the higher powers of the soul (i.e., of the intellect and will). (b) Mercy, if taken for an act of the will disliking the misery of another and moving one to remove that misery, surpasses the other moral virtues; indeed, it may be said to be something divine, and hence more than a virtue. Certainly, it is the greatest of the virtues that have to do with the neighbor, for of its nature it implies freedom from some defect and the relief of that defect in others, which is not the case with other virtues. Thus, while prudence directs acts and justice

renders to others their due, these do not of themselves remove ignorance or destitution in a neighbor.

1208. Mercy Compared with Charity.—(a) In itself (i.e., considered precisely as to its essential notes of freedom from misery and relief given to the miserable), mercy is the greatest of the virtues. For, carried to its highest development, freedom from defect means infinite perfection; while relief of defect in others means that, out of infinite love for the Supreme Good, relief is poured out by God on His creatures. Thus, in God mercy is an extension of the love God has towards His own goodness, for the benefit of creatures, and is greater than charity: “The mercy of God is above all His works” (Ps. cxliv. 9).

(b) In its subject (i.e., considered precisely as to the perfection it brings to its possessor), mercy is inferior in creatures to charity. For it is better to be united by love to the Supreme Good than to remove evil in a creature: “Above all these things have charity” (Col, iii. 14). Mercy is the sum of the Christian religion as far as external works are concerned, but charity is the sum of Christianity as regards internal acts.

1209. The Obligation of Mercy.—(a) The natural law itself inculcates mercy, but those not influenced by divine revelation have not highly esteemed it or practised it. Thus, Plato wished that all the poor might be sent into exile. Virgil thought that freedom from pity was a sign of wisdom; Seneca called mercy a vice of the soul; Nietzsche taught that compassion has no place in the morality of the superman.

(b) The divine law commands mercy, especially in the New Testament. Assistance of the poor, the widows, the orphans, the sick, the captives, the slaves and other unfortunates is everywhere insisted on: “I will show thee what the Lord requireth of thee: verily to do justice, and to love mercy, and to walk solicitous with thy God” (Mich., vi. 8).

1210. External Effects of Charity.—Three external effects of charity will now be considered—beneficence, almsgiving and fraternal correction. These are not distinct virtues, but only separate acts pertaining to the virtue of charity and proceeding—like love, joy and peace—from the same motive of love of God. (a) Thus, beneficence naturally results from charity, since one of the acts of friendship is to do good to one’s friend; (b) almsgiving is one

of the special ways in which beneficence is exercised; (c) fraternal correction is a species of spiritual almsgiving.

1211. Beneficence.—Not every act of helping others is virtuous, nor is all virtuous assistance called beneficence. (a) Thus, to assist others in evil is maleficence, nor is it virtuous to help them with an evil purpose. Examples: To give money to criminals to help them defeat the law is participation in crime. To give presents to others in order to receive a return of favor from them is cupidity (Luke, xiv. 12). (b) To assist others or to give to them out of compassion for misery, is mercy; to do so out of a sense of obligation, is justice; to do so out of love of God, is beneficence.

1212. Beneficence is a duty, and like charity should be universal: “While we have time, let us work good to all men” (Gal., vi. 10); “Do good to them that hate you” (Matt., v. 44). But this does not mean that no discrimination is to be used in beneficence, or that impossibilities are required.

(a) Not every kind of activity in which others are engaged is deserving of assistance, not every kind of suffering of others may be removed. Examples: Criminals or enemies of the State are not to be assisted in their wrongdoing, but one may attempt to bring them to better conduct; one who has been justly sentenced to prison may not be aided to escape, but he may be visited and consoled and given religious assistance.

(b) Not all can be helped individually; even the richest and most generous person can benefit only a small percentage of those who are deserving. Charity requires, however, that one be so disposed that one would help all individually, if it were possible, and that one does help all generally, by praying for both Catholics and non-Catholics.

1213. Since it is impossible to help all individually, beneficence should be regulated by the order of charity (see 1174 sqq.), and particular good should be done to those with whom on account of conditions of time or place one is more closely associated. Hence, the following general rules are given:

(a) In benefits that pertain to a particular kind of relationship; one should give the preference, other things being equal, to those with whom one has that relationship. Examples: To make a banquet for another is a benefit pertaining to friendship, and hence should be shown to one who is a friend,

rather than to one who is a business associate, but not an intimate. To support another person is a benefit pertaining to kinship, and hence should be shown to a parent, rather than to a stranger.

(b) In benefits given to those with whom one has the same kind of relationship, one should give the preference, other things being equal, to those nearer in relationship. Example: In dispensing alms, one should help one's own family rather than distant relatives.

1214. If other things are not equal, the foregoing rules must sometimes be reversed.

(a) When the common good is involved, preference should be given those who represent it, even though others are nearer to one as regards private good. Hence, a citizen should help the fortunes of his adopted country rather than those of his mother country; in a civil war one should aid rather one's comrades than one's kinsmen who are on the opposite side.

(b) When a supreme good of a private person is at stake, one should prefer to help him, even if a stranger, rather than another who is a friend, or relative, but who is not in the same distress. Example: One should give one's loaf to a man dying of starvation rather than to one's own father, who is hungry but not starving.

(c) When the means with which a benefit is bestowable belong to another, one must prefer to give back what belongs to the other, even if this person is a stranger, rather than use it for the good of a friend or relative. Thus, if a person has stolen money or has borrowed money from a stranger, he must return it to the owner, rather than make a present of it to his own wife. An exception would be the case in which the wife was in dire necessity, whereas the owner was not; but the duty of restitution would remain for the future.

1215. No general rule can be laid down for all cases in which one party is nearer to self and the other party more in need, and many such cases have to be decided according to prudent judgment in view of all the circumstances. It should be noted that, though wife and children are nearer to one than parents, the latter have a greater claim on charity when they are in equally extreme necessity, on account of the supreme benefit of life received from

them. But ordinarily one is bound rather to provide for one's children (II Cor., xii. 14).

1216. Almsgiving.—Almsgiving is defined: “Assistance to one who is in need, given out of compassion and for the love of God.” Hence, this act pertains to various virtues. (a) It is elicited by the virtue of mercy, which means that compassion for misery is the immediate principle which produces almsgiving. (b) It is commanded by the virtue of charity, which means that love of God is the remote principle or end of an alms, for, as said above (see 1205), mercy itself is an effect of charity (I John, iii. 17). (c) Secondly, it may also be commanded by other virtues. Thus, if a person gives an alms to satisfy for his sins, he performs an act of justice; if he gives in order to honor God, he performs an act of religion; if he gives without undue grief over the loss of what he gives, he practises liberality.

1217. Qualities Recommended for Almsgiving.—(a) Alms should not be given ostentatiously (Matt, vi. 2 sqq.), though it is often edifying that they receive publicity (Matt., v. 16); (b) they should be given cheerfully (II Cor., ix. 7).

1218. Forms of Almsgiving.—(a) In the strict sense, an alms is a gift made without any obligation of payment or return; (b) in a wide sense, almsgiving includes selling on credit as a favor to a poor customer, a loan granted at a low rate of interest or without interest, help in securing employment, etc. Thus, if a poor man is sufficiently helped by the use of an article, there is no need of making him a present of it.

1219. Almsgiving is to be distinguished, also, from mere giving. (a) Thus, assistance given the poor out of a bad motive (e.g., to lead them away from their religion, to induce them to crime) is sinful; (b) assistance given the poor out of a merely natural good motive (e.g., pity for their sufferings) is philanthropy, but not charity (I Cor., xiii. 3), and may coexist with the state of hatred of God.

1220. Corporal alms, in the form of bodily necessities given freely in themselves or in their money equivalent, are of as many kinds as there are bodily needs. (a) Hence, the common necessities of food, drink, clothing and shelter should be provided as alms to the starving and to those who lack sufficient clothing, or who are without a home. (b) Special necessities, whether internal (such as sickness) or external (such as persecution or

imprisonment), should be relieved or assuaged by remedies, visits, protection or relief. (c) The necessity of the body after death is that it be cared for with the honor which the memory of the deceased deserves, and hence burial of the dead is numbered among the corporal alms.

1221. Thus, there are seven corporal works of mercy. (a) Those that pertain to the needs of the body during life are mentioned by our Lord in Matt., xxv. 35, 36. (b) The burial of the dead is praised in scripture as a good work, as we see in the cases of Tobias (Tob., i, ii, xii), and of those who buried our Lord (Matt, xxvi. 12, xxvii. 57 sqq.).

1222. Spiritual alms, consisting of assistance given those who suffer want in mind or spirit, are either prayers, by which divine aid is asked for them, or various acts by which human aid is conferred. These acts are also of two kinds, and constitute seven spiritual works of mercy.

(a) The defects from which a soul suffers, and which are not moral, include ignorance in the intellect, doubt in the practical judgment, and sadness in the affections; and hence the acts of almsgiving for such cases are instruction, counsel, and comfort.

(b) The defects of soul which are moral are the guilt of sin and its consequences—that is, the offense given and the burdens that result for the sinner or others. The corresponding spiritual alms are admonition against sin, pardon of the offense done to self, patience in bearing with the difficult ways of others, especially if they err through infirmity, or willingness in helping them to bear the consequences of their errors (Rom., xv. 1).

1223. The giving of spiritual alms may suppose superiority or authority in the giver over the receiver, or a certain procedure to be followed; hence, in the administration of spiritual benefits, the due order of time, place and persons has to be remembered. (a) Thus, in the instruction of the ignorant, it is not every kind of ignorance that is a defect, but only the ignorance of things one must know; and it is not every person who is to give the needed instruction. (b) In the correction of sinners, it is not every kind of reproof that is to be used, but gentleness and secret admonition should be employed where possible (Prov., xxvii. 6).

1224. Comparison of Corporal and Spiritual Alms.—(a) Spiritual alms are better, because their nature is higher and they are of greater benefit to

the recipient, even though he appreciates them less. Thus, it is better to enjoy peace of mind than to feast sumptuously. (h) Corporal alms are sometimes more necessary in a particular case, and hence they should be attended to first. Thus, for one suffering from hunger food is more necessary than words of comfort (James, ii. 15, 16).

1225. Though corporal alms are not spiritual in the assistance they give, they are spiritual in their effects. (a) Thus, they bless the recipient corporally, by relieving his hunger or other need; (b) they bless the giver spiritually, since God will reward his charity (Ecclus., xxiv, 13, 14), and the person helped will pray for his benefactor (ibid., 15).

1226. The Duty of Giving Alms.—(a) The natural law requires that we do to others as we would be done by, and there is no one who does not wish that help be rendered him if he falls into need. Moreover, the common welfare requires that the rich assist the poor, for otherwise there will be discontent and disorder. Hence, even unbelievers are not exempt from the obligation of almsgiving. (b) The divine law, in both Old and New Testaments, commands almsgiving: “Give alms out of thy substance, and turn not away thy face from any poor person” (Tob., iv. 7); “Depart from Me, you cursed, into everlasting fire, for I was hungry, and you gave Me not to eat” (Matt., xxv. 41-42); “Let us love, not in word, nor in tongue, but in deed and in truth” (I John, iii. 18). Tobias, Dorcas, Cornelius, and Zacheus are praised for their charitable gifts.

1227. Almsgiving, being an affirmative commandment, does not oblige for every moment of time, but only when right reason calls for it on account of the state of the giver or of the receiver.

(a) The state of the giver requires him to give alms only when he has a superfluity of goods, for no one is bound to deprive himself of what is necessary for his own use (see 1164, 1169). John the Baptist said to the people: “He that hath two coats, let him give to him that hath none; and he that hath meat, let him do in like manner” (Luke, iii. 11). “That which remaineth,” says our Lord, “give as alms” (Luke, xi. 41).

(b) The state of the receiver gives him a claim on charity, when he is in necessity and unable to help himself. Temporal goods, according to the will of God, are for the benefit of the whole human race; and, while the ownership of particular goods belongs to the rightful possessor, he should

not withhold the use of them from those who are in need, when he has more than he needs for his own use. Neither is it necessary that one be asked for an alms; one is obliged to give it when one knows that one's neighbor is in want, though unable or ashamed to beg for help.

1228. It is not a precept, therefore, but only a counsel, that one give alms in other cases. (a) Thus, when one is in equal need oneself and has no superfluous goods, one may give to another; (b) when one's neighbor is not in need, or is able to help himself, one may still give to him out of charity, if he is deserving (see 1169).

1229. Superfluities are those goods that remain over and above what are necessary for life, or the maintenance of one's state of life justly acquired and socially useful.

(a) Necessaries of life are the goods one must have to provide food, clothing and home for oneself and one's family. Among necessities of life we may include what one has to set aside for old age, sickness, increase of family, and the future sustenance of dependents who will need it (II Cor., xii. 14). But they should not be extended to include imaginary cases, or all the possible cases of personal need that may arise in the future; otherwise, one is guilty of that exaggerated solicitude for the morrow which our Lord forbids (Matt, vi. 34).

(b) Necessaries of state are the goods a person must have to keep up his position and that of his family according to the standard of living of his class. This includes provision for the education and advancement of one's children, for hospitality, adornment of home, and the care and improvement of one's business; but it does not include provision for excessive pleasures or luxuries, or improbable future opportunities of bettering one's condition; otherwise, even the wealthiest person might say that all his money was tied up and that he had no superfluous goods.

1230. What is necessary for the decency of particular stations in life? (a) This does not consist in any fixed amount, for, even when considerable additions to or subtractions from a person's wealth have been made, he may retain and support the same social rank. (b) It consists, therefore, in the amount sufficient for him to maintain, according to the opinion of prudent men, what is becoming in one of his class. Thus, one's position may require

that one do much entertaining or keep up an expensive household, or it may require only that one live moderately.

1231. The giving in alms of goods for which the giver himself has need is governed by the following rules:

(a) Necessaries of life should be given away to another, as a matter of precept, if the common good is bound up with the life of that other, but not with one's own life; they may be given away to another, as a matter of counsel, when the common good does not require it, but the higher good of virtue invites one to sacrifice one's life for one's neighbor (probable opinion). Examples: One should give away one's last loaf to save the life of a leader on whom the salvation of his people depends. One may make the same sacrifice, if one is single and without dependents, and another is married and has a dependent family. But one may not give away what is necessary for the life of one's family (I Tim., v. 8).

(b) Necessaries of state, at least in part (see 1251), should be given away to another, as a matter of precept, if the public good or the life of a private individual are at stake, or if that which is given in alms can be easily recovered and will now prevent a very grave calamity; they may be given away, as a matter of counsel, if the higher good of virtue invites one to embrace voluntary poverty: "If thou wouldst be perfect, go sell all that thou hast and give to the poor" (Matt., xix. 21). Examples: One should offer one's fortunes in support of one's government, if in some crisis the nation cannot otherwise be saved. One may give up riches and become poor in order to follow Christ in the religious life.

1232. Superfluities of one's state are the goods from which the precept of almsgiving requires that assistance ordinarily be given. But the mere fact that one has a superfluity does not oblige one to give alms. As in every virtuous act, so also in almsgiving there must be not only an object according to reason, but also circumstances according to reason. Hence, one who has a superfluity is bound to give alms only when the proper conditions of time, place, person, etc., are present. (a) As regards time, a person is not obliged to devote to almsgiving the time that is needed for other duties. (b) As to persons, a person is not obliged to give alms, if there is no needy person known to him.

1233. As to need, we may distinguish three classes of persons:

(a) Those in apparent need are such as pretend poverty, sickness, or misfortune, in order to get sympathy and financial aid (e.g., professional beggars). Alms should not be given persons of this kind, since they take what would be given to the really poor and needy. Rather they should be exposed and punished.

(b) Those in real need through choice should not be helped, if they take to begging because they are too lazy to work, or find it profitable to live off others; for they have no right to beg, being able to help themselves, and it would be wrong to encourage them in idleness and an imposition on others (II Thess., iii. 10). But those who are voluntarily poor for Christ's sake, whether they belong to a religious order or not, are worthy of respect and it is meritorious to assist them.

(c) Those who are in real need against their will, should be assisted; for, even though they became destitute through their own fault, they are in fact unable to help themselves now.

1234. Regarding money obtained under the false pretense of poverty and the duty of restitution, the following rules may be given: (a) If a person obtains considerable alms by pretending to be blind, disabled, in great want, etc., and he is not afflicted or in need, he should give back the money to the donors or, if this is impossible, to the poor, since the donors wished to help the poor, not to encourage idlers. (b) If one obtains only a small amount under a false pretense of poverty, some moralists say there is no duty of restitution, since the donor may be presumed to give unconditionally in the case of minute sums; likewise, if a beggar is really poor but exaggerates his need, it does not seem that he is bound to restitution, for those who give alms expect a certain amount of romancing from tramps and other professional beggars.

1235. What is one's duty in cases of doubtful need? (a) Minute inquiries are inexpedient, since the really deserving are often unwilling to publish their needs; (b) refusal of alms except in cases where one is certain of the need, is not a good general rule to follow, since it is a less evil that an unworthy person be helped than that a worthy one be refused.

1236. There are three degrees of corporal need (cfr. 1165). (a) A person is said to be in extreme need, when he is in manifest danger of losing his life, if help is not given him at once. This does not mean, however, that a person

is not in extreme need until he is breathing his last breath; for at that moment he is beyond the reach of human aid. (b) A person is in grave need, when he is in probable danger of death, or is in manifest danger of some very serious misfortune, such as severe sickness, amputation of some member, long and bitter imprisonment, insanity, loss of good name, reduction from wealth to poverty, destruction of home by fire, etc. (c) A person is in common need, when he suffers the inconvenience of poverty, such as being obliged to beg, to deprive himself of many things, to wear poor clothes or to eat ordinary victuals, but is not in danger of any serious loss.

1237. Rules on Giving Alms from the Superfluities of One's State.—(a) To those who are in extreme or grave necessity alms must be given in each individual case, for these cases are rare, and the persons in need have a personal claim on one's charity when this is the sole means of saving them from death or other great evil. Example: Last year Titus saved a mother from death and her child from disease by giving his money and services free of charge. This would not exempt him from the duty of doing a like charity, if a like necessity presents itself now.

(b) To those who are in common necessity alms must be given from time to time—now to one, now to another, as prudence dictates—but there is no obligation for an individual case. Even the richest man could not give to all who are in common need, and their want is not so pressing that any one of them can be said to have an individual claim.

1238. Gravity of the Obligations to Give Alms.—(a) For cases of extreme and grave necessity, the obligation of almsgiving is grave. There is general agreement among theologians on this point, since the loss suffered by the neighbor is serious and the withholding of help indicates a lack of charity (I John, iii. 17). Example: The priest and the levite who passed by the wounded man on the road to Jericho were guilty, from the nature of their act, of mortal sin.

(b) For cases of common necessity, the obligation of almsgiving, as it appears, is also grave; for it seldom happens that one is called on to assist those who are in extreme or grave necessity, whereas almsgiving is inculcated as an ordinary duty, and the reasons given by our Lord in Matt., xxv. 41-46, for exclusion from heaven seem to be neglect of alms in

common necessity. But some theologians hold that the obligation is only light, since the need is light; and, since these authorities are numerous and of repute, a confessor could not refuse absolution to a rich man who refused on principle to give anything to those in common necessity. Such a one should be advised, rather than reproved, on this point.

1239. From what was said above, the following conclusions may be drawn about the gravity of the sin of refusing alms: (a) It is certainly a mortal sin to refuse alms to one in extreme or grave need, and probably also a grave sin to refuse ever to give alms to those in common need, (b) It is not a mortal sin to refuse an alms in a particular case, if one is not sure of the obligation (e.g., if there is doubt about one's ability to give the alms or the other's need), or if it seems that others will give assistance, or that the need will disappear, or that one will suffer some serious inconvenience by giving, etc.

1240. Refusal of Alms and Restitution.—(a) The mere refusal of an alms does not oblige one to make restitution. For restitution is the giving back to another of what strictly belongs to him, and it cannot be said that a poor person has a strict right to a gift from another. A violation of charity may be gravely sinful, and yet not oblige to restitution. (b) The refusal of an alms, if joined with injustice, does oblige one to make restitution. Thus, if by threats or force one prevents a starving man from taking the food that has been denied him, injustice is committed; for in extreme necessity one has the strict right to take what is necessary, and reparation should be made if this is prevented.

1241. Alms given from ill-gotten goods are sometimes lawful, sometimes unlawful.

(a) If the acquisition of the goods was unjust, because they belong to another and the present possessor has no right to keep them, it is not lawful to give them as alms, for they must be returned to the owner. An exception would have to be made, however, for the case of extreme necessity, for in such a case the person in danger of death would have a right prior to that of the owner not in need. Example: It is unlawful to give stolen money as an alms to the poor, when one is able to restore it to the rightful owner.

(b) If the acquisition of the goods was unjust, because both giver and receiver acted against law and forfeited their rights to possession, the

former has no claim to restitution, nor the latter to retention, and the goods ought to be devoted to alms. Example: If a simoniacal transaction is forbidden under pain of loss of the price paid and received, the receiver is obliged to give the money to the poor.

(c) If the acquisition was not unlawful, but the manner through which it was made was unlawful, the gain is shameful, but still it belongs to the one who has earned it, and may be devoted to alms. Example: Titus hired Balbus to work on Sundays. The violation of the Sunday law was a sin, but the labor given was serviceable to Titus and difficult to Balbus. Hence, the latter is not bound to give back the money, but may keep it and use it for a good purpose.

1242. Though shameful gain may be used for almsgiving, it should not be devoted to sacred purposes, when this will cause scandal or be irreverent to religion. Thus, the chief priests would not accept the “blood money” of Judas for the use of the temple (Matt., xxvii. 6), because the law forbade the offering of gifts that were an abomination to the Lord (Deut., xxiii. 18; Eccclus., xxxiv. 23).

1243. The Proceeds of Gambling and Almsgiving.—(a) Profits made from gambling may not be used for alms, when one is bound to restore them to the loser. Thus, according to natural law he who wins money at cards or similar games from a minor or other person who has not the right to dispose of money, or who wins through fraud, must give back the winnings. Likewise, restitution is due according to some, if the civil law makes such aleatory contracts null and void; but others deny this. (b) Profits made from gambling may be devoted to alms, when according to law one has a right to them, as when one has played for recreation, with moderation and with fairness to the loser.

1244. Persons who may give alms are all those who have a right to dispose of goods as gifts. Others who have no such general right (e.g., religious, wives, children and servants), may also give alms as follows: (a) They may give alms from any goods that belong to them, and of which they have the control. Thus, a wife may give alms from money which is her own, by inheritance, earnings, etc. (b) They may give alms from such goods as are placed in their charge and dispensation. Thus, the procurator of a religious house has the right to give alms with permission of his superior

and according to his Constitution (Canon 537). A religious who is a parish priest may administer and dispense parish alms (Canon 630, Sec.4). (c) They may give alms with express or implied permission. Thus, children may give articles of food to the poor, when their parents consent. (d) They may give alms without permission in a case of extreme need. Thus, a wife could make use of her husband's money without his consent, if this should be necessary to save a life.

1245. The right of a wife to give alms from her husband's earnings is as follows: (a) from the money given her for the support of herself and the family, the wife may give reasonable alms; (b) from the common money of the family she may give alms with her husband's express or presumed consent. But, if he is miserly and unwilling to give alms, she may nevertheless use what is reasonable according to the family resources for almsgiving (e.g., in helping her impoverished parents).

1246. The right of servants to give alms from the goods of their employer is as follows: (a) the rule is that servants have no right to give away anything that belongs to their employer without his express permission, for, if permission could be presumed, the property of employers would not be safe; (b) an exception to the rule is made for such things as are to be thrown away (e.g., leavings of the table), since if they are given in alms the proprietor suffers no loss.

1247. Since charity should be universal, no class of persons, such as strangers, unbelievers or sinners, may be excluded from the benefit of almsgiving (Matt, v. 45). However, charity is also well ordered, and hence there is a preference to be observed, as follows:

(a) Other things being equal, one should favor those who are nearer to oneself by bonds of kinship, friendship, etc., since their claim on one's charity is greater. Charity begins at home.

(b) If other things (such as worthiness, need or public utility) are on the side of those not related by kinship, friendship, etc., the order of preference may be reversed. Thus, if a person had to choose between helping a distant relative for whom he was not specially responsible, and who was a worthless fellow, or who was not in great need or who was not of great value to the community, and helping a stranger, who was most deserving, or

in dire distress, or of great value to the community, the latter should be assisted rather than the former.

(c) In case of two strangers in equal poverty, one should help first the one who is more worthy or who feels his distress more. Thus, a person who is poor through misfortune is more deserving than one who gambled his money away; those who were once wealthy feel the sufferings of poverty more than those who are inured to a life of privation.

1248. Is it permissible for one appointed to distribute alms to keep some himself, if he is really poor? (a) If the persons are designated to whom the alms are to be given, the distributor must give only to them; (b) if it is left to the discretion of the distributor, he may keep a reasonable alms for himself.

1249. The amount that should be given in alms has to be measured according to the income of the giver and the need of the receiver.

(a) As to the income of the giver, he should give in proportion to his income: "According to thy ability be merciful. If thou have much, give abundantly; if thou have little, take care even so to bestow willingly a little" (Tob., iv. 9). A rich man who spends more in the barber shop on cosmetics, etc., than he gives to the poor, and a poor man who gives more towards alms than to the feeding of his own family, are not giving according to their means.

(b) As to the need of the receiver, a person should give his share towards providing for the case before him. Thus, if there is no one else who can or will give, and a neighbor is in grave necessity, a charitable person will bear the whole expense, as was done by the good Samaritan. But if the necessity is ordinary (as in the case of street beggars), or there are others who will help, a smaller alms suffices. Steady employment is a better charity than temporary doles, inasmuch as it gives permanent assistance.

1250. Hence, in the following cases alms are excessive: (a) When, outside the instances given in 1231, one gives away all the necessities of one's life or station. The poor widow who gave all her living (Luke, xxi. 1-4) is praised, but doubtless she was able somehow to obtain enough to provide for her own life. (b) Alms are excessive when one gives from one's superfluities so much that the recipients are spoiled and encouraged to do

nothing for themselves, For the purpose of almsgiving is not that those who have wealth be impoverished and others enabled to live in luxury, but that the poor be relieved of suffering and the rich gain the merit of charity (II Cor., viii. 13).

1251. Regarding the obligation of giving all the goods of one's station in life or of one's superfluities, the following points should be noted:

(a) Some theologians hold that, in a case of extreme necessity, one is bound to give all the goods necessary to one's state of life, since a neighbor's life is a more important good than one's own position in life. Others deny this on the ground that one is not bound, even for preserving one's own life, to have recourse to extraordinary means and so lose the rank and style of living one has. Thus, a self-supporting workingman would not be obliged to reduce himself to beggary in order to prolong the life of a dying person. A well-to-do person is not obliged to sell his office, conveyance, books, and other things needed for his business or profession, in order to rescue a captive held for ransom by bandits.

(b) There are theologians who hold that one is bound to give away all one's superfluous wealth in alms, even apart from cases of extreme or grave necessity; but others teach that, while this is of counsel, it is not obligatory, since the needs of the poor will be sufficiently relieved if all who have means give something from their superfluities. Moreover, the retention of some superfluous goods is necessary for the promotion of industrial and commercial enterprises, and, by increasing national wealth, this policy indirectly benefits the poor.

1252. Ecclesiastical law, however, requires all clerics who enjoy a benefice to give all that remains over and above from the returns of the benefice, after they have provided for their own decent maintenance, to the poor or to pious causes. This obligation is held as grave. It will be treated below when we come to the special duties of the clergy.

1253. Is there any definite amount or percentage, then, which should be contributed to alms?

(a) For a case of extreme or grave necessity, one should contribute enough, according to one's ability, either in conjunction with others or alone (if others will not help), to give relief. Thus, if a neighbor is about to die of

starvation, a charitable man will give food free of charge. If a poor man is about to be treated unjustly, a charitable lawyer will give him advice without charge. But it is not necessary that one provide extraordinary remedies or helps—for example, that one pay the expenses of a trip to Europe for a poor person whose health would be benefitted by the travel.

(b) For cases of common necessity, St. Alphonsus held that one should give two per cent of what remains from the yearly income after the necessities of life and station have been taken care of. But other moralists believe that today the amount cannot be fixed mathematically, and that only the general direction can be given that one should be generous according to one's means, and regulate one's yearly alms according to the prevalence of poverty.

1254. Is it better to give a little to many, or much to one person in need? (a) If the one person is in great need, and others are only in slight need, it is better to give to the one in great need. Example: If one has ten dollars to give in alms, it is better to buy an overcoat for Titus who is shivering from the cold, than to give ten one-dollar bills to ten men who need new collars and neckties. (b) If the need is equal, it is better to divide the alms, for thus more distress is alleviated and the danger of spoiling a recipient with overmuch bounty is avoided. Example: Caius has \$30,000 to give in charity and there are three deserving institutions of charity known to him, all of which are in great need—a hospital, an orphan asylum and a school. He ought to divide his money between the three.

1255. The Time for Giving Alms.—(a) One should give at one time all the amount of one's alms for a certain period, if one is able to do this, and there is a need that calls for it—"He gives twice who gives quickly" (Prov., iii. 28)—for the poor may perish or may be driven to acts of desperation or violence, if help is postponed. (b) One may distribute one's almsgiving if there is no urgent call for it—that is, one may make partial contributions at various times, retaining meanwhile money for almsdeeds in order to invest it for future charities, or to await greater needs to which it may be applied, etc.

1256. The Manner of Giving Alms.—(a) One gives alms directly when one ministers relief personally to the needy, giving food to the starving and medicine to the sick, helping to put out a fire, etc. (b) One gives alms

indirectly when one pays taxes for the support of alms-houses, public hospitals, orphan asylums, homes for the aged, the insane, etc.; when one contributes to charitable collections or drives or to organizations for relief (such as the St. Vincent de Paul Society); when one assists or promotes movements for the free education of those who cannot pay, for the betterment of living and working condition of laborers, for security against loss of employment, pensions for the aged, etc.

1257. Public charity done by the State is useful and necessary under the conditions of modern life, but it does not and cannot take the place of charity done by the Church or by private individuals.

(a) State-administered charity does not reach all, or even the most deserving, cases of need. Hence, those who pay their taxes for the support of state charities are not thereby exempted from the obligation of contributing to cases they may meet, especially of extreme or grave necessity. The payment of these taxes, however, diminishes need, and so it also diminishes the amount one is bound to give in alms.

(b) State charity provides for the corporal needs of the recipient, and it is imposed as compulsory on the giver. Hence, it cannot take the place of alms given by the Church or by individuals that will care for both soul and body, and that are given cheerfully and received gratefully.

1258. Fraternal Correction.—Fraternal correction is defined: “An act of charity and mercy by which one uses suitable words or other means in order to convert one’s neighbor from sin to virtue.”

(a) Thus, it is an act of charity, for it is a love of our neighbor and the desire of his spiritual welfare that prompts this correction. Hence, the admonition of a sinner for his own good differs from a correction administered to a wrongdoer for the good of another or of the public; the former is fraternal correction and is an act of charity, while the latter is judicial correction and is an act of justice.

(b) Fraternal correction is an act of mercy, for, just as feeding the hungry and other corporal alms remove bodily misery, so does admonition of sinners remove spiritual misery.

(c) Fraternal correction uses suitable words or other means, for while it proceeds from charity and mercy, it must be regulated by prudence. It is not

an easy matter to correct another successfully, and hence the need of good judgment as to the means to be employed, whether they shall be words or equivalent signs (e.g., sad looks, a gesture of disapproval, a change of subject of a sinful conversation, or refusal of help), and whether one shall use reproof, instruction, counsel, or warning.

(d) Fraternal correction aims at turning a neighbor from sin to virtue. It is the proper remedy for sins of negligence, as judicial correction is for sins of malice. It is applied, also, chiefly to the cure of sin that has already been committed; but it should be extended so as to include the prevention of sin in the future, since there is no less an obligation of preventing than of removing sin. Hence, those who are in dangerous occasions receive fraternal correction when a charitable warning is given.

(e) Fraternal correction is given to a neighbor (i.e., to an individual), and so it differs from the general censure of vice that is given by preachers, whose duty it is to correct sins that are prevalent, provided this be done prudently, in such a way as to effect good and not harm. Unpopularity or other such handicaps do not excuse a preacher from the duty of correction.

1259. Fraternal correction is a grave duty, and more important than that of almsgiving. (a) The natural law requires that a person should do unto others as he would wish them to do unto himself, and everyone ought to wish that, if he needs correction, it will be given him. Even the pagans proclaimed the need of correction. Seneca desired to have a monitor who, by advice and reproof, would guard him against the dangers of evil examples and conversations; and Plautus said that a friend who refuses to chide the faults of his friend is himself worthy of blame.

(b) The divine positive law also commands that one should correct one's brother in order to save him from another offense (Ecclus., xix. 13, 14), and to win him back to good (Matt. xviii. 15), that the spiritual should instruct with mildness those who have committed some transgression (Gal, vi. 1), that a sinner should not be treated as an enemy, but admonished as a brother (II Thess., iii. 15).

1260. Does the duty of fraternal correction oblige one to go out and seek a person who is living a life of sin? (a) If the sinner is under one's care, so that one is responsible for him, there is a duty to seek him as long as there is hope of amendment; for the good shepherd goes after the lost sheep (Matt.,

xviii. 12, 13). Hence, parents, pastors and superiors must try to win back their subjects from the ways of sin. (b) If the sinner is not under one's care, there is no duty to seek him out; for obligations that are owed to our neighbor in general, but not to any determinate person, do not require that we go out to look for the persons to be aided, but only that we aid those whom we meet. Hence, a private person is not obliged to frequent the haunts of vice and crime in order to reform those who are there; but the community at large has duties regarding such cases.

1261. Since the precept of fraternal correction is affirmative, it does not oblige for every time and place; acts of virtue must be so performed that not only the object and the motive shall be good, but the circumstances also should be suitable. But the object and motive of correction (viz., the conversion of a sinner) are primary, and the circumstances of time, place, etc., secondary considerations. (a) Hence, correction is good and a duty when it will serve to convert or improve a sinner, now or later, although it may be imperfect as to some of the circumstances. (b) Correction is not good, nor a duty, when it will not serve to convert the sinner, even though other circumstances would seem to call for it (Ecclus., xxxii. 6). Consequently, a person ought not to correct when either he or the other person is under the influence of anger, lest matters be made worse. This, of course, is said of fraternal, not of judicial correction; for a judge or other superior must condemn even when the culprit will not be made better, in order to restrain him from evil and to provide for the common good, the protection of justice, and the avoidance of scandal.

1262. In the following cases fraternal correction defeats its own purpose: (a) when the sinner will not be bettered by the correction, for his continuance in sin will become graver by reason of his rejection of the admonition; (b) when the sinner will become hardened and embittered by correction, and as a result commit more numerous or more serious sins. Thus, if one knows that a blasphemer is only made worse by scolding or remonstrances, it is a sin to attempt to correct him as to those ways: "Rebuke not a scorner lest he hate thee" (Prov., ix. 8).

1263. The duty of fraternal correction depends, therefore, on the knowledge or opinion one has about the success it will have. Hence, the following cases may occur: (a) If one is certain that the correction will be beneficial, one should give it; if one is certain it will not be beneficial, one

should omit it. (b) If it is likely that the admonition will be profitable, and certain that it will not be positively harmful, it should be given, for a physician in order to help a sick person should give a remedy that is harmless, even though only probably beneficial, if there is nothing else that can be done. (c) If it is doubtful whether the admonition will do any good, and also doubtful whether it will do harm (e.g., when one is dealing with a stranger, whose character one does not know), one should weigh the good and the evil and decide accordingly, as will be explained in the next paragraph.

1264. Cases of doubt concerning the advantage of a fraternal correction may occur as follows: (a) If the good expected is superior to the evil that is feared, one should give the correction. Example: If it seems that a sinner, if admonished, may suffer great confusion or be for a time estranged, but may also be finally converted, the good result of conversion is to be preferred to prevention of confusion or estrangement. If it seems doubtful whether correction will help or hurt a dying man, the good of his salvation should be preferred to the good of freedom from a new sin. (b) If the good expected and the evil feared are about equal, the correction should be omitted, since the negative precept of not injuring a neighbor outweighs the affirmative precept of doing him a service.

1265. When is sin committed by omitting fraternal correction? (a) If the correction is omitted out of charity, the omission is good and meritorious. Example: Titus omits to correct Sempronius, because he thinks the reproof would do harm to the latter or to others, or because he awaits a more favorable occasion. (b) If the correction is omitted contrary to charity (i.e., because a person hates his neighbor or disregards his spiritual welfare), the omission is a mortal sin. Example: Caius neglects to correct Sempronius, because he prefers to see Sempronius go to ruin rather than lose his friendship or incur his enmity. (c) If the correction is omitted in spite of charity, the omission is a venial sin. Example: Balbus, who is not a superior, fails to correct Sempronius, because through frailty he fears to give offense, or to be considered over-bold, but he prefers the latter's spiritual welfare to his own human fears and interests, and would give the correction, if he felt that it was absolutely necessary.

1266. The sin committed by delaying fraternal correction is to be judged according to the rules just given about omission of correction. But is it

lawful to put off correction in the hope that the sinner, through experience of the evil effects of sin, may become more tractable? (a) If there is hope of present amendment through correction, this should not be delayed; otherwise, one is careless about the honor of God, the edification of others, and the possible hardening of the sinner or his death in the midst of his sins. (b) If there is no probability of present amendment through correction, one can only wait in the hope that the experience of the evils of sin may bring the prodigal back to God.

1267. It is not often necessary for one who is not a superior to make fraternal correction, since there are many conditions that must exist before one is obliged to it. These conditions include the purpose to be attained, of which we have just spoken, and the proper circumstances, which are as follows: (a) the fault to be corrected should be a known and serious sin; (b) the person to give the correction should be one who has the right and duty to correct; (c) the manner of giving the correction should be such as will promote the end in view.

1268. One should not attempt to correct a fault, unless one is morally sure that a fault has been committed, or is about to be committed. For this reason the scrupulous, who are inclined to suspect or see evil where there is none, are generally excused from the duty of making corrections. Reasons why doubt, fear, suspicion or rumor do not suffice, are: (a) correction is not pleasant to the one corrected, and, if his guilt is not provable, he will be able to argue with the corrector, and so quarrels and enmities will result; (b) charity bids us to give the benefit of the doubt to a neighbor, and, if this is not done, the one who is being corrected will be able to correct the corrector on account of uncharitable suspicions.

1269. Is one obliged, therefore, to make inquiries into the conduct of those whom one suspects of wrongdoing?

(a) If there is question of judicial correction, the public authority is bound in justice to examine juridically into matters of doubt before acting.

(b) If there is question of fraternal correction, a parent or other superior is bound in charity to make paternal inquiries into the conduct of his subjects; for, as a father does not wait until his children ask for corporal goods but inquires about their needs, so neither should he wait until their spiritual distress is brought to his attention. The superior here should avoid the

extremes of suspicion, on the one hand, which will lead him to act rashly and win for him the hatred of his subjects, and of over-trustfulness, on the other hand, which will foster all kinds of secret irregularities. Likewise, he should not betray a special watchfulness about one individual that will be harmful to the latter's reputation.

(c) If there is question of fraternal correction, private individuals should not inquire into the affairs of others. Those who go about spying on or shadowing others, even if their purpose is to reform, are acting against charity to themselves and to the persons they wish to improve; their own affairs will suffer, since the number who need reformation is large, and the person who is being investigated will be annoyed or otherwise injured: "Lie not in wait, nor seek after wickedness in the house of the just, nor spoil his rest" (Prov., xxiv. 15).

1270. The kinds of faults that call for fraternal correction are as follows: (a) grave sins should be corrected, for otherwise one allows a soul to perish that might have been saved (Matt., xviii. 14, 15), (b) slight sins or transgressions of rules should also be corrected, when they are the occasion of grave scandal or disorder in a community, and superiors who are negligent about this commit mortal sin; (c) slight sins or transgressions should not be corrected in ordinary cases, for these faults are so numerous that, if one had to correct them, an intolerable burden would be laid on everyone, Persons who scold and lecture over every trifling misdeed are regarded as pests and do more harm than good.

1271. The purpose of fraternal correction is to save one who is in danger of losing his soul. Hence, it should not be restricted to those sins that are an offense to the corrector, but it should extend also to sins that are against God, the neighbor, or the offender himself.

1272. Since fraternal correction is given for the purpose of converting a sinner from the evil of his ways, it is not called for when one's neighbor is not a sinner, strictly speaking, or has already reformed. Thus, there is no need of this correction in the following cases: (a) when a person sins through ignorance and is not guilty of formal sin; (b) when a person who was a sinner in the past has given up his old ways.

1273. A person who sins from vincible ignorance should not be corrected unless the two following conditions are present: (a) there must be hope of

amendment, otherwise the admonition would only aggravate the sinner's guilt; (b) there must be no greater evil that will result from the admonition and correction.

1274. A person who sins from invincible ignorance is not guilty of formal sin, and hence, as said above, he is not a subject for fraternal correction. But charity often requires that he be instructed especially by superiors, confessors, etc., with a view to the prevention of various evils. These evils are of the following kinds: (a) injury to God, as when a person unacquainted with the language uses expressions that are blasphemous; (b) injury to self, as when a child not understanding the power of liquor becomes intoxicated; (c) injury to the neighbor, as when a person who does not know that it is a fast day causes scandal by not keeping the fast.

1275. If there is hope that the instruction will have a good result, one should instruct the invincibly ignorant in order to prevent injury to God, themselves, or their neighbor; but, if it seems that an instruction will do only harm or more harm than good, it should be omitted. The duty of instruction rests especially on superiors, such as parents, teachers, confessors. These principles are applied to various cases as follows:

(a) A material sin may have been committed in the past. Titus through inadvertence ate meat on a day of abstinence, but gave no scandal; Balbus did the same thing, and this caused considerable scandal. Now, there might be an obligation of telling Balbus what he did in order to repair the scandal, but no such obligation would exist in the case of Titus. Sempronius and Caius both married invalidly, but are in good faith. If Sempronius is told about his marriage, matters can be easily rectified; but if Caius is informed that his marriage is null, he will abandon his putative wife and his family, and there will be serious discords and scandals. Hence, Sempronius should be told, but not Caius.

(b) Material sin may be about to be committed against the natural or divine law. Titus is about to destroy what he thinks is an abandoned and useless picture, but which is in reality a very valuable work of art belonging to Balbus. Caius is going to the altar to be married; Claudius knows of a diriment impediment to the marriage, but cannot make it known without causing a scene and giving great scandal. Titus should be instructed, but it is a duty to say nothing to Caius.

(c) Material sin may be about to be committed against human law. Sempronius sees Claudius and others eating meat on a day of abstinence, which they have forgotten. He also sees Father Balbus, who has forgotten to put on an alb or a chasuble, going to the altar to say Mass. There is no obligation to call the attention of Claudius to the day of abstinence, but for the sake of respect to divine worship the attention of Father Balbus should be directed to the missing vestments.

1276. Certain past sins do not demand fraternal correction: (a) those sins that have been repented of, especially if there is no danger of a relapse (e.g., a wife should not be always reminding her now sober husband that he was addicted to drink before he met her); (b) those sins that will in all probability be remedied shortly without one's intervention. Hence, it is not necessary to reprove Titus because he drank too much, if he is not careless about his salvation and will soon approach the Sacraments, or if his parents or wife are better fitted to make the correction and will not fail to do so.

1277. To what persons may correction be given? (a) Judicial correction can be given only to one's subjects, since it supposes authority; (b) fraternal correction can be given, not only to inferiors and equals, but also to superiors. For charity should be shown to all those who are in need of assistance, and, the higher the office, the greater the danger. Superiors who are giving scandal or doing harm to others should be remonstrated with by their equals, or, if need be, by their subjects. Fraternal correction among the clergy is especially advantageous.

1278. When fraternal correction is given to a superior: (a) the superior should take a proper correction with gratitude and humility, imitating St. Peter when reproved by St. Paul (Gal., ii. 11); (b) the inferior should give the correction without boldness or harshness, but respectfully and mildly: "An elderly man rebuke not, but entreat him as a father" (I Tim., v. 1). It is better that the person giving the correction be himself of some standing, lest the act seem to proceed from contempt, and so only embitter the superior who is at fault. Example: Children should plead with parents who steal, get drunk or neglect religion, to mend their ways.

1279. What persons may administer correction? (a) Judicial correction as just said can be given only by a superior; (b) fraternal correction may be given by any person who is not so unfitted that a correction from him will

necessarily be useless or harmful. It is not required, however, that one be immaculate, for if immunity from all sin were necessary in a corrector, who could reprove delinquents (I John, i. 8)?

1280. The fact that a person is known to be a sinner, or not in the state of grace, or guilty of the same things he reproves, does not unfit him for giving a fraternal correction; because, in spite of his own sinfulness, he may retain a right judgment and so be able to correct wrongdoing. In the following cases, however, correction made by a sinner is reprehensible, on account of circumstances other than that of the person: (a) the motive of the correction is sinful, when the sinner corrects only in order to distract attention from himself, to conceal bad deeds by good words, to practise revenge, etc.; (b) the mode of the correction is sinful when the sinner corrects with pride, as if he himself were above correction: "Wherein thou judgest another thou condemnest thyself, for thou dost the same things which thou judgest" (Rom, ii. 1); (c) the consequences of correction made by a sinner are an evil circumstance, as when scandal results. Thus, if a person who is guilty of far greater sins corrects his neighbor, this has a demoralizing effect, when the impression is given that good words rather than good deeds are important.

1281. One who prefers his neighbor's conversion to his own deviates from the right order of charity, since he should love himself more. But a person may without any transgression against the precept of fraternal correction seek to correct his neighbor before he has corrected himself.

(a) Thus, from the nature of correction itself or from the provisions of the commandment, there does not seem to be any obligation of correcting self before correcting others; for a humble correction made by a sinner with acknowledgment of his unworthiness to censure others, or by a sinner who is thought to be good or to have reformed, may be just as efficacious as a correction made by a truly virtuous man. But it is of counsel that one correct oneself as a means towards the better correction of another.

(b) Because of special reasons, a person may be otherwise obliged to correct himself before he attempts to correct another, as when self-correction is the only means towards obtaining some necessary end. Thus, a superior who cannot enforce discipline because he is unobservant himself, the friend of a dying man who cannot convert the latter unless he gives

evidence of his own conversion, a person who cannot repair the scandal he has given unless he manifests repentance—all these should begin by correcting themselves. One should take the beam out of one's own eye, if otherwise one cannot remove the mote from a neighbor's eye (Matt, vii. 5).

1282. All suitable persons, then, are bound by the duty of fraternal correction: "He gave to every one of them commandment concerning his neighbor" (Ecclus., xvii. 12). But the duty rests more heavily on some than on others. (a) Thus, bishops and other pastors are held out of justice to fraternal correction, and even at the peril of life. (b) Other prelates, confessors, parents, husbands, masters, teachers and guardians, are held to fraternal correction from charity and by reason of their office; but they are not held to this duty when there is grave personal danger to themselves. (c) Private persons are held out of charity, but their obligation is less than in the case of those whose office requires them to make corrections.

1283. A person is not bound to make a correction for the sole reason that he is able to make it successfully. For he is excused: (a) if correction by him is not necessary, as when parents or others better able than himself will attend to the matter; (b) if his correction will bring on himself evils which he is not obliged to incur.

1284. An obligation of making a correction even when this will cause an injury to the corrector, exists in the following cases: (a) If the correction is necessary to avert extreme spiritual evil (i.e., damnation), one should be prepared to make a sacrifice, even of life itself, to give the correction (see 1165). Example: Titus is dying of a contagious disease, and will lose his soul, if Balbus does not come to advise him. (b) If the correction is necessary to avert grave spiritual evil, a pastor should be willing to risk his life, and another person should be willing to risk the loss of money, and even some injury to health. But a subject is not bound to correct his superior, when this will bring on him persecutions; a scrupulous person is not bound to correct, for this would cause him worries and suffering.

1285. The manner of making a correction is as follows:

(a) The internal dispositions should include charity towards the one corrected and humility as regards one's own fitness. For fraternal correction is not opposed to the commands of bearing with the weaknesses of others (Gal, vi. 2), and of not proudly preferring self to others (Philip., ii. 3). One

should correct inferiors paternally, equals kindly, and superiors respectfully. In every correction there should be seriousness mingled with mildness.

(b) The external order to be followed is that given by our Lord in Matt., xviii. 15-18, namely, that, when possible, admonition should be given privately, and that one should not proceed to accusation before superiors until other means, such as the calling in of witnesses, have proved unavailing. The order to be followed in fraternal correction is not only of the positive divine law, but it is also of the natural law. For the natural law requires that we do for others what we wish done for ourselves, and there is no one who does not desire that correction be given him in such a way that the least possible injury be done to his feelings and to his good name.

1286. In what cases should secret admonition be used?

(a) For public sins (i.e., real sins known or soon to be known to the larger part of the community), no secret admonition is required, since the guilt is already publicly known; a public correction, on the contrary, is necessary to remedy the scandal: “Them that sin reprove before all, that the rest also may have fear” (I Tim., v. 20).

(b) For occult sins that are against the common good or the good of a third person no secret admonition is required, but one should denounce them immediately; for the spiritual or corporal welfare of the multitude or of an innocent private individual is a greater good than the reputation of the guilty person. Exception should be made, however, for the case in which one is certain that by a secret admonition one can correct the sinner and prevent the harm that threatens others. Examples: If Titus knows that there is a plot to rob the house of Balbus, and that any effort to dissuade the criminals would only bring him into danger, he ought to warn Balbus or the authorities. If Claudius knows that in his school a certain student is teaching the other boys to steal and become drunk, he should make this known, and hence cannot be absolved if he refuses. But the seal of the confessional must be observed.

(c) For occult sins that are not against the common good or that of a third person, one should have recourse to secret admonition before making the sins known. This will save the sinner from loss of reputation and from consequent hardness in sin; it will also save others from a share in his infamy, or from the scandal caused by publicity.

1287. What is the obligation of reporting an occult sin that is doing harm in a community, when the person who reports will suffer for telling what he knows? (a) If harm to the community will result from silence, one is obliged even at the cost of great inconvenience to speak (see 1284). Example: Claudius knows that a fellow-student has a bad influence over his companions, and is leading more and more of them into stealing, with the result that a large number will be corrupted and the institution disgraced. But he cannot speak without serious harm to himself, because he also has been implicated, or because informers are regarded and treated as traitors. (b) If some private harm will result from silence, one is not bound at the cost of great inconvenience to speak. Example: If Claudius knows that only one or two are being led astray, he is not bound to implicate himself or to incur the ignominy of being regarded as a spy.

1288. There are exceptional cases in which occult faults, not injurious to others, are reprov'd publicly, without previous private admonition. (a) God as the supreme ruler has the right to publish hidden sins, although He admonishes men secretly through the voice of conscience or through external preaching or other means. St. Peter, in making known the sin of Ananias and Saphira, acted as the instrument of God's justice and in virtue of a revelation given him (Acts, v. 3, 4, 9). (b) Members of a society who are agreed to remind one another publicly of transgressions of their regulations, do not violate the order of fraternal correction given by Christ, if there is nothing defamatory in these reminders. Example: The proclamations made in the chapter of faults in religious orders.

1289. May a prelate (e.g., in a visitation) oblige his subjects to carry to him, without a previous secret admonition of the person to be accused, information about the secret sins of fellow-subjects that are not harmful to others?

(a) If a sin is entirely secret, and the subjects have not renounced their right to reputation in the sight of the prelate, the latter has no right to give orders that he be informed at once, since the rule given by Christ requires that a fraternal correction be first given. A subject would be bound, therefore, if such orders were given, to obey the divine injunction, rather than that of the prelate (Acts, v. 3, 4, 9).

(b) If a sin is entirely secret, but subjects have renounced their right to receive first a private admonition, a prelate may require that information be brought to him at once. This is the rule in certain religious societies; but even in them a sin should not be reported to the prelate if the sinner has already amended, nor should the higher superior be informed if the immediate superior can take care of the matter sufficiently. These religious have a right to their reputation.

(e) If a sin is not entirely secret, because there are some indications (such as ill-repute or grounds for suspicion), a prelate may require that information be brought to him immediately.

1290. If, after several private admonitions have been made, there is no hope of success by this method, what should be done? (a) If it appears that the other means prescribed by our Lord will be successful, they should be tried, just as a physician has recourse to new remedies when old ones have failed. (b) If it appears that any further efforts will do harm rather than good, the attempt to correct a private sin that harms only the sinner should be given up.

1291. The order to be followed in fraternal correction, after personal reproof or remonstrance has failed, is as follows:

(a) One should enlist the services of one or two others to assist in making the brotherly correction. The conversion of the culprit is more important than his reputation with these others; whereas their knowledge of the matter safeguards the corrector from the charge of being a mischievous talebearer, should things go further, and it should arouse the culprit to the need of correcting himself, before his case is brought before the superior for correction.

(b) When other things have failed, recourse should be had to the superior of the person at fault, if there is hope that this will prove successful. If the superior is imprudent or given to wrath or is known to dislike the person to be corrected, or if the latter would only be enraged by a reproof from this superior, charity would urge one to say nothing about the matter. Example: Titus makes himself intoxicated from time to time. Balbus is the only one who knows this, and he tries to correct Titus. But, as the latter denies the accusation, Balbus asks Caius and Sempronius, friends of Titus, to be witnesses; and all three of them make an effort to convert Titus. This

correction also has no effect, and so Balbus and the other two make the matter known to the parents of Titus, that they may watch their son more carefully and keep him away from occasions of drink.

1292. What are the duties of a superior to whom a subject has been reported for fraternal correction? (a) He should try to discover the truth of the matter. Means to this end are a consideration of the character and motives of the accuser, the reply which the accused makes in his own defense, and in case of necessity a confrontation of accuser and accused, a cross-examination, etc. (I Cor., i. xi; Dan., xiii. 5). Those who make a practice of gladly carrying tales to superiors are disturbers of peace, and they should be given to understand that their accusations are not wanted, and that they should mind their own business.

(b) If the superior has reason to believe that the accusation in question is true, he should use moderate remedial measures, while at the same time preserving the good name of the person to be corrected. For the information has been brought before him, not as judge, but as father of the person accused, and hence public punishments or corrections injurious to reputation must be avoided. Removal from an office, a change of place and special vigilance may be used, when this can be done prudently.

1293. Cases in which a subject may be reported to his superior for fraternal correction without previous admonitions are not impossible; for the law given by Christ concerning the order to be followed is affirmative, and hence obliges only under the proper circumstances. (a) Thus, if previous admonitions would be harmful, whereas an admonition by the superior will be beneficial, recourse should be had at once to the superior. (b) If an admonition by the superior will be more advantageous, the other admonitions may be omitted. Thus, if the superior is more revered by the person to be corrected and will be listened to more readily, or if there is danger of delay in making previous admonitions, it is better that the matter be brought before the superior at once. What is said of the superior can be applied also to some other pious and prudent person from whom a correction would be better received.

1294. The obligation of fraternal correction by private individuals may be summed up as follows: (a) One is bound to correct when one is certain about a grave sin which will not be corrected except by oneself, and when

one has good reason to hope that the correction will be profitable to the sinner and not unreasonably harmful to the corrector. Those who interfere when these conditions are not present are meddlesome or imprudent, rather than charitable. (b) One is bound to report to a superior when one is certain about a grave sin which is harmful to the community or which cannot be corrected so well by private admonition, if one believes that it will not be reported except by oneself, and that one's report will be for the good of others and not an undue detriment to oneself. Those who report of their own choice when these conditions are not existent, are malicious tale-bearers or rash news-carriers, rather than charitable accusers.

Art. 7: THE SINS AGAINST LOVE AND JOY

(*_Summa Theologica_*, II-II, qq. 34-36.)

1295. The sins against charity and its subordinate virtues can be reduced to the following: (a) hatred, which is opposed to love; (b) sloth and envy, which are contrary to the joy of charity; (c) discord and schism, which are opposed to the peace of charity; (d) scandal, which is the opposite of beneficence and fraternal correction.

1296. Hate.—Hate is an aversion of the will to something which the intellect judges evil, that is, contrary to self. As there are two kinds of love, so there are also two kinds of hate. (a) Hatred of dislike (*_odium abominationis_*) is the opposite of love of desire, for, as this love inclines to something as suitable and advantageous for self, so hatred of dislike turns away from something, as being considered unsuitable and harmful to self. (b) Hatred of enmity (*_odium inimicitiae_*) is the opposite of love of benevolence, for, as this love wishes good to the object of its affection, so hatred of enmity wishes evil to the object of its dislike.

1297. Hatred of God.—A thing cannot be hated unless it is looked upon as evil, and hence God cannot be hated except by those who regard Him as evil to themselves.

(a) Thus, those who see the Divine Essence (i.e., the blessed), cannot hate God, for His Essence is goodness itself, and, therefore, the blessed can see in God only reasons for love. (b) Those who see God obscurely through the things made by Him (i.e., wayfarers on earth), cannot hate God considered as the author of effects that are in no way displeasing to the will, such as existence, life, intelligence; but they can hate God as the author of effects displeasing to their will, such as law and punishment. Thus, no one can hate God because God has given him being, for existence of itself is something good and desirable; but a depraved will can hate God for having forbidden sin, or for inflicting chastisements, or for permitting some evils to accompany the blessings of life. That hatred of God is not a mere possibility, the scriptures in many places attest: “The pride of them that hate

Thee ascendeth forever” (Ps, lxiii. 23), “Now they have seen and hated both Me and My Father” (John, xv. 24).

1298. It should not be inferred from what has just been said that it is not God in Himself that is hated, but only His works; nor that it is a sin against God to dislike evils or even divine punishments.

(a) Thus, God Himself is not the principle or motive cause of the hatred directed against Him, for in God there is no evil that can produce dislike; but God is the term or object of the hatred aroused in the sinner by the divine effects that displease him, as the texts given above from scripture indicate. For example, a man hates his neighbor on account of certain defects he perceives or thinks he perceives; the defects are the principle, but the neighbor is the term of the hatred.

(b) Dislike of the evils that are in the world, or of chastisements sent by God, is not dislike of God Himself, since God does not ask us to love evil, but only to endure such evils as cannot be cured. Even murmurs against Providence are usually manifestations of impatience, not of hatred of Providence. It is only the sinner that dislikes God Himself for permitting or inflicting evils, who is guilty of hatred of God.

1299. Hatred of God of various kinds. (a) As regards the intention, it is either interpretative or formal. Interpretative hatred is aversion that is not intended directly or for its own sake, but only indirectly and by reason of something else whose love is preferred. Formal hatred is an aversion that is intended directly and expressly in itself. Every mortal sin is an act of interpretative hatred of God, since mortal sin consists in placing one's own pleasure or interest above the friendship of God; but it is only the special sin which attacks God directly that constitutes formal hate. Thus, he who murders his enemy does not directly intend dislike of God, but revenge; whereas the condemned murderer who blasphemes God, because he is to be executed, directly dislikes God. (b) As regards the degree of malice it contains, formal hatred of God is either dislike or enmity. Dislike of God is the sin of those who do not like some attribute of God; enmity towards God is the sin of those who wish some evil to God. Thus, one who deliberately wishes that God would sanction injustice dislikes the divine attribute of justice, while an unjust man who wishes he might be rid of God and His judgment is guilty of enmity to God.

1300. Hatred of God as a Special Sin.—(a) Interpretative hatred of God is not a special sin but a general circumstance of every mortal sin; but formal hatred is a special sin, and indeed one that is comparatively rare, and that must be specially mentioned in confession. This is a sin which is distinct, not only from the sins against the other theological virtues (e.g., unbelief, despair), but also from the sins against the other objects of charity (e.g., hatred of the neighbor).

(b) Formal hatred of God is not a special sin against the Holy Ghost (see 899); but its malice pervades every such sin, and it is thus a general sin against the Holy Ghost. For example, presumption is a dislike of God's law which requires that one must attain salvation through the observance of the commandments; rejection of the known truth is a dislike of God's revelation.

1301. The Gravity of Hatred of God.—(a) It is a mortal sin from its nature, and can never be venial on account of the smallness of the injury, but only on account of lack of deliberation or consent. Dislike of even one attribute of God is a grave injury, for everything pertaining to God is perfect and infinitely lovable. (b) Hatred of God is the worst of all mortal sins; for it is directly opposed to God (the supreme good) and to charity (the most excellent virtue in a creature), whereas other mortal sins offend against these goods only indirectly.

1302. The comparison just made between hatred of God and other sins supposes that the other sins do not include hatred of God, for it is clear that simple hatred of God existing in the will is less serious than a composite sin, such as external blasphemy uttered to manifest internal hatred of God. (a) Thus, hatred of God without unbelief is worse than unbelief without hatred of God; (b) hatred of God without hatred of the neighbor is worse than hatred of the neighbor without hatred of God.

1303. Degrees of Malice in Hatred of God.—(a) A new species of sin is added to hatred of God, when out of hatred one proceeds to sin against creatures, or to commit other offenses against God Himself. Example: Titus hates God, and therefore persecutes those who believe in God, and also blasphemes God. (b) A new degree of malice is added to hatred of God when one proceeds from dislike to enmity, or when the circumstances of person, place, manner, etc., aggravate the malice. Example: Hatred of God

outwardly manifested adds the evil of scandal; not so hatred of God that is concealed.

1304. Hatred of Creatures.—All dislike of God is sinful, because there is nothing in God that merits dislike. But in creatures imperfections are found as well as perfections.

(a) Hence, dislike of the imperfections of our neighbor (i.e., of all that is the work of the devil or of his own sinfulness), is not against charity, but according to charity; for it is the same thing to dislike another's evil as to wish his good. Thus, God Himself is said to hate detractors, that is, detraction (Rom., i. 30), and Christ bids His followers hate their parents who would be an impediment to their progress in holiness, that is, the sinful opposition of those parents (Luke, xiv. 26). Only when dislike is carried beyond reason is it sinful. Thus, a wife who dislikes her husband's habit of drunkenness so much that she will not give him a necessary medicine on account of the alcohol it contains, carries her dislike to extremes.

(b) Dislike of the perfections of nature or of grace in our neighbor (i.e., of anything that is the work of God in him), is contrary to charity. Thus, God does not hate the detractor himself, nor should children ever hate the person of a parent, or the natural relationship he holds to themselves, no matter how bad the parent may be. As St. Augustine says: "One should love the sinner, but hate his vices."

1305. The same principles apply to dislike of self. (a) Thus, one should dislike one's own imperfections, for they are the enemies of one's soul. So, contrition is defined as a hatred and detestation of one's vices, and it is a virtue and an act of charity to self. (b) One should not dislike the good one has, except in so far as it is associated with evil. Thus, one should not regret one's honesty, even if by reason of it one loses an opportunity to make a large sum of money; but one may regret having married, if one's choice has been unfortunate and has made one's life miserable.

1306. Should a person dislike in others their opposition to himself? (a) If their opposition is unjust, he should dislike it, for it is then a sin in them and an injury to himself, and charity to them and to self requires that he should dislike what is harmful to all concerned. (b) If their opposition is just, he should like it, for it is virtuous in them and beneficial to himself: "Better are

the wounds of a friend than the deceitful kisses of an enemy” (Prov., xxvii. 6).

1307. Direct enmity to self is not possible, for nature inclines each one so strongly to love of self that it is impossible for anyone to wish evil to himself as evil: “No one hateth his own flesh” (Ephes., v. 29). But indirectly a person may be at enmity with himself, inasmuch as he wishes evil under the guise of good; and hence St. Augustine, commenting on the words, “He that loveth his life shall lose it” (John, xii, 25), says: “If you love self wrongly, you hate it; if you hate self rightly, you love it.” This indirect enmity to self happens in two ways. (a) A person sometimes wishes himself what is not a true, but only an apparent good, as when he chooses the satisfaction of revenge rather than that of pardon of injuries. (b) A person sometimes chooses what is good, not for his true, but for his lower self, as when he decides to gratify the body at the expense of the soul.

1308. Is it ever lawful to wish evil to self or to others? (a) It is not lawful to wish anyone evil as evil, for even God in punishing the lost does not will their punishment as it is evil to them, but as it contains the good of justice. Hence, it is contrary to charity to wish that a criminal be put to death, if one’s wish does not go beyond the sufferings and loss of life the criminal will endure. (b) It is lawful to wish evil as good, or, in other words, to wish misfortunes that are blessings in disguise. Thus, one may wish that a neighbor lose his arm, if this is necessary to save his life.

1309. One may easily be self-deceived in wishing evil to one’s neighbor under the pretext that it is really good one desires, for the true intention may be hatred or revenge. Hence, the following conditions must be present when one wishes evil as good:

(a) On the part of the subject (i.e., of the person who wills the evil), the intention must be sincerely charitable, proceeding from a desire that the neighbor be benefitted. Thus, it is lawful to wish that a gambler may meet with reverses, if what is intended is, not his loss, but his awakening to the need of a new kind of amusement. St. Paul rejoiced that he had made the Corinthians sorrowful, because their sorrow worked repentance in them (II Cor., vii. 7-11). Of course, the desire of a neighbor’s good does not confer the right to wrong him, for the end does not justify the means.

(b) On the part of the object (i.e., of the evil which is wished to another), it must be compensated for by the good which is intended. It is not lawful to desire the death of another on account of the property one expects to inherit, for the neighbor's life is more important than private gain; but it is lawful to wish, out of interest in the common welfare, that a criminal be captured and punished, for it is only by the vindication of law that public tranquillity can be secured (Gal., v. 12).

1310. Is it lawful to wish the death of self or of a neighbor for some private good of the one whose death is wished? (a) If the good is a spiritual one and more important than the spiritual good contained in the desire to live, it is lawful to desire death. Thus, it is lawful to wish to die in order to enter into a better life, or to be freed from the temptations and sinfulness of life on earth. But it is not lawful to wish to die in order to spare a few individuals the scandal they take from one's life, if that life is needed by others as a source of edification (Philip., i. 21 sqq.). (b) If the good is a temporal one but sufficiently important, it does not seem unlawful to desire death. Thus, we should not blame a person suffering from a painful and incurable disease, which makes him a burden to himself and to others, if, with resignation to the divine will, he prays for the release of death; for "death is better than a bitter life" (Ecclus., xxx, 17). But lack of perfect health or a feeling of weariness is not a good reason for wishing to die, especially if one has dependents, or is useful to others.

1311. Is it ever lawful to wish spiritual evil to anyone? (a) Spiritual evil of iniquity may never be desired, for the desire of sin, mortal or venial, is a sin itself (see 242), and it cannot be charitable, for charity rejoiceth not with iniquity (I Cor., xiii. 6). It is wrong, therefore, to wish that our neighbor fall into sin, offend God, diminish or forfeit his grace, or lose his soul. On the contrary, we are commanded to pray that he be delivered from such evils. (b) The good that God draws out of spiritual evil may be desired. Some are permitted to fall into sin, or be tempted, that they may become more humble, more charitable, more vigilant, more fervent. It seems that the permission of sin in the case of the elect is one of the benefits of God's predestination, inasmuch as God intends it to be an occasion of greater virtue and stronger perseverance. It is not lawful to wish that God permit anyone to fall into sin, but it is lawful to wish that, if God has permitted sin, good will follow after it.

1312. Gravity of the Sin of Hatred of Neighbor.—(a) Hatred, whether of dislike or of enmity, is from its nature a mortal sin, since it is directly opposed to the virtue of charity, which is the life of the soul.

(b) Dislike, if enmity is not joined to it, is rarely in fact a mortal sin. Aversions and antipathies for others usually are either indeliberate, or have to do with what are real or fancied defects in others. Dislike is a mortal sin only when one despises another so much that one deliberately loathes even that which is of divine provenance in the other, or dislikes a real imperfection so immoderately as to inflict serious injury (e.g., by refusing pardon or the common signs of charity, by giving grave scandal, etc.)

(c) Enmity in fact is often only a venial sin, either because one wishes only a small harm (e.g., the loss of a small sum of money), or because one wishes harm, even a great harm (e.g., the commission of mortal sin), without full deliberation. Enmity is a mortal sin, however, when one deliberately wishes a grave evil (e.g., mortal sin or the loss of reputation) to one's neighbor.

1313. Hatred Compared with Other Sins Against the Neighbor.—(a) Hatred is a graver sin than other internal sins against the neighbor, such as envy, anger; for, while each of these latter attacks some particular kind of good of the neighbor or only to a limited degree, hatred may be directed against any good and knows no measure. Thus, covetousness is directed against the external goods or possessions of a neighbor, while hate may extend to either internal or external goods. Envy is opposed to the neighbor's good relatively, in so far as it is considered an obstacle to one's own glory, but hate detests another's good absolutely. The hater finds his satisfaction, not in any profit derived for self, but in his aversion for another's good, and the harm that is wished his neighbor. This comparison here made should be understood, other things being equal, so that hatred of another's life is contrasted with envy of his life, etc.; for, if the goods are not the same, hatred may be a lesser sin, as when hatred of a neighbor's temporal good is compared with envy of his spiritual good. (b) Hatred of a neighbor is a more serious sin than external offenses done against him, for hatred sets the will wrong, and it is in the will that sin takes root: "He who hates his brother is a murderer" (I John, iii. 15). The external act, on the contrary (e.g., killing an innocent man), is not a formal sin when the will is guiltless. (c) Hatred is a less harmful sin to the neighbor than external

offenses; for example, internal dislike and malevolence will not break any bones, as may happen from a severe blow.

1314. Why is hatred not numbered among the capital vices? As was said above (see 269), a capital vice is one from which naturally and usually other species of sin take their origin. Now, hatred of God or the neighbor, in the natural and usual course of sin, does not precede, but rather follows other sins. Hence, hatred is not a capital sin. This will appear more clearly if we distinguish two kinds of hatred:

(a) Hate of that which is truly evil and opposed to the true good of man (e.g., hate of vice), is naturally prior to other disinclinations, since rational nature first inclines one to love its good and hate its evil (see 1106).

(b) Hate of that which is not evil (as hate of God or of the neighbor), is naturally subsequent to other sins, for it is only a nature already corrupt that detests true goodness. This does not mean, however, that the whole catalogue of lesser sins must have been committed before hatred is arrived at, nor that in individual cases a sinner has not the freedom to hate before he has committed less grave sins.

1315. In a certain wide sense, however, it may be said that hatred of the neighbor goes before all other sins against the neighbor, just as was remarked above (1299) concerning sins against God.

(a) Hence, interpretative hate—i.e., a feeling against another that makes one act in effect as if there were hatred—does precede the other sins. Thus, if Titus, who bore no ill-will to Balbus, becomes enraged against him and inflicts death, the murder is traced back to anger, but this anger may be called hate, inasmuch as dislike of the life of Balbus is included in the desire of revenge.

(b) Formal hate—i.e., dislike of another that is absolute, and not modified by such considerations as desire of revenge or sorrow over one's own inferiority—does not precede, but rather follows the other sins, as was explained in the previous paragraph. It is only this sin of formal hate that is a special sin. Titus in the example murdered Balbus, not because he had an absolute dislike for him, but because the thirst for revenge made Balbus displeasing to him.

1316. The causes of the sin of hatred are as follows: (a) causes that dispose one to hate are anger and envy, for to desire evil to another, for revenge or on account of one's own glory, prepares the way to desire evil to him absolutely, which is hatred. Envy, however, disposes to hate more than anger, since it is more akin to hatred: anger wishes evil to another as something owed to justice, but both envy and hatred look upon the neighbor's good as a thing distasteful. (b) The cause that induces sinful hatred of the neighbor is envy; for one cannot hate that which is good unless one regards it as in some way disagreeable, and it is the vice of envy that makes one regard one's neighbor's good as one's own evil. Hatred of God also indirectly results from envy, for, while the creature does not envy God, his envy of his neighbor breeds hatred of his fellow-man, and this in turn may produce hatred of God.

1317. Various Species of the Sin of Hatred.—(a) Hatred of God and hatred of the neighbor are sins specifically distinct, and hence to be declared specifically in confession. They are opposed to the same virtue of charity, but, on account of the generical difference of sin against God and sin against the creature, they must be classed as different species of sin.

(b) Hatred of the neighbor in itself is but one species of sin, since all its acts have this one essential character in common, that evil is wished to a neighbor as evil—that is, one wishes another evil in general or every kind of evil, but does not specify particular evils, such as damnation or death.

(c) Hatred of the neighbor on account of its circumstances or results may be connected with sins of other species. Thus, he who hates his neighbor because the latter is pious, adds irreligion to his hatred; he who out of hatred wishes the death of his neighbor, adds the guilt of murder to hatred; he who out of hatred wishes to destroy his neighbor's property, adds the guilt of injustice to his hatred: he who hates his parents, adds impiety to uncharitableness; he who calls down a curse on another, adds malediction to hate.

1318. Penitents who accuse themselves of hatred often have in mind a sin specifically distinct from the sin of hatred, or an act not sinful at all.

(a) Thus, "hatred of God" is sometimes used to signify a want of resignation to the divine will.

(b) “Dislike of the neighbor” is sometimes used to signify uncongeniality on account of difference of character, etc., or positive disapproval of qualities or acts that deserve dislike or censure. Thus, a penitent who always feels ill at ease in the company of a neighbor on account of some natural incompatibility or of some fear which he himself does not understand, or who dreads meeting an individual whose manners are boorish or whose conversation is distasteful, may accuse himself of sinful dislike.

(c) “Wishing evil to the neighbor” is sometimes used to signify one’s desire that justice take its course or that the order of charity be observed. Thus, a penitent who wished for the common good that a criminal be punished, or according to charity that his friend would defeat others in competition for a prize, may accuse himself that he wished harm to the criminal or had luck to the competitors against his friend.

1319. Circumstances of hatred should be mentioned in confession as follows: (a) when they add a new species—thus, the person hated (e.g., one’s father) or the evil wished (e.g., a fall into mortal sin, loss of reputation, death, etc.) may add a new sin to that of hate; (b) when they multiply the number of sins within the species of hate, as when one hates a large number of persons (see 219).

1320. The Sin of Sloth.—Sloth is a sadness or dejection of the will about the divine good one possesses, and arises from a want of esteem for one’s Last End and the means thereto.

(a) Sloth is a sadness of the will. Hence, the sin of sloth differs from the passion of sadness, and also from bodily weariness. The passions (as said in 121) are not evil in themselves, but become evil when exercised immoderately, or turned to an evil object. Weakness or weariness of body is not sinful, but it disposes one for the passion of sadness, and this in turn may tempt the will to sloth, when duties owed to God are to be attended to.

(b) Sloth is a sadness about good, and so it differs from sadness about the smallness of one’s good. Humility demands that one be sensible of one’s own shortcomings and of the greater merits of those who are better. But it is not humility but ingratitude and sloth to depreciate and grieve over the good which one has received from God, such as the gift of faith, membership in the Church, etc.

(c) Sloth is sadness about the divine good, which is loved by charity. Thus, the sin of sloth differs from the circumstance of sloth, which is found in every sin. There is no sin that does not contain a sadness or disgust about the act of the opposite virtue; the very thought of moderation is depressing to the glutton, and religion is associated with gloom by the irreligious. But what is special to the sin of sloth is, that it grieves about that divine good itself over which charity rejoices, and which is the end of all the other virtues.

(d) Sloth is a sadness about the divine good as shared by self, that is, about the end offered oneself and the means thereto, such as eternal beatitude, the friendship of God, the Sacraments, the Commandments, good works and other divine gifts which should be esteemed and received with gladness. Sloth thus differs from hatred of God, which is a sadness over God's own goodness; and from envy, which is a sadness over the good of the neighbor.

(e) Sloth is a sadness over the divine good, which is considered by one as an evil. The sin of sloth looks upon the joys of heaven or the practice of virtue with contempt; it directly spurns them as unworthy of love (cfr. Num., xxi. 4). Hence, sloth differs from laziness or idleness, for this latter sin dislikes the exercise of virtue, not because it considers virtue as evil, but because it has a dread of the labor and exertion which virtue entails, and is overmuch in love with repose and ease.

1321. Sloth is a sin. (a) It is forbidden by God: "Bow down thy shoulder and bear wisdom, and be not grieved with her bands" (Ecclus., vi. 26). (b) It is an evil sorrow, for it grieves over good. (c) It has evil effects, since it keeps man from his duty, swallowing him up with overmuch sorrow (II Cor., ii. 7).

1322. Qualities of the Sin of Sloth.—(a) Sloth is a special sin, since, as explained above, its individual objects differentiate it from the general slothfulness that is found in every sin, as well as from hatred, envy and laziness. But it is a sin, by comparison, rarely committed. (b) It is a mortal sin, from its nature, since it is a horror and detestation for the divine good. It is implicitly forbidden in the Third Commandment, (c) It is a capital sin (i.e., a vice naturally productive of others), for sadness inclines man to many evils as means of escape from sorrow or of consolation in sorrow.

1323. In the following cases sloth is not a mortal sin. (a) It is not a mortal sin if in the object there is not grave matter. When a person is grieved at the thought that he will be forced to some spiritual good which is not of precept but of counsel, he does not sin thereby, for one does not sin by not choosing the counsels. Strictly speaking, however, this grief is not the sin of sloth, which is a sorrow over the divine good that one is bound to accept with joy. (b) Sloth is not a mortal sin, if in the subject there is not sufficient reflection or full consent. Hence, mere bodily weariness in serving God, is no sin at all, and a feeling of disgust for spiritual things, not consented to, is only a struggle of the flesh against the spirit, and at most a venial sin.

1324. Sins that Spring from Sloth.—(a) To escape his sadness about divine things, the slothful man avoids or flees the things that sadden him—his last end (sin of despair) and the means thereto (sins of cowardice and carelessness). He also attacks the causes of his grief—the persons who would lead him to God (sin of rancor) or the spiritual things themselves (sin of malice). (b) To console himself for the want of joy in spiritual things, he seeks comfort in forbidden things: his mind is unquiet and curious about that which does not concern him, his talk is excessive, his bodily movements are restless, and he must be continually moving from place to place.

1325. The Conquest of Sloth.—(a) Flight is a suitable form of resistance to temptation, whenever the temptation grows stronger by thinking over the matter, as is the case with temptations against purity (I Cor., vi. 18). (b) Attack is a suitable form of resistance, when the temptation becomes weaker as one thinks over the matter (see 257). This is the case with sloth, for, the more one gives oneself to the consideration of spiritual things, the more pleasing do they become.

1326. Laziness, as distinct from the capital vice of sloth, is a generic name given to a number of sins or circumstances of sin, and hence it will be treated in several places.

(a) Thus, negligence is a want of prompt decision about duties to be performed. It is opposed to the virtue of diligence or solicitude, which pertains to prudence. Hence, negligence will be considered among the sins against prudence.

(b) Sluggishness (pigritia) is a tardy performance of duty, and will be considered among the sins opposed to diligence.

(c) Carelessness (torpor) is a perfunctory discharge of duties, without thought or love. It is one of the consequences of sloth given above (see 1324), and hence it is a sin against charity.

(d) Indolence is an excessive dislike of labor or exertion, caused by an inordinate love of recreation or bodily rest. It will be considered when we treat the sin of softness or delicacy, which is opposed to fortitude.

(e) Idleness is the actual omission of one's duty on account of indolence, and hence it is considered among the sins against the various precepts. Thus, under the precepts of charity and of justice will be discussed the omission of labor to which one is bound.

1327. The sin of carelessness about the service of God is also known as tepidity or lukewarmness. It consists in a want of fervor, and causes one to live in spiritual languor, wishing on the one hand to live holily and avoid sin, but fearing on the other hand the effort and generosity required for the practice of virtue and the struggle against evil. It is, therefore, most dangerous.

(a) Even if it is only internal, it may be more dangerous to the one concerned than grave sin itself, since threats and promises that move a sinner are often unavailing with one who is tepid and moving on to grave sin. Thus, we read: "I know thy works, that thou art neither cold, nor hot. I would that thou wert cold or hot. But because thou art lukewarm, and neither cold, nor hot, I will begin to vomit thee out of my mouth" (Apoc., iii. 15, 16).

(b) If it is external, this sin is a danger to others who witness the disrespectful way in which one prays or exercises other duties owed to God.

1328. The Sin of Envy.—Envy is a sadness at the good of a neighbor, which one considers as a detriment to one's own excellence or glory, and therefore as an evil to self.

(a) Envy is a species of sadness, that is, it is a displeasure of the will at the presence of what one regards as an evil. In this way envy differs from the sin of rejoicing at the evils of others, which, as will be said below (see 1342), is one of the consequences of envy, although both are of the same

species. Thus also, envy differs from pride and vainglory (which are not aversions but inclinations), and from covetousness (which is the desire of what belongs to another).

(b) Envy is about some good, especially about those goods from which men obtain the esteem and honor of others, such as virtue, ability, rank, success, prosperity. Thus, envy differs from sorrow about evil or the evil effects of good, such as repentance for one's sins, regret that one is not as good as others, displeasure at the bad use that men make of health or wealth.

(c) Envy is about the good of a neighbor, for only an insane person would feel chagrin at the superiority of God, and self-envy is a contradiction in terms. Thus, envy differs from sorrow at the good of God (hatred of God), and from sorrow at the good of self (sloth). A person may be said, however, to envy God in the sense that he is mortified at the external glory of God, if he feels himself an antagonist of that glory. In this way the devil is said to envy the attributes of God, because they overcome his efforts to promote impiety, and man is said to envy the Holy Ghost, when he is discontented at the progress of holiness in the souls of men.

(d) The envious man considers his neighbor's good as a detriment to his own good. This is the distinctive trait of envy which sets it apart from other forms of repining at another's good fortune. Thus, displeasure at the excellence or glory of another without reference to detriment to self is not envy, but hatred; with reference to the unworthiness of another, it is not envy, but indignation.

(e) Hence, envy looks on the neighbor's prosperity as a calamity to self, as a sort of punishment and the contradiction of one's own desires. Here envy stands in contrast with mercy, for, while the merciful regard the misfortunes of neighbors as the misfortunes of themselves, the envious regard the prosperity of others as their own misfortune.

1329. The Objects of Envy.—(a) The material objects are many, but they are reduced to excellence and glory. Excellence includes every kind of desirable quality. Glory is the honor, fame and praise that follow on public knowledge of one's excellence. As a rule, envy is concerned with the excellence of glory, but it may also be about internal or objective excellence. Thus, if two disputants are alone, the less able will perhaps envy

the greater knowledge of the more able; but, if there is an audience, the more able will perhaps envy the greater applause received by his less able opponent.

(b) The formal object of envy is one, namely, the detriment to the excellence or glory of self which the envious person sees in the excellence or glory of another. Detriment must not be understood absolutely here, as if the envious person lost something or failed to obtain something on account of the other person. It must be understood relatively, in the sense that the envious person feels that the situation between himself and the other person is no longer the same, that the latter has gained on him or passed him, and has thus lessened his excellence.

1330. The Subjects of Envy.—(a) The persons most inclined to envy are of two quite different types, namely, the ambitious and the pusillanimous. The ambitious man ardently covets honors, and he is correspondingly saddened when others surpass him, especially if he already enjoys repute or is not far removed from the object of his desires. The pusillanimous man, being petty, holds every small advancement of others as great and as a blow to his own prestige. He is, therefore, filled with intense envy, where a different person would see little or no cause for such a feeling. On the contrary, those who recognize their own unsuitability for what is above them, and those who are great of soul, are not so much inclined to envy. There are few, however, even among the most perfect, who are not tempted to envy in some form.

(b) The persons who are most likely to be envied are those who in some way or other are one's likes or equals, for one does not feel that one is thrown into the shade by a person who is always far above one, or by those who are far removed in time, place, age, etc. Thus, a beggar will envy a fellow-beggar who becomes a millionaire, but not those acquaintances who were always rich, and still less the fortunate persons whom he knows only from hearsay. The elder son envied his brother, not his father (Luke, xv. 28). Many exceptions to this are only apparent. Thus, persons sometimes are envious of those far above them, but it is because these have advanced at their expense, as when a poor person envies those who have the property he once owned. Persons are sometimes envious of their equals who have not surpassed them, but it is because these latter have obtained with little or no effort what they themselves have gained only by hard work. Persons are

sometimes envious of their inferiors, but this is because they make a comparison from some viewpoint in which there is equality, as when an old man envies a youth the advantages that were not enjoyed in his own youth, or the present promotion that surpasses his own.

1331. It was said above (see 1313) that hatred differs from other sins against charity, inasmuch as it dislikes another's good unqualifiedly, whereas these other sins dislike his good with some qualification. Hence, envy differs from hate, because envy is a qualified displeasure. It differs from other kinds of displeasure over the prosperity of others, because the qualification in each case is different.

(a) Thus, emulation is displeased at the thought of a neighbor's prosperity, not because it does not like his success, but because it dislikes the unsuccess of self. Example: Titus is grieved when he thinks of the virtue of Balbus, because he himself lacks virtue.

(b) Fear dislikes the prosperity or superiority of another, not on account of the prosperity or superiority in itself, but on account of the evil results it apprehends from that prosperity. Example: Caius is displeased at the elevation of Claudius, because he knows the latter is his enemy and will persecute him. He is also displeased that, in spite of his own greater learning and soundness, he has not the influence possessed by Balbus, who misleads many by long-winded sophistry.

(c) Indignation (_nemesis_) is displeased that a neighbor has a certain good, of which he is unworthy. Example: Sempronius is angry because Titus, who is dishonest, succeeds in business.

(d) Envy grieves over a neighbor's prosperity, not because it thinks this prosperity will actually bring about a lessening of the honor of self, but because it regards the very fact of that prosperity, in itself and apart from any consequences, as a change in one's relationship to the neighbor, and to that extent an obscuration of the glory of self. Example: Balbus is grieved at the prosperity of Claudius, because he knows Claudius will use his resources to defame him. Caius is grieved at Claudius' prosperity, because he regards it as a reflection on his own fame, since he is less prosperous. Balbus fears, Caius envies.

1332. Is emulation a sin? (a) If emulation is about spiritual things, it is not sinful, but praiseworthy. St. Paul encourages a holy rivalry among the Corinthians for the higher gifts of God (I Cor., xii. 31). St. Jerome writes to Laeta that her daughter should be associated with other girls as fellow-pupils, that the progress of the latter and the praises they receive may act as a spur to the daughter not to be outdone. One who equals or surpasses the virtue or knowledge of another does not take away or lessen the other's good, but improves his own good; and thus emulation is not harmful, but beneficial in spiritual matters. (b) If emulation is about temporal things, it is also lawful to be sorry at their absence. But, if the desire is inordinate, then emulation is sinful. Example: Sempronius is not inferior in ability to Titus, and hence, while not desiring monopoly or disliking competition, he is sorry that he has not attained an equal success in business. Balbus is very deficient in education, in initiative and in character, while Caius excels in all these qualities; and yet Balbus is discontented that he does not hold the responsible position of Caius, or one of equal importance. The emulation of Sempronius is reasonable, that of Balbus is unreasonable.

1333. Rivalry is called jealousy, when it proceeds from a love so ardent that it wishes to have exclusive possession of the object loved. This jealousy is lawful or unlawful, according as the person who loves has or has not exclusive rights.

(a) Jealousy is unlawful in a mother who is vexed because her child loves his father as well as herself. The child ought to love both parents, and it is an evil jealousy that makes the mother grieve when the child does this.

(b) Jealousy is lawful in a wife who grieves because her husband gives to others the affection he promised would be hers alone. Scripture speaks of God Himself as jealous of the fidelity of His creatures, and declares that He will suffer no rival, but must have sole dominion over the heart (Josue, xxiv. 19 sqq.); and St. Paul tells the Corinthians that he is jealous of them, with the jealousy of God, because they have not been faithful to his preaching, but have been friendly to false teachers (II Cor., xi).

1334. Is grief at the prosperity of another a sin, when it is caused by fear of the harm he will do?

(a) If it is clear that the other will use his prosperity to act against justice or charity or the like, it is not a sin to grieve over the prosperity. For, since it

is right to deprive a neighbor of the means of sinning when one has the power to do so, it is not wrong to wish that he lacked those means. Thus, it is not a sin to grieve over the election of an official who will promote lawbreakers and persecute the law-abiding: “When just men increase, the people shall rejoice; when the wicked shall bear rule, the people shall mourn” (Prov., xxix. 2). St. Gregory the Great declares that, as it is not uncharitable to rejoice at the downfall of an enemy, neither is it envious to be saddened at his success; since his downfall is a blessing to the oppressed, while his success means injustice to many.

(b) If it is clear that the other will use his power, wealth, or other goods to inflict evils that are deserved or not unjust, it is wrong to be sorry that he has the power, wealth, etc., just as it would be wrong to deprive him of them. Thus, it is wrong to grieve over the election of an honest official who will correct abuses and punish lawbreakers. It is not unlawful, however, for a lawbreaker to be sorry for himself at the prospect of the penalty he will receive.

(c) If it is uncertain whether the other will use his prosperity to do injury to oneself or to others, it is lawful to fear and to be on one’s guard, but it is not lawful to grieve unconditionally at the prosperity, just as it is not lawful in the circumstances to deprive the other of his prosperity.

1335. Is grief at the prosperity of another sinful, when it is caused by his unworthiness of prosperity? (a) If the indignation could be about spiritual things, of course it would be sinful; but this is not possible, for it is precisely spiritual goods (such as virtues) that make one deserving. Indignation, then, is about temporal goods, which are enjoyed by the bad, as well as the good. (b) If the indignation is about temporal things owned by the wicked, and one grieves that they have prosperity, sin is committed. For it is God who distributes to the undeserving the goods they have; His purpose is just, namely, that these goods may be for the correction or the punishment of the wicked; those who grieve over the prosperity of the unworthy overlook the fact that eternal goods are a reward to man, temporal goods only a trust to be administered. Hence, the Psalmist says: “Be not emulous of evil-doers, nor envy them that work iniquity, for they shall shortly wither away as grass” (Ps. xxxvi. 1).

1336. Two special cases of sorrow over the prosperity of the wicked must be considered. (a) If one sorrows precisely because the prosperity is had by an undeserving person, and is not thinking of the divine cause and purpose in human affairs, it does not seem that one sins; for, abstracting from Divine Providence, there does appear an unsuitability in the prosperity enjoyed by the wicked, and hence it is something to be sorry about. But such sorrow is at least a preparation for the sin spoken of in the previous paragraph, and so it should be shunned: “My feet were almost moved, my steps had well-nigh slipped, in anger at the wicked, seeing the prosperity of sinners” (Ps. lxxii. 2, 3). (b) If one sorrows precisely because the sinner will use his prosperity in such a way as to become more wicked and to incur chastisement, the sorrow is not uncharitable, but charitable.

1337. Sorrow at being surpassed by another on account of the relative loss of glory to self, with the wish that the other had not the good that makes him superior, is envy, as explained above. This sorrow is a sin. (a) Thus, it is condemned in scripture: “Let us not be made desirous of vainglory, envying one another” (Gal, v. 26); “The patriarchs through envy sold Joseph into Egypt” (Acts, vii. 9), “Charity envieth not” (I Cor., xiii. 4). (b) It is not reasonable to be grieved at the prosperity of others, since prosperity is something good and an object of joy rather than of sorrow.

1338. From its nature envy is a mortal sin. (a) Thus, it is directly opposed to the principal acts of charity, which are love of the neighbor, desire of his good, and joy over his prosperity; and charity is the life of the soul (I John, iii. 14). Secondary acts of charity, such as kissing the sores of a leper, may be omitted without loss of love, but envy destroys love itself. (b) Envy is directly contrary to mercy; for, while mercy grieves at the evil of others, envy grieves at their good. The envious are not merciful, neither are the merciful envious.

1339. Envy is a greater sin than the other kinds of sorrow at a neighbor's good. (a) Thus, envy grieves over the neighbor's good (even if he is worthy), and is greater or less in proportion to that good; (b) emulation grieves over one's own deficiency, fear over the consequences of the other's good, indignation over the prosperity of one who is unworthy.

1340. Envy is not a mortal sin in the following cases: (a) if the object is not grave, as when one is envious about some trifle (such as good looks);

(b) if the subject does not give sufficient reflection or full consent, as when infants are jealous of one another, or adults feel the stirrings of envy. Even holy men are not above the first movements or inclinations towards envy, and very many envious thoughts are not mortal, because not fully adverted to.

1341. Degrees of Gravity in Sins of Envy.—(a) There are no different species of envy of the neighbor, for all acts of envy have the one essential trait that they are sorrow over the excellence of another, viewed, not absolutely in itself, but relatively as a lessening of one's own excellence. We should distinguish, however, the envy which is a sin against God (viz., envy at another's spiritual good, or sorrow at the diffusion of grace) from the envy which is a sin against the neighbor.

(b) There are different degrees of envy within the species, according to the greater or less excellence of the good which is envied. Thus, it is a greater sin to be envious about spiritual things (e.g., another's influence for good) than about temporal things (e.g., another's ability to get money); it is a greater sin to be envious about the wellbeing of the body than about dress, style, etc.

1342. Envy is one of the capital vices, that is, it is an evil tree which from its very nature yields the evil fruits of other sins. The fruits of envy are progressive in evil.

(a) Thus, in the beginning of envy, one tries to diminish the glory of the person one envies, either secretly (sin of whispering) or openly (sin of detraction).

(b) In its progress, envy rejoices at the adversity of the neighbor, if its attempt to injure succeeds; or it sorrows over his continued prosperity, if its effort at blackening has failed. Rejoicing at a neighbor's adversity is not different specifically from envy; but the affliction over the neighbor's prosperity now spoken of is of the same species as the vice which sought to undermine the neighbor. Thus, if the envious person resorted in vain to detraction, his grief at the failure of his efforts is in guilt a sin of detraction.

(c) In its consummation, envy becomes hatred, as was said above on the causes of hate (see 1316).

1343. Envy is not the first of the seven capital vices. (a) Thus, it is caused by pride, for one who inordinately desires his own excellence will easily grieve over what he regards as the lessening of that excellence by the excellence of another. (b) It is caused by vainglory, for one who inordinately longs for fame and honors, will easily be grieved over the fame and honors enjoyed by others.

1344. In what way is envy preeminent among sins? (a) Envy is not the most enormous vice, for, as said above (see 1301), hatred of God is from its nature the worst of all sins. But there is one kind of envy—namely, envy of a brother’s spiritual good—which has a place among those gravest offenses called “sins against the Holy Ghost” (see 899).

(b) Envy is most like to the sin that brought all woe into the world, for “by the envy of the devil death entered the world” (Wis., ii. 24). It was sorrow at the gifts bestowed upon our first parents that moved the demon to tempt them, and accordingly his envy led to their fall and to the loss of original justice by the Whole race.

1345. Useful Considerations against Envy.—(a) Envy is useless, since it does not obtain that on which one’s heart is set, or obtains it only by the sacrifice of charity, which is something better. (b) Envy is harmful, since it carries its own torment with it (Gen., iv. 5; Wis., vi. 25; Prov., xiv. 30), and brings on many sins against the neighbor. Through envy the first murder was committed (Gen., iv. 8), and it was envy that brought about the crucifixion of Christ (Matt, xxvii. 18).

1346. Useful practices against envy are: (a) the uprooting of its causes, pride and vainglory; (b) the cultivation of an unselfish charity and of emulation of what is best in others: “So that by all means, whether by occasion, or by truth, Christ be preached, in this I rejoice, yea, and will rejoice” (Philip., i. 18); “Let us consider one another, to provoke unto charity and to good works” (Heb., x. 24).

Art. 8: THE SINS AGAINST PEACE

(*_Summa Theologica_*, II-II, qq. 37-42.)

1347. The following sins are opposed to the peace of charity: (a) discord, which is opposed to peace in wills; (b) contention or quarreling, which is opposed to peace in words; (e) schism, war, fights and sedition, which are opposed to peace in works.

1348. Discord.—As here understood, discord is a disagreement in the wills of two or more persons in matters pertaining to the divine good, or the good of the neighbor, and concerning which charity requires that they be in agreement.

(a) Discord is a disagreement in wills, that is, in wishes and desires. Hence, it is not the same as difference of opinion (see 1197), which is a disagreement in judgments.

(b) It is about matters in which agreement is necessary, that is, in which the law of God requires that all wish the same things, and have but one heart and soul. Thus, discord differs from disagreement about matters of supererogation. Examples: Titus and his wife are at variance, because Titus is unwilling to give any alms. Balbus and his wife are at variance, because she wishes him to give away in alms more than is strictly necessary. In the first husband there is discord, but not in the second.

(c) Discord is opposed to the divine good, or the good of the neighbor. Thus, it differs from a disagreement with another who is attacking the divine good or the good of the neighbor. The standard of concord is the divine will, and he only of the persons at variance is discordant who is not in harmony with the divine will.

(d) Discord is confined to those matters in which charity calls for agreement. If it be some other virtue that demands unanimity (e.g., justice), the disagreement is not discord in the special sense now employed. Thus, he whose will refuses consent to the command of a superior is disobedient; he whose will refuses to pay the debt due a creditor is dishonest.

1349. There are two kinds of discord: (a) intentional discord, which is the act of one who knowingly and purposely contradicts in a matter about which charity requires that he agree;

(b) unintentional discord, which is a disagreement between persons, who both intend the divine good or the good of the neighbor, but who are divided in opinion as to what that good here and now requires.

1350. Sinfulness of Intentional Discord.—(a) From its nature, this species of discord is a mortal sin, since it directly excludes charity. Hence, those who are guilty of discord shall not obtain the kingdom of heaven (Gal, v. 21). (b) From the lack of sufficient reflection or consent, the first impulses towards discord are not mortal sins.

1351. Sinfulness of Unintentional Discord.—(a) From its nature, this kind of discord is not opposed to charity, nor is it sinful; for the concord of charity consists in a union of wills, not in a union of opinions. Thus, the disagreement between Paul and Barnabas about John Mark (Acts, xv. 39) was not sinful, although the difference of judgment indicated their human limitations. (b) From its circumstances, this kind of discord may be sinful, as when it is caused by culpable ignorance in matters of faith, or is carried on with obstinacy.

1352. By whom is the sin of discord committed? (a) It is committed sometimes by one party only, as when one knowingly resists the will of another who wishes to perform a necessary act of charity. (b) It is committed at other times by both parties, as when each in defending his own good infringes knowingly on the charity due the other.

1353. Is it lawful to promote divisions, when one's purpose and the result will be good? (a) To promote division that takes away the concord of charity is never lawful, but a mortal sin: "There are six things the Lord hates, and a seventh which His soul detests, a sower of discord among brethren" (Prov., vi. 16, 19). (b) To promote division that takes away a concord of malice is lawful and praiseworthy. Thus, St. Paul introduced a dissension between the Pharisees and the Sadducees, who had been in agreement against him (Acts, xxiii. 6, 7). But the intention of the Apostle was to win the Pharisees to the defense of the Resurrection and of himself, not to incite the Sadducees to a denial of the Resurrection, and so there was no question of his using evil means for a good end.

1354. The Origin of Discord.—(a) The disagreement with the will of a neighbor arises from envy. For he who considers the excellence of his neighbor as a lessening of his own excellence, is inclined to contradict the wishes of the neighbor, even if he recognizes them as good. (b) The preference of one's own will and persistence in it are due to pride and vainglory. For he who unduly desires his own excellence or fame does not wish to yield to others or change his purposes. He feels that, even though he is in the wrong, he must not take what he regards as a position of inferiority.

1355. Contention.—Contention is discord carried into words or equivalent signs, (i.e., a dispute or altercation), in which one denies what the other affirms. It is divided as follows: (a) by reason of the intention, it is either an investigation of the truth, a defense of the truth, or an attack on the truth; (b) by reason of the manner in which it is conducted, it is either suitable or unsuitable to the persons and the matter in question.

1356. Contention whose aim is the discovery of the truth is lawful as follows. (a) Such contention is lawful and useful in itself, for it is a means of acquiring useful knowledge, of seeing both sides of a question, and of sharpening the mind for the refutation of error. Hence, a contest in a court of justice, a controversy in a scientific journal, a public debate on some important matter, and a theological disputation are according to their nature lawful, and may be necessary. Even to argue against the truth, for the sake of practice in discussion or to bring out the truth more clearly and forcibly, is, apart from danger, scandal, or prohibition, not unuseful.

(b) Debate is unlawful in its manner when a disputant does not argue according to the rules, appeals to prejudice or ignorance, uses an insulting tone or unparliamentary language, etc.

1357. The Sin of Contention.—Contention is a sin when its aim is the concealment or discomfiture of the truth. (a) From its nature this kind of contention is a mortal sin, for it is the external expression of internal discord in matters about which charity requires concord and the same speech. Hence, the Apostle numbers contention among the works of the flesh that exclude from the kingdom of God (Gal, v. 20). (b) From the lightness of the matter or the imperfection of the consent, this kind of contention is very often, if not usually, only a venial sin, or no sin at all. Examples: A person argues against what he knows is true, but the matter is

trivial (e.g., his weight); or he is distracted by the heat of dispute or the tactics of the other party.

1358. Mortal sin is not committed by contention, therefore, unless the truths against which one contends are of a serious kind. Such truths are: (a) truths of a religious or moral character, such as the doctrines of faith and the commandments of God; (b) natural truths of a universal character, the knowledge of which pertains to the perfection of the intellect, such as first principles; (c) natural truths of a particular character in which important rights are involved. Example: An historian who writes against some deservedly revered person of the past, or a lawyer who attempts to prove against an accused what he knows is not a fact, are guilty of the sin of contention.

1359. Hence, one may be defending one kind of truth and contending against another kind of truth at the same time. St. Paul, accordingly, makes the distinction between announcement of the truth out of charity and announcement of the truth out of contention (Philip, i, 15 sqq.). (a) The truth is defended out of charity when one does not use truth as a means for the defense of error; (b) it is defended out of contention when one makes use of it as a means for the propagation of error. Thus, while St. Paul was imprisoned at Rome in 61, certain personal enemies preached Christ, but at the same time spoke or hinted falsehoods against St. Paul in order to undermine his authority or add to the bitterness of his captivity. Similarly, if one defends the truth to make oneself appear different or better than one is, one speaks from contention.

1360. Ways in which one is guilty of the mortal sin of contention: (a) when one contends formally against the truth, that is, when one knows the truth and intends to overcome it or suppress it; (b) when one contends virtually against the truth, that is, when one is so bent on carrying one's point that one does not care whether it is true or false. Thus, the Sophists aimed to win, right or wrong.

1361. When the aim of contention is the overthrow of error: (a) in itself, such contention is good and praiseworthy, and at times necessary; (b) by reason of circumstances, it may be a venial or a mortal sin. Examples: A dispute on a matter that is unbecoming, such as which of the disputants is greater (Luke, xxii. 24); dispute with greater warmth than the case requires;

a dispute that leads to scandal or other evil consequences, as in religious controversies (I Tim., ii. 14).

1362. The Causes of Sinful Contention.—(a) The cause of that which is principal in contention—namely, the departure from the truth held by another and the stand made for error—is envy, pride and vainglory, as said above (see 1854) concerning discord. (b) The cause of that which is secondary in contention—namely, the wrangling or bawling manner and the shouts or screams of the contenders—is anger.

1363. The sins in act against the peace of charity are the following: (a) schism which is opposed to the peace of the spiritual society, the Church; (b) war, which is opposed to international peace, and sedition, which is opposed to national peace; (c) fighting, which is opposed to peace between individuals.

1364. Schism.—Schism (etymologically, a split, rent) is defined: “A voluntary separation of oneself from the unity of the Church.”

(a) Schism is a voluntary separation, that is, a separation intended for its own sake. Every sinner in a sense separates himself from unity, for sin divides one from God (Is., lix. 2); but it is only the schismatic who expressly intends separation as such. Other sinners expressly intend some inordinate gratification. Moreover, schism is not the same thing as the state of the unbaptized, who have not separated themselves from unity, or of the excommunicated, whom the Church herself rejected from her body on account of some sin other than schism.

(b) Schism is a separation from unity, and so it differs from disbelief in unity (heresy) and dislike of unity (hatred). One may separate oneself from unity, although one believes in it. One may hate unity, and yet not separate oneself from it. Further, schism does not necessarily include affiliation with some schismatical body or the setting up of such a body.

(c) Schism is a separation of oneself from unity—that is, schism does not deprive the Church of the note of unity, but separates the schismatic himself from that unity which is in the Church. The schismatic may wish to take away the unity of the Church, but he accomplishes only the loss of union of himself with the Church.

(d) Schism is a separation from unity, that is, from fellowship in the mystical body of Christ (I Cor., xii). It is a refusal to recognize the authority of the head of the Church, or to communicate with those subject to him. Thus, schism differs from disobedience to the head of the Church or to particular prelates in the Church, for one may disobey orders and still recognize the authority of him who gives the orders.

(e) Schism is a separation from the unity of the Church, that is, of the spiritual kingdom of Christ on earth. Hence, rebellion in matters purely civil against a churchman who has civil authority, is not schism, but is unjust war or sedition. Schism is possible only in the Church Militant, for the members of the Church Suffering and the Church Triumphant cannot fall away from unity.

1365. The Principal Schismatical Movements.—(a) In Apostolic times there were local factions and dissensions, though not real schisms, at Corinth (I Cor., i. 10 sqq.) and in Asia Minor (III John, i. 10). (b) In post-Apostolic times there have been numerous schisms, such as that of the Novatians at Rome in the third century, that of the Meletians in Egypt in the fourth century, that of the Donatists in Africa in the fourth century, that of the Acacians in the East in the fifth century. The most lamentable of all the schisms, because of the number of those whom it led away from unity, was the Eastern Schism, begun by Photius in the ninth century and made permanent under Michael Caerularius in the eleventh century.

1366. Schism is voluntary in two ways: (a) directly, when one intends schism itself, wishing to separate oneself from the head or members of the Church; (b) indirectly, when one intends to do that from which schism follows. Thus, a person who prefers to act as if he were not a member of the Church rather than desist from his design of calling or presiding over an unauthorized Council, is guilty of schism, even though he does not directly intend separation from the Church. His case is similar to that of one who does not wish to kill his neighbor, and yet is determined to do something from which the neighbor's death will surely result.

1367. There is a threefold unity of the Church, as follows: (a) unity in the theological virtues and in the Sacraments. All the faithful have the same faith, hope, charity, Sacraments, and thus there is a unity of similarity; (b) unity between head and members. There is but one head of the Church,

Christ in heaven and the Vicar of Christ on earth. Thus, there is a unity of subordination; (c) unity between the members of the Church. All the faithful form but one society, and all are parts of one great whole. Thus, there is a collective unity.

1368. The sin of schism is committed in two ways (Canon 1325, n. 2). (a) It is committed by separation from the head of the Church on earth and the keystone of unity, that is, the Pope (Col., ii. 18, 19). The mere fact that a man is in rebellion against his bishop does not make him a schismatic, if he continues to acknowledge subjection to the Holy See. But such rebellion is often the first step towards schism. (b) The sin of schism is also committed by separation from the members of the Church. Thus, one who refuses to communicate with Catholics in matters of faith or worship, choosing to act as an independent in those things, is a schismatic.

1369. Rejection of a decision or command of the Pope can happen in three ways:

(a) The reason for rejecting the decision may be the thing commanded, and not the one who gave the command, as when a person refuses to keep a fast or make a restitution commanded by the Pope, because he considers it too difficult. In this case the person is guilty of disobedience, but not of schism, even though he persists in his refusal; for he rejects a commandment of the Church, not the head of the Church.

(b) The reason for rejecting the command may be the one who gave the command, considered as a private individual. As the Pope in his personal relations is not above human weakness, he may be swayed by hatred, prejudice or impulsiveness in issuing commands to or forming judgments about individual subjects. Hence, if we suppose that it is reasonably certain that a Pope is unfavorable to an individual, and that the latter accordingly is unwilling to have a case in which he is concerned fall under the immediate decision of that Pope, neither schism nor any other sin is committed; for it is natural that the person should wish to protect his own interests against unfairness.

(c) The reason for rejecting the Pope's judgment may be the one who gave the command considered in his official capacity as Pope. In this case the person is guilty of schism, since he disobeys, not because the thing ordered is difficult or because he fears that the individual will be unjust, but

because he does not wish to recognize the authority of Pope in him who issued the judgment.

1370. Comparison of Heresy and Schism.—(a) These sins are not the same, since heresy is opposed to faith, schism to charity. A person who really believes that the Church is one in its head and its body, may nevertheless out of pride, hatred, ambition, interest, self-sufficiency, etc., decide not to recognize the authority of the head, or not to communicate with the body. (b) There is an intimate union between heresy and schism, since every heretic separates himself from the unity of faith, while schism is always found to adopt some heresy as a justification for its separation (I Tim., i. 6). Thus, the Eastern Schism soon trumped up charges of heresy against the Church, and history shows that schism almost invariably leads to a denial of papal primacy.

1371. The Opposition between Schism and Charity.—(a) Charity in itself is a spiritual bond of unity between the soul and God, for love is unitive. One who sins against this unity by offending God or his neighbor, is not thereby a schismatic, since one may hate an individual, for example, without hating the Church. (b) Charity in its effect is the communion of all the faithful in one mystical body of Christ, for charity inspires the desire to love, not only individuals, but also the spiritual society formed of individuals in the entire world. One who sins against the unity and peace of the Church is a schismatic.

1372. The Sinfulness of Schism.—(a) Schism has a special seriousness, since it is opposed to the union and peace of mankind as a whole in the universal spiritual society which is the Church. It seems to be the greatest sin against the neighbor; for other sins are against the individual or against the multitude in temporal things, while this sin is against the multitude and in spiritual things. Scripture (cfr. I Cor., i. 10) and Tradition (e.g., St. Clement of Rome, St. Ignatius of Antioch, St. Irenaeus, St. Cyprian, St. Augustine) energetically condemn the sin of schism.

(b) Objectively, it is not as serious as unbelief, since unbelief is against God, schism against the neighbor; but subjectively, or in its consequences, it may be greater than unbelief, as when a schismatic sins with greater contempt than an unbeliever, or is an occasion of more danger to others.

1373. Schism, like heresy, may be either formal or material (see 828). (a) Formal schism is that described above, in which one wishes to separate oneself from the unity of the Church, and is in culpable revolt. It is a mortal sin. (b) Material schism is that in which one is in fact separated from the unity of the Church, but is in good faith. An example is the Great Schism of the West (1378-1417), when there were rival claimants for the Papacy, and invincible ignorance among the people as to who was the true head. This kind of schism is not a mortal sin.

1374. The Spiritual Powers of Schismatics.—(a) The power of Orders is not lost through schism, for that power is conferred through a consecration, and the consecrations of the Church are permanent. Hence, a schismatical priest can perform validly the acts that pertain to the power of Orders, such as the celebration of Mass and administration of the Sacraments; but he does not perform those acts lawfully, unless the Church permits, for the power of Orders should not be used by an inferior except as permitted by the superior.

(b) The power of jurisdiction may be lost through schism, for that power depends on a commission received from a superior, which may be withdrawn by him. Hence, a schismatical priest deprived of jurisdiction could not absolve, excommunicate, grant indulgences, or perform other acts that pertain to the power of jurisdiction.

1375. The law of the church on the powers of schismatics is as follows:

(a) All schismatics incur ipso facto excommunication, as well as various inhabilities and penalties (Canon 2314). It is fitting that those who separate themselves should be declared outside the communion of the faithful, and this is what Moses commanded to be done at the time of the schism of Core: “Depart from the tent of these wicked men and touch nothing of theirs, lest you be involved in their sin” (Num., xvi. 26).

(b) The excommunicated are forbidden the celebration of Mass and the active use and administration of the Sacraments and sacramentals, except when the faithful apply to them or when there is danger of death, as declared in Canon 2261.

(c) The excommunicated are denied the power of jurisdiction except in certain cases where the Church grants it for the sake of the common good.

Thus, they may give absolution in danger of death (Canon 882), or in common error (Canon 209), or at request, if they are not vitandi or sentenced (Canon 2261). It is the teaching of learned authorities that the Roman Church for the good of souls has allowed ecclesiastical jurisdiction to remain in the schismatic Oriental Churches for the conferring of the Sacraments.

1376. War.—War is defined as a state of conflict between two or more sovereign nations carried on by force of arms.

(a) It is a state of conflict, and so differs from passing conflicts, such as battles, skirmishes, campaigns. The enemy in war is not only those with whom one is actually fighting, but all those who side with them, as counsellors, helpers, etc.

(b) War is between sovereign nations, and so differs from civil war, sedition, riots, duels. Moreover, war is made by nation against nation, not against particular individuals or groups of individuals within a nation.

(c) It is carried on by force of arms, and so differs from trade war, rivalry in preparedness for war, embargo, blockade, breach of diplomatic relations, etc.

1377. There are two kinds of war, just and unjust. (a) War is just when undertaken for a right cause (e.g., the independence of the nation); (b) it is unjust when undertaken for a wrong cause (e.g., the enslavement of a nation).

1378. Just war is either offensive or defensive. (a) Offensive war is attack made on an enemy in order to avenge an injury or enforce a right (e.g., invasion of the enemy's territory to obtain compensation for damages inflicted by him); (b) defensive war is resistance to unjust attack made or menaced by an enemy (e.g., war made on the invader of one's country).

1379. Just war is called defensive in two senses. (a) In the strict sense, it is defensive when the nation whose rights are unjustly attacked does not initiate hostilities, that is, does not declare or begin the war. (b) In a less strict sense, it is defensive when the nation unjustly attacked declares war or strikes the first blow. Thus, if the innocent nation knew that the enemy was secretly preparing war against its independence, it would be on the defensive, even though it declared war.

1380. War is not against the law of God. (a) Under the law of nature Melchisedech blessed Abraham returning from victory over the four kings (Gen., xiv. 18-20). (b) Under the written law, God many times ordered or approved of war, as can be seen from Exodus and following books in numerous places. (c) Under the New Law, John the Baptist acknowledged the lawfulness of the soldier's profession (Luke, iii. 14), a centurion was praised by Christ (Matt, viii. 10), Acts, x. 2, speaks of the officer Cornelius as a religious man, and St. Paul lauds warriors of the Old Testament such as Gedeon, Barac, Samson, etc. (Heb, xi. 32-34). Our Lord Himself used physical force against evildoers (John, ii. 14 sqq.).

1381. Certain sayings of our Lord—for example, that those who take the sword shall perish by the sword (Matt, xxvi. 52), and that one should not resist evil (Matt, v. 39)—are not an endorsement of extreme pacifism, but are respectively a condemnation of those who without due authority have recourse to violence, and a counsel of perfection, when this serves better the honor of God or the good of the neighbor. Moreover, these words of Christ were addressed, not to states, which are responsible for the welfare of their members, but to individuals. The Quakers have done excellent service for the cause of world peace, but their teaching that all war is contrary to the law of Christ cannot be admitted. The spirit of the Gospel includes justice as well as love.

1382. War is not against the law of the Church. (a) The Church has never condemned war as such. She has always labored for the promotion of peace or for the lessening of the evils of wars that could not be prevented; but her official declarations and the writings of the Fathers and Doctors show that she recognized that recourse to arms by nations is not necessarily sinful. (b) The Church has put her approval on some wars as necessary and laudable. Thus, the Crusades, to which the salvation of Christian civilization is due, were promoted by the Church; military orders for the defense of the Holy Sepulchre were instituted by her, and she has raised to the honors of the altar soldiers like Sebastian, Maurice, and Martin of Tours.

1383. War is not against the law of nature. (a) As the law of nature allows even a private individual to use force to drive off an unjust aggressor, it cannot be unlawful for a nation to have recourse to defensive war when its rights are invaded. (b) As the law of nature allows the individual to seek satisfaction for injury and restitution for loss, it cannot be unlawful for a

nation to make offensive war when another nation will not make reparation, unless compelled to it by force. If physical coercion were unlawful, a conscienceless nation would take advantage of this at the expense of other nations, and thus a premium would be set on iniquity.

1384. Like every other act, war is not morally good, unless its object, its purpose and its circumstances are in accord with right. War is not lawful, therefore, unless the three following conditions exist:

(a) Hostilities must be authorized by the public authority, for the care of the State against internal and external disturbances has been committed to the ruler (Rom., xii. 4; Ps. lxxxi. 4), and the individual or the subject state can have recourse for protection of its rights to the higher authority.

(b) There must be a just cause for war, that is, some fault on the side of the other nation; for, if a nation may not use force against its own subjects without sufficient reason, much less may it do so against those who are not its subjects.

(c) There must be a right intention, that is, the desire to obtain some good or to ward off some evil. Even if war is declared by the proper authority and there is a sufficient reason for it, those who take part in the war are guilty of sin if they have evil motives, such as the exercise of cruelty, revenge, pride, or avarice. To delight in war because one loves excitement or wishes to show one's skill or get promotion, is not a right frame of mind.

1385. What public authority has the right to declare war? (a) Ordinarily, only the sovereign power—that is, the person or body in whom the chief authority is vested according to the constitution of the nation—can make war. War is an act of the nation, and hence only the authority that represents the nation can make war. Subordinate bodies in a confederation or union of states have the right to make war, if custom or law allows it.

(b) In extraordinary circumstances, an inferior power can authorize war, as when war is necessary and it is impossible to await a declaration from the sovereign power. Thus, if a province were suddenly invaded, it would be lawful for the head of the province to make war on the invaders at once. It seems, indeed, that the head of a province could justly authorize the invasion of a neighboring state, to protect such province against

aggressions, if the central authority would do nothing; for such a war would be really defensive.

1386. In order that the cause of war be just, it is necessary that the enemy nation has done or now menaces an injury which cannot be repaired without war, and which is so serious that the evils of war are less than that of toleration.

(a) Thus, a serious injury or grave dishonor inflicted by another nation is the only just cause for the armed conflict which constitutes war, for war is exercised as a punishment or a compulsion, and these are unjust if no grave and formal fault is supposed.

(b) Only an injury that cannot be otherwise repaired is a just cause for war, because a state has no right to use force against another sovereign state except as a last resort. Hence, if the country at fault has already made satisfaction or has promised to make satisfaction, war should not be declared.

(c) Only an injury so grave that it outweighs the risks and losses of war is a justification for making war, for when two effects, one good and one evil, follow from an act, there must be a proportionately grave reason for permitting the evil effect before acting (see 104, 105). It would be wrong to avenge some small insult or some isolated injury at the expense of immense treasure and enormous loss of life. Modern warfare is so devastating that only the gravest reasons known to society can authorize it. For, according to scientists, a single H-bomb may cause death and destruction over a wide area, perhaps the space of a hundred square miles. In view of the havoc which is foreseen to outweigh the benefits of victory, it could happen that a nation with justice on its side and the potential to wage war would nevertheless not be justified in waging war (see 1410). This destructive power of modern weapons, however, need not imply a sweeping condemnation of all warfare. Spiritual values, e.g., freedom from tyranny, freedom to worship God, still hold primacy over material values and can be deemed so precious as to outweigh the great loss of lives and property involved in defending them or recovering them through modern warfare. "A people menaced by, or already victims of unjust aggression, if it desires to think and to act in a Christian manner, cannot remain in passive indifference" (Pope Pius XII, Christmas Message of 1948).

1387. In comparing the advantages and disadvantages of war, one should take into consideration, not only the losses oneself will suffer, but also the losses that will be suffered by others. (a) Thus, if the enemy nation will be ruined as the price of one's obtaining some small right, charity would urge that one abstain from war. (b) If the world in general or posterity will suffer greater evils materially or spiritually than a nation is now suffering from the denial of some non-essential right, charity at least should rule out a declaration of war.

1388. Is there a just reason for war, when a fault has been committed on both sides? (a) If the injuries are about equal and still in being, there is no reason for war, for neither nation is in a position to accuse the other of injustice. (b) If the injuries are quite unequal or one nation has shown a willingness to cease from injury, the less guilty nation has a right to make war; but it should first clear itself of injustice, before it proceeds to chastise injustice in the other.

1389. Sufficient causes for making war are: (a) grave injury to the honor of a nation, such as insult to its ruler or ambassadors (II Kings, x.); (b) injury to the natural right of the nation to existence, self-preservation, property, free action within its own sphere; thus, a people may make war to defend their independence (I Mach., iii. 59), to recover territory taken from them unjustly, to resist a violation of neutrality (II Kings, viii. 5), to protect their own citizens and commerce; (c) injury to the rights of the nation under positive law. Thus, a nation may make war to uphold important international agreements, to enforce the observance of treaties, and the like.

1390. Injury done to a third nation or to the subjects of a third nation may also be a sufficient reason for war. (a) Thus, out of justice, a nation is obliged to help its allies in a just war; for to help those with whose interests one's own interests are involved is only self-defense. (b) Out of charity, a nation that has the right of intervention may lawfully go to war to protect a weaker nation against a stronger and bullying nation, to assist a government unjustly attacked by its subjects, or to help innocent subjects who are tyrannized over by their government.

1391. Is it lawful to go to war over religion or morality?

(a) Error in the religion or immorality in the practices of another people is not a sufficient reason for making war on them. No one can be forced to

believe, says St. Augustine; and it is likewise true that no one can be forced to love virtue, whereas external conformity without conviction or love is hypocritical. Moreover, a nation has no authority to correct the sins of those not subject to it. Hence, it would not be right to attack a people for the sole reason that it was pagan or polygamous.

(b) Interference, however, with the religious rights of others or sinful practices that are injurious to others are a sufficient reason for war. No war ever had a more legitimate cause than the Crusades, which were undertaken to defend the Christian religion against the unspeakable atrocities of infidels. The cause of humanity justifies a war to put an end to such evils as cannibalism or human sacrifice.

1392. Is it lawful to make war on another nation in order to bring to it the benefits of modern civilization? (a) If the uncivilized nation lacks a government and suffers from disorder, it is an act of charity for a civilized nation to set up a government there which will act for the benefit of the people of the country. It is also lawful to make war on those who resist the government thus established. (b) If the uncivilized nation has its own orderly form of government and is at peace, no other nation has the right to interfere under pretext of introducing a higher type of government. Colonial expansion is not a sufficient reason for war in such circumstances.

1393. The following causes for war are not sufficient:

(a) Motives clearly sinful are such as do not suppose any injury done by the other nation, but rather some evil passion of pride, greed, jealousy, suspicion, or selfishness on one's own side. Hence, it is not lawful to go to war for the glory of a ruler or of the nation, for the enlargement of one's territory, for the advantage that may be gained over a commercial rival, for the preservation of the balance of power, or for the prevention of difficulties at home.

(b) Motives apparently just, but really sinful, are injuries done by another, if one has secretly provoked them in order to have a pretext for war. It is not right to make war on a people because of attacks made by their citizens, if these attacks were purposely caused by one's own citizens.

(c) Motives of displeasure with another nation are not sufficient as motives for war, if the other nation has violated no right of justice, but only

acted in a way not consonant with charity or friendship. Thus, the fact that one nation denies another financial assistance or the tariff advantages granted to a third nation is not a casus belli; for in matters of benevolence or privilege there is no strict claim or title, and hence no right to have recourse to arms.

1394. Is war lawful when the justice of the cause is doubtful? (a) The government may not declare war, unless it is morally certain that right is on its side. The consequences of war are so dreadful, and the use of force against another nation is such an extreme measure, that one should refrain from hostilities as long as one's moral right is uncertain.

(b) Volunteers not already enlisted may not offer their services to a belligerent, unless they are morally certain that his cause is just. They participate in war from choice, and they should assure themselves that their choice is correct.

(c) Subjects called to the colors should fight for their country, even if they are in doubt about the justice of the cause, for the presumption is on the side of the government. This does not mean, however, that one should be willing to fight for one's country, right or wrong. nor that one would be obliged to fight for a cause manifestly unjust, or to obey an order flagrantly wrong.

1395. What is the meaning of "moral certitude" in the previous paragraph? (a) Some moralists believe that a high degree of probability of the righteousness of his cause suffices in order that a ruler may take steps towards war. (b) The greater number of moralists, however, hold that no degree of probability suffices. The justifying reasons must be clearer than day, and the state which goes to war must not entertain a single doubt that its cause is right. This opinion we prefer; for, if a jury may not sentence an accused to death as long as there is a reasonable doubt of his innocence, neither ought a nation to pass what is really a death sentence on hundreds or thousands of citizens as long as there exists a doubt of a compelling reason for such a course. It should, however, be observed that a ruler who has only probable evidence that an injury has been done already, may have certainty that it will be done, if it is not prevented by war.

1396. Is it possible that the cause of war should be just on both sides? (a) Materially or objectively, the cause of war is just only on one side, for, if

one nation has the right to demand satisfaction or restitution, manifestly the other nation has no right to refuse or resist. (b) Formally or subjectively, the cause of war is just only on one side, if the facts and obligations are known to both disputants, for the nation that knows the right of the other side and yet opposes it, does not act in good faith. (c) Formally or subjectively, the cause of war is just on both sides, if the nation that is objectively in the wrong is subjectively persuaded that it is in the right. And, even though a government is in bad faith, its people as a rule will be in good faith as a result of not understanding the facts or merits of the controversy.

1397. It is possible that there should be objective justice and injustice on the same side. (a) Thus, the side which is just as regards the cause of the war, may be unjust in its conduct of the war on account of the unlawful means it employs to win, or its continuation of a hopeless struggle. (b) The side which was just as regards the original cause of the war, may be unjust as regards a new cause that appears. Thus, a nation which goes to war to regain a lost territory, but which continues to fight for the sake of conquest after the legitimate end has been achieved, contends for a just cause at the beginning, but for an unjust cause later on. (c) The side whose grounds are justifiable from the immediate point of view may be in the wrong if causes are traced farther back.

1398. What are the duties before the beginning of war, according to natural law?

(a) Examination of the Cause of War.—It is clear that those charged with the declaration of war are bound to examine diligently and prayerfully into the dispute, weighing the reasons on both sides, and asking light from on high. To this end they should seek the counsel, not of a few, but of many—not merely among those who are experts in the diplomatic, legal, economic, and military aspects of the question, but also among those who will look at the matter from its ethical side and who are guided by fairness and justice. Since it is the people who have to bear the burdens of war, it seems that many wars in the past would have been prevented, had the wishes of the people been consulted.

(b) Judgment about the Merits of the Controversy.—It is also clear that those who have to decide for war or peace should be impartial in their judgment. Hence, they have to be on their guard against jingoism, yellow

journalism, and war interests, as well as against the pacifist or the favorer of a foreign country at the expense of his own. They should not proceed to offensive war, if their cause remains doubtful, unless the other side provokes war by refusing peaceful settlement; but, if they are in possession, they have the right to make defensive war.

(c) Judgment about the Feasibility of War.—Prudence demands that, even when a nation is convinced that it has a just cause to make war, it should nevertheless refrain from this, unless it has a well-grounded expectation that war will improve matters (Luke, xiv. 31, 32). Statesmen who plunge their people into adventures whose end they cannot at all foresee, are criminals.

(d) Efforts at Peaceful Solution.—Even if the cause is just and the war feasible, hostilities should not be resorted to except as a last means. Hence, pacific means—such as direct negotiation, mediation, arbitration, judicial settlement, or pressure through trade embargoes, boycotts, breach of diplomatic intercourse, etc.—should be tried in the first place.

1399. The Chief Duties before Beginning War, According to International Law.—(a) Before war is declared, an ultimatum should be issued to the other nation, offering it final terms and a last opportunity to make apology or satisfaction. (b) Foreigners who are in one's territory should be given an opportunity to settle their affairs and leave the country within a reasonable time. (c) Ambassadors and other representatives of the enemy should be provided with passports.

1400. In itself, as said above (see 1380 sqq.), war is not unlawful. But in the light of the conditions required for a just war and of circumstances as they are today, can war at the present time be ever justifiable? (a) If the supreme interests of a nation are at stake (such as its independence, the policies or interests vital to its existence, its obligations under covenant or treaty of peace), war can still be lawful today, for a nation cannot surrender its right to self-defense, or betray its solemn engagements of cooperative defense. (b) If less than supreme interests are at stake, war today seems unjustifiable, for what proportion is there between the minor interests of a single or several nations and the enormous destruction of modern war and the dislocation of international security? Efforts of statesmen to secure a world pact, outlawing or renouncing war as a means of national policy, indicates progress for this view.

1401. What are the duties during war? (a) One should use every lawful means, according to one's position, to secure victory for one's country. Fighting to gain only a "stalemate," in itself, is immoral. (b) One should avoid such means as are opposed to natural or international law.

1402. It is not true that all is fair in war, for even a just cause cannot sanction unjust means. The commandments of God and the laws of nations retain their force even amid the clash of arms. Examples of acts of war that are unlawful, as being opposed to the natural law are the following: (a) acts of irreligion, such as wanton destruction of churches or monasteries; (b) attempts to seduce enemy soldiers from the obedience or loyalty owed their commanders; (c) murder, that is, the direct killing of innocent and unarmed persons, as when one refuses quarter to soldiers who wish to surrender, fires on an officer bearing a flag of truce, sinks passenger ships not engaged on errands of war, massacres the civil population by raids from the air, places a defenceless population at the mercy of savages or criminals employed as soldiers; (d) the dishonoring of women, the establishment of brothels for soldiers; (e) stealing, such as the unauthorized pillage of a town or countryside; (f) lying, such as breaking treaties, not keeping faith with the foe, entering into perjured agreements, circulating false stories of atrocities, forging of documents, etc.

1403. Just war is resistance to unjust aggression, and so the same means are lawful in warfare as are lawful in private aggression. (a) Thus, the means used against an aggressor must not be evil in themselves, as when a person protects himself against a murderer by making an innocent person a shield. Hence, in war one may not use any means that is opposed to the law of God, or to human contracts or other obligations. (b) The means employed must be such as are really necessary for overpowering the aggressor. Thus, it is not lawful to kill a burglar when wounding him will suffice for the protection of one's property. Likewise, in war it is not lawful to exterminate or depopulate an enemy, if the end of war can be attained by depriving the enemy of his weapons.

1404. The principal classes of acts of war from the moral standpoint are: (a) acts in which violence is done to things connected with religion; (b) acts of violence against persons; (c) acts of violence against property; (d) acts used to conceal truth.

1405. Acts of War and Sacred Times.—(a) It is lawful to carry on warfare, offensively or defensively, on feasts, when this is necessary, just as it is lawful to do servile work on those days in case of necessity (I Mach., ii. 41; John, vii. 23). (b) But if a suspension of hostilities can be arranged for feast days (especially for the greater ones, such as Christmas and Easter), warfare should be discontinued at those times.

1406. Acts of War and Sacred Places.—(a) It is lawful to attack a church building, if it is certainly being used for military purposes. It is also lawful to attack fortifications, and thus unintentionally to harm adjacent church buildings. (b) It is not lawful, apart from these reasons of real military necessity, to injure sacred places or edifices.

1407. Acts of War and Sacred Persons.—(a) It is lawful for clerics to cooperate in a just war in spiritual ways, as by exhortations, prayers, and religious ministrations. Moses prayed for the armies of Israel during battle (Exod., xvii. 8 sqq.), the priests accompanied Josue around the wall of Jericho (Jos., vi. 4), and St. Bernard and other holy men preached crusades. (b) It is not lawful, apart from necessity (as in case of conscription), for clerics to take part in actual fighting. Warfare is unbecoming in a cleric, because he is enrolled for a spiritual warfare (II Tim., ii. 4), and because his leader, Christ, shed His own blood, not that of others (Matt, xxvi. 52). Hence, the Church forbids clerics to volunteer as soldiers (Canon 141).

1408. The persons to whom violence is done during war are: (a) Combatants, that is, all those who are engaged in the actual promotion of the war. Direct combatants are the fighters, such as the officers and privates of army, navy, and air force; indirect combatants are the unarmed auxiliaries of the soldiers in military ways, such as makers of munition, transporters of supplies, and those in the communication service. (b) Non-combatants are enemy subjects who are neither fighters nor auxiliaries of the armed forces, such as chaplains and members of the medical service in the army, persons in civil life and occupation, old men, women, and children. (c) Neutrals are those who are not subject to either of the warring contenders, and who take no part in the hostilities, although they may sympathize with one side.

1409. The Killing or Wounding of Enemy Combatants.—(a) According to natural law, it is lawful to kill or wound the enemy in battle, or to starve him by blockade, just as it is lawful in self-defense to kill or wound an

unjust aggressor. (b) According to international law, it was expressly forbidden to attack in ways that make war more cruel without hastening the decision.

1410. The Killing or Wounding of Non-Combatants.—(a) The indirect killing of non-combatants (i.e., killing which is unintentional and unavoidable) is lawful, according to the rules given for double effect (see 103, 104). Hence, it is lawful to bombard the fortifications, arsenals, munition works, and barracks of a town, to sink passenger liners that are carrying arms or stores to the enemy, to cut off food supplies from a town or country in order to starve out its troops, although these measures will entail the deaths of some civilians as well as of combatants. Humanity requires, however, that an effort be made to spare the non-combatants, when possible, as by serving warning of attack, so that they may be removed to safety. When it is a question, however, of the use of modern weapons (the atom, hydrogen or cobalt bombs) on military targets in the vicinity of large cities, where it is foreseen that many thousands of civilians will be killed or severely wounded, then the principle of double effect seems to rule out the lawfulness of using such devastating weapons. The immediate evil effect, the slaughter of the innocents, could hardly be called incidental and only reluctantly permitted. Concretely, the inevitable results of the use of such weapons would have to be intended directly, if not as an end, at least as a means.

(b) The direct killing of non-combatants (i.e., killing which is intentional) is unlawful and constitutes the sin of murder. Obliteration bombing, the dropping of H-bombs or atom bombs on a residential section of a city containing no military objectives, are of this character; for they are attacks on civilians. It can not be argued that such an attack would probably break down the morale of the citizens to such an extent that they would force their rulers to make peace and so save many thousands of lives. For this argument is based on the principle that a good end justifies evil means.

Occasionally it is argued that modern “total” warfare demands that all citizens contribute to the war effort and that consequently everyone is a combatant. The argument can hardly be sustained, for Catholic doctrine insists that those whose participation is only remote and accidental are not to be classified as combatants. In a well-documented article on “The Morality of Obliteration Bombing,” by John C. Ford, S.J. (Theological

Studies_, V, 1944, pp. 261-309), the validity of the distinction between combatants and innocent non-combatants, even in the condition of modern war, is upheld. Fr. Ford shows that in an industrial city, as found in the United States, three-fourths of the population belong to the non-combatant category, and he lists more than a hundred trades or professions which, according to the natural law, exclude their members from the category of combatants. Direct attacks on such a population clearly would constitute unjustifiable killing or wounding of non-combatants.

1411. The Sentence of Death for Military Crimes.—(a) It is lawful to sentence to death persons guilty of international crime, such as those who approach when warned to halt, civilians who fire on the troops, guerrillas, pirates, spies and deserters. (b) It is not lawful to sentence to death persons not guilty of international crime. Thus, a private soldier should not be executed because under orders he killed a non-combatant; a hostage, not guilty of any capital crime, should not be put to death, because his fellow-citizens for whom he is held rebel or break faith.

1412. Imprisonment and Restraint.—(a) Combatants may be made prisoners of war, non-combatants are subject to the restrictions of military rules when their territory is occupied, and in very exceptional cases they may be transported behind their enemy's lines. (b) Prisoners of war and inhabitants of occupied territory are to be treated as human beings, but not better than the soldiers of one's own army. They may not be reduced to slavery, held as hostages, tortured or starved to death, or placed in front trenches as a shield to one's own forces.

1413. The Destruction or Seizure of Property During War.—(a) The military property of the enemy nation or of its subjects may be confiscated or destroyed, just as an individual has the right to destroy the weapon of an unjust aggressor. Hence, a commander may demolish fortifications, war factories, airships, warships, weapons and artillery; he may cut off or seize supplies and provisions of money, food or drink.

(b) The public, non-military property of the enemy may be occupied by a successful invader. He may appropriate movable goods (works of art and some others are excepted by international law), and he may use immovable goods (public places of worship, museums, etc., are excepted by law).

(c) As to private property of enemy subjects on land, international law requires that immovables generally be respected, and movables can be seized only for some necessary purpose of war. Requisitions and contributions may be exacted and soldiers may be billeted in the homes of citizens, but only so much may be levied as is needed for army maintenance and civil administration, and compensation must be made, or a receipt be given for future compensation. War is made, not against private persons, but against the state.

(d) As to private property on sea, the usage has been that the merchant ships of the enemy may be captured and made a lawful prize.

(e) The property of neutrals on land must not be molested, unless it is not really neutral, as when it is being used by the enemy. As regards the ships and shipping of neutrals on the high seas, they are not up to the present protected by international agreement. Rather the naval powers are divided between the theories of command of the seas and freedom of the seas. Thus, Great Britain claims the right to search, seize and hold the vessels or cargoes of neutrals who carry contraband or attempt to trade with the enemy in the face of a blockade.

1414. It is an axiom that booty taken in war belongs, not to the private soldiers, but to their government. Hence, the question arises: Are private soldiers, who take the goods of citizens without authorization from their officers, bound to make restitution? (a) If they take what is necessary for their own sustenance, they act against military discipline, but not against justice, and are not bound to restore. (b) If they take other things, they are bound to restore, since international agreements make this a duty of justice. But, if neither of the belligerents observed this agreement, the obligation of restitution cannot be insisted on as grave.

1415. Is it lawful to give over a city to be looted by the soldiery? (a) In ancient times, this was sometimes permissible, as when compensation and victory in a just war was otherwise impossible. (b) In modern times and according to present international law, looting is strictly forbidden. Violation of agreements by city heads gives no right to attack the property of the citizens who are not responsible, and valiant defense of the city by its troops does not forfeit the rights of the inhabitants to their goods.

1416. Stratagems in War.—(a) It is lawful to use various artifices for concealing one's plans from the enemy, such as camouflage, smoke screens, censored reports of engagements, etc. Thus, Josue by command of the Lord prepared an ambush for the citizens of Hai (Jos., viii. 2). (b) It is lawful also to conceal one's identity by wearing the uniforms of the enemy in order to obtain information about his plans. The Lord commanded Moses to send out men to spy on the land of Chanaan (Num., xiii. 1). While it is not lawful to tell or signify untruth, it is lawful to conceal the truth from those who have no right to know it.

1417. Reprisals are acts of retaliation by which one replies to unlawful aggressions of the enemy by equivalent aggressions against him. Their morality depends on circumstances. (a) Thus, if the act of the enemy is opposed only to international law, it is not unlawful to use the same act against him, for, since he has broken faith, the treaty obligation no longer binds the other side. For example, if the enemy, contrary to agreement, uses poison gas in warfare, it is lawful to use poison gas against him. Reprisals should not be made, however, without authorization from the proper authority. (b) If the act of the enemy is opposed to natural law, it is not permissible to retaliate by the same kind of acts. Two wrongs do not make a right. But one may retaliate in lawful ways, or else issue a protest and await compensation at the conclusion of the war. Thus, if the enemy murders the civil population, this does not justify one in murdering enemy citizens who are in one's power.

1418. Duties of the Nation Victorious in War.—(a) The victorious nation must not prolong the war after victory has been gained, or after the enemy has sued in good faith for peace or armistice. (b) It must not exact from the defeated foe more than it has a just right to.

1419. The Rights of the Victor.—(a) If the cause of the victorious nation was unjust, its victory gives it no claim, for might does not make right. On the contrary, it may be obliged to make restitution to the defeated nation for the losses it has suffered. (b) If the cause of the victor was just, the victorious nation has a claim to three things: (i) to the satisfaction or restitution for the sake of which the war was undertaken; (ii) to compensation for damages caused by the enemy during the war, and (iii) to guarantees against a recurrence of the former injury. Supervision of peace treaties by an impartial tribunal has much to recommend it, since victors are

prone to disregard charity and justice when treating with a conquered foe, and to extort from him forced agreements.

1420. The Obligation of a Victor Whose Cause was Unjust.—(a) If the victorious nation fought in good faith, and only later perceived the injustice of its cause, it is bound to restore only those things which it has not consumed, and which make it better off than it was before the war. (b) If it fought in bad faith, it should restore all. Victory does not prove that one was right, but only that one was stronger. It does not make a bad cause good.

1421. The Obligation of a Victor Who Fought Without Due Authorization, or with a Wrong Purpose.—(a) Soldiers who inflict damage on the enemy against the orders of the commanders (e.g., by burning dwellings, robbing private citizens, murdering, etc.), are obliged to restitution for those injuries, for such acts are not war, but brigandage. (b) Soldiers who fight with a wrong motive (e.g., out of hatred), are not obliged to restitution, since they have not committed injustice; for similarly a judge, who sentences a convicted criminal, sins if his motive is hate, but he is not held to restitution.

1422. What Indemnity may be Imposed on the Vanquished?—(a) According to justice, one may exact compensation for the losses and expenses one has sustained on account of war, since the enemy is responsible for these. (b) According to charity, one may be obliged to relinquish part of what is owed, or to grant easier terms of payment, or to cancel a debt, as when the enemy is greatly impoverished, or cannot easily pay at present.

1423. In cases of doubt, as when counter claims are made and neither party is entirely victorious, or when a vanquished nation denies its ability to pay what is demanded, recourse may be had to other ways of settlement. (a) Thus, in the former case a compromise or mutual condonation of claims, especially if both sides are exhausted by the war, seems the reasonable solution. (b) In the latter case submission to an impartial tribunal of arbitration would benefit the victors as well as the vanquished, since in the long run it is not to the advantage of the former that the latter be deprived of its goods and productivity.

1424. Guarantees for the Future.—(a) One may insist on such guarantees as will insure against a probable renewal of the offense committed by the

conquered nation. Hence, one may require that it destroy or deliver over fortifications and munition plants, sink warships, reduce its military force, punish certain individuals, or depose certain rulers.

(b) One may not insist on such guarantees as will make a renewal of war by the enemy, now or in the future, absolutely impossible. As said above, a nation has the right to go to war to defend itself against aggression, but it has no right to work at destroying equality or competition on the part of other nations. Hence, it is not lawful to demand that the conquered nation surrender its independence or the management of its affairs, or that one be allowed to annex all the territory taken during war, if one's rights or reasonable security does not require these conditions. Subjugation or temporary occupation are lawful, however, if there is no other way of obtaining redress or securities.

1425. Punishment of Enemy Soldiers for Crimes Committed during War.—(a) Special crimes committed during war (e.g., massacres of non-combatants) may be punished, but the punishment should be visited on those responsible, not on those who merely executed orders. (b) The crime of the war itself should not be revenged on private soldiers, for it is unjust to punish subjects for the madness of their officers and rulers. As to the latter, moral guilt is not easily established. The Nurenberg trials held commanders and high officers responsible for crimes against humanity, and not without precedent.

1426. Preparation for Future Wars.—(a) Reasonable preparedness is not only lawful, but a duty of the state to its own people. A nation should have such a military establishment or such alliances as will safeguard its right against probable attack. (b) Unreasonable preparedness is unlawful since it burdens the people and prepares the way for war. Examples of unreasonable preparations: maintenance of an army or navy far in excess of those nations of similar rank; oppressive military expenses or burdens; maneuvers offensive to other governments or too dangerous for the troops engaged; ruinous competition in armaments.

1427. Preparation for peace or against war is a duty no less obligatory than preparation for defensive war. Two chief ways of preparing for peace: (a) will for peace; (b) work for peace.

(a) The will for peace is promoted when the nations educate their people to a realization of the brotherhood of man, of the wrongfulness and folly of a narrow nationalism, of the sinfulness of war which has not all the conditions of a just war in its favor. Without the will for peace, conferences and treaties will effect little.

(b) Work for peace is done by all who give their service to practical plans for the prevention of war and the preservation of lasting world amity. Among these plans are agreements among nations to substitute moral right for material force, to abolish conscription and armaments, to establish international tribunals, associations and world courts, to make arbitration of disputes among themselves compulsory, to codify international law. History bears witness to the many and great services to humanity which the Popes have rendered by acting as arbiters between nations that were on the point of war. If jealousies prevent agreement among governments, the peoples of the world should nevertheless continue to work for peace and by constitutional means make their wishes prevail among the governments. With the Church we should pray: "From pestilence, famine and war, deliver us, O Lord."

1428. Fighting.—Fighting is an angry conflict between two or more persons carried on by means of physical violence.

(a) Thus, it is an angry conflict, and so differs from contests of strength or skill made for the sake of sport, amusement, recreation, health, exercise and training. Hence, wrestling and boxing matches, football games, fencing and similar athletic contests, in which fair play and a sportsmanlike spirit prevail, are not fighting as here understood. Similarly, the tournaments of the medieval knights were sports or spectacles, rather than fights.

(b) It is a conflict, and so differs from punishment inflicted by lawful authority, as when a police officer uses his club to prevent a crime, a parent or teacher chastises insubordinate children, or a sober man scuffles with an inebriate to take away his flask or with a lunatic to deprive him of a weapon.

(c) It is a conflict between two or more individuals, and so differs from war and sedition, which are conflicts between nations or parts of a multitude.

(d) It is conducted by means of physical violence, that is by the infliction of bodily injuries or harm. Thus, fighting differs from quarreling, which is a dispute in words. It makes no difference whether the attack be made by fists, fingernails or teeth, or by weapons or missiles, or whether the bodily harm be direct (e.g., a blackened eye) or indirect (e.g., a hat knocked off the head).

1429. Kinds of Fighting.—(a) As to its origin, fighting is provoked or unprovoked, according as one who fights is attacking another or defending himself against attack. (b) As to its manner, it is an ordinary fight or a duel, according as it takes place without or with previous arrangement and stipulated conditions. (c) As to its effect, the civil law distinguishes between assault and battery. Assault is a show of violence against the person of another, as when one lifts one's fist or cane in a threatening manner to put another in fear of bodily harm. Battery is the actual infliction of personal violence, as when one strikes, pushes, scratches, bites, or spits on another.

1430. The Sinfulness of Fighting.—(a) Unprovoked fighting is from its nature a mortal sin. It is classed among the works of the flesh that exclude from the kingdom of heaven (Gal, v. 20, 21), and it is essentially opposed to the charity owed to a neighbor. It is frequently only a venial sin, either because the act is not entirely deliberate, as when one fights in sudden anger, or because the violence is of a trifling kind, as when school-children pull one another's hair or throw snowballs.

(b) Fighting under provocation is no sin at all, when one intends only to defend one's rights and does not go beyond what is necessary for lawful defence, as when one struggles with a burglar who is trying to enter one's house, and pushes him through the door. It is a venial sin, when the person who is resisting aggression acts with some slight degree of hate or revengefulness, or inflicts a little more injury than is really necessary. It is a mortal sin, when the person who was attacked fights in a spirit of hate and revenge, or deliberately and needlessly seeks to kill or seriously maim the adversary.

1431. Causes of Fighting.—The remedy of sinful fighting is the removal of its causes. The sources of fighting are proximate and remote.

(a) The immediate cause is anger. The angry man provokes fights (Prov., xv. 18, xxix. 22), for anger, being a desire of revenge, is not content to

injure another secretly, but wishes to punish him—that is, to injure him in such a way that he will know he is being punished and will feel grief on that account. Anger also blinds one to the foolishness of one's actions, and so leads one precipitately into quarrels and fights (Prov., xviii. 6).

(b) The remote cause of fighting is an inordinate desire of temporal things, such as wealth, power, ease: “Why are there wars and disputes among you? Is it not because of the desires that war among your members?” (James, iv. 1). Those who are overmuch concerned with their own interests, easily take offense at what they consider slights or insults or opposition, their rage bursts forth, and they proceed at once to visit revenge on those at whom they are offended. It was greed and envy that caused the herdsmen of Palestine to fill up the wells dug by Isaac and to fight with his servants for possession (Gen., xxvi. 14 sqq.).

1432. Hatred and Fighting.—(a) Hatred is not necessarily a cause of fighting. The hater wishes evil to his neighbor, not as punishment, but absolutely; his passion is calmer, more lasting, and more insatiable than that of the angry man. If it suits him, he will bide his time patiently, pretending friendship, but all the while plotting ruin to the one he hates. (b) Hatred at times does bring on fighting, for, if the hater sees that he can safely attack openly, he will use quarreling and fighting as a means to his purpose.

1433. Occasions that Frequently Bring On Fighting.—(a) Boasting about self or depreciation of others in the presence of persons who will take offense occasions fights, for “he that boasteth and puffeth himself up stirreth up quarrels” (Prov., xxviii. 25). Thus, disputes over the respective merits of nations or political parties often bring on bloody encounters. (b) Drunkenness occasions fights, for it so stupefies the mind that one minimizes one's danger and exaggerates one's own strength, and so is emboldened to attack others (Prov., xxiii. 29, 30).

1434. Evil Consequences of Fighting.—(a) Charity is wounded by fighting, wherefrom there often result lasting hates, discords, scandals. (b) Justice is wounded by fighting, as when a person unjustly maims or kills his neighbor, and is himself imprisoned or executed, to the disgrace and deprivation of his dependents.

1435. Duelling.—A duel is a prearranged combat between two persons fought with deadly weapons, for the purpose of settling a private quarrel.

(a) Thus, it is a combat, and hence the “suicide duel,” in which the contenders draw lots with the understanding that the loser must kill himself within a specified time, is not properly a duel.

(b) A duel is prearranged, that is, the time, place, and weapons are determined in advance. Hence, if two feudists meet accidentally and proceed at once to shoot, their combat is not strictly a duel. It is not necessary, however, that a formal letter of challenge and a letter of acceptance precede the fight.

(c) It is between two persons, that is, a determinate combatant is matched against a determinate opponent. A true duel, however, might be carried on between many couples simultaneously, as in the fight between the twelve soldiers of Abner and the twelve soldiers of Joab (II Kings, ii. 13-17). The presence of seconds or witnesses is not essential to a duel.

(d) A duel is fought with deadly weapons, that is, with such arms as are capable of inflicting severe wounds, so that there is serious danger of grave wound or mutilation or death. There is no duel, therefore, if one fights with weapons that cannot do serious harm (such as fists, light sticks, mud), or if by agreement one uses dangerous weapons in a way that precludes injury (e.g., by padding the edge of one’s sword, loading one’s revolver with blanks, firing into the air, as in sham or mock duels). But academic duels, in which students try to stab each other in the face with small daggers, are true duels; for, while the fighters are well protected in vital parts and serious or fatal wounds rarely happen, it remains true that this manner of fighting is mortally dangerous. The same remark applies to duels fought on condition that only one or two rounds of shots shall be fired, or that fighting shall cease as soon as blood has been drawn.

(e) A duel is fought for the purpose of settling a private quarrel. A hand-to-hand combat during battle between two soldiers of contending armies is not a duel in the proper sense of the word, since there is no private quarrel between them, but only the public quarrel of their countries.

1436. The Morality of Duelling.—(a) Generally, the duel is mortally sinful. Like ordinary fighting, it is against charity, and in addition it includes a will to kill or gravely injure another, to expose one’s own life or limb to chance, and to usurp the function of the State. This applies to the

challenged as well as to the challenger, for one can decline the combat to which one is dared.

(b) Exceptionally, a duel would not be sinful, if it took on the character of a war, or of self-defense against an unjust aggressor. Thus, in order to shorten a war or to lessen the bloodshed, it might be lawful to make the whole issue depend on a single combat between the commanders or between champions chosen from opposing armies, as in the case of David and Goliath (I Kings, xvii); but in modern times such a practice has been abandoned. Again, if a person had to choose between certain death, if he refused a duel, and possible death, if he consented to a duel, it would seem that he is in the position of one attacked by an unjust aggressor; but it is not easy to picture such a case as happening in normal conditions.

1437. The Fallacy of the Arguments for Duelling.—(a) The amusement of the spectators was the purpose of the gladiatorial duels fought in ancient Rome. But today there is no one who would not grant that the butchering of human beings to make a holiday for the populace is savagery.

(b) The decision of doubtful cases before the courts was the purpose of the judicial duels fought among the Germans and Lombards in the early Middle Ages. But manifestly such duels are a temptation of God, since they rashly call on Him to disclose, through a duel between the litigants, what the evidence in court did not disclose. The outcome of the duel shows which party is stronger or more skilful, not which is in the right.

(c) Training in bravery and the termination of serious differences is the excuse offered for military and university duels. But to kill, cripple, or brutalize youth does not make the nation stronger, and the substitution of violence for law as a means of settling disputes is an encouragement to crime.

(d) Satisfaction for insults or other injury, or the avoidance of the reputation of being a coward, is the reason given for so-called affairs of honor. But is it not a superstition and a relic of barbarism to think that dishonor is wiped out by a dishonorable fight, or that a person shows himself brave because he lacks the moral bravery to act against the wrong opinions of the multitude?

1438. Penalties against Duelling.—(a) Church law deprives of ecclesiastical burial those who die as the result of a duel, if unrepentant (Canon 1240); it also declares excommunication reserved simply to the Holy See and infamy against duellists and their helpers (Canon 2351). (b) Civil law in English-speaking countries makes duelling a crime. If death results, it is regarded as murder, and the seconds are liable to punishment as accessories.

1439. What is the moral duty of restitution on account of injuries caused in a duel? (a) The challenger and his heirs have no right to restitution. (b) The challenged, if he accepted willingly, has no right to restitution, for his free acceptance of the fight implies the cession of such a right. (c) The challenged, if he accepted under grave compulsion, has the right to restitution. If he is wounded, the aggressor should pay the medical expense; if he is killed, the heirs should be compensated.

1440. Sedition.—Sedition is a discord between different factions of the same multitude so grave as to extend to physical conflict, and to the destruction of the unity of the State.

(a) It is a discord, that is, a disagreement of wills, and so it resembles schism, war and fighting. Difference of opinion in the political parties of a country is not sedition, since there is a unity of will and purpose in all of them with reference to the common good and the peace of the State (cfr. 1197, 1348). In fact, under a democratic system of government, the existence of some opposite parties has proved a useful, if not necessary means of stimulating the interest of citizens, and of expediting the business of legislation.

(b) Sedition is between different factions of the same multitude, that is, between different sections or groups of the same body politic. Thus, it differs from war (which is between states), and from fighting (which is between individuals).

(c) Sedition extends to physical conflict, that is, it tends from its character to break out into violence and to array the opposite factions in fight against one another. If not accompanied by actual hostilities, it is simple sedition. But, if fighting has begun, it is insurrection or rebellion, when the people seek to overthrow the government; it is civil war, if one part of the nation seeks to secede from or overcome the other.

(d) It is prejudicial to the civil unity and peace of the people, that is, it tends to the violent dismemberment of the State, or at least to the disturbance of the common good. Thus, sedition is more serious than riots, tumults, gang-warfare, and like particular disturbances, which are not directed against the State itself, or against the harmony of the whole body of the people. Sedition differs also from the peaceful separation of parts of a state, and from the lawful self-defense of the people against a tyrannical government.

1441. From the definition given above, it is plain that sedition is a special distinct species of sin. (a) It differs from spiritual discord, for unlike schism it is opposed, not to the unity of the Church, but to the unity of the State. (b) It differs from other kinds of temporal discord, for unlike war and fighting it is opposed, not to peace between nations or individuals, but to peace between the members of the same civil body. War takes away peace with foreigners, sedition takes away peace with fellow-citizens; fighting attacks a private person or persons, sedition attacks the public welfare of the country.

1442. Sedition in the strict meaning given it above is always sinful. (a) Thus, it is a mortal sin from its nature, since it is opposed to what is manifestly one of the greatest of temporal goods, namely, the unity of the State. (b) It is opposed to charity, as destroying the bond of peace; it is opposed to justice, as injuring a unity based on law and common utility, to which the nation has a strict right. (c) Sedition is graver in some persons than in others. Thus, the moral causes of sedition (i.e., those that sow discords or promote disaffection) are more responsible than those who are led and who carry out acts of violence. The gravity of the sin in each case depends on the amount of damage that is due to one's influence or acts.

1443. Is one who resists a tyrannical government guilty of the sin of sedition? (a) When resistance is made by legal and pacific means, such as the rejection of a bad government at the polls, there is no sedition. (b) When legal and pacific means are impossible and armed aggression against a tyrant will benefit the common good, a rebel is not guilty of the sin of sedition. In this case, it is rather the bad ruler who causes discords and is seditious against the common good, whereas the people only defend themselves according to the laws. Thus, the rebellion of the Machabees against their Syrian oppressors was not seditious. (c) When legal means are

impossible but armed aggression will not benefit the common good, a rebel is guilty of the sin of sedition.

Art. 9: THE SINS AGAINST BENEFICENCE

(*_Summa Theologica_*, II-II, q. 43.)

1444. Having discussed in the preceding paragraphs the sins opposed to the internal acts of charity (love, joy and peace), we come now to treat of scandal and cooperation which are opposed to the external acts of charity—beneficence and brotherly correction.

1445. Scandal.—Scandal is derived from a Greek word signifying a snare or trap prepared for an enemy, or a stone or block laid in the road that he may stumble or trip over it. In use, it is applied in a wide or general sense, and in a strict or special sense. (a) In its wide sense, it refers to any kind of harm, especially of a spiritual or moral nature, that one brings on others. (b) In its strict sense, it refers to a fall into sin which one occasions for others by misconduct.

1446. The following are some examples of the word “scandal” as employed in its wide sense: (a) It is used to signify physical or natural injuries of various kinds. Thus, the servants of Pharaoh called the plagues brought on Egypt by Moses a scandal (Exod., x. 7), and the Psalmist says of the sinner that he laid a scandal (calamity) against his brother (Ps. xlix. 20). Those who spread defamatory gossip are called scandal-mongers, and “scandal” often signifies opprobrium or disgrace, as when Shakespeare speaks of the wrangling of nobles as a scandal to the crown. (b) The word “scandal” is also used to signify moral injuries distinct from inducement to sin. Thus, the shock and offense given to virtuous persons by blasphemous language spoken in their hearing is described as a scandal, and one who would prevent another from following some more perfect course or practice to which there is no obligation (such as entering religion, saying grace at meals, etc.), is sometimes said to scandalize.

1447. Definition of Scandal.—In the strict sense, scandal is defined as “any conduct that has at least the appearance of evil and that offers to a neighbor an occasion of spiritual ruin.”

(a) By conduct is understood external behavior or manner of acting in the presence of others. Thus, scandal differs from sin, for sin is committed, not only by external acts done before others, but also by internal thoughts and desires and external acts that are secret.

(b) Scandal is conduct which is evil at least in appearance, that is, sinful, or from the circumstances seemingly sinful. Thus, an act is not scandalous, if it is morally indifferent or a less good, and is perceivable as being such.

(c) Scandal tends to spiritual ruin, that is, to a fall into sin, great or small. Here scandal strictly understood differs from scandal in the wide senses given in the previous paragraph.

(d) Scandal is an occasion of a fall into sin, that is, it sets an example of sin before the attention, and thus suggests to the will that the will imitate the sin. Scandal is not, however, the cause of sin, for a person causes his own sin in yielding consent to the suggestion offered by scandal.

(e) Scandal is to another. A person may be said to scandalize himself in the sense that by his looks or acts he puts himself in an occasion of sin (Matt., v. 29, 30), or inasmuch as he maliciously makes the acts of a virtuous neighbor an occasion of sin; but scandal is more properly understood of an occasion of sin prepared for one's neighbor.

1448. Causes of Scandal.—There are various divisions of scandal according to the kinds of external acts. (a) There is scandal in words, as profane language or calumnies spoken in a gathering of people. (b) There is scandal in acts, as when one is perceptibly drunk or fights in a city street. Scandal applies also to things, in so far as they are the result of acts or related to acts, such as disedifying books, pictures, dress. Thus, one gives scandal by having sinful objects on display, such as profane mottoes on one's wall, obscene advertisements or announcements on one's billboards. (c) There also may be scandal in omission, as when one is conspicuously absent from Mass on Sundays.

1449. The following kinds of sinful acts are not scandalous, for they are unknown to others, and hence cannot suggest sin: (a) internal acts, such as wicked thoughts, desires, emotions; (b) external acts concealed from others, such as inaudible profanity, intoxication not noticeable by others, omission of an obligatory penance about which others have no knowledge.

1450. There are, likewise, various divisions of scandal according to the internal purpose of the scandalizer. (a) Scandal is directly intentional, when the purpose of the scandalizer is to lead others to the guilt of sin (diabolical scandal). Example: Titus blasphemes religion before Caius in order that the latter may become irreligious, and thus be more easily persuaded to follow a life of crime. (b) Scandal is indirectly intentional when the purpose of the scandalizer is to perform some action whose nature is such that it will lead others to the guilt of sin, and he is determined to perform that action, although not directly willing the neighbor's guilt that will result. Example: Titus does not like to see his children drunk, but he likes to get drunk himself occasionally, knowing all the while that his example encourages them to drink.

1451. In the following cases there is no intention of scandal: (a) when one does an act that has no appearance of evil, and one neither directly nor indirectly wills that it should be an occasion of sin to anyone. Example: Balbus performs his duties faithfully, although he knows to his regret that his fidelity occasions envy and hatred in Claudius; (b) when one does an act that is evil or apparently evil, but is invincibly ignorant of the scandal it may give. Example: Sempronius and Titus converse together in a foreign tongue which they confidently think Caius does not understand. The conversation is disedifying, and Caius, who does understand, is shocked by what they say.

1452. The act of the scandalizer who intends, directly or indirectly, the spiritual ruin of his neighbor, is called active scandal, while the act of the person who takes occasion from the active scandal to incur spiritual ruin, is called passive scandal. Active and passive scandal are sometimes together, sometimes apart. (a) Thus, there is both active and passive scandal, when the scandalizer wills the fall of his neighbor, and the scandalized does fall. (b) There is active but not passive scandal, when the scandalizer wills the fall of his neighbor, but the latter does not fall into the snare. (c) There is passive but not active scandal, when one makes the good action rightly performed by another an occasion of sin. Thus, some made the life and passion of our Lord a pretext for not accepting Him (Matt., xiii. 57; John, vi. 62; I Cor., i. 23), and are said to have been scandalized at Him.

1453. As to the act that occasions the spiritual ruin of another, it must be wrong either in reality or in appearance. (a) The scandalous act is wrong in

reality, when it is forbidden as a sin—for example, offering sacrifice in the temple of an idol, or diverting to personal use money collected for the poor. (b) The scandalous act is wrong in appearance, when on account of circumstances it seems to be an act forbidden as a sin. Thus, to take part in a banquet held in a pagan temple might seem like participation in sacrificial rites (I Cor., viii. 10), to expend secretly the money collected for the poor might have the appearance of improper use of funds (II Cor., viii. 20, 21). Hence, St. Paul directs; “From all appearance of evil refrain yourselves” (I Thess., v. 22).

1454. The acts wrong in reality or in appearance that give scandal are innumerable, since the whole world is seated in wickedness (I John, v. 19). But today there are a number of acts that should be specially mentioned, as they occasion sin oftener or for more persons than other acts. Among these are: (a) occasions of sin against faith, such as atheistical literature, as discussed in the section on faith; (b) occasions of sin against morals, such as obscenity in dress, pictures, plays, writings, and dances. These last-mentioned will be discussed now in separate paragraphs.

1455. Obscenity.—Obscenity is a quality of words, acts or objects by which impure thoughts are conveyed, or impure desires or actions suggested. We may consider it either internally (i.e., in the intention of the person who uses the words, acts or objects) or externally (i.e., in the nature of the things themselves which are used).

(a) Thus, internal obscenity, or the will to use what will corrupt the minds and morals of others, is of course a mortal sin. If the intention is to deprave another, the guilt of direct scandal is incurred; if the intention is only to satisfy one’s own wish to use the sinful words, acts or objects, the guilt is that of indirect scandal. Thus, a woman who dresses fashionably in order to excite impure love is guilty of direct scandal; if she dresses immodestly, not to excite impure love, but to follow a fashion, she is guilty of indirect scandal.

(b) External obscenity is the tendency of words, acts or objects themselves to call up impure images in the mind, or to excite impure desires or actions in those to whom they are presented. The use of such words, acts, etc., is therefore a mortal sin. For, if the thing said or done is wrong in itself (such as obscene language), it is a scandalous sin against purity, if it is

wrong on account of those who will be influenced (such as a talk on sex matters to immature or weak persons), it is a sin of scandal. Hence, a good or even religious motive (such as instruction, refutation of error, health, or mysticism) does not excuse the employment of what is clearly obscene, for the end does not justify the means.

1456. It is not always easy to determine in particular cases when a thing is obscene from its very nature, but the following general rules can be given:

(a) Pictures, statues and other images are obscene, when they represent scenes of immoral or sexual acts, or lascivious attitudes or postures; also, when they represent nude or partly nude human figures, *ut quando depinguntur verenda adultorum vel pectora aut partes minus honestae mulierum*.

(b) Female dress or adornment is lascivious, when there is a notable display of the person through abbreviated skirts, necks, and sleeves; or a suggestiveness expressed in transparency of material or a closeness of fit that brings out the lines and curves of the figure; or in an extremity of fashion whose striking color or design will make the wearer conspicuous and direct special attention to her physical charms.

(c) Plays on the stage or moving picture screen are obscene by reason of the lesson taught (as when purity is derided or impurity condoned), by reason of the thing represented (as when the main theme is impurity, or when acts of impurity are represented or suggested, or when sexual passion is emphasized), or by reason of the players (as when they are noted for immorality, or when their dress is indecent, or their language objectionable).

(d) Dances are obscene in themselves when the postures, movements, or contact of the dancers is indecent; they are obscene by reason of the dancers, when these are indecently attired. Public dance halls, cabarets, road houses, and night clubs—where there is no supervision and young girls come unattended to dance until late hours with men unknown to them, and where there is intoxication and boisterousness—are the natural haunts of the obscene dance, but it may be found even in more respectable places.

(e) Books or other writings contain obscenity When they inculcate or recommend impure acts, or advise how these may be committed; when they treat sins of impurity or narrate immoral facts or stories in such a manner as to make vice seem alluring or pardonable to the intended reader; when an erotic composition by language, allusions, details, sympathetic treatment, etc., gives prominence to animal passion.

1457. As is stated elsewhere (see 1461 sqq.), scandal is not given unless the persons affected by one's conduct are susceptible to evil influence. Hence, there is no obscenity when on account of circumstances there is no suggestion of evil in things which under other conditions would be immoral and seductive.

(a) Images of the nude in the studio of an artist, and anatomical charts, figures or illustrations in a book intended for the instruction of medical men, are not classed as obscene, since the persons for whom they are made are supposed to be so much under the influence of the esthetic or scientific principles of their professions that no harm will be taken.

(b) The obscenity of dress is largely dependent on its novelty, for things that are usual cease to excite special attention. This we can see from the fact that styles that are conservative today would have been extreme ten years ago. And so the scanty attire of hot countries, the dress of the bathing beach, and the moderate décolleté tolerated in private gatherings are not obscene in their own proper times and places.

(c) Plays which contain gross or unseemly expressions or passages are not therefore obscene, if in the main they uphold decency and morality; otherwise, we should have to regard as immoral even the classic drama. Newman says of Shakespeare: "Often as he may offend against modesty, he is clear of a worse charge, sensuality, and hardly a passage can be instanced in all that he has written to seduce the imagination or to excite the passions." It is a simple matter to omit from plays of this kind the word or phrase that is offensive to modern ears or to the innocence of youth.

(d) The fact that some individuals find all dancing a strong stimulus to impure passion does not prove that every dance is obscene. Some types of dance, it is true, might be rightly called "the devil's march"; other dances, named after various animals, may also be suggestive. But there are also

standard types of dance in which many experience not temptation, but innocent pastime, and which have also physical, esthetic and social values.

(e) To books and other writings should be applied what was said about plays, namely, that they are not to be classed as obscene on account of isolated passages unsuited for the reading of children or other susceptible persons, or excitable to prurient or impure minds. Even the Bible may seem objectionable to a prude, and the indecent will go through its pages with a fine-tooth comb in the search for indecent matter; but public opinion will rightly class as a lunatic the person who would endeavor to have the Bible rated as obscene.

1458. Persons Who Give Scandal on Account of Obscenity.—(a) In case of obscene pictures or statues, scandal is given by the artists, painters, sculptors or others who make the images, and by the responsible persons who place them in museums, galleries, parks or other places to which there is general admission.

(b) As regards female dress, the guilty parties are proximately the wearers, but remotely and principally the designers and society leaders who impose their will in making the fashions dangerous and in causing one extreme mode to follow quickly upon another.

(e) With respect to obscene plays, the scandal is given by playwrights, managers, actors and actresses, and those who patronize or applaud them. The public itself and the civil authorities share in the guilt, when they supinely tolerate the degradation of the stage and the corruption of morals.

(d) In the case of obscene dances, the givers of scandal are the proprietors of resorts where the dances are held, the musicians and singers (especially when the songs themselves are obscene), and the dancers, spectators and other patrons.

(e) In the case of salacious publications or writings, authors, publishers, printers, vendors, and the reading public share responsibility for the scandal. Government censorship of the press is not desirable, but government suppression of obscenity has always been the policy of countries of English origin. The private citizen, then, is not free of guilt if he takes no interest even when he sees piles of indecent magazines, pictures, etc., being sold openly on the newsstands. Canon Law (Canon

1404) forbids booksellers to sell, lend, or keep books that deal _ex professo_ with obscenity, though there is no objection to expurgated editions, as in the case of classical works.

1459. Results of Scandal.—The spiritual ruin occasioned by scandal is sin.

(a) Thus, formal or material sin may be the result of scandal. Example: Titus blasphemed before a boy who did not understand the meaning of the word and before a youth who did understand, with the result that both repeated the same blasphemy. Thus, the scandal given by Titus produced material sin in the boy and formal sin in the youth.

(b) Mortal sin or venial sin may be the result of scandal, just as a stone in the road may cause either a fall or a stumble.

(c) Sin of the same species or sin of a different species from that committed by the scandal-giver may be the result of scandal. Thus, a calumny spoken against a neighbor may induce a hearer either to repeat the calumny, or to imitate the act imputed by the calumniator, or to give up religion.

(d) Sin already committed by the person scandalized or sin which is new to him, sin he had in mind to commit or sin he had not contemplated—any one of these results suffice for scandal. Example: It is scandal to recall to drunkenness by bad example a person who had reformed, or by bad example to bring back to another's mind and desire a sin on which he was once resolved.

1460. Scandal resembles solicitation and complicity, since like them it exercises an evil influence on others; but it is not identical with them.

(a) Thus, solicitation influences another to evil by counsel, persuasion, command, or invitation; scandal may influence to evil either in these ways or by mere example. Again, solicitation does not necessarily intend the fall of another into guilt, as does scandal. Thus, one may solicit another to get drunk who had already determined to get drunk, or one may persuade another that drunkenness is no sin, and then solicit him to drunkenness. But, if one who intends the demoralization and corruption of his neighbor solicits him to drunkenness, solicitation is joined with scandal.

(b) Complicity or cooperation influences another to evil by helping him in the commission of sin; scandal influences him to evil by suggesting that he commit sin. Example: Titus, an elderly man, gets drunk or praises drunkards in the presence of Balbus, a youth. Influenced by these acts and words, Balbus tells his acquaintance Claudius that he intends to get drunk, and Claudius supplies him with the intoxicants. Titus is guilty of scandal, Claudius of cooperation.

1461. The persons before whom disedifying words, deeds or omissions are done, are of two classes. (a) Persons apt to be scandalized are those who are not experienced either in vice (especially that to which the disedifying example would lead), or in virtue (especially the opposite virtue); for such persons are readily subject to bad influence. Thus, young persons Whose character is yet unformed, the ignorant and well-meaning persons who are weak, are peculiarly disposed to be led astray by example. (b) Persons not apt to be scandalized are those who are habitually so bad or so good that anything disedifying done before them is not calculated to influence their attitude towards evil.

1462. May a person hold himself guiltless of scandal, therefore, because his wrongdoing was committed before those who are not apt to be scandalized?

(a) If he is certain that the witnesses will not be weakened morally on his account, and if he does not intend their fall, he is free of the guilt of scandal. Thus, if one blasphemes in the presence of a lady renowned for piety, or of a rough crowd of men whose daily talk is interspersed with blasphemies, it is practically sure that no scandal is given.

(b) If a person is not certain that the witnesses will suffer no moral harm through his example, he cannot hold himself as not guilty of scandal. For, no matter how good or how bad the witnesses may appear to him, they may not be as fixed in character as he thinks, and his misconduct may be the starting point for them of a downward course or of a more rapid descent into evil. Generally speaking, there is this uncertainty about the influence of bad example, for the reading of character is no easy matter, and many sins are internal.

1463. There are two cases especially, when even the very good may become bad or the very bad become worse through force of evil example:

(a) when the sin committed is from its nature very alluring. Sic auctores censent vix fieri posse quin in materia luxuriae malum exemplum peccati motus cieat; (b) the second case is when the authority of the one who gives scandal is great. For the fact that he sides with or seems to side with evil, will demoralize the good and encourage the wicked in wrongdoing.

1464. Passive scandal (see 1452), that is, the spiritual fall consequent on the example of another, is of two kinds: (a) scandal given, which is a fall into sin occasioned by conduct really disedifying, as when a youth becomes drunk because he has seen his elders intoxicated; (b) scandal taken, which is a fall into sin occasioned by conduct irreproachable in itself, but wrongly interpreted, either out of malice (Pharisaic scandal), or out of ignorance or frailty (scandal of little ones). The Pharisees were scandalized at our Lord's dining with sinners, because they themselves were unmerciful (Matt., ix. 11 sqq.), and the weak brethren at Corinth were scandalized at the eating of certain meats, because their consciences were tender (I Cor., xi. 23 sqq.).

1465. Sinfulness of Scandal.—(a) Scandal in the wide sense is not necessarily a sin. Thus, St. Peter acted out of love for his Master when he wished to dissuade Him from the Passion, but our Lord, in order to correct more vigorously the wrong ideas of Peter, called them a scandal (Matt., xvi. 23).

(b) Passive scandal is always a sin in the one who falls because of the conduct of another; but it does not always suppose that the conduct which occasioned the fall was a sin, as is clear from the remarks made above on Pharisaic scandal and the scandal of little ones.

(c) Active scandal is always a sin in the one whose conduct occasions the fall of another, since that conduct is either sinful, or has such an appearance of sin that it should have been omitted. But it does not always suppose a sin in the person who witnesses the scandal, for he may proceed without a fall in spite of the obstacle placed in his path.

1466. Is scandal a distinct species of sin, or only a circumstance that may happen to any kind of sin?

(a) Passive scandal is not a special kind of sin. For the scandalized person may fall into any and every kind of sin, and the fact that example occasions his fall does not add any special or new opposition to the virtue against

which he offends. Thus, he who breaks the fast because he saw others break the fast, is guilty of the same sin of intemperance as those who gave him scandal. But passive scandal may be an aggravating or an extenuating circumstance, aggravating if the scandal was taken, extenuating if the scandal was given.

(b) Active scandal, if it is only indirectly intentional (see 1450) and is offered by conduct evil in itself, is not a special sin. The reason is that in such scandal one does not specially intend the spiritual ruin of a neighbor, but only the satisfaction of one's own desire. Thus, he who breaks the fast before others to satisfy his own appetite, does not directly wish the corruption of those others, and hence his sin is that of intemperance with the added circumstance of bad example.

(c) Active scandal, if it is only indirectly intentional and is offered by conduct not evil but evil-appearing, is reductively the special sin of scandal. For, since all active scandal is sinful, and in this case there is no other species of sin, the conduct not being really evil in itself, the sin in question must be reduced to scandal. Thus, one who is dispensed from the law of abstinence and who eats meat on a day of abstinence in the presence of others who know he is a Catholic but do not know he is dispensed, does not sin against temperance, but against edification. His sin is that of scandal only reductively, since he does not directly will the fall of others. There is also the circumstance that the law of abstinence may suffer as a result of the scandal.

(d) Active scandal, if it is directly intentional (see 1450), is directly also the special sin of scandal. For this kind of scandal directly intends the spiritual ruin of a neighbor, and so is directly opposed to a special good of another person and to the special charitable act of fraternal correction. Hence, a person who breaks the fast in order to lead his neighbor into a like transgression is guilty of both intemperance and scandal; he who to make his neighbor sin appears to break the fast, is guilty of scandal, but not of intemperance.

1467. Practical Applications of the Preceding Paragraph to Confession.—

(a) Species of Sins.—In case of passive scandal there is only one species of sin to be confessed, namely, the intemperance occasioned by bad example; in case of active scandal indirectly intended and offered by evil conduct,

there is only one species of sin, namely, intemperance, with the circumstance of publicity or bad example; in case of active scandal indirectly intended and offered by evil-seeming conduct, there is only one species of sin, namely, scandal; in case of active scandal directly intended, there is only the species of scandal, if the conduct of the scandalizer is only evil-seeming, but there are several species of sin, if his conduct is really evil, namely, his own intemperance and the scandal he gives.

(b) Number of Sins.—As many sins of scandal are committed as there are persons present to be scandalized, for scandal is given to those present as individuals, not as parts of a group (see 219). Hence, one commits more scandals by being drunk on a public street than by being drunk with a roomful of companions; and by attacking religion before a large assembly than by attacking it before a small circle.

(c) Circumstances of Intention and Conduct.—Those who give bad example should confess especially the end and the means employed, for on these depends the important distinction between directly intentional and indirectly intentional scandal and the specific character of the sin committed, as explained in the preceding paragraph.

(d) Circumstance of Condition of the Persons Involved.—This should be mentioned in confessing scandal, if it adds a new malice. Thus, the fact that scandal is given by a superior bound by his office to give good example, adds to the violation of charity a violation of justice; the fact that the person whose ruin is intended is consecrated to God, or married, or a relative, adds to the malice of intentional scandal against chastity; the fact that a person is scandalized entirely against his will, makes the sin scandal rather than simple solicitation.

(e) Circumstance of the Result of Scandal.—The results of scandal should be confessed when they add a new malice to the sin or induce an obligation of restitution. This subject will be considered in the three following paragraphs.

1468. Is the scandalizer guilty of the species of sin to which his conduct is calculated to lead the scandalized? (a) If the scandal is directly intentional, that is, if the scandalizer intends that some special sin or sins shall be committed by the one scandalized, the former is guilty in desire of that which he intends that the latter shall be guilty of in reality (cfr. 96,

102). Hence, if by calumniating clerics or religious or church members one intends that one's listeners shall be induced to repeat these calumnies, or to do what the calumniated persons were said to do, or to abandon religion, one is guilty in desire of the particular sin or sins that one wills.

(b) If the scandal is only indirectly intentional, that is, if the scandalizer foresees but does not expressly will the fall of the scandalized (e.g., if he calumniates others to injure the calumniated and not those who hear the calumny), the matter is more difficult, and authorities differ in their opinions. Some moralists think that the scandalizer is guilty of the result he foresees, because he wills it interpretatively by offering the occasion for it. Others think that he is not guilty of the result foreseen, because he does not effect it, either in intention (for he does not desire it) or in reality (for he is not bound, except by charity, to prevent its accomplishment in others); he permits, but does not approve, the sin of his neighbor.

1469. A practical application of the previous paragraph to confession may be made as follows: (a) those who are guilty of direct scandal must confess not only their own sin, but also the sin to which their conduct leads their neighbor; (b) those who are guilty of indirect scandal are not obliged, according to the second opinion given above, to confess the species of sin to which their conduct incited the beholder, and hence, if their conduct was only evil-seeming, it suffices for them to confess that they gave scandal.

1470. Is the scandalizer responsible for the injuries to third parties resulting from the sins occasioned by his scandal?

(a) According to one opinion, he is bound to make his share of restitution for injustices occasioned by his own bad example, because it is admitted that he who counsels injustice is so bound, and example is more persuasive than words of counsel. Hence, one who steals from his employer before fellow-employees, and so brings on a custom of stealing among them, is bound to restore, not only what he took himself, but also a share of other losses not made good to the employer.

(b) According to the more common opinion, however, the scandalizer in the present case is not held to restitution, except as regards his own ill-gotten goods, even if there is question of scandal directly intended. For, either the scandalizer is not guilty of the injustice committed by the others,

as not desiring it; or, at any rate, he is only the occasion, not the cause or cooperator in that injustice.

1471. If scandal amounts to incitation or cooperation, the guilt of the neighbor's sin and responsibility for injury the neighbor causes are incurred by the scandalizer.

(a) Thus, bad example may amount to incitation to sin, as when a person knows that others are directed to imitate him, and yet he gives them bad example. Even though he does not directly intend their fall into sin, he does intend his own conduct, while realizing that there is attached to it the circumstance that it is an invitation to sin; and hence it would seem that the guilt of this sin is also contracted.

(b) Bad example may amount to cooperation in sin, as when a person by his bad example shows others the way to commit sin, which they could not have learned without his example. Hence, if a person opens a safe to steal, knowing that other dishonest persons are observing in order to learn the combination and steal, it seems that to some extent he shares in the guilt and duty of restitution of the thieves who learn from him. There is no doubt that a defamer is bound to make reparation, not only before his immediate listeners, but also before others who have listened to them; for, by defaming before talkative persons, he virtually authorized them to spread his words.

1472. The Gravity of the Sin of Scandal.—(a) From its nature all active scandal is a mortal sin. It turns man away from Christ (I Cor., viii. 12); it is spiritual murder, destructive of the souls of others, and so contrary to the mercy and brotherly correction required by charity (Rom, xiv. 15); it brings on oneself the wrath of God (Matt., xviii. 6), and on one's family, friends and profession obloquy and disgrace.

(b) From the indeliberation of the act or from the smallness of the matter, active scandal may be venial, as will be seen in the following paragraph.

1473. Mortal and Venial Scandal.—(a) Passive scandal is always a sin, mortal or venial according to the fall occasioned by the conduct witnessed. But mortal sin may be occasioned by venial sin, as when an inferior takes the liberty to blaspheme, because his superior used profane language; and venial sin may be occasioned by mortal sin, as when the blasphemy of an

infidel provokes his neighbor to use profane language against the blasphemer.

(b) Active scandal indirectly intended is sometimes a venial sin, as when the scandalous conduct is only a venial sin, or is no sin but has the appearance of a slight sin; sometimes it is a mortal sin, as when the scandalous conduct is a mortal sin, or when a person so despises the spiritual welfare of his neighbor that he chooses to do an evil-seeming act that will cause the neighbor to fall into serious sin.

(c) Active scandal directly intended is sometimes a venial sin, as when a person intends by conduct venially sinful to lead a neighbor into venial sin; sometimes it is a mortal sin, as when one intends to lead one's neighbor into mortal sin, or commits a mortal sin in order to lead one's neighbor into venial sin.

1474. Increase and decrease in gravity of scandal depends on the internal dispositions of the scandal-giver and the external influence he has on the person scandalized. (a) The internal factors on which the quantity of scandal depends are the amount of deliberation and the degree of intention. It is more serious to speak a scandalous word with premeditation than to speak it somewhat thoughtlessly; more scandalous to speak it when the hearer's spiritual ruin is directly intended, than when that ruin is not directly intended. (b) The external factors on which the quantity of scandal depends are the amount of influence the bad example has and the character of the evil to which it leads. It is more serious to corrupt A, who would not otherwise have been corrupted, than to corrupt B, who would have been corrupted even without one's bad example; it is more serious to cause another to commit mortal sin, than to cause him to commit venial sin.

1475. Persons Scandalized.—Is it possible to scandalize people who are firmly rooted in virtue?

(a) If the question be understood of scandal in a wide sense, even the perfect may be scandalized. They may be shocked and horrified at the evil example they witness; they may be hindered from performing the external good works they desire to accomplish (I Thess., ii. 18). But these things do not hinder them internally, or separate them from the love of God (Rom., viii. 38, 39).

(b) If the question be understood of possibility in an absolute sense, even the perfect may suffer real scandal, that is, they may be influenced to sin on account of the example witnessed. Since they are not confirmed in grace in this life, it is not repugnant that they commit sin and lose grace.

(c) If the question be understood of possibility in a relative sense—that is, if we consider what we should expect in view of the character of perfect men, and what does usually happen—the perfect cannot be scandalized, since they are so firmly united to God that the sayings or doings, no matter of whom, cannot cause them to sin (Ps. cxxiv. 1, 2), although they may at times be disturbed thereby (Ps. lxxii. 2).

1476. Is it possible that the perfect should give scandal?

(a) If the question be understood of absolute possibility, even the perfect may give scandal, since they are not immune from defect (I John, i. 8). (b) If the question be understood of relative possibility, as explained above, the perfect cannot scandalize, for their sins are mostly internal acts not entirely deliberate, while the external words or acts in which they fall short deviate so slightly from right as to offer no occasion of sinning to another. The perfect man is one who is on his guard, especially that he become not a stumbling-block to others, and it is therefore a rare exception when he causes scandal.

1477. Duty of Avoiding Scandal.—At times it is impossible to avoid giving scandal, unless one surrenders some spiritual or temporal good. Hence, on this point there are two questions to be considered: (a) When is one obliged to surrender spiritual goods for the sake of avoiding scandal? (b) When is one obliged to surrender temporal goods for the sake of avoiding scandal?

1478. The Surrender of Spiritual Goods in order to Avoid Scandal.—(a) Spiritual goods that are so necessary that one cannot give them up without committing sin may not be surrendered; for, according to the order of charity, one must be more solicitous to keep oneself from sin than to preserve others, and moreover a good end does not justify sinful means. Hence, it is not lawful to commit mortal or even venial sin to avoid giving scandal to another. Examples: One may not tone down the doctrine of right and wrong in order to keep another from blasphemy. One may not tell a slight lie to keep another from taking undeserved offense.

(b) Spiritual goods which can be put aside without sin are not to be neglected on account of malicious or Pharisaic scandal, as long as there is a good reason which calls for their use; for the person who takes malicious scandal from these spiritual things is in difficulty through his own fault and can rescue himself, and it is not reasonable that his malice should be permitted to impede the benefit of others. Thus, our Lord declared that no attention was to be given the scandal which the Pharisees took from His doctrine (Matt., xv. 14).

(c) Spiritual goods which can be put aside without sin should be neglected on account of Pharisaic scandal, if there is no great reason for their use; for one should not give another an occasion of sinning, even if the other is in bad faith, unless there is necessity. Thus, our Lord declared that the act of teaching truth to others should be omitted, if it would only provoke rejection (Matt, vii. 6). Example: A wife may omit saying grace aloud, if her prayer moves her husband to mimicry or to attempts to make the prayer a mockery.

(d) Spiritual goods which can be put aside without sin should be omitted on account of the scandal of little ones, as long as it remains scandal from weakness or ignorance; for charity requires that one assist those who are in spiritual need, and persons who are in danger of scandal through no fault, or through a slight fault of their own, are in spiritual need. Hence, one should conceal or delay the performance of good works that are not necessary, if they would scandalize the weak, or else one should explain to these persons the righteousness of such works. In any case, one should not do these works before those who without malice will be scandalized, but should await such a time as will give them better knowledge, or put them in bad faith. Examples: If a person knows that personal acts of piety which he performs seem to some well-meaning persons superstitious and will shake their faith, he should omit these acts when such persons are present. If parents are scandalized because a child wishes to leave them in order to become a priest or a religious, the child should delay for a while, if there is hope of a change of view on their part.

1479. As was said in the chapter on law (see 288 sqq.), the higher law has the preference in case of a conflict. Now, natural law itself requires that one avoid the scandal of the weak. Hence the following cases:

(a) Negative precepts of the natural law may not be contravened in order to avoid the scandal of the weak; for such contravention is necessarily sinful. Hence, one may not lie or commit perjury to prevent scandal.

(b) Affirmative precepts of the natural law should be contravened in order to avoid the scandal of the weak, but only when such scandal is a greater evil than the omission of the thing commanded. Thus, one should omit a fraternal correction or a punishment, if the one corrected would be made worse, or the punishment occasion a schism. But one may not neglect to help a person in extreme need because of scandal.

(c) Precepts of the divine law should be contravened on account of scandal of the weak, unless contravention of the law is a greater evil than permission of the scandal. Thus, the preaching of the Gospel is commanded by divine law, and yet it may be omitted to avoid scandal (Matt., vii. 6). Item integritas confessionis de jure divino est, et tamen poenitens deberet peccatum silere, si intelligeret confessarium cui ex necessitate confiteri deberet grave ex eo scandalum passurum. But it is not lawful to omit Baptism in order to avoid scandal to those who will be provoked to anger or blasphemy.

(d) Precepts of ecclesiastical law should be contravened, when otherwise there will arise a scandal of the weak which is a graver evil than the contravention of the precepts. Thus, a parish-priest should say Mass on Sunday, even though not fasting, if this is necessary in order to avoid great scandal among the people. A wife may omit Mass or a fast, in order to prevent her ignorant husband from using blasphemies or imprecations, or to avoid notable dissensions in the home. Puella quae scit juvenem infirmum ex suo aspectu scandalizari debet sacro omisso domi manere.

1480. In order that scandal of the weak may be considered a greater evil than contravention of a grave precept, it is necessary that the following conditions be verified:

(a) The evil of the scandal must be certain and grave, for an uncertain or slight scandal is not a greater evil than certain contravention of a grave precept. Thus, if one only has vague fears that scandal may be given, or if one has no determined person in mind and thinks only that someone or other will be harmed, there is no excuse for contravention of the precept.

(b) The evil of contravening the precept must not impose intolerable hardships or lead to greater scandals; for one is not required to attempt the impossible, or to give scandal in order to avoid scandal. Thus, it would be unreasonable to expect that a student should never read the classical poets or philosophers of Greece or Rome, lest scandal be given some person overstrict in this matter; that a wife absent herself from Mass permanently, lest her ignorant husband be provoked to rage; that a young lady be deprived of fresh air and exercise, lest an old relative be disedified. If we have to choose between occasioning irreligion in one person by attending Mass and occasioning irreligion in many persons by staying away from Mass, we should rather permit the scandal of the one. Moralists generally hold that scandal of the weak does not justify absence from obligatory Mass oftener than once or twice, and some hold that it does not require absence from Mass at all.

1481. Good works that are of counsel only (such as evangelical poverty), and those that are obligatory only under certain conditions (such as almsdeeds), may be more easily put aside in order to avoid scandal of the weak. It should be noted, however, that for some persons these works are of precept, and hence they are to be judged, as regards those persons, according to the rules given for contravention of precepts. (a) Thus, the counsels are obligatory for those who have vowed them (e.g., religious).

(b) Corporal and spiritual works of mercy are obligatory for prelates and other clerics because of their office.

1482. Spiritual goods, therefore, whether of precept or of counsel, are not to be surrendered entirely on account of any scandal, whether it be Pharisaic scandal or scandal of the weak. But, out of charity for others, these goods should not be made use of (apart from necessity) in a way that would occasion spiritual ruin to anyone. Hence, if there is danger of scandal: (a) they should be concealed, as when one goes to Mass early in the morning or by another way, so as not to occasion blasphemy in one's neighbor; (b) they should be delayed, as when one puts off a fraternal correction until the other person is in a frame of mind to be corrected with profit; (c) they may be used but should be explained, as when one is called to give Baptism to a person dying in a notorious resort and takes witnesses with him, or tells the bystanders the reason of his visit.

1483. When Should Temporal Goods be Surrendered for the Sake of Avoiding Scandal.—(a) Temporal goods of which one is not the owner, but only the custodian or administrator, may not be surrendered at will on account of scandal; for no one has the right to give away the property of others. Hence, rulers in Church or State may not arbitrarily surrender common property; guardians may not give up the property of their charges.

(b) Temporal goods of which one is owner should be surrendered on account of the scandal of little ones, unless a greater evil results from such surrender; for, as said above (see 1165 sqq.), one should be willing to suffer some detriment in temporal things to avert from one's neighbor detriment in spiritual things. Hence, one should abstain from a certain food, if one's eating of it will cause spiritual ruin to some innocent person (I Cor., viii. 13).

(c) Temporal goods are not to be surrendered on account of Pharisaic scandal; for this would be injurious to the common good, since it would encourage the wicked to despoil the conscientious, and it would also be injurious to the wicked themselves, since they would continue in sin by keeping what was not their own. Hence, one may demand money owed, even if the debtor is greedy and will use profane language.

1484. The surrender of temporal goods spoken of in the previous paragraph may be understood in a number of senses.

(a) It can be understood either of the act of giving another what is held by us and is our own property, or of the act of permitting another to keep that which is held by him but which belongs to us. Charity may call for either kind of surrender as a means to the avoidance of scandal. Example: Rather than have a bitter quarrel or lose a friendship over a few cents of change, it is better to let the other man keep what he owes you, or give him what you do not owe, if he is also in good faith.

(b) The surrender of temporal goods can also be understood either of the internal willingness to sacrifice temporal things for things spiritual, when necessity requires, or of the actual external sacrifice. Charity demands the internal willingness, but it does not always demand the actual sacrifice; for sometimes such a sacrifice would be harmful to the common welfare and the welfare of individuals. Thus, the saying of our Lord that we should not contend with a neighbor who wishes to take our coat, but should rather let

him take our cloak as well (Matt, v. 40), and the saying of St. Paul that the Corinthians should prefer to suffer injury and fraud rather than have lawsuits against fellow-Christians (I Cor., vi. 7), are to be understood of a willingness to sacrifice temporal things in order to avoid scandal, when a greater good makes this necessary. But those texts do not mean that it is obligatory or advisable to make an actual sacrifice at other times.

(c) The surrender of temporal goods may be understood either of a giving over to others without protest or remonstrance, or of a yielding to them only after one has tried to prevent scandal without incurring temporal loss. Charity does not require, even when there is danger of scandal of the weak, that one should surrender one's goods without any effort to save them. Thus, if an ignorant Catholic is shocked because his priest asks for money to support the Church, the latter will do him a service by explaining the right the Church has to be supported and the duty of the members to contribute.

1485. Temporal goods may be understood here either of things of great value (e.g., necessities of life) or of things of minor value (e.g., luxuries). (a) Thus, if scandal will place a neighbor in extreme spiritual need, even things of great value should be surrendered, if this is necessary to avoid scandal. (b) If scandal will not place him in extreme need, one is not obliged to surrender any except things of minor value (see 1165 sqq.). Thus, St. Paul does not ask that his converts give up all food in order to avoid scandalizing the weak, but only such food as they can get along without (Rom, xiv. 15; I Cor., viii. 13).

1486. Should church goods ever be surrendered in order to avoid scandal of the weak? (a) On the one hand, goods of the Church have a special sacredness, because they have been given and set apart for spiritual purposes and the common good of the Church. Hence, he would be an unfaithful steward who would devote them to merely temporal ends, such as the enrichment or exaltation of himself or of his friends, or who would alienate them without due authority. (b) On the other hand, the temporal goods of the Church are to serve spiritual ends, and the spiritual must not be subordinated to the temporal. Hence, one of the chief causes of scandal in the Church is the appearance of avarice in churchmen (even as regards goods that are not personal, but common), especially if they seem to put money before the salvation of the people. There are times, therefore, when

to avoid scandal a prelate or priest ought to forego something really due the Church.

1487. Cases of Scandal and Renouncement of Church Goods.—(a) If there is question of Pharisaic scandal alone, one should not renounce the goods of which one is the custodian, but should resist spoliation as far as one is able. Thus, St. Thomas of Canterbury would not agree to the invasion of church rights by Henry II. So also a pastor should not neglect the collection of dues needed for the maintenance of the church, because some malcontents will take offense at this; neither should he yield to the extortionate demands of some hired person who will be scandalized because more is not paid.

(b) If there is question of the scandal of the weak, concessions should be made, lest spiritual things be made to suffer for the temporal. Thus, St. Paul would not accept any support for himself from persons newly converted to Christianity, lest this prove a hindrance to the preaching of the Gospel (I Cor., ix. 12). For the sake of the ignorant or the weak, therefore, the Church does not insist on dues and other payments, until these persons have had the opportunity of learning their duty. The faithful, indeed, are bound to contribute to the pastors who serve them, but the precept is an affirmative one, and obliges therefore not at all times, but when the conditions of time, place, person, etc., make this possible. It would be a real scandal of the weak, if a person were driven from church because he did not realize his duty of contributing, or if a poor person were taxed beyond his means, or if an affluent cleric were always asking for money and never giving to the needy, or if a priest were to talk collections instead of doctrine, or devoted most of his time to money-making enterprises. Anything that commercializes religion is also a scandal both to Catholics and non-Catholics.

1488. Duty of Repairing Scandal.—The paragraphs immediately preceding have spoken of the duty of avoiding scandal. There is also a duty of repairing scandal that has been given. (a) Thus, there is a duty of charity to repair the scandal one has given; for, if all are required to practise fraternal correction, those especially are bound to this who are responsible for the sins of others. (b) There is sometimes a duty of legal justice, as when superiors, who are bound from their office to give good example, give scandal to their subjects. (c) There is sometimes a duty of commutative

justice, as when the scandalizer has employed unjust means (such as force, fear or traps) in order to lead another into scandal.

1489. Ways of Repairing Scandal.—(a) Scandal is repaired publicly or privately. Reparation is public, when it is made before the community, and private, when it is made before individuals. (b) Scandal is repaired explicitly or implicitly. Explicit reparation is made by retraction of one's words, by condemnation of one's acts, by the destruction of one's scandalous writings, by efforts to bring back to virtue those whom one has misled, etc. Implicit reparation is made by reformation of one's conduct, the abandonment of that which gave scandal, the practice of good example, prayer for the person scandalized, etc.

1490. Particular Kinds of Scandal to be Repaired.—(a) Scandal is public or private. Public scandal is given before the community at large, as when one openly apostatizes so that it is the talk of the whole neighborhood or town, or writes a signed article favoring atheism, or makes a disedifying speech before a gathering of people. Scandal is private, when it is given before a few persons, and when it does not tend to become generally known, as when husband and wife quarrel before their domestic circle.

(b) Scandal is ordinary or extraordinary. Ordinary scandal is given by bad example alone; extraordinary scandal adds to bad example injury or injustice, or the debt of punishment for a crime. Thus, one who becomes slightly intoxicated at a party gives ordinary scandal; while one who by trickery schemes to get another into a situation in which he will be effectually scandalized, or who strikes an inoffensive priest, or who spreads disedifying printed matter, is guilty of extraordinary scandal.

1491. It rests with the prudent judgment of the confessor or ecclesiastical authority to decide in particular instances the way in which scandals are to be repaired. But in general the following rules may be given:

(a) Public scandal should be repaired publicly, even though it has not actually seduced those who are aware of it; for otherwise the evil influence remains. Thus, a drunkard should take the pledge of total abstinence, or else give an example of sobriety; an apostate should renounce his errors as openly as he defended them.

(b) Private scandal may be repaired privately, that is, before the few persons who were scandalized. Thus, the husband and wife who quarrelled before their children make reparation when they tell the children not to quarrel, and when they strengthen this advice by good example.

(c) Ordinary scandal may be repaired implicitly, that is, by turning over a new leaf. Thus, one who has been away from Mass and the Sacraments for a long time makes reparation when he appears at church, goes to confession, and receives Communion; one who has been keeping bad company makes reparation when he separates from his former associates.

(d) Extraordinary scandal is repaired explicitly, that is, by making the restitution or satisfaction which justice demands, or by performing the penalty required by the law. Thus, if through treachery a person has seduced another from virtue, he must either himself or through others endeavor to recall the scandalized person to his former virtue; if a person has been guilty of laying violent hands on a cleric, he must perform the penance prescribed; if a person has distributed scandalous literature, he must try to stop its circulation, or to distribute contrary literature.

1492. When satisfaction requires public apology or retraction, this can be made in various ways. (a) Thus, one may withdraw through the press false statements publicly made; (b) one may apologize before a number of witnesses authorized to make this known; (c) one may retract before the pastor or confessor, with the understanding that the priest will later declare that all due satisfaction has been made.

1493. Denial of Sacraments in Cases of Scandal.—Is it lawful to administer the Sacraments to one who has not made satisfaction for public scandal?

(a) If the obligation of reparation is not grave, it is lawful to administer the Sacraments, since the person who gave the scandal is not subject to grave sin and unworthy of the Sacraments, and his admission to them will not be a new scandal.

(b) If the obligation of reparation is grave, it is lawful to admit the party in question to the Sacrament of Penance; for every person rightly disposed has a right to absolution, and the fact that a person who gave scandal goes

to confession is edifying. But absolution should be given on condition that reparation for the scandal is seriously promised.

(c) If the obligation of reparation is grave, it is not lawful as a rule to admit to the other Sacraments, until the reparation has been actually performed. Thus, if it is notorious in a parish that a certain individual has been living in a serious occasion of sin or has been circulating impious doctrines, the occasion of sin should be removed or the doctrines should be retracted, before the individual is admitted to Communion, etc.; otherwise, a new scandal would be given the faithful from the apparent approval given the scandalizer by the minister of the Sacrament received.

1494. In certain cases, however, the Sacraments other than Penance may also be given before reparation for grave scandal has been made, namely, when the circumstances are such that the administration of the Sacraments will offer no scandal. (a) Thus, a dying person who is penitent but unable to perform some satisfaction for scandal given is granted the Sacraments. (b) A person who is well disposed, but who has not yet made satisfaction for scandal, may sometimes be given Communion privately. (c) A person who is not well disposed, and who will not make satisfaction for scandal, is sometimes permitted to contract marriage before the priest, namely, when there is a grave reason for marriage and scandal is precluded.

1495. Seduction.—Having discussed scandal, which leads others into sin by bad example, we shall now consider, first, solicitation or seduction, which leads others into sin by moral inducement, and, secondly, cooperation, which assists another to sin (see 1460).

1496. Seduction is some external act (words, writing, signs or gesture) by which one directly and explicitly seeks to win the consent of another to sin. There are various modes of solicitation.

(a) There is command to sin, which is an authoritative direction to commit sin imposed by a superior on his subject. Command is given expressly, as when a father tells his son to steal; or implicitly, as when he tells his son that it will please him if the son steals.

(b) There is counsel to sin, which is direct persuasion to do evil made through argument that sin is lawful, or through instruction on the ways of committing sin, or through advice, request, promises, threats, etc., as when

one writes in praise of suicide to a person who is very discouraged, and recommends it.

(c) There is enticement which is an indirect persuasion to sin made through flattery, insinuation, calumny, narratives, etc. Thus, Absalom worked on the people of Israel and beguiled them into rebellion against his father (II Kings, xv. 1-6). Those who ridicule temperance and so lead others to drink excessively, entice to drunkenness. A host who offers little except fine meats on a Friday entices to the violation of abstinence.

1497. The Malice of Solicitation.—(a) The gravity of this sin according to its nature is mortal, but it may be venial on account of imperfect deliberation or smallness of matter (see 1473). Thus, it is a mortal sin to command one's son to commit grand larceny or perjury, a venial sin to command him to commit petty theft or tell a harmless lie. (b) The circumstances of the sin that aggravate or extenuate are the greater or less degree of deliberation and malice, the greater or less evil of the sin to which one induces one's neighbors, etc. (see 1473, 1474). (c) The species of the sin of solicitation is twofold; there is the sin of scandal, opposed to charity, inasmuch as a neighbor is led to sin, and there is also the sin which one persuades a neighbor to commit (see 1468 sqq.).

1498. Applications to Confession and Satisfaction.—(a) Since the seducer willed the species of sin to which he induced his neighbor, it does not suffice that he tell in confession that he induced another to sin; he must also tell the species of sin (e.g., theft), to which he induced or attempted to induce another. (b) Since the seducer is guilty of injustice against the person seduced, if he employed fraud, traps, violence, etc., it does not suffice in such cases merely to confess that he seduced; he must also tell that he used unjust means to seduce. (c) Since the seducer is guilty of spiritual damage, he is bound to make reparation for scandal given (see 1488 sqq.). (d) Since the seducer is responsible for temporal damages that are due to his influence (e.g., when he commands A to steal from or calumniate B), he is held to restitution for any such damages (see Vol. II on Justice).

1499. In confessing a sin whose nature implies an accomplice (e.g., obscene conversation), is it necessary to mention the circumstance that one seduced the other party? (a) If the seduction includes a special malice against charity or against justice, it should be mentioned. Thus, if the party

seduced had been innocent and was scandalized, or was trapped into sin, the fact of seduction should be mentioned. (b) If the seduction includes no special malice against charity or justice, it seems there is no obligation to mention it. Thus, if the party solicited had been living a life of sin and consented to the solicitation without any detriment to ideals or any unwillingness, no scandal is given and no injustice committed by the solicitation, as far as that party is concerned, and there seems to be no reason why the circumstance of seduction must be confessed.

1500. Seduction is incitement to sin, and so differs from mere permission of sin in another. It is never lawful to incite to sin, but it is lawful for a sufficient reason to permit sin in others, as was said above in reference to Pharisaic scandal (see 1477, 1482, 1483). But, in applying this principle to concrete cases, it is sometimes difficult to draw the line between incitement and mere permission. We shall discuss now the following cases in which this difficulty occurs: (a) when one requests another to do something which one knows will be a sin for him; (b) when one advises another to commit a less rather than a greater evil; (c) when the opportunity for another to commit sin is not removed, or is prepared.

1501. Is it lawful to ask another to do something, when one knows that he will not consent without sinning?

(a) If the thing requested is sinful in itself, the request is also sinful. Hence, it is not lawful to ask a thief to sell the goods he has stolen, nor is it lawful to request absolution from a priest who lacks jurisdiction.

(b) If the thing requested is lawful in itself, but there is no sufficient reason for the request in view of the fact that the other will sin by granting it, the request is sinful. Hence, it is not lawful to ask baptism from a person who is in the state of sin, when one can easily obtain it from another person who is in the state of grace.

(c) If the thing requested is lawful, and there is a sufficient reason for the request, one does not sin by making the request. Hence, it is lawful for the sake of the common welfare to require that witnesses take an oath, even though one knows that one of them will commit perjury.

1502. Is it lawful to advise another to commit a less evil in preference to a greater evil?

(a) If the other has not made up his mind to commit either evil, it is not lawful to advise that he do either. Thus, to counsel another to steal, and to make his victims the rich rather than the poor, is a species of seduction.

(b) If the person has made up his mind to commit the greater evil and the lesser evil is virtually contained in the greater, it is lawful to advise that he omit the former for the latter. For in thus acting one prevents the greater evil and does not cause the lesser evil, since it is virtually contained in the greater evil which the other person had already decided on. Thus, if Titus is bent on stealing \$100, Balbus is not guilty of seduction, if he persuades Titus to take only \$10. We are supposing, of course, that Titus is so determined to steal that it is out of the question to deter him from taking at least a small amount.

(c) If the person in question has decided on the greater sin and the lesser is not virtually contained in the greater, it is not lawful to recommend that he commit the smaller instead of the greater sin. For, if one does this, one does not save the other from the internal guilt of the greater sin intended, while one does add the malice of the lesser sin which was not intended. Thus, if Titus plans to kill Caius, it is not lawful to advise that he rob him instead, or that he kill Claudius instead, for robbery is a specifically distinct sin from murder, and Claudius is a different person from Caius. But, if Titus planned to kill Caius in order to rob him, it would not be unlawful to point out that the robbery could be carried out without murder and to advise accordingly.

1503. Not all theologians accept the last solution just given. (a) Some reject it, and hold that, even when the lesser evil is not virtually contained in the greater, it is lawful to advise the lesser. They argue that what one does thereby is not to commit the lesser evil, to induce it or approve it, but only to permit it in order to lessen the harm that will be done, and they confirm their argument from scripture (Gen., xix. 8). According to this opinion, then, which has some good authorities in its favor, it would be lawful to advise robbery in order to dissuade another from the greater evil of murder. (b) Others modify the solution given in the previous paragraph, and hold that it is lawful to propose the lesser evil or mention it, provided one does not attempt to induce the other person to carry it into effect.

1504. Is it lawful so to prearrange circumstances that an occasion of sin will seem to offer itself to another?

(a) If the end and the means used are good, this is lawful; for there is no scandal or seduction, but sin or the danger of sin is permitted for a proportionately grave reason. Examples: Sempronius knows that someone is robbing his desk, and it is important that he discover the thief. He leaves the desk open and watches from concealment to see whether a suspected person who is coming to the room will steal. Claudius is quite certain that Titus is stealing his chickens, but he needs evidence in order to have Titus convicted and deterred from future stealing. So, he leaves doors open and hides himself with witnesses that Titus may be caught in the act.

(b) If the end or means is bad, it is not lawful to prepare an opportunity for sin, because in either case one intends something sinful. Examples: Sempronius knows that his wife Titia has been unfaithful and he threatens to leave her. She, wishing to have a countercharge to make or to secure evidence to discredit his word, hires various dissolute females to lay traps for him and his friends. Claudius out of revenge wishes that Caius be sent to jail, and he therefore employs agents to provoke Caius into something criminal in word or deed that will justify incarceration. Balbus knows that Mercurius is a dangerous character, and he frames a scheme by which Mercurius will be invited to participate in an act of banditry and be captured. Titia and Claudius sin, because their purpose is wrong; Balbus sins because he uses wrong means. All three are guilty of seduction, at least in intention.

1505. Seduction was described above (see 1496) as an inducement to sin through such manifest means as command, counsel, or enticement. But there is also a more subtle form of seduction, which does not appeal directly to the intellect or will, but makes a physical approach by acting upon the body, senses, or imagination. This is a more cunning, but none the less guilty form of seduction, examples of which are the following:

(a) Seduction through bodily states is exemplified in those who minister secretly to others drinks or drugs or foods that will produce emotional disturbances or mental confusion and make them more susceptible to temptation.

(b) Seduction through the senses is exemplified in those who surround others with pictures, companions, music, examples, etc., that continually speak of the desirability of vice or the undesirability of virtue.

(c) Seduction through the imagination is seen in hypnotism or suggestion when used to produce a vivid and strong impression of something dangerous to be thought on. A spirit of bigoted uniformity which demands that all dress, think and act alike even in matters where there should be liberty, may also be very seductive; for, rather than commit the unpardonable sin of seeming queer, a person may take to drunkenness or whatever vice is popular in his crowd or group.

1506. Cooperation in Sin.—Cooperation or participation in sin, strictly understood, is help afforded another, whom one has not seduced, to carry out his purpose of sinning.

(a) Hence, cooperation differs from scandal and solicitation, for these lead into sin one who had not decided on sin, while cooperation supposes that the other party had already made up his mind to sin. The scandalizer leads into sin, but does not help in its commission; the cooperator does not lead into sin but he helps in its commission.

(b) Cooperation, however, may include scandal and solicitation as regards future sins or as regards third parties. Example: Balbus, who had decided on his own initiative to steal, finds to his surprise that his conduct receives aid and comfort from Titus, a person of some authority. This cooperation will act as an example or incitement to Balbus to repeat the offense, and will likewise be an occasion of sin to others.

1507. Cooperation is also different from complicity as follows: (a) The cooperator acts as assistant or subordinate agent to the one who commits sin, providing him with moral or physical help, or supplying him with the means requisite for the act of sin. Thus, he whose services are commandeered by robbers and who carries away the stolen goods, or who puts a revolver into the hand of one bent on murder or obscene books into the hands of one bent on the corruption of youth, is a cooperator. (b) The accomplice acts as an equiprincipal or coordinate agent with another in the commission of the same sin, performing his own proper part or share of the joint act of sin. Thus, he who enlists as a member of a robber band and acts as their chauffeur or lookout at the time of “hold-ups,” or who fights a duel,

or who carries on an obscene dialogue, or listens willingly to obscene talk, is an accomplice. The accomplice is always guilty, but the cooperator may be guiltless.

1508. Kinds of Cooperation.—Divisions of Cooperation according to Different Kinds of Acts.—(a) From the viewpoint of the internal act, cooperation is either formal or material, according as one does or does not intend the sin whose external commission one is aiding. Examples: Caius offers a burglar information as to ways of climbing into a second-story window. Claudius, being covered by a revolver, makes no resistance or outcry while bandits are rifling his employer's office. Caius is an abettor of crime and a formal cooperator on account of his guilty intent; Claudius aids the commission of burglary, but he is only a material cooperator, since he does not intend what the criminals intend.

(b) From the viewpoint of the external act, cooperation is positive or negative, according as one does something to help the principal agent, or does nothing to impede him. In the examples given above, Caius was a positive, Claudius a negative cooperator. Positive cooperation is given in a moral manner, as when one votes for an unjust law or sentence, or cheers a sinful remark; or in a physical manner, as when one helps bandits to bind and gag their victims, or leaves doors and windows unfastened for the convenience of thieves.

1509. Divisions of Cooperation according to its Degree of Influence.—(a) From the viewpoint of its activity, cooperation is either occasional or effective. By occasional cooperation is understood that which leads another into sin, or allows him to be drawn into sin, but does not assist him to commit sin (e.g., scandalous example, failure to give a fraternal correction or admonition). By effective cooperation is understood assistance given another enabling him to carry out, or to carry out more easily, an act of sin on which he had resolved. As is clear from the explanation given above (see 1506), there is question here only of effective cooperation.

(b) From the viewpoint of its nearness to the act of the principal agent, cooperation is either immediate or mediate, according as one shares in the sinful act of the principal agent, or in some act that preceded or followed it. Thus, he who helps a thief to carry away stolen goods is an immediate cooperator, while he who supplied the thief with necessary keys before the

theft, and he who offered refuge to the thief or concealment for the stolen goods after the theft, are mediate cooperators.

(c) From the viewpoint of the dependence on it of what is done, cooperation is either indispensable or not indispensable, according as the principal agent cannot act without it, or can. Example: Balbus supplies intoxicants to Titus and Sempronius, who are intemperate. Titus cannot secure intoxicants except from Balbus; Sempronius can secure them elsewhere. Balbus' cooperation is indispensable for Titus, but not for Sempronius.

1510. Cooperation is also divided from the viewpoint of responsibility or of the consequences incurred through it, into unjust cooperation and merely unlawful cooperation.

(a) Unjust cooperation is participation in the guilt of an injury done to a third party which involves the duty of restitution or strict reparation. Thus, those who act as "fences" or receivers of stolen goods, cooperate in injustice and are bound to restitution to the rightful owners.

(b) Unlawful cooperation is participation in a sin that contains no injustice to a third party, and that entails only the obligations of repentance and satisfaction, and, if the case requires it, of amends for scandal, proofs of sincerity, avoidance of dangers and submission to penalty. Thus, those who cooperate by marrying illegally, or by providing obscene literature to persons who demand it and insist on having it, are guilty of sin and also fall under various punishments prescribed in law. Cooperation, in so far as it is unjust, will be treated specially under the head of Justice (see Vol. II); here we are concerned with cooperation in general, and as it is a sin against charity.

1511. Formal cooperation is either explicit or implicit. (a) It is explicit, when the end intended by the cooperator (*_finis operantis_*) is the sin of the principal agent. Examples: Balbus gives incense money to an idolater, because he approves of idolatry and wishes to see idolatrous rites performed. Caius joins an anarchistic society because he agrees with its aims and wishes to help in their fulfillment.

(b) Formal cooperation is implicit, when the cooperator does not directly intend to associate himself with the sin of the principal agent, but the end of

the external act (*_ finis operis_*), which for the sake of some advantage or interest the cooperator does intend, includes from its nature or from circumstances the guilt of the sin of the principal agent. Examples: Balbus detests idolatry, but in order to show courtesy he helps a pagan to burn incense before an idol, or he assists in the repairing of a pagan shrine, though his act is looked on as a sign of worship. Caius joins a freethinking society, not because he likes its principles, but because he wishes to obtain through membership certain social or financial advantages which he cannot obtain in any other way.

1512. Mediate cooperation is also subdivided into proximate and remote.

(a) It is proximate or remote by reason of nearness, according as the act of sin will follow closely or otherwise on the act of cooperation. Thus, he who gives a ladder to a burglar cooperates in a remote preparation; he who holds the ladder while the burglar goes up cooperates in a proximate preparation.

(b) Mediate cooperation is proximate or remote as to definiteness, according as the preparation points clearly or only vaguely to the commission of sin. Proximate cooperation is an action which, from its nature or circumstances, is regarded as morally connected with the evil action of the principal agent, while remote cooperation is an action that has no such moral connection with the sin that is committed. Thus, he who sells a revolver to a gunman who is preparing for a murder cooperates proximately, while he who sells the materials for this weapon cooperates only remotely. Again, if one sells to a burglar a “jimmy,” a dark lantern, a mask, a revolver, and explosives, the cooperation is definite, since the circumstances indicate that robbery is contemplated. But if one sells a burglar a pair of soft-sounding shoes, the cooperation is indefinite, for the burglar may wish them in order to give no disturbance in his own home, and not in order to attract no attention in the homes of others.

1513. The Sinfulness of Cooperation.—The Sinfulness of Formal Cooperation.—(a) Formal cooperation is always sinful, for it includes the approval of the sin of another and the willing participation in the guilt of that sin.

(b) Formal cooperation is from its nature opposed to charity; for charity disapproves of the sins of others and strives to prevent them, while formal cooperation, on the contrary, approves and assists the sins of others.

(c) Formal cooperation is also opposed to the virtue violated by the sin of the principal agent, in so far as the will of the cooperator delights in or approves of the circumstance of help given to the sin of the other (see 1468). Thus, if one opens the door to a caller whom one suspects to be a burglar and at the same time mentally sympathizes with the act of burglary, one is guilty in will of the act one approves.

(d) Formal cooperation as to its external act is opposed to the virtue violated by the cooperator, when the external act has a malice of its own. Thus, if one swears falsely in order to conceal the presence of a burglar hidden in the house, one is guilty of perjury; if one disobeys the laws of the Church by marrying clandestinely, one is guilty of disobedience; if one scandalizes third parties by cooperating with sin, one is guilty of scandal; if one shares in fraud, one is guilty of injustice, etc. Hence, in confession it does not suffice to say that one has cooperated in sin, but one must also tell the sin committed and the necessary circumstances.

1514. The Sinfulness of Material Cooperation.—(a) Material cooperation, in itself, is sinful; for charity commands that one strive to prevent the sin of another, and much more therefore does it forbid one to help in the sin of another. (b) Material cooperation, in case of great necessity, is not sinful; for charity does not oblige under serious inconvenience to self, and it does not forbid one to cooperate by an indifferent act to prevent a neighbor from committing a greater evil than the evil he has in mind. He who cooperates materially through necessity does not cause sin, but uses his own right, which the bad will of the other abuses and makes an occasion of sin (see 1447 d).

1515. Lawfulness of Material Cooperation.—The conditions necessary in order that material cooperation be lawful are the same as for any other act that has a double result (see 104); for from the cooperation follow two results, one that is bad (viz., the sin of the other person) and one that is good (viz., the avoidance of loss or the retention of good). Two of the conditions required in the principle of double result need not be considered, however, since their presence is manifestly assured by the very fact that the cooperation is merely material. (a) Thus, the condition that the good effect must not be secured through the evil effect is verified; for, if one intends the sin of the other party as a means to the good end, cooperation is formal. Hence, if Balbus helps Claudius to get sinfully drunk, so that Claudius may

go to confession the sooner, the cooperation of Balbus in the drunkenness of Claudius is formal. (b) The condition that the evil effect is not intended is also verified; for the very definition of material cooperation excludes the intention of the sin committed by the other party.

1516. Hence, we may confine our attention to the two remaining conditions stated in the principle of double effect, and conclude that material cooperation is lawful when and if the act of the cooperator is itself good or indifferent, and he has a reason sufficiently weighty for permitting the sin of the other party.

1517. The first condition of material cooperation is that the act of the cooperator must be good or at least indifferent; for, if it is evil, the cooperation becomes implicitly formal. But, since it is often difficult to determine in particular instances whether cooperation is intrinsically evil or merely indifferent, one must examine the nature and circumstances of the act.

(a) Thus, according to its nature, an act of cooperation is intrinsically evil, if it has no uses except such as are evil; it is indifferent, if, according to the intention of those who use it, it is now good, now evil. Hence, it is intrinsically wrong to assist in the manufacture or distribution of obscene books or pictures, or of drugs or instruments used exclusively for immoral purposes, since the only use to which such things can be put is sinful. It is also intrinsically wrong to take part even remotely in pagan superstitions, or to give any immediate assistance to an act which from its nature is opposed to the Sixth Commandment. But it is not intrinsically wrong to assist in the manufacture of firearms or poisons, which have many good uses, or to act as bodyguard to a person who fears harm from others.

(b) According to its circumstances, an act of cooperation is evil, if by reason of adjuncts it is wrong, as when it signifies approval of evil, gives scandal to others, endangers the faith or virtue of the cooperator, or violates a law of the Church. Thus, it is not from the nature of the act wrong to invite a pedestrian to ride in one's car; but it is wrong from the circumstances when the pedestrian asks to be taken to a spot where he intends to commit robbery. It is not wrong intrinsically to work at building a temple; but it is wrong from the circumstances, when this act is regarded by the public as a sign of adherence to a false religion, or when the act causes

scandal (see 983). The laws of the Church on mixed marriage or neutral schools afford other examples of cooperation lawful in one set of circumstances, but unlawful in another on account of significance, scandal, danger, etc.

1518. But the circumstance that the cooperator knows for certain that the principal agent will use the cooperation for sinful purposes, or will take scandal to the extent of being strengthened in his evil designs by reason of the assistance given, does not necessarily make cooperation evil.

(a) Thus, the cooperator may know from the declaration of the principal agent just what is to be done, and yet have no will whatever to concur in the evil. Hence, if a person is forced at the point of a revolver to help in robbing his own guests, he knows very well what is being done, but he certainly does not approve of it.

(b) The cooperator may know that scandal will be occasioned by the cooperation, either to the principal agent or to others, but he may have sufficient reasons for permitting it (see 1478, 1482). Thus, if the employee of an undertaking establishment has orders to assist at the funeral of an anarchist, and will lose his means of livelihood if he does not comply, he is not obliged to suffer this great detriment to avoid Pharisaic scandal or even scandal of the weak. But he should, if possible, declare his want of sympathy with anarchy, if he knows of some anarchist present who regards his cooperation as a mark of sympathy for the principles of the deceased.

1519. The second condition for lawful material cooperation is that the cooperator should have a reason sufficiently weighty for permitting the evil connected with his cooperation. The standards for judging whether a reason is sufficiently weighty, are the rules given above on permission of an evil effect (see 105).

(a) Hence, the graver the sin that will be committed, the graver the reason required for cooperation. Thus, a greater reason is required for cooperation in assault than for cooperation in theft.

(b) The nearer the cooperation is to the act of sin, the greater the reason required for cooperation. Thus, he who sells paper to the publisher of obscene books cooperates remotely; he who sets the type or reads the

proofs of such books cooperates proximately. A greater reason is necessary for the latter than for the former cooperation.

(c) The greater the dependence of the evil act on one's cooperation, the greater the reason required for cooperation. Thus, a more serious reason is needed to justify giving intoxicants to a person who abuses liquors, if he is unable to procure them elsewhere, than if he can easily get them from others. But the fact that, if you deny intoxicants or other cooperation, another person will grant what you deny, is not of itself a sufficient reason for cooperation.

(d) The more certain the evil act, the greater the reason required for cooperation. Example: Titus gets drunk frequently, Balbus at intervals. Hence, a greater reason is needed for providing liquor to Titus than to Balbus.

(e) The more obligation one is under to avoid the act of cooperation or to prevent the act of sin, the greater the reason must be for cooperation. Hence, a much greater reason is necessary for lawful cooperation by those who are bound *_ex officio_*, from piety or justice, to prevent a sin (such as parents, spiritual directors, and policemen) than on the part of those who are not so bound.

1520. Reasons for cooperation correspond in gravity with the importance of the goods or evils involved (see 1163 sqq.).

(a) Hence, a grave reason for cooperation exists when, if one refuses it, a great good will be lost or a great evil incurred. A day's wages or income is generally a great good; a severe or long-continued pain, great anger of an employer or other superior, things that bring on notable annoyance, shame, repugnance, etc., are examples of great evils.

(b) A very grave reason for cooperation is the gain or retention of a very great good or the avoidance of a very great evil. A notable percentage of the goods of one's station in life should be considered as a very great good. A severe and long-continued illness, unemployment on the part of the breadwinner of a needy family, serious detriment to one's honor, reputation or peace of mind, etc., are examples of very great evils.

(c) Graver reasons for cooperation are those that surpass the very grave without being supreme, such as the loss of one's station in life, incurable

disease, loss of an eye or other principal member, severe or perpetual imprisonment.

(d) Most grave reasons for cooperation are the public safety of Church or State, loss of all one's property, death, extreme disgrace, and the like.

1521. When the sin committed by the principal agent is grave, but contains no injustice to a third party, the reasons for cooperation need not be so serious as when the sin is grave and unjust.

(a) Thus, immediate and indispensable cooperation is justified in order to avoid grave loss to self; for example, one may ask absolution from an unworthy minister, in order to recover the state of grace more quickly.

(b) Immediate and not indispensable cooperation, or mediate and indispensable cooperation, is lawful when it is necessary in order to avoid a moderate loss. Examples: One may receive Communion from an unworthy minister in order to make the Easter duty more conveniently. One may supply intoxicants to a drunkard in order to avoid a brawl, if there is no time to call in the strong arm of the law to subdue the drunkard.

(c) Mediate and not indispensable cooperation is justified even by avoidance of a slight loss. Example: A butcher may sell meat on Friday to a cook who will serve it to some persons bound by abstinence, if the cook can easily get the meat from others and the profit will go elsewhere, unless the butcher sells her the meat.

1522. When the sin committed by the principal agent is a grave injustice to a private party, the reasons for cooperation need not be so serious as when the sin is against the public good.

(a) Thus, immediate and indispensable cooperation is permissible, if without it one cannot avoid a loss to self that is both certain and of a higher kind, or at least a greater one of the same kind than that which will be suffered by the injured party; for this latter would be unreasonable, if he expected one to suffer a greater loss in order to spare him. Example: Mercurius, a servant, is threatened with instant death if he does not open a safe of his employer, take from it certain papers, and deliver them to a burglar.

(b) Immediate and not indispensable cooperation, or mediate and indispensable cooperation, is allowed if necessary for the avoidance of an

equal loss to self. Examples: The burglar mentioned above can blow open the safe if Mercurius refuses to open it, but, if he is put to this trouble, he will steal from Mercurius valuables comparable to the papers in the safe. Claudius, a servant, opens a backdoor, the only way through which a burglar can enter secretly, because he is taken by surprise, and refusal on his part will inevitably cost him the loss of papers equally as valuable as those the burglar wishes to secure. Sempronius wishes to rob a house, but he cannot get there without the assistance of Caius, a chauffeur. Caius understands the purpose of Sempronius, but, if he refuses to take him to the house, Sempronius will give out information that will do almost as much harm to Caius as the robbery would do to the owner of the house.

(c) Mediate and not indispensable cooperation is justified by the avoidance of a loss to self less than the loss of the injured party, but in proportion to it, Example: Balbus is usually honest, but today he is going out to “fleece” a number of unsuspecting victims, and he gives orders to his servant Titus to get his coat and hat and open the door, and to his chauffeur Caius to drive him to the gambling place. Titus and Caius have an inkling of Balbus’ plans, but no proofs. If they disobey his orders, other servants will do what Balbus asks, the swindling will not be stopped, but Titus will be demoted, and Caius thrown out of the position necessary for his livelihood.

1523. When the sin committed by the principal agent is against some good of a public character, though not against the common safety, still greater reasons are necessary for cooperation than those given above. (a) Thus, immediate and indispensable cooperation is allowed to avoid a greater public evil, or an equal public evil joined with grave loss to self; for it is lawful to permit a lesser in order to escape a greater evil. Thus, the law may tolerate certain evils for the sake of public tranquillity, if the attempt to suppress them would lead to serious disturbances. One may delay to denounce a practice that is doing harm to a family, if an immediate complaint would cause an equal harm to the family and bring on the maker of the complaint a serious evil.

(b) Immediate and not indispensable cooperation, or mediate and indispensable cooperation, is permitted when it is necessary to avoid an equal public evil, or a very serious personal evil proportionate according to prudent judgment to the public harm done. Thus, an actor who has a harmless part in a somewhat evil play may act it for a time, if the company

can easily obtain substitutes but he cannot easily obtain other employment and needs his wages. Similarly, the owner of the only theatre in town may rent it to that company in order to be able to refuse it to another company that is worse.

(c) Mediate and not indispensable cooperation may be allowed when there is need of avoiding a grave loss to self which cannot be prevented except by cooperation. Thus, the ushers in the theatre who have no present way of supporting dependents except by the wages they are earning, may help patrons to seats, even when the play that is being shown is not morally unobjectionable.

1524. When the sin committed by another is directed against the necessary public welfare (i.e., against the common safety of Church or State), one may not cooperate, but should resist. In this case: (a) cooperation is unlawful, for there is no greater public good to justify it, and much less can it be justified by private good; (b) resistance should be made, if possible; for the individual should be willing to suffer loss, spoliation, and death itself to conserve the safety of the Church or of the State.

1525. In giving reasons sufficient for cooperation with sins injurious to the sinner alone or to some third party, we considered only the harm or loss to oneself that would result from a refusal to cooperate. But the good of others may also suffice for cooperation.

(a) Thus, the good of the sinner may justify one in cooperating, as when one assists in order to prevent the commission of a greater evil. It would not be wrong to give whisky to one who wished to make himself drunk, if otherwise he would take poisoned alcohol.

(b) The good of a third party may justify cooperation, as when one assists in perpetrating a minor injury against him in order to stop a major injury. It would not be wrong to bind and gag a man who was being robbed, if otherwise a burglar would murder him.

(c) The common good will often be a justifying reason. Thus, in political affairs it is at times necessary in indifferent matters to compromise with opponents, whose general policies one does not approve, in order to secure the election of good citizens or the passing of good laws, when these ends are very important for the general welfare. It is lawful to administer a

Sacrament to one who is unworthy in order to avoid a public evil, such as disturbance or scandal among the people.

1526. Lawfulness of Immediate Cooperation.—(a) If one cannot cooperate immediately without performing an act that is intrinsically evil (see 1517), immediate cooperation is, of course, unlawful. Thus, if one helped a trembling assassin to administer poison or to stab or shoot to death the victim, one would be an accomplice in murder; if one assisted a decrepit pagan to burn incense before an idol, one would be an accomplice in false worship. (b) If one can cooperate immediately without performing an act intrinsically evil, immediate cooperation is held lawful by some authorities, but there are others who say that all immediate cooperation is sinful.

1527. Arguments for the Opposing Opinions on Immediate Cooperation.—(a) Those who deny the lawfulness of all immediate cooperation argue that immediate cooperation does not differ from complicity, and hence that it is always intrinsically wrong. If theft is the taking away of goods without the knowledge and consent of the owner, what shall we call the act of a servant who assists a thief by carrying out the family silver to a waiting automobile? The fact that the servant does this to save himself from wounds or death cannot change the moral character of the act, else we shall have to say that the end may justify the means. And what is said of theft, can be said likewise of other species of sin.

(b) Those who affirm the lawfulness of immediate cooperation in certain cases argue that circumstances may take away evil from an act of assistance given to a sinner, so that the act becomes indifferent or good. Thus, theft is the taking away of what belongs to another against the reasonable will of the owner. Now, the owner would be unreasonable if he were unwilling that one should cooperate in removing his goods, if one had to do so in order to protect one's life, at least if one had not engaged to defend his goods; for one is bound to protect one's life in preference to the goods of another. If a starving man may take a loaf of bread without the owner's consent, why may not one save one's life by assisting a desperate criminal to carry off money? Moreover, it is commonly admitted that a person in great need may lawfully ask a Sacrament from a minister who is unworthy and who will sin by conferring it; that is, one may cooperate immediately with the unworthy administration of a Sacrament and yet be free of guilt on account of the circumstances.

1528. Special Cases of Cooperation.—The cases of cooperation, like those involving scandal, are innumerable, but there are certain cases which occur today more frequently than others, namely, those of cooperation with evil publications, dances, and theatres, and those of the cooperation of merchants, innkeepers, renters, servants, and workingmen. Cooperation in sins against faith and sins against justice are treated in their proper places, but it will be useful here to speak of these other special kinds of cooperation, since they offer many difficulties and a consideration of them now will illustrate the general principles on cooperation just given. However, the following points should be noted:

(a) The application of the definitions and rules about cooperation to particular cases is one of the most difficult tasks of Moral Theology, and hence there will be found great diversity of opinion among theologians on particular points. Space forbids a discussion here of the opposing opinions, and we shall have to content ourselves, in some of the illustrations that follow, with solutions that are likely, but whose opposites are also likely.

(b) The cases that follow are treated according to the principles of cooperation. But frequently in actual life there will be other factors to be considered, such as the occasion of sin to oneself or scandal to others. It should be remembered, then, that when a particular kind of material cooperation is here said to be lawful, this must be understood as abstractly speaking; for in an individual instance there may be circumstances of danger or disedification which would make it unlawful—a thing that often happens.

1529. Formal Cooperation with Evil Reading Matter.—(a) Cases of formal cooperation on account of explicit intention to do harm are those of the managers, editors, ordinary collaborators and authors of periodicals, newspapers, books, etc., which are opposed *_ex professo_* to faith and good morals; for these persons are the brains which direct and select what is to be written and published, and the matter they are creating or putting on paper is evil, and has no direct purpose except evil.

(b) Cases of formal cooperation on account of implicit intention to do harm are those of the responsible heads of printing or publishing firms and their printers, who agree to publish such objectionable written matter; of booksellers, owners of newsstands, etc., who agree to sell it; for, as we

suppose, these persons understand that the matter in question is intrinsically harmful and gravely forbidden.

1530. Cooperation with evil newspapers and other reading matter is material and lawful if the matter itself is not entirely evil, that is, if it has good uses as well as bad, and one has a reason for cooperation that is just and proportionate to the kind of cooperation. The following are examples of cooperation that may be merely material and lawful:

(a) Moral cooperation is given by writers of good matter who assist as collaborators; by those who offer small notices or advertisements; by readers who use a book, periodical, newspaper, etc., for the good matter it contains and skip the rest. For all these persons contribute in a greater or less degree, according to their influence, reputation, and ability, to the prestige and success of the journal, magazine or volume, with which their names are connected or which they patronize. Reasons sufficient to excuse in these cases, given by some authors, are the following: for a permanent contributor, a very grave reason, such as the need of support for his family which he cannot earn in any other way; for an occasional contributor, a rather grave reason, such as the opportunity of refuting error or of setting forth true principles (see Canon 1386, Sec. 2); for the habitual reader, a reason somewhat grave, such as the advantage of reports useful for his business which cannot be found elsewhere; for the occasional reader, a slight reason, such as entertainment to be derived from reading a good story; for the small advertiser, a slight reason, such as profit in business. Those who by laudatory descriptions in advertisements or book reviews urge others to buy and read evil books are guilty of seduction, rather than cooperation (see 1495).

(b) Financial cooperation is given by those who endow or subsidize a publication, by shareholders, by large advertisers, by subscribers, etc. Reasons considered sufficient in these cases are as follows: for the original providers of capital, only a most grave reason; for the buyers of much stock or advertising space, only a very grave reason; for subscribers, a grave reason such as would suffice for habitual reading.

(c) Material assistance is given by those who produce or distribute a publication and by those who furnish necessary material. Among the producers, the proximate cooperators are, first, the managers of the printing

company, and, secondly, the printers, the “readers” and the correctors; the remote cooperators are the typesetters, arrangers of ink and paper, binders, and machine operators. For proximate cooperation it is held that a most grave reason suffices, as when a printer cannot otherwise support himself and his family; for remote cooperation a grave reason is needed. Among the distributors, there are degrees of proximity in cooperation as follows: first, those who put the reading matter into the hands of others (e.g., by keeping it on the tables in their waiting rooms or offices); next, those who keep it for purchasers who may ask for it; finally, those who are employed as keepers of newsstands, newsboys, etc. We cannot think of any reason sufficient to excuse the first kind of cooperation, since there is no lack of good reading matter which doctors, lawyers, barbers, etc., can provide for those who are waiting in their rooms; for the second kind of cooperation, a very grave reason suffices, such as loss of trade by a poor bookseller, if he would not supply his patrons with popular books or periodicals of a less elevated kind; for the third kind of cooperation, a grave reason suffices.

Among the suppliers are those who sell to the printer his ink, type, machinery, etc. These cooperate only remotely, and it is held that profit is a sufficient reason for their cooperation. This we admit, if the cooperation is not indispensable, but we do not think that profit alone would uniformly justify voluntary cooperation upon which depended the publication of pernicious matter.

1531. Formal Cooperation with Evil Dances or Plays.—(a) Cases of formal cooperation on account of explicit intention to do harm are those of the originators of sinful dances and the writers of indecent plays. (b) Cases of formal cooperation on account of implicit intention to do harm are those of the managements that produce bad shows, organize bad dances, or make the arrangements or issue the invitations for these affairs.

1532. Material Cooperation with Evil Dances or Plays.—Material cooperation is lawful, if the cooperation is not itself intrinsically wrong, and if there is a sufficient reason for permitting it.

(a) Cases of immediate material cooperation are those of players and dancers who have harmless parts in the performance. A very grave reason, such as avoidance of penury, is considered as sufficient excuse here, at least for a time.

(b) Cases of proximate material cooperation are those of musicians or singers, who do not perform lascivious music; of spectators, who show no approval of the evil that is done; of those who buy tickets but do not attend. A more serious reason is required in the musician at the dance than in the musician at the play, for the former directs the dance, while the latter only accompanies the play. Likewise, a more serious reason is required when one attends often, or when one's patronage is essential to the success of the occasion, than when one attends only rarely, or when the play or dance does not depend on one's presence or patronage.

(c) Cases of remote material cooperation are those of the owners who rent their theatres or dance-halls or cabarets, of ushers, guards, box-office employees, stage hands, etc. It is held that profit is a sufficient reason to justify the owners in renting their places, if the theatrical company or dance management can readily find other places in case they are sent away. The ushers, guards, and the like are excused, if they cannot easily find other employment; but this does not justify gazing on immodest spectacles or laughing at or applauding obscene jokes.

1533. Formal Cooperation by the Manufacture or Sale of Objects Whose Sole Purpose is Gravely or Venially Sinful.—(a) Cases of explicit cooperation are those of the inventor of contraceptives or of instruments that frustrate generation, of the designers of blasphemous representations or of tablets in honor of false deities, the authors of somewhat profane or irreverent cards, and the like. (b) Cases of implicit cooperation are those of persons who, for profit only, make or sell objects such as those just mentioned, while knowing that the purpose to which they naturally tend is the commission of sin.

1534. Material cooperation by the manufacture or sale of objects that are used for gravely or venially sinful purposes, is lawful under the conditions given in 1515. Hence, in the first place, the cooperation itself must not be intrinsically sinful, that is, the object made or sold must have good as well as evil uses. There are two classes of objects of this kind: (a) there are some objects which may have good uses, but which in fact are nearly always made to serve bad ends (e.g., idols, insignia of forbidden societies, pictures of the nude, ultra-fashionable dress, certain drugs or poisons, blackjacks, and pistol silencers); (b) there are other objects which are indifferent in themselves, although often employed for sinful uses (e.g., dice, playing

cards and chips, rouge, lipsticks, necklaces and other feminine adornments, imitation jewelry, adulterated articles, and the like).

1535. The rules about proportionate cause for cooperation by the manufacture or sale of things that are employed in committing sin are those given above in 1519.

(a) Hence, the greater the sin that will be committed or the more harmful the consequences that will ensue from the use of an object, the greater the reason required for making, repairing or selling it. In some instances only a most grave reason will excuse, such as peril of instant death for refusal. Thus, one may not sell poison or drugs to a person who contemplates suicide, murder, or abortion. One may not sell narcotics to a person who asks for them in good faith and who cannot obtain them elsewhere, but who will become a drug-fiend if they are given him. One may not sell morphine, heroin, etc., to a person who is already a drug-addict and who will abuse the drugs, unless there is a very grave reason for not refusing, such as danger that refusal will lead him to set fire to the building. If one has all the playing cards in some remote hamlet, one should not sell them without grave reason to a customer who will spend a great part of the time at games to the neglect of serious duties, nor without a very grave reason to a customer who is a card sharper and who will swindle many innocent victims, or to a gambler who will waste the money due to his wife and family.

(b) The more closely related an object is with sinful uses, the graver must be the excuse for having part in its manufacture or sale. Thus, an ordinary reason (e.g., profit) might suffice for selling a lamb to a pagan or attractive ornaments of dress to a woman, where only a very grave or most grave reason would suffice for selling incense to a pagan or ornaments that are frequently used as amulets or charms. Generally speaking, it is seriously wrong and gravely sinful to make or sell articles whose ordinary use is gravely sinful.

(c) The more a customer depends on a determinate manufacturer or merchant to obtain such an object, the more serious must be the reason for making or selling it. Thus, a grave reason, such as a notable loss, is sufficient reason for selling a special fancy apparel to a notorious “vampire” (i.e., a woman who carries on scandalous flirtations in order to get presents), if the adornments can be obtained from other dressmakers or

modistes or stores; but a much graver reason would be required, if the apparel could not be purchased except at one place. In the former case, refusal to sell would not prevent the activities of this woman; in the latter case, it would at least hinder her to some extent.

(d) The more certain it is that an object will be employed sinfully, the greater must be the reason for making, repairing or selling it. Examples: Sempronius, a curio dealer, is asked by three men for a statue of Joss along with joss-sticks and papers. The first customer says he intends to use these articles for religious rites; the second will not tell what his purpose is; the third wishes to present the articles to a museum. Sempronius may not sell to the first customer except for a most grave reason, such as fear of death if he refuses; he may not sell to the second customer without a very great reason, such as a very considerable loss to himself; he may sell to the third customer for an ordinary reason, such as the profit he makes from the sale. Titus, who sells firearms, knows that some of his customers, though he has no particular individuals in mind, will use these weapons unlawfully in poaching or shooting out of season. Since evil is not to be presumed of any particular individual, Titus has the right to sell to all for the usual reason of business profit.

1536. Is a merchant bound to inquire the use which a customer will make of an article that is often employed for sin?

(a) If the positive law requires that the merchant inform himself, he is bound to make inquiries necessary for obtaining the information. Thus, if the civil law forbids the sale of weapons without a permit or of poisons without a prescription, the merchant has to ask for the customer's authorization to buy.

(b) If the positive law has no such regulation, we should distinguish between articles that are frequently used for sin and articles that are generally used for sin. When an article of the former class is requested, there is no obligation to make inquiries, for such an obligation would be unduly burdensome; but, if an article of the latter class is desired, one should make inquiries, unless one is morally certain that the intention of the customer is good, or there is a very grave reason for seeking no information. Thus, one may sell a deck of cards to a stranger without asking for proofs that he is not a confidence man in disguise; but one may not sell

deadly poison to an entire stranger merely on the strength of his word that he needs it for medical or other lawful purposes.

1537. Sinful Cooperation in Providers of Food and Drink.—(a) There is explicit formal cooperation with sins of gluttony, drunkenness, violation of fast or abstinence, whenever one gladly supplies the means for these sins to those who are about to commit them. Thus, if a host supplies a guest who is overdrinking with all the intoxicants the latter desires, and secretly wishes that the guest may make himself drunk, there is explicit cooperation. There is implicit formal cooperation when he who supplies the food or drink does not directly intend evil, but when the act of giving the food or drink is from the circumstances of the case an evil act, as when a person is given a meal which will not agree with him and will make him sick or aggravate a malady, or when a person who wishes to violate a fast ostentatiously to show contempt is furnished with the eatables he asks for. (b) There is unlawful material cooperation when one does not approve of the sin that will be committed, but nevertheless without sufficient reason supplies the food or drink. Thus, there is sinful cooperation when a restaurant owner gives meat on Friday to one not dispensed, for no other reason than the profit he himself will make.

1538. Material cooperation in providing food or drink to those who ask it, but have no right to take it, is lawful when one has the right to provide the food or drink, and there is a sufficient reason for cooperation. The sufficiency of the reason depends on circumstances, as explained in 1519.

(a) Hence, a greater reason is required when the sin that the other person will commit will be greater. Thus, a grave reason, such as indignation of a customer, might suffice for cooperation with a venial violation of temperance or abstinence; but a graver reason, such as a serious quarrel, is required if the violation will be mortally sinful. A graver reason is also necessary when the consequences will be more harmful (e.g., the fights of the drunkard, or the serious illness of one who has neglected his diet) than when they are less harmful (e.g., the foolish talk of the drunkard, or the stupefaction of the glutton).

(b) A greater reason is required when the cooperation is closer. Thus, in supplying meat the butcher cooperates only remotely, while the cook who prepares it and the waiter who serves it cooperate proximately.

(c) A greater reason is necessary when one's cooperation is essential to the commission of the sin. Thus, in a large town where there are many restaurants, the fact that a customer would quarrel if denied meat on a day of abstinence would excuse cooperation, whereas in a small village which has only one eating place, it seems there should be a more serious reason, such as blasphemies or boycott or strike against one's business which the refusal of meat might evoke.

(d) A greater reason is called for when the sin of the other person is more certain to follow. Thus, a restaurant-keeper who is patronized by strangers of all kinds, temperate and intemperate, Catholic and non-Catholic, may serve wine at meals, where this is allowed, and provide meat on days of abstinence for all comers; for the diners are not known to him, and it would not be possible for him to inform himself whether they are sober in their habits or exempted from the law of abstinence. But in a boarding house the landlady should not consent to have strong beverages on the table, when she knows that some of those present will thereby become intoxicated; neither should she agree to provide meat on Fridays for a Catholic who is not excused from abstinence, unless there is a serious reason, such as the loss of this boarder which she cannot afford on account of her poverty. Moreover, since dispensation is given from the laws of fast and abstinence but not from the law of temperance, there is less certainty about the intent to sin when one asks for meat on Friday than when one asks for a great quantity of liquor to be brought to one's table. Drunkenness is also more certain when a person who asks for drink is already somewhat under its influence.

1539. The sins with which one cooperates by supplying food or drink to others who have no right to it are more or less serious according as they violate the natural law or only positive human law.

(a) Thus, violation of fast and abstinence is opposed to the natural law when it is intended as a manifestation of hatred of religion. One may not cooperate with a violation of fast and abstinence which is manifestly of this character.

(b) Violation of temperance is also opposed to natural law, and doubly so when it leads to such evils as quarrels, fights, murders, blasphemies, etc. It is not lawful to cooperate with intemperance, unless this is necessary in order to prevent the commission of a greater sin by the other person, or a

serious loss to oneself. Thus, it is not unlawful to supply whisky to a burglar who wishes to get drunk, if this is the only way one can prevent the robbery of a third party or serious injury to oneself.

(c) Violation of a fast or abstinence in itself is opposed only to positive law; and, since fasting is more difficult than abstinence, one is more easily excused from the observance of the former than from that of the latter. Hence, if there is a doubt whether a customer has a right to receive the food or drink he asks for, a restaurant-keeper can decide more readily in the customer's favor if there is question of fast or abstinence than if there is question of intemperance, and more readily still if there is question of fast than if there is question of abstinence. Generally speaking, a restaurant-keeper may supply meat on Friday to all who ask it, provided he has other substantial food indicated on his bill of fare and shows himself willing to serve that as well as meat.

1540. Renting of Houses or Rooms and cooperation in Sin.—(a) He who rents to persons who wish to carry on disorderly, immoral, idolatrous, unlawful, or other sinful occupations or practices, is guilty of formal or unlawful material cooperation, if he approves of the conduct of the renters or has no sufficient reason for renting to them. The same is true if in a similar way one permits persons bent on evil (e.g., pickpockets) to lounge in one's offices, hotels, etc.

(b) He who gives the use of his house, room, hall, field, etc., to persons who will employ them for evil, is only a material and not a guilty cooperator, if there is no prohibition of his act, and he has a sufficient reason for it.

1541. Examples of reasons sufficient for cooperation in renting are as follows:

(a) A very grave reason.—*In civitatibus in quibus majoris mali vitandi causa permissum est, licet locare domum meretricibus, dummodo non sequatur grave nocumentum vicinis honestis vel major ansa peccandi ob domus situm, et adsit ratio proportionate gravis, utputa quod alii locatorii non adsint, dominus notabile damnum patiatur si domus non occupetur, et meretrices facile alium locatarium obtinere possint. Hodie vero quum constet meretrices plerasque invite vitam turpem exercere (white slavery) et morbis pessimis morteque praematura affligi, meretricium vero*

nocumentum multigenum bono publico (the social evil) inferre, omnis vir probus abhorrebit a pretio locario ab administratoribus lupanarium oblato.

(b) A more grave reason.—Meetings whose purpose is contrary to the common good (e.g., anti-religious gatherings), even though permitted by civil law, should not be given the use of one's premises except in a rare case of the greatest necessity.

1542. Unlawful Cooperation of Servants, Employees, and Workingmen.—(a) Cooperation is formal if these intend the sin of their employer with which they cooperate, or if the act of cooperation is itself intrinsically evil. Thus, a bookkeeper does no wrong in merely keeping a record of receipts and expenses; but, if he notices many instances of great frauds and injustices done by his firm and keeps at his post in order that dishonesty may be covered up and continued, he becomes a formal cooperator. But a bookkeeper who falsifies or destroys records in order that his business may be able to issue an incorrect statement of its financial condition is involved in its guilt, even though his motive is pity or loyalty. Other examples of formal cooperation are those of a secretary who takes down dictation which contains blasphemous or obscene expressions, and of a taxi-driver who tells his passengers how to get to gambling dens, or who helps a criminal to get away by driving him through dark streets.

(b) Cooperation is material and unlawful, when the intention and the act itself are not evil, but when there is no sufficient reason for the cooperation. Thus, the following proposition was condemned by Innocent XI in 1679 as scandalous and pernicious: “Famulus qui submissis humeris scienter adjuvat herum suum ascendere per fenestras ad stuprandam virginem, et multoties eidem subservit deferendo scalam, aperiendo januam, aut quid simile cooperando, non peccat mortaliter, si id faciat metu notabilis detrimenti, puta ne a domino male tractetur, ne torvis oculis aspiciatur, ne domo expellatur” (Denzinger, n. 1201). Though the acts of cooperation of the servant here mentioned are not intrinsically evil, the cooperation is proximate and positive and habitual, and the wrong done so serious that only a most grave reason, such as fear of death, could justify the help given by the servant to his master.

1543. Lawful Cooperation of Servants, Workingmen, or Employees.—(a) If cooperation is remote and is not indispensable to the sin to be committed,

the mere fact that one is employed by the principal cause will excuse; for the employee is not supposed to question the employer about the reasons of orders given, and he is not responsible for the intentions of the employer, but for the performance of what is assigned to himself. Hence, the following kinds of cooperation are held permissible for no other reason than that of service: carrying liquor or food to an employer who wishes to make himself drunk or to break the fast, buying and carrying to him papers which he should not read, giving him his hat and coat or getting his car ready as he starts out to attack an enemy, opening the door to a slanderer whom the mistress of the house wishes to employ. Also, a public taxi-driver may take his patrons to clubs or road-houses where they will become intoxicated, if he is in no way responsible for their intention and shows no approval of it, and they can go just as well without him.

(b) If cooperation is proximate, the mere fact that one is employed is not sufficient as an excuse for cooperation; there must be some other reason that is sufficiently weighty in view of the gravity of the sin and the other circumstances. Thus, to drive one's employer to the place where he is to receive stolen valuables is justifiable, if one is under threat of great bodily harm if one refuses. *Item ob incommodum gravius evitandum permittitur famulo deferre litteras heri amatorias ad amasiam cum qua illicitum commercium habet, tempus et locum conveniendi amasiae nuntiare, excubias agere dum simul adsint.* But a servant who is called on habitually to cooperate in these ways should secure another position, if possible.

1544. The principles given as to servants should be applied likewise to other persons who are subordinates, with due allowance made for the difference of circumstances.

(a) Thus, children, wives, pupils, etc., may be less excusable in cooperation than servants, since the former may be in a better position to remonstrate against what is ordered. Hence, if the master of the house who sometimes goes on a spree orders a servant to bring him his demijohn, disobedience might be more difficult than if the same order was given the wife.

(b) Children, wives, pupils, etc., may be more excusable, since unlike the servants they may be unable to go elsewhere. Those who agree to work at places known as vicious resorts, or who let their employer understand that

they will not see or hear many things, or who habitually perform services proximately related to sin (what is called “dirty work”), are guilty of formal cooperation, at least when they can secure good employment elsewhere. Children, on the contrary, may be so dependent on a tyrannical father that they cannot refuse cooperation without serious consequences to themselves.

1545. Duties of Confessors.—Instruction should be given to penitents who are guilty of sinful cooperation. (a) The confessor should instruct ignorant penitents on the sinfulness of their cooperation, when there is a duty of justice to do this, as when the penitents ask to be instructed; or when there is a duty of charity, as when the sinfulness of the cooperation in question is known to many persons, or the penitents by reason of cooperation are giving great scandal or are in serious danger. (b) The confessor should not instruct ignorant penitents on the sinfulness of their cooperation—at least, not for a time—if they are in good faith and if graver evils would result from the instruction than from silence.

1546. Obligations to be Imposed on Penitents on Account of Sinful cooperation.—(a) Some cases of cooperation cause the culprit to fall under ecclesiastical penalties, for example, those who act as seconds or spectators at duels (Canon 2351). (b) Some cases entail a duty of reparation for scandal given, as when one has aided the diffusion of irreligious or obscene literature or whisperings among the people. (c) Some kinds of cooperation include dangerous occasions of sin which one is bound to avoid, as when one works for a man who produces adulterated wares or gets money under false pretenses.

Art. 10: THE COMMANDMENTS OF CHARITY

(*_Summa Theologica_*, II-II, q. 44.)

1547. There is no commandment concerning charity in the Decalogue, but charity is implicitly contained in all the commandments of other virtues; for charity is the end of every commandment (I Tim., i. 5). Thus, the commandments of the first table of the Law tend to the love of God; the commandments of the second table to the love of neighbor. On account of its supreme importance, however, charity was made the object of special commandments in both the Old and the New Testament.

(a) In the Old Testament, at the second giving of the tables of the Law, it is declared: “Now, Israel, what doth the Lord thy God require of thee, but that thou fear the Lord thy God, and walk in his ways, and love him, and serve the Lord thy God, with all thy heart and with all thy soul?” (Deut., x. 12).

(b) In the New Testament, our Lord, being asked which is the great commandment in the law, replied: “Thou shalt love the Lord, thy God, with thy whole heart, and with thy whole soul, and with thy whole mind. This is the greatest and the first commandment. And the second is like to this: Thou shalt love thy neighbor as thyself. On these two commandments dependeth the whole law and the prophets” (Matt, xxii. 37-40).

1548. Charity must come “from a pure heart, and a good conscience and faith unfeigned” (I Tim., i. 5), and these words may be used to indicate how all other commandments have charity for their purpose.

(a) “A pure heart” is had by the observance of the negative commandments of the natural law, which forbid evil, or of the commandments about the virtues regulative of the passions; and it is a disposition preparatory for the love of God, since an impure heart will be taken up with evil or with earthly things, and so turned away from the goodness of God.

(b) “A good conscience” is had by the observance of the affirmative commandments of the natural law, or of the commandments regulative of actions; and it too tends to charity as its goal, for a bad conscience fills one with dread and horror of the justice of God.

(c) “Faith unfeigned” is had by the observance of the supernatural law, or of the commandments about worship of the true God; and it leads up to charity, for a feigned faith, or false worship, separates one from the truth of God.

1549. Though charity is but one virtue (see 1115), it has two acts: one about love of God, which is the end, and another about love of neighbor, which is a means to that end.

(a) If all understood that the end includes the means and the means supposes the end, there would be no necessity for two distinct commandments; for there is no love of God without love of neighbor (I John, iv. 20), and he who loves his neighbor has fulfilled the law (Rom., xiii. 8).

(b) But since many would not perceive that one of the commandments of charity contains the other, it was necessary to propose these commandments separately: “We have this command from God that he who loves God love also his brother” (I John, iv. 21).

1550. Charity extends to other objects than God and the neighbor, namely, to self and one’s own body (see 1133 sqq.); it also has other acts than that of love, such as the acts of joy, peace, beneficence (see 1193 sqq.), and the suppression of uncharitable hatred, sloth, envy (see 1295 sqq.), etc. Nevertheless, on the two commandments of love of God and love of neighbor depend the whole law and the prophets (Matt., xxii. 40), and other commandments about charity are not necessary.

(a) Thus, the objects of love are either the end or the means to the end, and, as the two commandments of charity refer to both of these, they omit nothing that is to be loved. It was not necessary to make express command of love of self, for nature inclines to that sufficiently, and the duty of keeping love of self within bounds is provided for in the commandments that God be loved above all and the neighbor as oneself.

(b) The acts of charity distinct from love result from love, and the acts opposed to charity are virtually forbidden in the commandments of their opposites. Hence, there was no need of explicit precepts about the secondary acts of charity or of explicit prohibitions of the sins against charity. But for the sake of those who might not perceive that the minor functions of charity are commanded and acts of uncharitableness forbidden in the two great commandments, special and explicit laws were given which enjoin peace, joy, etc., and forbid hatred, envy, etc.

1551. The precepts of the secondary acts of charity are: (a) joy: “Rejoice in the Lord always” (Phillip., iv. 4); (b) peace: “Follow peace with all men” (Heb., xii. 14); and (c) beneficence: “While we have time, let us do good to all” (Gal., vi. 10).

1552. The prohibitions of uncharitableness are as follows: (a) against hatred: “Thou shalt not hate thy brother in thy heart” (Lev, xix. 17); (b) against sloth: “Bow down thy shoulder and hear her (wisdom), and be not grieved with her bands” (Ecclus., vi. 26); (c) against envy: “Let us not be made desirous of vainglory, provoking one another, envying one another” (Gal., v. 26), (d) against discord: “Speak the same things and let there be no schisms among you” (I Cor., i. 10); and (e) against scandal: “Put not a stumbling-block or a scandal in your brother’s way” (Rom., xiv. 13).

1553. The Commandment of Love of God.—In the commandment of love of God two things are expressed: (a) the matter of the commandment is God, the object of love; (b) the manner of the commandment is that God be loved as the Last End, to whose love all other love is to be subordinated.

1554. There is a twofold manner or mode of performing a virtuous act:

(a) The intrinsic mode is that which comes from the nature of the virtue commanded. Thus, in the Fourth Commandment is included not only the substance of an act (viz., that honor be shown), but also the mode of the act (i.e., that such honor and so much honor be shown as is owed to a parent by his child). The intrinsic mode is always included in a commandment along with the substance of the act prescribed (cfr. 480 sqq.).

(b) The extrinsic mode is that which belongs to some virtue different from the one commanded. This mode is not included in a commandment. Thus, if honor be shown to parents out of love of God, the mode of love of

God is extrinsic to the commandment, for the commandment is concerned with the virtue of filial piety, and the mode of the act pertains to charity, which is a virtue distinct from filial piety.

1555. The intrinsic mode of performing an act of virtue is also twofold:

(a) The essential mode is that without which an act is not virtuous. Thus, he who gives to his indigent parents according to his means and their needs fulfills the essential mode of the Fourth Commandment, for, if he gave them less than he could afford and they needed, his act would not come up to the requirements of the commandment.

(b) The ideal mode of the performance of virtue is that which adds to the virtue greater goodness and value, and which is intended by a lawgiver as the end, but not as the object of his command. Thus, he who gives to his indigent parents not only sufficiently, but also with a great willingness and cheerfulness, fulfills the Fourth Commandment with greater perfection than another who supports his parents with less alacrity.

1556. The mode of the love of God prescribed in the first and great commandment is that God be loved with the whole heart, etc. But “to love with the whole heart, etc.,” can be understood in various senses.

(a) Thus, it may be understood to mean a love that is subjectively or intensively great, as when one loves God with much fervor and affection. This mode of love is ideal, since the measure of loving God is to love Him without measure, but it is not essential. The end of the commandment is that we love God ever more and more, and perform what is required with ever greater promptitude and gladness; but the commandment does not fix any certain degree of intensity, although it would be inordinate to choose to love God less intensely than we love creatures (see 1160).

(b) “To love with the whole heart” may be understood to mean a love that is objectively or appreciatively great, as when one esteems and loves God as the Supreme Good. This mode of love is essential, and hence without it the commandment is not observed. However much one loves God, if one does not love Him as the Supreme Good, one does not love Him aright, and does not practise the virtue of charity that is commanded.

1557. Love of God from the whole heart, objectively or appreciatively understood, is either actual or habitual.

(a) Actually, one loves God with one's whole heart when there is never any interruption or distraction to one's love, and one is continually engaged in an act of loving God above all else. This is the ideal mode of fulfilling the commandment of love, and it is also the end to which the commandment is intended to lead. But it is only in heaven, where God will be all in all (I Cor., xv. 28), that this ideal fulfillment will take place.

(b) Habitually, one loves God with one's whole heart when one is in the state of grace, preferring the love of God to every contrary love, although it is only at intervals that one is able to make acts of love. This is the essential mode of fulfilling the command of love here on earth. The whole heart must be given to God to the exclusion of love for any mortal sin, for mortal sin separates from God.

1558. The mode of loving God is expressed in various places in scripture (Deut., vi. 5; Matt., xxii. 37; Mark, xii. 30; Luke, x. 27), and there are slightly different interpretations given to the words by which it is conveyed. Thus, some exegetes see in the expressions "heart," "soul," "mind," "strength," synonymous significations of the one thought that God should be loved over all, and they think that different words are used only in order to give greater clearness and energy to the thought. But the following seems also a reliable explanation: (a) God must be loved with one's whole heart, that is, the will must not intend any Last End other than God; (b) God must be loved with one's whole mind, soul and strength, that is, the powers moved by the will—intellect, appetites and executive faculties—must be subject to God, must be regulated according to His will, and must carry out His commandments.

1559. Love of God with one's whole heart excludes, then, opposite loves, but it does not exclude other loves that are not opposite or other dispositions that are less perfect. (a) Thus, love of God with one's whole heart does not exclude love of self or of neighbor. (b) Love of God with one's whole heart does not exclude the use of acts in reference to God that do not reach the height of disinterested love, such as acts of hope, gratitude, or fear (see 1033, 1054, 1093).

1560. There are various degrees of perfection in the fulfillment of the commandment of love of God.

(a) The most perfect fulfillment is found in heaven, where there is no turning from the love of God by grave sin, no impediment to its exercise by venial sin, and no interruption of its act by other occupations.

(b) The more perfect fulfillment of this commandment found on earth is modelled on the love of God exercised by the Saints in heaven, and the nearer one approaches to the model, the better does one fulfill the commandment. Thus, he who avoids not only what is against charity (i.e., mortal sin), but also, as far as possible, what is aside from charity (i.e., venial sin), loves God more perfectly than one who is careless about venial sin; and he who shuns, not only things unlawful that are harmful to charity, but also things lawful that interrupt the exercise of charity, loves God more, other things being equal, than another who avoids the unlawful, but whose mind is greatly occupied with lawful temporal matters.

(c) The ordinarily perfect fulfillment of the commandment is found in all those who, both in their internal and in their external acts, avoid all that is contrary to the love of God, although they fall into venial sin and are mostly occupied with temporal affairs. Thus is charity the bond of perfection (Col. iii. 14), the tie that binds man to his highest good; those who keep the commandments for its sake are followers after perfection, those who embrace counsels for its sake are in the state of perfection.

1561. The Commandment of Love of Self.—Love of self is understood in many senses. (a) According to its moral character, love of self is either sinful or virtuous, and virtuous self-love is either natural or supernatural (as was explained in 1136). (b) According to its physical character, love of self is either innate or elicited. Innate love of self is the tendency of nature to desire what pertains to the perfection of self, such as existence and its preservation (see 1108). Elicited love of self is the choice on the part of the reason and will of an ultimate happiness for self and of the means thereto.

1562. Charity obliges each one capable of precept to an elicited supernatural love of self. The obligation is grave for the following reasons: (a) the love of God includes love of self, for we cannot love God truly unless we also love those things that are His, especially His rational creatures made to His image and destined for His society; (b) the love of neighbor supposes love of self, for the commandment of love (Matt., xxii. 39) offers love of self as the model for love of others.

1563. The goods which the law of charity to self requires one to desire and seek after, are all those things that are necessary for the attainment of one's happiness and due perfection.

(a) Thus, as to supernatural goods, one is bound to obtain for oneself things necessary for salvation. One is obliged, then, to acquire a sufficient knowledge of the faith; to enter into a state of life for which one is suited (e.g., matrimony or religion); to avoid sin and the occasions of sin; not to delay conversion for a notable length of time; to put oneself in the state of grace, especially at the hour of death. But one is not obliged to perform these duties with the motive of charity in mind, nor to elect for self works of supererogation or counsels of perfection.

(b) As to intellectual goods, one is bound to seek what is necessary for a proper fulfillment of the duties of one's station in life. Thus, one owes it in charity to oneself to seek the education and training that are presupposed in one's profession or occupation, and to bestow the necessary study and attention. See above, on the intellectual virtues (144 sqq.) and on the sin of ignorance (904 sqq.).

(c) As to corporal goods, one is obliged to use the ordinary means for preserving life and health (on the desire of death, see 1063). Hence, in matters of food, drink, clothing, and recreation, each one is in duty bound to follow the laws of hygiene.

(d) As to the external goods of person (i.e., honor and reputation), there is a strict duty of guarding them or of recovering them, as far as possible.

(e) As to external goods of fortune (i.e., wealth and possessions), one must aim to acquire as much as is necessary for one's subsistence and the fulfillment of duties to others. Hence the duty of labor for those who do not possess the necessary means. But charity to self does not demand that one aspire to reach the top of the ladder in the financial world or to accumulate a very large surplus. One may indeed lawfully seek to become a millionaire, or to become so wealthy as to be able to retire with leisure, if one goes about this lawfully; but there is no obligation to strive after more than is reasonably necessary.

1564. Man owes it to himself to put to good use the talents God has bestowed upon him for his self-improvement and self-development. It is a

sin, therefore, greater or less according to circumstances, to neglect the care of the mind or of the mental culture one should possess.

(a) Thus, reason is the faculty that elevates man above the irrational world, and knowledge is the perfection and excellence of that faculty. What life or health is to the body, reason or knowledge is to the mind; and so, just as it is a sin against the body to neglect life or health, it is also a sin against the mind to neglect reason or knowledge. Persons predisposed to insanity who expose themselves to alienation of mind by the use of drugs or strong spirits or by practices or occupations that expose them to shocks (such as gambling), and others who value ignorance, scepticism, and error as if these infirmities were goods, sin against the mind, at least materially.

(b) Reason and knowledge are also necessary in numberless ways to man's bodily, social, cultural, and religious life. Without the elements of a general education in reading, writing and arithmetic, one is very seriously handicapped in making a bare living; and without the education of the high school, college or university, one is frequently under a disadvantage in seeking to better oneself or improve one's position. Besides these utilities for practical affairs, education has advantages of a loftier kind: it makes its possessor a more capable citizen, a more pleasant companion and friend, a more influential exponent of good causes, and a greater credit to the religion he practises; it gives enjoyment to leisure, comfort to rest, and dignity to success; the labor of acquiring it is a discipline of the will; the taste for higher things it imparts is a natural protection against much that is evil; the mental power and knowledge that are its gifts enable one to expose error and fallacy and to uphold the truth and the right. It is of precept, therefore, that one acquire the moral and mental training which one's salvation and calling in life make necessary; it is of counsel—and the counsel is one that should be much urged in our times—that one who has the opportunity of attaining to a higher proficiency, to the advantage of self and society, should avail himself of that opportunity.

1565. Examples of Sins Committed by Neglect of Necessary Education—(a) Directly, one sins against the duty of cultivation of the mind when through laziness or malice one slights the means of acquiring necessary knowledge—as when pupils absent themselves from school, or give no attention to the teacher or no preparation to their lessons; or when collegians sacrifice study to athletics and amusements.

(b) Indirectly one sins against the duty of knowledge, when one is responsible for habits that impede or prevent necessary concentration of mind, as when one goes about so much socially that the mind is always in a whirl, or reads so much light literature that everything serious becomes a bore, or overeats so much that the brain becomes sluggish, or pays no attention to the wise rule that a sound mind needs a sound body.

1566. The proper care of the body and of health is not merely a thing next to godliness; it is a moral duty, and so a part of godliness. God Himself on Sinai gave to the Chosen People of old a sanitary code, and the faithful observance by orthodox Jews of those regulations has had much to do with the superior health and longevity of their race. Moral Theology, therefore, is not digressing from its proper subject-matter, if it gives some attention to rules of health. The duties owed to physical well-being can be reduced to the following: (a) to secure for the body the things needed for the maintenance and replenishment of its substance and vigor, such as food, air, sleep and exercise; (b) to ward off or remove those things that are injurious to or destructive of health, such as excessive heat or cold, waste matter, poisons, and disease; (c) to assist these physical means by psychical or spiritual ones, such as cheerfulness and the will to keep well and fit.

1567. Food and drink are naturally a prime requisite for life, since they furnish the material from which the body is built and renewed. They should be used, however, in such a way as to serve their purpose.

(a) Thus, the quantity and quality have to be regulated according to the needs of the individual and circumstances, and so will vary with climate, age, health, and occupation. The distinction of clean and unclean foods does not exist in the New Law (Rom., xiv. 14; Matt., xv. 17-20), but it is clear that the same kinds or amounts of food and drink do not agree with all constitutions; that overeating, undereating, and want of variety in diet are not conducive to good health. Physicians recommend that something raw be eaten every day and something indigestible at every meal, and that a person watch his weight, keeping a little overweight up to middle life and a little underweight after that age.

(b) The manner of eating is of first-rate importance, since the digestion is harmed if one eats without appetite or with mental preoccupation on deep

subjects, or bolts the food, or makes excessive use of relishes or condiments.

1568. Fresh air, on which the production of pure blood and the continuance of vitality depend, is another necessity of life. Hence, we may well heed the following rules which hygienists lay down on this point: (a) let in fresh air and sunshine to the places where you live and work, and exclude dust and smoke; (b) wear light, loose and porous clothing, so that the skin may have air; (c) get out of doors in the open air part of the time every day, even though the weather is uninviting, for sunshine or natural light is also a requisite of good health; (d) breathe through the nose, and not through the mouth. Breathing should be deep, slow and regular, and one should take deep-breathing exercises several times a day; (e) sleep in a well-ventilated room, or out-of-doors if possible.

1569. Rest and relaxation are needful for body and mind alike, that the burdens of life may not bear too heavily, and nature may be allowed to exercise her ministries of renewal and restoration. But here, as in other things, the guiding rule must be moderation.

(a) Through excess, some harm their health by indulging in too much repose. A strong, healthy individual who remains in bed from midnight till noon, or who gives most of the afternoon to a prolonged nap, is storing up more energy than he or she needs, and will feel the worse for it. Similarly, persons whose life is one round of vacations or diversions pay for their aimless existence in various kinds of mental or nervous disorders, to say nothing of the moral dangers to which they are exposed (Ecclus., xxxiii. 29).

(b) Through defect, on the other hand, some injure their health by depriving themselves of the sleep or rest they ought to take. The time that should be given to repose differs with the individual. The young, brain-workers and the feeble are in greater need than others; but there is no one who can dispense with his proper share of rest. It is sinful, therefore, to reduce needed sleep by late retiring or early rising, or to work unremittingly to such an extent that the bodily powers and resistance become unequal to the demands made on them and unfitted for duties. According to physicians, seven hours out of every twenty-four should be spent in bed, and the hours before midnight are much more precious for rest than the early morning

hours. Some holidays and vacations are a necessity in these days of rapid and strenuous life.

1570. Physical exercise is a factor of good health, for it stirs up the circulation of the blood, assists digestion, and rids the body of surplus weight. Moreover, it has great value for the mind (to which it gives diversion and refreshment) and for the soul (since it promotes temperance and chastity). If taken in the form of sports, physical exercise is a training in cooperation with others, in loyalty, discipline, and fairness. But health is impaired by excess as well as by defect in exercise.

(a) Examples of over-exercise are athletes who carry on endurance tests to the point of exhaustion, devotees of violent forms of contests or matches that overtax the heart, etc.

(b) Examples of under-exercise are able-bodied persons who prefer to lounge about the house all day rather than bestir themselves; also those who work indoors all day and who from choice ride rather than walk, no matter how short the distance they have to go, etc. Persons of sedentary life who can do so, should exercise every day, preferably out-of-doors, playing at some game like golf, taking a brisk walk of about five miles, or doing some manual labor, such as gardening or sawing wood. Regular gymnastics or setting-up exercises, and the habit of sitting, standing, and walking erect at all times are prescribed by experts on health as very important.

1571. Under the head of preventive or curative measures that ought to be attended to for the sake of bodily well-being are the following:

(a) In time of health sickness has to be guarded against. Suitable clothing and shelter must be used as protection against injurious effects of heat or cold; cleanliness must be cultivated by such means as daily baths, frequent ablutions, washing of teeth, tongue and gums; infections must be avoided; drugs or stimulants hurtful to one's health must not be indulged in, and attention must be given to daily, regular and natural elimination and to the exclusion of poisons from the system. According to authorities, one should drink at least six glasses of water a day, but warm water is often preferable to cold or hot.

(b) In time of sickness efforts must be made at restoration of health, if this is possible. It is of obligation to use the ordinary means to recover

physical fitness, that is, to take remedies and medicines that are suitable, not on the advice of acquaintances or advertisements, but on the recommendation of a competent physician in whose knowledge and skill one has perfect confidence (Ecclus., xxxviii. 1 sqq.). But there is no obligation to have recourse to extraordinary means of recovery, such as a trip to a more balmy climate when one's purse cannot afford it. Similarly, a very painful and uncertain operation or mutilation is not obligatory, unless one has dependents, and the danger to life from the operation is slight. In time of sickness, as well as in health, we should not omit to implore the divine aid.

1572. The state of mind has very much to do with good or bad health. It is well known, for instance, that a happy, cheerful attitude helps digestion and sleep; whereas worry, fear, anger or other emotional stress will bring on dyspepsia, insomnia, disease, and perhaps insanity. We should not overlook, therefore, the importance of the mental factor in our efforts to maintain good health.

(a) Natural means of cultivating an even temper and a buoyant disposition are: some kind of labor or occupation, avoidance of hurry and worry in one's affairs, cultivation of some interesting hobby or avocation that will vary the monotony of business or work, use of congenial recreations, whether of a more refined (e.g., conversation with friends, literature, music, art, the drama, travel to historic or beautiful scenes, etc.) or of a more material kind (e.g., reading tales of mystery or adventure, raising pet animals, witnessing baseball games, races, etc., playing billiards, cards, etc., smoking, attending banquets, picnics, etc.). A sense of humor and laughter in moderation are good for the health and not opposed to spirituality.

(b) Religious practices are all-important for cheerfulness of spirit. Christian Science, indeed, is in error when it holds that faith thinks or wills sorrow and disease and death out of existence, for evil is a reality; but virtue and a good conscience rid one of many enemies to peace, and there exist in the Church many supernatural and miraculous means that benefit body, mind and spirit.

1573. Persons who give exaggerated attention to their health cannot justify themselves by the commandment of charity to self; for this

commandment has to be interpreted according to the order of charity as explained above (see 1164 sqq.). The bodily good has to be cared for, but with due subordination to higher goods (Matt, vi. 25; Rom., xiv. 16).

(a) Thus, spiritual goods are more important than those of the body, and it is lawful to practise mortifications by fastings, vigils, hair-shirts, and the like, which, though afflictive to the flesh, are refreshing to the spirit, provided all be done according to holy prudence.

(b) Intellectual goods are better than those of the body, and it is not sinful to devote oneself to studies, researches and other mental occupations in preference to manual labor or athletic exercises which would improve one's physique, but not one's mind. It is even lawful for the sake of mental improvement to suffer some slight detriment to health.

(c) Public good is greater than private good, and hence it is not only lawful but laudable to expose health, or even life, for the advancement of science or the welfare of the community. Many men and women in daily life do this as part of the day's work.

1574. Does charity to self oblige one to desire honors, such as dignities, titles, positions or rank, precedence, testimonials, eulogies, medals, decorations, monuments, and the like?

(a) Charity to self demands that one strive to acquire the excellence that is expected of one, and so to be deserving of honor. For we must let our light shine before men (Matt., v. 16; Rom., xii. 17; II Cor., vii. 21).

(b) Charity to self does not require that one actually secure honors. For one cannot force another to declare one's praises, since he may be prejudiced or ignorant, and it is not seemly to sing one's own greatness or merit (II Cor., x. 18), except in self-defense (II Cor., xii. 11).

(c) Charity to self would require one to seek after an honor, if the honor were necessary and the manner of seeking it honorable. Thus, it is a duty to self to seek to obtain a diploma or certificate of good character or proficiency, if this document is needed to exercise the profession for which one has trained.

(d) Charity to self would forbid one to seek after an honor, if the honor would prove harmful, or if it could not be obtained in a respectable way. Thus, if an honor rightfully belonged to another, or if it were bestowed in

recognition of evil done, or if it would impose obligations for which one knows oneself to be unsuited, or if it could not be attained except by dishonesty, charity to self would urge one to fly from the honor.

(e) Charity to self in other cases would permit one either to seek an honor (as when a dignity will be useful and will be employed for good, and is not sought out of vainglory or hypocrisy) or to forego it (as when it is not necessary and one is moved to shun it, not out of contempt, but out of some virtuous motive).

1575. Does charity to self require one to desire a good name?

(a) Charity to self does require that one desire to be worthy of a good name, for one owes it to oneself as well as to others to be blameless (Phil., ii. 14-16) and to provide good things in the sight of men (Rom., xii. 17).

(b) Charity to self does require that one desire to have a good name. Spiritually, a good name is an advantage, for many a one is encouraged to continue in virtue by the good opinion which others have of him, while many another is discouraged from attempting or continuing a good life because he has a bad reputation. Temporally also, a good name is useful or necessary, for, if others do not trust us or respect us, we shall find it difficult to secure employment or position, or to exercise our office fruitfully. Hence, scripture admonishes: "Take care of a good name, for this shall continue with thee, more than a thousand treasures precious and great" (Ecclus., xli. 15).

(c) Charity to self does not require that one actually have a good name, since reputation may be lost through the work of detractors or through one's own unintentional imprudence, or through circumstances over which one has no control.

(d) Charity to self ordinarily requires that one seek to acquire a good name, if it has not yet been earned, also to preserve it, when gained, to recover it, when lost; for, as a rule, there is no greater good for which the good of reputation should be sacrificed. The means to be employed, however, should not be evil, as when one uses hypocritical pretense in order to pass as a man of piety, or has recourse to lying or duelling, to undermining or attacking another in order to recover one's reputation. A good name is built up by fidelity to the duties of one's calling and the

avoidance of what may be offensive or scandalous to others; it is preserved or rebuilt by good deeds, especially those one is known or supposed to have lacked, and in case of need by words of self-defense, vindicating one's conduct, or refuting aspersions or false charges.

(e) Charity does not require one to seek after a good name, when this should or may be sacrificed for the sake of some higher good. St. Paul faithfully practised what he preached, that no dishonor might be reflected on the Gospel; and yet his enemies looked on him as a seducer and a nobody, as a melancholy and avaricious man. But the Apostle answered his traducers that neither honor nor dishonor, neither evil report nor good report, would move him from the exercise of his ministry (II Cor., vi. 4 sqq).

1576. Sacrifice of reputation is not lawful, however, unless there is a proportionately grave reason and the means are good.

(a) The end must be good and relatively important, not only if compared with the good of personal reputation, but also if compared with the public good and the rights of third parties. Examples: It would not be right to allow oneself to be defamed in order to cover up the tracks of a rascal who deserved punishment, or to distract attention from an evil that is being done; for the purpose would then be the defeat of justice or the success of some sinful plan. In such cases the end would not be good. Neither would it be right to allow the sacrifice of a good name for the notoriety and money profits to be gained in stage or book royalties. The practice of many young men of accepting imputed faults, of which they are not guilty, in order to be popular, or interesting, or attractive, is also sinful. Money cannot buy back a lost reputation, and popularity with the thoughtless is no compensation for disgrace before the judicious and loss of self-respect. In these cases the end is not important, if compared with the advantage of a good name. And even when an end is good and more important than one's fame, there will frequently be rights of others involved that forbid a sacrifice of reputation, as when a passive attitude in the face of calumny would give scandal or cast discredit on one's profession, office, work, religion, family, or friends.

(b) The means must be good. Examples: Even if the ambition to be "a good fellow" is praiseworthy, drunkenness and profanity are not suitable ways of winning esteem, and the same applies to pretending wickedness or

accusing oneself of imaginary escapades and vices to please a circle which admires wildness in youth. The means used in these cases (drunkenness, profanity, lying) are evil in themselves. Again, the wish to cultivate humility does not justify one in giving scandal by consorting with evildoers as intimates, or by conducting oneself in such a way as to lower the esteem or respect that is entertained for one's position. The means used in those cases are at least evil-seeming and disedifying.

1577. Is self-detraction, that is, the revelation of some real fault or defect, lawful?

(a) If there is question of faults or defects that are of a public nature and generally known, a disclosure made in a good spirit and in a proper manner, and from which beneficial and not harmful results can be foreseen, is lawful, and sometimes obligatory. Example: Balbus has calumniated his neighbors, and he now admits the fact, not to boast about or excuse it, but to make satisfaction; he does not repeat the details of his defamatory remarks, but merely states that he wishes to retract what he had no right to say; he has every reason to think that his present course will undo the harm caused by the defamation. Balbus does right in thus acknowledging his mistake.

(b) If there is question of faults or defects not generally known, the reasons for mentioning them should be more serious, unless the sins are of a trifling nature. Examples: Caius once served a term in jail for dishonesty, but he is now a decent citizen. His family would be scandalized and would feel disgraced, if they knew this. But Caius thinks it would be a suitable reparation to tell them of his former guilt. Caius is wrong. To speak of his past experience would only add the sin of scandal to the old one, and there are other ways in which he can do penance in further expiation of dishonesty. Claudius wishes to marry Sempronia, but the latter insists that there must be no secrets between husband and wife, and that he must give her complete and accurate answers on certain questions about his past career—for example, whether he has ever been drunk, whether he has ever wished to be drunk, whether he has ever had questionable relations with other women, etc. Claudius should not deceive Sempronia, nor leave her in ignorance of any serious objection to the marriage, even if she forgot to mention it in her questions; but he owes it to himself not to put himself in her power by giving her information which she would probably use against him then or later. Titus has stolen a considerable sum, and, for the sake of

getting advice and direction on how to make restitution, he consults a prudent friend who will regard his communication as confidential, just as if he were a confessor. Titus does not act against his own reputation by telling his case to this friend.

1578. Confession of Sins against Charity Owed to Self.—(a) It is not necessary to declare in confession that one has acted against the charity due to self, if there is question only of sins in which transgression of that charity was not directly intended; for to say that one has sinned against God by blasphemy, or against self by intemperance, or against the neighbor by injustice, is equivalent to saying that one has hurt one's own soul by sin. (b) It is necessary to declare a want of charity to self, if one has expressly intended such a sin. Thus, if a person who has been admonished to have care for his own soul is so enraged thereat that he vows to deliver his soul over to evil, and thereupon proceeds to commit various kinds of sin, he does not declare his true state of conscience by merely mentioning these latter sins. A case of this kind, however, is not usual (see 1307).

1579. The Commandment of Love of Neighbor.—Charity to fellow-creatures, especially to members of the chosen nation, was commanded in the Old Law. (a) Thus, internal love was made obligatory. The Lord forbade hatred, revenge, remembrance of injuries (Lev., xix. 17), and commanded love of fellow-citizens (*ibid.*) and kindness to foreigners dwelling in the land (Lev., xix. 33). (b) External love was also obligatory. Alms and help were to be given the needy (Deut., xxii. 1, 2, xv. 11), loans were to be made without interest (Deut., xxiii. 19), kindness was to be shown to widows, orphans, the blind, the crippled (Exod., xxii. 22, 23; Lev., xix. 14), part of each harvest was to be left for the poor, and in the third, seventh and fiftieth years special assistance was to be rendered the needy (Lev., xix. 9, xxv. 2-12; Deut., xiv. 28, 29).

1580. In the New Testament, which is the law of love, the precept of charity to neighbors is given with greater clearness and perfection. (a) Thus, internal love must be universal and modelled on the love which Christ had for humanity. Enemies are to be loved as well as friends, the bad as well as the good (Matt., v. 43-45), Gentiles as well as Jews, since there is one Lord of all (Rom., x. 12). The new commandment, whose observance will mark the faithful follower, is an imitation of the charity of Christ (John, xiii. 34, 35). (b) External charity must be practised, even at the cost of self-sacrifice

(I John, iii. 16), for it will be regarded by Christ as done to Himself (Matt., xxv. 40), and will be the subject of interrogation and eulogy at the judgment (Matt., xxv. 34-46).

1581. In giving the commandment of love towards fellow-creatures, our Lord indicated both the reason for the love and the mode in which the love should be exercised: "Thou shalt love thy neighbor as thyself" (Matt, xxii. 39).

(a) The reason for this love is that a fellow-creature is our neighbor, or, as it is elsewhere expressed, our brother (I John, iv. 20, 21), our friend (Lev., xix. 18). He, like ourselves, is made to the image of God and is destined for the same beatitude.

(b) The mode of this love is that it should be similar, though not equal, to the love one has for oneself. Hence, the end of loving our neighbor should be God, that it may be a holy love; the rule to be followed in loving him should be that we agree with his wishes in good, but not in evil, that the love may be just; the manner of loving him should be that one wishes him well, not that one only seeks pleasure or advantage from him, and so the love will be sincere. For, as love of self must be holy, just and sincere, the same qualities are required in love of the neighbor.

1582. The following conditions must, therefore, be met in the love of neighbor which charity commands:

(a) Love must not be of a covetous or selfish or superficial kind, but must be sincerely benevolent and beneficent (see 1109). Those who wish to retain the companionship or association of a neighbor because this redounds to their own gain, on account of his wealth, influence, etc., while harming the neighbor, love themselves rather than the neighbor. Nor is love of neighbor genuine if it exists only in the emotions, or if it is manifested only in expressions of good will; for true love includes benevolence and will be translated into beneficence when the occasion presents itself (James, ii. 14 sqq.; I John, i. 22). Persons who are most ready to shed tears at the distress of others, or who are most profuse in compliments or good wishes, are frequently most unwilling to assist others, especially if some sacrifice is necessary.

(b) The love of the neighbor must not be a sinful benevolence or beneficence, but must desire for him and confer on him what are real, and not merely apparent goods, such as we ought to desire for ourselves (Matt., vii. 12). Those who secure for others lower and unnecessary goods at the sacrifice of those that are higher and necessary, putting wealth, pleasure, or position above virtue and a good conscience, have not the love of charity, for “what does it profit a man to gain the whole world, and lose his soul?” (Matt., viii. 36).

(c) The love of the neighbor must not be purely natural, but must wish for him and confer on him real goods out of a supernatural motive. This motive is the friendship one has for God, so that the neighbor is loved because God loves him and desires to communicate to him a share in the divine life through grace and glory. The motive of charity is absent, therefore, when one loves only one’s friends, when one is kind to others out of pity, or generosity, or admiration for their good qualities, if there is no thought of God in this philanthropy or humanitarianism.

1583. The commandment of love of neighbor is sufficiently complied with as to its acts by all those who are leading a good Christian life. (a) Thus, the internal acts of sincere affection, peace, joy, and mercy are exercised by prayer for the living and the dead, or a devout recitation of the Lord’s Prayer. (b) The external acts of spiritual and corporal mercy are performed by those who are giving according to their means and the necessities they meet.

1584. The commandment of love of neighbor is sufficiently complied with as to its motive, even though the supernatural motive is not actually present before the mind, or other and natural motives are also present. (a) Thus, the supernatural motive directs our love of neighbor, if it is present virtually, as will be explained in 1590. (b) Natural motives of love that are good in themselves (such as ties of relationship or nationality, common intellectual or other interests, the virtue or ability of a neighbor) do not detract from the supernaturality of love, provided their influence is subordinated to the divine friendship and the desire of beatitude for the neighbor. Even a certain amount of natural repugnance is not inconsistent with charity; on the contrary, charity is seen to be great, if for love of God one does good to implacable enemies, or waits on persons suffering from a loathsome disease.

1585. Fulfillment of the Commandments of Charity.—We speak now only of the commandment of love, in which the other commandments of charity are contained (see 1550 b). The love which is commanded must have the following qualities: (a) on the side of the subject who loves, it must be internal and made at the proper times—that is, one must love from the heart and affection, as well as in works and manifestations, and must make and renew the act of love as the law requires; (b) on the side of the object loved, it must be both universal and well-ordered; one must not only love all to whom charity is due (see 1133 sqq.), but one must also bestow love according to the rank of precedence in which charity is due (see 1158 sqq.).

1586. The act of charity can be made in various ways.

(a) It is made in itself, when one elicits or expresses love; it is made in its manifestations, when one performs an act of virtue distinct from charity. One who sincerely loves God with his whole heart will keep the commandments (John, xiv. 21), and hence acts of temperance, justice, fortitude, etc., may be called acts of love, in the sense that they are indications of love.

(b) The act of charity may be made internally or externally. Thus, affection for another as a friend in God, and a sincere desire of his good, are internal acts of love; while spiritual or temporal alms bestowed upon him, such as instruction or aid in time of sickness, are external acts of love.

(c) The act of charity may be made explicitly or implicitly. Charity is called explicit with reference to a person or object which is loved in itself, and not as included in another; it is called implicit with reference to a person or object loved as included in another, as when means and end involve each other, or a part is contained in the whole. Thus, he who loves God above all things loves God explicitly and his neighbor implicitly; he who loves his neighbor as a future co-sharer in bliss loves his neighbor explicitly and God implicitly (see 1549); he who includes all mankind in a common act of love, gives explicit love to the race collectively, and implicit love to individual members of the race not mentioned (e.g., enemies or strangers).

1587. For the fulfillment of the commandment of charity other acts of virtue are not enough. There must also be love. (a) Thus, as to charity

towards God, our Lord declares that love of God is the great commandment on which the others depend, and St. Paul makes salvation depend on love: "If any man love not our Lord Jesus Christ, let him be anathema" (I Cor., xvi. 22). (b) As to charity towards the neighbor, the fulfillment of other commandments in his regard is inferior to the fulfillment of the commandment of fraternal love, and thus the commandments of justice to others are distinct from the commandment of love. Innocent XI condemned the proposition that we are not obliged to love our neighbor by a formal act of love (Denzinger, *Enchiridion*, n. 1160).

1588. For the fulfillment of the law of charity, external acts of love are not enough; there must also be internal love or affection.

(a) With regard to charity towards God, there can be no question of external charity through acts of beneficence, as is clear; but one is obliged to signify one's love of God, if silence would cause scandal or convey an expression of hatred of God. Mere lip-service, however, will not do, for God must be loved and served from the heart (Matt., xxii. 37; Eph., vi, 6; II Thess. iii., 5; etc.).

(b) With regard to charity towards the neighbor, external charity is commanded (see 1210 sqq. and 1551). But there must also be internal charity, for we are bidden to love our neighbor as we love ourselves (Matt, xxii. 39), as Christ loved us (John, xv. 12), from the heart (I Pet., i. 22). If a man distributed his goods to feed the poor, not out of love, but out of vanity or other sinful motives, his act would not be an exercise of charity. Innocent XI condemned the proposition that we may satisfy through external acts alone the precept of loving our neighbor (Denzinger, n. 1161).

1589. Must the internal act of love be explicit? (a) Love of God should be explicit, for the commandment of charity is that God be loved as the Last End, and the other commandments are to be observed as means to that End (see 1120, 1547). The Last End is that which is loved for its own sake, and hence distinctly, while the means are loved for the sake of the Last End. (b) Love of the neighbor is required to be explicit as regards all neighbors in general, when this is necessary for the preservation of charity towards God, or the fulfillment of obligations of charity towards man; it should be explicit as regards an individual, when this is necessary for the proper discharge of external works or other duties of charity, as when one will not

be able to overcome a temptation to hatred unless one makes an act of charity which expressly includes the person one is tempted to hate. But one who loves his neighbor implicitly through an act of supernatural love of God, and neglects no external duty of charity towards others, is considered to have sufficiently complied with the law in ordinary circumstances.

1590. The Intention of Performing All Good Works out of Love for God. —(a) This intention is actual, when one expressly wills God as the Last End of one's actions. The commandment of loving God above all things does not require an actual reference of each good work to His love (see 1120, 85, 86).

(b) This intention is virtual but explicit, when previously a person had the actual intention and never retracted it, and now acts under the influence of that explicit and unretracted intention, though he does not advert to the Last End as he now acts. Thus, if an act of love of God above all things is made supernaturally by a Christian or naturally by a non-Christian, and later on by reason of the acts of love these persons give alms to the poor and do not think of God as they give the alms, their works are not actually, but virtually and explicitly done for His love. The commandment of love of God, as we shall see (1593 sqq.), obliges one at certain times to elicit an act of love of God as the Last End, loved above all things else (in unbelievers it must be an act of natural benevolence, and in believers an act of supernatural charity); and, since such an act includes a consecration of one's works to God, the commandment requires likewise at certain times a virtual and explicit reference of good works to the love of God.

(c) The intention is virtual and implicit, when there is no previous act of love of God influencing a present act, but this act itself is good, tending from its character and object to the Last End, and it is precisely its character and object that cause it to be chosen by the agent. Thus, if an infidel, who has made no offering of his works to God, gives an alms out of love of mercy, or honors his parents out of love of piety, or pays his debts out of love of justice, he has explicit love for virtue and implicit love for the Author and End of virtue. The commandment of love of God, being affirmative, does not oblige one at all times to elicit acts of love of God as the Supreme Good, and hence, apart from the occasions when that affirmative commandment calls for exercise, a virtual and implicit intention of acting for the sake of God suffices to excuse from sin.

1591. Applications of the Preceding Paragraph.—(a) A Christian who makes acts of love of God at the necessary times fulfills the commandment of loving God with his whole heart and the precepts of doing all things for the glory of God (I Cor., x. 31), and in charity (I Cor., xvi. 14), and in the name of Christ (Col., iii. 17).

(b) An infidel invincibly ignorant of the supernatural law, who makes acts of natural benevolence with reference to God when he should, does not sin against the precept of charity, and observes the law of natural love.

(c) A person who in no way refers a deliberate act to love of God, natural or supernatural, sins in that act. His sin is venial, if the evil intended is small (e.g., an alms given purely out of vainglory); it is mortal, if the evil is grave (e.g., an alms given for the purpose of seduction into serious sin).

1592. It should not be inferred from what has been said on the qualities which charity must have, or the influence it must exercise, that the duty of love of God is only for the perfect, or that it is with difficulty accomplished. (a) On the contrary, charity is a universal obligation, for it is the first commandment (Matt., xxii. 38), and he who does not love is accursed (I Cor., xvi. 22). (b) Neither is the commandment hard (I John, v. 3), for nature itself inclines one to love the Supreme Good, and grace helps one to remove the impediments to a love of friendship that will cling to God above all. The observance of the commandments indicates that one is guided habitually by love, while a devout recitation of the Lord's Prayer is an actual expression of that love; and hence conscientious persons should not worry lest they may have been wanting in God's love.

1593. With reference to the times when the precepts of charity oblige, we should distinguish three kinds of precepts: (a) the negative precepts forbid sins against charity (such as hatred, envy, scandal, etc.), and they oblige at all times; (b) the positive precepts of external beneficence oblige when occasion requires, as was said above (see 1210 sqq.); (c) the positive precepts of internal love oblige at certain special times, as will now be explained.

1594. The precept of love of God obliges directly—that is, by reason of the virtue of charity itself—at the following times: (a) at the beginning of the moral life, that is, of the use of reason; (b) during life; (c) at the close of life, or when one is about to die (Denzinger, nn. 1101, 1289).

1595. The Obligation of an Act of Love of God at the Beginning of the Moral Life.—(a) The beginning of the moral life here signifies the moment when a child arrives at a full use of reason, and is able to deliberate on things of grave importance, such as the duty of having a supreme purpose in life and of doing good and avoiding evil. This moment does not coincide necessarily with any fixed period of the child's age (e.g., the seventh year), but depends on the gradual development of the moral conscience and may be earlier or later according to intelligence, surroundings, education, etc, (see 932).

(b) The act of love of God here signifies the turning to God as one's Last End, but it may be made either formally or virtually, according to the knowledge had. A formal act of love of God is made, when one has explicit knowledge, either through faith or through natural reason, concerning God as the Supreme Good and Last End, and when one loves Him as such. A virtual act of love of God consists in a resolution to direct one's life according to reason, or in a love of the goodness of virtue; for in such an act there is implied a love of the Author and End of moral good. The faithful who cannot remember having made this first act of charity when they came to the use of reason, should not disturb themselves at this, for the commandment was fulfilled by any service they freely offered to God.

(c) The reason for requiring an act of love at the beginning of the moral life is, that in that moment one has the choice placed before one of good or evil, and that faith, hope and charity, being fundamental precepts, should precede the other virtues of the law.

1596. Ignorance as Excusing from the Act of Love of God.—(a) Ignorance of God as the Author of the supernatural order excuses from the precept of supernatural love or charity, if it is invincible ignorance. Thus, a pagan who knows nothing of revelation does not sin by omitting an act of charity towards God.

(b) Ignorance of God as the Author of the order of nature does not excuse from a natural act of benevolence towards God, if the person in ignorance, though an infidel, has sufficient use of reason, for ignorance of God is then inexcusable (Rom., i. 20).

1597. The Obligation of the Act of Love of God throughout Life.—(a) The existence of an obligation to make frequent acts of love of God during

life is a consequence of the preponderant part played by charity among the virtues (see 1115 sqq.), for how is one to regulate one's life according to the virtues, if one does not frequently renew that virtue which is the inspiration and direction of all the others? The Old Testament requires that one have the commandment of love of God frequently in one's thoughts (Deut., vi. 5-7), and in the New Testament it is called the commandment on which all the others depend (Matt., xxii. 37-40). The Church has condemned propositions that made infrequent performance of the act of love—such as once in a lifetime, once in five years—sufficient (Denzinger, nn. 1155-1157).

(b) The details of this obligation—that is, the frequency with which and the times at which the act of love of God must be made under pain of grave sin—is a matter of dispute among authorities. Some think once in three years sufficient; others, guided perhaps by the analogy of the precept of yearly Communion, regard once a year as sufficient; others, with St. Alphonsus, hold for once a month, basing their opinion on the difficulty of overcoming temptations if acts of love of God are omitted for more than a month; others, with Scotus, think the act of love of God should be made once a week, for, since the Sundays are set aside for the worship of God, the Church seems to have thereby determined with regard to the act of divine charity that which the law of God had left undetermined; finally, some teach that an act of love of God must be made daily, arguing that Christ commanded the Lord's Prayer to be said daily, and that its first petitions contain formal acts of love of God.

1598. None of the opposed opinions just given can be considered as demonstrated and theoretically certain. But in actual life this offers no difficulty, and the following are accepted as practical rules that may be acted on:

(a) Those who live habitually in the state of grace may be regarded as having fulfilled sufficiently the commandment of love of God, for "if any man love Me, he will keep My word" (John, xiv. 23).

(b) Those who live habitually in an occasion of sin or in sin itself, no doubt neglect the commandment of love of God; but it is not necessary that they accuse themselves of the omission to their confessor, since it is understood in the mention of the occasion of sin or bad habit. The confessor, however, ought to admonish careless penitents about the

obligation of love of God, of recitation of the Our Father, etc. Mortal sin revokes the direction of one's works towards God, and, though one is not obliged to renew that direction immediately after repentance, a delay beyond four or five months according to some authors would be notable.

1599. Obligation of the Act of Love of God at the Close of Life.—The duty of making an act of love of God when one is at the point of death is admitted by all for the following cases: (a) the dying person is directly obliged to make an act of love of God when this is the only way in which he can secure justification, as when he is not in the state of grace and cannot receive the Sacraments; (b) the dying person is indirectly obliged to make an act of love of God when otherwise he cannot securely struggle against temptations to despair, doubt, etc.

1600. The duty of making an act of love of God at the time when death is near is considered as doubtful by some authorities when the following points are morally certain: (a) when the dying person has already sufficiently complied with the duty of making an act of love (e.g., when he made such an act just before he fell into danger of death), or is now in the state of grace (e.g., when he has received absolution with attrition just before or after the danger); and also (b) when the dying person will not expose himself on account of omission of the act of charity to the violation of any serious commandment.

1601. In practice, the priest who is attending the dying person should act as follows:

(a) He should remind the dying person of the obligation, if it appears certain, and should suggest to him the motives and assist him in pronouncing the form. In many manuals of the Ritual exhortations and aspirations suitable for this purpose are given.

(b) The priest should recommend the act of love of God, even though the obligation does not appear certain, if no harm will result from his doing so. For this will better prepare the dying person for entrance into eternity.

(c) He should not speak of the act of love of God, if the obligation is uncertain and harm would result from his doing so (e.g., if the dying person is in good faith, and would be much disturbed if told about the act of love to be made).

1602. Thus far we have spoken of the obligation which the precept of love of God imposes directly, or by reason of charity itself. There is also an obligation that is indirect, or by reason of some virtue or commandment distinct from charity.

(a) Thus, by reason of a virtue distinct from charity, one is bound to make an act of love of God, if this act is the only means of avoiding sin against that virtue. Example: Titus suffers severe temptations to injustice, and finds that only the love of God keeps him from injustice. In temptation, therefore, he should make an act of love of God.

(b) By reason of a commandment distinct from that of charity, one is bound to make an act of love of God, if otherwise one cannot fulfill rightly the commandment in question. Thus, if a person has to receive or administer a Sacrament of the living, or solemnly to administer a Sacrament, when he is not in the state of grace and has not the opportunity of receiving absolution, he is obliged to make an act of perfect contrition, which includes an act of love of God.

1603. An implicit love of neighbor is contained in every true act of love of God (see 1549, 1586). But in some cases love of neighbor must be explicit (see 1589).

(a) Thus, one is bound to explicit love directly (or by reason of charity itself), when the law of charity requires this. *Per accidens*, charity requires an internal act of love, when without this act some good commanded by charity (e.g., reconciliation with an enemy, alms to one in distress) will not be done, or some evil forbidden by charity (e.g., hatred, revenge) will not be overcome. *Per se*, it does not seem that charity requires explicit acts of love towards the neighbor, but only those implicit acts contained in the love of God; in practice, however, conscientious persons frequently make explicit acts of fraternal charity, as when they pray for the living and the dead, or say the Our Father with due attention and devotion.

(b) One is bound to explicit love indirectly (or by reason of some other virtue than charity), when apart from such explicit love that other virtue cannot be exercised as commanded. Example: Balbus is often tempted to defraud Caius, and does not resist the temptation successfully, unless he puts himself into a charitable disposition towards Caius.

1604. The Necessity of Charity.—(a) The habit of charity is necessary as a means (see 360, 785) for all persons, infants included, so that without it no one can be saved. For it is only with this virtue that one possesses the divine indwelling (I John, iv. 16), and is made a friend of God. Those who have not the wedding garment of charity are cast into the outer darkness (Matt., xxii. 13).

(b) The act of charity is also necessary as a means of salvation to all adults, for it is only by actual charity that they turn towards their Last End, and without actual charity they are in death (I John, iii. 14). A person who is justified through attrition joined with a Sacrament receives grace and the habit of charity, and by his voluntary acceptance he consents to the divine friendship and thus makes an act of charity.

(c) The act of charity is obligatory under grave precept at the beginning of the moral life, frequently during life, and at the hour of death (see 1594 sqq.).

1605. Is it possible that a sin against the love of God be only venial? (a) The imperfection of the act makes such a sin only venial, as when without full deliberation one wishes to omit an obligatory act of love. (b) The slightness of the matter makes such a sin venial, when it is aside from, but not contrary to, the love of God, as when one makes an act of love of God with culpable lukewarmness. Venial sin is not, strictly speaking, opposed to the commandment of love, since it does not destroy love.

1606. As the order of charity is commanded as a part of the law of charity, one is obliged not only to love those to whom love is commanded, but also to give greater love to those to whom greater love is due.

(a) God must be loved above all creatures, since He is to be loved with the whole heart (Deut., vi. 5; Matt., x. 37).

(b) Self must be loved more than the neighbor, for love of neighbor is commanded only as like to that of self (Matt., xxii. 9).

(c) One should love one's neighbor more than one's own body, since we ought to lay down our lives for the brethren (I John, iii. 16). The claims of self and of the neighbor to love are in the following order: the spiritual goods of self, the spiritual goods of the neighbor, the bodily goods of self,

the bodily goods of the neighbor, the external goods of self, the external goods of the neighbor.

(d) Among neighbors, those who are better or more nearly related to self should be given the preference in love; for we should do good to all, but especially to those who are of the household of the faith (Gal, vi. 10), and those persons are specially blamed who have no care for their own and for those of their own house (I Tim., v. 8). The claims of neighbors on our help (as was explained in 1176 sqq.) rank in the following order: wife, children, parents, brothers and sisters, other relatives, friends, domestics, citizens of the same town, state, and country, and, finally, all others.

1607. The order of charity is commanded, because it is a mode intrinsic to the performance of the act of charity (see 1554); it is a circumstance without which the act of love is not in proportion to the person to whom it is shown. Thus, love given to God is not in proportion to His lovableness, if it is exceeded by the love given to a creature; love given to the members of one's family is not in proportion to their claims, if it is less than the love given to strangers.

(a) Hence, outside cases of a neighbor's need, the law of charity requires that one give him the amount of internal love that corresponds with the external charity due to him. Thus, love for a father should be in proportion to the external honor one is bound to show one's parent; love for a brother in proportion to the external marks of friendship that are due a brother. He who has no filial love for his parents, or fraternal love for his brethren, does not fulfill the law of charity.

(b) In cases of a neighbor's need, the law of charity requires that the internal love be in proportion to the external charitable assistance one should give. Thus, if a parent and a stranger are in equal necessity, more help and more love are due the parent; but if a stranger is in need, and a parent is not in need, more help and more corresponding love, as to that particular case, are due the stranger.

1608. It should be noted, however, that there is a twofold love of the neighbor.

(a) Obligatory love is that which is commanded, and which is due another as a debt, such as love for God, for a parent, for all neighbors in

general, etc. The amount of love for fellow-creatures that is obligatory is, of course, not infinite, for no creature is infinitely lovable; neither is it mathematically fixed, for, as said above, it may be greater or less according to circumstances; but it is comparative or relative—that is, it should agree with the higher or lower claim to external charity that a neighbor has on one.

(b) Optional love, or love of supererogation, is that which is not commanded, but which may be given lawfully, such as special friendship outside a case of need for an enemy or stranger. As there is no precept regarding this kind of love, neither is there any precept regarding the order of love as between those to whom it is given, and one may invert the order that is obligatory as regards commanded love. Thus, if a brother and a cousin are both well-to-do, and one has property to bequeath to which neither of them has any right, it is not against charity to leave more to the cousin and less to the brother, or some to the cousin and none to the brother. This supposes, however, that in the matter of obligatory love the preference in order of charity has been shown the brother (as explained in 1158-1182).

Art. 11: THE GIFT OF WISDOM

(*_Summa Theologica_*, II-II, qq. 45, 46.)

1609. Wisdom is the Gift of the Holy Ghost which corresponds with and serves the virtue of charity (see 159 sqq., 808 sqq., 1041 sqq.), and hence it is discussed in this place.

The following points concerning Wisdom will be treated: (a) the Nature of the Gift of Wisdom; (b) the Persons who Possess the Gift of Wisdom; (c) the Beatitude of the Peacemakers, which pertains especially to Wisdom; (d) the Sin of Foolishness, which is opposed to Wisdom.

So far is it from being improper to give some space in Moral Theology to the Gifts of the Holy Ghost (as if they pertained only to higher mysticism), that it is even necessary to emphasize them. The Gifts are essential to salvation, and play a most important part in the daily spiritual life, whether in correcting or reinforcing the virtues, or in giving immediate direction from the Holy Spirit. Man, it is true, does not set them into action, but it is man's part to value them, to hold himself in readiness for them, and to hearken to their whispered enlightenment and counsel. The Gifts of the Holy Ghost are the very soul of Theology and of the Christian life.

1610. The Nature of the Gift of Wisdom.—Wisdom is defined as “a habit for judging things in the light of their First Cause, the Supreme Good, which is infused into the soul along with sanctifying grace.”

(a) Wisdom is a habit, and so it differs from passing acts. Thus, a man in the state of sin who avoids idolatry, judges in the light of the highest cause that worship is not to be given to creatures; but he lacks the indwelling of the Holy Ghost, and therefore does not judge in virtue of that special instinct or power which originates from the abiding presence of the Holy Ghost.

(b) Wisdom judges, and this sets it apart from habits that belong to the will (e.g., the Gifts of Piety, Fortitude, and Fear), as well as from habits whose chief act is assent (e.g., the virtue of Faith) or penetration (e.g., the Gift of Understanding).

(c) The standard by which Wisdom judges things is the First Cause of all, or the Supreme Good, as when our Lord explained that the condition of the man born blind was due to the purpose of God to be glorified through that blindness (John, ix. 3). The wise man is he who goes back to first principles, to the origins of things, to ultimate purposes; but it is not every wisdom that estimates things according to the Supreme Good, and there is a false wisdom (see 1623) whose canon of excellence is the imperfect good opposed to Supreme Good. The Gift of Wisdom, therefore, is distinct from sinful wisdom, which is wise at doing evil (Jer., iv. 22); from particular wisdom, which understands well the theory and practice of some science, art, or profession, and is able therefore to decide correctly and to arrange successfully such matters as fall under a special kind of activity, as in medicine or architecture or strategy (I Cor., iii. 10).

(d) The things that make up the object of Wisdom are, in the first place, divine things (e.g., the attributes, plans, government, operations of God); and, in the second place, created things, whether in the speculative order (e.g., mind and matter, good and evil, science, religion, history), or in the practical order (i.e., human actions). Wisdom contemplates the divine as known from faith or the beatific vision, and then, with the things of God as its rule, it judges the things of earth and directs the conduct of men: “The spiritual man judgeth all things” (I Cor, ii, 15). Thus does Wisdom differ from the Gifts of Knowledge and of Counsel; for Knowledge is concerned directly with secondary causes and rises from the creature to the Creator, While Counsel is not a speculative but a practical Gift, and is a response to direction given by the Holy Spirit for the guidance of conduct.

(e) The Gift of Wisdom is an infused perfection of the intellect, “a wisdom descending from on high” (James, iii. 15). Hence, while it resembles the virtue of Wisdom, which also judges human and divine things through first causes (see 145), it differs from that virtue, even with reference to the same objects, on account of its different way of approach. Theology and philosophy judge correctly because they employ study and the investigation of reason; but the Gift of Wisdom has a right judgment because it depends, not on analysis or argumentation, but on a supernatural knowledge had through faith (or vision in case of the blessed) and a supernatural experience of God through charity. Wisdom may express itself,

indeed, in the concepts and language of philosophy or theology, but it is not through scientific processes that it knows and judges.

(f) The Gift of Wisdom is infused into the soul along with sanctifying grace; for, like the other Gifts of the Holy Ghost, it is intended to supplement through the action of the Holy Spirit the control exercised by grace, which is imperfect on account of the limitations of the virtues. The Gift of Wisdom, therefore, is an ordinary and normal fact in the spiritual life, and must not be confused with rare and extraordinary phenomena—with the “word of wisdom” (I Cor., xii. 8), which was granted to the Apostles and at times to other preachers of the faith, nor with the clear contemplation of God bestowed in the state of innocence, nor with the infused knowledge or light of glory enjoyed by Christ and some of the Saints while on earth. Thus, while all who are in the state of grace possess the Gift of Wisdom, comparatively only a few have received the “word of wisdom”—that is, the ability to instruct others in the higher mysteries of faith and to explain to them with ease and in suitable language the meaning of these mysteries and their relation to supreme causes. Both these graces are supernatural, but, while the Gift of Wisdom is needed by each individual for his own sanctification, the word of wisdom is needed only in certain cases for the sanctification of others.

1611. From the foregoing definition it is seen that Wisdom belongs both to the will and to the intellect.

(a) In its cause, Wisdom belongs to the will. The cause of right judgment by means of divine things is either the suitability of the intellect, which knows well how to judge, or the suitability of the will, which is inclined towards divine things. Thus, he who is well versed in moral science will give a correct decision about a case of chastity as it falls under the inquiry of reason, and he who is chaste will judge correctly about the same case, even without moral science, but from the sympathy he has for the virtue. The intellectual virtue of Wisdom, then, judges aright because the intellect is sound in its procedures; but the Gift of Wisdom is right in its judgments, because the will has been united to God through charity, so that there has resulted in one a suitability for judging about the things of God: “Give me one who loves, and he will understand what I say” (Augustine, _Tract. xxvi. in Joan_.).

(b) In its essence, Wisdom belongs to the intellect, for it consists in judgment, and this is an act that is exercised, not by the affections, but by the reason. Through love the soul becomes one spirit with God (I Cor., vi. 17), and the will experiences the sweetness of this union (Ps. xxxiii. 9); the intellect then judges concerning the divine which has been the object of its mystical communion. The Gift of Wisdom, built as it is on faith and charity, differs utterly from private interpretation of revelation (which is subversive of faith) and from the Modernistic experience of the divine (which is explained as a natural intuition had by a special religious sense of a reality that is divine and yet only subjective and unknowable).

1612. From the definition and explanation of the Gift of Wisdom it also follows that this Gift is practical as well as speculative.

(a) Primarily, Wisdom is speculative, for one must consider divine things in themselves before one applies them to other things; and, moreover, the object of Wisdom is God, who is the first truth in the order of knowledge or speculation. It is by Wisdom, then, as well as by the other intellectual Gifts or extraordinary graces, that the act of supernatural contemplation is exercised; but Wisdom, more perfect than the other Gifts, ascends at once to things that are heavenly, divine and eternal, and thinks of God as transcending in perfection every known or knowable degree of created excellence, and as being most true, most beautiful, most lovable (Eph., iii. 17-19).

(b) Secondly, Wisdom is practical, for God whom it contemplates is the supreme rule of action, as well as the first truth. Thus does the higher Gift of Wisdom unite in itself what are found separate in lower virtues—the speculative quality of the virtue of Wisdom and the practical quality of Prudence (see 1620).

1613. The practical uses of the Gift of Wisdom are indicated in Coloss., iii. 16-17, iv. 6: “Let the word of Christ dwell in you abundantly, in all Wisdom, teaching and admonishing one another in psalms, hymns and spiritual canticles, singing in grace in your hearts to God. All whatsoever you do in word or in work, do all in the name of the Lord Jesus Christ.... Walk with Wisdom towards them that are without, redeeming the time. Let your speech be always with grace, seasoned with salt.”

(a) The contemplation of divine things is useful for instruction in the truths of faith and the duties of religion (“teaching and admonishing one another”); for the mind becomes in a way divine, like the things on which it dwells, filled with knowledge of God and of Christ and of the means of holiness.

(b) Wisdom helps one to fulfill the duty of praying to God with reverence and interior devotion (“singing in your hearts to God”); for Wisdom makes one perceive and feel the sweetness and attraction of the things of God.

(c) It directs one in both words and works (“do all in the name of Christ”); for the intellect which judges things in the light of eternity and with the fervor of divine charity will not mislead in matters of salvation.

(d) It enables one to profit by opportunities of edification (“redeeming the time”); for the example of a life directed by tender love of God and by kindness and courtesy to all is a recommendation of virtue and religion in the sight of the world.

1614. Wisdom is a Gift of the Holy Ghost, and is numbered with the other six communications of the Spirit: “And the Spirit of the Lord shall rest upon him, the Spirit of Wisdom, etc.” (Is., xi. 2).

(a) Likeness to the Other Gifts.—The Gifts of the Holy Ghost are energies diffused in the powers of the soul as instruments of the supernatural governance of the indwelling Spirit, just as the moral virtues are the instruments of the natural governance of reason. The infused virtues (e.g., faith or charity), unlike the acquired virtues (e.g., temperance or fortitude), do not suffice for the government of the soul; for, while these latter are according to nature, the former surpass nature, and are received by it imperfectly. Hence the need of the Gifts, which on earth supplement the infused virtues, strengthening them against contrary vices, developing secondary acts of the virtues which the virtues only initiate, and in heaven perfecting the blessed in good.

(b) Unlikeness to the Other Gifts.—Wisdom, which is enumerated by Isaias in the first place, is also given the highest rank among the Gifts by theologians, on account of its greater elevation, more universal scope, and the directive power it exercises. Fittingly, then, is Wisdom assigned as the Gift that serves Charity, the queen of the virtues: Charity loves God above

all things; Wisdom dwells with delight upon the object of this love (Wis., viii. 16), looks upon life with the eyes of love, and in directing its human actions communicates to them something of the savor and sweetness of divine charity.

1615. The Persons Who Possess Wisdom.—The Gift of Wisdom, as said above (see 1610), is given with sanctifying grace, and hence only those and all those who are in God's friendship have this supernatural endowment.

(a) Only those in the state of grace have divine Wisdom, for without love of God it is impossible to have that right judgment of things that is consequent on the relish for and connaturality with divine things. Hence, it is said: "Wisdom will not enter into a malicious soul, nor dwell in a body subject to sins" (Wis., i. 4).

(b) All those who are in the state of grace have the Gift of Wisdom, for man is so weak and the supernatural virtues are so far above him that, even when he has received these virtues, he is unable to make proper use of them or to preserve them in time of temptation, unless he has received the supplementary forces that will enable him to obey more easily and promptly the voice and impulse of the Holy Ghost. Thus, Charity destines man to beatitude, but, unless he has Wisdom to value this virtue and privilege, to spurn the false wisdom of the world, to think on the love of God with delight and to make it the norm of his judgments and decisions, he will not progress in Charity, nor retain it, nor arrive at the beatitude to which it destines him.

1616. Though all who are in the state of grace possess all the Gifts of the Holy Ghost, these Gifts are not had in the same way by all their possessors. Thus, the following points should be noted with reference to the Gift of Wisdom:

(a) The Gifts, like the infused virtues, are possessed habitually by baptized children and insane persons, and actually by adults. Just as infants have the possession but not the use of certain natural gifts (such as reason and responsibility), so likewise supernatural life and powers are granted them through baptismal regeneration, but the exercise of this life and of these powers is prevented by their inability to realize what they possess and to make use of it. The lack of bodily development, which impedes the use of natural reason, also impedes the use of supernatural Wisdom.

(b) The Gift of Wisdom is had in itself by all who are in the state of grace; but in its extension, which is the “word of Wisdom,” it is possessed only by highly gifted souls who have a special mission from God (see above, 1610 sqq.). With sanctifying grace, each one receives the supernatural Gift of judging rightly about heavenly things and of regulating his conduct by them in so far as is necessary for the attainment of salvation; otherwise, we should have to say that grace is inferior to nature, and does not provide what is necessary for its end. But the ability to explain heavenly things so as to draw others to the truth, and to apply heavenly doctrines to the guidance of others so as to lead them to good, is one of the gifts freely given, which the Spirit divides according as He wills (I Cor., xii. 11): “To one by the Spirit is given the word of Wisdom, to another the word of Knowledge, etc.” (ibid, 8).

1617. The Gift of Wisdom in itself (i.e., as intended directly for the benefit of the recipient and not for the benefit of others) is also had in varying degrees. (a) Thus, different persons do not possess this Gift in equal measure; for to some is granted the contemplation of loftier mysteries not granted to others, and suprahuman Wisdom plays a greater part in the direction of some lives than in that of others. (b) The same persons do not possess Wisdom in an equal degree at all times. Thus, in Baptism all the Seven Gifts are received, but in Confirmation they are in some way perfected, either in themselves by a greater refinement or sensibility to the action of the Holy Spirit, or as regards their possession by their subject through a firmer hold of them.

1618. The Exercise of the Gift of Wisdom.—(a) The external magisterium (i.e., revelation and the teaching Church) conveys the truths of faith to the mind of the believer. (b) The internal Teacher, the Holy Ghost, illuminates the soul with Wisdom, so that it ponders on the first principles of faith and makes the love of them control its judgments, Words, and actions: “You have the unction from the Holy One and know all things” (I John, ii. 20), that is, all that is needed for salvation.

1619. The Beatitude and the Fruits that Correspond to Wisdom.—The Gifts of the Holy Ghost, by supplying for what is imperfect in the habits of virtue (e.g., by protecting faith against dullness of perception, hope against presumption, charity against distaste for divine things), give to these virtues a perfectionment like to that which they will have in the state of beatitude,

and to their exercise a corresponding enjoyment. Hence, to the Gifts, which are most excellent habits, correspond those most perfect or most delightful acts of virtue known as Beatitudes and Fruits (see 159 sqq.).

(a) There appears a special correspondence of the seventh beatitude (“Blessed are the peacemakers, for they shall be called the sons of God,” Matt., v. 9) with Wisdom, both as regards their merit, and as regards their reward. The work of Wisdom is to reduce all things to unity, to see life and the world as a whole, to look upon creatures as parts of one great divine plan. Similarly, the work of the peacemakers is to put an end to dissension and division and to reconcile the warring powers of the soul, or to introduce harmony between those that are at enmity: “The Wisdom that is from above is peaceable” (James, iii. 17). Again, the reward promised the peacemakers is that they shall be called the sons of God, and of Wisdom it may be said that it makes one the image of the Son of God, who is Eternal Wisdom.

(b) The Fruits of the Holy Ghost that are assigned to Wisdom are, with regard to God: charity, or a tender love of God (“The charity of God is poured out in our hearts,” Rom., v. 5.), joy, or delight at union with God (“Rejoice in the Lord always,” Phillip., iv. 4), peace, or security in the enjoyment of God (“There is much peace to them that love Thy law,” Ps. cxviii. 165). The Fruits that have reference to the love of neighbor are: goodness, or an internal benevolence characterized by sweetness (“The fruit of the light is in all goodness,” Eph., v. 9), and kindness, or a beneficence accompanied by cheerfulness (“The Lord loves the cheerful giver,” II Cor., ix. 7).

1620. St. James (iii. 17, 18) describes the direction which Wisdom gives to human actions (see 1612, 1613) and the fruit of peace to which it conducts them, as follows: “The Wisdom that is from above, first indeed is chaste, then peaceable; modest, easy to be persuaded; consenting to the good, full of mercy and good fruits, without judging, without dissimulation. And the fruit of justice is sown in peace to them that make peace.”

(a) Thus, first, Wisdom directs one to be free from sin (“chaste”), for the fear of the Lord is the beginning of Wisdom (Ps. cx. 110).

(b) Next, Wisdom directs one to work for peace within one’s own soul, by following moderation where one can decide for oneself (“modest”), by seeking advice where one is in doubt (“easy to be persuaded”).

(c) Further, Wisdom directs one to be peaceful towards others, to be well disposed towards their good or benefit (“consenting to the good”), compassionate and helpful in their distress (“full of mercy and good fruits”), not partial or hypocritical in criticizing their defects (“without judging, without dissimulation”).

(d) Finally, Wisdom, having sown in peace, reaps the peace of righteousness. False wisdom leads to wrangling and disorder, true Wisdom to concord and harmony.

1621. The Sins Opposed to Wisdom.—Just as blindness and dullness—that is, the want of all or of sufficient perceptiveness in spiritual things—are opposed to the Gift of Understanding (see 912), so stupidity and foolishness—that is, the want of all or of sufficient good judgment about spiritual things—are opposed to the Gift of Wisdom.

1622. Foolishness is defined as “a slowness and darkness of mind that is due to some moral defect, and that makes it difficult for one to judge rightly about the Last End of things and the Chief Good.”

(a) Foolishness is slow and darksome, and thus the contrary of Wisdom, which is alert and discerning.

(b) It is a defect of judgment, and so differs from the sins of blindness and dullness of heart.

(c) It is an error of judgment about the chief concern of life and the things of greatest value, and thus it is different from the innocent simplicity of many good persons, whose judgment is not sound in affairs of this world.

(d) It is brought on by moral fault, and is therefore not to be identified with invincible ignorance, which is a physical imperfection caused by nature, as in the weak-minded and the insane.

1623. Just as true Wisdom seems foolishness to the world, so does true foolishness seem wisdom to the world (I Cor., iii. 18 sqq.). There is a counterfeit wisdom, which places its last end in some created good, and which is therefore foolishness before God. St. James (iii. 15) describes false wisdom as “earthly, sensual, devilish”; and these words express very well three chief classes of worldly wisdom. (a) Some of the worldly-wise aim above all things at amassing and increasing wealth or other external possessions (earthly wisdom). (b) Others seek chiefly pleasure, health,

comfort, or other bodily goods (animal wisdom). (c) Others imitating Lucifer, who is king over all the sons of pride (Job, xli. 25), devote their whole lives solely to the pursuit of inordinate excellence of some kind—that is, of selfish domination or honors or glory, etc. (devilish wisdom).

1624. The foolishness we are now considering is sinful, for it is a voluntary choice of evil, a violation of commandments, and the ruination of man. In scripture the term “fool” is applied to the wicked, the impious, the objects of divine anger (Ps. xiii. 1), and hence it was that our Lord declared severe penalty against those who call another a fool (Matt., v. 22).

(a) Foolishness is a voluntary choice of evil, for it consists in a turning away from spiritual things or an entire absorption in the things of this world, with the result that one becomes unfitted to judge aright concerning the values of human existence: “The animal man does not perceive the things of the Spirit of God” (I Cor., ii. 14). But the fact that his taste is perverted, and that he has no relish for the spiritual, is due to his own deliberate rejection of good and the cultivation of evil.

(b) Foolishness is a violation of commandments about the knowledge and employment of truth (see 914 sqq.): “See how you walk, not as unwise, but as wise” (Eph., v. 15, 16).

(c) Foolishness leads to perdition, for, being defective in its judgment, it barter away the future for present satisfaction and sells its birthright for a mess of pottage: “The prosperity of fools destroys them” (Prov., i. 32); “Thou fool, this night shall thy soul be required of thee” (Luke, xii. 20).

1625. The causes of the sin of foolishness, as was said above (see 1623), are the wrong and sinful views taken of life, which make men judge all things by the standards of gain or pleasure or power, rather than by the standard of the First Cause, in comparison with whom all these lower goods are but trivial. But, among all the vices that lead mankind astray from Wisdom, the preeminence is held by lust, for its attraction is greater and its hold on the soul more complete. As chastity especially disposes for heavenly contemplation and Wisdom (see 912) by the refinement and elevation and spirituality it gives the mind, so does sensuality especially indispose for these goods by the coarseness and degradation and materialism that follow in its wake.

PART II
SPECIAL MORAL THEOLOGY (Continued)

Question II

THE DUTIES OF ALL CLASSES OF MEN (THE MORAL VIRTUES)

1626. After the theological virtues, which offer to God the services of faith, hope and charity, and which direct man to his Last End, follow the cardinal or moral virtues, which perfect the actions and passions of man, and make of them means for tending to the Last End. Of these four virtues (prudence, justice, fortitude and temperance), prudence is ranked first, as being the director of the others.

Art. 1: THE VIRTUE OF PRUDENCE

(*_Summa Theologica_*, II-II, qq. 47-56.)

1627. Definition.—All the definitions of prudence are in substantial agreement, and from them we may formulate a detailed definition as follows: “Prudence is the virtue that consults well about the means to be used for leading a good life and applies the knowledge acquired through consultation to particular contingencies as they arise.”

(a) Thus, prudence consults well, for its office is to study ways and means to right conduct, and to arrive at a sound judgment in spite of various uncertainties or unknown factors. Of the two practical virtues of the intellect, namely, art and prudence, the former deals with the application of right reason to cases in which there are, for the most part, certain and determinate ways of arriving at the end in view (e.g., the rules of logic or grammar, the methods of music or sculpture); while the latter has to do with the application of right reason to cases in which the ways of obtaining the end in view are not certain or determinate (i.e., the infinitely varied questions of lawfulness or unlawfulness that present themselves in concrete and particular situations).

(b) Prudence studies the means to a good life; and hence we do not consider a man as generally prudent, if he consults well for this or that particular good end, but not for the general end of leading a good life. Nevertheless, prudence falls short of the Gift of Wisdom, for prudence is concerned with human good, wisdom with divine good.

(c) Prudence applies knowledge to the direction of conduct, for the purpose of the practical virtues of the intellect is to guide the activities and productions of man according to the light of right reason. It should be noted, however, that whereas the application of knowledge is intrinsic to prudence, it is extrinsic to art; for prudence includes in its very essence a determination of the will to goodness, but not so art. Hence, a painter is not the less skilled in his profession if he voluntarily fails to exercise it or exercises it badly, but a person skilled in moral science is imprudent if voluntarily he fails to use his knowledge or uses it amiss. The sin against art

is not to know; the sin against prudence is either not to know what one should know or not to apply rightly what one does know.

1628. The Objects of the Act of Prudence.—(a) Prudence is concerned, not with speculative truth (i.e., with those things that are known for the sake of knowledge), but with practical truth (i.e., with those things that are known for the sake of use). It aims, not to investigate and discover what is the nature of virtue, but to guide man so that he may become virtuous and practise virtue. It should be noted, however, that the acts of the speculative reason, although they do not belong to prudence itself, are like other acts subject to the direction of prudence; for in pursuing speculative studies one should use good judgment as to the subjects to be considered, the time, place, manner, etc., of study.

(b) Prudence is not concerned with necessary truths and first principles of morality, but with their application to contingent and particular cases, just as a physician is called on to cure, not a universal or abstract man, but the particular and individual man before him. But since one cannot well apply that of which one is ignorant, the prudent man must be acquainted both with the general rules of right living and with the particular things to which his knowledge is to be applied. He lacks prudence, therefore, who from vincible ignorance does not know a general principle (e.g., that too much drink is bad), or a case to which that principle should be applied (e.g., that the quantity of drink before one is too much).

1629. It is customary to distinguish a twofold object of a virtue, namely, the material object (i.e., the kind of activity the virtue perfects, whether in the field of knowledge, or of action, or of production) and the formal object (i.e., the special viewpoint of goodness from which the material object is considered).

(a) The material object of prudence embraces individual human actions performed under choice and freely (*_agibilia_*). (b) The formal object of prudence is the right deliberation, decision, and direction (*_recta ratio_*) to be given to human actions, with a view to the observance of the golden mean.

1630. Necessity of Certitude.—Prudence, being an intellectual virtue, must have certainty (see on the Certain Conscience, 640 sqq.). But with

regard to particular contingencies (e.g., whether Balbus ought to marry Caia) there are various kinds of certainty.

(a) There is the certainty of knowledge based on a generalization from experience of what happens in the majority of cases (e.g., that persons well mated by reason of birth, age, dispositions, etc., marry successfully). This kind of certainty belongs to moral science.

(b) There is also a certainty of knowledge based on the indications in a particular case (e.g., that Balbus and Caia appear to have congenial dispositions and a mutual affection that will make their marriage a success). This is the certainty of opinion, and while it may suffice as a rule for conscience (see the Systems of Conscience, 672 sqq.), events do not always verify its predictions. Hence it is said: “The thoughts of mortal men are fearful and our counsels uncertain” (Wis., ix. 14).

(c) There is finally the certainty of practical truth, which consists in harmony with a good will. This is the certainty that is proper to prudence, for this virtue is not a matter of reason alone. Hence, even though a matter properly decided on should not take place or should fail of the purpose intended (e.g., if the marriage of Balbus and Caia is prevented or turns out badly), it remains that prudence was not deceived in its decision, for that decision when made was according to right reason and a good will (see 578).

1631. Relation of Prudence to the Other Moral Virtues.—(a) Prudence does not direct the moral virtues to their own proper ends; for the knowledge of those ends comes from synteresis, or moral understanding (i.e., the natural perception of the first principles of right and wrong), while the inclination to those ends is from the moral virtues themselves. Prudence does not deal with first principles, nor is it an inclination towards particular ends. Hence, it is the intellectual virtue of synteresis that directs the moral virtues through the dictate that right reason must be followed, that moderation must be observed, that the passions of anger, pleasure, sorrow, etc., must be so regulated that both extremes of excess and defect will be avoided.

(b) Prudence directs the moral virtues to the ways and means by which their ends are to be attained; for the regulation of things particular and variable, such as ways and means, pertains to prudence. Synteresis is

concerned with necessary principles, and the moral virtues give a uniform and steady inclination to follow the mean of right reason, but neither the one nor the other can indicate how principles are to be applied or how inclinations are to be put in practice. Hence, it is the work of moral science to determine what or how much anger, pleasure, sorrow, etc., is moderate for the average case; but prudence has to decide this for a particular case here and now (see on Conscience, 575). Without prudence bravery becomes foolhardiness, temperance degenerates into fanaticism, and mercy changes to weakness.

1632. Prudence, indeed, directs the acts of all the virtues, ruling the virtues inferior to it (i.e., art and the moral virtues), and serving the virtues that are its superiors (i.e., the speculative intellectual virtues and the theological virtues).

(a) Thus, in exercising the intellectual virtues through study, contemplation, art, etc., one would go sadly astray if one did not consult prudence as to the time, manner, and method of performing these acts. Hence, a housewife who spent too much time in meditation would neglect her domestic duties.

(b) In exercising the theological virtues, through acts of faith, hope, and charity, there is also need of prudence, for it is not possible to continue in these acts without interruption, since there are times when other acts of virtue have to be attended to, and also times for repose. Thus, a person who goes about giving alms to the poor at hours when he is supposed to be at work for which he receives pay, is not prudent in his charity, since he does not choose the right time to exercise it.

1633. The Exercise of Prudence.—The acts that belong to prudence are those that one needs in order to direct one's conduct to that moderation which is the end of virtue. They are three: deliberation, decision, direction.

(a) Hence, in the first place, prudence takes counsel on, and deliberates about, the ways and means; (b) after ways and means have been discovered, it passes judgment (see 575) on their suitability (e.g., that restitution should be made at such a time, in such a way, in such an amount, etc., or that moderation in eating and drinking requires that this or that amount be taken, that this or that kind of food be avoided, etc.); (c) finally, but chiefly, prudence gives the command that what has been decided on be carried out,

whether this be the quest of certain things that are advantageous or the avoidance of certain things that are dangerous.

1634. Qualities of Prudence.—The qualities that should characterize prudence are carefulness and confidence.

(a) Carefulness is a watchful attention given to deliberation and judgment enabling one to act with readiness and decision when the moment for action has arrived. Its necessity for prudence is clear, for one does not counsel or judge well unless one has a matter at heart, is anxious about its success, and devotes to it serious study and vigilance; nor does one direct well if there is hesitation and delay instead of promptness in performing what has been decided on. In a word, one should be quick in execution, but slow in deliberation. Hence the admonition of St. Peter to be prudent, and to be attentive to prayer as a preparation for a good life and for the judgment (I Peter, iv. 7). An example of carefulness is St. Paul, who was solicitous about all his churches (I Cor., xi. 28), ever inquiring about their condition, their progress, their needs, etc.

(b) Confidence, as a quality of prudence, is a reliance on judgments carefully formed which excludes worries and undue hesitations. This is necessary as a balance to carefulness; for while it is true that absolute certainty is not to be expected in forming decisions about courses of action (the future event and also many present things bearing on it being unknown to us), it is also true that overcarefulness blinds the judgment and paralyzes decision. In the character of Hamlet Shakespeare pictures the man who is imprudent through excess of caution.

1635. The Parts or Kinds of Prudence.—As the divisions of parts correspond with the divisions of wholes, we should note that there are three kinds of wholes: a subjective, an integral, and a potestative whole.

(a) A subjective whole is one that is present as to its entire essence and all its power in each of the parts. This kind of whole is found in the genus, each of whose species partakes of the entire nature and energy included in the generic concept, just as the mode of being and of acting expressed by the term “animal” is found fully in dogs, cats, horses, and so on with the other kinds of animals.

(b) An integral whole is one that is not present in all its fullness either of essence or of power in the single parts. This kind of whole is found in a finished composite made up of heterogeneous units, such as a house; for neither walls, nor roof, nor foundation, nor any other single portion of the building is a complete house or has all the uses of a house, but if any one of them is lacking the house is not integral or complete.

(c) A potestative whole is one that is present in all its essence, but not in all its power in each single part. This kind of whole is exemplified in an active principle functioning through diverse faculties, such as the soul which thinks, wills, perceives, accomplishes by means of mind, will, sense, and bodily organs. The soul is present in its entirety in each of these, since it is a simple substance, but in one it exercises one power, in another a different power, in none of them all its powers.

1636. It is customary to speak also of the integral, subjective and potestative parts of a moral virtue. (a) Thus, the quasi-integral parts of a virtue are those functions without which its act is not perfectly performed; and with which it is more perfect. (b) The subjective parts are the species into which the virtue is divided. (c) The quasi-potestative parts are certain subsidiary or annexed virtues which have to do with the secondary acts of a principal virtue, as not having the full efficacy of the latter.

1637. Integral Parts of Prudence.—The integral parts of prudence, considered as a cognitive virtue or as an index of the right means, are those acts which enable one to have knowledge and to acquire knowledge. (a) Thus, the acts requisite for the possession of knowledge about ways and means are the memory of the past and the understanding of the present situation. (b) The acts requisite for the acquisition of new knowledge are docility, by which one learns from others, and quickness of perception, by which one discovers for oneself.

1638. The integral parts of prudence, considered as an operative or a preceptive virtue—that is, as the counsellor and director of life and behavior—are the acts without which one cannot make good use of knowledge as applied to conduct.

(a) Thus, knowledge of general principles must be applied to particular affairs, and this supposes that one knows how to reason correctly, how to infer the particular from the general, how to put facts together. Even those

who are not skilled dialecticians have a certain amount of natural logic, and are able to make good use of data or premises in drawing conclusions about their obligations, and thus to make a prudent application of what they know.

(b) Knowledge gained through deliberation has to be effectually made use of; that is, the reason must impose its judgment carefully formed, must determine the line of action to be followed, must properly dispose the means in view of the end. This requires that a person should so direct his future acts as means to the end he has in view that they will be good in themselves (foresight or providence) and in their circumstances (circumspection), and that he will be guarded against external impediments that might hinder him, steering clear of both Scylla and Charybdis (caution): “The prudent man considereth his steps” (Prov., xiv. 15). Examples: Titus wishes to help the poor, and decides on certain methods of raising the money that are dishonest and disedifying. Balbus wishes to induce Caius to go to church, and therefore shows him marks of friendship, not reflecting that these acts of friendship, on account of the character of Caius, will arouse only haughtiness or suspicion. Claudius, in order to practise mortification, resolves on a fast, but also makes up his mind to visit certain friends who will try to make him break his resolution. Sempronius resolves to provide well for his family and also for certain deserving charities, but he fails to insure his property, to invest his money well and to make a will, with the result that neither his family nor the poor are provided for as he had intended. Titus lacked foresight, Balbus was not circumspect, Claudius and Sempronius were incautious.

1639. The Subjective Parts or Species of Prudence.—Prudence in general is the right direction of human actions to their ends; and hence there will be as many different kinds of prudence as there are different kinds of ends of human actions. But the division of ends will be into the particular good of the individual and the common good of the multitude, and thus there are the two species of individual or personal prudence and social prudence.

(a) Individual prudence is the right management of his own acts by the individual, with a view to his personal uprightness.

(b) Social prudence is the right management of the acts of others or of self, with a view to the general welfare of a society.

1640. Social prudence in turn is subdivided in accordance with the two classes of society, the perfect and the imperfect, into political and domestic prudence. (a) Political prudence is the right administration of the affairs of a larger multitude, such as the State. (b) Domestic prudence is the right administration of the affairs of the family.

1641. Political prudence, according to usage, often has or may bear an unfavorable and evil signification. Hence, as we are considering now the virtue of prudence, we should remark that political prudence here is something very different from political methods or practices that are wise in evil, but not in good, though often called prudent (see 1651, 1674 sqq.). Examples: (a) Evil forms of government, such as tyranny, oligarchy, or mob rule, cannot be said to have the virtue of political prudence, no matter how successful they may seem, for they do not rule in the interests of the people at large, and this interest is the very beginning and end of true social prudence. (b) Evil practices in the regulation of government or of political parties—such as employment of foul means to maintain the interests of the State, corruption, bribery, intimidation, used for the purpose of winning the election of a ticket or candidate—cannot be honored with the name of prudence, but should rather be called Machiavellism and dishonest politics.

1642. Prudence exercised for the benefit of the nation as a whole should be found, not only in rulers, but also in private citizens. We may distinguish, then, the following kinds of prudence:

(a) in those who conduct the affairs of the nation there should be governmental prudence or statesmanship. Of rulers prudence in the highest degree is expected; for the chief function of prudence is to direct actions, and the heads of States must direct not only their own actions but those of great bodies of men. Scripture speaks of prudence and justice as the two virtues that are especially needed in a prince (Jer., xxiii. 5);

(b) in those who direct the defense of the nation against its enemies there should be military prudence, for bravery has to be guided by wisdom: “A wise man is strong, and a knowing man, stout and valiant, because war is managed by due ordering, and there shall be safety where there are many counsels” (Prov., xxiv. 5, 6);

(c) in subjects there should also be political prudence, for, as they are rational beings and members of society, they should willingly rule their acts

according to the law and should fulfill their own particular offices with a view, not only to their own individual good, but to the good of the whole community.

1643. Utility of Prudence for Society.—Hence, we see that none of the virtues is selfish or concerned exclusively with the good of individuals. (a) Thus, prudence, as just said, is political and domestic as well as individual; (b) justice is legal (i.e., towards society) as well as commutative (i.e., towards individuals); (c) even temperance (e.g., avoidance of drunkenness) and courage (e.g., defense of public safety) pertain to the common good and are commanded in laws of the State.

1644. Prudence attends chiefly to good morals, but it attends also to other goods that benefit human life.

(a) Thus, personal prudence directs one, not only to seek after virtue, but also to seek after lawful conveniences and to shun such things as are embarrassing or undesirable. Hence, the prudent man acts so as to avoid offense and to gain the good will of others; he studies the dispositions of those with whom he lives, so as to live peaceably, etc.; he protects himself against the attacks and snares of the unfriendly (cfr. Acts, xxiii. 6; Matt., xxii. 17).

(b) Domestic prudence provides not only for the virtuous lives of the members of the household, but also for their health and happiness, food and clothing, and other necessities and lawful pleasures (Luke, xii. 42).

(c) Political prudence is exercised, not only in the regulation of the conduct of the people through good laws, but also in the promotion of their welfare, peace, prosperity, and contentment.

(d) Military prudence provides for religion and good morals, by appointing chaplains, giving opportunity for religious exercises, insisting on discipline and military virtues, etc.; but it also looks after the interests of the individual men, the efficiency of all branches of the service, preparedness of the fighting forces, etc.

1645. Neither should practical prudence or practicality (i.e., the knowing what to do and how to do it) be identified with merely material pursuits, since it is a quality that pervades all human activity, from the lowest to the highest, from the manual to the intellectual, from the temporal to the

spiritual. Just as there are unpractical mechanics and business men who are not skilled at their work, so also there are practical students and church people who do their own work well and get good results.

1646. The Potential Parts of Prudence.—As was explained in 1636, the potential parts of a virtue are certain annexed virtues, usually inferior ones, that have to do with the secondary acts of a virtue to which they are subordinated. The principal act of prudence is direction, its secondary acts are deliberation and decision (1633). Hence, we have the following potential parts of prudence:

(a) wise deliberation (*eubulia*), which is a habit of debating with oneself according to correct methods the means to be employed for virtuous choice;

(b) wise decision, which is an habitual state of the mind which makes it ready to draw right conclusions about the means to be chosen for virtuous conduct.

1647. Wise deliberation and wise decision differ from prudence, which is wise direction, and they are subject to it just as counsellors are subject to a commander. But is it possible for these three virtues to exist apart?

(a) If there is question only of natural dispositions to these virtues, they may exist apart. Thus, we find that certain persons have an imagination ready to discover ways and means; that others are not so inventive, but are remarkable for common sense in choosing the most suitable means; and that still others are so inclined to some virtue that they will promptly make use of means that tend to it. The first class are readily listened to in deliberations, the second in decisions, while the third are usefully employed in executing matters that suit their natural bent (e.g., the naturally generous in dispensing alms).

(b) If there is question of the virtues themselves, they do not exist apart; for a man is not prudent if he does not deliberate as he should (e.g., if he searches for evil means to effect his good purpose), or if he does not decide as he should (e.g., if he concludes to prefer evil means to the good ones his deliberation had shown him), or if he does not direct his actions as he should (e.g., if he neglects to carry out what he had decided on as a necessary duty or performs it in a careless or improper way). True

prudence, then, is wise in deliberation, in decision, in direction. A good man may be excused if he is not resourceful, or if he lacks sound judgment in worldly matters, but one who is imprudent in the matter of a virtuous life is not a good man.

1648. The Persons Who Possess Prudence.—Political prudence, if understood of the ability to rule well, is not found in all persons, not even in all the good.

(a) Thus, those who are imprudent in their own affairs are not fitted to rule, and hence a man who is unjust, or intemperate, or cowardly, lacks political prudence: “If one knows not how to govern his own house, how will he be able to take care of the Church of God?” said St. Paul in discussing the qualifications of prelates (I Tim., iii. 5). He who does not know how to obey well does not know how to rule well.

(b) Those who have infused prudence on account of the state of grace are not necessarily fitted to govern, for even children have the grace of prudence through Baptism and there are many grown-up persons of saintly lives who are not a success in office and administration. Thus, Pope Celestine V, though a most holy man, resigned from the Papacy, because he felt himself unequal to the task of ruling in troublous times.

(c) Those who have acquired prudence through reason and experience, and who are therefore just, temperate and strong, are morally well fitted in natural endowments to rule. He who has learned to obey well is prepared to learn to rule well.

1649. Political prudence pertains to subjects as well as to rulers, although not in the same manner.

(a) Thus, rulers in the civil community should have political prudence in a supreme degree, or statesmanship, so that they may be able to discharge well the function of sovereignty entrusted to them, whether as legislators by deliberating wisely and choosing suitable laws, or as judges by correctly interpreting and applying the law, or as executives by maintaining the government and enforcing its laws.

(b) The citizens who exercise the power of suffrage should be gifted with no small degree of political prudence: they should be loyal to the institutions, laws, and welfare of the country, able to form a good judgment

about men and measures that are the issues in a campaign, and ready to vote according to conviction rather than prejudice or personal interest.

(c) The people can also exercise political prudence when obeying the laws, as when they act from a sense of duty and as rational beings, not unwillingly or blindly; for thus they rule themselves as freemen and enlightened beings, deliberating and deciding with themselves how they may cooperate for the common good and directing their acts according to law.

1650. The principles just given concerning political prudence will apply also, due proportion being observed, to domestic prudence.

(a) Hence, it is the duty of those who have authority over a family or a similar community to cultivate domestic prudence, without which they cannot discharge rightly the duties of their position of parent, rector, superior, manager, etc. Confessors and directors of souls need especially to be prudent; for even though a priest is thoroughly grounded in the principles of a moral system of conscience and in the teachings of ascetical theology, he will have to be guided by prudence in making use of his knowledge, so as to apply it well in the great variety of cases that will come before him, and to decide what will be most useful for the spiritual welfare of each individual subject.

(b) It is the duty of those who elect or appoint others to positions of authority (such as the positions of guardian, teacher, superintendent, etc.) to be assured beforehand of the fitness of the person chosen as regards prudence, namely, that he is devoted to the welfare of those whom he will rule, that he has acquired sufficient knowledge and experience, and that his habits are temperate, resolute, just.

1651. Relations between Prudence and Other Virtues.—In the preceding paragraphs the possession of prudence has been joined with the moral virtues. Hence the question presents itself: Can one who lacks the moral virtues possess prudence?

(a) Evil prudence, which chooses ways and means well adapted to some nefarious scheme, and imperfect prudence, which means and judges well but does not strongly resolve, are of course found in sinners. Evil prudence is called after the virtue, because it is a counterfeit of the latter's goodness,

but it is more properly named astuteness or cunning. Its sinfulness is strongly expressed in Rom., viii. 6, which declares that the prudence of the flesh is death. Imperfect prudence is also sinful, for it permits a right judgment to remain ineffectual and is thus recreant to conscience. Examples of evil prudence are the unjust steward mentioned in the Gospel (Luke, xvi. 1), who was wise enough to cheat his master and serve his own interests, and artful swindlers who know how to lure their victims and then escape without detection. Instances of imperfect prudence are persons who deliberate well on the means to overcome assaults of temptation or to escape occasions of sin, but whose resolutions never last.

(b) Indifferent prudence is resourceful in finding ways to accomplish purposes that are good, but that are not necessarily referred to moral aims. Thus, certain men seem to have an uncanny instinct in business or industry of hitting on the methods that lead to success and of acting at the right time, and a similar fact is observed in the fields of science, medicine, art, etc. This kind of ability of knowing and doing the right thing is variously described as insight, discrimination, tact, and is variously explained as luck, genius, industry, etc. But, morally speaking, it is neither virtuous nor sinful, since we find, for example, that men endowed with business acumen or a practical sense of the uses of some art or science devote their talents sometimes to good, sometimes to evil, according to the difference of their characters.

(c) Good prudence is that which in thought and in act functions well with regard to the means for leading a good life. It is only this prudence that receives the name of virtue; and, since it is clear from its concept that it supposes a good life, we must conclude that the virtue of prudence is not found in sinners. It may happen, therefore, that a man is most sagacious in managing temporal affairs, or most skillful in administering the spiritual interests of others, and withal most imprudent, because he neglects his own salvation.

1652. Sins that Cause One to Forfeit the Virtue of Prudence.—(a) Infused prudence is lost by any and every act of mortal sin, whether the sin be against the knowledge had through faith or the knowledge had through reason. (b) Acquired prudence is lost by repeated acts of mortal sin opposed to the knowledge had through reason, but not by one sole act. Thus, a person who through experience and practice has become prudent in

overcoming past vices, loses this prudence if he disregards the lessons of the past and exposes himself to the old dangers of mortal sin (see 138).

1653. We may sum up as follows regarding sinners and the possession of the virtue of prudence:

(a) sinners guilty of venial sin only have infused prudence, and also the habit of natural prudence, if they have acquired it by their own efforts;

(b) sinners guilty of mortal sin against supernatural light (e.g., those who sin against faith or hope) have not the infused virtue of prudence, though they may have the acquired virtue;

(c) sinners guilty of habitual mortal sin against natural light (e.g., those who are accustomed to sin against temperance or justice) have neither the infused nor the acquired virtue of prudence. Even one mortal sin, though it will not take away the inclination of the habit of prudence, will deprive one of the perfection of the virtue of prudence, for which it is required that in every act there be a judgment agreeable to a good will.

1654. The Virtue of Infused Prudence in Those Who Are in the State of Grace.—(a) Infants in the state of grace through Baptism possess this virtue in an habitual, but not in an actual manner—that is, on account of their sanctification they have the power, but on account of their want of reason they have not the use of the power.

(b) All adults in the state of grace have this virtue both habitually and actually, as far as the need of salvation requires its exercise. Grace enables them either to perceive what they should do to live well, or to seek counsel from the better instructed and to distinguish between good and bad advice.

(c) Some adults in the state of grace have good judgment in a superior degree and are able to direct not only themselves but others, and to deliberate and decide rightly, not only in matters necessary for salvation, but in all kinds of affairs pertaining to the direction of human life.

1655. Can the Acquired Virtue of Prudence Exist in Young People?—(a) If there is question of a formed habit of prudence, the virtue is not in the young, but in those who are advanced in years. Acquired prudence is originated by deliberation on particular cases and by habit, and these are not had without experience and time. Hence, this virtue is to be looked for in the elderly, both because the passions that disturb calm deliberation are no

longer so impetuous in them, and because their years have taught them many lessons and given them the opportunity to acquire fixed ways of acting: “In the ancient is wisdom, and in length of days prudence” (Job, xii. 12; cfr. III Kings, xii).

(b) If there is question of a formative prudence, this is found in the young, for they deliberate and decide at times with judgment and firmness, and, if such acts are frequently repeated, they will eventually proceed from a settled moral inclination. It is necessary, therefore, that the moral training of the young begin early, that instruction, counsel and direction be given them by parents and other guides, so that the way of virtue may be made more easy. The young are in duty bound to listen frequently, willingly and reverently to the admonitions of their elders, and hence the modern tendency of youth to act as critics of morals is as foolish as it is presumptuous.

1656. Is There Such a Thing as an Instinctive or Native Prudence?—(a) If we speak of the knowledge of universal principles of right and wrong which are applied by prudence, those principles that are most general are known naturally (i.e., even without instruction or inference), but not so the less general principles that follow from them (see 320 sqq.). Broadly speaking, therefore, one might say that prudence is natural, for in respect of its first principles it has a natural evidence; but it is more correct to say that knowledge of first principles belongs to intuitive reason or understanding, which is also called *synteresis* in reference to practical truths (see 145), and which is a gift of nature.

(b) If we speak of the particular knowledge of virtuous aims that is presupposed to prudence, one may possess naturally a right judgment about those aims, inasmuch as the right objectives of human life are not variable but determinate, and accordingly may be the centers of attraction to nature, which is drawn to the invariable and determinate, as is seen in irrational creatures. In fact, certain persons are by nature disposed to certain virtues (e.g., temperance), and readily form accurate judgments as to what concerns these virtues. Broadly speaking again, we may say that prudence is natural in the sense that nature disposes some persons to judge rightly about moral ends.

(c) If we speak of the particular knowledge concerning ways and means to fulfill virtuous purposes, there is no natural knowledge of this kind, for the ways and means to moderation are infinitely varied according to the differences of affairs, persons, and circumstances. And since prudence strictly understood is concerned, not with universal principles or the ends of virtues, but with individual cases and the particular means to be employed, it follows that in the strict sense prudence is not natural. But just as we find that some men are better fitted by nature to judge correctly in speculative matters, so also some persons are superior to others in the ability to reason about practical cases and the means conducive to morality.

1657. The Growth and Decay of Prudence.—(a) As repeated acts form a habit of prudence, so do repeated acts strengthen prudence already formed, especially when the chief act of prudence (i.e., the command that things wisely deliberated on be performed) is often brought into play. Even infused prudence is augmented and perfected by use and practice: “Strong meat is for the perfect, for them who by custom have their senses exercised to the discerning of good and evil” (Heb., v. 14).

(b) As prudence consists primarily in a dictate which applies the reason’s knowledge to the control of will and conduct, this virtue is corrupted chiefly by passion. We see that those who are swayed by pleasure or pain lose sight of the true motive of choice and action, and do not issue to themselves the order which prudence and their better judgment inspire. Thus, lust deceived even the elders of the people (Dan., xiii. 56), and bribes blind even the prudent (Exod., xxiii. 8). Nature enables a man to judge rightly about the universal principles of right and wrong; but, when judgment is to be given about particular lines of action, “as a man is, so he judges,” the licentious man judging for pleasure, the cowardly man for neglect of duty. Hence, the moral virtues must be united with prudence, else it perishes.

(c) As prudence presupposes a fund of general moral principles, forgetfulness is an impediment to this virtue; yet not so that every loss of memory which deprives one of arts and sciences will also take away prudence. For, while art and science consist entirely of knowledge, prudence has also a moral element derived from a right inclination of the will towards goodness, and its chief office is the utilization of principles in practice. The virtuous man will continue to follow prudence, even though

he has forgotten its theory or rules, guiding himself by good habits formed or by the counsel of those wiser than himself.

1658. The Gift of Counsel.—The Gifts of the Holy Ghost supplement the theological virtues by ministering to them; but they supplement the moral virtues, of which prudence is the first, by aiding and perfecting them. The Gift that corresponds directly to prudence is Counsel, for both are concerned with the direction of human acts, prudence directing by the standard of human reason and counsel by the Holy Ghost Himself.

1659. Definition.—Counsel is defined as “an infused habit which makes the soul prompt to receive and act upon the enlightenment offered by the Holy Ghost about the means to be chosen with a view to its own eternal salvation.”

(a) Counsel is different from the virtue of wise deliberation spoken of in 1646; for, while the virtue enables one to do good in a human manner and from one’s own motion (e.g., by seeking advice, by making inquiries, etc.), the Gift enables one to do good in a superhuman manner and under the motion of the Holy Ghost (i.e., by hearkening to the advice offered by God).

(b) Counsel is different also from the charism of good counsel, which makes certain persons remarkable as advisors or directors. Thus, Mathathias when dying said to his sons: “I know that your brother Simon is a man of counsel; give ear to him always, and he shall be a father to you” (I Mach., ii. 65). St. Antoninus of Florence was so successful in guiding those who came to him with their difficulties that he was called “Antoninus of the Counsels.” The Gift is intended to benefit its possessor, and it is therefore had by all the just; but the charism is for the benefit of others, and is freely bestowed according to the will of God only on certain individuals who have a special mission of directing or assisting their neighbors.

1660. Subject-Matter of Counsel.—The subject-matter of the Gift of Counsel embraces all that pertains to salvation, both the things that are necessary and are commanded and the things that are not necessary and are only counselled.

1661. The Gift of Counsel may direct one at times to courses that are singular and extraordinary. But, since the Apostolic rule is that one should

not believe every spirit but should prove the spirits whether they are from God (I John, iv. 1; I Thess., v. 21), persons who feel called to unusual kinds of life should submit their ideas to the judgment of the Church: “Arise and go into the city, and there it shall be told thee what thou must do” (Acts, ix. 7).

1662. The Beatitude and Fruits that Correspond to the Gift of Counsel.—
(a) Counsel directs one to all the means that are useful for the attainment of life eternal, but especially to acts of mercy, for, as St. Augustine remarks, without mercy shown to others we cannot be freed from our own evils. Cognate to Counsel, therefore, is the Fifth Beatitude: “Blessed are the merciful, for they shall obtain mercy” (Matt., v. 7).

(b) Counsel is practical, and hence its ultimate result will be action of some kind. The acts which its farseeing view puts especially into exercise are acts of mercy, and acts of mercy have sweetness and agreeableness when accompanied by a sympathetic love of the afflicted and a cheerful and generous service of their needs. There belong to mercy, then, the two delightful acts or fruits of the Spirit mentioned in Gal., v, 22, and called goodness (i.e., internal benevolence) and kindness (i.e., external beneficence).

1663. The Sins Against Prudence.—There are two classes of sins opposed to prudence. (a) Manifestly opposed to it are those sins that consist in a want of the acts or conditions requisite for prudence. These may be called sins of imprudence or sins that offend prudence by way of non-use. (b) Seemingly allied with prudence are those sins that consist in a wrong application of the acts or conditions of the virtue. These may be called sins of pseudo-prudence, or sins that offend against prudence by way of abuse. We shall speak first of imprudence and then of pseudo-prudence.

1664. Kinds of Imprudence.—There are three kinds of imprudence. (a) Negatively considered, imprudence is nothing more than the absence of prudence, and it is not necessarily a sin. Thus, children and young people through no fault of their own are negatively imprudent, though of course their lack of prudence may be traced back to original sin.

(b) Privatively considered, imprudence is the failure to have the habitual prudence that one is bound and able to possess. This failure is due to the fact that one has taken no pains to educate oneself through study, sermons,

instructions, etc., so as to be able to act prudently when the occasion arises. Privative imprudence is therefore reducible to the sin of negligence, although negligence itself, as being opposed to carefulness (1634), is also against prudence, as we shall see.

(c) Contrarily considered, imprudence is the voluntary omission of some act or condition demanded by prudence (as when one is so taken up with amusements that one makes no effort to deliberate on an important matter or deliberates with undue haste), or the voluntary commission of an act exclusive of an act or condition of prudence (as when one expressly contemns deliberations or decides to act against the rules of prudence). This kind of imprudence is a mortal sin when it leads away from things necessary for salvation; otherwise it is a venial sin.

1665. Sinfulness of Imprudence.—Is imprudence a general sin, that is, a sin which is included in every kind of sin?

(a) Imprudence is not included in every kind of sin in the sense that it forms a part of the very nature of every kind of sin; for, just as prudence has its own special acts (i.e., to direct according to reason), distinct from those of other virtues, so has imprudence its own special defects that do not belong to other kinds of sin.

(b) Imprudence is included in every kind of sin in the sense that everyone who sins acts imprudently in sinning; for, just as one does not act virtuously unless prudence directs one, so one does not act sinfully unless there is some defect in the deliberation, or decision, or direction given by reason.

1666. It should be noted that, while the defects against deliberation, decision, and direction are so many different kinds of imprudence, they do not form species of sin distinct from the motivating sin if they are all directed to one evil purpose. Hence, if a person has deliberated badly, decided badly, and directed badly in the matter of striking a priest, he needs to confess but one sin, namely, that of laying sacrilegious hands on a cleric.

1667. The Sin of Haste.—The sin of haste or precipitancy passes over or hurries over the processes of deliberation that ought to precede action; it devotes little or no attention to memory of past experiences, understanding of present conditions, or conjecture of future possibilities; it does not give

to a question the proper amount of study or of consultation. It is of two kinds, ordinary and rash.

(a) Ordinary precipitancy results from a strong inclination of the will or of the passions, as when a person speaks in anger before he has thought of the serious consequences of his words, or marries without reflection, or purchases an article the worth of which he does not know, or agrees to something about which he is in the dark, etc. Both Holy Writ and popular proverbs strongly condemn this sin.

(b) Rash precipitancy results from contempt of the law, as when one so despises an ordinance as to violate it without the slightest hesitation or reflection. This sin pertains to pride as well as to imprudence. In various censures the word “rashness” or “temerity” is used as here given, as when excommunication is pronounced against rash violators of the law.

1668. The Sin of Thoughtlessness.—The sin of thoughtlessness or inconsideration is a neglect or contempt of the means of arriving at a wise decision. It is a failure, therefore, to make use of right understanding, which looks well at the particular case before it and studies and measures it in the light of first principles.

(a) He is guilty of thoughtlessness, then, who fails to do what he can to judge rightly about his duty; nor is he excused if he leaves the whole matter to God, for it is temptation of God to expect that He will provide when man does not do his own part (Prov., iv. 25).

(b) He is not guilty of thoughtlessness who has not the opportunity of judging, or who lacks sufficient knowledge, or who is taken unawares; nor is he guilty of temptation of God, if in such difficulties he commits all to Providence. Thus, when various nations were gathered together to fight against Juda, King Josaphat prayed: “As we know not what to do, we can only turn our eyes to Thee” (II Par., xx. 12). And Our Lord promised special help to the disciples for cases of need when they were unable to help themselves (Matt., x. 19).

1669. The Sin of Inconstancy.—The sin of changeableness or inconstancy is committed when, owing to anger, jealousy or other inordinate passion, the reason repudiates things that had been rightly decided on and fails to act on judgments that had been rightly made (Is.,

xxxvii. 3). From inconstancy result incontinence (i.e., instability in the face of pleasure) and effeminacy (i.e., instability in the face of sadness).

1670. Causes of the Sins of Haste, Thoughtlessness, and Inconstancy.—
(a) Every inordinate desire brings on these sins by diverting the mind from a good to an evil object. Experience shows that the avaricious, the ambitious, the angry, the jealous, etc., do not listen to reason, but act imprudently: “Where envying and contention is, there is inconstancy” (James, iii. 16).

(b) Desire of pleasure, especially of venereal pleasure, is most fatal to prudence by extinguishing the judgment of reason. The intellect is immaterial and is occupied with abstract truth, whereas sensual delights are immersed in the material and sensible. Hence, carnal sins are more injurious to prudence than spiritual sins. The sensual man not merely does not listen to reason, but he does not even hear it. Venus steals away the reason, said Aristotle, and this truth is well exemplified in King Solomon.

1671. The Sin of Negligence.—The sin of negligence is opposed to carefulness or diligence, and consists in the failure of the reason to direct properly an act, or some circumstance of an act, to which one is obliged.

(a) Negligence is a general sin in the sense that it has no special matter of its own, such as a passion to be moderated (as is the case with temperance and fortitude) or an action to be regulated (as is the case with justice). The acts of reason should extend to every kind of matter, and hence a person may be negligent (and likewise inconstant, thoughtless, hasty) with reference to any kind of action or passion.

(b) It is properly a special sin, as being the opposite of carefulness, which is a special act of prudence.

1672. Negligence is distinct from the following sins: (a) from laziness and lukewarmness, which are defects of the external act, while negligence is a defect of the internal act (see 1326, 1327); (b) from sins of omission, which pertain to external acts and are results of negligence, and are opposed to some other virtue than prudence (e.g., negligence in paying debts is against justice); (c) from inconstancy, which fails to command an act to which one is bound, as though one were impeded, while negligence fails because there is a want of promptness in the will. The inconstant man is

easily diverted from his course; the negligent man is slow in getting under way.

1673. The Sinfulness of Negligence.—(a) It is a mortal sin when some act or circumstance necessary for salvation is omitted on its account (e.g., when a debtor puts off from day to day the payment of a bill, and in consequence causes a great injury), or when it proceeds from contempt or preference of the creature to God. (b) It is a venial sin when the act or circumstance omitted is not necessary for salvation (e.g., when a judge causes a slight injustice by reason of his procrastination), or when it proceeds from a want of fervor.

1674. False Prudence.—So far we have considered the sins of imprudence; now we shall speak of the sins of false prudence, which turn to wrong objects the acts that prudence employs for good, or which use inordinately the care that prudence employs in moderation. Thus, there are several kinds of imitation-prudence.

(a) Prudence is in love with the good of virtue as the end of life; the prudence of the flesh is in love with some pleasure or utility, and makes this good the center of attraction for all its acts.

(b) Prudence deliberates and judges about good and lawful means for its end; astuteness deliberates and judges how it may make use of evil means, and it employs trickery and fraud to perform what it decides on.

(c) Prudence is chiefly concerned about the spiritual, but its concern is not excessive; solicitude for temporal things or for the morrow is more anxious about the things of this world, or is unduly anxious about spiritual things.

1675. The prudence whose end is bad is the sin of those Who counsel, judge, and direct well as to the means for securing temporal goods which they have made the supreme purpose of their lives. This sin is given the one general name, “prudence of the flesh,” from Rom., viii. 6, where the aspirations of the flesh are contrasted with the aspirations of the spirit. But it is also sometimes distinguished according to the different kinds of created things in which false prudence puts its desire, or according to the different kinds of allurements to such created goods.

(a) Thus, those who aim chiefly at internal goods (i.e., bodily pleasures, health, etc.) are said to have the prudence of the flesh, while those who long mostly after externals (such as fine clothes, jewelry, estates, etc.) are said to have the prudence of this world: “The children of this world are more prudent in their generation than the children of light” (Luke, xvi. 8).

(b) We may also divide prudence about a wrong end into earthly, animal and devilish, according to the threefold source of temptation, as was explained above in 1623.

1676. Sinfulness of the Prudence of the Flesh.—(a) If prudence of the flesh be understood in its stricter meaning as designating the condition of those who make the things of this world the be-all and the end-all of existence, it is a mortal sin; for it is impossible that one should have two last ends or serve two masters whose interests are opposite: “The wisdom of the flesh is an enemy to God, for it is not subject to the law of God, neither can it be” (Rom., viii. 7).

(b) If prudence of the flesh be taken in a less strict sense as signifying the behavior of those who make God the supreme end of their lives, but who in some affair plan shrewdly for a particular end that does not entirely square with right reason, it is then a venial sin. An example is a host who is very practical in buying supplies and making all the arrangements for a banquet at which the guests will conduct themselves with too much hilarity.

(c) If prudence of the flesh be used in a wide or improper sense as signifying the care of the body and other temporal things for the sake of a good end, it is not sinful, but virtuous. Thus, a person who is careful about his diet in order that he may conserve his health and be enabled to work more efficiently and fruitfully, is virtuously prudent. The use of the term “prudence of the flesh,” for these last two cases is inaccurate and misleading.

1677. Astuteness, Trickery and Fraud.—The prudence whose means are bad is the sin of those who skillfully plan and carry out wicked ways and methods of securing some desired end, even though it be a good end.

(a) The planning of wicked means through which some design can be successfully achieved is the sin of astuteness, and the persons who are well-fitted for such things are known as schemers and plotters. The counsel of

the Jews against Christ (Matt., xxvi. 3-5) and the bribery of the sepulchre guards (Matt., xxviii. 12-14) are examples of astuteness.

(b) The carrying out of astute plans may be done either by violence or by stealth; but, as evil loves to hide itself and to pose as good lest its success be endangered, schemers usually resort to trickery and fraud. Lord Bacon's essay on "Dissimulation" is a good description of the method of worldly policy.

1678. Trickery in general is the secret employment of sinful means with the view to impose on others and thus gain some advantage one has in mind. Hence, it has a wide application and includes fraud as well as other uses of unlawful means. But trickery may be distinguished from fraud as follows:

(a) trickery is the execution of an astute plan by words calculated to deceive or circumvent another person. Words are the chief means of communication between men, and hence trickery is more usual than fraud. Examples of trickery are the artful traps prepared for Our Lord by the Pharisees when with apparent respect they asked His views about the condemnation of the adulteress (John, viii. 3 sqq.) and the payment of tribute (Matt., xxii. 17), their purpose being to obtain evidence that He spoke against the Law;

(b) fraud is the execution of astute plans by means of dishonest actions, as when a person cheats by not observing the rules of a game, or defrauds by selling inferior goods, or imposes on others by passing himself off as their friend, etc.

1679. Trickery may be used for good as well as evil ends, and thus St. Paul disowns the practice of persuading men to embrace the Faith by appealing to their prejudices or by toning down the Gospel: "We renounce the hidden things of dishonesty, not walking in craftiness, nor adulterating the word of God; but by manifestation of the truth commending ourselves to every man's consciousness in the sight of God" (II Cor., iv. 2).

1680. The gravity of the sins of astuteness, trickery and fraud depends on the character of the object, end and circumstances. (a) Thus, on account of the object the sin is grave when the means chosen are very bad (e.g., serious calumnies), venial when the means are slightly evil (e.g., lies about

unimportant matters); (b) on account of the end the sin is mortal when one intends to perpetrate a serious offense (e.g., clever ruses to get into a house in order to rob it), venial when the purpose is not so bad (e.g., cheating at cards in order to win a small sum); (c) on account of the circumstances the sin is made mortal by some grave defect or disorder in the act resulting from the condition of time, place, person, etc. Thus, there might easily be great scandal if a person of authority were known to lie habitually, as it suited his interests.

1681. Solicitude.—Another form of spurious prudence is solicitude, that is, an inordinate carefulness about temporal things or about the future. Its sinfulness appears from the following considerations.

(a) Our Lord condemns solicitude: “Be not solicitous therefore saying: ‘What shall we eat, or what shall we drink, or wherewith shall we be clothed?’ ... Be not solicitous for the morrow, for the morrow will be solicitous for itself. Sufficient for the day is the evil thereof” (Matt, vi. 31, 34).

(b) Solicitude seeks temporal things without the moderation that reason requires, does not duly esteem the spiritual, and does not confide in Divine Providence. Without any human care God bestows upon man the gift of life itself, provides for the animals and plants, directs the whole inanimate creation, and it is therefore unreasonable to fret and fume over the temporal things of one individual as if God were unable or unwilling to see to them (Matt, vi. 25 sqq.).

1682. Cases of Unlawful Solicitude about Temporalities.—(a) Solicitude is sinful on account of the things sought if one makes temporal things the end of life, as when a person follows religion purely as a business matter, for the sake of the living and worldly advantages this secures.

(b) Solicitude is sinful on account of the immoderate desire of obtaining some good, when one pursues the temporal with such avidity that the spiritual is made to suffer, as when a person devotes so much time and thought to business, politics, society or science that religion is more and more set aside in his life: “The cares of this world choked up the word” (Matt., xiii. 22).

(c) Solicitude is sinful on account of the immoderate fear of losing a temporal good, when one is deterred from religion by the thought that fidelity to virtue means the sacrifice of the necessities of life. Examples of this immoderate solicitude are persons who never attend church or contribute to religion, lest they lose time or money, or who practise race-suicide to escape the burden of supporting a family.

1683. Cases of Lawful Solicitude.—(a) When the end is a genuine temporal good, moderate solicitude is not only lawful but is a duty dictated by prudence. Thus, a man who labors industriously and who saves, spending economically for the support of himself and his dependents and the upkeep of his home and business, is prudent in the true sense of the word, provided he is not too much absorbed in money-making or too anxious about financial affairs: “Work must be attended to, but worry must be banished” (St. Jerome).

(b) When the end is a spiritual one, moderate solicitude is also a duty. Thus, St. Paul was solicitous for his Churches (II Cor., xi. 28), Timothy for the Philippians (Phil., ii. 20); those who have charge as almoners should be solicitous for the goods given for the poor, etc.

1684. Cases of Unlawful Solicitude about the Future.—(a) Solicitude is unlawful on account of the end that is intended, when one makes temporal things one’s god, and is therefore perturbed about the future, as when a person has set his heart upon obtaining some honor by fair means or foul, and is restless and disturbed in mind lest it escape him.

(b) Solicitude is unlawful on account of immoderate desire, when one seeks for more than one should, as when a person who has sufficient means busies himself about too many things and deprives himself of peace and health in order to be wealthier in the future.

(c) Solicitude is unlawful on account of the unsuitability of the time, when one anticipates the season for care, as when a farmer worries during planting season about the harvest, and during harvest time about the next planting. Those who willingly occupy and disquiet themselves with forebodings of dire calamities that are uncertain (e.g., the imminent destruction of the world) or of evils that cannot be prevented (e.g., their death), are also guilty of sinful solicitude.

1685. Cases of Lawful Solitude about the Future.—(a) When the end is a lawful temporal good, moderate solicitude about the future is good, for providence for the future is a part of prudence (see 1654). Scripture praises the ant which gathers its food in the summer against the winter (Prov., vi. 6). Joseph stored up a reserve of grain (Gen., xii. 34 sqq.); Our Lord appointed Judas to act as treasurer for Himself and His followers (John, xii. 6); the Apostles kept for future expenses offerings made from the sale of fields (Acts, iv. 34, 35). (b) When the end is spiritual, reasonable solicitude is also good, and this is seen in the conduct of the early Christians who gathered alms in advance that they might have the means to bestow assistance during a famine which had been predicted (Acts, xi. 27 sqq.).

1686. False Prudence and Avarice.—The sins of false prudence are caused chiefly by avarice. (a) They are sins in which reason plays a great part, though it is not put to a good use; and hence they do not naturally spring from carnal vices or cowardice, which obscure reason. Avarice, on the contrary, reasons much on how it may get and keep; it is shrewd, cunning, deliberate, foresighted. (b) They are sins that have recourse to stealth and secrecy, and thus are unlike pride, vainglory, and anger, which incline to display and openness. But avarice puts utility above considerations of glory or revenge, and prefers to be without fame or to bear with slights rather than lose profits.

1687. Commandments of Prudence.—Prudence is not expressly commanded in the Decalogue, but there are precepts concerning this virtue in other parts of Scripture.

(a) Prudence is not enjoined in the Decalogue, because the ten commandments are concerned with those ends of virtue that are manifest to all, whereas prudence is about the means to practise virtue.

(b) Prudence is commanded in many places of Scripture: “Get wisdom and with all thy possession purchase prudence” (Prov., iv. 7); “Walk in the ways of prudence” (ibid, ix. 6); “Purchase prudence, for it is more precious than silver” (ibid, xvi. 16); “Be ye prudent as serpents” (Matt., x, 16); “Speak the things that become sound doctrine, that the aged men be sober, chaste, prudent” (Tit., ii. 1, 2); “Be prudent and Watch in prayers” (I Peter, iv. 7).

Art. 2: THE VIRTUE OF JUSTICE

(*_Summa Theologica_*, II-II, qq. 57-60.)

1688. After prudence follows justice. This virtue regulates human actions and renders to others their due, and so it has preeminence over fortitude and temperance, which govern the passions and make man virtuous as regards his own acts only and not as regards his neighbor. The logical order, then, is that justice should precede fortitude and temperance.

1689. Nature of Justice.—In God justice is an attribute in virtue of which He so treats His creatures that they can have no well-founded complaint against Him: “His own justice supported Him. He put on justice as a breastplate” (Is, lix. 16, 17). In man it is goodness towards God or towards neighbors; and it is called in Scripture by various names, such as “justice,” “equity,” “truth,” “righteousness.”

(a) In a wide sense, justice signifies the general virtue of holiness, or the collection of all the virtues, as when Our Lord says: “Blessed are they that hunger and thirst after justice (i.e., holiness)” (Matt., v. 6). Holiness, as a supernatural life communicated to the soul, is also called justice or justification: “The justice of God by faith of Jesus Christ, unto all and upon all them that believe in Him” (Rom., iii. 22).

(b) In a strict sense, it signifies the special moral virtue that consists in a firm purpose of the will to give to everyone his due or right: “Love justice, you that are judges of the earth” (Wis., i. 1); “If in every deed you speak justice” (Ps. lvii. 2). In its strict sense the word “justice” is hereafter used.

1690. Definition of Right.—Right signifies originally that which follows a straight course or does not deviate from the true standard, as in the expressions “right ahead,” “to be in the right.” But in moral matters right has the derived meaning of that which is good, proper, suitable; and in general it is of two kinds, objective and subjective, the former being the foundation of the latter.

(a) Objective right is that which is prescribed by law, or it is the law itself as the rule and standard of what ought to be done, especially in the relations

of men towards one another. In this sense there is a twofold right, natural and positive, according as reason itself or free will imposes a law (see 286, 296).

(b) Subjective right is that relationship introduced between men by reason of the laws governing their conduct one to another, which gives to one an authority to exercise certain capabilities (active right, right properly so-called), and imposes on another the necessity of respecting that authority (passive right, duty).

1691. Right properly so called is defined as the moral power of doing or possessing something.

(a) It is a moral power, that is, a power created by the moral law giving one a true title and forbidding others to interfere with its enjoyment and use. It is not a physical power, for might does not make right; on the contrary, he who has moral power is sometimes hindered from exercising it by another who has physical power. Nor is it a mere legal power, or capacity to act validly and within human law, but an ethical power that enables one to act licitly before God and conscience.

(b) It is a power to do (e.g., to labor) or to have (e.g., to own land). The former includes also the moral power to forbear action (e.g., to rest on Sunday), to require that another act (e.g., pay what he owes me), or that he forbear action (e.g., keep off my property); while the latter includes also the power to acquire, to use, to transfer, etc.

1692. Divisions of Right.—(a) By reason of its source, or of the law from which it springs, a right is either natural (e.g. the right to life, liberty, pursuit of happiness), positive-divine (e.g., the right to receive the Sacraments), positive-human (e.g., the right of parishioners that Mass be said for them by their pastor, the right of citizens to vote and to be voted for). (b) By reason of its term, or of the power which it confers, a right is strict (legal) or non-strict (moral). One has a strict right when something is due one, because it is one's own by a proper and exclusive title (e.g., the right to life and property). One has a non-strict right when something is due one, only because it is something common that is to be distributed and one is a deserving member of the community (e.g., the right to receive an appointment from the government), or because virtue (e.g., the right to receive gratitude for benefits shown) or the perfection of virtue (e.g., the

right to be treated with liberality or affability or friendship by others) requires it.

1693. Natural rights are subdivided as follows:

(a) in respect of their object, some rights are absolute, as being based on nature alone (e.g., the right of a child to support from its parent arises from natural origin); or they are relative, as being based on nature in its relation to concrete and contingent facts (e.g., the right of an owner to private possession of his land arises from the nature of land, which was made to serve man, and from the contingent fact that it cannot serve man as a rule without private ownership);

(b) in respect of their source, some rights are innate, that is, they are had from birth by the very fact of human nature (e.g., the right of life in the newborn child); others are acquired, that is, obtained in course of time through some contingent fact. Thus, titles to goods of fortune which the owner is the first to possess (original titles) are obtained by occupation and accession; titles to goods obtained from others (derivative titles) are obtained through prescription, inheritance, contract;

(c) in respect to their firmness, some rights are alienable, that is, they are such as may be renounced or superseded lawfully, since they are not obligatory (e.g., the right to marry, the right to drink alcohol); while others are inalienable, that is, not subject to renunciation or deprivation, as being obligatory (e.g., the right to repel temptation, the right to serve God).

1694. Signs by which Strict and Non-Strict Rights May Be Distinguished.—(a) That to which one has a strict right belongs to one's own, and hence it must be determinate or determinable. The right of a beggar to receive some assistance from someone is not a strict right, since it cannot be urged against any particular thing or any individual person; but the right of a creditor is a strict right, since it can be urged against the debtor for a definite amount.

(b) That to which one has a strict right is owed in justice, and hence it may be enforced by legal means, or in case of need by physical force. The right of a child not to be slighted in the distribution of presents made by its parents, the right of a person who has had a falling out with another that the latter shall accept advances for a reconciliation, and the right of a

benefactor that the beneficiaries show signs of gratitude, are not strict rights, because they cannot be enforced in courts of justice, but the right of a laborer against his employer is a strict right, since it can be vindicated by legal means. It should be noted that a strict right is one that is granted as a proper, exclusive and enforceable power by any law, whether natural or positive, and hence the fact that human law will not vindicate a right (e.g., the right arising from a contract naturally good, but legally not defensible, the right of a parent to his child's respect) does not prove that the right is not strict.

1695. A strict right to have or to own is either in re or ad rem. (a) A right in re (real or complete right) is the right to that which one already lawfully has as one's own (e.g., the right that Caius has to the wages paid him by Balbus). (b) A right ad rem (personal or inchoate right) is the right to that which one is entitled to obtain as one's own (e.g., the right that Caius has to receive the wages promised him by Balbus).

1696. Legal Enforcement of Strict Rights.—(a) The right in re authorizes recourse to a real action (actio in rem), that is, to a suit against the thing itself, no matter where it be or by whom it be held, as when one sues to recover one's property through the ejectment of a wrongful possessor; for the thing is immediately and juridically bound to him who has the right, as being his own.

(b) The right ad rem enables one to enforce one's claim by a personal action (actio in personam), that is, to bring a suit against a definite person on whom one has a claim by reason of contract, domestic relationship, fiduciary position, etc., as when one sues for recovery on account of the non-fulfillment of the conditions of a compact.

1697. The right in re to property is either perfect or imperfect.

(a) A perfect right (right of full dominion) is that which enables one to exercise all the prerogatives of ownership, that is, to dispose at will of an object (e.g., to sell, lend, give away, etc.), to use it (e.g., to occupy a house, to make alterations in it, to tear it down, etc.), and to exclude others (e.g., to put a fence about one's property to exclude the public).

(b) An imperfect right (right of partial dominion) is had when one is restricted as to the right of the disposition of one's goods, for example,

when one is forbidden to sell; or when one has the right of disposition without the right of use, for example, when one is forbidden on account of the vows of religion to use property one owns (radical dominion); or when one has the right of use without the right of disposition, for example, when one is forbidden to make permanent alterations in a house one occupies as tenant (indirect or useful dominion); or when one has the other rights of ownership but lacks the right of exclusion, for example, when one may not exclude a neighbor's flock from grazing in one's pasture (ownership subject to servitude).

1698. The Subject of Justice, or the Faculty of the Soul in Which It Exists.—(a) Justice is not in the intellect, for we are not called just because we know a thing rightly, but because we act rightly; (b) nor is it in the sensitive appetite, since a sense faculty does not apprehend the relations between rights and duties; (c) hence, justice is in the rational appetite or will.

1699. The Objects or Subject-Matter of Justice.—(a) The material object of justice (i.e., all those things with which it deals) is remotely the external things which are the objects of exchange and distribution among men, and proximately the actions by which they are exchanged or distributed.

(b) The formal object of justice (i.e., that which it principally intends in dealing with its material object) is that the rights of others, or their inviolable moral power of doing, having or acquiring, may be respected. Justice thus differs from charity. For charity is owed also to self, justice only to the neighbor; charity considers the neighbor as he is one with self and gives him what belongs to self, while justice considers the neighbor as he is distinct from self and gives him what belongs to him.

1700. Since justice is shown not to self but to another, it is not so fully-realized when two persons are in some sense one.

(a) Parent and child are especially one, since the child is from the parent and a part of the parent, and hence the natural obligations that spring from their special relationship pertain to the virtue of filial and paternal piety, which is not strictly justice, but obliges more strictly on account of the greater rights involved. But obligations that spring from relationships that are common (e.g., from a contract between a father and his son) pertain to strict justice; for in these relationships they treat with one another, not as

father and son, but as man and man. Employer and employee may also be considered as one, inasmuch as the latter is the agent or instrument of the former, and the same conclusions may therefore be applied to them.

(b) Husband and wife are less perfectly one than parent and child and than master and servant, for neither is descended from the other, and neither is servant to the other. But since they form one conjugal society and the husband is head of the wife, they owe one another stricter obligations than if they were strangers to one another, although those obligations partake less rigorously of the character of justice.

1701. Division of Justice.—Justice is divided according to the rights it respects into legal and particular. (a) Legal justice (observance of law) is that which is owed by the individual, whether he be ruler or subordinate, to the community of which he forms a part, or to the law and the common good of the entire body. (b) Particular justice (fairness) is that which is owed to the private good of an individual.

1702. Is legal justice a distinct and separate virtue, or only a general condition found in all virtues?

(a) Practically speaking, legal justice is a general virtue, inasmuch as its desire of promoting the common good will impel a man to observe all the laws and to practise other virtues than justice, such as fortitude and temperance. The law commands us to perform the actions of the courageous man, of the temperate man, of the gentle man, and hence, as Aristotle says (*Ethics*, lib. V, cap. 2), legal justice is often regarded as the supreme virtue, the summary of all virtue, more glorious than the star of eve or dawn.

(b) Essentially, it is a distinct virtue, for it alone moves a man primarily and directly to respect the rights of the common good as being that greater whole of which the individual is but a part. It differs even from patriotism and filial piety (for these are moved by one's own debt to the source of one's life) and from obedience (for legal justice seeks the welfare of the community even in things that are not commanded).

1703. Comparison of Legal and Particular Justice.—(a) Particular justice partakes more of the nature of justice, for there is a greater distinction or separation between the party who has an obligation and the party who has a

right, when the latter is an individual, than when the latter is a whole of which the former is a part. A distinctive characteristic of justice, as said just above, is that it takes account of the independence or “otherness” of those between whom it exists, so much so that only in a metaphorical sense can we speak of justice when only one person and nature is in question (e.g., justice between man and his soul, body, powers).

(b) Legal justice is a more perfect virtue than particular justice or filial piety, since it seeks a higher object (that is, the common good as such) and is more voluntary.

1704. Is the right which the community has to receive from the goods of its members one of legal or one of particular justice?

(a) The right of eminent domain (i.e., the right which the State has over the goods of private persons when they are necessary for the common good) is a right of legal justice, for even without compulsion the citizen should be willing to contribute what is necessary for the community of which he is part.

(b) The right of the members of a government to receive compensation for their services is a right of particular justice, for there is an implicit contract between the rulers and the State that the former will serve the interests of the latter and that the latter will pay the expenses of the former, as if both parties were private individuals (see 1708).

1705. Distributive and Commutative Justice.—On account of the inequality or equality of the individuals between whom it exists, particular justice is subdivided into distributive and commutative, which are distinct species of justice.

(a) That the distinction is well-founded is proved by the fact that this justice—that is, relations towards particular persons—is either the relation of whole to part or of part to part. The former relations are governed by distributive justice, which is defined as the virtue that inclines the ruler, as the representative of the community, to portion out the public goods (e.g., money, honors, offices) and burdens (e.g., taxes), not according to favoritism or personal likes, but according to merits and abilities; the latter relations are governed by commutative justice, which is defined as the virtue that inclines the individual to pay to other individuals what is their

due, whether the rights be personal (e.g., the right to reputation) or real (e.g., the right to wages or price). Commutative justice receives its name from the fact that it is oftenest called for in commutations (i.e., in exchanges, such as buying and selling).

(b) That the distinction of particular justice into distributive and commutative is specific appears from the fact that the main characteristics of justice (viz., debt owed another and equality between payment and debt) are found in each of these kinds of justice in a way proper to itself. There is a debt in commutative justice when a thing is owed another because he has an individual right to it and it is already under his dominion; there is a debt of distributive justice, when a thing is owed another because he has a community interest in it and a right that it be entrusted to him in view of his merits or abilities.

1706. Thus, the equality observed in commutative justice is arithmetical, or of quantity (e.g., if a horse is worth \$100, it is just to pay \$100 for it); the equality observed in distributive justice is geometrical, or of proportion (e.g., if one who had an average of 90% in a civil service examination receives a position that pays \$90, it is just to give another whose average was 80% a position that pays \$80). An indication of the specific difference between distributive and commutative justice is that the same individual may be just in private matters and unjust in public matters. Example: Titus, an office-holder, pays his personal debts faithfully, but he appoints only his friends, whether they be worthy or unworthy, to important honors.

1707. Corrective Justice.—Corrective (i.e., vindicative or punitive) justice is a virtue inclining a public person or a superior, such as a ruler, magistrate, or judge, to inflict on evil-doers penalties adequate to their faults. It is not to be confused with just vengeance or retaliation, which is the virtue that moderates in a private person the desire for punishment of an offense against self, and which is not justice strictly speaking, either commutative or distributive, but only a potential part of justice (as stated below in Article 6).

(a) Thus, corrective justice is elicited by commutative justice, for a punishment is inflicted by a judge in order that there may be equality between the satisfaction made by the evil-doer and the debt owed to another on account of the offense. It aims at redressing an unfairness by taking

away so much from the offender and adding so much to the party offended, that both will stand in the same position as before. If the person punished accepts the penalty in the same spirit, he also practises commutative justice.

(b) Corrective justice may be commanded by legal justice, for the judge may intend the punishment for the sake of the common good, as well as of the individual who has been injured.

1708. Different Species of Justice in One Act.—Different species of justice may be present in one and the same act. (a) The same act may be elicited by one kind of justice and commanded by another kind of justice (see 56 sqq.), as in the examples given just above of vindicative justice. (b) The same act may be elicited by two kinds of justice, as when a debt is owed both in virtue of commutative and of distributive justice. Some think an example of this is found in the payment of government employees, for payment is made by distribution from common funds (distributive justice), and it is owed for services contracted for (commutative justice). But it seems more correct to say that wages for services given the community are due in commutative justice rather than in distributive justice; for in the former justice equality is between what is given and what is received, in the latter between the proportion received by one and the proportion received by another, and government salaries should be paid on the basis of value received in service (see 1704, 1755, 1767).

1709. The Object of Justice.—The function of a moral virtue is to direct according to moderation all those things that are subject to the free will of man, and can be regulated by reason, namely, the actions of man and the external things of which he makes use.

(a) The actions of man can be understood either in a wide sense, so as to include both those internal affections that are accompanied by notable bodily changes (the passions, such as anger, sadness), and those actions that do not so strongly act upon the body (operations). Every virtue has for its object action in the wide sense, for virtue is defined as a habit that makes the agent good and his action good; but not every virtue has action in the strict sense for its object, since the virtues of fortitude and temperance regulate, not the operations, but the passions.

(b) Operations are of two kinds, namely, internal, by which men do not communicate with one another (such as thoughts and desires), and external,

by which men communicate with one another. These latter either have to do with external things (such as land, houses, money, produce, etc.), and we then have such operations as loan, sale, lease and other contracts, or no external thing is introduced, and we have such operations as honor, praise, calumny, etc. All the moral virtues have to do with the internal operation of choice, for virtue is a good election of the will; but there is this difference between justice and the other moral virtues, that fortitude and temperance merely dispose the intellectual appetite for a good choice by the regulation they give to the sensitive appetite, while justice has for its proper act to choose well the means for moderating external operations. As for external operations themselves, these are the objects of justice, but not of the other two moral virtues.

1710. The purpose of the other moral virtues is to regulate man in himself; for the passions that are moderated by fortitude and temperance (such as fear and desire) affect primarily their subject and not other persons. The purpose of justice, on the contrary, is to regulate man in his relations to others; for external operations and things directly affect others, either helping or injuring them. But both the passions and external operations have effects and consequent ends that give them new relationships, and hence we may distinguish between the primary object to which a virtue tends directly, and the secondary object to which it tends only indirectly on account of the effects of the primary object.

(a) The primary object of justice is external operations and external things; the primary object of fortitude and temperance is the passions, for justice seeks the good of others, whereas fortitude and temperance seek the good of the agent.

(b) The secondary object of justice is the passions, whenever its principal object cannot be easily regulated without regulation of the passions. Thus, when lust urges to the injustice of adultery or avarice to the injustice of denial of payment due, justice calls on the virtue of temperance or liberality, as the case may be, to moderate the passion opposed to it. Similarly, the secondary object of fortitude and temperance may be external operations, whenever the effect on the subject of the principal object (i.e., the passions) has reactions in reference to other persons. Thus, if fear is moderated by fortitude and desire by temperance, these virtues have external consequences such as combat against evil, abstinence from food or drink

that belongs to others; but if anger is immoderate, it may lead to unjust attack, and if desire is immoderate, it may lead to the injustice of theft of food or drink.

1711. The Golden Mean of Virtue.—The golden mean of virtue is not the same in all the moral virtues (see 154).

(a) Thus, fortitude and temperance regulate the passions for the benefit of their subject, that he may avoid in them the extremes of excess and defect. Hence, the middle way they follow must be determined by reason from a consideration of the subject and his circumstances (the mean of reason), and so will vary with different subjects and with individual cases. Thus, in the matter of temperance it is an old saying that what is one man's meat is another man's poison. It would be absurd to say, therefore, that there is only one middle way of temperance, and that all persons must conform to the same rule as to quality and quantity of food and the time and manner of eating and drinking. On the contrary, the rule here must suit the subject, and that will be moderate which agrees with the health, appetite, duties, manner of life, etc., of the person.

(b) Justice, on the contrary, regulates external operations for the benefit, not of the subject, but of other persons whom they affect, in order that the subject in dealing with others may avoid inequality, which means excess on one side and defect on the other side. Hence, the middle way of justice is discovered by reason from a consideration of external things or acts owed to other persons (the mean of reason and of the thing), and so it does not vary with the circumstances of the subject. If the real value of a horse is \$100—it makes no difference whether the seller be a prince or a peasant, whether the buyer be rich or poor—the just payment will be \$100. Excess will be unfair to the buyer, deficiency to the seller.

1712. Though the mean of justice is determined, not by reference to the person who acts, but by reference to some external thing, it may be that this external thing cannot be evaluated without consideration of the person to whom justice is owed.

(a) In distributive justice this is always the case, for the mean of the thing in distributions consists in equality between relative proportions of distributions and relative merits or abilities of persons to whom distributions are made. Hence, distributive justice must consider the

conditions of the person to whom it is owed as compared with the conditions of other persons, in order to observe equality by giving proper shares to all.

(b) In commutative justice, this is sometimes the case, namely, when the condition of a person who has been offended (e.g., that he is a ruler) increases the debt of satisfaction that is owed him; for the mean of the thing in commutative justice is equality between the payment and the debt.

1713. Is observance of the mean of the thing sufficient to make an act just, no matter what may be the dispositions of the subject?

(a) If there is question of material justice, the reply is in the affirmative, for a virtue is said to be exercised materially when its mean is observed. The mean of fortitude and temperance cannot be observed without reference to the condition of the subject (e.g., he is not brave who undertakes a difficult task that is beyond his strength); but the same is not true of justice (e.g., he is just who pays the last penny of a debt though the payment was beyond his means and required a sacrifice).

(b) If there is question of formal justice, the reply is in the negative, for a virtue is said to be exercised formally (i.e., from a virtuous habit) when the motive of the subject and the circumstances are agreeable to reason. Thus, he who performs deeds of valor purely out of vainglory exercises fortitude materially, not formally; and likewise he who pays his debts faithfully, merely in order to avoid the penalties of the law, exercises justice materially but not formally.

1714. Comparison of Justice and the Other Virtues.—The differences between particular justice and the other moral virtues are, therefore, the following:

(a) justice is for the good of another, the other virtues for the good of the agent himself;

(b) justice deals with external actions and things, the others with the passions;

(c) justice follows a mean of the thing, the others a mean of reason;

(d) justice is had materially without any suitability to the circumstances of the agent, not so the other virtues.

1715. While justice is inferior to the theological and intellectual virtues (see 156, 157, 1028), it is superior to most of the moral virtues that perfect the sensitive or the intellectual appetite. The superiority of justice to fortitude, temperance, and the annexed virtues, such as mercy (see 1207), is seen from the following reasons.

(a) Legal justice is greater than those other virtues, for, while they pursue the private good of their subject, it seeks the public good. “Great is the splendor of justice,” says St. Ambrose (*De Officiis*, lib. I, cap. 28), “which is born for others rather than for itself, and which aids society and the community. It holds high position, that all may be subject to its judgment, that it may bestow assistance, not refuse responsibility, take upon itself the dangers of others.” Moreover, since the law commands us to perform the actions of the courageous man, of the gentle man and of the temperate man, legal justice, as Aristotle says (*Ethics*, lib. V, cap. 2), is often regarded as the supreme virtue, the summary of all the virtues, more glorious than the star of eve or dawn.

(b) Private justice is also greater than those other virtues, since it perfects a nobler power of the soul (viz., the will), and seeks the good, not only of its own possessor, but also of others. Justice too is impartial or blind as between persons, demanding satisfaction, even though a debtor be a monarch, and granting redress, even though an injured party be the humblest or most undeserving of mankind. An indication that justice is nobler than regulation of the passions is seen by Aristotle (*Ethics*, lib. V, cap. 4) in the fact that it is more difficult and rarer: “Many people are capable of exhibiting virtue at home, but incapable of exhibiting it in relation to their neighbor. Accordingly, there seems to be good sense in the saying of Bias, that ‘office will reveal a man,’ for one who is in office is at once brought into relation and association with others. As then the worst of men is he who exhibits his depravity both in his own life and in relation to his friends, the best of men is he who exhibits his virtue, not in his own life only, but in relation to others; for this is a difficult task.”

1716. Two virtues of the sensitive appetite that appear more excellent than justice are courage and liberality, but in reality justice is nobler than they.

(a) Thus, courage seems to be better, because it is more essential to the common good in time of great danger; but in reality justice is more useful to the community, for at all times, whether in peace or in war, it is justice that preserves unity and contentment among the people and promotes courage and devotion to the public welfare.

(b) Liberality seems to be better than justice, because it gives more than is due, while justice gives only what is due. But, on the other hand, justice is of more general advantage, since of necessity liberality must be exceptional and shown only to comparatively few, while justice must be exercised continually and must be shown to all; justice is also more necessary, for one must be just in order to be liberal, and not vice versa, since no one is praised as generous unless he first pays the debts of justice; finally, although liberality gives more than is due and may thus be a greater private benefit, justice without liberality is more serviceable to the common interest than liberality without justice.

1717. Two virtues of the will which some authorities hold to be more important than justice are the virtues of religion and mercy.

(a) The virtue of religion has a nobler object, since it regulates the worship owed to God, while justice regulates the things owed to man; and its obligation is stricter even than that of legal justice.

(b) The virtue of mercy, which is a rational inclination of the will to relieve the suffering or misfortune of others, is held to be greater than justice, because to relieve the distress of the community or of an individual indicates greater perfection than to pay merely what is due to another.

1718. Virtues may be compared, not only from the viewpoint of the objective excellence which they have from their own natures (whereby they are unequal and rank according to the greatness of their objects), but also from the viewpoint of the subjective participation of them in the souls of their possessors.

(a) In a certain sense, all the virtues are equal in their possessor, since all of them alike are related to charity as their perfection (see 1118), and all of them increase or diminish in like proportions with the growth or decline of grace, which is their root (see 745).

(b) In a certain sense, too, the rank of the virtues may depart from the order of the dignity of their objects. For the facility and promptitude of exercise of an infused virtue does not depend formally on the infused virtue itself, but on subjective conditions, such as natural inclination or custom, or on a special gift of God (see 135, 136); and hence it may happen that a saint shows greater excellence and enjoys greater renown in an inferior than in a superior virtue. Thus, Abraham was singular in faith, Moses in meekness, Josue in bravery, David in fervor and devotion (Ecclus., xlv-xlviii), and St. Joseph is praised as “a just man” (Matt., i. 19).

1719. Injustice.—Just as the word “justice” is taken in a wide sense for holiness or the collection of all the virtues, and in a strict sense for a special cardinal virtue, so likewise the word “injustice” is taken widely as a synonym for any transgression, iniquity, or sin (“He sendeth rain upon the just and the unjust,” Matt., v. 45), but strictly for violation of the special virtue of justice (“Hear what the unjust judge saith,” Luke, xviii. 6). It is of this latter injustice that we now speak.

1720. Species of Injustice.—Injustice is of two kinds. (a) Legal injustice is a special vice that moves one to despise the common good or to act against it intentionally. Thus, if one steals or overeats merely to gratify a passion for money or for food, there is a certain condition of legal injustice, inasmuch as one violates a law; but if one does these things also or solely to injure the common good, there is a special sin of legal injustice, to be declared in confession. (b) Particular injustice is a special vice against the private good of others that moves one to seek for more than is one’s share, or to desire more of the benefits and less of the burdens than equality appoints. Examples: To sell above the just price or buy below the just price (commutative injustice); to show favoritism in the distribution of public offices or burdens, as when a person in authority showers public benefits on his unworthy relatives or friends, and overburdens with taxes those who are not his friends (distributive injustice).

1721. The Theological Species of Legal and Particular Injustice.—(a) From its nature injustice is a mortal sin, for it is an attack on a very great good, namely, the peace and security of society; the very foundations of orderly community life are shaken when injustice is done either to common or to private rights. Moreover, acts of injustice (unlike sins of mere passion), if the matter is serious, offend against charity, the life of the soul;

for charity “envieth not, dealeth not perversely” (I Cor., xiii. 4); while injustice injures the neighbor and leads to hatred, quarrels, and separations. Hence, the Apostle says of injustice: “Do not err: neither adulterers, nor thieves, nor covetous, nor extortioners, shall possess the kingdom of God” (I Cor., vi. 10); and Our Lord, speaking of justice, says: “If you would enter into life, keep the commandments” (Matt, xix. 18).

(b) From want of sufficient advertence in the subject (see 173 sqq.), or from smallness of matter in the object (see 172), a sin of injustice may be only venial. Thus, if one takes money that belongs to another on account of vincible ignorance due to slight negligence, or if one takes only a small amount that does no serious injury, the injustice is venial.

1722. Rule for Determining the Gravity of Sins of Injustice.—The rule for judging whether the matter of a sin of injustice is great or small, is the quantity of injury it inflicts, or the degree of reasonable unwillingness of the offended person to suffer the injustice; for sins against the neighbor are culpable precisely on account of and in proportion to the harm they do to others. Hence, since every injustice offends either the public or private good, or both, the following acts of injustice are gravely sinful:

(a) mortal sin is committed when injury is done to a private right in a matter of such great moment that the person offended is reasonably and gravely unwilling to sanction the injustice (e.g., cases of calumny, adultery, incendiarism). But if the injury itself is small and the party offended is nevertheless gravely unwilling to suffer it, only venial sin is committed against justice, but there may be a mortal sin done against charity, as when one steals a worthless trinket, knowing that the owner is so unreasonably attached to it that the loss will almost break his heart or will provoke in him violent anger, profanity, etc.;

(b) mortal sin is also committed when injury is done to a public right in a matter so important that the community is with good reason gravely averse to the commission of the injury. This happens when the common good is directly attacked, as when a citizen rebels against lawful government, or when the peace and security of the community is imperilled because of injury done to a private person, as when one steals a sum that is considerable from a wealthy person, even though the latter will not seriously feel the loss. Hence, an injury to a private person that does not

seriously harm him may seriously harm the community, and be gravely sinful on account of the disastrous consequences to social order that would follow if such an injury were not gravely forbidden.

1723. Moral Species of Legal and of Particular Injustice.—These are distinguished according to the main classes of objects or rights that are injured or offended (see 199). Hence, there are the following four kinds of injustice:

(a) injuries to spiritual rights or goods, whether natural or supernatural (e.g., superstition, idolatry, simony);

(b) injuries to internal goods of soul (e.g., lies) or of body (e.g., murder, mutilation);

(c) injuries to external goods, whether incorporeal (e.g., calumny) or corporeal (e.g., theft, fraud).

1724. Accidental Forms of Injustice.—There are also many accidental forms of injustice, that is, variations that do not of themselves change the moral species (see 200).

(a) Thus, as to its manner, injustice is done either positively, by action (e.g., by stealing from an employer), or negatively, by omission (e.g., by allowing another to steal from one's employer). In both cases the same kind of injustice is committed; for example, he who permits theft is just as much a thief as if he had stolen himself.

(b) As to its consequences for the injured person, injustice is either merely injurious or injurious and damaging, according as a strict right is violated without loss (e.g., adultery from which no child is born), or with loss to the injured party (e.g., adultery from which a child is born). The character of the sin is the same in both cases, but in the latter case restitution is due (cfr. 1199, 1200). The loss (*damnum*) that results from violation of a strict right (*injuria*) may be in internal goods (such as salvation, life, health, sanity of mind) or in external goods (such as reputation, money, property).

(c) As to its consequences for the party who does the injury, injustice is either profitable to him (as in the case of unjust taking) or unprofitable (as in the case of unjust damage). The moral species is the same in either case, for the fact that the unjust person gains by his injustice does not make the

injury greater, and the fact that he does not gain does not make the injury less.

1725. Injury is not suffered by one who knows and wills an act that is done contrary to his right (Rule 27 of the Decretals), for such a one cedes his right. Hence, if a man looks out with a smile while neighborhood boys take apples from his orchard and the latter take this as permission, no injustice, material or formal, is done. But the legal maxim needs interpretation, for the following two conditions are necessary in order that there be a surrender of right:

(a) the party who consents must be able to surrender his right, since, if he is not able to do so, his cession is invalid. Hence, one who kills a person asking for death is unjust to God and to the State; one who commits adultery with a woman whose husband gives permission is unjust to the marriage state and the lawful children; one who strikes a cleric who waived his privilege of canon (*_privilegium canonis_*) is unjust to the clerical state; one who takes property from a ward with the latter's consent, is unjust to the estate, since the ward has no authority to alienate it. Many of the martyrs, it is true, wished to lose their lives at the hands of persecutors, but this meant only that they consented to the will of God, not that they consented to their own murder by the tyrants, for they had not the right to give the latter dominion over their lives;

(b) the party who consents must really will to yield his right, and hence, if there is error, fraud, fear or violence, the cession is of no effect. Thus, a buyer who through ignorance takes a defective article or pays an exorbitant price, a workman who through necessity accepts less than a living wage, or a man who yields his purse to a burglar at the point of the revolver, does not surrender his rights, since true consent is wanting. Similarly, when one follows the counsel of Christ not to resist spoliation (Matt., v. 40) or when a saintly person rejoices over injury done him (Heb., x. 34), the intention is not to surrender rights to the unjust, nor to approve their conduct, but to practise heroic virtue by patience, humility, forgiveness, etc.

1726. Internal Injustice.—Does internal injustice (i.e., the intention of injuring another) make an external action unjust?

(a) If the intention makes the external act to be a violation of a strict right, it also makes the external act unjust. Thus, to take a book from

another's room is of itself an indifferent action, for there may be, no violation of right (e.g., when the intention is to borrow), or there may be such violation (e.g., when the intention is to steal).

(b) If the intention does not make the external act a violation of strict right, even though that act be harmful to the other party, it does not make the external act unjust. Hence, if the other party has no strict right against the external act (e.g., Titus sees the house of Balbus on fire, but he is not hired to take care of Balbus' property, and he gives no alarm in order that the house may burn down) or if the agent has a strict right to perform the external act (e.g., Claudius, a judge, condemns Sempronius, according to law, but his chief intention is the harm he will inflict on the latter), the unjust intention does not make the external act unjust. But in these cases sin, and even grave sin, is committed against charity.

1727. Judgment.—Judgment, or the right determination of what is just and due to others, is the proper act of the virtue of justice, and hence Aristotle (*Ethics*, lib. V, cap. 7) declares that people take their disputes to a judge as to justice personified. Judgment is either public or private. (a) Public judgment is passed by a judge who has the authority to compel disputing parties to abide by his decisions. (b) Private judgment is passed by individuals without public authority concerning the morals or conduct of others.

1728. Since judgment is an act of virtue, it is lawful, and we find that both in the Old and the New Testament men have been appointed with authority to judge others. Thus, God ordered that judges be chosen in all the cities of Israel (Deut., xvi. 18); St. Paul declares that the judge is the minister of God (Rom., xiii. 4), and from Apostolic times tribunals have been set up in the Church. But certain conditions are required for moral goodness, both in those who ask for judgment and in those who pass judgment.

(a) Thus, those who seek judgment must be actuated by proper motives and must conduct themselves in a virtuous manner. Our Lord in Matt., v, teaches that it is better to suffer temporal loss rather than to contend in judgment from a motive of revenge to the prejudice of one's spiritual good, and St. Paul condemns the Corinthians because they gave scandal by reason

of their lawsuits before heathen tribunals and had recourse to frauds and injuries in their litigation (I Cor., vi. 1 sqq.).

(b) Those who pass judgment must have a good intention, must proceed according to law, and must decide according to prudence. If the first condition is wanting, judgment is unjust or otherwise sinful, according as the judge chooses against the right or is merely prompted by some human motive (such as hatred, anger, vainglory, avarice); if the second condition is lacking, judgment, if public, is usurped or illegal, if the third condition is not had, judgment is rash. But it should be noted that the Church has condemned the teaching of Wicliff that office and authority are forfeited by sinners (Denzinger, 595, 597).

1729. First Condition of Righteous Judgment.—The first condition of righteous judgment is that the purpose of the judge be just and sincere. But is it possible for judgment to be righteous if the judge is a bad man—that is, if he is in the state of mortal sin?

(a) If the sin of the judge is public, and judgment is given against a sin of the same character (e.g., if a notorious thief passes sentence on another thief), serious scandal is given; for justice is discredited and an occasion offered for criticism of authority and for lawlessness. But if the sin is not of the same character as the one condemned (e.g., if a notorious thief passes sentence on a murderer), the scandal is not grave in so far as justice is concerned.

(b) If the sin is not public, it is clear that no scandal is given; and if the judge is moved by the duty of his office and by zeal for justice to condemn even the same kind of sin of which he himself is guilty, he commits no sin whatsoever in so doing (cfr. 1280). But he is guilty of hypocrisy if he uses the opportunity to pretend a personal righteousness which he does not possess. It is this that Our Lord reprobated in the Pharisees, who, although guilty of many and grave crimes, wished to put to death an adulteress in order that they themselves might thus shine as immaculate. The words, “Let him that is without sin among you cast the first stone” (John, viii. 7), condemn hypocrisy in judges, though they do not require that a judge be free from all sin. But though sinners may act against sin as lawmakers, prosecutors, judges, jurymen, police, etc., they should be admonished by their office to reform themselves according to the words of St. Paul: “In

judging another, thou condemnest thyself, for thou dost the same things which thou judgest” (Rom., ii. 1).

1730. Second Condition.—The second condition of righteous judgment is legality, if there is question of judgment in court.

(a) Thus, the judge must have public authority, for, just as laws cannot be made except by public authority, neither can they be interpreted except by the same authority (Rom., xiv. 4). Hence, proceedings that are not held in the proper place, at the proper time, or in the manner prescribed by law are void, and the same is true if a court has not jurisdiction over the parties or over the subject-matter in controversy.

(b) The judge must administer justice according to the law and the usual method observed in courts, since his office is to interpret, not to make law or custom (*_jus dicere, non facere_*). His opinions as precedents may affect the development and growth of law, and hence he is especially bound to be faithful to general principles that are binding on him. If a statute in its operation is found to impede the just disposition of controversies, judges perform a public service by indicating this to those who have authority to regulate procedure. If the application of a law would work injustice, no judge can in conscience pronounce sentence according to that law; but there are many cases recognized in jurisprudence in which courts of equity afford relief to rights that cannot be defended or protected in courts of law, and in cases of this kind the judge should be guided by recognized principles of natural justice and the rules of his court.

1731. Third Condition.—The third condition of righteous judgment is that the sentence or decision be prudent or well-founded. Thus, in a judicial process the facts of a case must be examined and the rules of evidence be observed in judging the meaning of the facts. Since rash judgment is a sin committed, not only externally and in public, but also and especially internally and in private conclusions formed about the character or deeds of others, and since it is one of the commonest of sins, it will be well to explain its nature somewhat fully.

(a) It is an internal sin, and so it differs from external acts against the neighbor; but calumny, detraction, and unjust sentence are its outward expressions.

(b) Rash judgment is an internal sin of decision in which something is affirmed or denied mentally about a neighbor, and so it differs from a mere representation or thought. This distinction is important for scrupulous persons who think that mere suggestions against others that flash through their minds are rash judgments. These suggestions are a very common temptation, and, if repelled, are an occasion of merit; they become sinful only when entertained with pleasure.

(c) Rash judgment is a decision unfavorable to another in matters of character or honor. Thus, it differs from favorable decisions (as when without reason one holds that another is virtuous or has extraordinary merit), and from unfavorable decisions on matters other than character or honor (as when one concludes that a neighbor is mentally or physically deficient, and these defects are not connected with depravity nor considered as ignominious), and from unfavorable decisions that relate to sin but are not personal (as when one thinks that an expression used by an ignorant man is blasphemous, but passes no judgment on the state of conscience of the man).

(d) Rash judgment is a decision that expresses conviction, and not mere supposition. Thus, it differs from the prudential attitude by which one assumes for the sake of security that a stranger is to be distrusted, since he may be dishonest.

(e) Rash judgment is a certain conviction or judgment, that is, one which holds its own view as true and certain and does not consider the opposite of its view as worthy of consideration. Thus, it differs from doubt (that is, a state in which the mind is suspended between the unfavorable view and its opposite, and does not incline to one more than the other), from suspicion (that is, a state in which the mind inclines to the unfavorable view, but does not assent to it as being either probable or certain), and from opinion (that is, a state in which the mind assents to the unfavorable view as being probably true, but admits that it may be untrue). These various forms of mental reaction were treated in 654 sqq.

(f) Rash judgment is rash, that is, a belief based on insufficient authority, or an inference that is really groundless or not well drawn from premises. Thus, if one judges that one's neighbor is a thief, because this was told one by an honest and well-informed person, the judgment is prudent; but, if one

judges this on the word of a person who is unreliable or who has no knowledge of the facts, the judgment is imprudent. Again, if one judges that it is certain that one's neighbor is a thief, because one has evidence that removes all doubt, the judgment is prudent; but if the evidence is merely probable, an opinion based on it is prudent, but a judgment based on it is imprudent. It is not rash to hold that the majority of mankind are lost, or that the present generation is not as good as the generation that preceded, if one has good reasons for such beliefs; but a sweeping and all-inclusive pessimism in such matters is unwarranted.

1732. The reasons for a judgment may be sufficient for something else, but insufficient for the judgment actually formed.

(a) Thus, they may be reasons sufficient for judging that one kind or degree of sin has been committed, but insufficient as regards another kind or degree of sin. For example, if one breaks the lock of another's desk, there is an argument for willful trespass, but this alone does not prove larceny or the intent to steal.

(b) They may be sufficient for doubt and insufficient for suspicion, sufficient for suspicion and insufficient for opinion, or sufficient for opinion and insufficient for judgment.

1733. Rash Judgment.—Opinion, suspicion, and doubt are also rash, if there is no sufficient reason to warrant them.

(a) Thus, if there are no probable reasons for an unfavorable opinion, it is rash to form such an opinion. For example, the mere fact that two men have frequent and whispered conference together does not make it likely that they are plotting evil.

(b) If there are no sufficient reasons for inclining towards an unfavorable opinion or for suspending all assent, suspicion and doubt are rash. For example, the mere fact that a man enters a house when the owners are absent is no reason to suspect him of dishonest purposes, or even to have doubts, if he is of good reputation and enters the house in daylight and in a usual way.

1734. Sinfulness of Rash Judgment.—Rash judgment strictly understood, then, is a firm assent of the mind, based on insufficient data, and given to the view that a neighbor is or has been guilty of sin.

(a) From its nature this sin is mortal, for it consists in a contempt for, and an injury to, what is regarded as one of the chief goods of man, namely, the favorable opinion of him that is entertained by others. It is denounced in Scripture as an injury to the law itself (“He that judgeth his brother judgeth the law,” James, iv. 11), and as meriting condemnation (“Judge not, and you will not be judged, condemn not and you will not be condemned,” Luke, vi. 37).

(b) From the imperfection of the act or from the lightness of the matter rash judgment may be only a venial sin, as when unfounded suspicions arise in the mind without advertence to their sinfulness, or when one rashly judges in some small matter (e.g., that another person stole a pin or a cent).

1735. Rash judgment is not mortally sinful in an individual case unless the following conditions are present:

(a) there must be perfect deliberation, that is, full advertence to the judgment itself and to its sinfulness and gravity (see 175). There is no full advertence to the sinfulness and gravity of the judgment, however, if one does not perceive at least in a confused manner that one is deciding in one’s mind without sufficient reason that one’s neighbor is guilty of serious sin, and is thereby doing the latter a great injury. But it is not necessary that the rash judgment continue for a considerable time, for the malice depends on the evil done, not on the length of time it has lasted;

(b) there must be serious rashness, for the sinfulness of the judgment rests on its rashness. Hence, if one judges a sin to be certain which is very probable or almost certain, there is no great imprudence and therefore no serious sin;

(c) there must be grave injury and contempt, for in these the malice of rash judgment consists. Hence, if one judges that another is a drunkard and neither the latter person nor others in the same place regard drunkenness as very dishonorable, there is no great harm done. Similarly, if one judges that some indeterminate individual of a multitude or group is a rascal, or that a stranger whom one sees on the street late at night is out on an evil errand, or that an unknown party seen from a distance is on his way to a disreputable meeting, it does not seem that there is great injury done; for one does not greatly resent lack of esteem in others to whom one is not known.

1736. Rules on Perfect Advertence to Rashness of Judgment.—(a) There is perfect advertence when one actually perceives that the reasons for one's unfavorable judgment are very insufficient; (b) there is perfect advertence when one virtually perceives the serious insufficiency of the reasons, that is, when one could and should perceive it, but is vincibly blind to it (see 30, 31) on account of some passion wilfully indulged, such as hatred or envy of the person judged. In these cases one judges with negligence and precipitancy in a serious matter (see Imprudence).

1737. Rules on Insufficiency of Reasons for Unfavorable Judgments.—(a) Those authorities for sin are not sufficiently trustworthy whose reliability is of inferior worth (e.g., because they are enemies of the person against whom they speak, or calumniators, or gossipers, or of bad reputation, etc.), or whose story does not merit the credence they claim for it (e.g., because the person against whom they speak is known as upright). If both the authorities for a story and the person against whom they speak are equal in good qualities, there is sufficient reason for doubts, but nothing more.

(b) Those arguments for sin are not sufficient which create for what is concluded only a slight presumption (see 658), that is, which offer facts that are never, or seldom, or not necessarily causes or effects or indications of sin. Thus, it is rash to judge that a mature man and woman conversing together in a dignified manner and in a public and open place are discussing obscene matters; or that a respectable person whose face is flushed, or whose hand trembles, or who slips on the street, has been imbibing too freely; or that a man climbing into a second story on a frequented highway and in broad daylight is a burglar. This rule may be expressed in other words by saying that reasons for drawing unfavorable conclusions are insufficient when in view of the circumstances and time, place, persons, deed, etc., no prudent person would consider the conclusions as warranted.

1738. Rules on Gravity of Matter in Rash Judgments.—(a) From the nature of the thing ascribed to the other person, only judgments that mortal sin has been committed are grave matter; for only mortal sin is in itself a grave reproach.

(b) From the circumstances of persons or acts, rash judgment of mortal sin may be only venial; for it sometimes happens that certain kinds of

serious sins are not considered very ignominious in certain persons or conditions. Thus, in some places it is considered honorable for soldiers or students to have wounded adversaries in duels; some persons of a rough kind are proud of their proficiency in blasphemy or obscenity; where drunkenness is common, it is not considered as very disgraceful.

(c) From the circumstances of persons or acts, rash judgments of venial sin or of what is not sin at all may be mortal; for to those from whom much is expected slighter defects may be causes of great disgrace. Thus, it is very dishonoring to the parties concerned to think that a prelate is an habitual liar, that a nun visits too often, that a public official is illegitimate or stupid or afflicted with syphilis, and therefore unworthy of his position.

1739. The Moral Species of the Sin of Rash Judgment.—(a) It is a sin against justice, because it infringes the strict right of the neighbor that he be not judged guilty of evil without sufficient reason, and that he be not held worthy of contempt until he has clearly forfeited the right to respect. It is true that judgment as here taken is an internal act, and that it was said above that only external acts form the subject-matter of justice; but internal acts that are referred immediately to external acts, as concupiscence tends to lust and anger to injury, may be classed with these external acts. Hence, internal judgment naturally leads up to external judgment, and so it pertains to justice, just as the desire to steal is unjust and the desire to make restitution is just.

(b) It is a sin against charity, because it does not practise benevolence (“Charity thinketh no evil,” I Cor., xiii. 5), and is usually associated with ill-will or envy. He who judges rashly does not love his neighbor as himself, for he does not observe the rule not to do to others what he would not have done to himself.

1740. The moral species of rash judgment is not changed according to the species of sin attributed to another (such as heresy, dishonesty, impurity), and these circumstances of the rash judgment need not be mentioned in confession.

1741. The Moral Species of Rash Opinion, Suspicion and Doubt.—Do the conclusions given above on the theological species of rash judgment apply also to rash opinion, suspicion, and doubt?

(a) Some theologians answer in the affirmative, and argue that the same grave injury and contempt of the neighbor is found in these sins as in rash judgment, and that Scripture makes no distinction between the one and the other. On the contrary, they say, murmurings, detractions, and hatreds are caused oftener by doubts, suspicions, and opinions, since firm and certain judgments are not so often formed; and moreover there is no one who would not prefer to be judged certainly guilty of fornication than to be doubted or suspected of more heinous crimes, such as incest or sodomy.

(b) Other theologians answer in the negative, and argue that suspicion and doubt do not inflict a severe harm, since they stop short of firm decision of the mind and so are incomplete injuries which diminish rather than take away the esteem due to another. But the defenders of the affirmative reply that, while opinion, suspicion and doubt are incomplete as regards assent, they are not incomplete as regards deliberation and consent, and so can be mortally sinful, as is seen in the case of doubts against faith (see 840 sqq.).

(c) Still other theologians hold that rash opinions, suspicions and doubts are from their nature mortal sins on account of the arguments for the first opinion, but that in actual experience they are usually venial on account of the imperfection of the act (since on account of human frailty doubts, suspicions, or evil opinions of others can easily arise before they are noticed), or the lightness of the matter (for there is rarely one of these mental states without some reason that seems to be at least approximately a justification). But it seems likely that rash judgments themselves are seldom mortal sins, since the conditions for mortal sin are not often realized in them.

1742. The Chief Reasons for Rash Conclusions about the Character of Others.—(a) A first reason is that the person who draws the conclusion is bad himself. Evil-doers are very prone to suspect others of evil, for sin seems so delightful to them that they think others must find the same pleasure in it: “The fool when he walketh in the way, since he himself is a fool, esteemeth all men fools” (Eccles., x. 3).

(b) A second reason is that the wish is often father to the thought. Thus, if one hates or envies another or is angered against him, even trifles light as air will suffice to make one judge him guilty of sin. Just as love blinds an infatuated lover to the sins or crimes of the object of his affection, so does

prejudice give a distorted vision that can see nothing but evil in the object of its dislike.

(c) A third reason for rash views unfavorable to others is long experience in dealing with human nature. Thus, old men sometimes become not merely cautious, which is reasonable, but unduly suspicious. Similarly, those who have encountered many trials or disappointments in life often become cynical and misanthropic, and to them the actions of all their fellowmen appear either evil or at least spoiled by an evil purpose.

1743. Rash Doubts.—Doubt about the probity of others is sinful, when there are no sufficient reason for it; for example, it would be unreasonable to suspend judgment about a man of excellent reputation because a well-known calumniator had spoken against him. But a doubt may be reasonable, as when a person has had a good reputation for honesty but a reliable witness declares that he is dishonest. In such a case should one decide for the innocence or for the guilt of the party called into doubt, or should one suspend judgment on the matter?

(a) It is not lawful to interpret reasonable doubts in a sense unfavorable to another person, for this would amount to rash judgment, since the reasons are sufficient for doubt but not for decision. Hence, it would be wrong to believe that a person of good repute was a thief, because another person of good repute said so.

(b) It is lawful to suspend judgment in case of reasonable doubts, if there is no obligation of deciding one way or the other, for in so doing one does no injury either to one's own intelligence (since the doubt is reasonable) or to the honor of another person (since, as supposed, there is no obligation of judging positively in his favor). Just as there is no duty of making acts of love of our neighbor on every occasion, neither is there a duty of deciding doubts to his advantage on every occasion, or of having any opinion about him whatever. Some authors do not admit this, but the common teaching is against them.

(c) It is not lawful to suspend judgment, but the reasonable doubt must be resolved in a favorable sense, if there is an obligation or a wish to decide one way or the other; otherwise one would decide in an unfavorable sense and be guilty of rash judgment. This is what is meant by the well-known maxim that doubts about the character of a neighbor should be settled in

favor of the neighbor. Hence, if one were in serious danger of forming a rash judgment and could not otherwise overcome the temptation, a suspension of judgment should give place to favorable judgment. It is true that one may be frequently in error by thus judging well of mankind, since man is inclined to evil from his youth (Gen., viii. 21) and the number of fools is infinite (Eccles., i. 15). But it is a less evil to fall into the speculative error of taking a bad man for good than by adopting another course to fall into the practical error of becoming bad oneself by violating a law of prudence, justice and charity; and it is less harmful that many sinners should receive more credit than they deserve, than that one just man should be deprived of the good opinion that belongs to him. Pseudo-Ambrose (Apol. ii, David, c. 2, n. 5) says that those who judge others rashly often become worse by this act than the persons they judge; and St. Thomas remarks that favorable opinions of others harm no one, whereas unfavorable opinions are a wrong to innocent persons.

1744. The interpretation of doubts in a favorable sense does not mean that one may not take into consideration the possibility of danger or deception and use remedies or precautions. This course is not rash judgment, for even when one judges that another person is good, one knows that the judgment is possibly wrong, and therefore cannot be entirely relied on for external guidance.

(a) It is lawful, therefore, to act as if one did have a bad opinion of another when there is a possibility of harm that must be guarded against. Thus, a father may forbid his children to keep company with other children, for these latter may be corrupt; an employer may keep his money under lock and key, because servants may be dishonest; a traveller may carry weapons, because the inhabitants among whom he travels may be treacherous. Even though appearances are favorable, one may be on one's guard, for appearances are often deceptive.

(b) It is not lawful, however, to protect oneself or others in such a needlessly conspicuous or offensive manner as to sadden or defame the other party against whom one takes the precautions. Thus, it would be unjust and uncharitable to go about ostentatiously locking safes and drawers whenever a certain person appeared, for this would be equivalent to saying that he was a thief.

Art. 3: THE SUBJECTIVE PARTS OF JUSTICE: COMMUTATIVE AND DISTRIBUTIVE JUSTICE

(*_Summa Theologica_*, II-II, qq. 61, 62.)

1745. The Three Species of Justice.—The subjective parts of a virtue are those that partake of its essence and that are the subordinate species into which it may be distinguished, as prudence is divided into individual, domestic and political (see 1639). There are three species of justice, and their division is taken from the threefold relation that exists in a whole.

(a) Thus, legal justice directs the parts to respect the rights of the whole, and it is exercised by all those who promote the common good of a society by fulfilling well the duties which pertain to their position and rank in the society.

(b) Distributive justice regulates the whole in reference to the parts, and it is exercised by all those who seek for such a distribution of the common things of a society as accords with the inequalities of merit and ability of the members. Hence, distributive justice is found not only in the heads of a state, or family, or other body, but also in the subordinates who are content with the fair distributions made by the heads.

(c) Commutative justice orders the relations between the parts, and it is exercised by all who practise fair dealing with their equals, that is, by states with states, families with families, societies with like societies, individuals with individuals; or with those who act as their equals, as when a society acting as a moral person makes a contract with one of its members as another moral person.

1746. Resemblance between Distributive and Commutative Justice.—The general likeness between distributive and commutative justice may be summed up as follows:

(a) they have the same remote matter, since both alike are concerned with external things, persons or works. Thus, things such as goods of fortune

may be distributed by the community to its members, or may be exchanged by individuals between them; labors to be performed may be assigned by the community or may be agreed on by private persons through contract;

(b) they have the same general form, since both alike seek to impress equality on the matter with which they deal, by rendering in these things to every one his due, and by making man's actions towards his neighbor to follow the mean of reason and of the thing (see 1711).

1747. The Special Differences between Distributive and Commutative Justice.—(a) They differ in their proximate matter, that is, in the operations by which use is made of external things, persons or works; for while distributive justice acts through distribution (or division), appointment, or assignment among many, commutative justice acts through exchange, or transfer from one to another between two persons.

(b) They differ in their special form; for distributive justice seeks equality and the golden mean, according to proportion, while commutative justice seeks the same according to quantity (see 1712). Distributive justice does not treat parties as equals, but gives to each one according to his personal worth—to the more deserving the superior positions and high salaries, to the less deserving the inferior positions and lower salaries. Commutative justice, on the other hand, treats the parties as equal, and decrees that debts must be paid and injuries repaired, even though payment or reparation must be made by a good man to a bad man, and that the recompense must equal the difference created between the parties by the debt or the injury.

1748. Commutations of Commutative Justice.—There are various kinds of commutations or exchanges used by commutative justice, but they do not create new species of justice, since they are only accidental modes of the act of giving the equivalent of what one receives. They are classified as follows:

(a) involuntary commutations, which are those in which reparation is made for the use against the will of another of the things, persons, or works that pertain to him. Thus, the property of another is used unlawfully by secret theft and by open robbery; the person of another is injured by murder and wounds; the honor of another by secret calumny and detraction, by open false testimony and contumely; the rights of another to persons are

used unlawfully by adultery with his wife, by seduction of his servant, and the like;

(b) voluntary commutations, which are those in which compensation is made for a benefit that one derived with the owner's consent from something that was his, or in which one gives or returns to another what is his. They include the various forms of contracts, or agreements between two parties in which the consent of both to the same proposal is externally manifested and obligation is produced to abide by the terms of agreement.

1749. Forms of Contract.—The chief forms of contract are the following:

(a) gratuitous contracts, which are those that confer advantage on only one of the contractants, or those in which no payment or compensation for his acts or goods is made to one party by the other party. They include unilateral contracts, which produce obligation on one side only (e.g., a promise, gift, testament), and bilateral contracts, which produce obligation on both sides. The bilateral contracts are also known as bailments, or understandings whereby a thing or business is transferred from one person to another in trust, on condition that a return will be made to the owner. They include the following contracts: loans, in which return must be made of the identical things borrowed (*_commodatum_*), or of a thing similar in kind (*_mutuum_*); deposit, in which a thing must be returned after safekeeping (*_depositum_*); an agency, in which one conducts the business of another with the obligation of making returns, either from express contract (*_mandatum_*) or from imputed agreement (*_negotiorum gestio_*). In *_commodatum_* and *_mutuum_* the advantage is had by the bailee, in the other three by the bailor;

(b) onerous contracts of certain event, which are those that confer an advantage on both parties, and in which the thing agreed on is certain and definite. They include contracts in which one party transfers ownership to the other (e.g., buying and selling, barter, loan at interest, contracts for annuities, stocks and bonds) or useful dominion (e.g., lease of property, contractor's agreement, hire of labor), and contracts in which both parties transfer rights to a moral person of which they are the members (partnership);

(c) onerous contracts of uncertain event, which are those that confer advantage on both parties, but in which the thing agreed on is contingent

and uncertain. Examples are insurance, wager, gaming contracts, lottery, and stock market speculation;

(d) subsidiary contracts, which are those that are made in order to give security to principal contracts to which they are annexed or for whose sake they are made. Such are guaranty and surety, pledge and pawn, and mortgage.

1750. The Equality Sought by Commutative Justice.—The equality in quantity sought by commutative justice means that in involuntary transactions the offender must suffer a punishment equal to the injury he offered or must pay a recompense equal to the damage he caused, and that in voluntary transactions one must give the equal of what one receives. But this can be understood in two ways.

(a) Thus, equality may be taken for identity in species, in the sense that the same kind of thing must be taken or returned (e.g., a life for a life, an eye for an eye, a tooth for a tooth). This kind of equality will do in some instances, as in cases of exchange of goods, but as a rule it would not be fair to both parties. Thus, if a subject strikes a ruler, he is not sufficiently punished if he receives the same kind of blow, for the injury to the ruler is greater on account of his office; when a man steals a cow or a sheep, he is not sufficiently punished if he restores what he took, for he would suffer no loss and the community whose peace he had offended would go without satisfaction (Exod., xxii. 1); if one gives one's cow for another's cow, or if a shoemaker trades his products for the clothes made by a tailor, the exchange may be unfair, since the thing given on one side may be better than that given on the other side.

(b) Equality may be understood as identity in value, in the sense that the thing taken or returned has the same quantity of goodness or excellence as the thing received, no matter how they differ in species. This kind of equality must be observed as a rule both in involuntary and voluntary transactions. Thus, for injury done to merchandise payment is made in money, or vice versa. If equality in value is not possible, because the good for which one owes is on a higher plane than the good which one is able to give, it seems that justice requires one to approximate equality as far as possible, and hence mayhem or defamation should be compensated for by the goods of fortune (see 1802 and 2090).

1751. Restitution.—Justice not only commands that one pay or give back what is due in voluntary transactions, but also that one repair injury which one has caused in involuntary transactions. But the four acts of payment, restoration, satisfaction, and restitution must not be confused.

(a) Thus, payment is the lawful bestowal by one person on another person of something of value in return for some other thing of value. It is clear that payment differs from satisfaction and restitution, since it supposes no act of injustice done.

(b) Restoration is the return to another of his property of which one had just possession, as when a borrower gives back to the lender, or a deposit to the depositor. This also differs from satisfaction and restitution, since it is a voluntary transaction (see 1792, 1796).

1752. Differences between Satisfaction and Restitution.—(a) They differ as to their principle or cause, since satisfaction is due for injury to honor, restitution for injury to goods by unjust detention or unjust damage. Hence, a person who has dishonored another (e.g., by disrespect) is bound to satisfaction; a person who has injured another (e.g., by destroying his goods) is bound to restitution; a person who has both injured and dishonored another (e.g., by adding insults to robbery) is bound to restitution and satisfaction.

(b) Satisfaction and restitution differ as to their term or object, since satisfaction is chiefly concerned with the person to whom amends must be made (as by apology), while restitution is chiefly concerned with the thing which must be given back in itself or in its equivalent.

1753. When Restitution Is Due.—Restitution is the act by which one places another in renewed possession or ownership or chance of ownership of that which is owed to him because it is his by reason of a strict right *in re* or *ad rem*; in other words, it restores the equality that existed before an injury was done to the goods of another.

(a) Thus, restitution is not due for violation of virtues other than justice, because these virtues are not concerned with strict obligations and rights. Repentance and satisfaction are due for all sins, but they are not the same thing as restitution. Hence, one is not bound to restitution if one refused to help with alms a person in extreme need, or if, not being obliged to it by

office, one neglected to extinguish a fire or to prevent a robbery. These are sins against charity, not against justice.

(b) Restitution is not due for violations of virtues that pertain to justice but do not confer strict rights, and hence it is only a violation of commutative justice that entails the obligation of restitution. Thus, if one has been surly or ungrateful, no legal right has been violated and no restitution is due.

1754. Does Distributive Injustice Oblige to Restitution?—(a) If only distributive injustice is committed (e. g., if a parent gives his children all necessities but shows special favor to those that are less deserving), there is no duty of restitution, for there is no strict claim to special favors. (b) If commutative injustice accompanies the distributive injustice (e.g., if a ruler acts against his agreement to give the best position to the person who passes the best examination), there is a duty of restitution, for there is a strict claim to rights under contract.

1755. Distributive Justice and the Violation of Strict Rights.—Injustice in distribution is frequently accompanied by injustice in transaction on account of some strict right violated, and hence by reason of the latter injustice there will be a duty of restitution (see 1708, 1808).

(a) Thus, distributive injustice is accompanied by violation of a strict right of society when an unfair distribution is contrary to agreement made with the community (e.g., when one is appointed or paid especially to make fair distributions, or the law or contract expressly imposes this obligation), or when it causes harm to the community which one is bound *ex officio* to prevent (e.g., when one appoints as public physician or surgeon a person who is entirely unfitted for the post).

(b) Distributive injustice is accompanied by violation of a strict right of an individual when it is against contract (e.g., when a person undertakes to select the best statue or portrait presented in a contest, but chooses one that is inferior), or when it inflicts loss on a private person (e.g., when a tax assessor requires more than is due from some persons, or an examiner admits to a school which receives only a limited number an unworthy candidate and thus excludes a worthy one, or a board rejects a worthy candidate as unworthy).

1756. Commutative Justice and Unfair Awards of Prizes.—Unfair awards of prizes in competitions are not violations of commutative justice unless the following conditions are present:

(a) the promise of award must be given as a contract binding in justice, for if the promisor intends only to bind himself in fidelity, the promisee obtains no strict right. Hence, an unfair distribution is not against commutative justice if a competition has not the character of a real contest or of an onerous compact to reward the person who surpasses his rivals, but is rather an opportunity to compete for the free bounty of the promisor (e.g., if the organizer of an entertainment offers a prize for the prettiest baby), or an encouragement to useful industry (e.g., a first prize for the best garden in a neighborhood). On the contrary, if the promise is part of an onerous contract, the promisor is bound in justice and the promisee obtains a strict right. This is the case when the competition has the character of a real contest, in which the contestants must undergo special labor, preparation, expense or trouble, etc., in order that the award be given to the most meritorious;

(b) the thing promised as subject of award must be the prize, and not merely a claim or right to be considered for the prize. Hence, if an examination is held in order that a number of worthy persons may be listed for future vacancies in offices or dignities, the person who passes as most worthy has no strict right to be given an office or dignity, but only to be considered for it.

1757. Has a person who passes as most worthy in an examination held in order to fill a vacant post a strict right to receive the post?

(a) According to the common opinion he has a strict right, because there is at least an implicit contract to the effect that the position will be given to the most worthy, since the examination is competitive.

(b) According to some authorities he has no strict right, because public positions are not to be regarded as rewards of merit, and the examination is not part of a contract but is only a means used by a superior to assist him in acting according to distributive justice. Nevertheless, even in this opinion an unjust award is a sin, and at times a grave sin, against distributive justice, and may accidentally be joined with commutative injustice (see 1755).

(c) Under the civil service method, or merit system, of appointment, the appointing official is bound by law to observe the rules of the civil service commission. The usual procedure is for the commission to submit the names of the three persons highest on the examination list. Position on the list is determined by competitive examination plus preferential points for veterans, experience in jobs, etc. (On the whole the preferential system does not seem to involve any injustice to those who do not receive the preference.) One of the three must be chosen for the first vacancy; for the second vacancy the remaining two, together with the next highest eligible, are proposed. Grave injustice against distributive justice would be done in not proceeding according to the legal method, and some degree of injustice might be done to an eligible who is illegally removed from a list, passed over, etc. Of the three highest eligibles no one has a strict right to the vacant post, but solely the right to be seriously considered.

1758. What should be said of a superior who would promote undeserving persons to ecclesiastical benefices?

(a) As regards guilt, it is a mortal sin to confer a benefice on one who is unworthy, or even (when there is question of a benefice to which the care of souls is attached) on one who is less worthy (see Canon 459, Sec. 1).

(b) As regards restitution, there is an obligation of reparation to the community, when it is made to suffer loss, and of compensation to an individual who is passed over in spite of his strict right (see three preceding paragraphs).

1759. The Obligation of Restitution.—(a) The obligation is both of natural and divine law. Reason itself dictates that everyone should receive his due, and revelation expressly commands restitution, as when it declares that he who has injured his neighbor's field or vineyard must restore according to the damage done (Exod., xxii. 5).

(b) The obligation is both of means and of precept, for without restitution the offender does not obtain pardon from God (Ezech., xxxiii. 13 sqq.; Tob., ii. 20 sqq.). Hence, one who has seriously injured his neighbor cannot be saved unless he actually makes restitution, if he is able, or intends to make restitution when possible, if here and now he is not able to do so. A debtor who makes no effort to make restitution (e.g., one who refuses to deny himself luxuries, to curtail his expenses, to leave restitution money in his

will), cannot be said to have a sincere intention of fulfilling his duty. But it is not true that a person who dies in venial sin on account of restitution neglected must remain in Purgatory till all the restitution is made; for this would make the punishment depend on the negligence of the heirs or on accident.

(c) The obligation is grave if the damage (absolute or relative) and the fault were both grave, for restitution is an obligation of strict justice (see 1753); the obligation is light if both the damage and the fault were light, for the injury then is light.

1760. Duties of Confessors about the Obligation of Restitution.—(a) As to confession, the penitent is obliged to mention the number of sins committed against the duty of restitution, if there have been many acts of intention not to pay (see 202 sqq.); but as a rule those who have for a long time continued in sinful neglect of the duty of restitution have committed only one sin thereby, or else they do not apprehend their duty of mentioning the distinct internal acts, and hence confessors are advised not to question overmuch about this.

(b) As to absolution, the penitent lacks true contrition if he is under a serious obligation to make restitution and is wilfully opposed to the performance of this duty at all or at the proper time. Such a one may not be absolved. But the confessor should not admonish a penitent of the duty of restitution, if the penitent is in good faith and the admonition would only do harm. If the obligation of restitution is only light, absolution may not be refused, and prudence will often advise that no admonition about the obligation be given.

1761. There are a number of situations possible when damage done is grave and culpability slight.

(a) Thus, the damage may be entirely involuntary, as when the offender could not foresee it and did not wish it (e.g., Sempronius commits a venial sin by speaking harshly to Claudius, whom he likes, but the latter is so depressed at this that he commits suicide). In this case there is clearly no obligation of restitution.

(b) The damage may be voluntary only interpretatively, as when the offender could not foresee it, but would have willed it had he foreseen it

(e.g., Sempronius is glad when he learns that Claudius committed suicide, but would be much surprised if he knew that a harsh word of his caused it). In this case according to some there is a grave duty of restitution, because internal guilt and external damage are present; but others, with greater probability, deny the duty of restitution, for the damage was not caused by the internal sin of hate, which is not effective of itself, nor by the external harsh word, which was an occasion rather than a cause (see 1447, 1763).

(c) The damage may be voluntary directly, as when the offender wills it in itself (e.g., Titus steals a considerable sum from Balbus, but he is invincibly ignorant and thinks that the wealth of Balbus makes the sin only venial), or the damage done is voluntary indirectly (e.g., Caius is guilty of slight carelessness in guarding his cattle, and they get into a neighbor's garden and cause great damage to crops; Caius foresaw some damage, but he could not have foreseen the actual grave damage that was done). About these cases there are various opinions, which will be given in 1765.

1762. The Roots of Restitution.—The roots or sources of restitution are usually reduced to two, according to the following two general kinds of injury inflicted on others:

(a) unjust damage, which is the loss inflicted, on the goods of another, without advantage to the offender, as in murder or incendiarism;

(b) unjust possession, which is the loss inflicted on another by the possession of his goods without his consent or against his will, to the advantage of the offender, as when a murderer steals from his victim, or an incendiary gets the insurance from the house he destroyed.

1763. Unjust damage that obliges to restitution is only an act (or omission) that is both injurious (being a guilty violation of another's strict right) and productive of loss. Hence the following conditions:

(a) the act must be objectively unjust, a contravention of a strict right *in re* or *ad rem* (see 1695 sqq.), for example, stealing or keeping back the wages due an employee. But it is objectively unjust to deprive another of a non-strict right (e.g., the right of a beggar to an alms) by unjust means, such as force, fraud, calumny, etc. If a neighbor is not hindered from his strict right and unfair means are not employed, there is no objective injustice

(e.g., when a merchant improves his place of business and thus draws away customers from a rival merchant);

(b) the act must be efficaciously unjust or the true cause of the loss which another suffers, for one is not responsible for what does not proceed from one's act. An act is not efficaciously unjust, therefore, if it is only the occasion of damage (e.g., Titus steals and Balbus imitates him; Claudius steals, and on account of circumstantial evidence not arranged by Claudius, Sempronius is arrested and sentenced to prison), or if it is only a *_conditio sine qua non_* (e.g., Caius gives whisky to Julius, who needs its stimulation to nerve himself for a crime), or if it is only an accidental cause (e.g., Titus steals a small sum of money from a miser, and the latter, to the great surprise of Titus, becomes insane);

(c) the act must be subjectively unjust, that is, culpable and imputable; for one is not bound to satisfy for acts that are inculpable or not imputable (see 97 sqq.). There must be either theological culpability, that is, the intention to harm another, which is sinful before God (e.g., he who purposely sets fire to his neighbor's barn), or juridical culpability, that is, carelessness which causes injury to the legal right of another (e.g., he who lights a fire near his neighbor's buildings and by his absent-mindedness permits the buildings to catch fire).

1764. Some Causes That Remove or Diminish Theological Culpability.—

(a) Mental derangement or passion (e.g., great fear or anger) may make an injurious act unintentional and so take away natural liability for restitution (see 40 sqq.), but the civil law does not always admit the excuse, and after sentence the offender is bound to pay.

(b) According to some authorities, error about the extent of the harm that is being done, if invincible, excuses from restitution for damage that was not apprehended, as when a thief throws a gem into the ocean, thinking that it is only an imitation gem. But the offender would be held for the entire loss, if sentenced.

(e) Error about the person injured, even though invincible, probably does not excuse from restitution, if the intention was to harm a class (e.g., Sempronius intends to kill Balbus, because the latter is a policeman, but by accident he kills another policeman) or an individual (e.g., Caius intends to kill Titus and by mistake kills Claudius, the twin-brother of Titus).

(d) Error about the thing injured, even though invincible, probably does not excuse from restitution, if the intention was to do damage (e.g., Julius puts poison in a plate in order to kill his neighbor's dog, but the cat takes the poison and is killed).

1765. Restitution for Damages That Are Only Venially Sinful but Seriously Harmful.—(a) When one injurious act is committed (as when through slight carelessness one sets fire to one's neighbor's chicken coop), some deny, but others affirm, the duty of restitution, while still others distinguish according to the full or only partial advertence to the sinfulness of what is done. Of those who hold for restitution, some think that all the damage should be repaired, since all was caused; but others think that it suffices to repair part, since the culpability was limited.

(b) If several injurious acts, which taken singly are slight but taken together are serious, were done to the same person (e.g., a waiter breaking dishes at various times while working for the same proprietor), restitution is due as soon as the sinner realizes the amount of harm he has caused; but it is disputed whether the obligation is grave or light. If the injuries were done to different persons (e.g., a boy breaking windows in many houses in the neighborhood), there is more probably only a light obligation.

1766. Restitution on Account of Law for Damages That Are Only Juridically Culpable.—(a) Before sentence of court there is no obligation of restitution, for it would be too heavy a burden to impose this in view of the absentmindedness of so many persons and the numerous distractions one encounters.

(b) After sentence of court there is an obligation of restitution, for the law which gives the court a right to impose it is reasonable, since juridical fault is often accompanied by theological fault, and moreover men will thus be led to a greater prudence in the care of their own goods and in respect for those of others.

1767. Restitution on Account of Contract for Damages That Are Only Juridically Culpable.—(a) Express contract obliges to restitution even for light fault (i.e., the omission of precautions taken by the more prudent), or most light fault (i.e., the omission of precautions taken by the most prudent only), or, if so stipulated, for no fault at all.

(b) Implied contract perhaps also obliges to restitution for juridical fault, for it seems that equity requires one to make good the losses caused by the absence of a care which the contract took for granted. Thus, if the advantage is with the bailor alone (e.g., gratuitous deposit), ordinary care is expected and the bailee is not held in danger to prefer the bailor's goods to his own; if the advantage is with both parties (e.g., onerous deposit or loan), it seems that more than ordinary care is demanded and that usually the obligor may give preference to his own goods.

1768. Restitution for Careless Discharge of Fiduciary Duties, as in the Case of Physicians, Lawyers, Spiritual Advisers.—(a) If there was theological fault, restitution is due, unless the injured party took the risk upon himself. (b) If there was only juridical fault, it seems there is no natural duty of restitution, since no injustice was done; but a court may oblige to damages.

1769. Two Cases in Which Culpability Seems Doubtful.—(a) When one has inculpably done or omitted something from which damage to another can be foreseen, and one has now become aware of the danger (as when Balbus lights a fire on his own property and sees that a change of the wind makes this fire dangerous for his neighbor's barn), one must prevent the damage, if this can be done without equal or greater damage to oneself; otherwise one must make restitution.

(b) When one has culpably done or omitted something from which damage to another was foreseen, but has tried, though in vain, to prevent the damage after the cause was placed, restitution is due if the cause was physical (e.g., Claudius gave poison to Titus, and then moved by remorse gave an antidote, but Titus died), since the party who set the cause in operation is responsible; but if the cause was moral (e.g., Balbus ordered a gunman to beat up Caius, but withdrew the order, and the gunman on his own responsibility then assaulted Caius), restitution is not due when the revocation ends one's influence upon the damage that ensues.

1770. Three Kinds of Unlawful Possessors.—The second root of restitution mentioned above (1762) is unjust possession, which includes the acceptance or the retention of another person's goods against the latter's will. There are three kinds of unlawful possessors:

(a) the possessor in good faith, who is one that has been invincibly ignorant of the unlawfulness of his possession, but now learns his error (e.g., a buyer who discovers that the horse he purchased did not belong to the seller but was stolen property);

(b) the possessor in doubtful faith, who is one that has serious reasons for fearing his possession is unlawful (e.g., the buyer of a horse learns that the seller is known to have sold some stolen property, or that the price he charged for the horse was remarkably small);

(c) the possessor in bad faith, who is one that knows his possession is unjust (e.g., a buyer who purchases a horse which he knew had been stolen by the seller).

1771. Obligations of the Possessor in Good Faith in Reference to the Property Itself.—(a) If the property is still in his keeping, he is generally obliged to return it to the owner, for a thing calls for its owner. An exception would be the case in which the possessor can not return the property to the owner without a greater loss to his own property.

(b) If the property has perished, the possessor is generally obliged or not to restitution according as he has been enriched or not by the property; for one person should not be enriched at the expense of another, but property perishes to its owner.

(c) If the property is in possession of a third party to whom the possessor transferred it, he is generally obliged or not to restitution to the third party, on the latter's dispossession, according as he has been enriched or not by the third party's goods; for if he received nothing for the goods, he is clearly bound to nothing, but if he received payment, he must indemnify the buyer who is evicted for lack of title.

1772. Obligations of the Possessor in Good Faith in Reference to the Fruits of the Property.—(a) He must restore the fruits of the thing itself that are in existence, for the thing fructifies to its owner. Hence, he should restore to the owner the natural fruits (e.g., the fruit on the owner's trees) and the civil fruits (e.g., the money received from hire of the owner's horse).

(b) He must restore the fruits of the thing itself which are not in existence, but from which he has been enriched (e.g., the net profit from last

year's crops which the possessor has in the bank).

(c) He is not obliged to restore the fruits of his own labor or industrial fruits (e.g., the extraordinary interest derived from the owner's money through the good judgment and energy of the possessor), nor the fruits that he consumed without enrichment (e.g., the vegetables he gave away or wasted).

1773. Rights of the Possessor in Good Faith in Deducting Expenses.—(a) He may deduct for all expenses that have benefited the owner, that is, for all the money he spent in necessary or useful ways in preserving or caring for the property. (b) He may not deduct for expenses that have not benefited the owner, or which the owner would not have reasonably authorized, such as special beautification of the property. But he may take away such adornments added by him as can be removed without injury to the property.

1774. Obligations of the Possessor in Bad Faith in Reference to the Property Itself.—(a) If the property is still in his keeping, he must return it to the owner, for a thing calls for its owner. But if the actual possessor had the property from the thief and could not restore it to the owner without serious loss to himself, it is held by some that he could return it to the thief in order to recover his money.

(b) If the property has perished or restitution of it has become impossible, he must compensate the owner, even though he has not been enriched, unless the goods would have perished equally with the owner; for he is then the efficacious cause of the loss. The same principle may be applied to damages through deterioration. The civil law often holds the thief responsible, no matter how the goods perished in his hands.

(c) If the property is in possession of a third party who bought it in bad faith from the possessor in bad faith, the seller is not bound to restitution to his purchaser on the purchaser's eviction, unless there was agreement to that effect; for he who buys, knowing that there is no good title, buys at his own risk.

1775. Obligation of the Possessor in Bad Faith in Reference to the Fruits of the Property.—(a) He must restore the natural and civil fruits, even though the owner would not have obtained them from the thing, but he may keep the industrial fruits.

(b) He must make restitution for the profits lost and the losses suffered by the owner through the unjust deprivation of his property, for these are damages of which the possessor was the unjust and efficacious cause.

1776. Obligations of the Possessor in Doubtful Faith Who Began Possession in Good Faith (Supervening Doubt).—(a) If he does not culpably neglect attempts to settle his doubt, he becomes a possessor in good faith. If the doubt is settled against him, he must restore (1771); if the doubt continues, he may retain possession and prescribe (i.e., acquire ownership through long exercise of ownership rights), for presumption favors the possessor, but he must be willing to restore, should another appear as the rightful owner.

(b) If he culpably neglects attempts to settle the doubt, he becomes a possessor in bad faith. If the doubt is settled against him, he must restore (1800), at least for the time during which his culpability was grave; if the doubt continues and its settlement is impossible through his fault, it seems that he should share ratably with another claimant according to the strength of the respective claims; if the doubt continues and there is no other claimant, it seems that he may act on the principle that presumption favors the possessor.

1777. Obligations of the Possessor in Doubtful Faith Who Began in Bad Faith (Antecedent Doubt).—(a) If the property came to the possessor in doubtful faith without legal title (e.g., by violence), he has the obligations of one in bad faith, for presumption favors the former possessor.

(b) If the property came to him by legal title (e.g., by gift or sale), but from a former possessor of doubtful or suspected faith (e.g., one who seemed to have the property through theft), he must attempt to settle the doubt. Should the doubt nevertheless continue, some think he should divide it with another probable claimant, but others believe he may retain all.

(e) If the property came to him by legal title and from a former possessor in good faith, he must attempt to settle the doubt; but if the doubt remains in spite of his inquiries, he may retain the property in good faith, as long as matters continue in the same state.

1778. Cooperators and Restitution.—Restitution is owed for cooperation in injustice when the cooperator becomes at least partially an unjust and

efficacious cause of damage to another. It should be noted that this cooperation may be of a limited kind, as when it extends only to the mode of the damage, or when it is not indispensable to the commission of the injury.

(a) Thus, he who cooperates only as to the mode of injury is probably liable only for that damage which he added to the substantial damage. Thus, if Balbus intended to steal \$10, and Claudius persuaded him to steal \$20, it seems that the influence of Claudius extended only to the amount of \$10.

(b) He who cooperates, but whose assistance is not necessary, is bound to restitution as a cooperator, since he is an unjust and efficacious cause of damage. Thus, if Caius steals for Sempronius, knowing that, should he refuse, Mercurius would carry out the orders of Sempronius, the readiness to steal on the part of Mercurius does not excuse Caius or make his act any less harmful.

1779. Positive cooperators in injury are bound to restitution when their act is the unjust and efficacious cause of the damage. The principal cases of positive cooperation are the following:

(a) a mandator is a superior who explicitly or implicitly commands an inferior subject to commit an act of injustice, as when a father bids his son to steal. The mandator bids another to act in his name, and therefore he is the principal and not the accessory or secondary cause of injury. He must indemnify both the victim and the agent for losses he caused them; but he is not liable if he effectively recalled his mandate before the damage was done;

(b) an advisor is one who through instruction or persuasion induces another person to commit an injury which is not done in the name of or for the benefit of the advisor himself. He must make restitution both to the person whose injury he recommended and to the person to whom he gave the advice for the damages he brought upon them. Those who give wrong advice in good faith, or who recall their advice before the damage is done, are generally excused from responsibility. Bad example does not seem to be equivalent to bad advice, and he who recommends a lesser evil only because he wishes to prevent a greater one is not an efficacious cause of the lesser evil (see 1502, 1503);

(c) an implicit advisor (_palpo_) is one who by flattery, excuse, blame, ridicule or other such indirect means leads another to commit injustice against a third party. The implicit advisor is bound to restitution for damages caused or reparation denied through his fault;

(d) a protector or encourager (_receptans_) is one who knowingly and willingly bestows upon a malefactor, as such, security or comfort, in order that the latter may do injury with greater confidence or omit restitution for evil already done. He is bound to restitution for the unjust damage or retention of property caused by him;

(e) a consenter is one who gives his vote, decision, or approval to injustice, or denies it to justice. He must recall his consent to iniquity before evil results from it, and he must make restitution for damages that depend on his conduct;

(f) a partaker in injustice is one who gives assistance in the commission of injustice, positively and physically, by sharing in the injury or in some previous or subsequent act naturally connected with it. If he is a cooperator in unjust damage, he must indemnify the injured party; if he is a cooperator in unjust retention of property, he must give back to the owner the stolen goods received by him (1774).

1780. Negative cooperators are those who by their silence or inaction permit an injury to be done or to go unrepaired. They are bound to restitution for the damages caused by them; but it seems that _per se_ at least they are not bound to restitution for bribes taken by them or fines lost through their fault. Their responsibility for damages supposes the usual conditions, namely: (a) they must be the efficacious causes of damage, and hence if their silence or inaction is involuntary, or if outcry or resistance would be useless they are not responsible; (b) they must be unjust causes, that is, there must be an obligation to act owed by reason of strict right, contract, or implied contract. Examples are confessors who culpably neglect to give penitents needed spiritual advice, parents who permit damage to be done by their children who have not the use of reason, voters who absent themselves and thus cause damage they were bound by contract to prevent, owners of animals who sinfully permit their beasts to ravage the fields of another person, doorkeepers who allow thieves to enter a house under their charge, collectors who permit bills to go unpaid. But if the obligation is

owed by reason of some other virtue than commutative justice (e.g., one is bound only in charity to turn in a fire alarm when one notices a fire, if one is not the custodian of the house), one sins, and at times gravely, by inaction; but there is no duty of restitution.

1781. The Circumstances of Restitution.—By the circumstances of restitution are understood the persons by whom and to whom compensation is to be made, the things to be restored, the manner, time and place of restitution.

1782. The persons bound to make restitution are all those who singly or cooperatively commit injustice. But when several commit injustice together, the following kinds of causes of the injustice must be distinguished:

(a) the causes are equal when there is no subordination among the cooperators; they are unequal when one is a principal upon whom the others depend as secondary causes or instruments (e.g., when one hires thieves to steal for one);

(b) the causes are considered as total causes of the injury when they are principal causes, or equal but indispensable cooperators, or conspirators; and perhaps also if they are sufficient causes (e.g., Caius and Sempronius each fire at a neighbor's cow and each inflicts a mortal wound), or if the thing damaged is either not divided (such as a vineyard) or indivisible (such as a painting). In other causes cooperators are considered as partial causes of the injury.

1783. Cooperators in damage are bound to restitution either in solidum or pro rata.

(a) Thus, they are bound in solidum (i.e., jointly and severally) for all the loss when they are total causes of the damage, But the principal cause is bound absolutely, the secondary or equal cause only conditionally, that is, the principal must pay all the restitution himself, the others must pay all only when the principal or other associates fail to do their duty.

(b) They are bound pro rata (i.e., each one according to his share) when they are only partial causes of the damage. The obligation of restitution in solidum should not be imposed, if it is uncertain, or if the cooperator is in good faith and the admonition would only produce harm.

1784. The order of restitution among cooperators in injury is according to the priority of the obligation of one to that of another, in the sense that one is obliged to pay all and the other is obliged only in the former's default. This order of priority in obligation is in force when many cooperators are bound in solidum and when they cooperated in different ways (e.g., one as possessor, another as advisor, another as performer, etc.). The order generally given by moralists is as follows:

(a) the possessor is bound first of all, since he has the goods of another and the goods call for their owner;

(b) the cooperators are bound next in the following order: the originator (such as a perpetrator acting in his own name, or a mandator); the perpetrator acting in the name of another; the others who aided the commission of the act (such as advisors, flatterers, etc.); those who did not prevent or resist injustice.

1785. The obligations of cooperators when restitution in full is made by one of their number, or when condonation of debt is made to one of their number, are as follows: (a) if restitution was due pro rata, the other cooperators must indemnify their associate who paid all, or must pay their shares to the injured party who gave condonation only to one of their group;

(b) if restitution was due in solidum, payment by or condonation to a principal cause frees the secondary causes; but payment by or condonation to a secondary cause does not exempt a principal cause, and the latter is still held either to the secondary cause or to the injured party, as the case may be; payment by or condonation to an equal cause does not exempt the other equal causes.

1786. The person to whom restitution must be made is the person whose strict right has been violated, or, in his absence, it is society. But the following cases should be distinguished:

(a) when the injured person is known for certain and his right is certain, restitution should be made to the injured person or his representatives or successors, or, if this is not possible, to charitable or pious causes;

(b) when the injured person is entirely unknown, if the one who is the cause of the loss is in good faith, his obligations are those of a possessor in good faith; but if he is in bad faith, the common opinion is that he is bound,

at least from customary law, to make restitution by giving to the poor or to religion;

(c) when the injured person is partly unknown, the person who is the cause of the loss should make restitution to the best of his ability. If the doubt extends to only a few persons (say four or five), any one of whom may be the injured person, restitution should be divided in the best way possible among these persons; if the doubt extends to many, but the injured persons were only a few, it seems that restitution may be made by giving to charity or religion either in the place of the injury or elsewhere; if the doubt extends to many, and the injured persons were many inhabitants of the locality, restitution must be made if possible to the injured parties themselves, otherwise to some public cause of the local community.

1787. Order of Preference Among Creditors.—The natural order of preference is to be shown to creditors when the debtor is unable to pay them all.

(a) Those who have a right in re (e.g., those whose property is held by the debtor) have precedence over those who have only a right ad rem (e.g., those who are creditors from contract).

(b) Creditors from onerous contract or delinquency, it is generally admitted, have priority over creditors from gratuitous contract.

(c) Creditors from delinquency and creditors from onerous contract, according to what seems to be the common opinion, are equal in rights and should be settled with pro rata.

(d) Debts that are certain have priority over debts that are uncertain, according to some; others deny this, but admit that the uncertain debts need be paid only in proportion to their probability.

(e) Creditors who are certain are by some preferred to creditors who are uncertain; but others think that payment to the poor, in place of the unknown creditor, is the latter's presumed will, and that it has an equal standing with debts owed to known creditors.

(f) Poor creditors have no just claim to preference over rich creditors; but charity dictates that, when the poor creditor is in distress, he should be given the preference.

(g) Earlier creditors have a preference over later creditors in a real claim, but it is disputed whether this holds also in a personal claim.

(h) The creditor who asks for a settlement sooner has a preference, if the petition is made juridically, and perhaps also if it is made privately.

1788. The order of preference among creditors according to civil law is generally as follows: (a) proprietary creditors (i.e., those whose property is held by the debtor); (b) privileged creditors (i.e., those whose debts have a special urgency, such as judicial expenses, doctors' bills, wages for hired help, living costs, etc.); (c) hypothecatory creditors (i.e., those who have claims against the property of the debtor, in the form of liens, mortgages, etc.); (d) common creditors (i.e., all those who are paid after the previous creditors have been satisfied). American law contains provisions in regard to dispositions of property made during the four months before bankruptcy is tiled, so as to protect the creditors of a person who is insolvent. The property of a bankrupt is placed in the hands of an assignee and allowance is made for the debtor's needs and perfected liens (i.e., charges legally made upon property for debt). The property is then subject to levy by the creditors as follows: maintenance expenses, legal fees, costs of administration, wages of workmen, taxes, debts having priority under Federal or State law.

1789. The "Thing" to Be Restored.—(a) In case of unjust possession, the identical object must be restored, if it has an individual value; otherwise it may be restored in its equivalent. (b) In case of contract, the identical object must be restored, if that is the agreement (e.g., in loan of a chattel, or deposit), otherwise it may be restored in its equivalent (e.g., in loan of money).

1790. The "Amount" of Restitution in Certain Cases.—(a) When an Object Had Various Values During the Time of Its Possession in Bad Faith.—If the change was from an internal cause and was for the better (e.g., the calf stolen by a thief has become a cow), the return must be made in the improved state; if the change was from an internal cause, and was for the worse but would have happened in any case (e.g., the cow taken by the thief has become old), return must be made in the actual state; if the change was from an internal cause and for the worse, which would not have happened had the object remained with the owner (e.g., a cow taken by a thief has become lame on account of the thief's carelessness), return must be made

also for the deterioration. If the change was from an external cause (e.g., the wine taken by a thief has risen and declined in value several times), it seems that practically nothing more can be imposed by way of restitution than the value the object had when taken.

(b) When Unjust Damage has been Done.—If the damage was caused positively, the injured person must be indemnified entirely, if the damage was caused negatively, the injured party should be indemnified more or less according to the reasonable expectation he had of the gain of which he was deprived.

1791. The “Manner” of Making Restitution.—The general rule is that it should be made in such a way that the injury will be repaired and the injured person indemnified for his loss. Generally speaking, there is freedom of choice as to various forms in the modes of restitution. Thus, it may be made publicly or secretly, directly or through an intermediary, positively (by payment) or negatively (by cancellation of a debt). It may even be made without the knowledge and intention of the parties. (a) Thus, the injured party may be compensated, even though he is unaware that he was cheated or that he is being paid back; (b) the offender may restore, even though he does not know he is doing so (e.g., if he pays while intoxicated), and probably even though he has no express intention of doing so (e.g., if he makes a present of \$10, and then remembers that he owed damages to the amount of \$10).

1792. Second Restitution.—Natural law must be applied to certain cases in which restitution sent through an intermediary perishes on the way through no fault of the debtor. (a) If the debt is owed on account of possession in good faith, the debtor is not bound to a second restitution. (b) If the debt is owed on account of contract, the goods perish to the owner. Thus, if the contract was one of loan, the loss must be borne by the lender; if it was one of sale, by the seller. (c) If the debt is owed on account of delinquency, there is an obligation to a second restitution, unless the injured party assumed the risk of transmission. It is held as probable that the choice of the confessor as intermediary for restitution has the consent of the injured party, and hence that, if the restitution perishes on the way through chance or the fault of a third party, there is no duty of second restitution.

1793. The “Time” When Restitution Must Be Made.—(a) Internal restitution, or the purpose of restoring, must be made at once, that is, as soon as one adverts to the necessity of this resolve. (b) External restitution, or the fulfillment of the resolution, must be made at the first suitable opportunity.

1794. Unjust Refusal to Make Restitution or Pay Bills.—(a) Those who unjustly refuse to make restitution or to pay their bills at the proper time are guilty of mortal or venial sin according to the damage their refusal causes to the creditor. (b) They are not worthy of absolution if there is serious bad faith on their part, as when they have many times broken their promises, or when they refuse to pay even the part or installment which is within their power. (c) They are bound to additional damages for the losses caused by the unjustifiable delay.

1795. The “Place” Where Restitution Must Be Made.—(a) He who is a debtor on account of injury must make restitution at the place where the thing would be were it not for the injury. (b) He who is a debtor on account of possession in good faith should notify the owner where the property is, but he is not obliged to bring it to the owner. (c) He who is a debtor on account of contract must abide by the agreement, or by the statutes that regulate the contract. Thus, in this country the place of delivery in sales is according to law the seller’s place of business or his residence.

1796. Burden of Expense or Loss When Restitution Is Sent to the Place of the Creditor.—(a) If the obligation of restitution arises from injury, the debtor is generally bound to pay the transportation and to stand the loss when the goods perish in transit. (b) If the obligation arises from contract, the expenses and losses must be borne according to the agreement.

If nothing was stipulated, it seems equitable that the expenses of transportation be borne by the party who benefits or who requested the contract. According to the Sales Act in the United States, the seller is the loser when goods perish in transit, if a place of delivery had been agreed on; but the buyer is the loser when in pursuance of the contract the goods had been delivered to a carrier for transmission to the buyer (see 1888 d).

1797. The Causes That Excuse Temporarily from Restitution.—These causes can be reduced to two, namely, physical and moral impossibility. (a) Physical impossibility exists when the debtor has not the means to pay and

cannot secure them; and it excuses as long as it continues. One who is bankrupt is excused from restitution during the continuance of his insolvency; if he later becomes able to pay, it seems to some that the civil declaration of bankruptcy according to the law of the country releases him from further payment, unless his bankruptcy was fraudulent or due to culpable neglect. (b) Moral impossibility exists when the debtor has the means, but cannot pay immediately without incurring a loss of a higher order (e.g., if he pays the small sum of money, he will lose his own excellent reputation), or without suffering a greater loss in his own goods of the same order (e.g., if he pays the money, he will be reduced to starvation), or without surely bringing on a far greater evil than delay of restitution to the creditor or a third party (e.g., if a stolen weapon is returned to its owner, he will commit suicide or murder).

1798. The Causes That Excuse Permanently from Restitution.—These causes can also be reduced to two general ones, namely, the cessation of the object and the termination of the obligation through the act of the creditor, or of the debtor, or of authority.

(a) Thus, the cessation of the object releases from the duty of restitution whenever the object perishes to its owner, as when it is lost by a possessor in good faith who has not been enriched by it, or even by a possessor in bad faith, if it would have been lost equally by the owner (see 1771, 1774).

(b) The termination of obligation through the act of the creditor occurs when the creditor freely and lawfully excused the debtor from payment. In some cases condonation may ordinarily be presumed, either on account of the affection of the creditor for the debtor (e.g., in case of debts owed by children to their parents) or on account of the familiar relationship between the parties and the smallness of the debt (e.g., in case of appropriation by servants or employees of some unimportant articles not kept under lock and key), or on account of the indigence of the debtor and the smallness of the damage (e.g., in case of trifling harm to goods of a wealthy person, if there was no great malice and the debtor is very poor).

(c) The termination of obligation is also effected by equivalent payment, which in certain cases is made by payment of the creditor's creditor, or the cancellation of an equal debt owed the debtor by the creditor, and perhaps also by a gift made the creditor by the debtor and equal in value to the debt.

Occult compensation by the creditor is the secret taking by him of what he is entitled to when the debtor will not give it of his own accord. This is lawful when the debt is certain, other means of recovery impossible, and the compensation not injurious; but it covers restitution, and hence the creditor cannot accept another payment from the debtor.

(d) The termination of obligation is also effected by the act of competent authority. Thus, judicial declaration frees from the duty of restitution a person who has lawfully and in good faith received certain goods as damages or award; prescription (see 1875) gives a clear title to property held by adverse possession over a certain number of years, and it frees from the duty of payment, at least in certain cases (though not in the United States); papal composition for good reasons exempts from their obligation those who owe restitution to pious causes or to church property injured by them.

1799. Condonation of the domestic thefts of wives and children of the family cannot be presumed in all cases (see 1903).

(a) Thus, if the things stolen are articles of food and drink (or tobacco), and were consumed by the members of the family, there is no duty of restitution, since the father or husband is then unwilling, not so much that these things should be taken, as that they should be taken furtively.

(b) If the things taken do not fall under the class of eatables and are still in the possession of the thief, they should be restored. Hence, if a son steals money from his father in order to have the means for debauchery, he must give back that money.

(c) If the things taken were not eatables, but were of great value and have been consumed or alienated, it will depend on circumstances whether restitution is obligatory or not. Thus, if the father thinks much of the son who took the money and the family does not miss it much, condonation may perhaps be taken for granted; but if the son is not on good terms with his father, or if the theft is very harmful to the family, restitution may be due.

1800. Excuse from Restitution on Account of Doubtfulness of Obligation.—(a) One who doubts positively and in good faith whether or not he did damage to another is excused from restitution if the doubt is

about the fact of the damage (e.g., whether his competitor lost business) or about his own culpability (e.g., whether he circulated a calumny about his competitor); he is probably held to restitution pro rata of the doubt, if the doubt is about the responsibility of his culpable act for the damage that followed (e.g., whether his calumny or the poorness of the competitor's wares caused the falling off in business); he is probably held to only his share, if the doubt is whether his culpable act was responsible for the whole or only a part of the damage (e.g., whether his calumny caused all the damage, in view of the fact that others were also spreading calumnies).

(b) One who doubts positively and in good faith whether the restitution owed by him has been paid (e.g., whether his fellows in calumny have paid their portions of restitution, whether he has paid a bill for goods or services received) is held to full payment by some, to part (pro rata) payment by others, to nothing by others. Some moralists think the presumption favors the creditor, others that it favors the debtor, others that it favors neither and that a compromise is the right solution.

1801. Doubt does not excuse restitution in the following cases: (a) when it is merely negative and the presumption is against the doubter (e.g., when a person knows that he purchased and received goods, but does not know whether or not he paid for them, and has no reason to think he did pay); (b) when it is in bad faith, that is, knowingly or intentionally produced (e.g., when two men simultaneously fire at a neighbor's cow, knowing that it will thus become impossible to determine the author of the damage).

1802. Special Cases.—There are some special cases of restitution for negative injury in thwarting another's prospects, or for positive injury to goods of fortune, of body, of soul, or of spirit.

(a) For Frustration of Another's Good.—Restitution is due for keeping another from a good to which he has a strict right (e.g., an office to which he has been chosen, property for which he has paid), or for using force, fraud, bribes, or other unjust means to keep another from a good to which he has a non-strict right (e.g., a position for which he has made application, a gift which another contemplates bestowing on him). The amount of restitution should be calculated according to the previous probability of success on the part of the injured party and the permanent results of the injury.

(b) For Injury Done to Goods of Fortune.—Private injuries are spoken of elsewhere (see 1762 sqq.), and now we consider only injuries that are in some way public. Commutative injustice entailing restitution to the community is committed by damage to public property, breach of contract made with the community, unjust means employed to prevent the government from obtaining its dues, unjust cooperation in any of the aforementioned acts; commutative injustice entailing reparation to individuals is committed when the transgression of a law places an undue burden on a fellow-citizen (e.g., when one unjustly escapes military or jury service and causes a substitute to be called who would not have been called otherwise, or when one unjustly evades one's taxes and thereby certainly causes the taxes of others to be raised). If a tax law is just, it obliges in conscience, but whether as penal or preceptive, whether in virtue of legal or commutative justice, is a much debated question; and hence the question of sin and of restitution due is not easily settled. Impossibility or a general and admitted custom excuse from restitution (see 2637 sqq.).

(c) For Injury Done to Goods of Body or Personal Goods.—According to one view no restitution is due for merely personal injuries, since the damage cannot be repaired by a good of the same kind as that which was taken away (e.g., the murderer cannot give back life to his victim); but according to another view restitution is due for these injuries, since justice requires that every kind of damage be repaired as far as possible (see 1751 and 2090).

1803. Restitution for Various Kinds of Damage Done to Persons.—(a) For Bodily Injury by Unjust Homicide or Mutilation.—The offender (or his heirs) is obliged to restitution to the victim (or his heirs or dependents) for spiritual loss (such as death without the Sacraments), probably for personal loss (such as pain, facial disfigurement), and for real losses due to the injury (such as hospital expenses, loss of support by the widow and orphans). The spiritual loss is compensated by spiritual goods, such as suffrages for the departed, the personal loss by compensation suited to the circumstances (e.g., money employment), the real loss by payment of medical expenses, loss of time, support lost by dependents, etc. The offender is not liable for damages of which he is not the unjust cause (e.g., the alms that will be lost by poor persons on account of homicide, since they have no strict right to the alms), or the efficacious cause (e.g., the pay that will be lost by creditors

on account of homicide, for as a rule the slayer cannot foresee this), nor for damages which the injured person clearly condones.

(b) For Bodily Injuries by Fornication or Adultery.—In case of fornication the offender owes restitution to the person seduced and also at times to the latter's parents, and both sinners are bound to support their illegitimate child. The form of the compensation will depend much on circumstances, but in general it should be either marriage with the person seduced or some kind of pecuniary compensation. It should be noted that a promise to marry, even though it is canonically valid, gives no action to enforce marriage, but even an invalid engagement gives rise to action for unjust material damages, such as loss of chance to marry or loss of money spent in view of the marriage (see Canon 1017). In case of adultery the guilty party or parties are bound to make restitution to the injured husband if an illegitimate child is being reared at his expense, and also to the legitimate children for injuries to their strict rights, as in the diminished inheritance received from their parents on account of the illegitimate child. A child is not obliged to accept the word of his mother that he is illegitimate, but if he is certain about his illegitimacy, he may not take that to which he is not entitled. In restitution for fornication or adultery, care must be taken to preserve the good names of all the parties concerned.

(c) For Injuries of Soul.—In case of unjust and efficacious damage to physical goods (e.g., when one by fraud or force administers to another drugs or intoxicants that take away the use of reason or self-control, when a professor neglects his office of teaching or teaches error), restitution is certainly due for any material damages that result, and probably for the personal injury alone. In case of damage to spiritual goods, by inducement to commit sin or by dissuasion from good, restitution is due when the influence exerted was unjust (e.g., by fraud, force, threats), not when it was merely uncharitable (e.g., by advice, persuasion, request, example). Restitution for spiritual damage may be made negatively, that is, by removal of the unjust influence; but if a person who was seduced has in consequence become a hardened sinner, it seems that restitution should be made positively, that is, by counsels, requests, prayers to God, and other prudent means calculated to recall the injured party to a life of virtue.

Art. 4: THE VICES OPPOSED TO COMMUTATIVE AND DISTRIBUTIVE JUSTICE

(*_Summa Theologica_*, II-II, qq. 63-78.)

1804. The Vice Opposed to Distributive Justice.—Favoritism (i.e., acceptance of persons, partiality) is defined as “a species of injustice which moves one to distribute the common goods or burdens of society, not according to merit or fitness, but according to some other and impertinent standard.”

(a) The common goods include offices, honors, functions, while the common burdens include taxes, contributions, and penalties.

(b) The common goods of which we now speak are those that belong to society and that must be portioned out to its members justly. Hence, there is no question of goods that belong to private persons, which the owners are not obliged to give to others unless it be in virtue of charity or liberality. A rich man is not guilty of acceptance of persons, if he bestows his largesses on those who are less in need or less deserving, but more acceptable to himself; and God is not unjust when he gives unequal graces to those who are equally sinners (Matt., xx. 14, 15).

(c) The right standard of just distribution is merit or fitness, as when an applicant is appointed to the post of teacher or superior on account of good character and knowledge. Any other standard which leaves merit and fitness out of consideration is unjust, as when a public official selects for offices or honors, not those who have worked the hardest or who give the most promise, but those who have more money or who are related to himself.

1805. The Sinfulness of Favoritism from Revelation.—In Holy Scripture favoritism is reproved (“How long will you judge unjustly and accept the persons of the wicked?” Psalm lxxi. 2), and impartiality is praised (“Thou art a true speaker and teachest the way of God in truth, neither carest Thou for any man, for Thou dost not regard the person of man,” Matt., xxii. 16;

“Masters, know that the Lord both of servants and you is in heaven, and there is no respect of persons with Him,” Eph., vi. 9). Distributive justice is commanded in many passages of Holy Writ (“Consider not the person of the poor, nor honor the countenance of the mighty; but judge thy neighbor according to justice,” Levit. xix. 15; “There shall be no difference of persons, you shall hear the little as well as the great, neither shall you respect any man’s person,” Deut., i. 17; “Thou shalt not accept persons nor gifts,” Deut., xvi. 19; cfr. James, ii. 1 sqq.).

1806. The Sinfulness of Favoritism from Reason.—Favoritism transgresses a divine command and substitutes personal will for right in the treatment of subjects by superiors. Hence, it is morally evil, for disobedience is sinful in the high as well as in the low, and violation of rights is unjust whether the rights be of the community or of the individual.

1807. The Gravity of the Sin of Favoritism.—(a) From its nature, favoritism is a mortal sin; for it is a form of injustice (see 1746), and indeed it is no less damaging than commutative injustice (e.g., theft) and is often accompanied by the latter. (b) From its matter and from the lack of deliberation or consent it may be venial. Thus, if favoritism is shown in a trifling matter (e.g., in conferring a post that is unremunerative and unimportant) or in a small degree (e.g., in preferring an applicant who is only slightly less worthy), there is only venial injustice.

1808. Distributive injustice is also frequently accompanied by commutative injustice.

(a) Thus, a first class of common goods that are distributed are those intended primarily for the common good, and only indirectly and secondarily for the good of individuals, such as public offices, dignities, and benefices. He who distributes these offices unfairly, by appointing unworthy persons, or by appointing the less worthy when he is under contract to appoint the more worthy, violates commutative justice and is held to restitution to the community; but the worthy or more worthy persons slighted had no strict right, and hence no restitution is due them, unless there was a compact with them or unjust means were used to exclude them (see 1755).

(b) A second class of common goods are those that are intended primarily for the benefit of individuals, such as a fund created for the relief of the

destitute or afflicted or pensions set aside for those who have deserved well of society. He who distributes these goods unfairly is guilty of commutative injustice against private persons, since the goods were destined for them, and they had a right *_ad rem_* to the goods, and hence to these persons restitution is owed.

1809. Favoritism in Spiritual Matters.—(a) Partiality in granting favors is sinful, and gravely so when the matter is serious. Examples are the grant to the unworthy of the power of Orders or of jurisdiction, the concession of permissions and dispensations to one's friends that are denied to others. (b) Partiality in imposing burdens is also sinful, as when a prelate issues an onerous command, and grants exemption to his friends. But if the thing commanded is obligatory already by reason of law, it should be observed in spite of the favoritism of the prelate.

1810. Who is to be considered as more worthy for appointments in spiritual matters?

(a) The more worthy person is the one who will better serve the common good in the office. Hence, the more pious or the more learned man is not necessarily the more worthy, for another may have greater industry, influence, executive ability, initiative, prudence, experience, etc., and so be better suited to fill the position. But no person should be considered as worthy of spiritual offices unless his moral character is good, and excellence in temporal things does not compensate for negligence in spiritual matters.

(b) The more worthy person is the one who is more available when the appointment has to be made. Hence, the one who is better gifted for the office is not necessarily the more worthy, for another may be better known and it may be impossible to make investigations and comparisons at the moment.

1811. Opinion of the Applicant or Appointee about His Own Fitness.—(a) The applicant need not think that he is worthy or the most worthy; indeed, according to St. Thomas, it would be presumptuous for him to think so highly of himself, and he would thus become unworthy. It suffices, then, that the applicant have in mind only to try for the office, leaving the decision about fitness to the examiner or appointer.

(b) The acceptor who feels that he is unworthy or less worthy is not guilty of injustice; for he is not the judge of his own abilities and may rely on the judgment of those who appoint him. Moreover, he can trust to divine grace and his own efforts to make up for any deficiency or inferiority of which he is conscious. But it seems that, if the appointee were absolutely certain that his appointment was unjust, he would be bound to surrender his office, if this were possible.

1812. Favoritism in Secular Matters.—Do the conclusions in reference to ecclesiastical offices apply also to secular offices?

(a) In both cases distributive justice is violated by favoritism, for the standard followed is not merit or fitness, and thus the more worthy persons are injured. The opinion that civil society has dominion of public offices and therefore the right to distribute them at will, without regard to the merits or fitness of persons selected, is not probable; for civil rulers, like spiritual rulers, should consider themselves as ministers and dispensers only (I Cor., iv. 1), and even if they had dominion over offices, they would be bound to use that power for the benefit of the public for whom they rule.

(b) In both cases also commutative justice is violated in some instances, the offense being either against society or against individuals (see 1755, 1808). Thus, an official who appoints a subordinate knowing that he will oppress and rob, is responsible and bound to restitution to the victims as being a cooperator in injustice.

1813. Favoritism in Marks of Esteem or Honor Shown to Others.—(a) There is no favoritism if honor and esteem are shown to those who deserve it on account of their virtue or position. Hence, it is not unjust but just to show special marks of veneration to holy persons, and even to those who are not holy, but whose authority or age deserves respect (such as rulers and prelates, parents and aged men).

(b) There is favoritism if honor and esteem are shown to those who have no genuine claim to it on account of goodness or rank. Thus, wealthy men are worthy of special respect on account of goodness when they employ their riches in useful ways, or on account of preeminence in the community in rank, ability, influence, etc., and he who shows special courtesy or attention to the wealthy for reasons such as these is not a respecter of persons. But if mere wealth is worshipped, sinful favoritism is shown, as

when a villainous rich man is honored and a worthy poor man is despised, or well-dressed persons are conducted honorably to comfortable seats in church and good persons whose attire is poor are treated with contempt (James, ii).

1814. Favoritism in Judges (Umpires, Arbitrators) and the Like.—(a) In the course of a trial there may be favoritism in matters left to the judge's discretion. This does not happen, however, when the discretionary power is intended for the judge's own benefit (e.g., when on a free day he decides to hear one side rather than the other), but when it is meant for the benefit of the litigants (e.g., when he grants to one side a longer time for preparation of its case than to the other side and for no reason pertinent to the matter at issue).

(b) In the sentence pronounced there is favoritism, if the decision is not based on the merits of the litigants, but on extraneous considerations, such as the fact that one of the parties is a friend or relative of the judge or arbitrator, or belongs to the same political party or business, etc.: "It is not good to accept the person of the wicked, to decline from the truth of judgment" (Prov., xviii. 5). If the arguments are about evenly balanced on both sides, it would be favoritism to decide in favor of one against the other. Alexander VII condemned the proposition that a judge may take money in such a case of doubt to decide for one party (Denzinger, n. 1126).

1815. The Vices against Commutative Justice.—These vices can be classified under two general heads: (a) the vices committed in involuntary commutations (see 1748), which include deeds against the person (such as homicide, mutilation, imprisonment) and against property (such as theft and rapine), and unjust words, whether spoken during judicial process (by judges, advocates, witnesses, etc.), or outside of judicial process (such as contumely, detraction, etc); (b) vices committed in voluntary commutations (see 1748), which include fraud and usury.

1816. Homicide.—Life destroyed is either that of an irrational being (i.e., of a plant or beast) or of a rational being. In the latter case we have homicide, which is defined as follows: "an act or omission of a human being that is the efficacious cause (see 1763) of the death of a human being." A parent who denies his child the food, remedies or climate which it needs and which he can afford commits homicide by omission; a physician

who practises abortion commits homicide by act. The following distinctions of homicide have a bearing on its substantial morality (i.e., its lawfulness or unlawfulness):

(a) in reference to the intention, homicide is either voluntary or involuntary, and voluntary homicide is intended either as a punishment or as a defense;

(b) in reference to the slayer, homicide is either the act of a public or of a private person, of a cleric or of a layman;

(c) in reference to the person slain, homicide is either the killing of one who is guilty or of one who is innocent, either the killing of a neighbor or of self (suicide);

(d) in reference to the manner, homicide is either direct or indirect, according as the action from which death results is from its nature (*_finis operis_*) productive of death or of some other effect. Thus, it is directly homicidal to practise embryotomy (i.e., the destruction of the vital organs of a fetus) or abortion (i.e., the ejection of a fetus at a stage of development when it is unable to live outside the mother), but it is not directly homicidal to give a pregnant woman remedies necessary for her life, although harmful to the fetus; for the object or purpose of the former is to kill, of the latter to cure.

1817. Other distinctions of homicide have a bearing on its added or accidental malice.

(a) A new species of sin is added to that of injustice when other virtues are offended against. Thus, the virtue of piety is violated when the victim is a person to whom the slayer owed special respect and devotedness, as in parricide, regicide, fratricide, uxoricide; the virtue of religion is offended when murder is committed in a church.

(b) An aggravating circumstance is added by the greater deliberation with which the homicide is planned, or the greater treachery or cruelty with which it is executed (e.g., assassination, death by starvation). Some circumstances, however, may be morally indifferent, such as the fact that the victim is killed by one kind of poison rather than another.

1818. The Killing of Animals (or Vegetation).—(a) In itself, the killing of animals is not sinful; for animals are made for the use of man. Hence, it is

lawful to kill, not only harmful animals, such as those that prey on human beings or breed pestilence or destroy property, etc., but also other animals, when their death is necessary for some good purpose, such as the provision of food, clothing or medicine for man.

(b) In its circumstances, the killing of animals may be sinful, and even gravely sinful, as when one kills the animals of one's neighbor (Exod, xxii. 10, 11), or hunts against the law, or injures society by prodigal destruction of animal or plant life, or kills animals in cruel ways. The skinning of animals alive, in order to secure finer-looking furs to satisfy the vanity of women, is an inhuman barbarism of the worst type that should be reprobated by everybody.

1819. When Homicide Is Lawful.—Killing of human beings is lawful in two cases. (a) It is lawful when the common safety requires that the State inflict death for a crime (capital punishment); for just as it is lawful to amputate a gangrenous member which threatens to destroy the body, so is it lawful to remove from human society by death an individual who menaces the safety of the community. (b) It is lawful when the safety of an individual demands that he kill an unjust aggressor (self-defense); for a man owes his first duty to his own life in such a case, and the aggressor in making a deadly attack voluntarily assumes the risk of being killed. It is more correct, however, to say here that it is lawful to defend one's life with resultant death to the offender (as will be explained below, in 1826, 1828, 1834).

1820. Arguments for the Lawfulness of Capital Punishment.—(a) Scripture.—In the Old Testament the death sentence was prescribed for certain more serious crimes, such as murder (“whosoever shall shed man's blood, his blood shall be shed,” Gen., ix. 6); in the New Testament Our Lord recognizes that the power of a judge to sentence to death comes from above (John, xix. 10), and St. Paul declares that princes do not wield the sword without reason, but act as ministers of God when they punish evil-doers (Rom., xiii. 4).

(b) Tradition.—The Church has always taught the lawfulness of capital punishment and rejected contrary errors, as in the case of the Waldensians condemned by Innocent III.

(c) Reason.—The State has both the duty and the right to promote the common good and to defend it against its enemies, whether by war against

external foes or by coercive measures against internal disturbers of the peace. Now, the experience of all the centuries and of all countries has shown that, generally speaking, the lives of law-abiding persons and the general peace are not sufficiently protected unless the supreme penalty be appointed for certain crimes.

1821. Though lawful, capital punishment is not always necessary; for it is a means to an end, and it may be omitted, therefore, when the end can be obtained by the use of other and less severe means.

(a) Thus, a general suspension of the capital punishment is lawful in a community whose members are peaceful and not inclined to violence or other crimes subversive of law and order. Whether such ideal conditions exist today may be doubted, and indeed some countries that abolished the death penalty have found that this proved an incentive to crime and they were forced to restore the former laws.

(b) A particular exemption from capital punishment is lawful, when there are good reasons recognized by law for commutation or clemency. This has been the practice of governments throughout history, and is justified when it furthers the common welfare, or at least shows mercy to a deserving individual without harm to society. But a judge has to condemn when the law and the facts call for condemnation, and the authority in whom the pardoning power is vested has to use his power prudently, lest he encourage lawlessness.

1822. It is not morally lawful to put criminals to death unless the following conditions are present:

(a) the crime must be external and of such a character that the public welfare requires the supreme punishment, either on account of the enormity of the act (e.g., murder), or on account of its danger (e.g., sleeping at one's post in time of war). Further, the crime must be certain and sufficiently established, for, since the punishment should fit the offense and the law presumes innocence until guilt is proved, no one should be sentenced to death except for a serious and certain crime. The Fifth Amendment to the American Constitution declares that no person shall be deprived of life, liberty or property without due process of law;

(b) the sentence of death and its execution should be performed by those who have public authority for these acts and in the manner required by law. For capital punishment is a means of self-defense used by society, and its use pertains therefore to the representatives of society. Moreover, if private individuals exercised this function, accused persons would not receive the consideration of their rights or the opportunity of defense due them, and the public peace would be overthrown by murders of revenge committed in the name of justice.

(c) the penalty should be carried out in a humane and Christian manner, as is manifest. The convicted man should be allowed time and opportunity to make his peace with God and, if possible, to say farewell to relatives. Slow and agonizing forms of killing are of course entirely wrong, no matter how wicked the criminal who is being executed. The American law and other laws do not permit a pregnant woman to be executed until she has delivered her child.

1823. Unlawful Killing of Offenders.—The killing of offenders is, therefore, unlawful in the following cases:

(a) when the offense is not serious or fully deliberate (e.g., involuntary manslaughter), or when it has not been sufficiently established (e.g., if it is not certain that the supposed victim of murder is dead or that he died from a homicidal act). In civilized countries today the law inflicts capital punishment only for the most serious crimes, and the State has to prove its case beyond reasonable doubt before the punishment can be decreed. But in the past death was often the penalty for horse- or sheep-stealing, or even smaller offenses, and in times of excitement men have sometimes been sentenced to death without a fair trial;

(b) when the sentence of death is not pronounced or executed legally. Those who lynch the perpetrators of heinous crimes are often in good faith, especially if the processes of the law are too slow or uncertain, but since they act without authority, their deed is really murder. The same is true of a husband who kills his wife taken in adultery, of the relative of a seduced girl who kills the seducer, of an officer of the law who unnecessarily or without authorization kills a man sentenced to death when the latter is trying to escape. The State has the right, though, to declare a notorious malefactor outlawed, and thus to give to private citizens the right to take

him dead or alive, or to kill him on sight; but it is clear that the exercise of this right is a dangerous remedy and one to be used sparingly;

(c) when the mode of killing or the circumstances are repugnant to Christian feeling. Today capital punishment is generally inflicted in a humane manner, but history records many cruel forms of execution, as when men were hanged, drawn and quartered, or burned at the stake, or put to death amid the jeers and curses of the populace.

1824. Is Tyrannicide Lawful?—(a) If the ruler is a tyrant in act (that is, one who has a lawful title to rule but who abuses his authority), it is not lawful to kill him on account of his misdeeds or crimes, since the subject has not the authority to act in the name of the nation (Rom., xiii. 1 sqq.; I Peter, ii. 18). In case of self-defense, however, as when the tyrant unjustly makes a personal attempt on the life of a citizen, the latter has the right to kill. The Council of Constance condemned the doctrine of Wycliff that every subject has the right to assassinate a tyrannical prince, a doctrine that would make the position of every ruler unsafe, since there are always persons who think they are victims of persecution. The nation, however, has the right to depose or even to execute a wicked ruler, for government is given to rulers for the benefit, not for the destruction, of the common good.

(b) If the ruler is a tyrant in title (that is, a usurper), it is not lawful to kill him, when he has already obtained peaceful possession; for here again it cannot be said that the killer would have the authorization of the nation. If, however, the tyrant has not obtained possession but is struggling for it, his status will not be that of ruler but of public enemy, and it will be lawful to kill him as an act of war, provided the conditions of a just war are present (see 1384).

1825. Judges and Executioners in Canon Law.—According to the law of the Church (Canon 984, nn. 6, 7), those who pass the death sentence as judges and the executioners and their immediate and voluntary helpers become irregular (i.e., incapable of lawfully receiving Orders or of exercising their powers). The reasons for this ancient discipline are chiefly two:

(a) clerics are the ministers of Christ, and therefore they should be like their High Priest, whose sacrifice they offer at the altar. Now Christ “when He was reviled, did not revile, when He suffered, He threatened not, but

delivered Himself to him that judged Him unjustly” (I Peter, ii. 23). Hence, it is unbecoming that clerics should condemn to death or kill their fellow-men, even criminals;

(b) clerics are the ministers of the New Testament, and therefore they should conform themselves to its spirit of mildness. The divine law itself declares that a bishop should not have private quarrels or inflict blows (I Tim., iii. 3), but the church law goes further and declares that a cleric should not even act as public judge or executioner in capital cases. The Old Testament inflicted corporal punishments and death, and hence we read that its priests and levites put sinners to death with their own hands (Exod., xxxii. 28; Num., xxv. 7, 8; I Kings, xv. 33; III Kings, xviii. 40; I Mach., ii. 24), but the law of Christ contains no sentences of death or of bodily chastisement.

1826. The Right of Self-Defense.—The second case of lawful homicide mentioned above (1819) is the killing of an unjust aggressor, not intended by the slayer, but consequent on his defense of his life against the aggressor. This right of self-defense is granted by natural law itself, and has been denied by but few moralists.

(a) Thus, nature inclines man to prefer his own life to that of another, other things being equal, and therefore it authorizes him to defend his life even at the cost of an aggressor’s life. Even the brute animals are armed by nature to defend themselves against attack.

(b) The natural law also permits one to perform an act from which two effects will follow, one good and the other bad, provided the good effect alone is intended and there is a sufficient reason for permitting the evil effect (see 104). In the present case the killing of the aggressor is an evil, while the protection of the innocent party is a good; but it is only the protection that is intended, and the killing is not an extreme measure in view of the greatness of the good that is at stake.

1827. The right of self-defense is also sanctioned by human laws. (a) Thus, church law recognizes this right in the words of Innocent III: “All laws permit one to repel force by force, but the defense must not be immoderate, nor exercised from desire of revenge.” According to the Code (Canon 985, n. 4) irregularity arises from voluntary homicide, but this does not include the case of lawful self-defense, although a provisional

dispensation must be asked for. A cleric has the right of self-defense, as well as a layman. (b) Civil law also has always admitted the right of a person assailed by another to defend himself, even by killing the assailant, if there is no other alternative.

1828. Conditions for the Exercise of This Right.—(a) The assault must be a true aggression (i.e., an act of violence threatening the life of the person assaulted) and unjust (i.e., an attack made without public authority); (b) the resistance must be true self-defense (i.e., an act used to ward off attack or to make the assailant powerless) and moderate (i.e., the person attacked must not use more force than necessary and he must not intend to kill the assailant).

1829. The person who is killed must be a true aggressor, for otherwise the slayer is himself the aggressor and guilty of unjustifiable homicide. Killing is therefore unjust in the following cases:

(a) when the opponent is not using true violence, as when he merely prays and hopes that you may die or be killed;

(b) when he is not using actual violence, as when he is disarmed or helpless, or when he has only threatened to kill you in the future, or to bring you to the gallows by his testimony or vote.

1830. Must one wait, then, until the aggressor has actually attacked, before using self-defense? (a) One need not wait until physical aggression has started (e.g., until the adversary has fired a shot or struck a blow); otherwise self-defense would very often be futile. (b) One should wait until moral aggression has been shown before proceeding to defense; that is, the other party must perform some external act which according to the judgment of a prudent person at the time and place is one with the act of physical aggression, as when an angry man reaches for a gun or knife, or a desperado advances in a threatening manner.

1831. The aggression must also be unjust or contrary to the right of the person attacked. (a) Thus, if the aggression is just, it is not lawful to kill the aggressor. Hence, it is not lawful to kill an officer of the law who is making an arrest, or guarding a prisoner, or leading him to execution. (b) If the aggression is not just, self-defense is lawful. It makes no difference whether the aggression is formally unjust (e.g., when the aggressor attacks you

because he wishes to wreak revenge, or because he fears you), or only materially unjust (e.g., when you are a stranger to the aggressor, but he is drunk, or a dope fiend, or a maniac). Similarly, a son may defend himself against his parent, a subject against his superior, a layman against a cleric, an adulterer against the injured husband, a calumniator against the person calumniated; for authority or personal injury suffered does not give these persons the right to inflict by private authority the punishment of death.

1832. Self-defense must be merely a protection of self against future evil and not a punishment of the aggressor for past attacks, for capital punishment belongs to society, not to private persons. Hence, if an aggressor has taken to flight, or has been disarmed, or knocked senseless, or has begged for mercy, it is not permissible to kill him.

1833. Self-defense must be moderate, for injury or the death of a human being is a thing that should be avoided when possible. (a) Thus, the person attacked must not reply with force at all, if this is possible. He should escape, or call a policeman, or throw the weapon out of the window, etc., if these means will suffice. Some authors excuse from flight those who would suffer disgrace if they ran away from danger, such as those who are pugilists or professional fighting men. (b) The person attacked should use only such force as is necessary, if force must be employed. Thus, if the aggressor can be made helpless by the use of gas, permanent bodily harm should not be done him; if he can be subdued with the fists, knife or pistol wounds should not be resorted to; if wounds will suffice to hold him at bay (e.g., by blackjacking), killing should not be resorted to. In the heat of a fight, however, the person assailed sometimes unintentionally goes beyond what moderation requires.

1834. The intention of the person who uses force to repel an unjust aggressor must be good. (a) Thus, as his end he must intend only the preservation of his own life and look upon the death of his neighbor as a misfortune. (b) As the means to this end he must intend only to stop the attack that is being made, not to bring on the death of the aggressor. Those who are commissioned by public authority to put a human being to death (e.g., the public executioner or soldiers in time of war) may intend these homicides, since they are means to the common good; but the death of one private person is not a means to the good of another private person, and hence it should not be directly aimed at.

1835. The mind of the person who defends himself against the unjust aggressor must also be free from sinful dispositions, such as hatred and revenge; otherwise he sins against charity. Our Lord reprobated the teaching of the Scribes that it is lawful to return injury for injury in a revengeful spirit, and declared that one should prefer to receive a second blow rather than return a blow for the sake of revenge (Matt., v. 38 sqq.; cfr. also Rom., xii. 19).

1836. When Self-Defense Is Obligatory.—Self-defense is sometimes an obligation. (a) Thus, it is an obligation, if the only factors considered are the life of the guilty aggressor and the life of the innocent person who is assailed; for the life of the innocent should not be sacrificed for the guilty, and charity indicates that the first duty of the person attacked is to himself. (b) It is an obligation, if, on account of circumstances, the person attacked owes it to others to preserve his life—for example, if he is the father of a dependent family, or a public official whose life is very necessary for the welfare of the community, or whose office it is to resist those who menace public security. This is true from the viewpoint of society also, for the world needs the good men it has, while there are too many wicked men already.

1837. Sometimes self-defense is not obligatory. (a) Thus, it is merely optional, when no duty to others commands self-defense and a divine counsel invites one to omit it (see 1169). Hence, if the assailant is certainly in mortal sin, while the person assailed is certainly in the state of grace, it would be very commendable to die rather than kill the assailant, in order to grant him time for repentance. But a case of this kind is rather theoretical than practical, for how could one be sure that the assailant would profit by the opportunity allowed him of doing penance? At any rate, the sacrifice is optional, for the aggressor is either formally unjust, and hence not in extreme spiritual need, or only materially unjust, and it will be uncertain whether he is in spiritual need or whether, if he is in such need, the respite will be used by him (see 1165 sqq.). (b) Self-defense is unlawful according to some, if the life of the assailant is necessary for the common good, and the life of the person assailed is not necessary. But this would be a very rare case.

1838. Defense of Neighbor's Life.—The principles on defense of one's own life against an unjust aggressor, even at cost of the latter's life, may be applied to the life of an innocent third party.

(a) Thus, it is necessary to defend the innocent person, even if the aggressor has to be killed, when one is bound to give this protection by natural duty (e.g., because the innocent person is one's child or father and the aggressor is not a relative), or by contract (e.g., because one is a hired bodyguard or policeman).

(b) It is lawful to defend the innocent person, even if the aggressor has to be killed, and even though there is no duty of nature or contract to give this protection (Exod., ii, 12). But it is disputed whether it is also necessary to do this. The affirmative opinion calls attention to the extreme bodily need of the innocent party, the negative to the extreme spiritual need of the aggressor. It is not necessary to risk one's life in order to protect the life of the innocent party, unless the public safety is in peril, or one has undertaken this obligation (see 1169).

1839. A private individual may defend life at the cost of the life of an unjust aggressor, because he is obliged or permitted to protect the life that has more of a claim on him. He may also defend certain other most important goods that belong to him or to his neighbor, even if need be at the cost of the unjust aggressor's life, because the common good is more valuable than the life of the aggressor, and the defense of those goods is bound up with the common good. Thus, if it were not permissible to defend valuable property even to the extent of killing a burglar, criminals would be encouraged, peaceful citizens would be at a disadvantage, and the public security would greatly suffer. Among the goods now spoken of are goods of fortune and goods of body. It is not always obligatory, however, to exercise the right of extreme self-defense (e.g., in case of violation, provided no consent is given the deed).

1840. Defense of Goods of Fortune Against an Unjust Aggressor.—(a) If the attack is equivalent to an attack on life (e.g., the aggressor wishes to take the last loaf from a starving man or the plank from a drowning man), or if it seems to be an attack on life (e.g., the burglar enters a room as if he meant to kill), the killing of the unjust aggressor is not unlawful, as is clear from the previous paragraphs.

(b) If the attack is made on goods of fortune only, but they are of great value and actually possessed, the question is disputed. According to some, killing in this case is unlawful, because life is more valuable than property;

but the common opinion is that killing is lawful, both because Scripture excuses the person who kills the nocturnal robber (Exod., xxii. 2), and because the public safety is at stake and therefore justifies extreme measures.

(c) If the attack is made only on goods of fortune, and they are not yet possessed (e.g., a legacy one hopes to obtain) or have only a small value (e.g., one gold piece), killing is unlawful; for there is no proportion between external goods that are only hoped for or that are of minor importance and the life of a human being. Pope Innocent XI condemned the teaching that one may use homicidal defense to protect a coin or the prospect of receiving an office.

1841. Defense of Bodily Purity Against an Unjust Aggressor.—(a) If the attack is equivalent to an attack on life, or seems to be an attack on life, self-defense even by killing is lawful, and hence it may be permissible to kill one who is attempting rape.

(b) If the attack is on bodily purity only, but *_per actum consummatum luxuriae_*, the question is controverted. One opinion is that killing may not be resorted to, for the aggressor cannot take away purity of soul, and the purity of body that he violates is less good than life. The opposite opinion holds that killing may be employed in self-defense, since bodily purity has a higher value than even notable goods of fortune, especially as violation is usually accompanied by spiritual damage or disgrace of family, etc.; and the public interest demands that such outrages be sternly suppressed on account of the strong inclination of many persons to commit them.

(c) If the attack is on bodily purity only, and *_per actum non-consummatum luxuriae_* (e.g., *_per osculum vel amplexum_*), killing is not justified, but other means of defense, such as blows or wounds, may be used.

1842. Defense of Bodily Integrity Against an Unjust Aggressor.—(a) If the attack is equivalent to an attack on life (e.g., if the aggressor intends to mutilate or wound, but there is danger that he will kill), defense even with resultant killing is lawful.

(b) If the attack is not equivalent to an attack on life, but is very notable (as when a principal member will be lost or the person horribly disfigured),

some authorities claim that defense which would cause the aggressor's death is unlawful, because death is too heavy a price to pay for wounds. But against this it may be argued that the loss of limbs or organs is more serious than the loss of money, and, in some respects, is more damaging than violation. The civil law gives a person the right to protect himself in body and limbs, even by killing the assailant when absolutely necessary.

(c) If the attack menaces only a minor detriment (e.g., a black eye or bloody nose), certainly killing is unjustified. But the person attacked may hit harder and oftener than the assailant, if he is able, so that the latter may beware of him another time.

1843. Defense of Honor or Reputation.—When honor or reputation is unjustly attacked, the more perfect course is to bear the injury patiently and to pardon the offense, according to the teaching of Christ. But it is not sinful to defend honor and reputation, just as it is not sinful to defend life, limbs and property. How far may one go in defense of honor or reputation against an unjust aggressor?

(a) If the aggression is merely in words (as when the offender calls the other party a liar, or says that he is illegitimate), it is not lawful to use violence, at least such as would cause death; for there are other and less drastic means of defense that suffice (e.g., to answer the allegations, or even to retort the same epithets against the aggressor), and, unless the violence of even justifiable resentment were restrained, the world would be filled with disorder and homicidal violence. Innocent XI and Alexander VII condemned the doctrine that one may kill in order to prevent the spread of calumny.

(b) If the aggression is in deeds (as when the offender slaps the other person or throws mud or rotten eggs at him), it is not lawful to kill; for here also defense can be made in other ways (e.g., by bringing the aggressor before the court for punishment, or, if this cannot be done, by returning slap for slap, etc.). Innocent XI rejected the proposition that it is lawful to kill the aggressor who gave one a blow and then fled. It is only when the aggressor is continuing his attack, and imperilling the innocent party in life or limb, that the latter may repel the extreme force by extreme force.

1844. Killing of the Innocent.—So far we have spoken of the killing of malefactors and unjust aggressors, which under certain conditions is not

sinful. The next subject is the killing of the innocent, that is, of those who are neither malefactors nor unjust aggressors worthy of death.

(a) The killing of the innocent by human authority, if it is done directly and intentionally, is always sinful, whether the cause be a private individual or society. But since God is the Master of life and death, He could command the death of an innocent person, as was done when he bade Abraham to sacrifice his son (Gen., xxii. 12).

(b) The killing of the innocent, if it is indirect and unintentional, is not sinful when there is a serious reason for performing an act from which the killing results; for it is lawful to perform an act from which two effects follow, if the good is intended but the evil only permitted, and there is a sufficient justifying reason (see 103 sqq.).

1845. Unlawful killing of the innocent is a most heinous crime.

(a) It is an injury to the rights of God over human life, and is forbidden in the Fifth Commandment of the Decalogue: “Thou shalt not kill” (Exod., xx. 13). To judges the special command was given: “The innocent and just person thou shalt not put to death” (Exod., xxiii. 7). The man-slayer destroys the image of God, a crime so detestable that in Scripture God declares that He will revenge the blood of man, even though shed by a beast (Gen., ix. 5; Exod., xxi. 28).

(b) It is a most grave sin against the individual, for it deprives him of his chief natural good and the means of securing and enjoying many great spiritual goods. If the person killed desired or asked for death, no injustice is done to him, since he waived his right, but uncharitableness is committed, since the neighbor’s life should be loved, and the uncharitableness is greater according as the person is more worthy of love. Scripture numbers murder among the sins that cry to heaven for vengeance (Gen., iv. 10, ix. 5).

(c) It is an outrage against society, for such killing unduly deprives the community of one of its members, causes scandal and disturbs the peace. Hence, the law has always inflicted the severest punishment on slayers of the innocent.

1846. Since the end does not justify the means, the following ends do not justify the direct and intentional killing of innocent persons:

(a) the public good does not excuse, for example, if an enemy were to threaten destruction against a city unless it put to death an innocent person who dwelt in its borders. The criminal on account of his lawlessness is an obstacle to the common good, but the law-abiding citizen promotes the common good and it would be harmful to the public peace if he could be put to death without any fault of his own. The State is for the citizen, not the citizen for the State. But if the common safety depended on the sacrifice of one man's life, charity and patriotism would require this man to make the sacrifice spontaneously (see 1169); that is, he should deliver himself to the enemy, and were he to refuse, it seems the community would have the right to deliver him. Similarly, it is not lawful to kill hostages, even though the enemy has broken faith, or killed one's subjects;

(b) the private good of other individuals does not excuse; for example, it is not lawful to kill a maniac lest he do harm to those around him, at least unless the conditions of unjust aggression are fulfilled. Similarly, it is not lawful to kill a woman with child, in order to baptize the child;

(c) the private good of the individual himself does not excuse; for example, it is not lawful to shoot or poison those who are mortally wounded or suffering from an incurable disease, or who are old and helpless, in order to spare them suffering. But one may give a person at the point of death a medicine that may hasten the end, if there is good hope that it will cure him and other remedies are futile, for the purpose is not to kill but to cure (see 2485). It is lawful also for embalmers to puncture the heart or sever an artery of a person who seems to be dead, if there are certain signs of his death, for the purpose is not to kill this person, but to free his friends from fear that he is buried alive.

1847. Indirect or Unintentional Killing of the Innocent.—Indirect and unintentional killing of the innocent is lawful (1872) only when there is a reason of sufficient gravity (i.e., one of a value proportionate to the life of the innocent person).

(a) The public safety is such a sufficient reason. Thus, in time of war it is lawful to attack a city, even though the death of many non-combatants will result, or to charge the enemy, even though innocent persons have been placed by the latter as a shield to his front ranks.

(b) Private safety from death is not a sufficient reason, if it does not compensate for the loss, or if it is secured unlawfully (see 104). Thus, if Balbus cannot escape from an unjust aggressor without running down and killing an unbaptized infant or a man whose life is very necessary for the community, the temporal life of Balbus does not compensate for eternal life lost by the infant in the first instance, and the mere private good of Balbus does not compensate for the public good sacrificed in the second instance. Again, if Caius cannot escape from drowning without pushing a shipwrecked companion from the only plank which is insufficient for both, or if Sempronius who has been sentenced to death for crime cannot escape execution unless he kills his guard, the means of securing safety are unlawful.

(c) Private safety from death is a sufficient reason, if it compensates for the loss and is secured lawfully. Hence, if the life of the innocent person is only of equal importance, self-defense against an unjust aggressor by means of flight that will involve the innocent person's death does not make one guilty of homicide (e.g., Titus is speeding in his car in order to escape a pursuer bent on murder and he cannot avoid hitting and killing a cripple who crosses the road). If self-defense is conducted by means of attack, one may use violence against the aggressor (e.g., one may shoot at him, although an innocent person whom he is using as a shield will be killed), but not against the innocent person (e.g., one may not shoot at the innocent person in order to deprive the aggressor of his shield, nor may one hold the innocent person before one in order that he receive the assailant's bullet).

1848. Destruction of the Unborn.—(a) Direct and intentional destruction of this kind is unlawful and is known as feticide, when the fetus is killed within the womb, or abortion, when a non-viable fetus is expelled from the womb. It is not abortion to hasten the birth of a viable fetus (i.e., one which is about six or seven months old and can live outside the womb), since the child can be kept alive, but grave reasons are required to make it licit, since it presents a risk to the child's life. But to deliver or expel a non-viable fetus is abortion. Every direct abortion is regarded by the Catholic Church as murder and is penalized with the censure of excommunication (Canon 2550, Sec. 1). It might be argued that the direct killing of what is surely a human being is murder, but when does the fetus become a human being? The ancient theory of Aristotle, followed by St. Thomas and most medieval

authors, maintains that the embryo did not become human until some time after conception, an opinion that still has great probability physically. Others maintain that animation is simultaneous with conception. Since we do not know the exact moment of animation, the moment of conception must be accepted in practice as the beginning of human life. Probabilism is ruled out in this instance, for there is no doubt about the law and its application: we must not directly kill what is probably a human being. Accordingly, abortion is considered to be murder. Hence, even in the case of a girl who has been raped—although it is a probable opinion that measures may be taken to remove the semen from-her body—it would be gravely sinful to give any treatment which would abort an impregnated ovum.

(b) Indirect and unintentional killing, or rather permission of death, is not unlawful in such a case, when there is a proportionately grave reason, such as the life of the mother. Thus, it is permissible to give the mother a remedy necessary to cure a mortal disease (e.g., medicinal drugs, baths, injections, or operations on the uterus), even though this will bring on abortion or the death of the fetus; for the mother is not obliged to prefer the temporal life of the child to her own life. But the baptism of the child must be attended to, for its salvation depends on the Sacrament, and the eternal life of the child is to be preferred to the temporal life of the mother, if the conditions of 1166 are verified.

(c) Contemporary moral opinion considers that in tubal pregnancies (ectopic gestation) the tube itself is in a pathological condition long before rupture of the tube, as experts in obstetrics teach, and hence can be excised as a diseased organ of the human body. As such, the excision of such a tube would be in itself a morally indifferent act and, granting verification of the other conditions for the principle of double effect, could be licitly performed. (For a history of the moral question, medical testimony and full argumentation see Chapter X of *_Medical Ethics_* by Charles J. McFadden, O.S.A.) Some theologians, however, believe that the tube cannot be removed unless it can be proved in each case that a pathological condition, placing the woman in danger of death, exists. The first view is accepted as sufficiently safe to be followed in practice. (See Francis J. Connell, C.S.S.R., *_Morals in Politics and Professions_*, p. 118.)

1849. It is unlawful positively to kill the mother in order that the unborn child may be saved or baptized. When a caesarean section offers the sole chance of saving the mother's life, it is permitted. It is seriously doubtful whether a mother is morally obliged to undergo the operation in situations where a threat to her life exists. In this case, if baptism in the uterus is possible without increasing the danger to the mother's life, it should be attempted. When a caesarean section does not offer any chance of saving the mother's life, but will directly contribute to her death, the operation should not be performed. One must await the death of the mother and then observe the norm of Canon 746; "Immediately after the death of a pregnant woman, a caesarean section should be done in order that the fetus may be baptized." The procedure to be followed is outlined in medical-ethics books. (See McFadden *op. cit.*, pp. 244 ff.)

1850. Direction in Cases of Doubt, Ignorance, or Error.—(a) In case of doubt, if there are positive and solid reasons for believing that an operation performed to save a woman's life will not be destructive of the life of a fetus, the operation seems lawful; for in doubt, the woman, as the certain possessor of life, has the presumption.

(b) In case of ignorance or error (e.g., when a penitent asks whether a certain operation is permissible, or a surgeon in good faith performs an operation that is not lawful), either a truthful answer should be given to questions, or silence should be observed when an admonition would only be harmful (e.g., if to require the Caesarean operation from a dying mother would have no other result than to make her die in bad faith instead of good faith).

1851. Canonical Penalties for Homicide and Abortion.—(a) Homicide, if voluntary, produces irregularity (Canon 985, n. 4) and subjects the guilty party to exclusion from legitimate ecclesiastical acts or to degradation from the ecclesiastical state (Canon 2354). Moreover, a church is violated by the crime of homicide (Canon 1172). (b) Abortion of a human fetus, when the effect is produced, brings irregularity on those who procure it and also on the cooperators (Canon 985, n. 4). Moreover, those who procure abortion effectively, the mother not excepted, incur excommunication *latae sententiae* reserved to the Ordinary, and, if clerics, they are to be deposed (Canon 2350).

1852. Suicide.—Suicide, or the killing of oneself, is, like homicide in general, of various kinds.

(a) Thus, in reference to the intention, it is voluntary or involuntary, according as it proceeds from knowledge and choice, or as it is committed without realization of what is done or without the intention to produce death. Examples of involuntary suicide are a person who is temporarily insane on account of impending calamity and drowns himself, and a person who, attempting to frighten another by pretending to hang himself, actually strangles to death. It would be a mistake to say that no person who commits suicide is free, but no doubt a large percentage of those who kill themselves are not responsible for their act.

(b) In reference to the mode, suicide is direct, if that which is done tends from its nature to the death of the person who does it (e.g., firing a pistol into one's brain); it is indirect, if that which is done tends from its nature to another end (e.g., to struggle with a criminal who is firing a revolver). Direct suicide is committed in many ways, all of which can be reduced to positive (e.g., the eating or drinking of deadly poison) and negative (e.g., the refusal to eat or drink anything).

1853. The difference between direct and indirect suicide is also explained as follows: (a) direct suicide is an act or omission that has but one effect, namely, death (e.g., taking deadly poison); (b) indirect suicide is an act or omission that has two effects, one of which is the peril of death. This peril of death is certain, if death always follows (e.g., jumping from the roof of a skyscraper); proximate, if death usually follows (e.g., jumping from a third- or fourth-story window); remote, if death now and then follows (e.g., jumping from a second-story window).

1854. Sinfulness of Suicide.—Voluntary and direct suicide is always a most grave sin, if committed without due authority (i.e., the command of God).

(a) It is a grave injury against the rights of God, for it usurps His authority, refuses Him the service He desires, spurns the gift He has bestowed, dishonors the image of God (Gen., ix. 6), and destroys the property of God: "Thou, O Lord, hast the power of life and death" (Wis., xvi. 13).

(b) It is an offense against society, for the community has a right to be benefited by the lives of its members, and to receive a return for the protection and assistance it affords them. Moreover, death by suicide is usually felt as a great sorrow and disgrace by the relatives of the departed, and it has a demoralizing effect on many persons of suggestible minds. The fact that the death of this or that man is not felt as a loss by a family or the State, but rather as a relief, is no argument; for if suicide were left to human decision, how many fatal mistakes would be made (see 460)! Persons valuable to society would rashly kill themselves, fearing in a mood of depression that they were worthless; others who could contribute nothing in material ways would destroy themselves and deprive their fellow-men of an example of fortitude, or at least of the opportunity of showing charity and mercy to the needy.

(c) Direct and voluntary suicide is a sin against the deepest natural inclination, for self-preservation is called the first law of nature (see 298), and also against that love of self which charity requires (see 1136 sqq.). Since charity to self is more obligatory than charity to the neighbor, suicide is a more serious sin than other forms of homicide. Nor is it excused by the desire of some good for self. The suicide does not better himself by his act, for, since he has not fulfilled his trust in this life, what can he expect in the next life? He escapes the lesser evils of physical miseries or moral temptations, but he incurs the greater evils of physical death and of moral cowardice and defeat, to say nothing of his punishment in the hereafter.

1855. Cooperation in Suicide.—Cooperation in suicide has the guilt of unlawful homicide. (a) Thus, those who incite, advise, command, or assist another to commit suicide are guilty of moral murder. (b) Those who carry out together a suicide pact are guilty both of suicide and of moral murder.

1856. Permission or Authorization to Commit Suicide.—(a) Divine authority could command or permit suicide, since God has the power over life and death. But whether God has ever done this is uncertain. Some argue for the affirmative from the death of Sampson, who pulled down the house upon himself saying: “Let me die with the Philistines” (Judges, xvi. 30), and of Razias who killed himself to escape ill-usage (II Mach., xiv. 37 sqq.), and from the acts of certain female martyrs who from love of God or from the desire to preserve chastity rushed to their deaths. But others think that invincible ignorance may explain these cases. The act of Sampson may

also be understood as indirect suicide lawfully committed for the public good of his country.

(b) Human authority, according to some authors, could authorize a condemned malefactor really guilty of a capital crime to execute himself; for, they argue, there is little difference between opening one's mouth to swallow poison administered by an executioner and taking it with one's own hands, as was done by Socrates. Others deny that God has given the State the authority to order suicide, and they declare that it is both unnecessary and inhuman to force a condemned man to be his own executioner. Still others believe that the State could command self-execution, at least in necessity, but that such a punishment is so strange, cruel and unnatural that it should be avoided; for, if it is shocking to ask a father to execute his child, much more shocking would it be to ask a man to kill himself. The argument is inconclusive which says that because it is lawful to perform an act preparatory for death, but which is indifferent and would never cause death (such as opening the mouth for poison), it is also lawful to perform the act which inflicts death (such as taking the poison).

1857. Indirect Suicide.—Indirect suicide is committed when one is the cause of an act or omission, indifferent in itself, but from which one foresees as a result that one's life will be lost or notably shortened. This kind of "suicide" is lawful when and if the conditions for a case of double effect are present—in other words, if there is a proportionately grave reason for permitting the evil effect (see 103 sqq.). The following reasons are considered sufficient:

(a) the public good, for the welfare of society is a greater good than the life of an individual. Eleazar is praised because he exposed himself to death in order to deliver his people (I Mach., vi. 43 sqq.). It is not sinful, then, but rather obligatory for a soldier to advance against the enemy or to blow up an enemy fortification, though it be certain that his own death will result; nor is it wrong for a pastor to go about ministering to his flock during a pestilence, though it be certain that he will fall a victim to the plague. Explorers and experimenters may also risk their lives for the advancement of science;

(b) the good of another suffices for indirect suicide, when he is in extreme spiritual need. Indeed, there may be an obligation of charity to risk

one's life for the salvation of a soul (see 1166). Hence, it is lawful to go as a missionary to a country whose climate is so trying that strangers die there after a few years;

(c) the higher good of self (i.e., the good of virtue) justifies indirect suicide, when there is an urgent reason for exercising a virtue in spite of the peril of death. Thus, for the sake of charity a shipwrecked passenger may yield his place in the life-boat to his parent, wife, friend, or neighbor; for the sake of faith, one may refuse to flee in time of persecution (see 1006), or may refuse and should refuse to take food or drink offered as a mark of idolatry; for the sake of chastity a virgin, at the peril of her life, may jump from a high window or resist the assailant, although it does not seem that this is obligatory if no internal consent will be given to the rape; for the sake of justice, a criminal in the death house who has an opportunity to escape from prison, may decide to remain and be executed, or a malefactor condemned to die by starvation may refuse to take food secretly brought him; for the sake of mortification, one may practise moderate austerities, as by fastings, watchings, scourgings, hair-shirts, etc., which sometimes shorten life, though generally they lengthen it;

(d) the preferable temporal good of self suffices, that is, one may risk the danger of death to escape another danger that is more likely to happen or more terrible. Thus, a man in a burning building may leap from a high window, even though death from the fall is almost certain, for death by burning is more terrible; a prisoner who is about to be tortured to death may make a break for liberty if he sees a chance of escape, for death is more certain if he remains. On the same principle, one may engage in hazardous but useful occupations, such as working on high buildings, or as a diver or miner, for it is better to live a shorter time with employment and the necessities of life, and to be of service to the public, than to live a longer time without these advantages. But a worker should not undertake dangerous tasks for which he is unfitted or unprepared, and the employer is bound to safeguard the lives of the workers.

1858. The same reasons are not sufficient in all cases. (a) Thus, the greater the risk of death, the more serious the reason required. Hence, to save the money one has it might be lawful to jump from a second-story window, but not from a higher window when the fall would most likely kill one. (b) The more immediate the danger of death, the more serious the

reason required. Thus, to save money one might lawfully enter a quarantined house, but the risk would not be permitted if the house were tottering in an earthquake. (c) The more notable the shortening of life, the greater the reason needed to permit it. Thus, if the practice of a certain mortification or labor reduces the expectancy of life for a few years, a lesser reason suffices than if it reduces the expectancy for ten or more years.

1859. Indirect suicide is unlawful and has the guilt of self-murder when the reason for risking death is frivolous or insufficient or sinful.

(a) Examples of insufficient reasons are found in the cases of persons who engage in occupations or actions that are very dangerous to life or limb but of little public or private value, as when for the sake of performing a feat a man walks a tight-rope, pricks himself with pins and needles, or puts his head into a lion's mouth. But if the performer is very skillful and has no other means of livelihood, it seems that he may exercise his art for the sake of entertainment.

(b) Examples of sinful reasons for risking death are found in persons who abbreviate their lives by over-eating, drunkenness, habitual indulgence in strong spirits, or immoderate passion of any kind; and also in those who refuse to make use of the ordinary means for the preservation of health (see 1566 sqq.) or of the ordinary remedies against disease (see 1571). It is not necessary that one be anxious to live long (see 1063), but it is obligatory to use the normal means for the preservation of life, and those who notably neglect these means are guilty of indirect suicide.

1860. Is it suicidal to refuse a surgical operation pronounced necessary for life?

(a) If the operation is likely to be successful and there is no good reason for refusing it, it seems that one may not refuse it without the guilt of indirect suicide, although one might be excused on account of good faith.

(b) If the success of the operation is doubtful, or if there is a good reason for refusing, one who refuses is not guilty of suicide. Among the good reasons are spiritual ones (e.g., modesty, the fear of falling into blasphemy or despair under the pain are given by some writers) and temporal ones (e.g., the poverty that would be brought upon the patient's family or the hardship that would result for the patient himself).

1861. Canonical Penalties for Suicide.—(a) Those who attempt suicide are irregular *_ex delicto_* (Canon 985, n. 5). (b) If they die, they are not given ecclesiastical burial unless they gave signs of repentance before death (Canon 1240, n. 3), and, if they recover, they are subject to various penalties (Canon 2350, Sec. 2). (c) If it is doubtful whether a person committed suicide, or was responsible, the doubt is decided in his favor, provided no scandal is likely.

1862. Accidental Homicide.—Accidental homicide is that which happens without any direct purpose to kill. But the following cases should be distinguished:

(a) when the homicide is not voluntary, either in itself or in its cause (see 35, 94), that is, when the slayer had no intention to kill and could not foresee that death would result from his act or omission;

(b) when the homicide is voluntary only in its cause, inasmuch as the person who kills is guilty of negligence in a lawful thing, or of something unlawful, and death results from the negligence or from that which is unlawful, although there was no direct wish to kill.

1863. The Case of One From Whose Lawful Act or Omission Homicide Accidentally Results.—(a) If this person was not guilty of negligence, he is not responsible for the resultant homicide, since it was not voluntary, either directly or indirectly. Thus, if a man who was said to be dead, but who knows nothing about the report, calls at his home and his wife drops dead on seeing him, he is not responsible for her death.

(b) If the person in question was negligent, he is guilty of homicide in a greater or less degree according to the seriousness of his neglect. Thus, a sane man who flourishes a loaded revolver in a crowded room is responsible if the revolver goes off and kills someone present; but a nurse who leaves a sick room for just a moment with the result that her patient falls out of bed and is killed, is only slightly responsible at the most, if there was little reason to expect what happened.

1864. The Case of One From Whose Unlawful Act or Omission Homicide Accidentally Results.—(a) If this person was not negligent and his conduct was not dangerous to the lives of others, he is not guilty of homicide; for the death that ensued was not voluntary, either directly or

indirectly. Thus, if a thief is driving away carefully with a stolen automobile and a reckless pedestrian gets in front of the car and is killed, the driver is guilty of theft, but not of homicide.

(b) If the person in question was not negligent but his conduct was nevertheless dangerous to the lives of others, he is guilty of homicide; for the death that followed was voluntary indirectly, since he could have foreseen the homicide and should have avoided the conduct. Thus, if a person strikes lightly a pregnant woman and she suffers an abortion, or if one who is not a surgeon tries to mutilate an innocent person and kills him, he is responsible for the death, since the acts committed remained dangerous to life, no matter how careful the offender may have been to avoid killing.

1865. Moral and Legal Guilt.—The law may hold one responsible for homicide, even though there is no theological guilt (see 1766 sqq.). (a) Thus, one may be held responsible for the consequence of acts only juridically negligent, as when an automobilist while driving at a speed unreasonable in law, but not in fact, kills a pedestrian. (b) One may be held responsible for acts committed by those subject to one's care or control, as when a man keeps a dog loose not knowing that it is vicious and it kills a neighbor's child, or when he illegally lends his car to a minor, thinking the latter is a good driver, and the minor carelessly runs down a person in the road.

1866. Bodily Injuries.—Injustice is done not only by destroying the life of a human being, but also by harming him in his rights to bodily integrity or well-being. The chief bodily injuries are the following:

(a) mutilation, which deprives a person of limbs or members, without inflicting death;

(b) wounding, which by an act of violence (such as a stab or blow) breaks the continuity of the body, or impairs its strength or beauty;

(c) enfeeblement, which impairs or destroys the health, strength, or comfort of the body in unlawful ways (e.g., by deprivation of necessary food, sleep, fresh air, by communication of infection, by beating, hazing, etc.);

(d) restraint, which hinders the lawful exercise of the bodily powers (e.g., by holding a person against his will, by chaining him to a post, by locking him in a room).

1867. Mutilation. In general, any kind of act which injures or impairs bodily integrity is called mutilation. In the strict sense, mutilation is any cutting off, or some equivalent action, through which an organic function or a distinct use of a member is suppressed or directly diminished. Accordingly, three distinct types of mutilation are possible: (a) when a part of the body with a distinct function is excised; (b) when a distinct organic function is totally suppressed, without excision of the organ; (c) when the function is directly lessened or partially suppressed.

1868. Morality. (a) Liceity. The basic principle governing the morality of mutilation is: Man is not the master of his own life, but only the custodian. Accordingly, neither is he master of his own body. Thus, Pope Pius XII, speaking of the “Surgeon’s Noble Vocation” (*The Catholic Mind*, Aug. 1948, pp. 490 ff.), declared: “God alone is Lord of the life and integrity of man, Lord of his members, his organs, his potencies, particularly of those which make him an associate in the work of creation. Neither parents, nor spouse, nor the individual in question may dispose of them at will.”

As steward, man has duties toward his body, its health and welfare, according to the norms of reason and the divine law, so that it may be a means of his attaining life with God. Acting in accord with these norms and the end of life, it may become necessary and licit for man to mutilate his body in order to safeguard health or to save his life. The principle expressing the morality of mutilation, known as the principle of totality (Pius XII, *Nous vous saluons*, AAS 45-674), may be formulated: Man may licitly mutilate his body only insofar as this is expedient for the good of the whole. In fact, such mutilation is often obligatory, since one must use ordinary means to protect his life and health, and since the part is for the whole. Thus, one would be bound to undergo an operation for appendicitis in order to save one’s life.

Although an organ be not diseased, it may under certain circumstances be removed. Thus, a surgeon operating for hernia may remove a healthy appendix, should the danger of adhesions be foreseen that would require a later operation. Nor is it necessary that there be a “present” danger. The

words of Pope Pius XII, that mutilations are permissible when required “to avoid ... serious and lasting damage” (AAS 44-782), are suggestive of the liceity of prophylactic operations. (See medical-ethics texts for special cases, such as lobotomy, thalamotomy, experimentation, etc.)

The problem of mutilation involved in organic transplantation for the benefit of a neighbor is highly controverted at the present time, Pope Pius XII discussed the legality of corneal transplants from the dead to the living (*The Pope Speaks*, Autumn, 1956, pp. 198 ff.), but he did not touch the matter of transplants from living bodies. In this controversial matter, the following principles seem to be clear:

1) Mutilation for the good of the neighbor cannot be justified by the principle of totality, for the subordination implied in the principle is characteristic of a physical, not a moral, not even the Mystical, body.

2) Minor mutilations, such as skin grafts or blood transfusions, are certainly permissible. The speculative basis is still a matter of dispute.

3) It is solidly probable extrinsically that organic transplantations may be permitted, possibly out of charity and for a proportionate reason. Some contend, however, that the act of mutilation involved is intrinsically evil and can not be justified by the extrinsic motive of charity.

Mutilation is lawful by public authority in punishment of a criminal; for if the state has the right to inflict death for serious crime, much more has it the right to inflict the lesser punishment of mutilation. The expediency, however, of exercising the right must be judged in terms not only of punishment, but also of prevention of crime. Mutilation has no necessary connection (apart from special circumstances) with deterring criminals from further crime.

(b) In other cases mutilation is unlawful; for just as man is not the master of his life, neither is he the master of his limbs, and he commits a wrong against God, society, and the individual if he destroys parts of his body when neither public good nor private safety demands that this can be done. Thus, mutilation of a criminal performed by private authority is unlawful. Hence, a husband may not mutilate a man who has broken up his home.

Mutilation of an innocent person that it not necessary for his bodily safety is unlawful. Even spiritual good is not a sufficient reason; for

example, one may not castrate oneself in order to escape temptation, for this operation does not take away passion, and, moreover, there are spiritual means which suffice against temptation. When Our Lord says that one should cut off a hand or foot that causes scandal (Matt., xviii. 8), He is speaking metaphorically of the avoidance of the occasions of sin. Much less is temporal good a sufficient reason for mutilation. Hence, a youth may not have his teeth pulled in order to escape military service; a pauper may not have his arm amputated in order to get larger alms; a boy may not be castrated in order to give him a better singing voice; a woman may not have the hysterectomy or other similar operations performed merely to prevent conception; a man may not have the operation of vasectomy performed on him in order to prevent generation.

1869. Morality of Sterilization. Mutilations which frustrate the power of procreation in men and women are called sterilization. Two kinds are distinguished; indirect, to remove diseased organs; direct, to prevent conception.

(a) Indirect sterilization (also called by many therapeutic) is lawful when it is necessary to save life or health. The ethical principle involved is the indirect voluntary or the principle of double effect. Hence, vasectomy may be used to prevent idiocy or death, or to remove or allay physiological abnormalities that bring on certain sexual perversities or disturbances, if it is likely that these evils are imminent or present and that the operation will be beneficial.

(b) Direct sterilization by public authority includes both punitive and eugenical sterilization. The latter was condemned by Pope Pius XI in Casti Connubii. In context the Holy Father was dealing with the false claims made in the name of eugenics that the State might legitimately sterilize those who by reason of hereditary defect might be considered likely to generate defective offspring. This position is vehemently rejected: "Public magistrates have no direct power over the bodies of their subjects. Therefore where no crime has taken place and there is no cause present for grave punishment, they can never directly harm or tamper with the integrity of the body, either for the reasons of eugenics or for any other reason. St. Thomas teaches this when, inquiring whether human judges for the sake of preventing future evils can inflict punishment, he admits that the power

indeed exists as regards certain other forms of punishment, but justly and properly denies it as regards the maiming of the body.”

In the same context, punitive sterilization, whether as punishment for crime or as deterrent, was also declared to be unlawful. However, fasciole 14 of the AAS for 1930 emended the text and seems to have withdrawn the formal condemnation of punitive sterilization. a subject of theological discussion at the time. The matter had not been closed and the emendation had the force of reopening the question.

Theological opinion is still divided as to the liceity of punitive sterilization. Some still maintain that since the state can inflict the superior penalty of death for serious crime, *a fortiori* also the lesser punishment of sterilization. Others deny the liceity, for sterilization does not achieve the essential purposes of punishment; it is not corrective, preventive, retributive, or emendatory. Accordingly punitive sterilization is unreasonable and inconvenient. This latter view prevails among most modern moral theologians. Confirmation for the view is sought in the response of the Holy Office (AAS 32-73) that direct sterilization is prohibited by the law of nature. Since punitive sterilization has as its immediate effect, whether as an end or as a means, sterility of the generative potency, it may well fall under the category of direct and hence also under condemnation of the Holy Office.

1870. Other Bodily Punishments.—Other bodily harms (wounds, blows, restraint) may not be inflicted except under the following conditions:

(a) there must be sufficient authority. The State, being a perfect society, has greater coercive power, and may inflict penalties that are of a permanent character, such as death or mutilation or wounds (e.g., by branding); and it may impose restraint, not only from unlawful, but also from lawful acts. The family, being an imperfect society, has a limited coercive power, and hence the father, or those who hold his place (e.g., teachers), may administer corporal chastisements that are not of an irreparable kind to his children (such as beatings, whippings). Other persons may punish or restrain only in case of urgent necessity (e.g., one may hold a stranger who is about to commit murder; one may chastize a neighboring boy who cannot be kept from depredations on one’s property in any other way). It is not wrong, however, to inflict moderate bodily hurts, if the other person is not

unwilling and there is a reasonable purpose, such as exercise, training in the art of boxing or wrestling, recreation, or mortification;

(b) there must be a sufficient reason for the harm done. The good of the public is a sufficient reason; for example, when a criminal is incorrigible and it is dangerous for him to be at large, it is not unreasonable to give him a life sentence. The good of the individual is also sufficient; for example, when a surgeon has to wound in order to cure, when a father has to use the rod in order to improve the child or to uphold discipline (Prov., xiii. 24, xxiii. 13);

(c) there must be moderation in the harm or pain inflicted. Thus, while children should not be spoiled, nor prisoners pampered, the other extreme of maltreatment or torture must be avoided. It is cruel to box children soundly on the ears, or to push them roughly about, or to tie them up in the dark, as they may suffer permanent injury from such methods. Likewise, it is barbarous to send convicts to a place or prison so horrible that they lose their minds or fall victims to lingering disease, or to inflict excruciating punishments by rack, thumb-screw, prolonged scourgings, etc.

1871. Injury to Health.—Harm unjustly done to the health of others is sinful, and, if the harm is great, the sin is mortal. Examples: (a) Harm to health is done negatively by omission of duty, as when a medical man or physical director does not use sufficient care and a patient thereby suffers detriment to health, or an employer does not see that his factory or place of business is sanitary, or that the work is not too exhausting with the result that employees lose their vigor. (b) Harm to health is done positively by acts or objects that tend to deprive another of the means to physical well-being (e.g., annoyances, noises that prevent sleep, adulterated food, maintenance of a nuisance which creates suffocating smells or harmful vapors, etc.), or that bring to another the infection of disease (e.g., when a well person is made to live or room with one who has tuberculosis).

1872. Theft and Robbery.—Having considered the injuries to person committed by homicide, mutilation, imprisonment, etc., we shall now take up the injuries to property committed by theft and robbery. Private ownership of property is allowed by natural and divine law, and it is necessary when, as at present, human affairs cannot be well managed under another system. It has its limits, however, since it is subordinate to the

public good, and charity requires that those who have the goods of this world share them with those who are in need (see 1210 sqq.). The chief titles to private ownership are the following:

(a) original titles, which are those by which one takes possession and dominion of goods that have never had or have not now an owner, and these are reduced to two, namely, occupation (i.e., the taking possession of a material thing) and accession (i.e., the union of a material thing with one's property);

(b) derivative titles, which are those by which one obtains dominion, through transfer of right, of the goods that belong to another. These titles are produced by the law itself (as in prescription), or by the law and the free will of man (as in inheritance from testament or from intestate), or by the free will of man (as in contracts).

1873. The Chief Kinds or Ways of Occupation.—(a) Animals.—Domestic animals (e.g., dogs, cats) may not be occupied, even though they have strayed from their owner; tamed animals (e.g., bees, pigeons, songbirds) may be occupied only when they have recovered their liberty; wild animals (e.g., birds, foxes, fishes, hares, etc., at large) may not be occupied, unless they are kept in a small enclosure from which they cannot escape.

(b) Land and Plants. These may be occupied only when they have no present owner.

(c) Treasure-trove.—This is a deposit of precious movables hidden away so long ago that it is impossible to discover the owner. According to natural law it may be occupied by the finder, but the civil law sometimes decides that the find must be divided with the owner of the place or with the government.

(d) Lost Property.—This embraces those movables which an owner has recently parted with, through accident or forgetfulness, without any intention of giving up his ownership of them, and which are now easily findable, although their owner is not known. The finder is obliged to make reasonable efforts to find the owner. If he neglects to make these efforts, proportionate to the worth of the found article, and is convinced that he might have found the owner, he is considered by some theologians to be a

possessor in bad faith and bound to reserve the article for the owner or turn it over to the poor or to pious causes. Having made the effort unsuccessfully, according to natural law, he may use the article as his own. The prescriptions of civil law as to the time interval before he may begin to use the article must be observed.

(e) Abandoned Goods.—According to natural law one may occupy goods voluntarily relinquished by the owner (e.g., an old automobile left by the roadside), but the civil law sometimes awards certain classes of goods (e.g., immovables) to the State.

(f) Vacant Goods.—According to natural law the goods of one who died without heirs may be occupied; but under the civil law they usually devolve to the State, whether they be movables or immovables.

1874. Principles on Accession.—(a) According to natural law, if the two things united are separable, then each owner should be given his own property; but if the things are inseparable and one is more valuable, the owner of the more valuable part keeps all, but compensates the owner of the less valuable part; if the things are inseparable and of equal value, there is joint ownership.

(b) According to positive law, these natural principles are applied to various cases of accession, whether it be natural (as through growth of plants or deposit of land by rivers) or artificial (as through change made in a material by labor, or addition of one substance to another). These details are treated in books on law.

1875. Prescription.—Prescription laws (see 1798) are valid in conscience, since they are determinations about property rights made in the interest of the common welfare. But the following conditions are required for acquisition of property through prescription:

(a) the object of prescription must be a thing prescriptible according to natural and positive law. Thus, natural rights and public property may not be prescribed against;

(b) the subject of prescription must be a person capable of possessing, and he must be honestly convinced that he has a right to what he possesses;

(c) the claim of the subject to the object must rest on possession, on apparent title to the property, and on the lapse of the legal time during

which possession has been held or ownership has remained undisputed.

1876. Wills.—A will is a declaration made in legal form (i.e., with the solemnities required by law) of the disposal to be made of one's property after one's death. Defects in a will or legacy sometimes operate to take away the moral obligations of observing it.

(a) Thus, if the defect is one of natural law (e.g., a will made under duress), there is no moral right or obligation produced by reason of the gift.

(b) If the defect is of positive law only and makes the will rescindable (e.g., a will not subscribed, as by law required, in presence of the testator), the gift is good in conscience until adverse decision of court.

(c) If the defect is of positive law only and makes the will ipso facto invalid (e.g., a legatee acts as witness to a will), the gift is good in conscience, if there is question of pious causes, since property donated to God may not be alienated by human laws. But the Church desires civil formalities to be observed in the making of wills (Canon 1513).

(d) If the defect is positive and ipso facto invalidating, and there is question of profane causes, the will is not good in conscience, even before declaration of court.

1877. Contracts.—A contract may be defined as a mutual agreement concerning the transfer of a right.

1. A contract is a mutual agreement, i.e., there must be consent of at least two parties to the same object. An offer made but not accepted is not a contract, for only one party consents.

2. The contractants transfer a right which produces in most instances under justice a corresponding obligation of doing or omitting something. Promises, pledges, pacts, etc., while they impose obligations based on truthfulness, loyalty, etc., are not contracts. See 1888 (a).

3. The obligation in justice may be on both sides (bilateral) or only on one side (unilateral), but consent must be on both sides.

The elements of a contract are made up of essentials and accidentals. (a) The essentials include the subject-matter, the parties contractant, their agreement, and the external form that manifests the agreement. (b) The accidentals include bonds, oaths, conditions and modes.

1878. The subject-matter of a contract—that is, the thing or action or forbearance with which the agreement is concerned—must have the following qualities:

(a) it must be something possible, for one may not undertake what one cannot perform. Thus, one cannot bind oneself by an accessory contract (such as suretyship), if the principal contract itself is *_ipso facto_* invalid. But if the impossibility is only moral (i.e., great difficulty), one who knowingly undertakes the arduous is bound to fulfill his promise; if it is only partial, one is held to the part that is possible; if it is culpable, one is bound to repair damage caused the other party through non-fulfillment;

(b) it must be something disposable, for one may not transfer that over which one has no right of control or transfer. Thus, one may not contract to sell public property that is *_extra commercium_*, or property of which one has only the possession, or goods over which others have a claim (e.g., a debtor may not bestow gifts to the detriment of creditors' rights), or goods not transferable for pay (e.g., payment for a favorable decision by a judge, or property owed to a third party) or for money (e.g., academic degrees, public offices, Sacraments, indulgences);

(c) it must be something existent and determinable, for no one wishes to contract for a right that is valueless and illusory. Thus, one may not sell shares of a stock company that has no assets, or an indefinite house or lot or chattel;

(d) it must be something good and lawful, for one may not bind oneself to iniquity. If it is sinful (e.g., a contract to sell a house in order to spite a third party), the agreement is *_per se_* valid. But if the substance is evil (e.g., a contract for fornication made with a prostitute), the agreement is null before the performance of the promised sin; but it seems to many that after performance of the sin the promisor is obliged to pay the money promised, unless the law makes the contract void (see 1886 c). If the law merely denies protection to a sinful engagement, or forbids it under penalty, it would seem that after performance of the sin one may follow, as far as strict justice is concerned, the rule that right is with the possessor. In the United States immoral and illegal contracts and those that are opposed to public policy are generally regarded as null, but in some cases the law declares immoral conditions *_de futuro_* non-existent and considers the

agreement to which they are added as valid (e.g., wills and gifts _inter vivos_ in some codes).

1879. Sinful Contracts.—There is no form of contract that may not be made sinful as to its substance on account of the wicked offer or consideration (e.g., sale may deal with immoral objects, labor may be given to criminal projects), but there are certain forms of contract that are particularly open to abuse and hence are frequently associated with evil circumstances or results. Some contracts are often illicit according to natural law.

(a) Thus, a gift is sinful, on the part of the donor, when it is made by an employer for the purpose of seducing a servant, and on the part of the servant, when it is accepted for the purpose of encouraging the unlawful attentions of the employer; but if the gift is unconditional, there is no obligation in justice to return it.

(b) Borrowing is sinful, when the lender is in greater need, or when one becomes unduly obligated to the lender; lending is sinful when the lender cannot afford to part with the thing loaned, or when the borrower is encouraged in thriftlessness, or when he will make evil use of the thing borrowed, etc.

(c) Wagers are frequently sinful, since many of them are incitements to sin (e.g., a bet that another is afraid to get drunk), or results of sinful motives (e.g., bets made in order to deceive, or to satisfy avarice, or to live without work), or causes of great evils (e.g., destitution of families, frauds, scandal, and corruption).

(d) Gaming is sinful when the form of the sport is objectionable (e.g., the ancient gladiatorial fights in which the combatants killed each other), or when the motives or circumstances are wrong (e.g., to play as a professional gambler so as to avoid work, to play cards all day Sunday, to play for higher stakes than one can afford, to spend time in “gambling hells”).

(e) Lottery is sinful when the object is bad (e.g., the raffle of an important office with the risk that incompetent persons may be chosen), or when the circumstances are bad (e.g., if persons are led into superstition or idleness and prodigality).

(f) Speculation is sinful in many instances, since it often brings on a gambling fever that makes the speculator useless to himself and his dependents, and causes poverty and crime.

(g) Pawning of property is often unjustifiable, since it makes persons deprive themselves of necessary property in order to indulge in some useless or extravagant whim with borrowed money.

1880. Illegal Contracts.—For reasons of public policy the positive law puts its disapproval on many of the above-mentioned contracts, at least in certain instances.

(a) Thus, sometimes the law makes a contract unenforceable in court, though the natural obligation is not affected. Hence, if a wager is only denied a hearing before a judge, the winner may keep his gains, and the loser should pay.

(b) If the law merely declares that a contract is illegal, the effect seems to be that the contract retains its natural validity unless the party who has suffered by it wishes to disavow it. As to the sinfulness of such a contract, that depends on whether or not the law is penal or preceptive in intent. Thus, many regard laws that make betting illegal as preceptive under venial sin, while others regard them as punitive only. Other examples of illegal contracts are: gifts made to a judge in connection with a trial; lottery, in Great Britain and the United States; certain games of chance, in some States; and in Canon Law, as regards the clergy, alcatory games for money, speculation and trading (Canons 138, 142).

(c) If the law makes a contract voidable, the effect is that the contract possesses its natural force until adverse decision is given by court. Hence, if a wager is voidable in law, the winner may keep his gains until obliged by a judge to give them up, but the loser is not bound to pay, unless he confirms the wager.

(d) If the law makes the contract ipso facto void, the agreement loses its natural force (see 558-560). In most of our States, wagering contracts are illegal and void whether by statute or by judicial decision. In many of these States the statute permits the recovery of the money from the winner or the stakeholder. Gifts offered as bribes are invalid, and those who give or take

such gifts are guilty of serious sin and of a criminal offense. In some of our States, certain gaming contracts are also null.

1881. Qualities Necessary in the Parties Contractant.—The parties contractant must have the following qualities:

(a) from natural law it is necessary that they have the use of reason sufficient to understand what they are doing. Incompetent are babies and the insane, and also those who are totally drunk or otherwise temporarily deranged. Less competent are the half-witted and those who need a guardian in important matters;

(b) from positive law it is necessary that they be not legally excluded. In Canon Law administrators of church property and solemnly professed religious are unable to make certain contracts (Canons 1527, 536). In civil law there are restrictions on the contractual powers of minors, wives, aliens, guardians and corporations. Persons not yet conceived are not capable in civil law of receiving a donation, and there are many prohibitions against the tender or acceptance of gifts by those who can reasonably be suspected of exercising undue influence or of being subject to undue influence.

1882. Legal Privileges of Minors.—The law grants certain benefits to minors and the like; for example, in some cases they are not bound by a non-executed agreement, while the other party is bound, or in an executed contract they may recover property without restoring or offering to restore the consideration, if they have nothing with which to replace it.

(a) Minors and other persons who are legally incompetent to contract, may avail themselves of the benefits of the law with a good conscience, if they are in good faith; for it is just that the law should protect those who are unable to protect themselves, and those who make contracts with such persons should know that they (the competent parties) act at their own risk.

(b) Minors and other persons legally incompetent may not avail themselves of the benefit of the law if they have acted in bad faith (e.g., if a minor by deceit induced the other party to sell to him).

1883. Qualities Necessary for Valid Consent.—The agreement or consent of the contracting parties must have the following qualities:

(a) it must be internal, that is, one must accept in will and not merely in words the proposal or consideration offered by the other party. If one

consents only to the form of the contract, the contract is null, and the same is probably true if one does not accept internally the obligations of the contract; if one consents to the obligations, but does not intend to fulfill them, the contract is valid, but unlawful. One who contracts invalidly sins, and is bound in the external forum to keep the contract seriously made, and in the internal forum to repair the damage to the other party by giving true consent or making restitution. One who contracts unlawfully also sins, and is bound to the engagement;

(b) it must be external, that is, one must manifest in some sensible way one's agreement to the proposition contained in an offered contract. Silence gives consent only when the contract is favorable to the party who is silent, or when that party should and easily could manifest his lack of consent, if the proposal did not please him. In the case of contracts between parties who are not in each other's presence, the intimation to the offerer of the offeree's acceptance is not necessary for validity, if the contract is gratuitous; but the contrary seems to be true, at least *per se*, if the contract is onerous. We shall speak later (1885) on the legal formalities required in contracts;

(c) it must be mutual, that is, there must be a meeting of minds in the same sense, or agreement of both parties to the same thing. Mutuality requires that consent be contemporaneous, that is, that the acceptance of one be given while the offer of the other still holds good. But it does not require that the parties be in each other's presence, or that they contract through direct personal communication, or (at least according to natural law) that the knowledge of the accomplishment of mutual agreement be known to the offerer. The law in the United States generally is that an offer may be withdrawn immediately or after a reasonable time, unless it was made on time for a consideration; and that a contract between the absent begins only on receipt by the offerer of the acceptance of the offeree, if the former stipulated for this, or if the offerer uses one means of communication as his agency and the offeree another. In other cases it begins the moment that acceptance is entrusted to the agent of the offerer;

(d) it must be free, that is, it must have the advertence and voluntariness necessary for a human act. If the contract is of grave import, there should be the same kind of deliberation as is necessary for commission of a mortal sin (see 173 sqq.); if it is of lesser import, the deliberation should correspond

with the seriousness of the case. But some authors think there should be perfect deliberation in every contract, since the contractants are assuming obligations of justice.

1884. Defects that Invalidate Consent.—The defects that vitiate consent by taking away knowledge or choice render contracts either void or voidable (see 40-55). These impediments are the following:

(a) error, which is a judgment of fact or of law in reference to the contract, not in harmony with the truth, but not maliciously caused by other persons. If error is substantial (that is, about the nature of the contract or the nature of the subject-matter of the contract), the agreement is naturally void; if error is only accidental (that is, about features of the contract, subject-matter or co-contractant, that are only incidentally intended), an onerous agreement is naturally valid, but positive law in the interest of freedom will often grant the privilege of rescindment (see Canon 1684, n. 2). But if error cannot be proved, courts will stand for the validity of a contract;

(b) fraud, which is error or mistake about a contract caused in one of the parties by the dishonest representations of the other party or of a third person (e.g., when an insurance agent deceives about the benefits, or a policy-taker deceives about his age or health). Fraud exists, then, when there is intention, at least indirect, to mislead, and statements, acts or omissions calculated to mislead; but the usual boasts of vendors and advertisers about the wonderful excellence of their wares are not fraudulent, since the public understands that such talk must be taken *cum grano salis*. The effects of fraud on the value of contracts are the same as those produced by error; but it should be noted that the person guilty of the fraud is bound to make good the losses of the injured party, even though the contract be valid and not rescindable, or though the guilty person be not a party to the contract;

(c) fear, which is a disturbance of mind caused by the belief that some danger is impending on oneself or others (see 41 sqq.). It makes a contract invalid in natural law, when it takes away all consent (e.g., when it overpowers the reason, or makes one dissent internally from what is agreed to externally), and probably also when it takes away perfect freedom in a gratuitous contract, or makes one enter into a contract for immunity from an

unjust vexation; it renders an act or engagement invalid according to positive law in many special cases (e.g., the Canons declare null elections, resignations, marriages, vows, etc., which are made under the influence of fear). Contracts are considered naturally voidable if one of the parties unjustly extorts the consent of the other by grave fear, or if a third party intimidates a person into bestowing something through gratuitous contract; and the positive law generally treats agreements entered into under grave fear as rescindible (see Canon 103, n. 2). Fear unjustly caused, even though it does not make a contract void or voidable, is at times a reason for the duty of restitution, as when a third party by his unjust threats forces an innocent person to make expensive contracts as a measure of protection, and probably also when a third party directly constrains one to make an onerous contract with a person who knows nothing about the coercion. Fear, no matter how great, does not in any way weaken a contract, if there is consent and the fear is induced by a natural cause (e.g., a storm), or by a human cause acting justly (e.g., an injured man threatening a lawsuit);

(d) violence or coercion, which is like to fear, the latter being moral force and the former physical force (see 52). According to natural law, violence invalidates a contract, unless we suppose that it is only concomitant, as when Sempronius uses coercion to make Balbus sign a contract which Balbus is really willing to sign. Positive law does not recognize, or will set aside, agreements made under overpowering constraint (see Canon 103, n. 1).

1885. Form of Contract.—The form of a contract is the external manner in which, according to the positive law, the internal consent of the parties must be expressed and manifested.

(a) Thus, Canon Law in certain contracts (e.g., engagement of marriage, marriage, alienation of church property) requires specified solemnities under pain of nullity of act.

(b) Civil law in the United States designates various formalities to be used in transfers of property (e.g., that a deed for real estate be written, signed, sealed and attested; that a gift be made by delivery or equivalent act; that certain contracts be in writing; that no contract be of worth unless it be for a consideration, or else be on paper with seal attached). The law has the right to annul informal contracts *_ipso facto_*, but whether this is the

intention in modern codes is a matter of dispute. The practical rule to be followed, then, is that the possessor is to be favored, unless there has been a court decision against his claim. It should be noted, too, that some legal conditions, such as valuable consideration in simple contracts, are required for enforceability, not for validity, and hence a good contract wanting some such condition, though indefensible before the courts, is obligatory in conscience.

1886. The Accidentals of a Contract.—(a) Bond is the agreement by the obligor of a contract to pay a certain forfeit to the obligee, if the former does not perform his contract or does not perform it before a certain date. This agreement obliges in conscience, if the promise was seriously made, if the penalty is not excessive, and if the breach of agreement is culpable.

(b) Oaths added to contracts have moral effects on the contracts themselves and also on acts contrary to them. As regards the contract, an oath adds the obligation of religion to that of justice, if the contract is valid and irrevocable; and the common opinion is that it strengthens a contract extrinsically, that is, it induces an obligation of religion to keep the promise, if the oath is invalid or revocable by positive law only and in favor of a private privilege; but an oath in no way strengthens a contract that is naturally invalid or revocable positively on account of the public good. As regards acts that are contrary to an invalid or revocable contract that was confirmed by a valid oath, they are sinful, as being irreligious, but not invalid nor unjust (see 2260).

(c) Conditions are accidents or circumstances so added to a contract that the consent or dissent is made dependent upon their existence or fulfillment. An immoral condition, if unfulfilled, takes from the contract all obligation, exception being made for separable parts that are not affected by the immoral clause; but if it has been fulfilled, it seems that there is a moral obligation to pay the consideration promised (see 1878 d).

(d) Modes are accidents or circumstances so added to a contract as to qualify the rights or duties of the contractants, or the purpose, matter or time of the contract, but not so as to make the consent dependent on the fulfillment of the thing designated. Thus, if Titus leaves money to Balbus, chiefly because Balbus is his nephew, and secondarily because he imposes on Balbus the obligation of using the money for his education, Balbus in

accepting the money accepts also the obligation, but the gift does not lapse if the obligation is not complied with. If a donor adds an immoral mode to his gift (e.g., that the donee use in immoral ways the money left him), this purpose is regarded as non-existent and the gift stands in spite of it. If an agent violates a mode (e.g., he pays \$1001 when he was directed to pay \$1000) but not a condition (e.g., that he purchase land and not a house), the contract stands.

1887. The Moral Obligation of Entering into a Contract.—(a) There is a duty of justice when one is under public or private engagement to make a contract. Examples are a merchant who opens a store for public patronage, or an auctioneer who holds a sale before invited patrons, or an owner who makes with another person a contract to sell, or a man and woman who make solemn espousals.

(b) There is a duty of charity when a neighbor is in such need that he deserves to be helped, for example, by a loan or by assistance to make a loan: “From him that would borrow of thee turn not away” (Matt., v. 42); “A good man is surety for his neighbor” (Ecclus., xxix. 18).

1888. Every valid contract obliges to faithful performance as a duty of conscience, even though it be unenforceable and without civil obligation. We shall discuss the properties of this obligation.

(a) Quality of the Obligation.—Onerous contracts oblige in virtue of commutative justice and under pain of restitution; gratuitous contracts oblige according to some from justice, according to others from fidelity, according to others from fidelity or justice as the obligor intends (see 1692, 1753). In practice one may follow the rule that a liberal promise or wager or other gratuitous contract obliges only from fidelity with no duty of restitution, unless it be certain that the promisor intended to bind himself in justice. One is responsible, however, for damages resultant on breach of promise. The obligation seems to be one of legal justice only when the thing promised is something on which a pecuniary value cannot be set and consists in compliance with law (e.g., in suretyship or bail for keeping the peace or appearing in court).

(b) Quantity of Obligation.—In onerous contracts the degree of obligation depends on the importance of the subject matter, and hence it is a mortal sin to violate a contract in which a grave right is concerned; in

gratuitous contracts the degree of obligation depends entirely, according to some, on the will of the person who liberally binds himself, but others hold that it depends on the importance of the subject-matter.

(c) Subjects of Obligation.—The parties to the contracts and those who take their place (e.g., heirs, executors) or who are responsible for the contract (e.g., those who commanded the agreement) are morally bound to fulfill the agreement, while others are bound not to interfere with the fulfillment.

(d) Objects of Obligation.—Directly, there is the duty of observing what is contained explicitly or implicitly in the agreement, and indirectly of making good any losses caused by breach of contract. A rescindable contract obliges until it is lawfully disaffirmed by the party who has the right to break it; a quasi-contract imposes on the party who has benefited by the services or expenses of another a moral obligation of making compensation. If a contract transfers ownership (e.g., contract of sale passing title to buyer, *_mutuum_*), the transferee must bear the risks and expenses of the thing transferred; but if it does not transfer ownership (e.g., contract to sell, *_commodatum_*) or has not yet done so (e.g., contract of sale in which title will pass later, on delivery or payment), the transferer has the risk and expense (see 1796).

1889. Cessation of Obligation.—The obligation of a contract ceases in various ways: (a) by action of the contractants, as when a promisee renounces his right, or each of the parties to a promise has made a gratuitous promise in favor of the other and one refuses to keep his word; (b) by action of law, for example, by prescription, by annulment; (c) by impossibility, as when a thing freely promised has become unlawful or useless, or when the donee of a gift *_mortis causae_* dies before the donor.

1890. Theft.—Theft is the secret taking of what belongs to another, with the intention of appropriating it to oneself, against the reasonable wishes of the owner.

(a) It is a taking, that is, a carrying away of goods. But theft also includes the receiving or keeping of property, since the harm done is the same as when the goods are carried away. Hence, he who does not restore borrowed or deposited or found objects, or who does not pay back a loan, when he could and should, is a thief.

(b) It is a secret taking, that is, the property is taken away without the knowledge of the owner or lawful possessor, even though he be present. In this respect theft differs from robbery.

(c) It is the taking of property. This includes not only corporeal things (e.g., books, money, jewelry, clothing), but also incorporeal things (e.g., patents, trademarks, copyrights), and even persons if they are looked on as possessions. Hence, plagiarism or infringement of copyright or man-stealing or kidnapping (i.e., the carrying off of another's slave or child) are forms of theft.

(d) It is the taking of property that belongs to another, that is, of goods of which another person is the owner, or lawful possessor as usufructuary, guardian, depositary, etc. Hence, one can steal from oneself by taking one's goods by stealth from the bailee with the design of charging him for their value or of depriving him of their use to which he has a right.

(e) It is the taking away of goods with the intention of appropriating them to one's own possession, use or enjoyment to the exclusion of the rightful owner. Hence, strictly speaking, it is not theft to carry away property with the intention of borrowing it for a time or of destroying it; but these are acts of unlawful possession or of unlawful damage. It is obligatory to take an object from another, if this is necessary to prevent the commission of a crime (e.g., to take away and hide the gun with which another intends to kill).

(f) It is against the wishes of the owner. This refers to the substance (that is, the conversion of the property to one's use), not to the mode (that is, secrecy with which it is done). Hence, if the owner is unwilling that the property be taken, he who takes it is guilty of theft; if the owner is not unwilling that it be taken, but is unwilling that it be taken without his knowledge, he who takes it in this way sins at least venially, but is not guilty of theft in the strict sense.

(g) It is against the reasonable wishes of the owner or possessor; for no injury is done if he does or should consent to the loss. The owner does consent if the person who takes the goods is acting according to a general and recognized custom (e.g., when a servant takes things left over from her employer's table, which it is certain the latter does not wish to keep); the owner should consent, if justice forbids that he prevent the taking (e.g.,

when a starving man is taking food from one who has plenty), or if domestic duty commands that he should give the thing taken (e.g., when a wife takes from her husband's pockets the needed money he denies his family, for a wife and family have the right to receive from the head of the house support according to their station and means). But the owner is not bound to consent to the loss of his goods from the mere fact that he misuses them to his own spiritual disadvantage, or owes them in charity to the taker. Hence, it is theft to take a flask from the pocket of one who drinks too much, or to steal a book from one who is harmed by reading it, or to filch money from a rich man because one is poor and he will not give an alms.

1891. Unauthorized Use of Another's Funds.—What is the guilt of one who uses for his own purposes the money of another entrusted to him for other purposes?

(a) There is no theft, for it is supposed that the purpose of the user is to make only a temporary loan of the money.

(b) There is an act of injustice, if the permission of the owner cannot be presumed; for the rights of an owner are violated when one converts his property to uses displeasing to him. Thus, if the prospect is that the owner may never get his money back or that he will lose profits by the use made of it, the guilt of unjust damage is incurred, at least in intention (e.g., a depositary uses a deposit to buy stocks on margin, or a company official makes an unauthorized loan instead of investing the amount for the company's benefit).

(c) There is no sin, if the permission of the owner can be reasonably presumed; for to him who willingly consents no injury is done. Thus, if one who is managing the funds of another has the chance to make a large amount of money today by using those funds for himself but cannot get in touch with the owner, the latter's consent can be presumed, if he will suffer no present loss and it is absolutely certain that his funds will be returned tomorrow. But on account of the risk that is ordinarily present, this case would be rare.

1892. Comparison of Theft and Robbery.—(a) They differ in species, for theft contains injustice to an owner in his property, but robbery, which is an unjust and violent taking of what belongs to another, contains injustice both to property and to person. The unwillingness of the owner in the case of

theft is due to his ignorance of his loss; in the case of robbery it is due to intimidation or force. (b) They differ in gravity, robbery being according to its nature the more serious kind of stealing; for the robber does a twofold injury, and the owner's unwillingness to be robbed is greater.

1893. Kinds of Theft and Robbery.—(a) There are many varieties of theft, the differences arising from the circumstances in which the stealing is done. Thus, he who steals from the Church is guilty of sacrilegious theft; he who uses the public goods for his private ends commits peculation; he who takes from his parents practises domestic thievery.

(b) There are also many ways in which robbery or rapine is committed. The following persons are guilty of robbery: pirates, bandits, highwaymen, burglars, usurers, profiteers, venal judges, unmerciful creditors who deprive debtors of necessities, debtors who escape payment by fraudulent bankruptcy, profiteers, laborers who extort unjust wages, those who force subordinates to contribute graft, and blackmailers. Two forms of robbery are described in Scripture as sins that cry to heaven for justice, namely, defrauding laborers of their wages (James, v. 4) and oppression of the poor, which happens especially when one denies their rights to those who are unable to defend them. The following persons are also classed as thieves: pickpockets, spongers, smugglers, forgers, counterfeiters, embezzlers, and those who misappropriate funds entrusted to them.

In the civil law theft is also known as larceny, and is defined as the unlawful severance of personal property from the possession of its owner. The following kinds of larceny are distinguished:

(a) in respect to the manner of perpetration, a theft is larceny when the property is taken from the possession of the owner by one who had no possession, whether the latter be a stranger or a custodian; it is embezzlement when committed by one upon whom the owner had conferred temporary possession on account of a fiduciary relationship between them; it is false pretence when committed by one who procures permanent possession or ownership through fraudulent representations;

(b) In respect to the matter or quantity stolen, theft is called petit larceny when it falls below a certain sum fixed by the law, grand larceny when it exceeds that sum.

1894. The Sinfulness of Theft.—(a) From its nature theft—and, much more, robbery—is a grave sin; for it is opposed to the virtues of charity and justice, it is expressly forbidden in the Seventh Commandment (“Thou shalt not steal,” Exod., xx. 15), and it excludes from eternal life (“Neither thieves nor extortioners shall possess the kingdom of God,” I Cor., vi. 10). The thief attacks the sacred right of the individual to his property, and imperils the peace and stability of society itself. Theft is a grave sin, even when it is committed by little and little, as happens when a merchant gives underweight habitually: “A deceitful balance is an abomination to the Lord” (Prov., xi. 1). The proposition that restitution for a large sum taken in parts at different times is not a grave duty was condemned by Innocent XI (Denzinger, 1188). Canonical penalties for theft include exclusion from acts and offices, censures, and deposition (Canon 2354).

(b) From the imperfection of the act theft may be only a venial sin, for example, when the thief is a kleptomaniac and steals without advertence, or when he is invincibly ignorant that the thing taken is not his own or is of great value, or from the smallness of the matter involved (e.g., when the thing taken has little value, or the owner is opposed rather to the stealthy manner of taking than to the taking, or is only slightly unwilling to lose the goods).

1895. Theft of a small amount may be a mortal sin (see 187). This may happen: (a) on account of the internal or subjective circumstances, as when the thief intends to steal as much as he can or a large amount here and now, or when he intends to steal a small amount here and now but to keep this up every day until he has stolen a considerable amount, or when a child steals a small sum from its parents and falsely thinks that the theft is gravely sinful in itself; (b) on account of external or objective circumstances, as when the amount taken today is small but constitutes, with amounts previously taken, a large sum, or when the thief foresees serious consequences from his act (e.g., that the person from whom the goods are taken will fall under suspicion and be discharged or arrested). It should be noted, however, that the consequences of the theft do not necessarily make the sin grave precisely as it is a sin of theft (e.g., in the case just given the theft was a venial sin, but the unjust damage was a mortal sin), or even precisely as it is a sin of injustice (e.g., if one steals a picture of small value, foreseeing that

the owner will be afflicted beyond measure at the loss, the sin against justice is small, but the sin against charity is mortal).

1896. The determination of the amount that constitutes grave matter in theft or robbery (or in unjust damage) is a very difficult task, because the factors upon which the injury depends are to some extent doubtful and vary in particular cases. Hence, there is a great diversity of opinion among moralists on this subject, and it will frequently be uncertain in an individual case whether a theft is mortally or only venially sinful in itself. But on account of the spiritual and temporal interests that are concerned it is necessary to give at least general rules for direction that will enable one to distinguish between grave and venial theft, and to know when the duty of restitution is serious, when light.

1897. Moralists are in agreement on the following points:

(a) the standard for measuring gravity of matter is not an invariable one, but will differ according to circumstances of times and places. Thus, money has much less purchasing power today than it had before the Civil War, and the same amount will not go so far nor last so long in the United States as in some countries of Europe. Hence, other things being equal, it is less harmful to steal the sum of \$10 in 1958 than it was to steal the same sum in 1858, less harmful to steal that amount from an American than to steal its equivalent from a European;

(b) the standard for a particular country and period is to be interpreted morally, not mathematically; for it depends on the opinions or estimates of the prudent, which after all are only approximations and subject to revisions. Hence, it would be absurd to draw such a hard and fast distinction between grave and venial theft—for example, to decide from the amounts alone that he who stole \$50 is certainly guilty of mortal sin and fit for hell, while he who stole \$49.99 is guilty of venial sin only and not fit for hell. The figures given by moralists for grave matter are averages, and hence they cannot be expected to suit each individual locality or moment or injured person. But, being based on actual conditions, they are serviceable. If a sum stolen is much above or below them, they indicate truly the theological species of the sin; if it is only a little above or below them, they afford a basis for probability, or at least show that there is room for doubt.

1898. Moralists are also at one in measuring the injury of theft by the following considerations:

(a) it should be estimated by the property loss, that is, that theft should be deemed a grave sin which in view of all the circumstances and the common opinion indicts a notable loss on the owner in his property rights. This is a matter of common sense, for every one can see that it is a very different thing to steal a cent and to steal \$100.

(b) it should be estimated by the personal injury, that is, by the unwillingness of the proprietor to suffer the loss. This is also clear, since the unwillingness of the proprietor is one of the ingredients of theft, as was explained above in the definition, and everyone will readily grant that an amount which would be notable if stolen from a stranger, would not be notable if stolen from an indulgent parent.

1899. There are two opinions about the estimation of the property loss.

(a) Thus, an older opinion held that the standard should be an absolute one, that is, that the loss should be determined independently of the wealth or poverty of the person injured, since the financial situation of this person is a purely extrinsic circumstance of the theft. The rich man has just as much right to his \$10 as the poor man has to his \$10, and it is therefore just as injurious to deprive the former of the sum as it is to deprive the latter. What is a mortal theft in one case is a mortal theft in every case.

(b) A later opinion, which seems to be the common one today, distinguishes two standards: an absolute one, which fixes one highest amount that is always grave matter on account of its magnitude, however wealthy the loser may be, and a relative one, which proposes a scale of lower amounts that are grave matter on account of the economic condition of the persons stolen from. It is argued that a relative standard should be set up, since the injury of theft is certainly felt more by those who have less means to fall back on; and that an absolute standard is also necessary, since without it the property of the rich would not be sufficiently safeguarded and the peace and order of society would be endangered.

1900. Opinions on the Amounts that Are Grave Matter.—(a) The older opinion, according to which there is only one invariable standard for all classes and conditions, regards as grave matter the amount necessary to

support for a day, according to his state and obligations, a man whose financial condition is midway between wealth and poverty; for the loss of a day's support is usually looked on as a serious loss, and a standard for all should be taken from the average. This daily support amount may be reckoned from the amount of daily wages or income. In the United States in 1955 the average daily wage was between \$14 and \$15, but, if only skilled laborers or those who are in moderately prosperous circumstances are considered, the average would be considerable higher. Perhaps it would range between \$25 and \$30. Or if we strike a medium between the highest and the lowest figures given by the advocates of two standards, we should arrive at approximately \$30 or \$35.

(b) The common opinion today fixes the absolute amount, which is grave matter even when theft is from the wealthiest person or society as the equivalent of a week's wages for the head of a family living in fairly good circumstances but dependent upon his work for its support. As to the actual amount, authors differ. Thus, Father Francis Connell, C.S.S.R., wrote in 1945 in *American Ecclesiastical Review* (p. 69): "To lay down a general norm in view of actual conditions and value of money, it would seem that the actual sum for grave theft would be about \$40." In 1946, writing in the *Homiletic and Pastoral Review* (p. 694), Father Joseph Donovan, C.M., stated: "It is hard to see how less than \$100 could be absolutely grave with the chances of a higher amount being probably so."[*] This sum was criticized as being excessive and did not meet with ready acceptance by all moral theologians. On page 127 of the third printing of his *Outlines of Moral Theology* (1955), Father Francis J. Connell, C.S.S.R., suggested \$75 as a reasonable absolute sum considering the value of money at the time, and, as a practical norm, the sum has been acceptable to most confessors and authors. Relatively grave matter corresponds with the amount needed to support a worker and his family for a day or, according to some, the amount required for the support of the worker alone. Relatively grave matter would range from about \$5 from a poor person on relief, through \$20-\$35 from skilled laborers and persons in comfortable circumstances, to \$75 from the wealthy. The latter sum constitutes the absolute standard. For a general norm to establish relatively grave matter, then, an acceptable procedure is to take the daily earning power or expenses of those who do not belong to the wealthiest classes, but who just barely make a living by reason of their work or charity.

[*] This is not to suggest that the authors cited hold to the “week’s pay norm” as the standard. Father Connell, for example, defines the absolute as “a sum which is so large that society would suffer much if it could be stolen without grave sin even from the richest or from a wealthy corporation” (op. cit., pp. 127-128). The interest in citing the authors is to show the precise sums suggested by them at various times regardless of the norm used in arriving at the particular amount suggested.

1901. What is grave matter in theft of sacred objects? (a) If these objects have a value that may be measured by money (e.g., the gold or jewels that enter into a reliquary), grave matter is estimated by the material value, just as in profane objects. (b) If these objects have no monetary value (e.g., sacred relics), grave matter is judged from the dignity or rarity of the object. Thus, it would be a serious sin to steal even the smallest splinter from the True Cross.

1902. It was said above (1898) that the gravity of theft is estimated, not only by the property loss, but also by the personal loss, that is, the reluctance, unwillingness or sorrow of the owner at the deprivation of his goods. This does not mean that a greater unwillingness on the part of the owner increases the gravity of the theft, if the owner’s unwillingness is excessive or unreasonable (e.g., it is not a mortal sin of theft to steal a dollar from a miser, if the miser on account of his love of money feels the loss as keenly as another person in his place would feel the loss of \$40). But a less unwillingness of the owner diminishes the injury, and hence increases the amount necessary for grave matter. There are three reasons especially that diminish the unwillingness of the owner at the loss of his property.

(a) Thus, by reason of the persons who steal, the owner is less unwilling when these persons have a greater claim on his affection (e.g., his children or wife), or when custom permits them to some extent a greater freedom than is granted to others (e.g., servants, employees).

(b) By reason of the things stolen, the owner is less unwilling when these are things of less value, like crops, that are produced mostly by nature and are left exposed, such as fruits growing by the wayside, branches and pieces of fallen timber lying on uncultivated land.

(c) By reason of the manner of the theft, the owner is usually less unwilling when goods are taken gradually and on several occasions, or

piecemeal, than when they are taken all at once.

1903. The Common Opinion on Domestic Thefts and Grave Matter.—(a) In theft from one's parents about double the usual quantity is required. But in an individual case the parents may be just as unwilling, and with good reason, to be despoiled by members of the family as by outsiders, and in such a case the rule would not apply. Hence, in considering thefts by children one must bear in mind the ability of the family to suffer the loss, the number of the children, the uses to which the stolen goods are put, the liberality or thrift of the parents, the affection or dislike which the parents have for the child who steals, etc. Thus, if poor parents are denying themselves in every way in order to rear and educate a large family, thefts from them are a serious matter.

(b) In theft from one's husband even a greater amount is required. But there are exceptions, as when the husband is especially unwilling to have his property stolen by his wife, for example, when the money she takes is devoted, not to the benefit of the family or other useful purposes, but to vanity or sin, or to the great detriment of the husband or family (see 1799).

1904. Theft from One's Wife or Minor Child.—(a) According to the law in the United States, a wife cannot steal from her husband nor the husband from the wife, but this principle has reference to the common property of which husband and wife are joint tenants (Robinson, *Elementary Law*, Sec. 563). Both husband and wife may have also their own separate property, and in that case either of them is guilty of injustice if he or she damages or takes without leave the goods of the other.

(b) According to American law, the father has the right to the earnings of his minor children who live with him and receive their maintenance from him; but the law gives the father no right over the separate real or personal estate of these children. Hence, a parent would be guilty of theft if he unlawfully took or used the individual property of his child.

1905. The Common Opinion on Thefts Committed by Employees.—(a) If the things stolen are small articles which the employer customarily supplies for his help (e.g., food and drink for domestic servants, pencils and paper for his clerks), the theft is not serious as a rule. But there are exceptions, as when the employee gives or sells to others these articles, or when he uses or wastes them to such a degree that the employer suffers a

considerable loss. And one should also consider such circumstances as the great or small value of the services given by the employee, his good or bad standing with the employer, etc.

(b) If the thing stolen is not meant for consumption (e.g., furnishings of the home or office, merchandise of the store, tools or machinery of the factory) or is of a very precious kind (e.g., rare wines or expensive brands of tobacco), grave matter is of the same amount as when an outside person does the stealing. In fact, the guilt of the employee is more serious on account of his abuse of confidence or violation of contract. The property of employers would be subject to constant risk, if employees were permitted greater liberties than outsiders.

1906. Theft of Things about Whose Loss the Owner Is Less Concerned.—(a) Vegetation that Belongs to the Public and Is Left Unprotected.—If these things are of minor importance (e.g., wild fruits or berries, broken twigs, branches, etc., in public lands), it seems that it is not theft to take them, at least when one is poor and a member of the community; for laws against such acts are generally regarded as penal. But one sins, and may even sin gravely, when extensive damage is done to public property (e.g., by cutting down trees, carrying away flowers and plants, injuring shrubs, etc.).

(b) Vegetation that Belongs to Private Parties and Is Left Unprotected.—If only a small quantity is taken (e.g., an apple or a bunch of grapes hanging over a public highway taken by a passerby), it seems no theft is done, unless the owner or law expressly forbids. But it seems to be a venial sin to take more (e.g., as much as a hungry person can eat), and a mortal sin to take a quantity whose market value is equal to grave matter.

1907. Travelling Without Paying Fare.—Is it theft to ride in public conveyances without paying the fare?

(a) If one rides without payment or ticket, it seems that theft is committed, unless the company is willing to give a free ride. It may be said that the company suffers no loss on account of one passenger who has not paid for his transportation, since the same number of cars and the same expenses would be required even without that passenger. But since the owners are unwilling to furnish their service gratis, he who takes it without pay is guilty of theft.

(b) If one rides without payment, but uses the ticket of another, there is no injustice if the rules of the company permit this (e.g., A buys a round-trip ticket, but gives the return ticket to B), but there is fraud if the rules of the company and the agreement of the purchaser make the ticket non-transferable (e.g., B uses the half-rate ticket which A had received as a personal privilege from the railroad company).

1908. Small Thefts Which Amount to a Large Sum.—Small amounts stolen may accumulate into a large amount. This happens in the following ways: (a) the thief takes small sums on different occasions from the same person or from different persons, and continues at this until he has stolen a considerable amount; (b) the thief conspires with other thieves to steal on the same occasion from one person or several persons, and, though the sum he steals is small, the sum taken by the whole group is considerable. Similarly, petty damages or vexations may accumulate into a mortal injustice. Thus, if Claudius, aiming to break down the health, sanity, success, reputation, business, etc., of Balbus, plans and carries out a systematic campaign of small injuries daily repeated for years, Claudius is guilty at least in purpose of serious damage.

1909. Small thefts that grow into a large theft are mortally sinful in the following cases:

(a) they are mortally sinful by reason of the previous intention when one steals a little now and a little again, but has it in mind from the outset to steal a total sum that will be grave matter, or when one conspires with others to steal a notable sum although one's own share will not be a notable amount. In these cases the purpose is to commit a grave injustice, either against an individual (if all is taken from one person) or against society (if portions are taken from various persons), and hence one is internally guilty of grave sin, even though one has not yet performed it externally. Examples are merchants who use false weights and measures, or who adulterate their commodities with small portions of water, etc., and thus make large profits by minute cheating;

(b) they are mortally sinful by reason of the subsequent intention when one had no purpose to steal a large amount, but adverts to the fact that a small theft here and now committed will constitute grave matter if added to previous petty thefts, or that the amount of stolen goods now possessed is

large, and nevertheless resolves to go ahead with the theft or to retain the stolen goods. This does not mean that a number of venial sins coalesce into a mortal sin (see 189), but only that the object of a sin which is slight in itself becomes serious on account of the circumstance that it is morally connected with previous sins. The last act in a connected series must not be taken singly, but in connection with the acts that precede, as is seen in the violation of a fast or in omission of parts of an hour. In the cases now considered, therefore, grave injustice is actually and purposely done, and mortal sin is committed, even though there was no thought of this in advance.

1910. The case of young men who are educated free of charge in the expectation that they will go on to the priesthood and who do not persevere. —(a) If they act in bad faith (i.e., if they enter the college or seminary merely to get their education, or to avoid work, or if they remain after they have abandoned thought of the clerical state), they are guilty of theft and bound to restitution.

(b) If they are not in bad faith (i.e., if they wish to try out their vocation, or if they begin with the intention to persevere), they are not guilty of injustice. This is true, even though they are rejected on account of idleness or other faults, provided there was no intention to defraud.

1911. In the following cases small thefts which added to others make a large sum seem not to be the cause of grave loss, and hence not mortally sinful:

(a) the small theft of one person following on the small thefts of others, when there is no bond of example, advice, conspiracy, etc., to unite the various thefts; for none of the thieves can be held responsible for the part of the loss caused by the others. Example: Titus, knowing that Balbus has been cheated by various persons to the amount of \$9 and that \$10 will be a serious loss to Balbus, proceeds to steal \$1 from Balbus:

(b) the small thefts of several persons who steal together, and who influence one another only by example; for example is an occasion, not a true cause of the imitator's act (see 1447, 1763). Example: Sempronius and Claudius go into a store together and find that there is no one around. Sempronius thereupon steals a number of articles and leaves. Claudius notices this and steals other things, which will make the total loss serious.

1912. Moral Connection between Repeated Acts of Theft.—The moral connection between repeated acts of theft by one person is necessary, as was said, in order that these acts unite into one grave sin. This moral connection does not exist, however, if the series is broken by interruption or revocation.

(a) Thus, the connection is broken by interruption when there is a long interval between small thefts, because thefts that are small and infrequent do not inflict severe loss on individuals or society. This supposes, of course, that there is no intention to practise small thievery habitually in order to become enriched by it, but that one steals now and then as opportunity or necessity occurs, or (according to some) that one intends to steal only small amounts and at long intervals.

(b) The connection is also broken by restitution or revocation. It is clear that, if the thief has given back his former thefts, they should not be computed with later thefts; and it seems also—though some do not admit this—that, if he has sincerely resolved to give back things taken before (e.g., things which are useless for him), there is no moral connection between the past thefts and a theft he is committing now.

1913. Interval of Time between Acts of Theft.—The interval of time that breaks the connection between small thefts cannot be determined with mathematical exactness, but the following rule seems to be accurate enough: thefts combine to form a great theft only when considerable property is taken by degrees, but within such a brief period of time as to be of notable advantage to the thief and of notable disadvantage to the loser. Some moralists think that six months is a long space, sufficient to prevent union between thefts, but that two months is too short a space to prevent the union; others, on the contrary, believe that the amounts stolen should be taken into consideration; and hence that the following intervals between thefts separate them into distinct venial sins without coalescence:

(a) a period of one year between thefts, each of which almost amounts to grave matter, when the property is kept (e.g., when a dressmaker who has kept not a little of her patron's material of a twelvemonth ago does the same thing again this year);

(b) a period of two months, when the matters are almost grave, but the property is not kept (e.g., when a thief who beat a restaurant out of the price

of a very elaborate meal at the beginning of January does the same thing at the beginning of March). But it is hard to see how one could have the habit of stealing in this way and not have the intention of stealing a large amount, for a person who steals what is almost grave matter every two months or so must realize that he will shortly be enriched to a considerable extent by his dishonesty. Moreover, the interval of two months might be needed by the thief for avoiding suspicion;

(c) a period of one month, when the thing stolen falls far short of grave matter (e.g., a meal of simple fare plainly cooked and served);

(d) a period of about two weeks, when the matters are very small (e.g., when a thief takes a few secret sips from a wine bottle on each of his fortnightly visits to a certain house, or carries away some trifling object as a souvenir). These thefts would not surpass five or ten cents a month;

(e) some authors think that one week or perhaps even one day will prevent coalescence between extremely small thefts; and surely there are some paltry objects (e.g., a pin or needle, a match, a small lump of coal, a piece of string) which would not total a large value even after many years have passed.

1914. Species and Number of Petty Thefts that Coalesce into Grave Matter.—(a) If the thefts proceed from a previously formed purpose of stealing by installments a large sum, each of them is a mortal sin, but they do not form numerically distinct sins, unless there was a revocation of the intent (see 214, 215).

(b) If the thefts did not proceed from a previously formed plan, those that preceded the culminating theft (i.e., the one whose addition makes the quantity grave) are so many separate venial sins of theft. The culminating theft is a mortal sin, if the thief adverts to the fact that he has now stolen a notable sum; otherwise it is a venial sin. The act, after the gravity of the matter has been noticed, is the initial mortal sin, if it means consent to the grave injustice done (e.g., retention of the ill-gotten goods, intention not to make restitution); it is an additional mortal sin, if it means a renewal of consent to the grave injustice previously done (e.g., the theft of a new small amount with the purpose of keeping it as well as the rest).

1915. Sum Required for Grave Matter in Petty Thefts that Coalesce.—(a) According to one opinion, it is always larger than the sum required for grave matter in a theft of the same amount on a single occasion; for the owner does not feel the loss so much when his goods are stolen in small amounts and at different times. Thus, a man is less unwilling to have \$100 stolen from him through pilferings of cents and dollars over a period of a year or two than to have it all stolen from him on one day.

(b) According to another opinion, grave matter for petty thefts is not larger than grave matter for large thefts of the same amount, if the petty thief had the intention all along to accumulate a notable sum. But some who are of this opinion make an exception for the case when the petty thief steals not from one but from several owners, for in this way the loss is distributed and less harm done. Grave matter in this case, they say, is the same as absolutely grave matter.

1916. There are various opinions on the amounts required for grave matter in the case of petty thefts that coalesce. (a) If all the thefts are against the same person, the usual opinion fixes grave matter at one and one-half times or twice the amount fixed for large thefts. Some authors limit this to cases wherein the thief had not the purpose from the beginning to steal a great amount (see 1915), and some state that the amount for large thefts which is considered is the relative, not the absolute sum. (b) If the thefts are against different persons, some think that grave matter is the same as the absolute matter of one large theft, while others make it one and one-half times or twice that amount. Here again some moralists limit these increases in the sum for grave matter to cases wherein there was no purpose from the beginning to steal a notable amount.

1917. Theft from Joint Owners.—Is it a grave sin to steal a considerable amount of property that belongs to joint owners? (a) If the amount taken is absolutely grave, the sin is serious for the reasons given in 1898 sqq.; (b) if the amount taken is relatively grave (e.g., because a community is very poor, or because the owners are only two or three and the individual loss is heavy), the sin is serious; (c) if the amount taken is not relatively grave, as happens when an organization is not poor and has many members or when the loss will be so distributed among the joint owners as to be little felt by them individually, the sin is not serious.

1918. Restitution in Cases of Theft.—(a) Restitution is owed for the property stolen. He who stole a serious amount but gave back part, retaining only what is light matter, is bound under venial sin to restore the rest. Confessors should urge restitution even of small amounts, when possible, in order to deter men from theft, and it may sometimes be useful to require children to seek a condonation from their parents for a similar reason. (b) Restitution is owed also for damage caused by the theft (see 1895). Thus, if one steals the tool of a poor farmer, which is of little value in itself but which brings on him a serious loss, one is responsible for the loss as well as for the tool.

1919. Cases of Doubt.—(a) Doubts of Law.—The rules given by moralists on grave matter in thefts are not to be regarded as certain and authentic, since they are only the opinions of theologians, and have no obligatory sanction from the Church. They are reasonable and well founded, indeed, but in spite of them there will occur cases wherein it is doubtful whether a theft is mortal or venial (see 1896). It is no disgrace to be ignorant in such difficult cases, for St. Augustine himself admitted that he did not always know where to draw the line. Hence, confessors should not feel obliged to decide with finality in every instance whether the sin committed was in itself grave or light; on the contrary, it will sometimes be necessary to avoid a definite answer, while calling attention to the sinfulness of all theft and the duty of restitution. But the obligation of restitution should not be imposed as certain, where the doctors disagree.

(b) Doubts of Fact.—The application of the rules for grave matter will also be at times very difficult on account of uncertainties about circumstances of time, person, etc. In such cases one must have recourse to the systems for decision in the presence of a doubtful conscience. If a thief does not know from whom he stole, it may be doubtful whether the matter is relatively grave or only light; but the presumption then will be that the loser was a person of average means. Again, when there is a strong likelihood that an owner was not greatly unwilling, one must insist that the thefts cease for the future, but one cannot always impose restitution. If a petty thief does not know how much he stole, or whether all the thefts were from the same person, or whether the intervals between the thefts were great or small, or whether he had the intention from the outset to take a large sum, the confessor will have to form an opinion by questioning the

penitent on the time of his last confession, the amounts he generally took, the general frequency of the thefts, etc.

1920. Conversion of Others' Property.—The conversion of property owned by others or held by them may be permitted, or at least tolerated, when the owner or possessor would be unreasonable if he objected as in the following cases:

(a) in extreme necessity, for according to natural law each one has the right to preserve his life by using the temporal things of the earth (see 1571). In danger of death things necessary for escaping the danger become common property, and no injury is done by the person in danger if he uses the goods of another person to save his own life;

(b) in certain cases when occult compensation is the only way in which one can defend or secure one's right to property, for it is not wrong to take what is one's due, if this is done without harm to the rights of others.

1921. Conditions for Lawful Occupation of the Goods of Others in Extreme Need.—(a) The occupation must be necessary for securing one's own or another's natural right to some supreme good, such as life or what is almost the equivalent of life (e.g., freedom from cruel restraint, escape from fearful disease). A supreme good is at stake, then, when one is in extreme, quasi-extreme, or most grave need (see 1236), that is, exposed to the certain or very probable peril of losing life, limbs, liberty, sight, chastity, etc.; occupation is necessary when there is no other way (e.g., by begging) to avert the danger.

(b) The occupation must be made without detriment to the rights of others. Hence, one may not occupy more than is really necessary to escape the danger; one may not occupy at all if the owner is situated in an equal danger (e.g., one may not take the plank from a man in danger of drowning in order to save oneself); one may not retain the thing taken, if the danger has passed (e.g., one who commandeered his neighbor's car in order to escape from a thug must return the car). The neglect to ask permission, however, does not exceed a venial sin and does not impose the duty of restitution, if there is a real reason for occupation. One may not take the goods without permission, if this can be obtained without too much difficulty; nor forcibly, if possession can be had peaceably.

1922. Restitution for Occupied Goods.—Is the occupier bound to restitution for occupied goods that were consumed (e.g., food and drink), if he afterwards becomes able to pay for them?

(a) If the occupier had no prospect at the time of ever being able to pay for what he took, he is not bound to restitution—not because of possession, since the thing has perished, nor because of the taking, since there was no onerous contract, nor because of injury, since he acted within his rights. The owner cannot complain at this, since charity obliges him to give of his own free will to one who is in supreme need and not to expect that the alms be paid back, while justice forbids that he impede the appropriation of what is needed by the person in distress. It seems, however, that a case of this character would rarely happen, and, if it did happen, the more decent thing would be to pay for what was used. Some moralists think that more probably there would be an obligation of justice to do this, since occupation is lawful only in so far as it is necessary.

(b) If the occupier had the prospect at the time of being able to pay for what he took, he is bound to restitution; for one should not occupy more than is necessary, and, if a loan suffices to tide one over a difficulty, it is not right to expect a gift. Hence, men who raid bakery shops in times of food shortage, are bound to make restitution to the bakers when able.

1923. Occupation in the Case of Merely Grave Necessity.—Is it lawful to occupy in merely grave or ordinary necessity?

(a) This is not lawful, for otherwise the doors would be opened to thefts without number, and both the security of property and the peace of the public would be at an end. Innocent XI condemned the proposition that it is permissible to steal in great need (Denzinger, n. 1186). (b) Such occupation is less sinful than to occupy without necessity, and indeed the theft may be only venial if one is in grave need and has vainly sought work or charity to relieve the difficulty, as when a poor man who is not able to give his children all the food they need steals provisions now and then.

1924. Occupation of a Large Sum by One in Dire Need.—(a) One opinion holds that even for the sake of avoiding death this is not permissible, for one has no right to extraordinary means for the protection of one's life.

(b) A second opinion maintains that this occupation is lawful, under the conditions given in 1921; for life is more precious than even a large sum of money, and in such extreme need property right yields to the right to life.

(c) A third opinion distinguishes between the case in which extreme necessity is proximate or urgent (e.g., an unarmed Watchman is threatened with instant death if he does not hand over at once the money he has in charge) and the case in which it is only remote (e.g., the doctor tells a poor man that he will die shortly from tuberculosis unless he goes to a more healthy altitude, but the patient is too poor to follow these instructions). In the former case the person in need may take what is necessary (on account of the reasons for the second opinion and also because the civil laws allow this), but he is not bound to do so (on account of the reasons for the first opinion); in the latter case, more probably he has no right to occupation, for this would be prejudicial to the public welfare and is moreover strictly forbidden by civil laws (see 1571, 1253).

1925. Duty of the Owner towards One in Dire Need.—(a) In charity the owner is bound to come to the aid of the needy person; but, if he neglects this duty, he does not offend justice and is not held to restitution (see 1240, 1753). (b) In justice the owner is bound not to prevent the needy person from taking or using what he is entitled to; but should the owner do this and the necessity cease, there is no duty of restitution, for the right of the needy person ends with the necessity.

1926. Lawfulness of Receiving Support from a Thief.—Is it lawful for the wife and family to receive support from the head of the family, when he is a thief?

(a) It is lawful when the persons stolen from are not thus deprived of their goods or of the prospect of restitution. This happens when the actual support does not come from the stolen property, and the thief is able to make restitution from other property that belongs to him, or the wife and children earn as much for the family by their work as they receive in support. In this case the family may take from the thief even things that are not necessary for their support.

(b) It is lawful when the persons stolen from are deprived of restitution, but the obligation of restitution has ceased on account of grave necessity (see 1797). This happens when the support does not actually come from the

stolen property, but the thief is unable to make restitution from his own property without depriving his own family who are in grave need. In this case the family may take from the thief only such things as are necessary for them according to their station in life.

(c) It is lawful when the persons stolen from are deprived of their goods, but the right to occupy these goods has arisen on account of the extreme necessity of the family (see 1920 sqq.). This happens when the support comes from the stolen property itself. But the family may use only what is really necessary for the relief of their dire distress.

1927. Compensation.-Compensation is of two kinds, strict or legal and wide or extra-legal.

(a) In a strict sense, compensation is counterclaim, or the comparison of the debts of two persons to one another with a view to the cancellation of one or of both debts. This method of extinction of debt is allowed by law in order to reduce the amount and expenses of litigation. It is known as recoupment or offset when a defendant brings a cross-action against a plaintiff for non-fulfillment by the latter of some part of the contract in controversy, and as set-off when the defendant introduces the debt owed to him over against the debts sued for by the plaintiff. Counterclaim is just when no injury is done to one party (e.g., it would be unjust to keep the horse of Titus which you had borrowed, simply because Titus owed you a debt equal to the value of the horse, for the horse might be worth more to Titus); it is legal when recognized by the law (cfr. 1797, 1798).

(b) In a wide sense, compensation is the summary recovery by a creditor of the thing or the debt owed him by the debtor. The recovery is summary in the sense that the creditor does not go to law, or proceed according to law, but takes from the debtor either openly (open compensation) or secretly (occult compensation) what is owed.

1928. Lawfulness of Occult Compensation.—(a) Ordinarily, or *per se*, it is not lawful; for it contains such evils as disregard of due process of law, scandal, infamy, public disturbance, the menace that the common good will be harmed by frequent abuse, the danger that the debtor will suffer loss through a second payment of the same debt, etc. Innocent XI condemned the proposition that domestic servants may practise occult compensation when they decide that their services are worth more than the salary they are

receiving (Denzinger, n. 1187). (b) Exceptionally, or *_per accidens_*, it is lawful; for under certain conditions it offends neither public nor private welfare and it is necessary for the vindication of a right. Just as the natural law gives authority to occupy the goods of another in case of extreme need, so does it justify occult compensation in the special cases just mentioned.

1929. Unlawful Occult Compensation and Restitution.—Does unlawful occult compensation oblige one to restitution?

(a) If the compensation is not only unlawful but also injurious (e.g., a servant takes what is not due her under the pretext of compensation), it is not rightly called compensation, but is really theft, and restitution is due. (b) If the compensation is unlawful but not injurious (e.g., a servant takes what is really due her, but she could have obtained it by asking for it), there is no theft or duty of restitution, since the property of another was not stolen.

1930. Conditions Required by Commutative Justice for Occult Compensation.—(a) Before the Compensation.—There must be a strict right to the thing taken; for, if there is no such right, one takes what belongs to another against his will, or commits theft. Hence, if an employer has freely promised to make a gift to his servant and then fails to keep the promise, the servant has no right to take what was promised, since it is owed from liberality or fidelity or gratitude, but not from commutative justice. The same applies to a non-necessary heir who has been left nothing in a will, since he had no strict right. It is also unjust to take secret compensation for a debt that has not yet fallen due.

(b) During the Compensation.—No wrong must be done to the debtor (e.g., by taking more than is due, by taking an article which the debtor needs for earning his living) or to third parties (e.g., by taking goods deposited by them with the debtor). If possible, compensation should be made from goods of the same nature and kind as those that were taken or damaged, for the debtor should not be forced to part with things he wishes to retain and which are not necessary for the creditor's satisfaction.

(c) After the Compensation.—One must avoid injury to the debtor (e.g., the keeping of a payment which is now not owed by him and which one can refuse or return to him) and to third parties (e.g., the casting of suspicion on a servant in order to divert attention from one's act of occult compensation).

1931. Must the strictness of the right be morally certain, or, in other words, must reasonable doubt of fact and of law be excluded?

(a) As to doubt of fact, it must be excluded; for in such doubt the presumption is with the possessor, or at least it is certainly wrong to perform an act that will probably be injurious to another person (see 713). Moreover, everyone can see that the public good would suffer greatly, if occult compensation were permissible when the existence of a debt is uncertain. Hence, if it is only probable that one sold goods to another person or that another person has not yet paid for services received by him, occult compensation must be avoided.

(b) As to pure doubt of law, the question is controverted. Some think that it also must be excluded, since the possessor should not be deprived of possession unless it is certain that there is a right to do this. Others think that occult compensation may be used in spite of a mere doubt of law, if the doubt concerns only the mode of making the compensation, or if the probability in favor of the creditor is so strong that a judge could conscientiously decide for him against the possessor. Examples of doubts of law here are three cases that are in dispute among authors, namely, whether one may take money as compensation for defamation that will not be repaired by restoration of fame (see 1802, 1803), whether one may deny reparation for defamation when one has been defamed by the other party and has not received restitution, whether one has rights to a legacy of which one is deprived on account of a mere informality in the document. In these cases the right is held by some authorities to be probable, but the decision in a particular instance should be made only on the advice of a learned and conscientious person, since the matter is very complicated and there is great danger of self-deception.

1932. Some Cases in Which There Is a Strict Right to Compensation.—

(a) Employees (i.e., servants, workingmen, artisans, officials, etc.) have a strict right when they are injured by the employer's non-observance of the contract (e.g., the stipulated salary is not paid; unjust subtractions are made from the salary, as by fines for the inadvertent and infrequent breaking of tools, etc., about which there was no agreement in the contract; labors not contracted for are exacted), or when an unjust contract is imposed on them (e.g., they are induced by force or threats to accept less than a living wage;

advantage is taken of their grave necessity to wring from them agreement to such a wage).

(b) Merchants have a strict right when a debt which they cannot collect is certainly owed them, or when they sold below the minimum just price, because forced to this unjustly, or because they made a mistake in charging. They may compensate themselves by diminishing weights or measurements.

(c) One has a right to compensation who has been condemned under a sentence manifestly unjust, because the law is certainly unjust or because the judge clearly gave a wrong decision in a matter of fact (e.g., he erroneously presumed that a debt had been contracted, or that it had not been paid).

1933. Some Cases in Which There Is No Right to Compensation.—(a) Employees have no right to compensation for subtractions from their salary, if they culpably injure the property of their employer, or if they agreed to such subtractions; nor for the smallness of their wage, if they freely accepted it (e.g., if they regarded it as a favor to be employed, and the employer did not really need them), or if it is made up for by presents, board or lodging, opportunity for good tips, etc.; nor for unusual labors, if they hired themselves out for general service (unless they are asked to perform work of an entirely unforeseen kind, such as a very perilous mission), or if they undertook these labors freely without the knowledge or wish (express or tacit) of the employer.

(b) Merchants have no right to compensation for goods sold by them below the minimum just price, if they freely agreed to sell at that price.

1934. Children and Employees and Compensation.—Some special questions arise for consideration in case of parents who employ their own children, and of employers who are forced to underpay on account of the dishonesty of their help.

(a) Children who work for their parents and who are entitled to a salary, by agreement or from the law, have the same rights as other employees, but injustice against them would be less frequent. In this country the father has a right to the services and wages of his unemancipated child, but the child

becomes independent of the father when it reaches the age of majority or when the father relinquishes his right.

(b) Employees who are underpaid because the employer is cheated by his help have the right to occult compensation, if they are forced to take less than a living wage (1932); otherwise this is not permissible, unless it be certain that the employer is not unwilling that the honest employees receive more than their pay. In practice, on account of the great peril of injustice, it is advisable that such workers seek better pay through their organizations or else look for employment elsewhere.

1935. Conditions Required by Legal Justice for Occult Compensation.—

(a) Occult compensation must not be used if payment can easily be obtained through suit at law or agreement; for the order of law and the public welfare require that one should not have recourse to the extraordinary means of occult compensation if ordinary means will suffice and not cause notable difficulties. But as a rule it seems this obliges only under venial sin, since ordinarily the departure from normal procedure in this matter is not seriously detrimental to public morals or order; and it does not impose a duty of restitution, since he who takes only what belongs to him does not offend against commutative justice. Indeed, if it is certain that other means will be futile (e.g., because one has not sufficient evidence to win or because the decision would be biased) or harmful (e.g., because great dissensions will be aroused, or heavy expenses incurred in litigation), occult compensation is not even venially unlawful.

(b) Occult compensation, according to law, should not be used by a bailee, for he has a lien for his services and proper expenditures in caring for the object bailed, but not for any other debt the bailor may owe him (Bolles, Handy Law Book). This is obligatory at least for the external forum.

1936. Some Conditions Required by Charity for Occult Compensation (see 1165, 1236, 1483).—(a) Charity towards the Debtor.—The creditor should see, when possible, that the debtor suffers no loss by occasion of the compensation. Hence, in order to spare the debtor the evils of a bad conscience in reference to the debt or of a second payment of the debt, the creditor should, if possible, inform the debtor that the debt is cancelled or that payment is not expected.

(b) Charity towards Third Parties.—The creditor should, if possible, prevent any trouble or loss to others that might be occasioned by the compensation, such as suspicion of theft that might fall on servants.

1937. The Lawfulness of Open Compensation.—(a) If one's property is being stolen or carried away, it is lawful to protect or recover it by force; for this is only just defense.

(b) If one's property has already been carried away but is still in being and in a safe place, legal justice requires that one seek redress from the courts. But it does not seem a serious fault if one recovers goods by using moderate force, since the property is one's own and the public manner of seizing it enables the law to take cognizance of the case. American law recognizes with certain restrictions the rights of recaption and of entry whereby a person takes possession without legal process of goods unlawfully taken or withheld from him (Robinson, *Elementary Law*, Sec.239, 240).

(c) If a debt owed to one is denied by the debtor, it is not lawful to take payment from him by force, since this is against the law and productive of scandal and disturbance, and moreover one is not the owner of the goods which one thus takes by force.

1938. *Notanda pro Confessariis*.—(a) *Ante factum*, rarissime consulenda est occulta compensatio, tum quia ut plurimum illicita est (1928) utpote periculo injustitiae, scandali, perturbationis plena, tum quia lex civilis non solet eam ut remedium agnoscere sed potius ut furtum habet. Publice de occulta compensatione non expedit loqui, et praestat ut qui privatim de ea interrogentur, etiam datis conditionibus ad liceitatem necessariis, per modum tolerationis tantum annuant.

(b) *Post factum*, facilius in favorem utentis compensatione judicari potest, in ordine ad restitutionem, sed prudenter, et quasi evasive loquendum, ne praxis ita agendi ut per se et generaliter licita approbari videatur.

1939. Judicial Injustice.—We pass now from injustices committed by deed to those committed by words, and shall consider first unjust words spoken in courts of law and next unjust words spoken in private or outside of legal processes. Judicial injustice will be treated under the following

heads: (a) injustice in judges; (b) injustice in plaintiffs or accusers; (c) injustice in defendants; (d) injustice in witnesses; (e) injustice in lawyers.

1940. The Office of Judge.—Judgment is the proper act of justice (1727) and therefore when exercised under due conditions it is not only lawful, but virtuous. The exercise of public judgment belongs to the judge, who is a person vested with authority to decide litigated questions in civil or criminal cases.

(a) Thus, in the strict sense, a judge is the official who has public authority to preside over tribunals of justice, in which major matters are tried and a formal procedure is followed, and whose function it is to direct the course of the proceedings and to settle questions of fact or of law that arise.

(b) In the wide sense, a judge is any person who has lawful authority to pass an obligatory sentence in criminal or civil matters. The name may be applied, then, to those who preside over a tribunal in which minor or urgent questions are considered and treated summarily (justices of the peace, police magistrates, etc.); to those who do not preside over a tribunal, but who are attorneys at law appointed as officers of a court to pass on some issue of a pending proceeding or suit (referees); to those who act as assistants of the presiding judge, by determining the truth of alleged facts in civil cases, or the innocence or guilt of an accused in criminal cases (trial jurymen); to those who are chosen, by the parties to the dispute or by a court, as substitutes for the ordinary courts provided by law, to hear and settle, without legal formalities, the matter in controversy (arbitrators).

1941. Classes of Courts.—There are various classes of courts and therefore various kinds of judges.

(a) Thus, according to their relative dignity and jurisdiction there are higher and lower courts, courts of the first, second and last instance.

(b) According to the cases they try, courts are either civil (in which redress of private injuries is sought) or criminal (in which the community prosecutes public wrongs).

(c) According to the law which they use courts are ecclesiastical or secular.

(d) According to the form of procedure used and the remedies applied, courts in the United States are divided into courts of common law, courts of equity, probate, admiralty, and military courts.

1942. Jurisdiction.—Authority is necessary in a judge, for judgment is a binding decision that may be executed by force, and this supposes that he who pronounces the judgment is the superior of the person on whom the judgment is passed, Hence, he who acts as judge when he lacks jurisdiction acts invalidly (unless jurisdiction is supplied, as in common error for an ecclesiastical judge, in Canon 209), and offends against the rights of another judge and of the person on whom he passes sentence. Examples would be secular judges acting in ecclesiastical cases or ecclesiastical judges acting in temporal cases.

1943. The Qualifications of a Judge.—(a) Mentally, he must be endowed with knowledge of the law and with prudence, so as to be competent to pronounce correctly on the questions that are brought to him for decision; for, as being the authorized interpreter and custodian of the law, he is bound by quasi-contract with the community and with those who appear before him to be competent for these offices. If a judge realizes that he is incompetent in these ways, he must either resign his office, or make up for his deficiency by study or consultation with those who are more learned than himself. A juryman, being a layman to the law, is not expected to have the mental equipment of a lawyer; but it is his duty to give his attention to the statements, arguments and testimony and to the instructions of the judge.

(b) Morally, the judge must be a lover of justice, whether commutative, distributive or legal; for the proper office of the judge is to apply the law to particular cases and to declare officially the mutual rights and obligations of litigants who are before him. He must not be a respecter of persons, one who is moved for or against a man on account of rank, position or wealth, nor one who is swayed by fear or favor, by popular outcry or personal ambition. Not only legal but also commutative justice obliges him to perform his duties conscientiously; for in taking his office he enters into a quasi-contract with the community to execute his functions faithfully and well, and similarly by trying a case he engages that those before him will receive evenhanded justice. A juror should be a conscientious person who is

openminded and free from prejudice for or against those on whom he has to vote.

1944. Conduct of a Judge.—A judge must be above suspicion, since respect for the courts is the very life of the State. But there is good reason to suspect a judge who judges in his own case, or in a case in which he will be naturally inclined to favor one side. Hence the duty of abstaining from certain things.

(a) Thus, he should avoid business, social and political activities that will give ground for belief that he uses his office for the promotion of private interests.

(b) He should not act in a case in which his own advantage or the advantage of his friends might appear to conflict with the duty of strict impartiality, as when he has personal litigation in the court, or when a near relative of his is party in a controversy, or when one of the contestants is his personal or political friend or enemy, etc. Canon 1613 of the Code forbids a church judge to act in the case of a person related by blood or marriage in the direct line or in the first and second degrees of the collateral line, or of a person for whom he is guardian or administrator, or in cases in which he had previously acted as advocate or proxy, or from which he stands to profit or lose.

(c) He should refrain from conduct that would tend to arouse doubts of his impartial attitude, such as incivility to counsel or witnesses, unexplained rulings that have the appearance of arbitrariness, private interviews or dealings with one of the parties before him in ways calculated to influence his action.

1945. Accepting Gifts from Litigants or Others.—May a judge take money or other goods from those whose interests are submitted to him, such as litigants or lawyers in his court or their friends?

(a) If the goods are extorted by threats or pressure or unjust vexation, the judge is guilty of robbery, since he forcibly takes that to which he has no right.

(b) If the goods are given as payment for the judge's services during the trial, the judge sins against commutative justice in receiving payment for services already due, since his salary comes from the community and

obliges him to administer justice without charge to those who seek it. Neither is it lawful to take money as compensation for trying one case before another, or for hastening a case, or for giving unusual diligence to a complicated case, or for deciding for one side when the evidence is equal on both sides. But the law could permit a judge to collect his expenses from both parties if the trial necessitated a personal outlay of money (e.g., for travel or hire of assistants) and there was no public fund to defray these costs.

(c) If the goods are offered as bribes, in order that the judge may be influenced to act against justice, it is clear that grave injustice is done both to the community and to the party who is injured.

(d) If the goods are given as free gifts, with no condition attached, some think they may be lawfully accepted, if there is little probability that they will influence the judge (e.g., because they are small or given after the trial has ended). But others hold, and it seems more correctly, that both natural and positive law forbids this. Natural law forbids because of the danger ("Presents and gifts blind the eyes of judges, and make them dumb in the mouth, so that they cannot correct," *Ecclus.*, xx. 31), and because of the mistrust and scandal that will result. It is incorrect to suppose that small gifts and gifts offered after sentence would not have influence, for the contending parties would soon come to vie with one another in making gifts, while judges would begin to think about the gratuities that might be looked for at the conclusion of a trial. Canon Law forbids all ecclesiastical judges and all who assist in court to accept any gifts whatever that are offered in connection with the trial (Canon 1624), and the civil law provides severe penalties for bribes offered as gifts.

(e) If goods are given as a mere alms or from civility or hospitality (e.g., food and drink such as is usually offered to a guest or visitor), it does not seem unlawful in itself to accept them, but, since there is a danger of suspicion and scandal, even this should be avoided.

1946. Obligation of a Judge to Restore Goods Received in the Above-Mentioned Ways.—(a) If retention of the goods is contrary to the reasonable wishes of the person who gave them, restitution is necessary. Hence, the judge must give back money that was extorted and the payments made by private parties for the exercise of his official duties.

(b) If retention of the goods is contrary to law, restitution is also necessary. Hence, if a judge has taken a bribe, he must give it back, because the agreement is null, and he cannot lawfully keep his part of the compact by acting contrary to justice. The same is true when the law voids the contract whereby he received the goods, or when a court decree obliges him to return a free gift bestowed upon him.

(c) If retention of the goods is not contrary to the will of the giver nor to the law, restitution is not necessary. Hence, if a judge has received a pure gift and no corruption was intended or practised, he sinned in taking it, but the donation was valid and there is no obligation to return it. And even though he has taken a bribe, and in consideration of it has acted against justice, it seems there is no natural obligation to make restitution to the party who gave the bribe, since the latter has received a consideration for his payment, but the judge is held to indemnify the injured party.

1947. Duties of a Judge in the Course of a Trial.—(a) The purpose of the investigation is to discover the truth in the matter before the court, and consequently it is the duty of a judge to give a case the study and attention it deserves.

(b) The method of procedure is intended to secure a fair hearing for both parties and so to expedite business that the litigants will not be harmed by needless delays. The judge should therefore observe the necessary and customary forms of law, while avoiding waste of time and unnecessary interruptions. “It is not the custom of the Romans,” said Festus to the Jews who asked him to condemn Paul, “to condemn any man, before that he who is accused have his accusers present, and have liberty to make his answer, to clear himself of the things laid to his charge” (Acts, xxv. 15).

1948. Duties of a Judge at the Conclusion of a Trial.—(a) The sentence must be just, that is, it must be based on the law and the evidence. Even though a judge does not personally approve of a law, thinking it unwise or unnecessary or over-severe, he should nevertheless enforce it; for he is appointed, not to change or reform, but to apply the law, yet so, however, that the spirit is not sacrificed.

(b) Sentence must not be relaxed as a rule, for otherwise the rights of the State or of the party winning the case will be harmed. But there are times when the public good or some other sufficient reason calls for relaxation,

and in such cases judges have the power to refrain from passing sentence or to suspend or respite a sentence already announced. The defeated party should be allowed the opportunity which the law grants him for seeking a reversal of the judgment.

1949. Sentence Passed under a Law Manifestly Unjust.—(a) If the law is manifestly opposed to divine or natural law and sentence under it would command the commission of an act intrinsically evil (e.g., cohabitation of those who are not really married, “mercy killing” of the physically or mentally incapacitated, eugenic sterilization of defectives or criminals), the judge should resign rather than give such a sentence.

(b) If the law is manifestly opposed to divine or natural law and sentence under it would inflict a grievous penalty (e.g., death or long imprisonment) on the transgressor of the law, sentence would be unlawful. But if only a light penalty would be inflicted (e.g., a small fine or short confinement), it seems that sentence might be tolerated; for the person condemned might be considered to yield his rights in such a case for the sake of the public good, which suffers from the loss of conscientious officials. The act of the judge in giving the sentence would be only material cooperation, which is lawful for grave reasons (see 1515 sqq.).

(c) If the law is manifestly opposed to ecclesiastical law, sentence may be given lawfully, if scandal is avoided and the Church yields her right in the case, as is sometimes done in favor of Catholic judges, lest they be deprived of their positions.

1950. May a Catholic Judge Grant a Decree of Divorce?—Apart from scandal or a positive ecclesiastical prohibition:

(a) The judge may grant a divorce to a couple not married validly although they have had a marriage ceremony recognized by civil law. This would occur in the case of Catholics married before a civil magistrate or non-Catholic minister. Also, when the Church has pronounced a marriage invalid, civil divorce may be granted for the sake of civil effects.

(b) Divorce may be granted if the judge knows that one of the parties will invoke the Pauline privilege.

(c) If the judge is morally certain that neither party will attempt remarriage and that the divorce is being sought merely for the sake of civil

effects, he may grant the divorce. In the case of Catholics the consent of Church authorities would be required for this procedure.

(d) If the marriage is valid and it is known that the parties will attempt a new marriage, some consider that a decree of divorce is intrinsically evil, since it but applies a law that attempts, contrary to divine right, to dissolve the marriage bond. Others (and this is the more common view today) distinguish and think that the decree of divorce does not concern the religious obligation of the petitioners, but is simply an official declaration that the state regards the civil effects of the marriage as no longer existing. Under certain circumstances, (e. g., loss of office for refusal to accept a divorce case, loss of prestige, antagonism, etc.), such a decree, in itself morally indifferent, may be permitted.

(e) If there is question of partial divorce (i.e., separation from bed and board) of Catholic spouses, a decree is lawful, the Church consenting, for a reason recognized by ecclesiastical authority, such as adultery.

1951. When Evidence Is Contrary to Personal Knowledge of Judge.—(a) In a civil case, the judge should follow the public evidence rather than his private knowledge; for he acts as a public, not as a private, person. Moreover, the State has the power to transfer property from one to another, when the common good requires this, and the common good requires that civil decisions be based on public evidence rather than on private information. Some moralists deny this conclusion on the ground that it is intrinsically wrong to force a person to pay who does not owe, even though the evidence is against him.

(b) In a criminal case, the judge should follow the evidence rather than his own knowledge, if the evidence calls for acquittal of the accused; for it is better for the public welfare that a guilty man escape than that the judicial order be neglected and a rule admitted that might convict the innocent as well as the guilty.

(c) In a criminal case in which the evidence points to guilt while the judge's private knowledge assures him of the innocence of the accused, the judge must not condemn, if there is any legal way to avoid it. But if the evidence stands and the judge has to pronounce sentence, it is not easy to determine the course that should be followed. According to St. Thomas, the judge should condemn, since he is a public official and must therefore be

guided by the allegations and proofs offered during the trial, especially since public order and respect for law depend on the good reputation of the courts. If judges could disregard at will the evidence offered on account of private knowledge they claimed to have, the confidence of the public in the integrity of courts would be shaken, men would take the law into their own hands, and peace and order on which the happiness of the community depend would be at an end. Moreover, the judge is not guilty in sentencing in this case, since he does not intend evil and acts according to the principle of double effect (see 103 sqq.). According to a second opinion attributed to St. Bonaventure, the judge should acquit, since it is intrinsically wrong to condemn to death a person about whose innocence one is certain. According to a third opinion, which St. Alphonsus considers as probable, the judge should condemn in minor criminal cases in which only pecuniary penalties are imposed (for the State has the right to exercise eminent domain in order to safeguard an important public good like that of respect for the law and the courts); but he should acquit in major cases in which personal punishments are inflicted, for society has no right to deprive an innocent person of life or liberty.

1952. When the Judge Is the Unjust Cause of Damaging Evidence.—In some cases the judge may be the unjust cause of the evidence that convicts an innocent man, as when the judge has committed a crime and thrown suspicion on the accused (Dan, xiii), or when the judge has moved others to testify falsely against a man he knows to be innocent.

(a) One opinion holds that the judge would be obliged to condemn, on account of the reasons just given for the opinion of St. Thomas, if the judge were unable to overcome the evidence. But those who hold this add that this is purely speculative, for in a concrete case there would be many ways by which the judge could extricate both himself and the accused from the difficulty.

(b) Another opinion says that in no case could the judge of the present hypothesis condemn. Those who favor this opinion declare that St. Thomas is to be understood only of the case in which the judge is not the cause of the unjust accusation; for one who has culpably placed a cause of damage is bound to remove that cause before it acts, if this is possible, and in the present instance it is possible for the judge, if all other things have failed, to

free the innocent person by testifying for him, or even by acknowledging his own guilt.

1953. Practical Conclusions about the Three Controverted Opinions Given Above in 1951.—(a) In a case tried according to Canon Law, it seems that the opinion of St. Thomas should be followed, since Canon 1869, n. 2, declares that the ecclesiastical judge must not give sentence unless he is certain about the matter of the sentence, and that his certainty must be derived from the acts and proofs of the trial.

(b) In a case tried according to civil law, it seems that the whole controversy is today very often of little practical importance; for court decisions are now frequently left to jurymen, and these men must either have no private certainty before they are admitted to their office (as is the case in the United States), or they have the obligation of using private knowledge in casting their vote and of communicating it to fellow-jurors during the deliberations (as is the case in some other countries). Hence, the moral question whether it is lawful to decide according to private knowledge against the public evidence largely disappears. But when a case of the kind now considered does occur, the position of the civil law also agrees, it seems, with that of St. Thomas: “Neither the judge nor the jury can consider a private fact of which they have a merely personal knowledge, however important may be its bearing on the issue, unless it has been brought to their attention by evidence properly produced in open court” (Robinson, *Elementary Law*, Sec. 334). But the lightest penalty allowed by the law should be imposed in such a case. If a judge were privately certain that a jury verdict was unjust, he could offer his own testimony or appeal to the pardoning power.

1954. The principle that a judge must be guided only by his public knowledge applies also to other officials who are required to follow the results of a public investigation, but not to those who are required to act according to their best knowledge, whether public or private.

(a) Thus, public knowledge must be the guide of those who are ministers of a court and on whom it falls to execute its decrees; for they are the instruments and subjects of the president of the court. If they have private information of a material and relevant kind, they should disclose it as witnesses.

(b) Private knowledge that is opposed to and more reliable than public knowledge must be the guide of those who are supposed to act according to the most trustworthy knowledge they have. Hence, a superior who has the power to make appointments to office should disregard the votes of his advisors, if he can prove that they are wrong in their opinions about a nominee for office. He may confirm or annul their choice according to his honest conscience.

1955. When Guilt Is Doubtful in Criminal Cases.—In a criminal case or a case in which punishment is inflicted, if the guilt of the accused is doubtful, the sentence should be for acquittal; for no one should be condemned unless his guilt is morally certain (see 1728 sqq.).

(a) Thus, according to Canon Law, an ecclesiastical judge who is not certain that sentence for the plaintiff will be just, must declare that the latter has not established his case and must dismiss the defendant, though exception is made for cases that have the favor of law (such as marriage, liberty, testaments, Canon 1869, n. 4). Canon Law places the burden of proof on him who makes an assertion, and it rules that the defendant is to be acquitted if the plaintiff or accuser fails to prove, even though the person on trial says nothing (Canon 1748).

(b) According to the civil law the rules on evidence also favor the accused in cases of doubt. He must not be held guilty unless the State has proved affirmatively and beyond reasonable doubt every material allegation in the indictment. In capital cases the evidence of guilt must be equivalent in weight and conclusiveness to the direct testimony of two competent and reliable witnesses. A reasonable doubt in the mind of a jurymen is one for which he can give himself an adequate and satisfactory reason (Robinson, Elementary Law, Sec. 608).

1956. Doubt in Civil Cases.—In civil cases, if it is uncertain after the investigation for whom the decision should be given, the following rules seem to be just:

(a) if the parties are unequal in claim, the decision should be for the one whose claim is more weighty; for the judge is appointed by society to investigate the truth of a controversy and to decide according to the merits of the case. Thus, decision should be for the party Whose arguments are of at least equal strength—but who has legitimate possession (for “possession

is nine points in law”), or whose case enjoys the favor of the law (e.g., in Canon Law, the cases of widows, wards, minors), or for the party whose case is stronger and more probable. Innocent XI condemned the proposition that a judge may decide for the side whose arguments are less probable (Denzinger, n. 1152);

(b) if the parties are equal in their claims, some think that property in dispute should be equally divided between the contestants, others that the parties should be persuaded to compromise, or, if this is impossible, that the decision may be given for either one of them. But if positive law regulates the manner of proceeding in such a case, its provisions should be followed. Thus, in Canon Law, if a judge is in doubt as to which one of two competitors has possession, he may grant it to both of them indivisibly, or he may command them to deposit it with a sequester, pending the settlement of the dispute (Canon 1697).

1957. What should be decided when the defendant has possession with probable title and the plaintiff has more probable title?—(a) If the possession is not certain, or not certainly legitimate, decision should be for the plaintiff, for uncertain possession does not create any presumption of right and hence the more probable case prevails.

(b) If the possession is certainly legitimate, the common opinion is that decision should be for the defendant; for certain possession is not overcome by more probable, but only by certain arguments for the plaintiff. Some authors, however, believe that the judge should decide for the plaintiff, since possession prevails only when the arguments are of equal strength on both sides; or at least that he could decide for him, since it is probable that the plaintiff by presenting a more convincing case has sufficiently established his right to eject the defendant.

1958. The Standard by Which a Judge Should Weigh the Evidence.—(a) When the proving force of an argument is settled by the law itself, the legal rule should be followed. Thus, in Canon Law certain kinds of proofs are expressly declared to be demonstrative (e.g., a public instrument not contested, Canon 1816), while other proofs are held to be insufficient or only of partial value (e.g., certain kinds of testimony, Canon 1756). Likewise in civil law public documents are *prima facie* evidence, oral

interpretation of a written document which contradicts its language is not admitted, etc.

(b) When the proving force of an argument is left to the discretion of the judge, he must follow his conscience, that is, he must sincerely and impartially decide to the best of his ability the value of the argument, whether it is decisive, or likely, or Weak. Thus, in judging circumstantial evidence a juryman must use his own common sense and intelligence in determining whether the premises are doubtful or the inference illogical; in estimating testimony a judge must bear in mind the quality of the witnesses and the character of their testimony.

1959. The Moral Obligation of a Judicial Sentence that Is Certainly Just.—(a) It is binding in conscience; for it is merely the application of law to a particular case, and law obliges (see 377). (b) It obliges in virtue of legal justice when the case is only penal, and hence he who is fined by court is held as a duty of obedience to pay the fine; it obliges in virtue of commutative justice when the case is about a strict right, and hence if the court requires an heir to pay a legacy, the latter must make restitution for neglect of this duty (see 1728).

1960. The Moral Obligation of a Judicial Sentence that Is Certainly Unjust.—(a) If the sentence is unjust because it is the application of an unjust law, it produces no obligation in those cases in which the judge cannot lawfully apply the law (see 1949); for an unjust law does not oblige in conscience *_per se_*, but only *_per accidens_* (see 377, 461). (b) If the sentence is unjust because it is not based on the law or the evidence, or because the trial was not conducted fairly, it produces no obligation *_per se_*, but there may be an obligation *_per accidens_*, as when scandal or great public disturbance will otherwise result. Hence, one who through plain injustice is deprived of an inheritance has the right to occult compensation (see 1928), while the other party is bound to restitution of the inheritance (unless he is in good faith or has prescribed) and also to damages, if he went to law in bad faith.

1961. The Moral Obligation of a Judicial Sentence in Case of Doubt.—(a) If the doubt is about fact or law, not about the right of the judge to give sentence (see 1955 sqq.), the sentence may be safely followed; for it is the office of the judge to settle doubtful matters, and to promote the common

welfare by ending litigation. Thus, in doubtful criminal cases the judge sometimes acquits a guilty man, and in doubtful civil cases he sometimes awards property to one who has no right to it; but these sentences are not unjust, since they are based on rules which long experience has shown to be necessary for the public welfare. (b) If the doubt is about the justice of the sentence, there is an obligation of conscience to observe the judgment, since the presumption favors the judge. Were this not so, the authority of tribunals of justice would be at an end, for almost everyone who loses a case thinks that he has been treated unjustly. But one may enter an appeal, where this is allowed by law.

1962. When a Judge Is Bound to Restitution.—A judge is bound to restitution when he causes unjust damage to the community or to litigants (see 1762 sqq.), and hence he must either recall his unjust act, or repair to the best of his ability the harm done. But the conditions for unjust damage must be verified (see 1763).

(a) Thus, the judge's act must be objectively unjust, that is, in violation of a strict right under commutative justice. This happens when he conducts the trial unjustly (e.g., when he neglects the essential procedure, tries without an accuser, and the like) or when he passes unjust sentence (e.g., condemns without proof of fact or crime, or in spite of evidence for innocence, votes for acquittal when there is no reasonable doubt of guilt, imposes penalties that are insufficient or excessively severe, or awards property to one who to his knowledge has no right to it).

(b) The judge's act must be efficaciously unjust, that is, it must be the real cause of the loss sustained by the other person. Hence, there is no duty of restitution if loss does not result (e.g., if the party who is in the right wins in spite of unfairness on the part of the judge), or if loss cannot be traced to the judge's action (e.g., when a judge is not entirely impartial in his charge to the jury, but his words do not influence them, as they would have given an unfair verdict anyway).

(c) The judge's act must be subjectively unjust, that is, the judge must be seriously responsible for the damage on account of his culpable ignorance, negligence, or malice. Even though he has made mistakes through excusable inadvertence or error, he becomes seriously responsible for

damage, if, foreseeing it, he does not do what is in his power to avert it (see 1769).

1963. When a Judge Is Not Bound to Restitution. A judge is not bound to restitution, however, for violations of virtues other than commutative justice.

(a) Thus, charity is offended, but not justice, if the judge has personal hatred against a person before him, but does not permit this to influence his conduct or decisions.

(b) Legal, but not commutative, justice is offended, if the judge is negligent about exemplary damages, provided the common good does not suffer; for there does not seem to be any strict right to the fine before sentence has been given. This is disputed, however, by some moralists, who hold that the judge is under contract with the community in this matter, and hence that he offends commutative justice, if he is habitually and to notable amounts indulgent about fines.

1964. Kinds of Accusation.—From injustice committed by judges we pass now to that committed by accusers. It should be noted that there are two kinds of accusation: (a) extrajudicial accusation is that which is brought before a superior in order that he may correct or restrain, without recourse to judicial process, a subject who is delinquent. This is evangelical or canonical correction, which was discussed in 1293, 1289; (b) judicial accusation, with which we are now concerned, is that which is brought before a judge, in order that redress may be obtained through judicial process against an accused person.

1965. Judicial accusation is also made in two ways. (a) The accuser sometimes does not act as one of the two antagonistic parties, and does not assume the burden of proving his accusation. He makes an official complaint or denunciation, and then drops out of the case, leaving it to the magistrate or other officer to examine whether a process should be instituted and the informer summoned as a witness. (b) The accuser is sometimes one of the two antagonistic parties during the process, and he then assumes the burden of proving his accusation. In Canon Law there are two kinds of processual accusers, the actor in civil cases and the accuser (an official known as the *_promotor justitiae_*) in criminal cases. In American

law, the accuser in cases of private wrong is known as the plaintiff; in cases of public wrong he is the District Attorney or public prosecutor.

1966. The Duty of Judicial Accusation or Denunciation.—(a) If a wrong has been committed which is directly prejudicial to the common welfare (e.g., treason, counterfeiting, banditry), there is an obligation to make accusation, for each member of society is held to come to its assistance when its peace and order are endangered, and this is done by cooperating with the tribunals of justice. Duty to one's family also requires that one prosecute, when this is necessary in order to protect its members against some great evil.

(b) If a wrong has been committed which is not immediately prejudicial to the common welfare, there is not per se an obligation of accusation; for the purpose of accusation is to obtain punishment or the correction of a wrong—an end that should not be waived when the common good is at stake, but which may be waived when private interests are concerned. But per accidens, or by reason of circumstances, there is often an obligation of denouncing or accusing private wrongs.

1967. Cases in Which There Is a Duty of Making Complaint about Private Wrongs.—(a) Such complaint is obligatory in virtue of commutative justice, when by reason of his office, oath, or function a person is under contract to accuse violators of the law; and hence serious negligence in such a person entails the duty of restitution for any damage caused through his fault. Examples here would be a watchman who fails to report thefts, a man serving on the grand jury who does not vote for an indictment when he should, a prosecutor who is careless. The obligation is grave when the danger or injury to the common good is serious.

(b) This complaint is obligatory in virtue of legal justice, when there is a positive precept of the law which requires that accusation be made. The civil law rarely obliges to this as a duty of conscience, but there are a number of cases in Canon Law in which it is a duty of conscience to denounce (e.g., when there has been a sollicitatio ad turpia).

(c) This complaint is obligatory in virtue of charity, when without serious inconvenience one can thereby save a neighbor from a grave evil, such as unjust sentence of death or infamy: “Deliver them that are led to death”

(Prov., xxiv. 11); “Rescue the poor, and deliver the needy out of the hand of the sinner” (Psalm lxxxii. 4).

1968. Is a Malefactor Bound to Accuse Himself?—(a) As a rule, he is not bound to confess guilt, either explicitly or implicitly, for this is too much opposed to natural inclination, and hence is not demanded by law (see 552). This seems to be true even though an accused has unjustly declared himself innocent, and has not been questioned further or has been acquitted; for legal justice obliges the accused to give a true answer only when he is being questioned (see 1978). In Canon Law those who would sustain damage from their own testimony are not bound to take the witness stand, and hence persons who reasonably fear that their evidence will subject themselves or their relatives to infamy, vexation or other disadvantage cannot be forced to testify (Canon 1755, n. 2). In civil law one may not be convicted on one’s own testimony alone, unless the confession was voluntary, that is, made neither under fear, nor with the hope of favor, nor as the result of any species of coercion (Robinson, *Elementary Law*, Sec.608).

(b) In exceptional cases, one would be bound to accuse oneself, namely, if there were a grave and urgent necessity of the community which outweighed the loss that would follow from self-accusation (see 1576, 1577). Self-accusation is also a duty when one is the gravely culpable cause of the punishment of an innocent person, if there is no other lawful way of freeing him, and the self-accusation will not bring on one a much more serious evil than that which the innocent person suffers.

1969. Ethical Conditions for Lawful Accusation or Denunciation.—(a) There must be no injury to the common welfare. Hence, if the order and peace of society would be disturbed by the accusation of a crime which was private and from which no further damage could be anticipated, it would be better to leave this occult crime unpunished rather than bring on greater evils to the public.

(b) There must be no injury to private welfare. Hence, if the accuser does not believe that his accusation is just, or if he knows that there is no suitable evidence for his charges, or if he is excluded by law from making an accusation (e.g., when his knowledge has been derived from the confessional or in other confidential ways), it would be unjust to accuse; if the offender offers to make full satisfaction for a private wrong and has

already amended, or was not accustomed to commit such wrongs, or if the loss he will suffer from the accusation will be far in excess of the wrong he has done, it would be uncharitable to make formal accusation (see 1200, 1201).

1970. Persons Who May Not Act as Accusers.—Generally speaking, the following persons are naturally incapable of acting as accusers: (a) those who are guilty of greater misdeeds or who are infamous, since it is unbecoming for them to accuse; (b) those who are enemies of the other party, since they are swayed by spite or revengefulness; (c) those who are near relatives of the other party, since it is unnatural for them to attack their own flesh and blood.

1971. In Whose Favor May One Denounce a Private Wrong?—(a) One may denounce it in one's own favor, for one is not obliged to sacrifice one's right to redress, and hence accusation is permissible (see 1199). Those who are considered as one person with the injured party may accuse for him, such as parents, husband, wife, children.

(b) One may denounce a private wrong in favor of an innocent third party, as when an innocent person is being harassed by oppression, even though one can defend him only with notable inconvenience to oneself (see 1967).

(c) One may denounce a private wrong in favor of the guilty party himself, as when he is guilty of offenses that are harmful only to himself (e.g., drunkenness, impurities), if he has a bad reputation already or his delinquencies are manifest.

1972. Accusation and Fraternal Correction.—Whether obligatory or permissible accusation should be preceded by a fraternal correction is controverted among moralists. But perhaps the two opposite views may be reconciled as follows:

(a) per se, that is, in view of the purpose of accusation (punishment, vindication of justice, example), there is no duty of previous fraternal admonition, since the purpose of the admonition is the amendment of the wrongdoer (see above, 1289, 1293);

(b) per accidens, that is, in view of the circumstance that there may be hope of correcting the wrongdoer and of averting evil, and that punishment

may not be very necessary to the public welfare, previous fraternal correction for secret delinquencies may sometimes be a duty of charity.

1973. Unjust Accusation.—Injustice in accusation is committed in the following ways: (a) injury is done the accused when a crime is falsely imputed to him through malice (calumny), or through a too great readiness to believe rumors (rashness); (b) injury is done the community if one whose duty it is to conduct a prosecution makes only a sham attack or colludes with the defense (prevarication), or if without good reason he abandons the prosecution (tergiversation).

1974. Cessation of Duty of Accusation.—The duty of accusation ceases: (a) when accusation is found to be unjust, for example, when the prosecutor discovers the accused is really innocent, etc. (see 1969); (b) when accusation is found to be useless, for example, when one discovers that the authorities are already aware of the fact about which one intended to give information, or when one perceives that the charge cannot be substantiated.

1975. The Defendant.—The party who is required to make answer to the charges of the plaintiff or prosecutor is known as the defendant or the accused. We shall now speak of the ways in which he may be guilty of injustice, and shall consider the following cases: (a) the defendant in civil cases; (b) the accused in criminal cases who is innocent; (c) the accused in criminal cases who is guilty.

1976. The Duties of the Defendant in Civil Cases.—(a) Before Sentence.—If the cause of the plaintiff is clearly just, the defendant as a matter of justice should recognize the claim and withdraw from the case. But a defendant may take exception to arguments offered by the plaintiff which, though actually valid, are not juridically made.

(b) After Sentence.—If the cause of the plaintiff is clearly just but loses in court, the defendant is obliged in conscience to pay the claim, even though the plaintiff does not appeal the case; he is also obliged in conscience to indemnify the plaintiff for the expenses of litigation, if the latter lost the case on account of unjust means employed by the defendant.

1977. The Duties of One Who Has Been Arrested on a Criminal Charge.—(a) If the accused person is innocent, he may take to flight or even offer positive resistance, provided he does no injury to those who attack him, and

public scandal or disorder does not result from the resistance. This is according to natural law, which permits one to use self-defense against unjust aggression; but since the positive law requires the accused to submit to arrest that is not manifestly unlawful and empowers the officers to employ force against those who resist, it seems that generally the accused should permit himself to be taken under protest, if he cannot escape.

(b) If the accused person is guilty, he may take to flight, since he has not yet been sentenced as guilty nor officially deprived of his liberty; but he may not offer resistance to those who are sent to apprehend him, since their aggression against him is not unjust. The accused person, if not yet convicted, may even use indifferent means to escape from prison, such as sawing his way out or eluding the vigilance of the guards; but he may not employ sinful means, such as bribery of officials.

1978. Duty of the Accused to Plead Guilty, if Questioned by the Judge.—
(a) If the accused is innocent, he may not plead guilty, as is clear. If to escape most grave evils he did plead guilty, he would be guilty of lying (if under oath, of perjury), but not of self-defamation; for, as the owner of his reputation, he has the right to sacrifice it in order to escape greater evils. Neither would he be guilty of suicide, according to some, if the death penalty were the consequence of the confession; for his purpose would be to avoid what he dreaded more than death.

(b) If the accused is guilty, he must reply truthfully, if the judge has the right to ask the question; for if the judge has the right to question, the accused has the obligation to answer, even though unpleasant things will befall him in consequence.

(c) If the accused is guilty, but the judge has no right to ask about his guilt (that is, if the judge does not question juridically or according to law, or if he questions from a false presumption of guilt), or if the accusation cannot be proved juridically, the accused is not obliged to answer. He may keep silence or evade the truth, but it is not lawful to lie.

1979. Legal Right of a Judge to Question a Prisoner about His Guilt.—
(a) According to older legislation a judge had this right, and could enforce it by torture, when the common good was involved and the guilt of the prisoner was likely on account of infamy or manifest indications of crime or half-proof of guilt. In itself, this practice was not opposed to natural law and

had some good results; but it was open also to many abuses. Some moralists teach that a judge cannot impose a grave obligation of confessing guilt in capital or similar cases, if the accused has otherwise a hope of escape and no great evil is likely to befall the common interests by reason of an acquittal. They argue that human law cannot oblige so rigorously as a rule.

(b) According to modern civil legislation the right of exacting a confession is denied to a judge. Thus, according to American law no person may be compelled “in any criminal case to be a witness against himself” (Constitution, Article V). In American law the plea of not guilty is not a lie, even though the accused knows that he is guilty, for, as everyone understands, the plea means either that one is innocent or that one is using the privilege of not confessing. Neither is it considered a lie to say that an unprovable charge is a calumny, for an accusation that cannot be proved juridically is juridically a calumny.

(c) The general law of the Church rules for ecclesiastical processes that, when the judge questions the parties-litigant, they are obliged to answer and to confess the truth, unless the question is not legitimate (e.g., questions about irrelevant or privileged matters, or questions made in a captious or leading manner), or the answer would incriminate the parties themselves (Canon 1743). Neither is an ecclesiastical judge permitted to put an accused in a criminal case under oath to tell the truth (Canon 1744). An instruction of the Holy Office of 1866 required that the guilty party in a case of solicitation should confess, but the instruction was directive rather than preceptive. Particular law (e.g., the statutes of a Religious Institute) might perhaps prescribe confession by an accused, but most Constitutions of Religious Institutes bind only under penalty, and, as for the rest, an ecclesiastical superior could at most advise, but could not impose, confession by an accused.

1980. Rights and Duties of Accused in Conducting His Own Defense.—

(a) In Reference to Judge or Attorneys.—The accused, if questioned, may not conceal the truth by lies, ambiguities, or half-truths, since these are evil means, nor may he use evasion if he is lawfully interrogated. But if the question put to him is unlawful, he may evade an answer. It is commonly held that lies told in giving testimony or evidence are not necessarily mortal sins, as there may be no perjury committed or grave harm done another by

reason of them (e.g., when an innocent man “doctors” a paper and thereby without harming anyone escapes from an unjust sentence).

(b) In Reference to the Opponent or His Witnesses.—The accused has the right to disclose secret but real crimes of the accusers, when this is an exercise of his legal right of taking exception to the witnesses as incompetent, or of his natural right of clearing himself of the charge against him. It makes no difference whether the evidence of the accusers is true or false, whether given according to the order of law or not. But he must not go beyond the limits of moderate self-defense (see 1826). Innocent XI condemned the proposition that it is probable that calumny may be used without mortal sin as a defense of one’s justice or honor (Denzinger, n. 1194).

1981. If the accused objects secret crimes of the opposition, he must beware of injustice or uncharitableness. (a) Thus, it is unjust to disclose crimes that cannot be proved, or that are irrelevant (e.g., it may be irrelevant to prove that the person who testifies that the accused committed murder is himself a fornicator, but it would be relevant to show that this witness is a liar, or dishonest, or an enemy of the accused), or that need not be revealed (e.g., if the witness’s testimony can be overcome by showing that the witness is weak-minded or under obligations to the opposition, it is not necessary to defame him).

(b) It is uncharitable to disclose a crime, if the witness will suffer far more from this defamation than the accused would suffer from the testimony. If, however, the witnesses are giving false evidence of their own accord, they take the risk of revelations by the defense.

1982. Rights and Duties of an Accused Who Has Been Found Guilty.—(a) Appeals.—It is lawful to appeal from a sentence that is unjust (whether because of the innocence of the accused, or of the illegality of the process), because appeal is a means of self-defense granted to the innocent. It is not lawful to appeal from a sentence that is certainly just, merely in order to cause delay or to defeat an adversary; but one may make an appeal when there are just reasons (e.g., in criminal cases the hope of getting an easier sentence or of prolonging life, in civil cases the discovery of new proofs, or of probable arguments against the sentence given). But one who has pledged his word not to appeal from the decision of an arbitrator should

abide by his promise, and there is no appeal from the final decision of the highest court, which in the Church is the Roman Pontiff (Canon 1880), and in the State the Supreme Court.

(b) Escape from Prison.—If the sentence was unjust, it is lawful to escape, unless the means employed are intrinsically evil (e.g., killing of guards), or the results will be more harmful than continuance in prison (e.g., the overthrow of public order, the too great risk of the attempt to escape). If the sentence was just, there are various opinions on the lawfulness of flight. Some think it is never lawful, because a just sentence is a precept of authority and should be obeyed; others think that flight is lawful in grave cases (e.g., when the prisoner has been sentenced to death or to life imprisonment, or when the conditions of prison life are unbearable, because human law cannot impose as a normal regulation what is too difficult for human nature); still others think that flight is always lawful, because the court sentence is that the prisoner be forcibly confined, not that he remain in prison voluntarily. But one is not necessarily bound to escape (see 1857).

(c) Resistance to Sentence.—If the sentence is unjust, resistance is not unlawful *per se*, because one has the right of self-defense against unjust aggression (Ezech. xxii. 27). Hence, if one were condemned to execute oneself (e.g., by taking poison), the common opinion is that the sentence would be unjust (see 1856), and therefore not obligatory. If the sentence is just, even though it be a capital sentence, resistance is not lawful, for the judge who duly pronounces sentence on a guilty man has the right to obedience (Rom., xiii. 1-5).

1983. Jail-Breaking and Restitution.—If one does not sin by jail-breaking, is one bound to restitution for the damages connected with the escape?

(a) If the damages are not caused by, but only follow accidentally on the flight (e.g., escape of other prisoners, dismissal of guards), there is no obligation to make restitution for them; for the flight would not be the efficacious or the unjust cause of such damages.

(b) If the damages result from the flight as from their efficacious and unjust cause, there is an obligation of restitution (see 1763), as when a prisoner, in order to escape, does needless damage, or damage out of all proportion to the evil from which he seeks to escape. But ordinary property

damage, such as a hole cut in a wall, does not seem unjust, if there is no other way to get out.

1984. Reliability of Witnesses and Testimony.—A witness in court is a person who declares during a judicial proceeding that he knows some statement, deed or omission in reference to the matters at issue. The testimony of witnesses has proving force only in so far as these persons appear to have knowledge of the matters on which they testify and appear to be truthful. Hence, certain kinds of witnesses and certain kinds of testimony are unreliable.

(a) Thus, a witness is unreliable either through his own fault (e.g., if he is regarded in his community as below the standard in truthfulness, or has the reputation of being a calumniator) or without his own fault (e.g., if his powers of observation or his memory are subnormal, or he is devoted or hostile to or dependent on one of the contending parties). It is a duty, indeed, to presume good of a person in whom the opposite does not appear, if he is the only one whose interests are concerned; but when there is danger to a third party, one must be on one's guard (see 1744). Hence, St. John admonishes not to believe every spirit (I John, iv. 1).

(b) Testimony is unreliable because of the number of the witnesses (e.g., one witness is often legally insufficient to prove, especially in graver matters), or the quality of their evidence (e.g., because in substantial points a witness contradicts himself or is contradicted by his co-witnesses, or because there are signs of collusion or conspiracy), or the counter-evidence of the opposition.

1985. Obligation of Freely Appearing as a Witness.—(a) There is an obligation of commutative justice to offer testimony, if one is under contract to do this, as when one is hired as a detective or agent to gather evidence against lawbreakers.

(b) There is an obligation of legal justice to testify, even at the cost of serious inconvenience, if the testimony is necessary for averting a serious evil that threatens the common welfare. A person who knows of a plot against the peace of the State should bring this to the notice of the authorities, even at the risk of his life. But a person who knows that a crime has been committed, is not bound to give witness about it, if the escape of its author will not be a serious detriment to public or private welfare (e.g., if one knows that an apparent case of suicide was really a homicide committed by accident).

(c) There is an obligation of charity to testify (but not at the cost of serious inconvenience), if the testimony is necessary for averting a serious evil that threatens a private person. A person who can prove that the evidence which is about to hang an innocent man is false should testify for the accused, unless the testimony will bring an equal evil upon himself.

1986. Obligation of Appearing under Lawful Citation to Give Testimony.—(a) He who avoids citation (e.g., by flight into another jurisdiction, by concealment of his person when the subpoena is being served), more probably does not violate legal justice by this act, since a precept that has not been received cannot be violated. (b) He who disregards citation offends legal justice, since the summons to appear has a claim on his obedience. But it does not seem that he violates commutative justice, unless the party for whom he could testify has a strict right to the testimony.

1987. Obligation of Witness to Answer Truthfully.—A witness who is questioned legitimately (i.e., by one who has the authority to question him) and juridically (i.e., according to the form and order prescribed in law) is obliged *per se* to answer according to the truth as he knows it, for one is bound to obey a superior when he gives a lawful command. But there are exceptions to this rule *per accidens*, that is, when a higher law exempts one from the necessity of divulging a certain matter, or when the question asked refers only to what one knows juridically. In all these cases the witness may answer that he does not know, for he has no knowledge that he may, or should, or must use.

(a) Thus, the natural law permits reticence when a revelation would work notable damage to the witness or those closely related to him, for the command of a superior does not oblige under such great inconvenience. This supposes, of course, that the revelation is not required in order to prevent a great harm to the commonwealth or a far greater harm to a private person than that which threatens the witness. A person who knows that he will be assassinated if he testifies against a powerful criminal is not ordinarily bound to make the sacrifice. Canon and civil law excuse witnesses from making disclosures that would expose them to prosecution or penalties (see Canon 1755, Sec. 2, n. 2).

(b) The natural law commands reticence when a revelation would be injurious to divine, public or private rights.

1988. Matters Regarding Which a Witness Should Not Testify.—There are certain cases in which natural law forbids a witness to make known a fact about which he is questioned.

(a) A witness may never testify to matters known to him only from Sacramental Confession, for to break the seal of confession is an injury to

the rights of God. In an ecclesiastical process a priest may not testify from Sacramental knowledge, even though he has the penitent's permission (Canon 1757, Sec. 3, n. 2).

(b) A witness may not testify as a rule to matters that are known to him only in a confidential way, such as the communications between lawyer and client, physician and patient; for the public interest as well as the interest of individuals requires that generally there be security against defamation for those who give their confidence to others, especially if they are in great need of professional assistance. Privileged communications are recognized both in Canon Law (Canon 1755, Sec. 2) and in civil law. But knowledge obtained as a secret may be used when this is necessary in order to avert a great evil that threatens the public welfare or the welfare of an innocent person, whether this person be the giver of the secret, or a third party, or oneself; for to oblige to secrecy in these cases would be to throw protection around crime. Thus, a lawyer may make disclosures of confidential knowledge, if this is necessary in order to defend himself against the false accusations of a client, or to prevent a crime which the client intends to commit.

(c) A witness may not testify to matters about which he has unjust knowledge (e.g., by wire-tapping, by unjust coercion, by intoxicating another person, by reading private papers without permission), for, as the knowledge was unjustly acquired, it cannot be justly used (see 2420).

1989. There are also certain cases in which a question refers only to what the witness knows juridically, or in which he is called upon to answer according to the mind of the questioner.

(a) If the witness is asked to state what he knows about a case, he is not obliged to mention what he merely thinks or what he is uncertain about; and if he is asked what he has heard, he is not obliged to state what was told him by persons of poor authority.

(b) If he is asked whether the accused was to his knowledge guilty of a crime, he is not obliged to mention an act of the accused that was unlawful but done in good faith. But in a civil case, in which inquiry is made about juridical faults, the witness should testify even to the existence of delinquencies in which there was no element of theological fault.

(c) If he is the only one who has knowledge of a delinquency and it will be certainly useless for him to testify about the matter without corroboratory evidence, it seems that he may keep silence about what he knows. But if the testimony of one witness is sufficient according to law, then the witness should speak of the facts known to him.

1990. Sinfulness of False Testimony.—When we speak of false testimony, we mean testimony which the witness knows to be false.

(a) By reason of his false oath, the witness is guilty of perjury, which is a grave sin against the virtue of religion.

(b) By reason of the injury done by the testimony, the witness is guilty of injustice, which from its nature is a grave sin. In the Decalogue (Exod., xx. 16) false testimony is forbidden among the sins against justice: “Thou shalt not bear false testimony against thy neighbor.” Legal justice is offended, since false testimony is an act of disobedience to lawful authority, and usually commutative justice is also violated, since by false testimony one of the litigants as a rule suffers loss.

(c) By reason of the deliberate falsehood, the witness is guilty of lying, which, however, is not always a grave sin.

1991. It may happen then, though rarely, that false testimony is only a venial sin, for example, when the witness is not under oath and he gives false testimony in a matter of small importance, or without full deliberation on what he is saying, or when he forges or corrupts a document to supply for another that has been lost and from which his certain right could be proved.

1992. Obligation of Witness to Make Restitution.—The obligations of restitution by a witness on account of failure to perform his duties properly are as follows:

(a) if the witness has not sinned against commutative justice, there is no obligation of restitution (see 1753). Hence, if he has evaded testimony to which he was bound in legal justice or charity alone, he is guilty of sin, but he is not held to restitution. Similarly, if he has given false testimony and thereby deprived the State of a fine under a penal law, or saved a guilty party from punishment, he has sinned against legal justice, but is not obliged to make good the fine or pay damages;

(b) if the witness has sinned against commutative justice, materially but not formally, he is not the gravely guilty cause of damage, and hence is not obliged from justice (but there may be an obligation from charity) to make restitution (see 1764). But if he perceives that his testimony was materially or venially unjust and will cause serious damage, he is obliged to recall his testimony, or in some other suitable way prevent the damage, if this is possible (see 1769);

(c) if the witness has sinned against commutative justice formally, he is the efficacious and culpable cause of the damage that results, and hence is bound to restitution, unless there is an excusing cause (see 1797 sqq.). Thus, if false testimony, or testimony about matters which the witness had no right to disclose, has led to the death sentence for an innocent man, the witness who gave that testimony must retract, even at the risk of his own life; for in equal danger the rights of the innocent have the preference. Again, if Titus by false testimony has saved Balbus from paying damages for injury done to public property, Titus must make restitution for the loss caused, if Balbus will not make reparation.

1993. Is a witness guilty against commutative justice when he unlawfully conceals facts and damage results thereby to another person? (a) If by concealment is meant the destruction of evidence (e.g., the burning of a will or letter or forging), the witness or other person responsible is guilty of a positive act of commutative injustice and is bound to restitution. (b) If by concealment is meant silence about material facts that the witness is lawfully called on to disclose, distinction has to be made between the witness who is not obliged from contract to give evidence and the witness who is so bound. The former witness is a negative cooperator and sins against legal justice and charity; the latter witness is a negative cooperator and sins against commutative justice (see 1780).

1994. Payment of Witnesses.—Is a witness permitted to accept pay for giving true and lawful testimony?

(a) For the testimony itself a witness may not accept pay, for he is bound to tell the truth freely, just as the judge is bound to dispense justice freely.

(b) For the expenses he incurs and the time he loses by reason of his assistance in court, he may accept pay; since, as St. Paul says, he who does a service for another is not required to meet the expenses of the service (I

Cor., ix. 7). Both Canon and civil law make allowances for suitable compensation to be granted to witnesses (see Canons 1787, 1788). But if a witness receives compensation in excess of what is allowed by law, the court and the adverse party have a right to be informed of this.

1995. Lawyers.—Lawyer is the general term used to designate all those who are versed in the law and who give assistance to others in legal ways during lawsuits or apart from them.

(a) Thus, apart from lawsuits a lawyer may act as legal adviser, giving instruction, information or direction on rights and duties under the law.

(b) During a lawsuit he advises about the case (jurisconsult) or carries on for clients the prosecution or defense in a court of justice. The lawyers who attend to only the more mechanical parts of a suit are sometimes called attorneys, in distinction from counsellors or counsel, who argue and plead in the courtroom, but generally “attorney-at-law” and “lawyer” are synonymous terms. The counsellors are known in England as barristers when they conduct cases in superior courts; they are called solicitors in chancery, and advocates in Roman law. Canon Law distinguishes between the advocate who defends, and the procurator who represents, a litigant; the former argues for his client by invoking the law in his favor; the latter acts merely as the representative of his client and is restricted by his commission.

1996. The Qualifications of Lawyers.—(a) The mental and moral requisites are competency in the knowledge of their profession and devotion to justice, morality, the constitution, and law (see 1943). A lawyer should be zealous for the dignity and reputation of the bar and loyal to associates, but not afraid to take action against practices that are detrimental to his honorable profession.

(b) The legal requisites for practising as a lawyer vary with the place or government. In Canon Law, it is necessary that an advocate be a doctor or expert in ecclesiastical jurisprudence, that he be twenty-one years of age, duly approved, etc. (see Canons 1657 sqq.).

1997. The Duties of a Lawyer in Introducing Cases.—(a) He may not stir up litigation, as a means of bringing himself occupation and gain. The Catechism of the Council of Trent, Translated into English with Notes

(Joseph F. Wagner, Inc., New York City, 1923), p. 475, denounces this practice as among the chief violations of the Tenth Commandment. Among lawyers it is regarded as unprofessional, and at common law it is an indictable offense.

(b) A lawyer may not take or assist an unjust cause—one, namely, that is in opposition to moral or positive law, as when a party comes to him with the request that he conduct a spite case whose purpose is to harass or oppress an innocent person. He who defends injustice is a cooperator, and is therefore guilty (see 1779). But if a case has a good foundation in law, the lawyer is not bound to inquire into the subjective dispositions or the conscience of the client in the matter, and he may take the case even though he does not know that the client is in good faith.

(c) A lawyer should not refuse a just cause, merely because the person he is asked to assist is indigent or not in favor. Commutative justice does not oblige him to offer his services to one in need of them; but there is a duty of legal justice to give his best efforts if he is appointed as counsel for a poor person, and also at times a duty of charity to do this if he is asked for legal help by one who is in need.

1998. The precept about works of mercy, being affirmative, does not oblige for every instance, but only when the due circumstances of time, place, opportunity, etc., are present. Hence, a lawyer is not obliged by charity to devote himself to every deserving case that is presented to him (see 1227). (a) Thus, as to place, charity does not require that one go about looking for the needy, but that one help those who are at hand. (b) As to time, charity does not require that one take care of future needs, but that one help those who are in present distress. (c) As to persons, charity does not require that help be given to all alike, for some have a greater claim on one's charity than others (I Tim., v. 8). (d) As to need, charity does not command that help be given those who can easily help themselves, or who can obtain it from third parties who are better fitted to bestow it.

1999. Charity does not oblige to works of almsgiving, if the inconvenience to the donor is out of proportion to the distress from which the donee is rescued (see 1158). The inconveniences that correspond with the various degrees of distress are thus explained by theologians:

(a) if distress is extreme (e.g., a prisoner is about to be sentenced to death unjustly), a proportionate inconvenience is, according to some, a grave loss, or, according to others, the loss of at least a part of the necessities of one's state (see 1231, 1251);

(b) if distress is very grave or grave (e.g., an accused man will be sentenced unjustly to a long and harsh imprisonment), the loss of goods without which one's state of life cannot be maintained so becomingly is, according to one opinion, not excessive; but, according to another view, any notable loss or inconvenience is excessive;

(c) if distress is ordinary (e.g., an accused will be unjustly sentenced to a small fine), the loss of goods that are purely superfluous is, according to some, a proportionate inconvenience, but others think that only such assistance need be given as will cause no inconvenience whatever, such as advice or other service given during spare times.

2000. When Is a Cause to Be Regarded as Unjust?—(a) In civil cases the suit or defense is unjust when it clearly has no moral right. A lawyer who recommends litigation in a case of this kind is unjust to the adverse party, if that party loses; he is unjust to his client, if the client loses and is thus put to unnecessary expense. Generally speaking, a Catholic lawyer ought not to accept a divorce case. The lawyer's position is different from that of a judge. Occasionally a judge cannot refuse a case without serious inconvenience to himself (see 1949, 1997); the lawyer, however, is free to accept or refuse these cases. The general prohibition is founded on the fact that in this country most divorce cases are means to an invalid remarriage. Some theologians argue that since it is the remarriage, not the divorce, that is intrinsically evil, a lawyer might accept a divorce case for a very grave reason, e.g., to relieve desperate financial conditions. In practice, however, owing to the danger of scandal, the exception would be rare. Exceptions which are possible include cases where divorce is sought for a marriage that is invalid *_coram ecclesiam_*, e.g., civil marriage of Catholics, or simply for the settlement of civil effects Where no danger of remarriage is involved. In all cases involving Catholics, the lawyer should bear in mind the necessity imposed upon Catholics by the Third Council of Baltimore to consult ecclesiastical authorities before seeking civil separation from bed [and board.]

(b) In criminal cases the prosecution is unjust if the accused is clearly innocent. But the defense is not unjust, even though the accused is known to be guilty, for both natural and positive law give the accused a right of defense, and hence he may choose or may be given an advocate, in spite of his guilt.

2001. Duty of a Lawyer When the Justice of a Cause Is Doubtful.—(a) In a civil cause, the lawyer may act, whether for the plaintiff or for the defendant. He may even take a case whose justice seems less probable, for the purpose of the trial is to settle the doubt, and not infrequently the cause that seemed doubtful or less probable at the outset is vindicated by the examination. Some moralists distinguish for cases in which the doubt is one of fact between the defendant and the plaintiff: if the former's case is less or equally probable, they say, one may take it, but not so if this is true of the latter's case.

(b) In a criminal case, when life, reputation or other grave issue is involved, the common opinion is that a lawyer may not prosecute if the case of the people is doubtful or less probable, but he may defend, as was just said, even though he is certain that the accused is guilty. The office of the prosecutor is not necessarily to secure a conviction, but to see that justice is upheld, while the office of the defender is to take care that an accused person is deprived of no right or protection that he should have under the law.

2002. If a lawyer through ignorance takes an unjust case, thinking it just, he is excused or not excused according to the character of his ignorance (see 28, 249). (a) Thus, antecedent ignorance excuses from sin and restitution; (b) concomitant ignorance excuses from restitution, but not from sin; (c) consequent ignorance excuses from neither sin nor restitution, if it is crass or affected, but it diminishes responsibility, if it is only slightly sinful.

2003. Duty of a Lawyer Who Discovers that a Case Is Really Unjust.—(a) A lawyer who took a case in the belief that it was just, but discovers that it is really unjust, owes it to himself to abandon the case, for he cannot honorably cooperate with iniquity. The same principle applies, if a client insists upon unjust courses in the support of his case, even though the cause itself be just.

(b) The lawyer owes it to his client in the hypothesis we are considering to preserve the latter's confidence inviolate (see 1988). He should endeavor to persuade the client to abandon the case; but since the client's case is unjust, he may not recommend a compromise, except perhaps in reference to expenses.

2004. Lawyer's Duties towards Client.—Since every contract depends on the mutual consent of the contractants, and since the purpose of the person who retains a lawyer is to receive honest advice and assistance and to give in return a fair compensation, it follows that the lawyer's duty to a client is to give what is thus expected and not to exact more than this deserves.

(a) Before the case the lawyer should be perfectly candid with the client as to the advisability of litigation or of the employment of himself as counsel in the case. If there is a reason why he would be a less desirable advocate in the case, he should speak of this, so that his consultant may have freedom of choice. He should also study the question presented to him, and give his honest opinion on the strength of the case. If a fair and amicable adjustment outside of court can be made, the lawyer should recommend that this be done, and if it is not clear which party is right, he should advise a compromise.

(b) During the case the lawyer should be faithful to the interests of his client and diligent in the affairs for which he is engaged. Loyalty demands that the advocate give his undivided devotion to his client (e.g., he may not give assistance to the adverse party, he may not receive gifts or compensations from that party; see Code, Canons 1666, 2407), and that he respect the client's confidences (e.g., he may not use to the client's disadvantage the information given him). Diligence requires that the lawyer use his best ability and efforts to the end that the client, no matter how poor or unpopular or persecuted, may receive all the remedies or defenses that the law grants him, and that his case may be terminated with all possible speed.

(c) After the case he should be honest in his charges and true to the confidence that was reposed in him. The compensation for the lawyer's services should be just, that is, a fair return for what he gave. The amount of the fee should be fixed, therefore, by such standards as the law or custom, or by the value of that which the lawyer devotes to the case (e.g., his time

and labor, his loss of other employment or prospects, the risk he takes in undertaking the case), or of that which the client receives (e.g., the amount which he gains, the benefit he receives). The wealth of a client does not justify an excessive charge, but the poverty of the client makes it a duty of charity at times to lessen the charges or to make no charges at all (see 1236-1239). It is clear that a lawyer should not compensate himself from the client's business contrary to the latter's just wishes.

2005. Lawyer's Duties towards Other Parties.—The duties of the lawyer to his client do not exempt him from certain duties to other persons who have a part in the trial; for he is responsible to his own conscience and cannot act on the principle that he must win at any cost, or that the client takes all the blame for anything dishonorable that is done.

(a) Thus, respect is due to the judge and politeness to the opposite party, his lawyers and witnesses. Abusive language and improper personalities, therefore, should not be resorted to, and customary courtesies should be shown.

(b) Truth and fair dealing are due to those to whom or against whom the pleading is directed. It is contrary to truthfulness to cite statutes or decisions that are no longer in force, to misquote laws, testimony or the language of opponents, to assert as a fact what has not been proved, to introduce false witnesses or documents, to coach clients or witnesses in untrue stories, to resort to quibbles or sophistry, etc.; it is unfair to attempt to gain special favor from a judge or a jury, to make improper statements or remarks with a view to influencing the jury or the bystanders or the public; to conceal the arguments upon which one relies until the opposition has no opportunity to reply; in a word, to practise any of the tricks of pettifoggery.

2006. Concealment of Truth in Presenting a Case.—Is concealment of the truth in the presentation or defense of a case sinful?

(a) If concealment is not unjust or mendacious, it is lawful. Indeed, a lawyer should conceal such facts as would be harmful to his own case (e.g., incidents that are really of no moment, but that would create prejudice against his client), or as he has learned in confidence. This is not unjust, since the opposite party has no right to the knowledge, and it is not deception, since it does not cause but merely permits others to draw erroneous conclusions. Neither is an advocate bound in justice to point out

to the opposition matters favorable to their case, of which they are ignorant or which they do not notice.

(b) If concealment is unjust or mendacious, it is unlawful. Thus, if a lawyer discovers that serious fraud has been practised or that the court or the opposition has been harmfully imposed upon, he is unjust if he takes advantage of this through silence. Similarly, a prosecutor is unjust if he suppresses facts or testimony or papers that would establish the innocence of an accused person.

2007. The Sinfulness of Introducing False or Corrupted Documents.—(a) Truthfulness is sinned against by this practice, whether the document be entirely fictitious or a copy substituted for an original that has been lost, or an authentic instrument has been changed or interpolated (see 1980 a, 1991).

(b) This practice is also against legal justice, since the law requires that no misrepresentations be made about the evidence produced. Indeed, this is a very serious matter, for, if it were ever permissible to tamper with documentary evidence, a way would be opened to frauds innumerable to the great detriment of the public.

(c) Commutative justice is offended by this form of dishonesty, if the cause defended is not certainly just; for the opposite party, since justice is perhaps on his side, has the right that he be not defeated by untruthful means. But if the cause defended is certainly just, there is not per se any violation of commutative justice, since the adverse party is not deprived of anything that is his, but is rather prevented from doing injustice; per accidens, though, there might be commutative injustice (e.g., if the use of a forged exhibit was known to be risky and did actually lose the case for a client).

(d) Charity to self is violated by this deception, since a lawyer should not value his client's interests above his own conscience, reputation and prospects.

2008. When a Lawyer Is Bound to Restitution.—(a) Unjust damage obliges to restitution (see 1763), and hence a lawyer must indemnify his client or the opposite party for the losses either one suffers through his unjust conduct. The client has a right to restitution if he was put to

unnecessary expense because his lawyer did not tell him the case was hopeless or too risky, or if he lost a case because the lawyer was very incompetent or negligent or helped the opposite party, or if he was injured in his reputation or prospects by the violation of his confidences. The opposite party is entitled to restitution if he lost a right or was condemned because the lawyer unjustly took the case against him, or if he suffered other injuries because the lawyer employed foul means to his disadvantage. If a lawyer acts as the mandatary of his client in the use of injustice, the duty of restitution rests primarily on the client and secondarily on the lawyer (see 1783); if the lawyer alone is guilty, he is responsible for all the damage done. There is no duty of restitution if only legal justice is violated (e.g., if some deception is practised in order to win for the side that is in the right), or if charity is wronged (e.g., if one refuses to take the case of a person who is in need).

(b) Unjust possession also obliges to restitution (see 1770), and hence a lawyer who appropriates goods of his client against the latter's right, or who charges exorbitant rates for his services, or who drags out a case for lucre's sake, or who has not refunded when he withdrew from a case, should restore his ill-gotten goods. If the amount of a fee is settled by law, an attorney who takes more than the legal sum does not necessarily incur the duty of restitution. All will depend on the character of the law, whether it is penal or preceptive, and if preceptive, whether it obliges in virtue of legal or of commutative justice.

2009. Unjust Words.—We shall now take up the injustice that is done through words spoken outside of a judicial process, or the classes of verbal injustice that are not peculiar to courts, but are committed on all sorts of occasions, public and private. The principal sins here are distinguished according to the different injuries intended by the sinful speaker, and are as follows:

(a) sinful words that signify or effect in another person the evil of guilt, thereby depriving him of benefits that are connected with virtue. Some evil speakers deprive their neighbor of tributes that are paid to virtue by others, such as honor (injury by contumely), fame (injury by defamation), friendship (injury by whispering); while other evil speakers deprive a person of the tribute of virtue paid by his own conscience, namely, self-respect and peace of mind (injury by derision);

(b) sinful words that signify or effect against another person the evil of punishment. The words are known under the general name of cursing.

2010. Contumely.—Contumely is unjust dishonor shown to a person in his presence.

(a) It is unjust, and hence those are not guilty of contumely who speak words that are not honorable to persons deserving of reproof (e.g., in Luke, xxiv. 25, Our Lord calls the two disciples “foolish and slow of heart”; in Gal., iii. 1, St. Paul addresses the Galatians as “senseless”). Similarly, it is not contumelious to call another person by a name that sounds somewhat disrespectful, if this is done in banter or pleasantry and will be taken in good part by the other and do no harm. Thus, to send a comic valentine or good-naturedly to ridicule some of the spectators at a farce is not contumelious as a rule, since most persons are not galled by these gibes, nor are the jokes taken seriously as a rule by the public. But care must be exercised both in serious and playful rebukes to keep within moderation. St. Augustine declares that even in corrections one should use reproachful terms sparingly and only in case of great necessity.

(b) Contumely is dishonor, and so it is distinguished from injurious words that offend some other right (e.g., detraction offends reputation). Honor is an external manifestation of the respect felt for another’s excellence or superiority in some natural or supernatural perfection given by God, such as virtue, authority, nobility, rank, wealth, etc. Contumely, therefore, is either negative, as when one ostentatiously refuses to show another the honor due him (e.g., the salute or title or deference which custom allows him), or positive, as when one manifests signs of disrespect (e.g., names derogatory to virtue or intelligence, or which mean that the person addressed is vile and contemptible).

(c) Contumely is shown to another in his presence, that is, it is an affront directed to his person immediately (e.g., the mockery of Eliseus by the little boys near Bethel, in IV Kings, ii, 23), or mediately (e.g., the dishonor of David’s ambassadors by the Ammonites, in II Kings, x), or at least to his knowledge (e.g., the enemies of St. Paul in Phil., i. 17, who spoke of him insultingly in the expectation that their words would be carried to him).

2011. Are all persons deserving of honor? (a) If honor be taken in its strictest sense for reverence shown to a person who is one’s superior in

some good quality, or for veneration for the proper excellence of mankind (viz., virtue), then honor cannot be shown except to those who are more exalted than oneself or to those who are virtuous. (b) If honor be taken in its wider and more usual sense for respect for a good quality, natural, moral or supernatural, in which a neighbor is more worthy at least than some others, then honor can be shown to every rational creature (except the damned, who are irretrievably wicked and outside the pale of friendship); for there is no one, however bad or lowly, in whom there is not something that deserves respect. St. Paul exhorts Christians to be beforehand in honoring one another (Rom., xii. 10), and he urges that each esteem the other as better than himself (Philip., ii. 3).

2012. Various Forms of Contumely.—(a) By reason of the signs used or the external form it takes, contumely is either in words (e.g., the names “thief,” “lunatic,” “bastard”) or in deeds that are equivalent to word (e.g., offensive cartoons or caricatures, insulting valentines or postcards, “poisoned pen” letters, lampoons, scurrilous or opprobrious gestures or acts, sardonic grins, mimicry).

(b) By reason of the thing signified or the contemptible quality that it ascribes to another contumely is also distinguished into reproach, which accuses another of sin (e.g., of drunkenness), revilement (convicium), which ascribes to another either a fault or its consequences (e.g., drunkenness or imprisonment, or diseases of alcoholism), taunting (improperium), which twits another with misfortunes or inferiority (e.g., his lowly origin or poverty or the favors one formerly showed him).

2013. Manner of Confessing Contumely in the Sacrament of Penance.—(a) Circumstances that are of an essential kind, that is, those that change the species or add a new species, must be mentioned (e.g., the fact that contumely was blasphemous or calumnious or scandalous or directed against a cleric or parents). (b) Circumstances that are merely accidental, such as those given in the previous paragraph, need not be mentioned, for they are merely various ways of committing the same sin of contumely.

2014. The Sinfulness of Contumely.—(a) From its nature contumely is a grave sin of injustice, for it robs one of honor, which is more prized than any other external possession, since it is a testimony to virtue and to the esteem of fellowmen honestly earned. Hence, men will often sacrifice

health or wealth or life itself to save honor. He who calls his brother a fool is deserving of hell (Matt., v. 22), and the contumelious are classed with those who are delivered over to a reprobate sense (Rom., i. 30). But, as sins of the tongue are imputable only in so far as they express the mind of the speaker, contumelious words are gravely sinful only when they proceed from a direct purpose to inflict serious disgrace (e.g., Titus applies to Balbus an epithet that is not regarded as very abusive, but his purpose is to manifest his supreme contempt), or from an indirect intention to effect this (e.g., Claudius jokingly addresses Sempronius by a very disgraceful title, not meaning any great harm, but knowing that Sempronius will feel this deeply or that in the eyes of the bystanders he will be greatly dishonored).

(b) From the imperfection of the act or the smallness of the matter, contumely is made a venial sin. Thus, if one who is suddenly carried away by anger or who is not thinking of what he says calls another person a very vile name, there is not sufficient advertence for a grave offense; and if one who is acting with full deliberation addresses another in language that is only slightly disrespectful, there is not sufficient harm done to constitute a mortal sin.

2015. The gravity of the matter in contumely depends, not only on the character of the signs of disrespect, but also on the persons concerned.

(a) Thus, the less the respect which the offender owes the offended party, the less the offense. Hence, for a subordinate to call his superior a liar or an ass is a more grievous fault than for a superior to give the name to his subordinate.

(b) The less authoritative the word of the person who utters contumely, or the less evil animus that attaches to his speech, the less the dishonor and the sin. Thus, fishwomen were once notorious for vituperation, but little attention or weight was given to their words. A person of that character, then, might commit only a venial sin by a very abusive word, whereas a person of more respectable character would sin mortally by using the same expression. Similarly, when parents or teachers berate their subjects as fools, blockheads, dunces, etc., there is generally no bad spirit behind these exclamations, and hence the use of such expressions is not very sinful, even when correction is not being made.

2016. Is the gravity of contumely lessened by the fact that the offended person feels the injury less?

(a) If the contumely is felt less because the dishonor itself is less, the gravity of the sin is of course lessened, for example, if the person offended is less deserving, or the person who offends is not taken seriously (see 2015).

(b) If the contumely is felt less only because the person dishonored is very meek and patient, the gravity is not lessened, but is rather increased (see 1725). If the person offended does not feel the injury at all (e.g., because he is very thick-skinned or is very fortunate), less damage is done, but the wrong remains, otherwise, theft from the rich could be excused on the plea that they will not miss what is stolen.

2017. The Causes of Contumely.—(a) Pride is sometimes a cause, inasmuch as those who consider themselves better than others are quick to express the contempt they feel for others, if they hope that this will add to their own glory (Prov., xi. 2). But a proud person will just as often disdain to revile those whom he despises.

(b) Foolishness (see 1621) is sometimes a cause of contumely, for the foolish man speaks without thinking as he should or without caring what damage his words may cause (Prov., xx. 3). Hence, those who speak abusively to others merely in order to raise a laugh among the bystanders, little caring about the disrespect they show, cannot excuse themselves on the plea that it was all a joke.

(c) Anger is the usual cause of contumely, for the angry man seeks to show his revenge in some open and manifest way, and there is no easier or more ready means to this end than bitter, scornful or jeering words. Hence the danger of contumelious reprimands given by superiors. The subject will be enraged by the hard names applied to him, and the superior in his wrath will easily go to extremes, even of mortal sin, on account of the language he uses (e.g., exaggerated invective) or on account of circumstances (e.g., the scandal given).

2018. The Duty of Bearing with Contumely.—(a) As to the internal disposition, one should be ready and willing to suffer insults without making any answer to them, if this is necessary. For the precept of patience

requires that one be prepared in mind to tolerate injuries and to give place to wrath, should the circumstances at any time call for such restraint. In this sense Our Lord spoke when He commanded that one turn the other cheek to the striker (Matt, v. 39), and He practised His teaching by making no reply to the insolence of those who were implacable or who only sought material for accusations.

(b) As to external conduct, one should repel contumely when there are good and sufficient reasons for this course, and hence Our Lord protested against the unlawful blow given Him in the court room, and which the judge should have reprimanded (John, xviii. 23). He also refuted those who decried Him as a blasphemer, or glutton, or demoniac, or political disturber. But if no good end will be served by self-defense, or if greater evils will follow from it, no answer should be made. One should be more desirous to possess the right to honor and fame—viz., virtue and a worthy life—than to possess honor and fame themselves, for goodness is always a blessing, but prosperity is not unfrequently a real misfortune. Indeed, Our Lord says that to be persecuted, reviled and calumniated places one in the same class as the good men of the past (Matt., v. 11).

2019. The Chief Reasons for Resistance to Contumely or Detraction.—
(a) The good of the offender, in order that his boldness be subdued and that he be deterred from such injuries in the future, is a sufficient reason. Hence the words of Proverbs (xxvi. 5) that one should answer a fool, lest he think himself wise.

(b) The good of others is another reason, in order that they be not demoralized by the vilification of one whom they have looked up to as an example and guide, especially if silence will appear to be a sign of weakness or carelessness or guilt. Hence, St. Gregory says that preachers should answer detractors, lest the Word of God be without fruit.

(c) The good of self is a third reason for replying to contumely, for to enjoy the respect and esteem of others helps many a good person to act worthily of the opinion in which he is held, and it restrains many a sinner from descending to worse things than those of which he is guilty. Hence, Eccl., xli. 15, admonishes that one take care of a good name, and Prov., xxii. 1, places a good name above wealth.

2020. The Duty of One Who Answers Contumely or Detraction.—(a) The spirit of the answer should be that of charity, not that of revenge or of unquiet or exaggerated anxiety about personal honor or fame; otherwise one becomes like to the offender (Prov., xxii, 2). A person would sin even by silence in the face of contumely, if the spirit behind his non-resistance was malicious (e.g., if he intended to enrage the other party the more by disregarding the attack).

(b) The manner of the answer should be moderate, and the reply should not go beyond the bounds of reasonable self-defense (see 1833). It is lawful to deny the charge, or by retort to turn the tables on the assailant, or to sue him for slander or libel; but it is not lawful to challenge him to a duel or to utter calumnies (see 1843).

2021. The Duty of Making Restitution for Contumely.—(a) If contumely is not contrary to commutative justice, there is no duty of restitution. Hence, dishonor that is purely negative, such as the refusal to uncover on meeting a clergyman, does not oblige one to make restitution, for the omission is contrary to the virtue of observance or reverence but not to commutative justice. The case would be different, however, if negative dishonor were so marked or noticeable as to be equivalent to positive disrespect, as when at the entrance of a distinguished personage all in the room arise except one man who remains seated and gives a bitter look at the newcomer.

(b) If contumely is contrary to commutative justice, restitution is due. All agree that commutative justice is violated when contumely becomes vilification, or when an insult is committed in the presence of onlookers with the purpose of making the offended person seem contemptible in their eyes. But there are two opinions about the case when contumely is merely revilement, or an insult offered when there are no others present and the purpose is to make the offended person appear vile in his own eyes.

2022. Opinions on the Duty of Restitution for Revilement.—(a) One opinion holds that injury is done, not damage, and hence that satisfaction is owed rather than restitution. Further, it is held that satisfaction is penal and so not obligatory (except out of charity) before judicial sentence.

(b) Another opinion says that damage is done as well as injury, since men regard an insult, even though offered in private, as an unjust deprivation of a great good. Satisfaction of a very humiliating kind, such as the begging of

pardon on bended knees, as being penal, can await an order from authority, but the ordinary forms of reparation, such as expression of regret or request for forgiveness, should be made without any such order (Matt., v. 24).

2023. What Kind of Reparation Should Be Made for Contumely?—(a) In general, the rule is that contumely should be repaired by a bestowal of the same kind of goods as those of which the offended party was deprived; and hence dishonor is repaired by honor, disrespect by respect. The injured party should be aware that reparation is being made, or at least that honor is being shown him. If by reason of contumely one is responsible for other damages that followed (e.g., if one foresaw that one's affront would lead to money losses, enmities, quarrels, bloodshed, etc.), one is duty bound to make good these losses also.

(b) In particular, the honor that should be offered in atonement is generally an apology, for this is both satisfaction for the wrong done and a token of esteem. At times, according to some, more is required, for if the insult was very gross, a mere request for pardon is perhaps not sufficient; on the other hand, less may suffice, as when the indignity was slight. Many authors hold that a respectful apology is sufficient reparation for any contumely. Among the lesser forms of restitution for dishonor are signs of friendship, courteous greetings, a pleasant chat, an invitation to call at one's home, a dinner or toast, a eulogistic speech, etc.

2024. The Manner of Making Apologies.—(a) They should be made with at least as much formality as accompanied the insult. Hence, if the injury was public, the acknowledgment of error should also be public. (b) They may be made either personally or by intermediary. If the guilty person cannot very well appear before the offended person, he may send his regrets by letter or through a representative.

2025. Since the gravity of contumely depends on the relations between the parties and other circumstances, an apology is not always necessary.

(a) Thus, if the offender is an inferior or an equal, an apology should be made for a serious insult, at least when the offended person insists on it. Thus, a cheerful salutation by a child does not atone for a vile name applied to his father. If an inferior dishonors a superior through ignorance, he makes amends by acknowledging his ignorance and showing respect, as was done by St. Paul (Acts, xxiii. 5).

(b) If the offender is a superior, an apology is never necessary, lest by abasing himself he lose the prestige which his office should have. Hence, if a father has used harsh language to his child, it would not be seemly for him to ask the child's pardon, but he should show some mark of kindness to heal the wound.

2026. Cessation of Obligation of Restitution.—The obligation of restitution for contumely ceases in certain cases (see 1797, 1798). (a) Thus, impossibility excuses, as when one cannot make reparation without renewing an old feud that has been buried and forgotten. (b) Forgiveness by the offended person excuses. The offended party forgives the debt expressly when he says or shows that he does not care to have an apology; he forgives implicitly, when he retaliates by an equally injurious action, defends himself by retorting equal contumely on his adversary, or obtains equivalent satisfaction from a court of justice.

2027. A confessor should not impose the duty of an apology in certain cases.

(a) Thus, if this command would be harmful, it should be omitted, as when a penitent is in good faith and would be put in bad faith by the admonition. (b) If this command is not necessary, it should be omitted, as when the duty of an apology has ceased for one reason or another. In the case of children who speak or act disrespectfully to their elders, it may at times be taken for granted that the elders, especially the parents, do not expect an apology for trifling cases of disrespect. But, on the other hand, it may often be advisable to require such children to apologize for their rudeness, in order to cure them of it.

2028. Defamation.—Defamation (backbiting) is the unjust blackening of the reputation of another person by secret words.

(a) It is unjust, that is, it has no reasonable motive to justify it. Defamation differs from just revelation of secret faults.

(b) It is a blackening or besmirching, that is, a taking away or lessening of fame. Defamation casts a shadow over or totally obscures the brilliance of a good reputation.

(c) It is against reputation, that is, against the favorable opinion and report of the public on the virtue and character or other good qualities of a

person, Thus, it is defamation to say that an individual is a drunkard, or that a professional man is incompetent, if these persons are not known to have such defects. If a person has no reputation here and now, except a bad one (e.g., a criminal who has just been convicted and sentenced to prison, a loafer who is often seen intoxicated on the streets, a woman who is often heard peddling scandals), it is not defamation to speak about the true and public faults of this person; nor is it sinful to speak thus if there is some suitable reason (e.g., to discuss a murder trial that is being reported in the papers, or to tell a humorous incident that will do no harm). But those who uselessly or harmfully discuss the known weaknesses of their neighbors are sinners called gossipers or fault-finders.

(d) It is against the reputation of a person, that is, of an individual possessed of right. The party offended by defamation can be a natural person (i.e., a rational being, whether infant or adult, high or low, rich or poor) or an artificial person (i.e., a society, group or collection of individuals endowed with reason); he can be either a living or a deceased person, for death does not destroy the soul nor take away the right to reputation.

(e) It is against the reputation of another, that is, defamation as now used is a sin of injustice, and one cannot be strictly unjust to oneself; but “self-defamation” may be used in a wider sense to designate a sin opposed to charity (see 1575 sqq.).

(f) It is accomplished by means of words, that is, by oral communication or its equivalent. One can defame, therefore, by word of mouth, by deaf and dumb language, by writing, by a gesture, by silence, or by a look.

(g) It is done by words or signs that are secret, that is, by words or signs expressed before others but in the absence of the person who is defamed, or at least when he is thought to be absent (backbiting). The defamer is like the thief who wishes to do harm but does not wish the victim to know the author of the harm.

2029. The Differences between Defamation and Contumely.—(a) They differ in their purposes, for the defamer intends to hurt another in his reputation before the public, while the contumelious man intends to hurt another in his honor, either in his own eyes or in those of others. (b) They differ in their manner of procedure, for defamation is behind the back,

contumely before the face, of the party who is injured. The defamer has some respect for his enemy, for he fears to face him and resorts to undermining, but the contumelious sinner despises his enemy and shows it by insulting him to his face.

2030. Various Forms of Injury to Good Name.—(a) By reason of the intention, the injury is either defamatory (as when derogatory things are said about another behind his back) or contumelious (as when derogatory things are insultingly said to him in his presence). Hence, there can be injury to reputation that is not contumelious (e.g., the secret spreading of a rumor that Balbus is a drunkard); there can be contumely that is not injurious to fame (e.g., the addressing of Balbus as a drunkard when no else is by, or when those present know already that he is a drunkard), and contumely that is injurious to reputation (e.g., when one calls Balbus a drunkard before others who thought he was a sober man).

(b) By reason of the purpose, defamation is willed either explicitly or implicitly. In the former case the defamer expressly intends the blackening of his neighbor's reputation; in the latter case he intends something unnecessary, such as mere indulgence of levity or talkativeness, though the blackening of his neighbor is foreseen. Explicit defamation is regularly a mortal offense, implicit defamation a venial one; but the degrees of sinfulness may be changed, if the former sin causes slight, or the latter sin serious damage.

(c) By reason of the injury done defamation is either detraction or calumny. Detraction blackens a reputation by revealing faults or defects that are real; calumny (slander) injures reputation by stories that are untrue. A common form of calumny is a mixture of truth and falsehood (e.g., when a historian ascribes to a villain, in addition to real crimes, faults of which the latter was innocent), or of half-truths that convey the impression of what is untrue (e.g., when a historian narrates that a certain character killed a man and does not give the background or causes of the killing, such as provocation, challenge, mistake; or when a biographer tells of the crimes of his subject and glosses over the virtues, or makes no mention of his amendment).

(d) By reason of the means used defamation is either direct or indirect. Direct defamation is more open and positive; indirect defamation is rather

concealed or negative. There is also the distinction of slander (which is oral) and libel (which is written or printed). Libel is more grievous, since it has a permanence that is not found in spoken words.

2031. Examples of Indirect Defamation.—(a) Faint praise is a subtle mode of defamation, as when one says of an absent person that he has not committed murder yet, or that like everyone he has some good points, for to the listeners this indicates that the speaker does not hold a high opinion of the person discussed.

(b) Silence is also at times a hidden form of defamation, as when Titus says to Balbus that the absent Caius is good and Balbus out of malice answers: “Let’s talk about something else; we must be charitable”, or when Sempronius falsely declares in company that the absent Claudius is to the knowledge of Julius a depraved character and Julius, who is present, makes no protest against the misrepresentation.

(c) Depreciation is defamatory, as when one says that a person who is being discussed is not as pious or reliable as is commonly believed, or that there is great room for improvement, or that he is much better now than in times past, or that there is another side to the picture, or that he is good, but....

(d) Denial of good qualities is defamatory, when it lessens the esteem in which a person is held. The good qualities here referred to are those that render a person distinguished or commendable among his fellows: chiefly these are moral qualities (viz., virtuous habits, dispositions and acts); secondarily, natural and internal qualities (such as learning, quickness of mind, experience, strength and health of body, and in women, beauty); finally, natural and external goods (such as wealth, famous ancestry, able assistants in business, or the excellent merchandise supplied, etc.).

2032. Examples of Direct Defamation.—The following are examples of direct defamation:

(a) sinister interpretation, as when one states that words or acts of a neighbor that were good or at least open to a good interpretation, were dictated by greed, ambition, pride, etc.;

(b) unjust revelation (detraction), as when one reveals secret faults or crimes;

(c) exaggeration, as when one magnifies a venial into a mortal sin, an exceptional or indeliberate fault into an habitual or deliberate sin; or when one distorts a sin of one species into a sin of another and far more heinous species, or accuses a whole class or body of men because one of their number has fallen. Those who add their own little detail or circumstance to a defamatory tale as they pass it along are proverbial examples of exaggeration: “_Fama crescit eundo_”;

(d) false accusation (calumny) is the worst kind of defamation. Innocent XI condemned the proposition that one may probably use calumny without serious sin as a defense of one’s own justice and honor (see Denzinger, n. 1194).

2033. Direct defamation is committed either by plain words or by insinuation. (a) Examples of defamation by innuendo are those ambiguous expressions or half-veiled accusations that arouse suspicion and often do more injury than plain accusations. Thus, to say with a laugh or in an ironical tone that a certain person is human, or broadminded, or prudent may be equal to volumes of abuse, since the words can have a bad meaning as well as a good one. Similarly, such expressions as, “What I know about him is not to be told,” “I know what no one would believe,” etc., may be taken for slurs on character.

(b) Examples of defamation by plain speech are all those innumerable statements which, either in general terms (e.g., that another person is a scoundrel, a villain, a reprobate) or in specific ones (e.g., that another person is a blasphemer, a thief, a liar), tend to blacken the good name of a neighbor.

2034. Good Repute or Fame.—Good repute or fame is of various kinds. (a) Thus, by reason of its object, good reputation is either negative or positive. A negatively good reputation consists in the absence of any unfavorable opinion or belief about a person, while a positively good reputation is the common judgment in favor of a person’s worth. (b) By reason of its relation to the real character of a person, it is either true or false. Thus, if a man is regarded by the community as honest, his reputation is true when he is really honest, but it is false when he is in fact dishonest. (c) By reason of its degree, it is either ordinary or extraordinary. Ordinary good repute is that which every person needs, and it consists in the public

belief that an individual is trustworthy and competent in the affairs and duties that pertain to his state or occupation. Extraordinary fame is that which is not necessary, such as the celebrity which a person enjoys for unusual ability as a statesman, orator, financial expert, mathematician, or for virtue that is far above the average.

2035. The Right to Good Reputation.—(a) Those who are absolutely unknown (i.e., both as to their identity and their character) have no right to reputation, since reputation attaches to one who can be named or described, and hence it is not defamation (though it might be rash judgment) to say that a stranger who passed on the street and was lost in the darkness must have been a criminal.

(b) Those who are known by sight or name, but who have not as yet shown what they are, have a right to a negatively good reputation, for a man should not be considered evil until his conduct has given ground for unfavorable judgment (see 1727 sqq.). It is not defamation to say about an unknown family that has moved into a locality that we do not know what kind of people they are, but it is defamation to say that they are likely undesirable.

(c) Those who are known in a place and who have already acquired a good name there have a right to a positively good reputation; for, if the reputation is true, it is a good which they have honestly acquired; if it is false, it is a good of which they are in possession, and possession itself is entitled to respect.

2036. Sinfulness of Detraction.—The civil law does not generally punish slander if the slanderer can prove that his statements are true, but this does not make veracious defamation morally lawful. God detests and punishes crimes (e.g., fornication) of which human law sometimes takes no account. The harmfulness of veracious defamation is both public and private.

(a) Defamation Does Public Harm.—The peace and order of the community would be seriously disturbed, if it were lawful to attack reputations simply because one was persuaded that they were unfounded: the person detracted would be hampered in his official business and social relations, innocent persons would be blackened as well as the guilty, and the friends and relatives would suffer with the person detracted.

(b) Defamation Does Private Harm.—The peace and security of the individual would be uselessly assailed. Reputation is profitable both in spiritual and temporal ways, and it is therefore a ruthless act to rob a person of it, when he has done nothing in public to forfeit it and its possession by him is harmful to no one.

2037. Right to True and False Reputation. There is, nevertheless, a difference between the right to a true and the right to a false reputation.

(a) Thus, the right to a true reputation is an absolute and universal right, one which does not cease in any case, for truth and justice demand that one should not represent as evil a person who is really good. This right applies to an extraordinary, as well as to an ordinary reputation.

(b) The right to a false reputation is a relative and limited right, one which ceases when the common good on which it rests no longer supports it (e.g., when it cannot be maintained without injustice). Moreover, there is no right to an extraordinary reputation, if it is based on false premises, for the common good does not require such a right, and hence it is not detraction to show that the renown of an individual for superior skill or success is built up on advertising alone or merely on uninformed rumor.

2038. Sinfulness of Gossip or Criticism about Real and Known Defects.—(a) It is not unjust, *_per se_*, since it does not take away fame, that being non-existent. (b) It is sinful, if there is no sufficient reason for it, but not mortally sinful *_per se_*, since grave harm is not done to the reputation of one whose reputation is already bad. The sin committed is usually that of idle talk or of uncharitableness, by reason of the disedification offered the listeners, or the malice that prompts the speaker, or the sadness that is caused to the person gossiped about. Gossip is dangerous, since it prepares the way for detraction, as detraction prepares the way for calumny.

2039. Moral Species of Defamation.—(a) Moralists agree that wrongful defamation is a sin against justice and charity. It violates justice, since it infringes a right which is not less strict than that of proprietorship over goods of fortune; it violates charity, since it is opposed to friendship and love of neighbor. They also agree that other species of sin can be added to defamation (e.g., infidelity, as when one denies that Christ was sinless, or blasphemy, as when one defames a Saint).

(b) Moralists disagree on the question whether certain forms of defamation are distinct sub-species or only degrees of one lowest species. Some hold that detraction and calumny are distinct species, because calumny adds mendacity to defamation; others say that detractions about specifically different sins are distinct kinds of detraction (e.g., that it is one species of sin to say that a neighbor is a drunkard, and another species to say that he is a thief, and the reason is that the reputation for temperance is a different thing from the reputation for honesty, etc.); still others hold that defamation of parents and other immediate relations is a special form of defamation, as being contrary to piety. There are, on the contrary, theologians who reject all these distinctions and hold that the difference between defamations is only one of more or less, since all of them have the characteristic note of attack on reputation, which is one right. Hence, just as the stealing of a cow and the stealing of a cat are only greater and lesser forms of the sin of theft, so likewise calumny and detraction, etc., are only major and minor degrees of the sin of defamation (see 2012, 2013, 2115).

2040. Species of Sins of Defamation.—Since the species of sins must be particularized in confessions, the question of the distinction between defamations has practical importance. The common opinion on the line of action to be observed seems to be as follows:

(a) the penitent is obliged as a rule in serious matters to tell whether his defamation was simple detraction or calumny. The reason for this, according to some, is the specific difference between these two sins; according to others, the reason is that otherwise the confessor cannot know whether the sin was mortal or venial, or what restitution is to be imposed. As to detraction of parents or superiors, it seems that the quality of the person detracted should be mentioned, if there was any incitement to disrespect or disobedience;

(b) the penitent is not obliged to mention the sins or defects he ascribed to the person he defamed. Nor should the confessor inquire about this unless it is necessary in order to know what was the gravity of the sin or what kind of reparation should be enjoined (cfr. 2013). Moreover, questions about what was said might easily lead to a disclosure of the name of the person defamed, and thus the confessional would be turned into a place of defamation.

2041. The Numerical Multiplication of Defamations.—(a) They are multiplied when there are many sinful acts about distinct objects; for example, when Balbus calumniates Caius today as a thief and Claudius tomorrow as another thief, there are two calumnies (see 209).

(b) Defamations are multiplied when there are many sinful acts about the same object; for example, when Balbus calumniates Caius today as a thief and repeats the same calumny tomorrow, there are two calumnies. But if Balbus begins his story today and does not finish it till tomorrow, there is one calumny (see 214, 215).

(c) Defamations are multiplied when there is one sinful act about many distinct objects; for example, when Balbus calumniates by saying that the two worst thieves he knows are Caius and Claudius, there are two sins. But if Caius and Claudius are regarded as a unit (e.g., if they are the firm of Caius and Claudius), there is one sin. A like calumny would be that Caius came from a dishonest family (see 216-219). If Balbus calumniates Caius before ten persons, he does not commit ten defamations, it seems, but ten scandals, since the ten form a body in the matter of fame, but are individuals in the matter of example. If Balbus calumniates by saying that Caius has broken all of the ten commandments, there may be ten calumnies or but one calumny, according to the intention and the effect (see 217, 218).

2042. The Theological Species of Defamation.—(a) From its nature defamation is a mortal sin, and hence the Apostle declares (Rom, i. 29, 30) that detractors are hateful to God. In the first place, it inflicts an atrocious injury on the public welfare, sowing everywhere hatreds, dissensions and disorders—so much so that detractors are rightly called an abomination to mankind (Prov., xxiv. 9).

(b) From the smallness of the matter or the imperfection of the act defamation may be only a venial sin. Criticism of others is a vice so widespread that almost all mankind (even pious persons) would be involved in continual mortal sins, were it not for the fact that sins of speech are frequently the result of ignorance, thoughtlessness, or sudden passion (James, iii. 2 sqq.), and that the things said are frequently of no great harm to the person criticized.

2043. The gravity of the harm done by defamation is well expressed by St. Bernard when he says that defamation at one blow inflicts a mortal

Wound on the person defamed, on the defamer himself, and on the listener.

(a) Thus, the person defamed is robbed and often irreparably of a good name, one of the most esteemed of possessions; he is deprived of many spiritual and temporal opportunities, and is frequently dragged down to social and moral ruin, and even to suicide. Scripture says that the tongue of the detractor has the sharpness of a razor, and it compares him to an arrow dipped in poison, and to a biting serpent.

(b) The defamer destroys his own good name, at least in the sight of God, for he defiles his own soul with guilt; he disgraces himself before others, since it is well known that defamation is the vice of those who feel themselves inferior or guilty. And, worst of all, his sin is seldom repented of or repaired by satisfaction, since the defamer is generally too proud, hateful, jealous or revengeful to acknowledge his error, or is so blind that the thought of the harm he has done and of the grave obligation of satisfaction never crosses his mind.

(c) The listener is scandalized and contaminated by what he hears, his ideals are shattered, his respect for virtue or religion is destroyed, and he is encouraged to continue the work of the defamer.

2044. Comparison of Defamation with Other Injuries against the Neighbor.—(a) Defamation is less sinful than injuries to internal goods, and hence homicide and adultery, which are opposed to the good of the body and of life itself, are graver sins than defamation.

(b) Defamation is less sinful than injury to higher external goods perpetrated in a contemptuous manner, for defamation being secret does not add insult to injury. Hence, just as robbery is more offensive than theft, so is contumely more sinful than defamation.

(c) Defamation is more sinful than injury to lower external goods, such as lands and money, for fame along with honor approaches spiritual things on account of their relation to virtue, whereas wealth is of the order of corporeal things. Hence, the Scriptures teach that a good name is more important than great riches (Prov., xxii. 1), more enduring than thousands of vast and precious treasures (Ecclus., xli, 15).

2045. It should be noted that the foregoing comparison is based on the nature of the sins compared, for by reason of circumstances the order given

may be reversed; for example, a slight indignity is less serious than an outrageous calumny, the theft of thousands of dollars is far more sinful than the circulation of a ludicrous story that is harmful, but only in a slight degree, to the reputation of a neighbor (cfr. 220 sqq.).

2046. Rule for Determining the Seriousness of Defamation.—The rule for determining whether the matter of defamation is serious or not is the amount of harm done by the defamation, and hence not one but several factors have to be considered.

(a) Thus, the defect ascribed to the neighbor has to be considered, for some kinds of defects (e.g., littleness of body or prodigality) are less disgraceful than others (e.g., dwarfishness of mind or soul or niggardliness), and it is more harmful to reveal one mortal sin than to reveal a hundred venial sins.

(b) The person defamed is to be considered, for imputed defects that are not harmful to one person may be harmful to another (e.g., the charge of being a toper might be considered praise among persons of gay or rough habits, but it would be regarded as disgraceful among serious and refined persons).

(c) The person who defames is also to be considered, for little attention is paid to the talk of some, but much weight is given to the slightest words of others. Indeed, some persons' condemnation is equivalent to praise.

(d) Finally, the persons before whom the defamation is spoken are to be considered, for everyone knows that it is much more harmful and dangerous to speak ill of others before certain ones than before others (cfr. 1461, 1462).

2047. The Harm Done by Reason of the Defects Revealed.—(a) If the defects are natural imperfections of soul or body that do not connote moral stain or turpitude, and if no great detriment is caused by revelation (e.g., to say that another person is deaf, hunchbacked, a beggar, or dense), disclosure is not in itself serious, or even sinful; for little or no harm is done, and the defects are of such a character that they can be readily discovered by observation. But if the defects are very ignominious or harmful, defamation is a grave sin (e.g., to say that a very distinguished person is illegitimate, or of a mixed race, or that his immediate relative was a criminal).

(b) If the defects are related to moral stain, but do not imply it, revelation of them is not a grave sin, provided no great loss is caused by it (e.g., to say that a person is scrupulous about himself, or has certain peccadillos or human imperfections). If a shortcoming is usually understood as a propensity rather than as a fault (e.g., quick temper, high-strung disposition, pride, closeness with money), there is little if any harm done by speaking of it. But if the defects mentioned are such as imply or insinuate actual moral lapses (e.g., to say that a person has a venereal disease and the cause is unknown, or that he has delirium tremens or morphinism, or is of a very passionate nature), the revelation is defamatory and more or less sinful.

(c) If the defects are moral, he who reveals them is guilty of sinful defamation. But the harm done by the imputation of moral guilt is greater in some cases and less in others. Some sins are more disgraceful from their degradation (e.g., carnal sins, see 224), and from this point of view it is worse to accuse a neighbor of gluttony or sexual irregularity than of pride. Some sins (e.g., solicitation, sodomy) are especially heinous in the eyes of the law and produce legal infamy, because they are more harmful to the public or more subject to public contempt (see Canons 2320, 2328, 2343, 2351, 2356, 2357). There are also some defamations that are less harmful to reputation, but more damaging to material prosperity (e.g., it is usually more hurtful to the prospects of a person in business to be charged with incompetency, dishonesty, or carelessness than to be charged with religious indifference or impurity). Finally, there are gradations in the malice of the same kinds of sin (see 197), as in the angry thought, the angry word, the angry deed, in tipsiness and drunkenness, in occasional and habitual lying, etc.

2048. Is it sinful to narrate the secret faults of another, if at the same time one tells of his repentance and amendment?

(a) If the infamy remains in spite of the remarks about a change of life for the better (as is generally the case), the narrator is guilty of sinful detraction. Thus, it is very harmful to one in an exalted position if it is given out that he was at one time bibacious, but succeeded in thoroughly curing his appetite. The same principle applies to those who praise in one matter and detract in another (e.g., by stating that a person is very learned, but also very dishonest).

(b) If the infamy does not remain, because the atonement is so extraordinary as to make the hearers think little or nothing about the fault, the narrator is not guilty of sinful detraction. Thus, it is not detraction to narrate that a saint was so grieved over a lie he told that he did lifelong penance for it, or that a person who was once lukewarm—a thing that is quite common—has in later years become fervent in an uncommon degree. But the stigma that attaches to uncommon sins or carnal sins is hardly overcome by the mention of repentance, unless the person spoken of is already long dead or is one from whom very little is expected.

2049. The Harm Done by Reason of the Person Defamed.—(a) Serious faults are sometimes attributed to certain persons without serious sin, because, on account of the life led by these persons or the notoriety they have already achieved, they suffer no serious detriment when defects like to those already known are charged against them. Thus, if it is well known that a person keeps company with a fast set or consorts with a tough gang, he suffers little if one reveals that he uses profanity, gambles, drinks to excess, etc.; and if it is known that a person has these vices, he is not harmed much by mention of a particular instance or by the additional report that he has been arrested for cheating and disorderly conduct. But the case is different if defects unlike those already known are charged (e.g., if one says of a person known as a liar that he is also a thief), unless the person spoken of has so black a name as an all-around cheat that no new crime charged to his account can give a deeper dye to his reputation.

(b) Light faults or acts that are not sinful in themselves are sometimes matter of grave defamation when spoken of certain persons, namely, when so much is expected from these persons that even minor defects are serious blots on their fame. Thus, to say that a layman is a confirmed liar or loves the opposite sex might be only a venial sin or no sin at all, but the same statements about a grave cleric would be seriously defamatory.

2050. Defamation supposes that the party who is injured is in possession of a good name. But it is possible that the same individual who enjoys a good name in one place or time, has a bad name in another place or time. Hence, a number of special cases on defamation present themselves for consideration.

(a) Thus, there is the case in which a person who has a good name here is juridically infamous elsewhere; that is, he has lost his good name elsewhere through a final and valid sentence, conviction, or confession made in a public trial (see Canon 2197).

(b) There is the case in which a person who has a good name here is actually infamous elsewhere, that is, his crime is known to so many persons there that it is morally impossible to keep it secret or excuse it.

(c) There is the case in which a person who has a good name now was in bad repute formerly; that is, his bad name of the past has been forgotten or has been obliterated by many years of good living.

2051. Meaning of the Expression “Infamous in a Certain Place.”—(a) The place referred to is either a closed community (e.g., a monastery, a college, a family) or an open community (e.g., a village, a neighborhood, a parish, a town, a city); (b) the notoriety referred to is either universal (i.e. known to all the community), or general (i.e., known to the greater part of the community), or sufficient (i.e., known to so many and such talkative persons that the whole community will shortly be made to share in it). A crime known only to one or two, or to a small circle of Christian-living persons, is not notorious.

2052. Number of Persons Who Are Required for Sufficient Notoriety.—(a) Some authors assign certain definite figures for this purpose—for example, in a closed community of thirty or a hundred members a fact is notorious if known to seven or fifteen; in a neighborhood of forty persons, if it is known to eight individuals from different families; in a village whose population is one thousand, if it is known to twenty here and there; in a town of five thousand people, if it is known to forty here and there.

(b) Other authors hold that no invariable rule can be given, but that in each case the matter has to be determined by a prudent judgment based on the character of the crime, the quality of the guilty person and of the persons present at the time, the publicity of the place, etc. Thus, if the crime was committed in some central spot from which news was quickly disseminated, a smaller number of spectators would make a deed notorious in the surrounding territory.

2053. Publicity of Commission or Report.—Actual infamy or disrepute is produced either by the publicity of the crime or by the publicity of the report.

(a) Thus, a crime has publicity in its commission when it was done in a public place (e.g., on the street, in a public room) or in a private place but before a considerable number of persons, or when its indications were publicly given (e.g., by a confession, by maintenance of a suspected woman in one's home), or when it was submitted to public notice or judgment (e.g., the acts of one in public office, the words of one who delivers a public address, the deeds of one who boasts about them).

(b) A crime has publicity in its report, when it is widely known, whether due to the talk of the people, or to presumptions or suspicions.

2054. Revelation about a Person Who Is Juridically in Disrepute Elsewhere.—(a) This exposure is not contrary to commutative justice, according to the common opinion, for the condemnation deprives the criminal of his right to fame (as regards the matter in which he is found guilty) in all places, and it is often to the interest of the public to know who has been convicted of crime elsewhere. Exception should be made for the case in which a trial is conducted secretly in order to spare the reputation of the condemned, as when a corporation expels one of its members after a hearing and an unfavorable vote (see 2057).

(b) This revelation is contrary to charity when it deprives a person without reason of the good fame which he possesses and which he would not otherwise have lost; for we should love our neighbor as ourselves. Example: Balbus served a term in jail in the town of A, on account of drunkenness. He then moved to the distant town of B and by his good conduct built up an excellent reputation. Claudius from A arrives and maliciously spreads around the news that Balbus had been once in jail for drunkenness. Claudius sins gravely against charity.

2055. Revelation about a Person Who Is Actually in Disrepute Elsewhere.—If the person in question will in all likelihood soon lose the reputation he has here, the following cases must be considered:

(a) if the disrepute is based on the publicity of a misdeed, the revelation is not opposed to commutative justice; for he who sins publicly thereby

resigns his right to reputation as regards all those persons and places to which knowledge of his delinquency is likely to arrive. The revelation is against charity, however, if there is no sufficient reason for it; but since the news would be soon brought hither from other sources, no great harm is done and no serious sin committed by the revelation;

(b) if the disrepute is based on public rumor and the rumor is unjust, revelation, according to some, is opposed to commutative justice, since it is nothing but a continuation and extension of the original injury. Others hold that, unless one knows the rumor to be false, revelation is not unjust in this case, since, as is supposed, the revealer was not the author of the rumor, and those to whom he spoke would have learned it shortly even without him. Of course, if the person about whom the revelation is made suffers some considerable damage by reason of the early loss of his good name, the person who makes the revelation unnecessarily is guilty of serious sin. And rumor should never be represented as an established fact.

2056. If the revelation is made about one who is actually in disrepute elsewhere, but who is in little danger on that account of losing the good name which he has here, opinions differ regarding the extent of the guilt.

(a) Some hold that revelation in this case is a grave sin against charity, since in a serious matter it saddens a neighbor, and thus violates the rule of love to do unto others as we would have them do unto us; and others add that it is also a grave sin against justice, if the party spoken against is solicitous about his fame, since it deprives him without reason of a great good to which he is entitled on account of undisturbed possession.

(b) Others hold that this revelation is not a grave sin, either against justice (since the right of the community to know about crimes that were committed elsewhere prevails over the right of the individual) or against charity (since charity does not oblige under grave inconvenience).

(c) Others again distinguish between different cases. Thus, some say that, if the crime in question is one that is very detrimental to the public (e.g., murder, treason, white slave traffic, scandalous impurity), the opinion under (b) is true; whereas, if it is one that is not of that character (e.g., drunkenness in a private person), the opinions under (a) are true. Some also distinguish in the case of non-pernicious delinquencies between those that are notorious elsewhere by reason of the public way in which sin was

committed and those that are notorious only on account of rumor; in the former case, they say, the manifestation is not unjust, for, although public good does not call for it, the guilty person himself has forfeited his right by the public manner in which he sinned; but in the latter case it may easily be unjust (see previous paragraph). The mere fact, however, that a fault which contains no threat to the public welfare was committed in a public manner does not seem to be a sufficient reason for manifestation (e.g., when it will injure a man in earning a living or in supporting his family), and we believe that one who speaks of such a fault without necessity sins against charity, if not against justice, and that the sin is often mortal.

2057. Notoriety in a Closed Community.—Notoriety in a closed community is not absolute publicity, and hence the conclusions just given on absolute publicity do not apply to closed communities.

(a) Thus, if a fault is actually notorious in a closed community, the members may speak about it to one another, if there is any sufficient reason for this. Hence, if the majority of the members of a religious house know about a fault that has been committed there, it may be divulged to one who is in ignorance about it for his instruction or warning. Similarly, servants in a house may tell other domestics about faults which are commonly known in the house.

(b) If a fault is notorious in a closed community but not outside, the members as a rule may not speak or write about it to outsiders without injustice, for generally speaking there is no reason arising from necessity or utility for such a revelation. Moreover, the community itself suffers in repute from such disclosures, since outsiders will be impressed with the thought that the community has wicked members or is lax, and that there is a lack of unity among them. To carry stories from one monastery or house to another (even of the same Order) is a form of detraction to outsiders, according to St. Alphonsus.

2058. Revelation about a Person Formerly in Disrepute.—When the revelation concerns one who was in disrepute formerly, but who has a good name now, either because his crime has been forgotten or because he has lived it down, a distinction must be made between juridical and actual notoriety.

(a) If the former disrepute was juridical notoriety, the revelation of it is not unjust, since condemnation pronounced in a court of law gives the right to others to make the sentence known in any place or at any time; but more probably it is mortally uncharitable, if made without necessity, since it harms the other person or his family in the reputation which he has honestly recovered, thus depriving him of a good most useful to him and hurtful to no one else.

(b) If the former disrepute was actual notoriety only, the revelation is uncharitable, according to all, since it does not observe the golden rule of doing to others as we would be done by. Many hold that it is also unjust, since an obliterated crime is the same as an occult crime, which cannot be divulged without injustice (see 2067). Moreover, the person who has built up for himself a new reputation has a right to it, and by the revelation of the old reputation this right is infringed, inasmuch as his present good name is also lost or made useless. It should be noted that the common good sometimes makes exceptions, and thus it is not forbidden to historians to make revelations about happenings that throw a new and unfavorable light on the youth or earlier years of persons no longer living (see 2072 Sqq.).

2059. Case in Which the Name of the Person Defamed Is Not Given.—

(a) If there is nothing to indicate the individual and no reflection is cast on a body to which he belongs, per se no sin is committed. Hence, if one says, “A certain person whom we shall call Balbus stole a sheep,” there is no defamation in the narrative, even though a real happening is described. Similarly, if one says that in the city where he is speaking there are many criminals, or that even among his numerous auditors there are doubtless some who are living in mortal sin, there is no defamation.

(b) If there is something to indicate the individual meant, or if reflection is cast on a body to which the individual belongs, sin is committed by the remarks. Hence, if the narrative about Balbus and the stolen sheep went on to describe incidents so that the hearers could easily perceive that Balbus was a person known to them, this person would be injured in his fame. Again, if one states that in a certain city which one names 90% of the married people are addicted to drunkenness, or that the party who was guilty of some scandalous act was a member of a Religious Institute, harm is brought directly upon individuals or damage is done to societies. It is true that an organization is not really discredited by the misdeeds of one of its

members, but in popular opinion very often the disgrace of one is the disgrace of all.

2060. Defamation of Deceased and Legal Persons.—(a) Defamation of the dead, whether they be long or only recently dead, is sinful *_per se_*, since the departed are capable of a glorious or inglorious memory, and it is reasonable that one should wish one's good name to be respected after one's death, both for one's own sake and for the sake of others. Hence the saying, "*_De mortuis nil nisi bonum_*." But *_per accidens_* it is not sinful to make revelations about the dead when this is necessary for historical truth (see 2072 sqq.). Defamation of the dead in itself is less sinful than defamation of the living, since the dead have less need of a good reputation; but circumstances may be such that one who defames a dead person does serious harm and commits a mortal sin.

(b) Defamation of legal persons is also sinful *_per se_*, since these bodies possess along with other rights of natural persons the right to a good name. Public esteem is very necessary for them, and they are protected in their enjoyment of it by the laws. Thus, it is injurious to state that a certain Religious Order or monastery or diocese is relaxed, or that a certain business corporation is not well managed. But *_per accidens_* it is not sinful to make revelations about organizations, when there is a sufficient reason for the revelation (see 2067). For example, if a political party is preying on the citizens, or if a mercantile house is practising frauds, the common good would require one to make these facts known. Neither is it sinful to mention faults or defects that are notorious, for example, that a certain government is warlike, that a certain people is backward, that a certain group is devoted to erroneous principles or practices (Tit., i. 12).

2061. The Harm Done by Reason of the Person of the Defamer.—(a) The person of the defamer increases the harm when his authority is greater. A person who is supposed to be better informed (e.g., one who reports that he was an eyewitness of the event he narrates), or who enjoys a better reputation for truth (e.g., one who is in an official position, or who is thought to be honest and disinterested), does more harm by defamation than another whose authority is weak.

(b) The person of the defamer decreases the harm when his authority is less. Hence, those who give out unfavorable reports about others with

reservations (such as “perhaps,” “it is not impossible,” “it seems so, but I would not swear to it,” etc.), and also those whose weight as authorities is light (such as talkative, lightminded, envious, gossipy, or untruthful persons), do less harm than persons who are held in higher repute. The confessor should not let these defamers off easily, however, since many of them act on the principle that if enough mud is thrown, no matter how foolish the charges, some of the mud will stick.

2062. One of the commonest forms of defamation is the narration of some crime or defect at second hand, as when the defamer introduces his remarks as follows: “They say,” or, “It is reported,” or, “I hear,” etc.

(a) The mode of defamation here lessens the sin when it weakens the effect of the story upon the hearers. Hence, if one says that the talk of the town is that Claudius is a heavy drinker, and the listeners gather from this only that there is a vague rumor which cannot be traced to any source or be confirmed by any fact and which is therefore unreliable, the harm is less.

(b) The mode of defamation here does not lessen the sin when it does not weaken the impression of the story; on the contrary, it increases the sin when it adds strength to the story. Hence, if one says that Claudius is said to be an excessive drinker, and if from the phrasing the listeners will understand that the report originated with very good authorities, or that it is based on general knowledge of the public, the harm is greater. Justice is violated if the narrative itself inclines the hearers to sinister thoughts or suspicions, for then the narrator causes the harm; charity alone may be violated if it is only the character of the listeners (e.g., their suspicious or frivolous minds or their own guilt) that engenders in them evil opinion, for then the narrator only occasions the harm (cfr. 1447, 1464).

2063. The Harm Done by Reason of the Listeners.—(a) The quality of the listeners makes a difference, since it may cause the person defamed to suffer more or less readily in their eyes (e.g., if they are suspicious, or prejudiced, or credulous, or guilty themselves, they will more easily believe evil about others) or in the eyes of others (e.g., if the listeners are newsmongers or enemies of the person defamed, the spread of the defamatory story is more certain). The loss itself may be greater or less on account of the character or position of the listener (e.g., loss of reputation

with a friend or a virtuous person is felt more, loss of reputation with customers or employers is more damaging, etc.).

(b) The quantity of the listeners also makes a difference, since it is more harmful, other things being equal, to be defamed before several than before one. Hence, the fact that many persons are present when the defamation is uttered is an aggravating circumstance of the sin. Whether it multiplies the sin numerically, so that one commits as many sins of defamation as there are persons who hear and are impressed, is a disputed point. Those who hold for multiplication argue that the defamed person has a distinct right to his reputation with each person present; those who deny multiplication contend that the right to reputation is a single object, since reputation is the opinion of others, whether they be many or few. This latter view seems to be more common, and its practical bearing is that a penitent need not mention the number of persons before whom he defamed his neighbor (see 217).

2064. Is the malice of defamation aggravated by the fact that the listeners are peculiar and think the defect mentioned is far more serious than it really is?

(a) If only the harm to reputation is considered, it does not seem that the over-strict notions of the listeners increase the sinfulness of defamation; for the harm to reputation is to be measured by the common opinion, not by the singular ideas of certain persons. Example: Sempronius tells that Balbus wastes a little time in telling humorous incidents and reading detective stories. The small group of auditors think that this is one of the blackest of crimes.

(b) If other harms are taken into account, the peculiar ideas of the listener may add to the sinfulness of defamation. Thus, if a young person of delicate conscience will be scandalized at hearing that Caius plays cards, or if older listeners will be led by this remark to take their trade away from Caius, the sins of scandal and of unjust damage are added to defamation. Defamation often destroys in the listener all faith in humanity, or all belief in religion.

2065. Detraction to One Discreet Person.—Is detraction a mortal sin, if the revelation of a serious sin is made without sufficient reason but to only one prudent and discreet person, who will neither divulge the information, nor be influenced by it to the harm of the party spoken against?

(a) If the purpose of the speaker is to inflict serious injury on his neighbor, mortal sin is committed, since the gravity of the sin is measured by the malevolence of the will.

(b) If the purpose of the speaker is not to inflict serious injury, but only to indulge his love of talk, levity of mind, etc., the gravity of the sin depends on the actual harm that is done; for one wills indirectly the harm connected with one's acts, even when one does not desire it directly (see 102). Hence, if the harm is in fact serious, mortal sin is incurred by the detractor, unless he is excused from it by the imperfection of his deliberation or consent. How much harm, then, is done in this case? Most moralists, it seems, think grave harm is done, since the loss of good name with one prudent man is generally more distasteful than its loss with many light-minded persons. Some moralists, however, dissent from this view, and hold that the harm done is small. They argue that the loss of good name with one prudent person (exception being made for the cases when he is the one person whose esteem is prized above that of all others, or when the crime revealed is an enormous or very degrading one) is not a great blow to reputation, since reputation consists in the opinion of many persons, and since a prudent man will be inclined to help rather than harm one who has been defamed in his presence. The advocates of the first opinion appeal also to the analogy of contumely and rash judgment, for these two sins are grave, even when the loss of honor or good opinion is in respect to one person only. But their adversaries deny the assumed parity: for, while contumely includes the purpose to injure and rash judgment includes the imputation to another of a defect of which he is not guilty or not known to be guilty, the detraction now considered is innocent both of design to injure and of calumny. Both opinions are probable, but the former seems to be more common and more likely.

2066. Belittling a Person to Himself.—It is not impossible to belittle a person to himself, for example, to make him believe that lie is illegitimate, that he is regarded with contempt by others, that his ability is mediocre or his character defective, etc. Is this defamation, or is it sinful?

(a) To lower a person in his own estimation is not defamation in the strict sense of the word, since defamation is properly an injury to the reputation that one has with one's neighbors or with the public, not to the opinion one has of oneself. This sin belongs rather to derision (see 2106).

(b) To lower a person in his own eyes is sinful or not sinful according to the purpose intended or the means employed. Thus, if a parent, wishing to correct the pride or presumption of his son, gives the latter a true picture of his failings or limitations, the act is one of virtuous correction. But if an envious person, wishing to produce a sense of inferiority in another, deprives the latter of rightful peace of mind and of reasonable confidence in self, charity and justice are violated and there is a duty of restitution.

2067. Disclosing Matters Detrimental to Third Party.—In what cases is it lawful to disclose to others matters that will be detrimental to the reputation of a third party?

(a) If the communication is false, it is never lawful, no matter how important the reason; for the end does not justify the means. It is sinful, therefore, to resort to calumny as a defense of one's own reputation or dignity (see 2035, 2036).

(b) If the communication is truthful and the matter is already well known to the persons addressed, there is no defamation, unless the communication makes these persons strongly convinced, whereas they had been rather uncertain before, or reveals to them some important detail about which they had been in ignorance.

(c) If the communication is truthful, but the defects are secret and unknown to the parties addressed, there is defamation, unless the person whose defects are revealed has lost his right to good name on account of the right of another person which has precedence and cannot otherwise be upheld (cfr. 2035). In this latter case there is no obligation to maintain silence, neither from justice (since the lesser right must yield to the greater right) nor from charity (since this virtue does not oblige at the cost of great inconvenience). Thus, Our Lord made known to the Apostles that the Pharisees were hypocrites (Luke, xii, 1; Matt., xvi. 6), and St. Paul told Timothy that Alexander and Hymeneus had neither faith nor a good conscience (I Tim., i. 20).

2068. Rights that Have Precedence over a False Reputation.—(a) The public good is to be preferred to a false reputation, for the public welfare is the ground for the right to such reputation, the subject himself being unworthy of the good name he bears (see 2037). It is right, therefore, to denounce criminals or conspirators to the proper authorities, or to testify

against them. Employers have the duty to discuss together the failings or imperfections of their employees that interfere with the business; subjects should manifest abuses about which they are asked in a canonical visitation; students in a college should give information about companions who are depraving the morals of the student body or exercising an evil influence on the other residents, etc.

(b) The private good of innocent parties may be preferred to the fame of one who enjoys a false reputation. One may reveal secret defects for one's own defense; for example, a person whose life, honor or property is being unjustly attacked may reveal sins of the guilty in order to deter them or weaken their authority; a person who has been injured by his superior or another party may speak of this to a friend for the sake of obtaining consolation, or to a confessor, a lawyer or other adviser for the sake of obtaining counsel or assistance. One may also reveal secret defects for the protection of others; for example, one should put unsuspecting persons on their guard against seducers, impostors, quacks; one should reveal impediments that stand in the way of a marriage, or should warn a young woman that the man to whom she is engaged is a criminal or diseased; one should make known the true author of a crime for which an innocent person is about to suffer; one should tell the truth to inquirers about the incompetency of servants or other persons whom one has employed.

(c) The higher good of the person whose faults are revealed may also be preferred to the lower good of his false reputation; for it is to his interest that his higher good be promoted, even at the expense of an inferior good. It is lawful to tell parents about the misdeeds of their children (e.g., that a daughter is involved in a scandalous liaison), in order that the latter may be corrected; or to speak to the friends of wayward persons about the misconduct of the latter in order that prayers may be said for their conversion.

2069. Unlawful Attack on Another's False Reputation.—If the false reputation of another is not the unjust cause of a loss that is feared, it is not right to deprive him of his good name. Examples: (a) It is not lawful to accuse a person who is about to be promoted to some office or dignity of which he is worthy, if the motive of the accusation is to secure the honor for oneself or one's friend; otherwise ambitious persons would be encouraged to practise spying, manufacturing of evidence, etc., and the public peace

would be greatly disturbed. (b) It is not lawful to accuse a person who is giving one no offense, if the motive of the accusation is to distract attention from oneself or to make oneself shine by the comparison.

2070. Conditions that Justify Revelation of Another's Defects.—In revealing defects on account of some necessary good, one must observe the conditions for an act of double result (see 103).

(a) Thus, the action itself must not be evil, and hence one may not break the seal of secrecy to which one is bound (as will be said in the next Article in discussing violations of secrets), nor make use of knowledge unjustly acquired, nor reveal more or to more persons than the case demands, nor reveal anything, if a warning to the offender will suffice (see 1286).

(b) The good result must be intended, and the evil result of detriment to fame must be only permitted. Those who assign pious motives (pity, zeal, sincerity) for talk against a neighbor, but who are really actuated by hatred, revenge, ambition to defeat a rival, or other like passion, sin on account of their wrong intention. A hypocritical form of defamation is practised by some persons exteriorly devout, who under the pretext of asking prayers for their neighbor's conversion spread stories about those whom they dislike.

(c) The reason for permitting the evil must be sufficiently weighty. Hence, the good result intended must be one that is likely to follow on the revelation, and it must be of some importance; for it would be cruel to throw away a neighbor's good name on the mere possibility that a considerable good would be secured, or on the certainty that only a slight benefit would be obtained. It does seem, however, that the good which is hoped for must be of an equal dignity with the good of fame, since the innocent and the guilty party are not on the same footing, and furthermore all admit, for example, that the fame of an employee who is stealing from his employer is not to be preferred to the goods of the employer. In doubt about the seriousness of the evil following on revelation, the innocent party is to be favored.

2071. Revelations about Public Officials or Candidates for Public Office.—(a) These are lawful when the public good calls for them (e.g., when a man has used corrupt practices in order to be elected, or when he is incompetent, or when he has been guilty of malfeasance in office), and the conditions of the previous paragraph are observed.

(b) These revelations are unlawful when the public good suffers from them (e.g., when the safety or dignity of society itself would be injured by attacks on the head of government), or when the due conditions are not observed (e.g., when one resorts to personalities about a deserving public official, or practises muckraking because of mere prejudice or partisanship). The law permits fair comment on public persons or works, but it also grants an action for criticism that contains unfair aspersions of personal character or unjust accusations about public conduct.

2072. Revelations about Historical Personages.—(a) These revelations are not lawful unless there is a proportionate reason that justifies them. For historians there are sufficient reasons to narrate impartially the crimes as well as the virtues of those who appear in their pages. These reasons are: the nature of history as a record of facts and causes (“the first law of history is that it dare not tell any untruth, that it fear not to tell any truth,” Leo XIII); the rights of the persons who are treated in the annals (e.g., it is often impossible to understand the deeds of one character in history or to do him justice unless the secret crime of another character is revealed); the rights of the readers (e.g., the reader has the right to know that the persecutors of religion have been wicked in their personal lives). The historian, therefore, may search for material bearing on the lives and deeds of historical personages of the past, he may collect similar material relating to current events, he may narrate defects or delinquencies of the past that were unknown or forgotten. But matters of a purely private character that have no bearing on public events do not belong, according to some moralists, to the legitimate province of the historian; for otherwise there would be an end to the rights of the dead over their fame. Moreover, there is the risk of calumny and of violation of elementary justice, since the historian is a self-appointed judge and the person condemned is not able to defend himself.

(b) These historical revelations are not lawful unless the conditions mentioned in 2070 are observed. Thus, a historian should not write down details that were told him in confidence by a person long since dead; he should not be swayed either by unreasonable likes or unreasonable dislikes in the expression of his views; he should not publish what will cause harm rather than good, such as circumstances in the lives of persons recently deceased which, if revealed, will be detrimental to living persons.

2073. It is not always easy to determine whether more harm is likely to result if the persons whose glory is dimmed are high in public esteem on account of the prestige of their office or their great exploits. Much will depend on circumstances and on the author's manner of treatment.

(a) Thus, *_per se_*, or from the nature of things, it does not cause greater harm to narrate truth about the imperfections of great men, for only error or prejudice or evil has reason to fear the truth. The inspired Scriptures themselves deal candidly with the public failings of personages who were high in religious or civil position, for example, the hesitation of Moses, the infidelity of Aaron, the fall of King David, the disobedience of the prophet Jonas, the denials of Peter, the doubts of Thomas, the treason of Judas. These histories are not harmful, but, on the contrary, contain most useful lessons of instruction, warning and direction.

(b) *_Per accidens_*, or on account of special conditions, it may be more harmful to write of the failings of the great (cfr. 1001). Thus, the class of persons for whom one is writing may be immature (e.g., a textbook of history for children would give scandal if it spoke openly of sexual crimes), the conditions of the time may be unfavorable (e.g., a new historical production might lead to injury to some class of persons at a time of great prejudice against them), the total effect of a book may be bad (e.g., chronicles of scandals, historical biographies or novels or plays written in a seductive manner). The class of modern writers known as "debunkers," whose aim it is to destroy all hero-worship, offend against truth and ideals by the prominence they give to evil, while the so-called psychological historians are frequently purely subjective as well as immoral.

2074. Revelations about Persons Who Figure in the News of the Day.—
(a) If the matters revealed are of a public nature, the lawfulness or unlawfulness of the revelation will depend on the reasons for it and the manner in which it is given. In discussing political affairs, a newspaper has the right to call attention to mistakes and faults of public men, since the freedom of the press in this respect is a protection to liberty and to progress, and those who enter public life implicitly consent to criticism of their conduct; in reporting the news, a newspaper has the right to speak of murders, robberies and other public crimes that have been committed, since the common good requires that the authors of public offenses be known as such. But if this kind of news is disserviceable in any instance to the order,

peace or dignity of the community, or if the news is obtained in unjust or dishonorable ways, or if the motive is merely to gratify curiosity, to indulge prejudice, or to make money, the newspaper management is morally guilty, even though it may be legally within its right. Yellow journalism and “tabloidism” are reprehensible because they are injurious to the minds and morals of their readers on account of the undue prominence given to crime, even of the most disgusting sort, and the appeal made to sense and emotion rather than to thought.

(b) If the matters revealed are of a private nature, the morality of the revelation has to be judged by the principles given in 2067 sqq. It would be wrong to make a practice of spying into the private life and affairs even of public persons merely to add interest to one’s columns; but if there is some really important advantage to the public or to a private person that will be served, and if the other conditions are observed (see 2070), one may publish even private defects that are real and certain.

2075. Injustice in Professional Critics.—(a) Injustice is done by professional critics (such as book reviewers, dramatic and art critics, and the like) to the persons who rely upon their opinion, if there is a compact with them to give a competent and unbiased judgment and the compact is not lived up to by the critic with resultant damage to the client (see 1793). If there is no compact, the critic is nevertheless guilty of deception and uncharitableness, if he performs his office carelessly (e.g., by eulogizing a worthless book or play or picture).

(b) Injustice is done the person criticized, if his work is undervalued purposely (e.g., because the critic is jealous, or in an ill humor or is hired by others to dispraise), or if uncalled-for personalities are indulged in at the expense of the person’s fame. A carping critic may by the stroke of the pen spoil the work of years, and hence ignorance does not excuse those censors who practise wholesale and unfair denunciations (see 905).

2076. Cooperation in Defamation.—Not only the defamer sins, but also those who cooperate with him. Among the cooperators with defamation are those who give orders for defamation, those who show how it can be done, those who protect defamers, and those who participate in defamation by directing the conversation to a certain subject or by joining in the criticisms. The most ordinary form of participation in defamation is that of the listener,

for no one defames successfully unless he has a sympathetic listener. Those who listen to detraction in such a way as to consent to what is said share in the guilt of the detraction. This happens as follows:

(a) the listener consents directly to defamation when he spurs the speaker on (e.g., by saying, “Tell us about So-and-So,” by insincerely praising an absent person in order to excite dispraise, by nodding approvingly, cheering, or smiling, by showing great marks of favor to those who bring him news against others or of disfavor to those who refuse to do this), or when he rejoices internally at the defamation he hears, because he hates the victim:

(b) the listener consents indirectly to defamation when he does not spur the speaker on nor approve of what is said, but omits to stop the defamation or to protest against it, when he could and should do one or the other of these things.

2077. Sinfulness of Direct Consent to Defamation.—The listener who consents directly shares in the guilt of the defamer according to the words of St. Paul: “They who do such things (detractors, etc.) are worthy of death, and not only they that do them, but they also that consent to them that do them” (Rom., i. 32), Indeed, St. Bernard says that it is not easy to say which is more deserving of condemnation, to defame or to listen to defamation. But we may distinguish as follows:

(a) he who spurs the defamer on is more guilty than the defamer. This listener sins against the detractor whom he scandalizes by inducing to sin, against the detracted whom he deprives of his good name. Thus, he is both uncharitable to the detractor and unjust to the detracted, and is the moving cause of all the harm that is done (cfr. 2065);

(b) he who hears the defamer willingly may be more guilty internally than the defamer, since his hatred of his neighbor and his love of injustice may be more intense; but externally his sin is less, since, as is supposed, he is not bound to resist the defamation and he does not give any cooperation to the external injustice. He sins against justice affectively (i.e., in wish), but not effectively (i.e., in word or deed).

2078. Persons Who Listen from Curiosity.—What of those listeners who hear defamation willingly, not because they approve of the harm or evil that

is being done, but because they are unusually curious or the speaker is unusually interesting?

(a) If these listeners could and should stop the defamation, they consent to it indirectly by their silence and thus are guilty (cfr. 2079).

(b) If these listeners are not able or are not bound to stop the defamation, some would nevertheless hold them guilty of grave sin, since they wish to hear something only because the knowledge will give them pleasure, knowing all the while that this knowledge cannot be had except at the expense of the good opinion they have of a neighbor. But the general view is that in this case there is no grave sin; for the listener does not approve of the moral evil (he is interested only in the graceful or eloquent or witty manner of the speaker, or the strangeness of the things related, or he is only concerned to hear the latest news, cfr. 234), and what he hears does not cause the lowering of his neighbor in his own opinion. But here it is supposed that the listener in no way encourages the defamation and that he is not bound to stop it. Curiosity about things that do not concern one is, however, a venial sin.

2079. Sinfulness of Indirect Consent to Defamation.—The listener who consents indirectly to defamation by not impeding it as he should is also guilty of sin, and in Scripture his conduct is strongly forbidden: “Have nothing to do with detractors” (Prov., xxiv. 21); “Hedge in thy ears with thorns, hear not a wicked tongue” (Ecclus., xxviii. 28).

(a) It is commonly admitted that the listener in question sins doubly against charity, and grievously if the defamation is seriously harmful; for he sins against the detractor by refusing to give a brotherly correction (see 1258 sqq.), and he sins also against the one detracted by refusing to raise his voice in behalf of the absent who cannot defend himself.

(b) It is also commonly admitted that, if the listener is the superior of the defamer or of the person defamed, he sins more gravely, since he is specially bound to correct his subject who is detracting in his presence, or to defend his absent subject who is being defamed. If the listener is a private person not responsible for the defamed person’s reputation, he does not sin against justice by his indirect consent to the defamation. Indeed, the inferiors or equals of the defamer rarely sin gravely by their neglecting to oppose his defamatory remarks.

2080. Guilt of Superior Who Consents to Defamation.—Is the superior who indirectly consents to defamation of a non-subject by a subject guilty thereby of injustice?

(a) As regards the spiritual injury (i.e., the guilt of sin incurred by the defamer), the superior is guilty of injustice towards his subject, if by reason of his office or contract he is bound to correct faults and neglects to do so. Thus, a bishop or pastor is supported by his people, and there is at least an implied agreement that he will direct them in spiritual matters and reprove their faults. Hence, it seems that a spiritual superior of this kind is unjust, if he fails to correct a subordinate who carries defamatory tales to his ears.

(b) As regards the temporary injury (i.e., the detriment to fame incurred by the person maligned), all depends on whether the superior is bound by reason of his office or contract to prevent injury to non-subjects by those who are his subjects. If the superior exercises his authority in the temporal order and has an agreement with those not subject to him to protect them against defamation by his subjects, he is bound in justice to abide by his agreement. But the common opinion is that a superior in the spiritual order is not responsible *ex officio* for the fame or other temporal welfare of those not subject to him.

2081. Is the superior who indirectly consents to defamation of a subject guilty thereby of injustice?

(a) If the superior has authority in the temporal order, he is unjust by his inaction, in so far as law, custom or agreement hold him to prevent the defamation of his subject. Thus, a guardian entrusted with the care of his ward's reputation is unjust if he makes no effort to prevent defamation of the latter.

(b) If the superior is in the spiritual order, some believe that he is unjust by inaction, since fame is closely connected with spiritual goods, being necessary for moral influence over others and useful for personal perseverance in virtue. But others—and it seems more commonly—deny this, and state that the relation between fame and spiritual goods is only accidental.

2082. Circumstances Which Lessen Guilt of Indirect Consent.—Indirect consent to defamation is often only a venial sin. (a) Thus, by reason of the

lightness of the matter, as when only trivial defects are mentioned by the defamer; (b) by reason of insufficient reflection, as when the listener is distracted in mind and does not clearly advert to the sinfulness of the words he hears; (c) by reason of insufficient consent, as when the failure to stop or protest against the defamation is due to slight laziness, to bashfulness, or to fear of the speaker, at least when the defamation is not extremely harmful to fame or other good, or gravely slanderous.

2083. Inaction in the Face of Defamation.—Inaction in the face of defamation of a third party is sometimes no sin at all.

(a) Thus, there is no sin when one is unable to act (e.g., when a slanderous speech is being delivered by a person in authority who will not suffer any interruption to be made), or is unable to act with any success (e.g., when the attempt to correct would provoke worse defamation, when the listener is too unskilled to refute or remonstrate). Scrupulous persons should not attempt to correct, since they are not suited for this. Their attempts to defend an absent person would generally make them ridiculous, and would often be unjust to the person whom they suspected of defamation.

(b) There is no sin when one is not obliged to act (e.g., when interference will expose one to very serious evils, when the defamation is not grave or is not taken very seriously, when the listener is uncertain whether the speaker is really guilty of defamation or whether he himself is bound to intervene). It is sometimes unwise to interrupt a defamatory story, for many such story seems to promise dire disclosures at its beginning, but when heard to the end is seen to be an affair of no importance or to contain little that is new or startling or credible.

2084. Ways of Opposing Defamation Made in One's Presence.—(a) Positive resistance is made by a command to the defamer to be silent, or by refutation of his words if they are false, or by a rebuke if his words are true. This mode of correction is generally required if the listener is the superior of the defamer, and is sometimes suitable if he is the latter's equal.

(b) Negative resistance is made by leaving the company, by having no share in the conversation, by changing the subject, by showing displeasure or at least gravity in one's looks or acts: "The north wind driveth away rain, as doth a sad countenance a backbiting tongue" (Prov., xxv. 23). This mode

of resistance is usually the proper one for an inferior, and as a rule is found more satisfactory even between equals (see 1267).

2085. Restitution for Defamation.—Restitution for injuries committed is necessary (see 1759), and hence it is required of the defamer. In the language of Scripture (Prov., xiii. 13), he that speaks ill of his neighbor obliges himself for the future. The two injuries to be repaired are: (a) the unjust taking, that is, the fame of which he has deprived his neighbor; (b) the unjust damage, that is, the detriment to fame or the losses that resulted from the defamation (such as failure to obtain or keep a position, decline of business, etc., which were foreseen at least in a confused manner). It is clear there is no duty of restitution, if in spite of talk against a neighbor he suffered no loss (e.g., if the listeners gave no heed or credence to the talk).

2086. Gravity of Obligation of Restitution.—The obligation of restitution for defamation is grave or light according to the degree of injury done, and the grave obligation binds even at the expense of serious inconvenience, the light obligation at the cost of small inconvenience. But the following points should be noted:

(a) the injury is not necessarily grave if the defect imputed to another is grave, for many circumstances have to be considered (e.g., blasphemy is a serious charge, but it would not be very harmful to a man publicly known as very impious, see 2053 sqq.);

(b) the injury is not necessarily slight if the defect imputed is slight, for circumstances may make the injury considerable (e.g., it is not very defamatory to say that a woman is very talkative, or unable to speak or spell correctly, but this would be very damaging if it lost the woman a very lucrative position as secretary).

2087. Conditions Which Entail Duty of Restitution.—Restitution is not obligatory unless one is the unjust and efficacious author of the damage (see 1763). Hence, disclosures unfavorable to the reputation of others entail the duty of restitution only when the following conditions are present:

(a) the detriment to fame or other loss must be unjust objectively, and hence those who have a just reason for exposing the vices of others are not held to restitution;

(b) the detriment must be unjust subjectively, and hence one who in good faith speaks of a neighbors sin, thinking that it is true and public, whereas it is false or secret, is not bound to restitution, if he discovers his error after the results of the defamation have been removed (see, however, 2102). But if he discovers his mistake while the neighbor is still under a cloud because of the report, he becomes from that moment responsible and subjectively unjust, if he does not take steps as far as he conveniently can to correct the error (see 1769);

(c) the detriment must be due to one's act as to its efficacious cause, and hence one is not bound to restitution if a listener understands one to disparage when in fact one has not disparaged.

2088. Cooperators and Restitution.—Those who cooperate in injustice are also held to restitution (see 1778 sqq.), and hence the following are bound to indemnify a defamed person:

(a) positive cooperators are held to restitution, such as those who command, counsel, or encourage defamation. The same is true of those who share in a defamatory conversation or who merely listen, but by their questions, or show of interest or approval, induce the defamer to continue, or to speak with more assurance;

(b) negative cooperators are also held to restitution, if they were bound in justice to resist or impede defamation. This will apply chiefly to a superior who does not prevent, as he should, the defamation of his subject or community, whether by a subject or a non-subject (see 2080 sqq.).

2089. Circumstances of Restitution.—We shall now speak of the circumstances of restitution for defamation: (a) the persons bound to restitution besides the defamer, namely, his heirs, the listeners, etc.; (b) the persons to whom restitution is to be made; (c) the manner of making restitution; (d) the time for making restitution (see 1781 sqq.).

2090. Restitution for Defamation to Be Made by an Heir of the Defamer.—(a) For the injury to fame, it seems that the heir is not bound, since the duty of restitution of fame is a personal one, that is, an obligation to perform an act of retraction or apology, not an obligation to pay compensation (see 463). But some hold that defamation may be satisfied for by pecuniary compensation (1750, 1802), and that, if the injured party

should insist on this kind of compensation for the infamy suffered, the heirs would be obliged to pay it.

(b) For the damages resulting from injury to fame the heir is bound, since restitution for losses is a real one and rests upon the property or estate of the deceased. But those who are in good faith are sometimes to be left undisturbed, lest they become guilty of formal sin.

2091. The Persons to Whom Restitution for Defamation Is to Be Made.—(a) To the person defamed restitution of fame is owed, and this is true even when the person is already dead. Just as one who dishonors the dead by desecrating their tombs or their remains owes it to their memory to make reparation, so one who defames the dead owes it to their reputation to make restitution. In fact, the heirs may be bound in conscience to insist upon this restitution, and it seems they cannot condone it, since it is not their own fame that has been hurt.

(b) To the listeners restitution is not owed, since no injustice was done them, but reparation for scandal given them may be obligatory. And, since justice to the person defamed requires retraction or other reparation, the defamer must recall his words before the persons to whom he addressed them. Hence, if defamation appeared in a journal, the honorable reparation should also appear in the same journal and with the same prominence given it as was given the offensive remarks.

2092. Responsibility of Defamer for Spread of Defamation.—Is the defamer bound to recall his words to the wider audience that learned them from his first listeners?

(a) If the defamer is not responsible for the spread of his talk beyond the circle which he addressed (e.g., if he imposed strict silence upon his listeners or had good reason to think that they would keep his remarks to themselves, and his words nevertheless leaked out), the common opinion is that he is not held to reparation before the subsequent listeners.

(b) If the defamer is responsible for the spread of his talk (e.g., if he gave his listeners permission to quote or repeat, or if he knew well that they would carry his words far and wide), he is bound to reparation before the later listeners, in so far as this is possible, especially if he was guilty of calumny. Whether he or his listeners have the first duty of restitution will

depend on the relationship in their cooperation (see 1784). If he can do nothing better, he should admonish his listeners to retract before their listeners.

2093. The First Way of Making Restitution for Defamation.—(a) If the defamation was by calumny, the defamer (and also the propagator) must take back his words, admitting that what he said was untrue. If necessary, he should also make affidavit to this effect, or even admit that he lied. The reason is that the innocent party has a greater right to his fame than the guilty party. But the defamer is not obliged to confess his own malice, when this is not necessary, and it may suffice to say merely that his former statement was not correct.

(b) If the defamation was by detraction, the defamer cannot truthfully say that his words were false, and he must counteract directly or indirectly the effect of his defamation by something favorable to the person he has injured. If the listeners will not be confirmed in their belief by his explanation, the defamer should explain to them that his statements were unjust, that he had no right to make them, that he wishes them to regard as unsaid all that he said, etc. (direct revocation). If this cure would be worse than the sickness by strengthening the belief of the listeners that the defamation was true, the defamer should be silent about his former statements. But he should so honor or praise the person defamed that others will be led to believe, not that restitution is being made, but that the former good opinion they had of the person defamed was correct (indirect revocation). Thus, if the defamer knows that the injured person has reformed, he may call attention to and emphasize the virtues he now has; if the defamed person has still the same failing, he may be excused, when possible, or praised for the good qualities he does possess, or he may be spoken of in general terms of esteem; if the listeners have been led to dishonor the person who was detracted, the defamer may show special signs of esteem or confidence to the latter, etc.

2094. Other Methods of Making Restitution.—If the listeners will not be impressed by any of the methods of satisfaction just indicated, what should be done?

(a) If, in the case of calumny, the listeners are unwilling to accept the formal statement that the defamation was untrue, the defamer is obliged to

nothing more. For the slanderer has done all that is possible to change the erroneous view of the listeners, and the bad opinion they have of their neighbor must now be attributed, not to the defamer, but to their own wickedness or stubbornness.

(b) If the listeners cannot be properly impressed by the direct or indirect revocation of detraction, the defamer, being unable to make honorable compensation by restoration of fame, should make a profitable compensation by the bestowal of a benefit that will in some way be commensurate with the good of reputation and be acceptable to the other party. Thus, if the person defamed is satisfied with money or something measurable in terms of money, he should be given damages; if this kind of compensation is of little use or is not esteemed (few persons of honor would take money alone as pay for a lost reputation), he should be given some other good which in his own judgment and that of a prudent man is more nearly an equivalent for the good of which he has been deprived. An apology is not sufficient, since the begging of pardon does not restore what was taken; neither is it generally advisable, because the admission to another that one has been secretly defaming him and is now sorry for this may lead to quarrels and hatreds rather than to forgiveness and peace.

2095. Legal Reparation for Defamation.—One who has been sentenced by a lawful judgment of court to reparation and penalty for defamation is obliged to obedience, but if the satisfaction decided on by a jury is excessive or meager, it can be set aside by the court. In Canon Law (Canon 2355) one who has been convicted of defamation may be sentenced: (a) to satisfaction; (b) to damages; (c) to suitable penalties, even to suspension or removal from office or benefice.

2096. The Time When Restitution for Defamation Is to Be Made.—(a) It should be made as soon as possible, for the longer it is delayed the greater the injury that is suffered, since defamation becomes harder to correct as it progresses, or at least has a longer life when it is not corrected early. But prudence will sometimes dictate that one await a psychological or favorable moment for a retraction. (b) Restitution should be promised before absolution is given, and, if there is a well-founded doubt about the sincerity of a promise, the confessor may delay absolution until restitution has been made.

2097. Cessation of Duty of Restitution.—The duty of restitution ceases, at least temporarily, in certain cases (see 1797 sqq.), and hence one who has been guilty of injustice through defamation is sometimes excused from reparation. (a) Thus, one is excused temporarily on account of impossibility; (b) one is excused permanently on account of the cessation of the other party's good name or the termination of one's own obligation.

2098. Excuse from Restitution on Account of Impossibility.—(a) Physical impossibility excuses, for example, when one does not know who the persons were before whom one detracted, or cannot recall who the person was whom one defamed. But in this case the defamer should at least make satisfaction by praying for the person whom he defamed, or by having Masses offered for him.

(b) Moral impossibility excuses from restitution, as when the defamer will suffer a far greater loss than he inflicted on the person defamed (e.g., if the defamer cannot retract without losing his life, or a reputation which is far more valuable than that of the obscure person who was defamed). But if the defamer has subjected the injured party to the peril of death, or if he has calumniated an innocent man, he must make satisfaction even at the peril of his own life or at the cost of his own fame; for the right of the innocent prevails over that of the guilty defamer.

2099. Excuse from Restitution on Account of Cessation of Other Party's Good Name.—The defamer may also be excused from restitution on account of cessation of the other party's good name through another cause, as when the secret defect first made known by the defamer becomes public from another source.

(a) The detractor is excused from the duty of restoring reputation, since the person he defamed has now independently of the first defamation lost his right to reputation (see 2053 sqq.).

(b) The detractor is not excused, however, from payment for damages which the defamed person suffered from the first defamation or for expenses which it caused him. Some moralists hold him obligated also for some compensation for the infamy suffered before the crime became public through others.

2100. Excuse from Restitution on Account of the Termination of Obligation.—(a) The act of the defamed person ends the obligation, when, without injury to others, he expressly or tacitly condones the offense; for he has dominion over his own fame, as he has over his own money or lands. Thus, it may often be presumed that parents overlook the restitution owed them by their children for criticisms made by the latter.

(b) The act of the defamed person also ends the obligation, according to the common opinion, when he has inflicted an equal injury by defaming his defamer and is unwilling to make satisfaction for the injury; for though it is unlawful to repay evil with evil, and though one damage does not cure another damage, he who will not pay a creditor cannot insist that the creditor pay him an equal debt. Thus, if Titus has burned the barn of Claudius and Claudius then burns the barn of Titus, and neither will pay damages, the debts neutralize each other, if the losses are equal. The same principle applies in defamatory recriminations.

2101. Right of Defamed Person to Condone Injury.—The person defamed has the right to condone the injury, if it is only personal to himself, but he has not always the right to condone the injury when the defamation causes harm to others.

(a) Thus, the defamed person would sin against justice and his act would be invalid, if he forgave the debt of restitution despite the fact that his own fame was necessary for the fame of others (e.g., when a monk loses his good name, the monastery is also disgraced), or was necessary for the fulfillment of duties owed by him in justice to others (e.g., when a prelate, priest or public official loses his good name, the good influence he should exercise over his subjects is ended). This conclusion is probable.

(b) The defamed person would sin against charity, but his act would be valid, if he forgave the debt of restitution despite the fact that his fame was necessary for the fulfillment of charitable duties owed to others, or that his silence in the face of defamation would cause great scandal (e.g., when a preacher loses his reputation, his words do not move, and thus he is unable fruitfully to accomplish works of charity by instructing the ignorant, etc.).

2102. Excuse from Restitution When Reputation Has Been Recovered.—The obligation of restitution for defamation also ceases when reputation has been recovered without any act on the part of the defamer; for it is clear that

one is not bound to give back that which is already had. But restitution may be due, nevertheless, for damages incurred, and some think that compensation (e.g., apology, honor, praise) should be made for the injury of infamy that existed before the good name was regained.

The usual ways in which reputation is recovered without the act of the defamer are: (a) by overthrow of the defamation, as when the facts against it become manifest, or when witnesses prove its falsity, or when a tribunal declares it a criminal libel; (b) by oblivion, as when a misdeed of years ago has faded entirely out of the public memory. If the defamer is uncertain whether his past defamations have been forgotten, he has to act with great prudence; for, if he makes inquiries the memory of the defamations may be awakened, while if he says nothing, the defamations, because never corrected or retracted, may break out anew. He should consider the circumstances, therefore, and treat the defamed person as he would wish himself to be treated in a like case.

2103. Whispering or Tale-Bearing.—Whispering (*_susurratio_*), also called mischief-making and tale-bearing, is a speech unfavorable to another person secretly made with the purpose of breaking up a virtuous friendship.

(a) It is unfavorable speech, that is, the whisperer says something to his listener that will turn the latter against the person spoken about. The thing attributed to the absent person may be either something evil or something that is only seemingly evil, but in either case it will be something displeasing to the listener. Whispering, therefore, does not necessarily include defamation.

(b) It is secret, that is, the whisperer speaks privately, and usually in the way of confidence to the person whose mind he wishes to impress. Often, however, he goes now to one of the friends, now to another, speaking in different senses to each, to make his work doubly effective. This kind of whisperer is known as double-tongued: “The whisperer and the double-tongued is accursed” (Ecclus., xxviii. 15).

(c) It is aimed at the breaking up of a friendship, that is, the whisperer intends to destroy the feeling of respect and affection which his listener has for the absent person, or even to instill into the listener’s mind a feeling of disrespect and dislike for the absent person. Whispering, therefore, is incomplete when it ends a friendship, and complete when it makes enemies

of those who had been friends and sows discords and quarrels: “A passionate man kindleth strife, and a sinful man will trouble his friends, and bring in debate in the midst of them that are at peace” (Ecclus., xxviii. 11); “When the tale-bearer is taken away, contentions shall cease” (Prov., xxvi. 20). Whispering, then, differs from simple defamation, whose purpose is to steal away fame, for the mischief-maker intends to steal away friendship.

(d) It is directed against a virtuous friendship, for there is no sin but rather an act of charity in the effort to end a sinful or harmful friendship, as when a parent tries to keep his daughter away from a wicked man with whom she is infatuated, or his son away from a disorderly set whose companionship appeals to the youth (see 1353).

2104. The Sinfulness of Whispering.—(a) Theological Species.—Whispering is from its nature a mortal sin, since it is hateful to God (the soul of the Lord detesteth “him that soweth discord among brethren,” Prov., vi. 19), and deprives man of the boon of a virtuous friendship, the greatest of external goods. “A faithful friend is a strong defence, and he that hath found him hath found a treasure. Nothing can be compared to a faithful friend, and no weight of gold and silver is able to countervail the goodness of his fidelity. A faithful friend is the medicine of life and immortality” (Ecclus., vi. 14-16). Whispering is a greater sin than contumely or defamation, since honor is less esteemed than friendship, and reputation is only a means to friendship.

(b) Moral Species.—Generally, whispering is a sin against justice on account of the unjust means (e.g., force, fraud, lies, detractions) to which it resorts; but from its nature it is only a sin against charity, for the injured party has no strict right to friendship, which is a free relationship that may be terminated at will by either of the parties.

2105. Circumstances Which Affect the Species of Whispering.—Is the species of whispering changed by circumstances?

(a) The theological species is changed when the sinful act is imperfect in malice (e.g., when the whisperer had not reflected well on the evil that would be caused by him), or when the harm done is slight (e.g., when no enmity was caused and the friendship broken up was not strong or important to the friends). It is not a small matter, however, to destroy

friendships that are very necessary, such as the friendship between husband and wife, between parent and child.

(b) The moral species is not subdivided, for, though there are different kinds of friendships (see 1111), whispering is not directed against the special features, but against the general character common to all of them, namely, unity of soul and mutual affection. Hence, the whisperer is not obliged to mention in confession whether the friendship he broke up was based on utility, or pleasure, or virtue. It is clear, however, that a new species may be added to whispering. Thus, he who separates husband and wife, intending to secure the wife for himself, is guilty also of adultery; he who separates a business man and his patrons, intending to attract the trade to himself, is guilty also of theft; he who separates ruler and subjects by his whispering, is also guilty of sedition, etc.

2106. Derision.—Derision is a jest that reproaches another with some defect or evil in order to put him to confusion.

(a) It is a jest, that is, it is spoken in fun and consists in making the defects of another person the object of laughter or amusement. Thus, it differs in manner from contumely, detraction and whispering, which are spoken seriously.

(b) Its purpose is the confusion of the person ridiculed, that is, it intends to take from him the good opinion that he is entitled to have of himself and the peace of conscience that he enjoys. Thus, it differs in object and purpose from the other injurious words hitherto considered (see 2009). The intention to put another person out of countenance by ridicule is either formal or material, according as the purpose before the mind is to disconcert that person, or only to have one's joke, though one sees that this will mean shame and suffering for the victim of the joke.

2107. Distinction between Derision and Jestings.—Moderate jesting at another's expense is not derision, nor sinful, if it is justified by a reasonable motive. (a) Thus, a serious motive for jesting at another is fraternal correction. To ridicule a person who is making a fool of himself is often the best way to correct him, for many persons are less moved at being called wicked than at being called absurd. Similarly, a satirical rebuke sometimes serves to abash a person who has an exalted opinion of himself. In such cases a truth spoken in jest is an act of charity to a sinner. (b) A playful

motive for jesting at another is recreation. The good-natured exchange of banter about trivial defects between persons who enjoy this give and take is a reasonable form of amusement in itself; indeed, it pertains to the virtue known as *_eutrapelia_*. But some persons who enjoy a jest at the expense of another are extremely sensitive to ridicule and fly into a rage if fun is poked at themselves, or even if they suspect that someone is laughing at them.

2108. Even jesting whose purpose is good may be sinful on account of the offensive or immoderate way in which it is conducted (see 2010). There are three general forms of jest, but they do not constitute distinct species of sin when jest is unlawful, since the difference between them is accidental as far as morality is concerned.

(a) Thus, jest of the mouth is one that is made by words or laughter.

(b) A jest of the face is made by the expression of the countenance (e.g., by wrinkling up the nose, sticking out the tongue).

(c) A jest of act, or practical joke, is some trick played on another, horseplay, and the like.

2109. The Sinfulness of Derision.—(a) When the derider makes light of a grave evil, he commits a mortal sin, for he shows grave contempt towards the person derided, treating the latter as if he were entirely worthless—one whose misfortunes were matters for joke. Indeed, derision is a more serious injury than contumely, for the contumelious person treats the evil of his neighbor as something serious, whereas the derider makes sport of it and is thus more insulting. In Scripture grave punishment is threatened to deriders: “God shall scorn the scorers” (Prov., iii. 34). But if an evil grave in itself is commonly looked upon as light on account of the inferior condition of the person who has the defect (*viz.*, because he is an infant or an idiot), there is no grave sin of contempt.

(b) When the derider makes light of an evil that is really light, there is no contempt shown, but there may be serious embarrassment caused to the person derided. For the peace of a good conscience is a great blessing (“Our glory is this, the testimony of our conscience,” II Cor., i. 12; “A secure mind is like a continual feast,” Prov., xv. 15), and that which disturbs it can be a serious distress and harm. If the butt of the joke does not take the matter much to heart, the sin is venial. But should he suffer great mental pain or

disturbance on account of the ridicule, the quality of the sin is disputed. Some think that mortal sin is committed, if the derider foresees the serious evil that will ensue; but others hold that the sin is venial, since it is the oversensitiveness of the person derided that accounts for his great discomfiture of mind.

2110. The gravity of the sin of derision is increased by the object against whom it is directed; for the greater the reverence due a person, the greater the injury shown by making a mockery of him.

(a) Thus, the worst form of derision is that which is directed against God, and it is not distinct from blasphemy. Hence, Isaias (IV Kings, xix. 6) calls the deriders of the God of Israel blasphemers, and St. Luke (xxii. 64, 65) says that the soldiers who gave Our Lord a mock coronation spoke in blasphemy.

(b) Next in gravity is derision of parents, and Scripture declares the special horror of this sin: “The eye that mocketh at his father, let the ravens of the brooks pick it out and the young eagles eat it” (Prov., xxx, 17).

(c) Finally, there is a special enormity in derision of saintly persons, for virtue deserves honor, and those who dishonor it deter men, as far as in them lies, from cultivating or esteeming it.

2111. Cursing.—Cursing in general is the speaking of evil for some person or thing, that is, in order that the evil spoken may befall him or it. Thus, it differs from contumely and derision, which are the speaking of evil to another, and from defamation and whispering, which are the speaking of evil against another. Cursing is also different from prediction of evil, and some passages in the Imprecatory Psalms, though couched in terms of malediction, are prophecies of the future, rather than curses. An example is Psalm cviii, which foretells the fate of the traitor Judas. Cursing is expressed in two ways:

(a) imperatively, when one pronounces with authority that punishment is to be inflicted or evil visited upon some person or object. In this way God decrees eternal or temporal penalties against sinners, judges sentence criminals, and the Church anathematize the contumacious;

(b) optatively, when one who has not the power or authority to command punishment, expresses the wish that misfortune or evil of some kind may

overtake a person or thing. Examples are: “Bad luck to you,” “May you break your leg,” “The devil take you,” “God damn you.” A curse made in the form of a prayer is called an imprecation.

2112. When Cursing Is Not Sinful.—Cursing a person is not sinful when the evil which is ordered or wished is not intended as to the evil that is in it, but as to some good; for so the intention is directed to good, not to evil.

(a) Thus, evil may be ordered on account of the good of justice that is in it, as when a judge decrees capital punishment, which in its physical being is an evil, but morally is the vindication of justice and therefore a good. Some of the curses made by holy men in the Bible are of this character: they proclaim the just sentence of God, as when Elias called down fire from heaven upon his persecutors (IV Kings, i), and Eliseus cursed the boys that mocked him (IV Kings, ii. 24); or they express the submission of the human will to the just decree of God: “And the Levites shall pronounce with a loud voice, ‘Cursed be he that abideth not in the words of this law,’ and all the people shall say, ‘Amen’” (Deut., xxvii. 14, 26).

(b) Evil may be desired, if the intention takes in only the good of public or of private utility that is contained in it, as when one hopes a jury will find a dangerous criminal guilty, if one has in view, not the sufferings or death of the criminal, but the safety of the community. It is right, therefore, to wish confusion and defeat to the enemies of religion, of the Church, or of one’s country; it is lawful to pray God to visit a sinner with sickness that he may thereby be reformed or prevented from harming others. But in wishing evils one must remember that it is not always lawful to do what one wishes may happen in some lawful manner, nor is it lawful to wish a greater evil as a means of escape from a lesser evil (see 1308 sqq.).

2113. Sinfulness of Cursing.—Cursing a person is sinful when the evil ordered or wished is intended precisely as it is the hurt or loss of this person.

(a) From its nature this sin is mortal, since it shuts out the curser from heaven (“Neither cursers nor extortioners shall possess the kingdom of God,” I Cor., vi. 10), and it is essentially opposed to charity, being the natural expression of hatred (see 1296). But, other things being equal, optative cursing is less serious than defamation, for it is less harm to

another to wish him evil (e.g., that he be defamed) than to inflict that evil on him.

(b) From the imperfection of the act or the lightness of the matter, cursing becomes at times a venial sin. The act is imperfectly deliberate when one curses in a sudden fit of temper; it is imperfectly intentional, when one curses in fun or from habit and does not really wish that the evils pronounced should be fulfilled. The curses, “Go to hell,” “God damn you,” are usually not meant or understood to express a wish that the person addressed be consigned to eternal punishment. Hence, they are generally in themselves venial sins only. But it should be remembered that venial curses of this kind may become mortal by reason of scandal (e.g., when parents habitually address such curses to their children, or other superiors to their subordinates), or by reason of irreverence (e.g., when children curse their parents). The matter of a curse is light when the evil spoken is harmful only in a small degree (e.g., to wish that a person may lose a small sum of money).

2114. Rules for Deciding as to Gravity of the Sin.—Persons who have expressed a grave curse against a neighbor are sometimes in doubt whether there was enough ill-will in the curse to make it a mortal sin. For such doubts theologians give the following rules:

(a) if the reason for doubting is that after the curse one cooled off and hoped that no evil would happen to one’s neighbor, mortal sin was committed during the curse, but the bad disposition quickly passed away;

(b) if the reason for doubting is that one is not sure about the state of mind one was in during the curse, a good index of that state of mind will be the feeling one has towards the person who was cursed. Thus, if one is well disposed towards that person, the presumption is that the curse was not meant except as an expression of anger; but if one is hostile to that person, the presumption is rather that the evil in the curse was really intended. If one is indifferent as regards the person whom one cursed, the presumption will follow what one is accustomed to desire in one’s curses, whether that be to give forceful expression to displeasure or to manifest a malevolent hatred.

2115. Circumstances Which Change the Moral Species of Cursing.—There are certain circumstances of person and objects which change the

moral species of cursing, and which must therefore be mentioned in confession.

(a) Thus, by reason of difference in the persons cursed the species is changed, for where special love or reverence is owed a special sin is committed by hatred or irreverence. The gravest curse is that against God, which is the sin of blasphemy (see 887 sqq.). Next in wickedness is the curse against one's parents, which is a sin of impiety.

(b) By reason of difference in the evils that are desired, the species is also changed, since the essential malices of the will and of the deed are the same (see 90, 242). In this respect cursing differs from contumely and detraction, for in these sins the evils spoken are not pleasing, but rather displeasing to the speaker (see 2103). Hence, he who wishes death to his neighbor commits murder in his heart, he who wishes loss of property is a thief at heart, etc. But if one curses a neighbor in a general way, without mentioning any particular evil, one sins by hatred.

2116. Numerical Multiplication in Sins of Cursing.—(a) By reason of the specific difference in the evils wished (e.g., death, disgrace, poverty), one is guilty of several sins by one and the same act; for, though the act is physically one, it is morally many, as was said in the previous paragraph. But some authors add that only one sin is committed if all the evils wished are united in the mind as expressions of the one sin of hate or as means of the one purpose of injury (see 217).

(b) By reason of the different persons cursed, one is also guilty of several sins by one and the same act, or at least is guilty of one sin that is equivalent to many; for he who curses a whole family or group, formally and expressly intends evil to each member, and thus he differs from a thief who steals from many persons, but does not will individual injuries (see 218).

2117. The Cursing of Evil.—(a) It is not sinful to curse evil as such, that is, to wish that sin or wrong may be defeated. Hence, it is lawful to pray against the evil spirits, the enemies of God and man. But it is sinful to curse any creature of God, even though he is among the lost, for the nature of every creature is good, since it comes from God.

(b) It is not sinful to curse evil tropologically, that is, to curse a creature of God that is taken to represent evil, as being its cause (e.g., Job cursed the day of his birth, the beginning of many evils), or location (e.g., David cursed Mount Gelboe, the spot where Saul and Jonathan were slain), etc. But it would be a sin to curse these creatures of God in themselves.

2118. It is not sinful to curse an irrational creature on account of its relation to man, if there is a sufficient reason to curse man himself (see 2112), either on account of the good of justice (e.g., when God cursed the earth as a punishment on Adam, when Christ cursed the fig-tree as a sign of the curse on Judea), or on account of the good of utility (e.g., when one wishes that the liquor ordered by a drunkard may be lost).

2119. Unlawful Cursing of an Irrational Creature.—(a) It is unlawful to curse an irrational creature, considered precisely as a creature of God, for in so doing one reflects on God Himself, and incurs the guilt of blasphemy.

(b) It is unlawful to curse an irrational creature, considered precisely in relation to man, if there is no just cause to curse man. Thus, if one wishes that a neighbor's cattle may die, intending only the harm that will be done the neighbor, one is guilty of sinful cursing (see 2113).

(c) It is unlawful to curse an irrational creature, considered precisely in itself, for such an act is vain and useless. Those who curse the inclemency of the weather, the infertility of the soil, the stubbornness of mules or other animals, the uselessness of a tool, etc., do not generally speaking commit a grave sin, since they intend only to voice their impatience with conditions that are displeasing.

2120. Murmuring.—Murmuring is the expression of unjust discontent or complaint by inarticulate sounds or by secret words.

(a) It is unjust, and so it does not differ essentially from the sins of speech given above. If it is an injustice to honor, it is reducible to contumely; if it is an injury to fame, it pertains to defamation, etc. The injustice of murmuring results either from the thing complained of (e.g., a child murmurs against the just orders of its parents), or from the manner of the complaint (e.g., a subordinate complains against an unjust order, but angrily, contemptuously, or uselessly).

(b) It is made by inarticulate sounds (e.g., by whistling, grunting), or by secret words (e.g., in whispered, inaudible manner). This is an accidental difference between murmuring and other vocal sins.

2121. Fraud.—Having discussed the various kinds of injustice that are committed in involuntary commutations, we now pass on to the study of those injustices that are done in voluntary transactions (see 1748). These vices can be reduced to the following:

(a) injustices perpetrated against a person who is entirely unwilling (viz., theft and robbery), as when one steals an object that had been entrusted to one as a pledge or loan, or compels another, by fear or violence, to sign a contract unfavorable to himself and which he does not wish to agree to. It is unnecessary to speak of theft and robbery in contracts, since the same principles apply to them as to theft and robbery outside of contracts (see 1890 sqq.);

(b) injustices perpetrated against a person who is partly willing, since he consents to a contract, but is also partly unwilling, since unfairness or fraud is used against him. These injuries are of two general kinds: fraud, a sin committed in buying and selling and other contracts in which payment is made for some valuable consideration; usury, a sin committed in the loan of money in which payment is made for something that is nonexistent.

2122. Definition of Fraud.—By fraud (see 1677-1679) we here understand any unlawful conduct on the part of one party to a contract that puts the other party under a disadvantage in agreeing to the contract (e.g., misrepresentations about the excellence of merchandise), or that takes away the equality that should exist between the parties (e.g., an excessive price charged for merchandise; see 1750). The contract of sale is the type of all onerous contracts (see 1749), and to it all the others, whether certain or aleatory, can be reduced, for in every one of them there is a thing that is purchased (e.g., in aleatory contracts the hope of securing some prize), and a price that is paid for the object of purchase. Hence, it will suffice to speak of the frauds that are committed in sales, and the same principles that govern these can be applied to other kinds of contract.

2123. Two Kinds of Injustices in Sales.—Equality between the buyer and the seller requires that each give the other a good equivalent for what he receives. Hence, the injustices committed in sales are reducible to two

kinds: (a) injustices in the prices charged or paid; (b) injustices as to the goods furnished or taken.

2124. Injustice Regarding the Price.—Sin is committed in reference to the price charged as follows:

(a) by fraud, when one of the parties uses deception against the other party in order to charge more or pay less than is fair; for one who is party to a contract has the right that no lying or trickery be used against him, a contract being an agreement to which knowledge and consent are requisite;

(b) by overcharge or underpayment; for sale has for its purpose the mutual advantage of the buyer and seller, and hence one of them should not be overburdened for the advantage of the other, but the burdens and benefits should be equally distributed. Hence, it is unjust to sell an object for more than it is worth, or to buy it for less than it is worth.

2125. The Criteria of a Just Price.—(a) The constitutive norm of a just price is not merely subjective, that is, the fairness does not depend on the arbitrary wishes or on the special needs of the contractants, or on some monopoly which controls the prices; it is objective, that is, founded on the value of the thing sold, its capacity to be of benefit and satisfaction to its possessor, its rarity, the amount of labor put into its production and care, etc.

(b) The manifestative norm for commodities that are in common use (such as the necessities of life and the more usual luxuries) is the common judgment expressed either in law (legal price) or in the free custom of buyers and sellers at a particular place and time (market price); for objects that are not in common use and that have no settled price (e.g., rare archeological finds, ancient documents or paintings) the norm is the prudent and free judgment of the parties, or the decision of an expert chosen by them.

2126. The Obligation of Observing Prices Settled by Law Or Custom.—(a) The legal price (e.g., in some countries the prices on government monopolies, such as tobacco and salt), which in modern times is rare, is ordinarily obligatory in virtue of commutative justice, since its disregard harms one of the parties to the sale. But in exceptional cases the price may

for reasons of equity be no longer obligatory (e.g., when the lawgiver does not insist on its observance).

(b) The market price is ordinarily of like obligation, and for the same reason. But it should be noted that the current price allows of some latitude, since the common estimate does not agree on exactly the same figure, and hence there is a highest, a lowest, and an average price. Injustice is done when one sells above the highest market price, that is, when one charges a sum notably in excess of that charged by others at the same place and time; or when one buys below the lowest market price, that is, when one pays a sum notably less than that paid by other buyers. St. Alphonsus gives as a rule that when a commodity is valued at 5, it may be sold for 6 or bought for 4; when valued at 10, it may be transferred or acquired for 12 or 8; when valued at 100, it may be exchanged for 105 or 95.

2127. When the Market Price May Be Disregarded Without Injustice.—In some exceptional cases one may disregard the market price without injustice, if there are reasons that justify this.

(a) Reasons that rest on the matter of the contract are that the thing on sale has increased or decreased in value (e.g., the merchandise is of extraordinary excellence or rarity), or that the contractant would lose or risk loss from the sale itself by keeping to the market price (e.g., the buyer would by his purchase deprive himself of money that could be used more profitably in another transaction; the article if sold would have to be replaced by the seller at a higher price; the vendor by waiting can make a better sale later; the object which a person wishes to purchase is especially prized by the owner and cannot be duplicated). In these cases, however, the vendor should give notice to the buyer that for special reasons a higher price is being asked, so that the latter may have the choice of going elsewhere, if he prefers.

(b) Reasons that rest on the manner of the contract are that certain exceptional forms of sales are justified by law or custom and do not violate basic justice. Auction sales are of this kind, and, if the conditions of aleatory contracts are observed so that the risk will be equal on both sides, it is not unfair to take a price above the highest current price or to bid and buy below the minimum price.

2128. If the reason for the increase is the accommodation of the sale itself to the purchaser, because he specially prizes the article, does it justify an increase above the market price?

(a) If the article has become of greater value to many because of its own worth, the market value has also risen, and one may raise one's price; but if its greater value to many is due only to public distress, as in time of war, it would be a cruel form of injustice known as profiteering to raise the price exorbitantly.

(b) If the article has become of greater value to one person only, the seller may not raise his price for that reason, since the special worth the article has is not inherent in it, and hence it may not be sold by the owner as if it were his own possession. If, however, the purchaser wished to add something as a free gift, there would be no objection to his doing so. The same principles apply to the purchase of an article at less than its value, for the sole reason that ready money has special value for the seller.

2129. Unjust Sales Based on Ignorance of Real Value.—There are also cases in which an object is purchased at an unjust price because its true value was unknown to the contractants or was hidden.

(a) If the value was unknown on account of substantial error (e.g., a woman buys paste ornaments, thinking they are genuine diamonds), the contract is invalid; if it was unknown on account of the individual error of a contractant (e.g., a woman buys a diamond of great value for a few dollars, because the seller did not know the value of the jewel), the contract is unjust; if it was unknown on account of public error reflected in the current price (e.g., an art dealer buys at a low price a masterly painting, because his superior judgment enables him to recognize in it qualities which others did not perceive), the contract is both valid and just. It is also lawful to buy at the present prices when one knows from sources that one can honorably use that the objects purchased will soon rise greatly in value, for one is not bound to share with others one's personal knowledge.

(b) If the hidden value is no man's property or is abandoned (e.g., a man buys a field in which he, but not the owner, knows that a treasure is concealed, or he buys a goose and finds gold pieces in its stomach and cannot discover how they got there), the buyer is entitled to acquisition; but if it has an owner who can be discovered (e.g., a man buys a coat in a

second-hand store and discovers a large quantity of money in bills sewed inside the lining, and is able to trace back the coat to its former wearer, if he tries), the buyer is bound to restitution.

2130. Obligation of Restitution on Account of Unjust Prices.—(a) Unjust Possession.—If there was bad faith without fraud, the seller should restore the difference between what he received and the highest current price, the buyer the difference between what he paid and the lowest current price. Overcharges or underpayments in conventional prices should be compensated for according to a reasonable standard, such as the decision of the experts.

(b) Unjust Damage.—If there was bad faith and fraud with resultant damages to one of the parties, the losses should be made good, even though the just price itself was not violated by excess or defect (see 1762).

(c) Nullity.—If there was good faith on both sides, there is no obligation of restoration, unless we suppose substantial error, lack of proper consent, conditional agreement, etc., which make the sale null or rescindable (see 1725).

2131. Injustice Regarding the Thing Sold.—Having spoken of the injustices committed in reference to the price, we shall now treat of the injustices committed in reference to the thing sold. The contract supposes that the thing sold be of a certain character, and hence injustice is done if one of the parties wilfully misleads the other about that character.

(a) Thus, the species of the thing sold enters into the contract, and so it is unjust to deceive another person about the nature of the thing that is being sold (e.g., if the seller gives inferior substitutes or adulterated goods to those who desire the genuine and pure article, or if the buyer deceives an inexperienced merchant into thinking that the high-grade clothing material he has for sale is low grade).

(b) The quantity of the thing sold is also a part of the contract, and it is unjust to take advantage by giving less or taking more than is agreed on: “Thou shalt not have divers weights in thy bag, a greater and a less, neither shall there be in thy house a greater bushel and a less” (Deut., xxv. 13, 14).

(c) The quality of the thing sold belongs to the contract, and hence there is fraud if one of the parties deceives the other about it (e.g., if the horse

sold is sickly or slow, when he is supposed to be healthy and speedy).

2132. Defects in the Thing Sold.—If there are defects in an article sold, but a fair reduction in the price is made on account of the imperfection of the article, there is no injustice in the price. But the seller is unjust, nevertheless, if he conceals the defects in spite of a contrary condition in the contract, for he injures the buyer by leading him into an agreement against his will.

(a) There is an indicated condition when the buyer inquires whether there are defects in the article, having the intention to take nothing that has any considerable defect. In such a case if the seller conceals even an accidental defect (i.e., one that makes the article less suitable for the buyer), the contract is null on account of lack of consent, or at least, as others think, it is rescindable on account of the fraud practised. But if a defect is inconsiderable, the contract, unless it is expressly stipulated to the contrary, is good and lawful, for there is hardly anything that has not some small defects.

(b) There is an implied condition when the buyer makes no inquiry, but there is a substantial defect (i.e., one that makes the article dangerous or unsuitable for the purchaser), and this defect is hidden, either because it is of a kind that would escape most persons, or because the purchaser is inexperienced or unable to perceive it for himself. Since every person who buys intends to get something useful, there is no consent and the contract is invalid, if one is given something harmful (e.g., corrupted or poisonous food instead of good food), or something entirely useless to him either for service or for sale (e.g., a lame horse instead of a sound horse for one who deals in race-horses).

2133. Circumstances in Which Defects Need Not Be Revealed.—Fairness of price being supposed, the seller is not unjust in not calling attention to defects in the thing he sells, if the buyer does not ask about defects and there is no implied condition that the seller should volunteer the information. This happens as follows:

(a) if the defect is hidden, but only accidental, there is no condition that the seller shall point out the defect, for the understanding is only that the buyer shall receive something serviceable at a fair return for his money,

Nevertheless, most merchants wish to please the public and will take back or exchange an article that is not satisfactory;

(b) if the defect is open, but accidental, there is no condition that the seller shall instruct the buyer about things that the latter can and should observe for himself; for it is supposed that the buyer will exercise ordinary care and prudence in making purchases, nor is the seller paid for supplying this, nor for assisting the buyer to make good bargains. Thus, if a man were to buy a one-eyed horse, because he had not examined the horse, he should blame his own negligence, not the silence of the seller, for his bad bargain.

2134. Definition of Trading.—Trading (*_negotatio_*) in the strict sense is the purchase of an object with the intention of selling it unchanged at a profit. If any one of the conditions mentioned in this definition are lacking, there is trading in a wide sense. (a) Thus, trading includes purchase, and hence he who sells the produce of his own farm or vineyard is not strictly a trader; (b) there must be an intention of reselling the thing bought, and hence there is trading only in a wide sense if one buys an article for one's own use but, finding it unsuitable to that use, sells it to another person; (c) the object must be sold unchanged, that is, in the same form in which it was received, otherwise there is not strict negotiation, as when one buys colors and canvas and makes them into a picture; (d) the object must be sold at a higher price than was paid for it, and hence it is not trading in the strict sense to let a customer have an article for just what it has cost oneself.

2135. The Morality of Trading in the Strict Sense.—(a) In itself, trading has the appearance of evil, inasmuch as money-making may be an encouragement to avarice. But in reality profit as an end is morally indifferent, neither good nor bad, and all will depend on the ultimate reason for which one engages in business. He who makes the whole purpose of his existence the acquisition of gain is a materialist, but he who has some higher end, such as public benefit or private maintenance, is virtuous in his aims. (b) For clerics, trading is forbidden by Canon Law (Canon 142), and the reason is that clerics should be free from the distractions and dangers of commerce, so as to devote themselves entirely to their own spiritual duties (II Tim., ii. 4).

2136. Usury.—The sin of usury is committed in two ways.

(a) Usury in the strict sense is the taking of interest by reason of intrinsic title (i.e., on account of the use) for money or other fungible loaned on condition that it be restored in kind (*_mutuum_*). This is unjust since it exacts payment for that which is nonexistent, that is, for use, as a distinct value, of a fungible whose only value is in its use (see Aristotle, *_Politics_*, Bk. I, Ch. 10, 1258b 2-8; St. Thomas, *Summa Theologica* II-II, q. 78, a. 1). This was the opinion of most medieval theologians based on the fact that money was solely a medium of exchange. Interest was permitted, however, on the grounds of extrinsic titles, e.g., compensation for the expense of a transaction (*_damnum emergens_*), the loss of opportunity to make good bargains (*_lucrum cessans_*).

(b) Usury in the wide sense, which is all too common, is the taking of interest for a fungible loaned at *_mutuum_*, where there is an extrinsic title (e.g., the loss or inconvenience suffered by the lender) for the interest, but the rate charged is unjust, exceeding that fixed by law or that which is fair and reasonable (see Canon 1543). This is unjust when the lender takes more than his loan is worth; it is uncharitable when the lender does not demand more than the worth of his loan, but does exact what is due in a heartless manner. Examples of usury in the wide sense are the acts of loan sharks who take advantage of the distress of the poor to make them pay enormous interest for small loans, or who hold the debtor to the strict letter of the agreement at a great loss to him.

In recent years a new concept of usury in the wide sense has emerged. It is based upon the fact that in modern times the function of money has changed. In ancient times it was solely a medium or measure of exchange that could not be turned easily into capital. With the emergence of the capitalistic system, opportunities for investment increased, and money assumed the role of a factor of production. Money assumed a new value and function: it became virtually productive, and so today money does fructify. To place money, then, at the disposal of another to be employed in profitable ventures constitutes an economic service and, as such, is worth its price as any other service. This price of money constitutes modern interest, which seems to differ radically from the old contract of interest and to be more one of hire or lease. So viewed, interest, or the price of money, is determined in the same way as the price of any other service; the unjust price, or usury, is an excessive price. This is the modern concept of usury.

2137. Principles Obligatory in All Forms of Contract.—The principles of equality and honesty that are morally obligatory in sales and loans at interest are also obligatory in other forms of contract. The following are examples of equality.

(a) Gratuitous Contracts.—Obviously these contracts do not require equality in respect to recompense, since their nature is that no recompense is given for what is received. But in other ways equality must be observed. Thus, there must be mutual consent, offer on one side and acceptance on the other; there must be mutual respect, for each must honor the gratuitous promises made to the other; there must be a return of the same thing in quality and quantity as was borrowed, unless this would mean (as in _mutuum_) a loss to the borrower, etc. Moreover, the fact that all the advantage is received by one party is balanced by the fact that this party must bear the ordinary expenses and is held to special care himself, but cannot exact special care in the other party. Thus, a borrower has all the advantage from a loan, and he is obliged to use extreme care in using the lender's property, while a depositor has all the advantage from the contract of deposit and cannot demand more than ordinary diligence of the depository in guarding the goods left with him.

(b) Aleatory Contracts.—Aleatory contracts, or contracts of chance, are concerned with some uncertain event whose outcome depends upon luck or skill or a combination of both. The chief forms are betting, lottery and gaming (all are considered as gambling), to which must be added insurance and market speculations. All of these are indifferent in themselves and obtain their morality from circumstances. However, gambling, besides conforming to the requirements of contracts in general, must observe some special conditions to guarantee its lawfulness:

- 1) The outcome should be objectively uncertain and not a "sure thing" to be truly a contract of chance. While the contractants may be subjectively certain of winning, neither may so manipulate the matter as to exclude the other's chance of winning. Should one insist upon betting against another's assurance of a certain outcome, he is making a gift, hardly a bet.

- 2) Each must stake what belongs to himself and is not needed for satisfying other obligations, e.g., supporting one's family, paying creditors, etc. Failure to observe this condition leads to many sins of theft or

negligence. Should a person gamble with money belonging to another, per se he has a right to the winnings under the title of industrial fruits. However, if it would be impossible for him to restore in the event of a loss, the wager is void and the winnings must be restored to the other player, since the amount bet could not be lawfully won by the other contestant.

3) A reasonable proportion should be observed between what is bet and the probable winnings, and all betting should offer a fair chance of winning. Equality is not necessary, but odds and handicaps should be offered by the favored side. However, the odds may be waived by other bettors.

4) Honesty must prevail to exclude fixing the outcome or an unlawful style of play. The conventions of each bet or game establish the norms of cheating. Thus, hidden cards, marked cards, false dice void a bet. But running a horse solely to “tighten him” or “round him into shape” without full effort to win is expected in horse racing. Winnings through cheating must be refunded.

5) The loser must pay. Since civil law forbids many forms of organized gambling, the question arises whether a wager that has been outlawed constitutes matter for a valid contract that must be fulfilled. If the law is purely penal, the contract is valid and the obligations ensue; if it is a law that binds morally, then the contract is invalid, and the loser probably need not pay, but has acted sinfully in gambling.

Although not sinful in itself, gambling is so open to serious abuse that it has been strictly regulated by civil laws which bind in conscience.

Insurance is reduced to the category of contracts of chance, although its purpose is different from gambling, for it is concerned not with an uncertain good, i.e., to make money quickly, but with an uncertain evil, i.e., to avoid loss. In many instances an individual who does not take out insurance gambles more than one who does.

Conditions Requisite for Validity. The special conditions requisite for the validity of an insurance contract are founded upon its aleatory nature. This involves especially that the matter of the contract is in some way outside the control of both insured and insurer and beyond their power, both legal and moral, to govern beforehand. From this follows the second essential condition, that there be some risk for both parties. Some moralists today

maintain that many insurance contracts are unjust to the insured by reason of defect of proportionate risk on the part of the insurer. They argue that the insurer avoids all risks and makes increasing profits annually whenever insurance is on such a large scale that the use of statistical tables favors the insurer. The fact that insurance companies are listed among the most wealthy corporations lends credence to the argument and explains why some moralists favor the insured in cases of restitution not involving fraud on the part of the beneficiary. Other moralists insist that such injustice can not be proved, that high profits are owing to increased efficiency and better service, that premiums are adjusted when it becomes apparent that they are out of proportion to the risks involved by the insurers.

On the part of the insurer is required the ability to pay indemnities occurring at the normal rate, but not to cover all at once. His right to the premiums is correlative to the obligation to pay the stipulated indemnities, while his liabilities are based upon probable losses occurring successively. In regard to the insured, his basic obligation is to make an honest and complete disclosure of the risk involved. Moral cases, for the most part, are concerned with error, innocent misrepresentation, and fraud on the part of the insured. Both the natural and civil law indicate the effect of these elements on an insurance contract.

The natural law invalidates a contract in which consent of one or both parties arises from substantial error concerning the nature or the matter of the contract—in insurance, the risk involved. In general, then, whenever the error of the insured is such that he would not have contracted had he known the facts, the contract is invalid, even if the error was due to innocent non-disclosure or misrepresentation on the part of the insured. In such cases, the innocent insured has no right to the indemnity owing to the invalidity of the contract; he has, however, a natural right to all premiums paid out, since no contract is involved and the insurer has no claim to them. In case of fraud, at least after judicial decision, the insured would have no right to the premiums and must also recompense the insurer for expenses sustained.

Error is considered accidental and as not invalidating in natural law when the insurer, knowing the facts, would have issued a policy, but at a higher premium. In this case the beneficiary may accept the indemnity, but must return the difference in the amount owed in premiums.

A special case of substantial error involving a disease unknown to the insured and undiscovered or undiscoverable by the insurance company doctors is considered by moralists as not invalidating a contract in natural law. It is argued that the insurer must assume such risks and that the insured intends to cover such unknown conditions. Moreover, an invalidating clause concerning such a contingency may be considered penal in nature and obligatory only after the sentence of a judge.

Insurance contracts and the civil laws governing them are so complicated that expert legal knowledge is required to understand the legal status of many insurance cases. However, a few dispositions of the civil law which differ from the tenets of the natural law should be kept in mind by the priest or confessor in dealing with the matters. Two favor the insurance companies over the insured:

- 1) when fraud or misrepresentation lead to accidental error, the contract is declared void or voidable;

- 2) innocent non-disclosure or misrepresentation in good faith leading to accidental error also render the insurance contract voidable or perhaps even void. It is probable that the beneficiary in such cases might be permitted to claim the benefits due him according to the naturally valid contract, since these civil law dispositions are contrary to the conclusions of the natural law. He would be obliged, however, to restitution for damages caused by his fraud or misrepresentation committed with grave theological fault.

One prescription recognized by civil law and in some places made mandatory favors the insured, the convalidating or incontestability clause. The insurance company recognizes the validity of the policy after a specified period of time has elapsed, even in cases involving fraud on the part of the insured. If the contract prior to the time was voidable, the company loses its right to contest its validity; if the contract was void, it becomes convalidated. By terms of this clause, the natural-law obligation to restore by reason of fraud ceases and the beneficiary may lawfully keep the insurance money.

Obligations Arising after the Policy Is Issued. 1) The insured must pay the premiums at the times and according to the terms stated in the policy.

2) The insured must not increase the risk assumed by the company. Concretely, in cases of property insured, the insured is bound in commutative justice not to deliberately destroy or damage the property covered by the policy under penalty of losing all rights to compensation. Compensation could be claimed, however, if the damaging or destructive action was only theologically right.

3) He must not claim or accept indemnity for articles not damaged; he must not submit a claim beyond a just estimate of the real damage. Some moralists maintain that a claim may be made for a higher amount with the intention of getting a just value after the insurance adjustor has made his investigation and lowered the estimated value. The adjustor's estimate, even if higher than the insured estimate, may be accepted provided no means have been taken to prevent a full and free examination of damage.

Operations on the stock market and similar markets are primarily contracts of buying and selling; they become contracts of chance when they assume the quality of speculation, i.e., gambling on future changes of prices. It is generally conceded that such contracts are not morally wrong in themselves and follow the laws of betting. Additional justification is added on the ground that such transactions in many instances supply the capital required for large-scale operations, future deliveries, etc. Occasional dissenting voices insist that certain aspects of such transactions, e.g., dealing in future values of wheat, rye, and other commodities, are immoral since they tend to determine prices independent of the real value of the products, the laws of supply and demand, etc. However, the arguments seem to involve more abuses controllable, if not actually controlled, by marketing laws and civil laws rather than any immorality in the operations themselves.

(c) Onerous Contracts.—These contracts require that there be equality between the recompense and the thing received. Thus, in a lease the lessor must not charge excessive rent, and the lessee must pay the rent faithfully; in a contract of labor, the employer must pay a fair wage (that is, one that at the minimum will meet the primary needs of the worker and his family to live in frugal comfort, and which will moreover equal the special value of the service given; for a complete treatment of the theology of the just wage, see Fr. Jeremiah Newman, "The Just Wage," *Theology Digest*, Vol. 2, Spring 1957, pp. 120-126, and "A Note on the Living Wage," by Edward

Dui, S.J., in the same issue), and the laborer on his part must give a fair day's work as to quantity and quality; in partnership, the members must divide the profits and loss according to a reasonable distribution; in guaranty, pledge, and mortgage, justice requires that the burden assumed be not out of proportion to the benefit that is received.

2138. Fraudulent Contracts.—Examples of fraud in contracts are the following:

(a) in gratuitous contracts, a donee who by false representations obtains a gift, a lender who fails to make known to the borrower defects or dangers in the thing loaned;

(b) in onerous contracts, a landlord who conceals defects from one who is renting a house, members of a business concern who keep back information from partners or who give out false statements in order to entice investors, creditors who conceal their knowledge about the unreliability of a man for whom surety is given them;

(c) in aleatory contracts, in a pure wager, a person who bets on a thing supposed to be uncertain but about which he has certain information, or who knows that he will be unable to pay should he lose, or who will allow no odds though he knows that the probabilities are in his favor; in gaming, a player who pretends to be ignorant in order to inveigle another person into a game of skill, or who does not observe the rules of the game, or who fixes the cards or dice for himself in a game of chance; in lottery, a drawer who manipulates the lots so as to favor some of the players, etc.

Art. 5: THE QUASI-INTEGRAL AND POTENTIAL PARTS OF JUSTICE; THE VIRTUE OF RELIGION AND THE OPPOSITE VICES

(*_Summa Theologica_*, II-II, qq. 79-100.)

2139. The Quasi-Integral Parts of Justice.—The integral parts of a virtue are certain functions necessary for the perfect use of the virtue; for example, memory, perception, docility and quickness are needed for the fullest exercise of prudence (see 1648 sqq.). These parts are called here “quasi-integral,” so as not to be confused with the properly integral parts, or divisions of quantity, in a material composite. In its first use “integral part” is spoken of bodily things; in its derived use of incorporeal things (such as virtues). The two previous articles treated the subjective parts of justice; the present article will begin with a consideration of the integral parts and the opposite sins.

2140. The integral parts of justice are expressed in the words of Psalm xxxiii. 15—“Turn away from evil, and do good”—for the perfectly just man will both establish the equality of justice by giving others their dues, and will preserve that equality by refraining from injuries.

(a) Thus, these integral parts are acts of virtue, and hence the avoidance of evil here is not a purely negative attitude; it includes a positive repudiation by the will of all wish to harm others, and it is exercised especially when one is attacked and yet refuses to resort to injustice.

(b) These integral parts of justice are also distinct, one from the other. The other moral virtues regulate the passions by bringing them to the moderation that lies midway between two evil extremes, and hence in respect to those virtues to turn away from evil is the same thing as to do good. But justice regulates human operations and external things both by reducing them to due equality and also by avoiding that which upsets the

equality, and thus in the matter of justice it is one thing to do good, another thing to avoid evil.

(c) These integral parts of justice are also special, that is, they are distinct from other virtues. For, while every virtue turns away from evil and does good, the two acts we are now considering do these things with the express purpose of fulfilling justice. Thus, he who observes the commands and prohibitions of the law in order to render to God and the common good their dues, is perfect in general or legal justice; he who gives to other individuals what is owed them and also avoids doing them injury, is perfect in particular justice. To the two integral parts of justice are opposed the two sins of transgression and omission (see 35-39).

2141. The Potential Parts of Justice.—The potential parts of justice, that is, its annexed virtues, are those good habits that are subsidiary to justice, partaking in some degree, but not entirely, of its nature or activity. We saw above (1664 sqq.) that wise deliberation and wise decision belong to prudence, inasmuch as they are concerned with the government of conduct by reason, but that they fall short of its principal act, which is wise direction, and hence they are counted as potential parts. In like manner, there are a number of virtues which must be assigned to justice, since they regulate man's will towards others, but which must be considered as its potential parts, because they do not share in one or the other of the two remaining essential notes of strict justice, namely, that a return is given which is equal to a debt, and that the debt is owed on account of a strict or legal right (see 1692).

2142. In the following enumeration are given the chief potential parts of justice in which there is a strict debt, but not an equal repayment.

(a) Thus, to God man owes whatever honor and veneration he manifests, but with all his efforts man can never pay to God a worship that is equal to the debt. Thus, man cannot sufficiently thank God for His benefits: "What return can I make to the Lord for all that He has done for me?" (Psalm cxv. 12). The virtue of religion, therefore, is a potential part of justice.

(b) To parents children cannot make a full return for the benefits of life and upbringing, and the same may be said of one's country: "A due return is out of the question in honors paid to the gods and to parents ... but a person is considered to be virtuous if he pays such regard as lies within his power"

(Aristotle, *_Ethics_*, lib. VIII, cap. 16). Hence, the virtue of piety is also a potential part of justice. In exceptional cases, however, a child may make an equal or even a greater return to his parents for the benefits received from them; for example, by saving his father from death he makes an equal return for the benefit of life, and by converting his parents to the faith he gives them spiritual life, which is more valuable than the natural life he received from them.

(c) To men of virtue we are unable to make a sufficient return for the good they do us by their instruction and example, and hence the honor we show them is less than the benefit we receive from them. The virtue of reverence (*_observantia_*) is then a potential part of justice.

2143. Degrees of Moral Debt.—The remaining potential parts of justice are those in which there is not a legal debt, which is enforced by some law, but a moral debt to which one is obliged from the decency or the greater decency of virtue. There are, then, two degrees of moral debt.

(a) A moral debt is more urgent, when without its fulfillment one cannot keep to the decency of virtue, that is, one cannot preserve the character of a virtuous man. Thus, if a moral debt is considered from the side of the debtor, he is obliged to show himself in words and deeds to others what he really is, has been, or intends to be (virtue of truthfulness); if the debt be viewed from the side of the creditor to whom some recompense is owed, there is the duty of gratitude to him for his benefits and of punishment for his injuries (virtues of gratitude and vindication). These parts of justice just mentioned are readily distinguishable from acts that pertain to general or particular justice and that are owed as legal debts. Thus, truthful testimony on the witness stand is a legal obligation, for the person who questions has a strict right to hear the truth; but veracity in social intercourse, or the habit of speaking the truth to others, is a moral obligation, one imposed by God but not enforced legally. Compensation for services bestowed according to contract is a legal duty, and the debtor can be compelled to pay; but thankfulness for gifts or other benefits is only a moral duty, and generally laws do not take account of ingratitude. Punishment of a delinquent by public authority is an act of commutative justice; but punishment meted out by a private person in self-defense, who appeals to the law or who forcibly but lawfully repels an injury, is an act of a virtue annexed to justice.

(b) A moral debt is less urgent, when without its fulfillment one can preserve virtue, but not the more becoming or more perfect course of virtue. The chief examples here are the virtues of friendship or affability and of liberality. To treat others in a friendly manner and to make oneself agreeable in company is suitable, not chiefly because of any benefits one has received from others, but because one is better for this oneself and by it the ways of life are made easier for all. Likewise liberality is not due, but it shows a better disposition as to money and other temporal goods to be willing to distribute them to others willingly and generously. Without friendship and liberality the peace and harmony of social intercourse may be maintained, but with them it is maintained more easily and receives an added grace and distinction.

2144. *Epieikeia*.—The above-mentioned potential parts of justice are adjuncts of particular justice. There remains one more virtue to be noted, that of *epieikeia* or equity, which pertains to legal justice. This is a subjective part of justice, since it is the superior function of legal justice, guiding it to follow what is substantial right, and preserving it from the danger of mere legalism or over-strict interpretation or application of Written law (see 358). With this, the crowning virtue of justice, the enumeration of its parts is brought to a close.

2145. The Virtue of Religion.—We shall now proceed to treat of the various parts of justice in the order in which they were given above (2142-2144), beginning with the virtue that renders to God His due. Religion (holiness) is defined as “a moral virtue that disposes us to offer to God the worship and honor that belong to Him as the supreme Author of all things.”

(a) Thus, religion is a moral virtue, for, though it tends towards God, it is not numbered among the theological virtues, but among the moral virtues, being one of the potential parts of justice.

(b) It is an inclination, that is, it is a habit of the soul or the exercise of that habit in some act. The acts of religion are either elicited by it or commanded by it, according as they are its own proper activities and proceed directly from it and are directed immediately to God (e.g., acts of adoration, sacrifice, prayer), or belong to some other virtue employed by religion for the honor of God; for example, to visit the widows and orphans in their tribulation is an act of mercy, to keep oneself unspotted from this

world is an act of temperance, but when used for the honor and glory of God these acts are also acts of religion (James, i. 27).

(e) It is paid to God, that is, being an act of justice, it renders to another what is His due. Religious honor given the saints or sacred images refers to God, for whose sake they are venerated.

(d) It is paid to God as the Supreme Being, that is, just as we are bound to tend to God and to serve Him, because He is our Last End, so are we bound to honor Him, because He is our Maker and Ruler.

(e) It offers to God the tribute of worship, that is, some internal or external work done in acknowledgment of God's Majesty and with the purpose of impressing the worshipper or others with the sense of His greatness, or it is the sense of that greatness.

2146. Religion as a Moral Virtue.—(a) Religion takes its rank among the moral, not among the theological, virtues. A theological virtue has the Last End for its immediate object or subject-matter (e.g., faith is concerned directly with God, since it believes Him and in Him), and has no mean of virtue (e.g., faith cannot go to extremes by believing God too much); whereas a moral virtue has the means to God for its immediate object (e.g., justice is concerned directly with the actions we owe to others) and it must observe the golden mean (e.g., justice must pay the just price, neither more nor less, and at the proper time, place, and to the proper person, etc.). Now, it is clear that religion has for its immediate object the due performance of worship, although God is the person for whose sake it is offered and His excellence the foundation of its necessity; and also that one must observe moderation in worship as to circumstances of place, time, etc., although it is impossible to be extreme in the quantity or fervor one gives to worship, since even the best efforts will fall short of the honor God deserves (Ecclus., xliii. 33).

(b) Religion is the greatest of the moral virtues, since the person in whose favor it is exercised is God Himself, and its obligation is correspondingly stricter than that of the other virtues. General and particular justice are owed to creatures, but the claim of a creature is much less than that of God. There is no contradiction in making religion a part of justice and then preferring it to justice, for it is more correct to speak of the integral and potential parts of virtues as quasi-parts, since they are called parts only from analogy to parts

that are found in material or living things, though they are not similar to those parts in all respects (see 1647, 1648, 2139). Neither does the fact that religion cannot pay in full make it inferior to justice, since in matters of virtue good will take precedence over the ability to pay. Since religion is the supreme moral virtue, irreligion is the chief offense against the moral virtues (e.g., malicious blasphemy is worse than injustice or intemperance).

2147. Superiority of Religion as a Virtue.—Religion, therefore, is superior to the following virtues: (a) it is superior to legal justice, the chief of the moral virtues that deal with human and natural good; (b) it is superior to humility, the chief of the moral virtues moderative of the passions; (c) it is superior to mercy, the greatest of the virtues that relieve distress, for religion is offered to God, not for His utility, but for His external glory and our benefit; (d) it is greater than repentance, for it honors God, while repentance only disposes or prepares for satisfaction to His honor; (e) it is greater than large external offerings made to God without spirit, for “obedience is better than victims” (I Kings, xv. 22); that is, the internal acts of religion (reverence and devotion) are of more importance than external acts of worship conducted with great pomp or magnificence but without the inner reverence, the obedience or other dispositions pleasing to God.

2148. Necessity of the Acts of Religion.—(a) The internal acts (devotion and prayer) are chiefly necessary, for these are exercised by the soul, and it is through them that the external acts are made truthful: “God is a spirit and those who adore Him must adore in spirit and in truth” (John, iv. 24).

(b) The external acts (adoration, sacrifice, etc.) are also necessary to man. God does not need these acts (Psalm xlix. 13), it is true, for no creature can add to the glory God has from Himself. But man needs the elevation and perfection which he receives from communication with the Supreme Being, and, as he is not all spirit, he must employ symbols and ceremonies to arouse, hold and strengthen the affections of his soul. Hence, although the ceremonial law of the Old Testament was abolished by Christ (see 342), the Christian religion recognizes the need of ceremonies, as is plain both from the Scriptures and the teaching and practice of the Church at all times. In the New Testament we read that Our Lord used vocal prayer, prayed on His knees, and made use of sacred hymns; and like external acts of religion are ascribed to Sts. Peter, Paul, and Stephen (Luke, xxii. 31; Matt., xxvi. 39;

Acts, ii. 42, vii. 59, ix. 40). Public worship is also a necessity on account of the nature of the Church as a visible society.

2149. The Internal Acts of Religion.—These internal acts are offerings made to God of the worship of the soul itself, and they may be reduced chiefly to two: (a) devotion, which is the offering of the will and the highest act of religion, since from the will the other acts arise; (b) prayer, which is the offering of the intellect; for in prayer the thoughts of the mind rise to God as an oblation made to Him.

2150. Definition of Devotion.—Devotion is defined as “the will to give oneself readily to those things that pertain to the divine service.” We find an example of it in Exod., xxxv. 21, where it is said that the multitude offered first fruits to the Lord with a most ready and devout mind. One who is devoted to another is strongly attached to that other’s interests, and so one who is devout is zealous for the service of God.

(a) Thus, devotion is an act of the will, that is, an offering of oneself to the service of God, the Last End. But devotion will be found in other acts in so far as they are done under the will’s impulse, such as prayer, adoration, sacrifice. The looks, gestures, and voice of those who pray or take part in services of divine worship are influenced by internal devotion, and so become fitting expressions of honor shown to God and an inspiration to beholders.

(b) Devotion contains a ready willingness, that is, the devout person is quick to choose the divine honor as a purpose, quick also to select and to employ suitable means for this purpose. The great model of this is Our Lord, who declared that His very food was to serve His Father (John, iv. 34).

(c) Devotion is exercised in things that pertain to the divine service, that is, to the worship or honor of God. Thus, he who offers himself to God intending the offering as an act of spiritual union or friendship exercises the virtue of charity, while he who forms the intention of doing good in order to glorify God exercises devotion. But devotion and charity are not separated, for charity inspires devotion and devotion nourishes charity.

2151. Devotion should not be confused with emotion, spiritual consolation, or pious exercises known as devotions.

(a) Thus, emotion or pleasure of a non-religious kind is not devotion, though sometimes mistaken for it when the emotion or pleasure is of an elevating kind and occasioned by religious exercises. Neither esthetic joy (e.g., over the music, the ceremonies, the architecture of the church), nor literary pleasure (e.g. over a sublime passage of Holy Writ or a charming liturgical composition), nor intellectual satisfaction (e.g., over the refinement and culture imparted by religious truths), is necessarily joined with that strong attachment to God and inclination to do His will which is the soul of devotion.

(b) Spiritual consolations are sometimes called devotion, but they are not the same thing as the devotion we now speak of. Substantial devotion with which we are now concerned is in the will and consists in the strong inclination to praise and honor God, whereas accidental devotion is rather in the sensible appetite and consists in a feeling of sweetness or elevation in exercises of piety which sometimes reacts upon the body, as when a devout person weeps for joy at the thought of God. Substantial devotion is essential and should be maintained, even though there is no feeling of attraction or fervor. An example of this is furnished by Our Lord, who prayed earnestly during the agony in the garden and the desolation on the cross. Accidental devotion is not of itself evil, nor useless, and it may be desired and prayed for; but it is dangerous for those persons who are puffed up by it, or who become inordinately attached to it, or who are disposed to mistake it for substantial devotion, for, like the consoling vision of Thabor, it is passing and is not an end in itself.

(c) Devotions are various forms of external cult shown to God, Christ, the Blessed Virgin, the Saints, celebrated shrines, etc., whether of a liturgical or a popular, of a public or a private kind. Examples are the Forty Hours' Devotion, novenas, consecrated days and months, the use of scapulars, medals, etc., pilgrimages, and the like. All these devotions that have the approval of the Church are good and useful in themselves. But devotees often made a bad use of them, substituting devotions for devotion and the non-essential for the essential, as when religion is made to center in pictures or music or a sentimental attachment for some favorite Saint. Persons who multiply external observances may be without the least degree of real devotion.

2152. External and Internal Cause of Devotion.—The external cause of devotion is God, who by grace bestows the will of serving Him gladly, and therefore the Church prays God to bestow upon us the disposition of piety and devotion, and to increase in us devotion unto salvation. But there is also an internal cause, namely, mental prayer or consideration of divine things, for the will follows on the intellect. Hence, it is impossible to animate external acts of worship with true devotion, unless one practises daily or frequent mental prayer. The subjects of mental prayer that promote devotion are reducible to two:

(a) one should think on one's own weakness (sins, dangers, temptations, etc.) and one's need of God, for this serves to remove the impediments to devotion. Those who would be devoted to God must free themselves from presumption and self-confidence in the spirit of the pilgrim going up to the Temple who said; "I will raise my eyes to the mountains from which help cometh to me" (Psalm cxx, 1);

(b) one should think on points that will excite the love of God, such as the thought of His goodness, the memory of His benefits, the mysteries of the life of Christ; for these considerations by inspiring charity will thereby indirectly introduce devotion to God. "It is good for me to cling fast to God and to place my hope in the Lord," said the Psalmist, after he had thought over the blessings received from Providence (Psalm lxxii. 28).

2153. Prayer.—Prayer can be taken in various senses. (a) Thus, in the widest sense prayer is any act of religion or a holy life. St. Augustine says that a good life is the best of all prayers, and the command of Christ that we pray always has been understood to mean that we should always follow good. (b) In a less wide sense, prayer is the raising of the mind to God, in order to praise, adore, thank Him, etc. The motive of veneration here present distinguishes prayer from mere thoughts about God as when one studies or discusses theological subjects to satisfy curiosity or to impart information.

(c) In its strict sense, prayer is the asking for suitable things from God. By suitable things are meant such as are lawful and becoming, and hence it would not be a prayer, but a mockery, to ask God for help to accomplish sin or for miracles in trivial matters. We are now considering prayer in its strict and less wide senses.

2154. The Psychology of Prayer.—(a) Prayer in its nature is an act of the reason, for it is a conversation or communication with God. It belongs, however, not to the speculative, but to the practical reason, since it is not a mere process of apprehension, judgment or reasoning, but the arrangement and presentation of requests, plans, etc., before God with a view to their acceptance by Him. By prayer, then, we do not understand thinking on God, as in meditation and contemplation (though these are known as mental prayer), but speaking to God.

(b) Prayer in its origin is an act of the will, for the practical reason presents before God only such things as are desired by him who prays. Prayer is the interpreter of desire. Indeed, God may take the will for the request and grant what has not yet been asked: “The Lord heard the desire of the poor” (Ps. ix. 17); “Before they cry I shall hear them” (Is., lxv. 24). Moreover, prayer should spring out of an inclination towards God Himself and a desire for union with Him (Ps. xli. 1. 2; Ps. xxvi. 4).

2155. The Necessity of Prayer.—(a) Prayer is not necessary on God’s account, as though He needed to be informed of our wants, or could not be happy without our homage, or might be induced to change His plans; (b) it is necessary for our own sakes, for, although God could and sometimes does grant favors unasked, He wishes that ordinarily we should have the double benefit of the prayer and of the favor given in answer to the prayer. God could grant the crops of the fields without human cultivation, or even tools and finished articles without human invention or labor, but man would then lose the fruits that belong to labor of mind and body. Prayer is most beneficial, even when unanswered: it attracts man to perform his basic duty of honoring his Creator, to keep in use his spiritual powers, and to exercise the necessary virtues of faith, hope and charity; it gives him the privilege of speaking directly with God and with Christ and of asking for what he desires—an intimacy that must in time correct and elevate man’s whole spiritual life; then prayer is a pouring out of the heart to God the Heavenly Father, and this will afford relief in times of misfortune or peril.

2156. The Duty of Prayer for all Adults.—(a) Prayer is necessary from divine precept, as is declared in many passages of Scripture. Thus, we are commanded to watch and pray (Matt, xxvi. 41), to pray always and not to faint (Luke, xviii. 1), to ask and to knock (Matt., vii. 7 sqq.), to pray without ceasing (I Thess., v. 17), to watch in prayers (I Peter, iv. 7). In the Mass the

Lord's Prayer is prefaced with the words: "Commanded by salutary precepts and admonished by divine instructions, we make bold to say: Our Father, etc." There is, however, no divine precept of vocal prayer or as to the use of the form of words given by Christ, but one must pray at least mentally and in the manner indicated by Christ.

(b) Prayer is also necessary as a means (see 360), at least generally speaking; not that God could not save man without prayer, but that He has made it an indispensable condition, as is true also of Baptism, without which salvation is not conferred. This is the common opinion and it rests on strong arguments. Thus, there are certain necessary goods (such as perseverance) that cannot be had except through prayer, and there are certain necessary duties (such as the acts of faith, charity, and religion) that are not exercised apart from prayer. Then, there is the teaching of the Church and of the Fathers and Doctors that prayer is needed in order to observe the Commandments (Council of Trent), that no one is assisted who does not pray (Gennadius), that prayer is to the soul what breath is to the body (St. Benedict), that he who prays will certainly be saved, while he who prays not will surely be lost (St. Alphonsus).

2157. Times and Frequency of Prayer.—As to the times and frequency of prayer, in fulfillment of the obligation, there are the same opinions and conclusions as for the acts of faith, hope, and charity (see 929 sqq., 1095-1097, 1593 sqq.). On this point we may conclude as follows:

(a) directly, or by reason of the precept of prayer itself, there is a duty to pray at the beginning of the moral life, frequently during life (whether daily, weekly, monthly, yearly, etc. cannot be precisely determined; but there is no practical difficulty, since those who devoutly hear Mass at the times commanded comply with the duty of prayer), and also in danger of death. At the outset of the moral life the reason and will should turn to God, and this is prayer at least in the widest sense; during life prayer should be frequent and continuous according to the words of Scripture; at the hour of death, prayer is necessary, since we are specially bidden to ask for perseverance till the end;

(b) indirectly, or by reason of some precept distinct from that of prayer, prayer is necessary whenever one needs to have recourse to God to fulfill some command or avoid something prohibited. Thus, one should pray at

Mass, for according to church law Mass must be heard devoutly; one should pray when a dangerous temptation assails one, or when there are great calamities, especially of a public character, for according to the precept of charity one must help oneself and others in difficulties.

2158. Practical Corollaries about Prayer with Reference to Confession.—
(a) Practical Catholics, that is, those who comply with the precepts of the Church, but who accuse themselves of neglecting morning and evening prayers or grace at meals, cannot be judged guilty of sin, even of venial sin, on account of this neglect; for there is no common precept directly obliging to such prayers. But there may often be a venial sin for other reasons, as when the omission is due to a spirit of lukewarmness, or when indirectly there is a duty to pray at those times for special reasons, such as daily needs or temptations. We do not agree, then, with the opinion that omission of morning and evening prayers, especially when it is habitual, is never sufficient matter for absolution.

(b) Unpractical Catholics, that is, those who have been away from Mass or the Sacraments contrary to the laws of the Church as habitual transgressors, and who say nothing about their neglect of prayer, should be questioned whether in all the years of absence from their duties they have also omitted all prayers. For, if this be the case, they have sinned against the duty of prayer. Morning and evening prayer and grace at table should be earnestly recommended to all, because these are customs that have come down from the earliest times, and also because those who disregard them often come to neglect all prayer, or at least expose themselves to dangers or to the loss of precious graces.

2159. To Whom May Prayer Be Offered?—Only God may be addressed as the Bestower of favors (“The Lord giveth grace and glory,” Ps. lxxxiii. 12), but the Saints may be prayed to as intercessors before God (“The smoke of incense of the prayers of the saints ascended up before God from the hands of the angel,” Apoc., viii. 4). Hence, the Church asks God to have mercy on us; it asks the Saints to pray for us. It is lawful privately to invoke the prayers of an infant who died after baptism, of a soul in Purgatory, and one may ask the prayers of those who are still alive, as St. Paul frequently does in his Epistles. There is no command that we pray to the saints, and hence one who did not pray to them would not be guilty of grave sin per se; but there would be grave sin, if their intercession was neglected on

account of contempt, and venial sin, if one failed to call on them (especially on the Blessed Virgin, the Mediatrix of all graces) on account of negligence about one's own spiritual good.

2160. The Persons for Whom Prayer Is Offered.—There is an obligation of charity to pray for ourselves and also for others, for we should ask for the things that we are obliged to desire (see 2161). This duty is taught in Holy Scripture (e.g., Our Lord prayed for Peter; St. Paul asks for the prayers of his Churches; St. James, in v. 16, admonishes us to pray for one another that we may be saved); also in the creed and liturgy of the Church, for we profess belief in the communion of saints, and offer Masses and suffrages for the living and the dead. One should pray for enemies in common prayers that are offered for all, and in special prayers for them in particular, when there is a special reason, such as their grave necessity or the scandal that would be given if one refused to join in a special prayer for one's enemy (Matt., v. 44); but one may not pray for the success of the evil projects of an enemy, and one is not obliged to make special prayers for him apart from necessity (see 1151). For the excommunicated one should pray in private prayers and also in public prayers, when this is permitted by the law, as in the services of Good Friday and under certain conditions in Masses (Canon 2262). For sinners prayers should be said, unless they are already lost. The souls in Purgatory are also to be prayed for, although the obligation does not seem grave, since it is not certain as to any particular soul that it is in need of our prayers. As to the blessed, one may pray for their canonization or accidental glory, not for their essential glory, which they already possess.

2161. Things that May Be Prayed for.—(a) Evils.—One may never pray for moral evil, even of the slightest kind, and it would be a grave irreverence to beseech God to become our helper in the commission of sin. As to physical evils, one may not ask them as evils or for their own sake; but it is lawful to pray for them in the larger sense in which they are goods. Thus, for oneself one may ask from God sickness, poverty or death, in so far as these ills are means of correction, improvement, merit, penance, or escape from sin; for an enemy one may ask that God restrain him, even by the use of temporal misfortunes, if this be necessary to keep him from sin.

(b) Indifferent Things.—One may not desire an indifferent thing, if there is no moral purpose to justify it (see 83). Hence, one may not ask God for

the gratification of idle wishes (e.g., that one win a game in which the only purpose is gain), but it does not seem that there is grave irreverence in so doing.

(c) Temporal Goods.—These may not be asked for from a primary intention, since we must seek first the kingdom of God and His justice (Matt., vi. 33), which are more important; neither may we ask for any determinate temporal thing unconditionally, since we are uncertain whether it will prove beneficial or harmful. But temporal things may be asked for from a secondary intention (that is, in so far as they are means that assist us to attain spiritual goods) and conditionally (that is, under the proviso that they will prove spiritually beneficial). Thus, the Church prays for protection against storms and disturbances, and asks for good weather, abundant harvests, peace, etc.

(d) Spiritual Goods.—Eternal salvation and the means thereto we should pray for as the principal objects of our desire and should ask for them unconditionally; for God is our true End, and the things that lead to Him cannot be harmful to us. Miracles may be asked for, but it is wrong to beg God for privileges that are reserved for others (e.g., to sit at the right hand of Christ in glory).

2162. The Qualities of Prayer.—(a) As to its manner, prayer is either unaccompanied or accompanied by external acts of worship, such as bodily gestures or speech. But not infrequently the thoughts are voiced in words, and we then have what is known as vocal prayer. Prayer made by a private person for himself or others may be internal; but public prayer that is offered by the ministers of the Church in the name of the Church should be vocal, since it should be manifested to the people for whom it is being offered. But the use of words or other external signs is advantageous even in private prayer, since it excites greater devotion in a person and is a help to attention.

(b) As to persistence, prayer is continuous or interrupted. Prayer should be continuous if there is question of its cause, which is prayerfulness of spirit, or desire of salvation; and in this sense may be understood the words of Scripture that command us to pray always (Luke, xviii. 1; Eph., vi. 18; I Thess., v. 17), But if we speak of prayer itself, it is impossible to pray

unceasingly in this life, as there are many other things that have to be done and rest is a necessity.

(c) As to quantity, prayers are lengthy or brief. Our Lord rejected the belief of the pagans that the efficacy of prayer depends on many words (Matt, vi. 7), but He did not forbid long prayers, since He often spent nights in prayer. The rule about the length of private prayers is that one should pray for such a space of time as is favorable to devotion, and should cease from prayer as soon as it becomes tedious; similarly, public devotions should not be so lengthened out that those present become wearied and inattentive. The Fathers of the Desert were wont to offer many brief but ardent ejaculatory prayers, fearing that prayer long drawn out would fall away from the fervor of intention with which it began. But, if devotion continues, prayer should not easily be broken off.

2163. The Confidence Requisite for Successful Prayer.—(a) Confidence must exclude doubt or distrust in reference to God or prayer itself: “How shall they call on Him whom they have not believed?” (Rom., X. 14); “Let not that man (that wavereth) think that he shall receive anything of the Lord” (James, i. 6, 7).

(b) Confidence does not exclude doubt about one’s own dispositions (“It is not for our justice that we present our prayers before Thee, but for the multitude of Thy tender mercies”); on the contrary, the prayer of the Pharisee was not heard, because he trusted in himself (Luke, xviii. 9). Neither does confidence in prayer mean that one may ask unconditionally for temporal things (see 2161 c).

2164. Intention and Attention.—Attention is the voluntary application of the mind to that which is done, or the consideration or advertence of the mind given to an act. It differs from intention, which is an act, not of the reason, but of the will, consisting in the purpose to perform an act. Prayer requires both intention and attention.

(a) There must be intention, for prayer in its origin is an act of the will and it pertains to religion only because of the devotion by means of which it is elicited. A man who, while reading aloud from a novel, recites the words of a prayer contained in the novel, does not pray, for his intention is pleasure or instruction, not worship. And even one who says or answers prayers attentively during services does not really pray if his motive is not

one of religion. (b) There must be attention, for prayer is of its nature an act of the mind (see 2154). A parrot or a phonograph is not said to pray when it repeats the words of the Our Father or Hail Mary.

2165. The Intention Required in Prayer.—(a) An actual intention is had when one either expressly or implicitly wills to offer a prayer, as when one says internally; “I will now say a prayer,” or when without such express act one deliberately performs that which is a prayer, making internal acts of faith, reciting the Rosary, reading from a prayer-book, etc. This kind of intention is necessary at the beginning of prayer, and is the best that may be had during the course of prayer.

(b) A virtual intention is had when one is occupied in prayer on account of an actual intention previously formed and not retracted, but here and now, on account of human weakness, one is thinking of indifferent things impertinent to the prayer and its purpose. This kind of intention continues unless withdrawn directly by contrary intention or indirectly by the performance of acts inconsistent with prayer. Virtual intention suffices during the course of prayer, for a continuous and uninterrupted actual intention is humanly impossible. The more the mind struggles to keep the thought fixed on one object alone, the more do other thoughts arise to distract, as experience proves.

(c) An habitual intention is had when one is occupied in prayer, not on account of any actual intention previously formed, but on account of a propensity or inclination resulting from previous acts. This is not properly an intention and it does not suffice for prayer, since with it the acts performed do not proceed actually or virtually from any determination of the will. Thus, a person who is asleep or intoxicated is not said to pray when he mechanically repeats well-known words of prayer, for his will has no part in those words, any more than the will of the somnambulist has part in the dangerous walks he takes.

2166. The Attention in Prayer.—(a) By reason of its object, attention is external or internal, according as the mind is taken up only with the externals of prayer (i.e., the exclusion of external acts inconsistent with prayer and the proper bodily posture) or with the things internal to prayer (i.e., the words, sense and purpose of the prayer). Internal attention is called verbal or superficial when it is directed only to the words, as when a person

who does not understand the meaning of a prayer says it carefully so as not to mispronounce the words; it is literal, when it is directed only to the sense, as when a person who says a very obscure prayer pays close attention so as to follow its meaning; it is spiritual, when it is directed to the purpose of prayer (i.e., the worship of God by an act of religion), or to the objects of prayer (i.e., eternal salvation or the means thereto, such as grace and the virtues, the mysteries of religion, etc.).

(b) By reason of its subject, attention is either perfect or imperfect. Perfect attention excludes every distracting thought, even such as are involuntary; imperfect attention excludes voluntary but not involuntary distractions.

2167. Acts that Exclude External Attention.—What external actions are inconsistent with external prayer and exclusive of external attention?

(a) Those acts exclude external attention which either from their nature (on account of the great mental application they demand) or from the weakness of a person's mind (for it is not everyone who can like Julius Caesar think on several things at the same time) make it impossible to have recollection in prayer when those acts are being performed. Acts of this kind are reading about other matters, painting, writing, carrying on conversation with those around, boisterous laughing, etc. But if the one who prays engages in these acts inadvertently (e.g., if a person reciting the Breviary does not notice that he is giving considerable attention to an inscription or advertisement on an adjacent wall), the distraction is merely involuntary and inculpable.

(b) Those acts do not exclude external attention that either not at all or only in slight measure interfere with internal recollection in prayer. Such acts are slow walking, riding, looking about at the scenery, picking a flower now and then, dressing, undressing, bathing, combing the hair, etc. The Church prescribes certain prayers to be said while the priest vests for Mass, and it was an old rule among the monks to join labor and prayer.

2168. When External Attention Is Sufficient.—Is external attention sufficient in prayer when internal attention is voluntarily excluded?

(a) In public prayers external attention is sufficient as to a number of effects. Thus, in the administration of the Sacraments the want of internal

attention in the minister does not make the Sacrament invalid, since the Sacraments produce grace *_ex opere operato_*; in public suffrages the indevotion and distraction of the priest do not deprive the beneficiary of the impetratory fruit, since the public prayers are offered in the name of the Church itself; in the Divine Office merely external attention suffices to fulfill the positive obligation, according to many, because it is not certain that the Church requires more.

(b) In all prayers mere external attention is insufficient for the personal effects of impetration, merit and satisfaction. For to pray with willful indevotion is not an act deserving of remission, reward and a favorable answer, but rather of punishment (“Before prayer prepare thy soul and be not as a man that tempteth God,” *Ecclesi.*, xviii. 23); it is disrespectful to God and therefore cannot claim the benefits of an act of worship.

2169. The Kind of Internal Attention Required in Prayer.—(a) The minimum that suffices for the personal benefits of merit and impetration is the verbal or the literal attention, and the imperfect attention that is mixed with some unwilled distractions or mind wanderings. Indeed, a person who intends to pray well, but whose whole prayer is a continual distraction in spite of his efforts to be recollected, does not lose, but rather by reason of his good will and effort increases, his merit. But for spiritual refreshment there must be freedom from distraction; for, just as a student gets no mental nourishment from a lesson if his mind is many miles away, and a listener gets no instruction from a discourse spoken in a foreign language (*I Cor.*, xiv. 4), so one who prays with an absent mind loses the devotion and joy that are afforded by actual communion with heavenly thoughts.

(b) The maximum that should be aimed at in prayer for the greater blessing it brings is the spiritual attention fixed on the presence of God and the perfect attention that keeps away as far as possible the interruption from any vain, perverse or extraneous thoughts.

2170. Distractions.—Just as certain external acts exclude external attention, so also certain internal states exclude internal attention. These latter are known as distractions, and may be defined as internal acts or omissions opposed to the nature or purpose of prayer, but performed during prayer.

(a) Distractions are either acts or omissions. Thus, a person who slumbers lightly or is partly asleep during prayer is inattentive or wanting by omission; while the person who thinks out plots for stories or plays during prayer time is distracted or wanting by commission.

(b) Distractions are sometimes opposed to the nature of prayer. To the nature of vocal prayer belong the words and the sense, and hence, even though one is rapt in meditation, there is no vocal prayer if words are mispronounced or left out or so changed or transposed as to make nonsense or no sense, though negligence about a word here and there does not necessarily exclude superficial attention. Those who from long familiarity with forms of prayer are able to repeat them automatically, with no thought about the words or their meaning, direct or mystical, are not distracted if their thoughts are on the motive of prayer. But it would not be fitting to observe no order in these matters, for example, to dwell always on the glorious mysteries during passiontide prayer and on the sorrowful mysteries during paschal prayers.

(c) Distractions are sometimes opposed to the purpose of prayer. The purpose of prayer itself is the union of the mind with God, while the purpose of the one who prays is the special good to which he directs his prayer. Union with God is necessary above all in prayer, and though it need not be expressly thought on, as was said above (2169), yet there must be no thought in the mind contrary to it. Thoughts, desires and imaginations are contrary to the end of prayer when they are not means to that end (e.g., sinful thoughts, idle thoughts, thoughts on lawful occupations or affections that have nothing to do with the prayer), or when they are means to that end but are perverted to a purely natural use (e.g., when verbal attention is made an exercise in voice culture, or literal attention a grammatical study, or attention to the purpose of prayer means that one is speculating on foolish questions about divinity or thinking on the money, food, or clothing, for which one is praying as if they were the ends of prayer). Scrupulous persons make attention itself a distraction, for they worry all during prayer lest their thoughts be wandering, and so they are thinking about themselves rather than about the words, meaning or purpose of prayer.

(d) Distractions occur during prayer. Hence, an interruption is not a distraction, as when one who is praying is called to attend to some business or leaves off prayer for the moment to make a note of some important

thought that came to mind. Neither is the breaking off of prayer a distraction, as when one starts to pray but feels so distracted or unwell as to give over for the time being the attempt to pray.

2171. Voluntary and Involuntary Distractions.—(a) Voluntary distractions result in the first place from purpose, as when one who is praying deliberately dozes at intervals when he feels drowsy, or deliberately turns over in his mind the points of an address he intends to give; they result in the second place from negligence, as when the person who is praying does not expressly wish to be inattentive, but hurries through his words with no pains to keep his thoughts on what he is doing or why he is doing it. Those who rarely speak or read about divine things, but give themselves much to foolish reading or talk, prepare for themselves many distractions, unless they counteract this by special aids to recollection, such as pictures or prayer books.

(b) Involuntary distractions are those that result neither from purpose nor from carelessness, but from human weakness. Thus, a person who is troubled with scruples or with a severe headache or nervous strain, who is worn out bodily or much worried mentally, or who is surrounded by noise or disturbance, is often physically unable to concentrate his mind for any length of time, no matter how much he may desire to do so. Indeed, St. Thomas says that it is hardly possible for anyone to say an Our Father without some distraction, and many persons are distracted against their will by every slight sound or movement that falls under their notice.

2772. Sinfulness of Distraction in Prayer.—(a) Involuntary distractions are not sinful, since one is not bound to the impossible. Hence, a penitent who has nothing except these distractions to confess may not be absolved, since there is no matter for absolution in his confession.

(b) Voluntary distractions are sinful, since, though one is free to address God at any time, one is bound to do this in a respectful manner and in spirit and in truth, as God requires. Communion with God is by means of the mind, and it is disrespectful to turn the mind away to other things when the communion has been sought. Besides, lip service is displeasing to God, just as burnt offerings were not acceptable when made without love. But the sin is of its nature only venial; for the intention to pray, together with the

essential moral goodness of the act, is retained, and the defect consists in the circumstance that the intention is executed remissly (see 78).

2173. When is voluntary distraction a grave and when a venial sin? (a) It is a venial sin when one says a non-obligatory prayer, even with the express will to be inattentive, and also when one says an obligatory prayer (such as the Divine Office) with distractions due to carelessness, but without abandonment of the intention to pray. (b) It is a mortal sin when one indulges in distractions from contempt, and also when one says an obligatory prayer with distractions that last during a notable part of the prayer and that are deliberately entertained.

2174. Distractions during Divine Office are the absence of the attention which the Church requires under grave sin for satisfaction of the canonical obligation. There are two opinions about the kind of distractions that make recitation insufficient and gravely sinful.

(a) According to the older opinion, internal attention is required, but it seems that generally those who maintain this view do not hold that internal distractions alone deprive the Office of its sufficiency. Thus, they state that one who has had voluntary distractions may consider that he has fulfilled his duty, unless he is certain that he also adverted to his state of distraction and did nothing to end it.

(b) According to the opinion of many modern authors, external attention suffices. Hence, in this view mortal sin is incurred by notable defect in external, but not in internal attention.

2175. The External Acts of Religion.—We proceed now to those acts of religion which are performed in an outward manner. But it should be noted that just as devotion and prayer find external expression (as in vocal prayer), so the external acts of religion should proceed from internal devotion. The outward religious acts may be classified under three groups: (a) the acts in which one offers one's body as a mark of veneration to God (adoration); (b) the acts in which one offers external goods, whether given (sacrifices, offerings, first-fruits, tithes) or promised (vows); (c) the acts in which one makes use of divine things to honor God (Sacraments, oaths, adjuration, praises).

2176. Definition of Adoration.—Adoration or worship is honor shown to God through bodily acts offered in acknowledgment of His supreme excellence and of our dependence on Him.

(a) Thus, it is acknowledgment of dependence on God, and as such it differs from mere honor, which may be shown even to an equal.

(b) It is an acknowledgment of supreme excellence, and so it differs from veneration shown to creatures who are above us. Adoration (*_latria_*), therefore, is not the same thing as the sacred cult or veneration shown the Blessed Virgin (*_hyperdulia_*) and the Saints (*_dulia_*) on account of their supernatural grace and glory; much less is it the same thing as the civil cult shown to persons illustrious for natural qualities, such as acquired knowledge, political dignity or power, etc.: “The Lord thy God shalt thou adore and Him only shalt thou serve” (Matt, iv. 10).

2177. Unity and Variety of Adoration.—Adoration is but one, though it has various expressions. (a) The unity of adoration depends on the unity of its object. There is but one God to whom belong the various divine attributes, and the three Divine Persons share the same majesty. Hence, there is but one adoration. (b) The variety in adoration is in the expression. The higher expression of adoration is internal: it does not depend on bodily acts or places, and it is offered by Angels as well as by man. The lower expression of adoration is made through bodily acts, such as genuflections, prostrations, prayer with face to the east, and the use of sacred places for worship, all of which externals are employed as aids to devotion and symbols of the divine glory (Matt., xviii, 20; Luke, xix. 46). Some of the actions here mentioned are sometimes used in the religious or civil cult shown to creatures, but internal adoration belongs to God alone.

2178. Definition of Sacrifice.—Sacrifice is the offering to God and a real changing of a sensible thing, made by a lawful minister, in acknowledgment of God’s supreme dominion and of our subjection to Him.

(a) It is an offering or oblation; that is, one makes a gift directly to God Himself. Thus, sacrifice differs from contributions of the people made for the clergy or the church.

(b) It offers a sensible thing, that is, some object perceptible by the senses or hidden under sensible species; for sacrifice is an outward sign of the

inner offering, by which the soul itself is subjected to God.

(c) It is made by a lawful minister, for sacrifice is a public act performed in the name of the community, and hence it may be offered only by those who represent the community. St. Paul declares that a high-priest is chosen from men to offer sacrifice, and that no one may take the honor to himself unless he is called as Aaron was (Heb., v. 4).

(d) It is made to God alone, since God alone is our First Beginning and Last End: “He who sacrifices to other gods besides the Lord shall be put to death” (Exod., xxii. 20). Mass in honor of the Blessed Virgin or the Saints means that sacrifice is offered God in thanksgiving for their merits or in petition that we may imitate their virtues. Oblations may be made to men, but sacrifice may be offered only to God.

(e) It is through a real change of the thing offered, which thus becomes the victim of sacrifice; for the supreme act of worship reserved to God acts upon the substance itself of an external thing to signify that the worshipper offers his own being to God. The change in the thing sacrificed consists in its being made sacred, or set apart as the central object in the supreme act of worship.

(f) It is made in acknowledgment of God’s supreme dominion and of our subjection to Him; that is, it is an act whose direct and proper end is the exercise of the virtue of religion. Thus, sacrifice differs from acts of self-sacrifice such as continence, abstinence, martyrdom, even when they are offered in honor of God, for the direct and proper end of these acts is some other virtue than that of religion. The act of sacrifice may have no purpose except worship, but other virtuous acts have their own ends to make them praiseworthy, even when they are used as acts of worship.

2179. The Essentials of Sacrifice.—(a) The outward sign may be said to consist of matter and form. The matter is some sensible thing used as victim, whether it be inanimate (e.g., the bread and wine of Melchisedech), or animate (e.g., the paschal lamb), or human (e.g., Our Lord in His passion). The form is some sensible action that makes the victim sacred by dedicating it to sacrificial oblation (e.g., the breaking of bread, the libation of wine, the offering of the slain lamb, the voluntary and visible acceptance of death by Our Lord). In the Mass Christ is sacrificed, not as existing under His own appearances, but as present under the sacramental species

and offered through His representatives; and hence in the Mass the Victim is sensible by means of the species that signify and contain Him, while the dedication by the Supreme Priest is made sensible through the words of the ministering priest who acts for Christ.

(b) The inner thing that is signified in sacrifice is primarily the offering of self to God, in recognition that from Him we have our being and in Him is our happiness. But secondarily it signifies the fruits we derive from union with God (e.g., the benefits of redemption and salvation). Thus, the sacrificial death of Christ is also a symbol of man's death to sin and life in God (I Peter, iv. 1).

2180. The Obligation of Sacrifice.—(a) The internal or spiritual sacrifice is obligatory for all, since all are bound to offer God devotion of will, communion of mind, recognition of His supremacy. (b) The external sacrifice improperly so called, which consists in the practice of works of virtue, is obligatory for all in so far as commanded acts are concerned, but not when virtuous deeds are of supererogation. (c) The external sacrifice properly so called, which consists in an outward sign indicative of internal worship of God, is by natural law necessary, for reason itself shows to man that he is an inferior and dependent being, and so should acknowledge the superiority of God and his own submission by acts suitable to his nature as a being composed of body and soul, and for whom sensible things are signs of spiritual truths.

2181. Exemptions Based on the Natural Law.—Though the external sacrifice strictly so called is obligatory from natural law, it is not a primary precept of nature, nor does nature determine its details.

(a) Hence, the fact of the obligation may be unknown to an individual, since (though reason indicates it) it is not evident and rests upon a number of premises from which it has to be reasoned out. Unlike the duty of honoring parents, which is immediately inferred from natural principles, the duty of offering sacrifice is only remotely inferred, and hence admits of invincible ignorance (see 320).

(b) The manner of fulfilling the obligation, since not defined by natural law, has to be determined by positive laws, or, in the absence of these, by suitability to the circumstances in which one lives. Before the positive divine law was given, there was no obligatory rite for sacrifice and the

oblation was not entrusted to any special body of men, and hence we read that in the times of the patriarchs there was great freedom as to the ceremonies and the ministry employed in sacrifice. But under the Mosaic Law the manner of sacrificing was minutely prescribed and its office entrusted to the sons of Aaron, even to the exclusion of monarchs; while under the law of Christ there is but the one sacrifice of the Cross perpetuated in the Mass in an unbloody manner, and the ministers who have power to offer sacrifice are only the bishops and priests.

2182. Is Sacrifice Superior to All the Other Acts of Religion?—(a) Sacrifice is not superior to the internal act of religion, for devotion or the internal sacrifice is the soul that animates and moves the external rites (see 2149): “The multitude offered victims and praises and holocausts with a devout mind” (II Par., xxix. 31); “Obedience is better than sacrifice” (I Kings, xv. 22).

(b) Sacrifice is preeminent among the external acts of religion. Some acts of religion are optional (e.g., vows, oaths, adjurations), but sacrifice is a natural obligation. Some acts of religion are obligatory, but marks of respect similar to them may also be shown to creatures (e.g., customary offerings, praises), whereas no kind of sacrifice may be offered to a creature. Some acts of religion are reserved to God, but they have no rite that is peculiar to the worship of God and that may not be exercised by all (e.g., acts of adoration), whereas sacrifice has a service reserved to God and which only priests can perform. Sacraments are primarily for the welfare of man; sacrifice is primarily for the honor of God. Non-sacrificial acts of religion may be performed in the name of an individual (e.g., adoration), whereas sacrifice is in the name of the community; other acts of religion may signify dependence on God for temporal and corporal things (e.g., offering of first-fruits), but sacrifice signifies the dependence of the soul itself on God for existence and beatitude.

2183. Offerings.—Offerings are gifts made immediately to God, to be employed without change for divine worship or for the needs of the ministers of divine worship, the purpose being to worship God by the tribute paid.

(a) Thus, offerings are gifts; that is, they are offered to God without the compulsion of any law, or at least without any determination by law of the

amount to be given. Natural reason teaches man that he should bestow something from his goods in this manner as a thank offering for the divine bounty, when there are representatives of God to whom the gift may be given. The gift should be a free-will offering (Exod., xxv, 2), unless there are special circumstances that render it a debt, such as contract, promise, custom, or the need of the ministers of the Church.

(b) They are made immediately to God Himself, and so they differ from tithes or other dues that are paid to the clergy for their support.

(c) They are not changed at all in the act of worship (e.g., an offering of sacred vessels or altar furnishings), or at least they are not changed into the sacred condition of a sacrificial victim (e.g., offerings of candles, incense, etc., that are consumed during Mass). Thus, simple oblation differs from sacrificial oblation.

(d) They are devoted to the service of God, since they are gifts made to Him. Hence, they are used in divine worship and, if consecrated (e.g., chalices, vestments), may not be used for other purposes; or they are used for the needs of the ministers of divine worship or of the poor, since those who serve the altar should live by the altar (I Cor., ix. 14), and Our Lord shared His purse with the poor (Matt., xxvi. 9, 11).

(e) They are given as a mark of honor to God, especially in recognition of favors received from Him. Thus, in the Old Law the people were obliged to give the first-fruits of their fields and crops to God, in thanksgiving for the gift of the promised land and of its fruits (Deut., xxvi. 10).

2184. Goods Unsuitable as Offerings to God.—There are certain goods, however, that should not be used as offerings to God.

(a) Thus, those goods that are forbidden by positive law may not be offered to God. In the Old Law certain animals could not be offered to God, either because they were legally unclean (e.g., dogs were associated with pagan rites and were regarded as symbols of rapacity), or because they were of inferior quality (e.g., a blind or lame sheep or other animal worthless to its owner).

(b) Those goods that the offerer has no right to give away or that are unsuitable on account of circumstances may never be given as offerings to God. Thus, one may not make an offering to God of money that belongs to

another (Ecclus., xxxiv. 21); a son may not give as a gift to God the money he should spend on his needy parents (Matt., xv. 3-6). Neither may one offer corrupted wine for the Mass, nor the wages of prostitution to the church if there will be scandal, nor gifts that are mean and contemptible, etc.

2185. Contributions.—Contributions to the support of the clergy and church causes are neither sacrifices nor offerings in the strict sense of these words, since they are given not directly to God but to the ministers of God. The manner of making contributions to the Church has varied with time.

(a) Thus, in the first ages of the Church clerics having the care of souls were supported by the voluntary gifts of the people. These gifts were made especially during Mass. Bread and wine and other things necessary for divine worship and the support of the clergy were brought at the Offertory (the origin of the present Offertory collection), while food for the agapae or for the poor was presented for a blessing towards the end of the Canon, or before Mass.

(b) After peace had been given to the Church and the number of the faithful and of the clergy had greatly increased, it was found necessary to devise means for a more regular and certain supply of income. As early as the sixth century the ancient customs of first-fruits and tithes were made the subjects of conciliar enactments and imposed as specific taxes on crops or revenues. A more permanent system of church support was that of endowments or benefices which, owing to the increasing difficulties of older methods, sprang up about the sixth century and became universal in the eleventh. Fees in connection with the administration of sacred rites and stipends for Masses were in use in the seventh century.

(c) Today the system of benefices is the rule, while first-fruits and tithes are rare, though recognized by Canon Law. In some countries where benefices have been confiscated, part compensation is made in the form of pensions; in other countries (e.g., in the United States) the free-will offerings of the faithful is the usual system.

2186. Obligation of Contributing to the Support of the Clergy.—(a) Natural Law.—Those who serve the common welfare, whether in spiritual or in temporal matters, should be supported by those whom they serve; for, as their time and labor is given to others, it is a duty of justice that these

latter make a return for the benefits received. Hence, just as citizens are naturally bound to contribute to public officials, so are the faithful naturally bound to contribute according to their means to the ministers of religion.

(b) Divine Law.—Our Lord commanded His disciples to depend for their maintenance on those to whom they preached (“For the laborer is worthy of his meat,” Matt., x. 10); and hence St. Paul says (I Cor., ix. 13, 14): “They who work in the holy place eat the things that are of the holy place, and they that serve the altar partake with the altar. So also the Lord ordained that they who preach the Gospel should live by the Gospel.”

(c) Church Law.—The Canons reaffirm what is of natural and divine law, namely, that the faithful are obliged to support the clergy (Canon 1496); and as to the manner of making contributions they sanction local customs, such as parish payments (Canon 463) and tithes and first-fruits (Canon 1502), command the payment of *cathedraticum* (Canon 1504), etc.

2187. The Church, the Apostolic See, individual churches and moral persons of ecclesiastical law have the right to the temporal means requisite for their mission; and hence the faithful have the duty to contribute to necessary church causes, such as divine worship, the spread of the Gospel, and charity (Canons 1495 sqq.).

2188. Quality of the Obligation of Contributing to the Church.—(a) The obligation is one of justice as well as of religion, for there is a quasi-contract between the faithful on the one side and the Church and its ministers on the other side, the latter being obliged to give spiritual ministries and benefits, the former to supply the temporal sustenance and means. Hence, St. Paul compares the salaries given to the clergy to the wages or fruits paid to the laborer. It is not strange that those who sow spiritual things for others, should reap from the temporal things of the latter: for a soldier does not serve at his own expense; a planter, a shepherd, a plowman, and a thresher expect a share from their labors; indeed, even the animal that serves man is worth its keep (cfr. I Cor., ix. 4 sqq.).

(b) The obligation is grave, because it arises both from justice and from religion (see 1748, 2148). He who refuses to contribute to the Church evades payment for services given him and also denies to divine worship his share of support.

2189. Attitude Towards Persons Refusing to Contribute.—The duties of the priest towards those who refuse to contribute their share to the support of the Church may be defined as follows:

(a) as to absolution, it should not be denied unless there is certainty that the penitent is in grave sin. Hence, according to Kenrick and the common opinion, unless there is a law fixing a tax or the delinquent church member is inflicting severe privation on the church or heavy burdens on others who have to contribute more than their share, the confessor should not enjoin payment under pain of denial of absolution. Apart from these cases, the Church, for the sake of souls, does not insist upon her right, as we see in the dealings of St. Paul with the Corinthians who neglected to give towards his support. The Apostle did not correct these men, although he would have done so had he considered them guilty of mortal sin;

(b) as to restitution, it seems it should not be insisted on. One who has guiltily refused to pay his church dues has offended justice, it is true, but the Church is concerned more with spiritual than with temporal things, and rather than place an obstacle to the conversion of a sinner or occasion scandal to the weak, she prefers to forego what is really her due (see 1487);

(c) as to administration of the Sacraments or sacramentals, it should not be denied to those who are unable or unwilling to pay the customary fees. The recipient of the rites disgraces himself by unwillingness to do what others do, but religion itself would be degraded if the rites were refused for reasons of money.

2190. Those to Whom Religious Contributions Are Due.—(a) The entire Church should contribute to the support of the Pope, the Pastor of the whole flock of Christ, who is charged with the welfare of all. In the Old Law the Levites themselves were obliged to pay tithes to the high-priest (Num, xviii. 26 sqq.); but the amount to be given to Peter's Pence is left to the generosity and religious devotion of the contributors. (b) Each individual church or body in the Church should contribute to its own bishop or superior a just amount for necessary uses, as determined by law or lawful custom.

2191. Vows.—A vow is a promise made to God to perform that which is better.

(a) It is a promise, that is, an agreement by which one binds oneself under obligation to another to do or omit something (Eccles., v. 3, 4). Thus, a vow differs from deliberation about doing good or the purpose to do it, for it includes in addition to deliberation and purpose the decree of the reason which places one under the moral necessity of performing one's promise. Thus, persons who make good resolutions or who promise themselves that they will carry out certain good courses (e.g., a drunkard who takes the pledge to abstain from intoxicants) do not sin against a vow when they break their resolutions. Even a promise or resolution made under oath is not necessarily a vow; and hence one who swears to observe chastity may be freed from the obligation by an ecclesiastical superior who has not the power of dispensing from a vow of chastity (see 2234, 2262).

(b) A vow is a promise made to God; that is, the person who takes the vow intends to honor God and to bind himself to God. A vow may be made in honor of the Blessed Virgin or other Saint, in the sense that one vows to God what one promises to the Saint, or that one calls on the Saint to witness or to assist the vow, or that one offers the vow principally to God and secondarily to the Saint. Hence, if one were to make a promise to a Saint (e.g., if a girl promises perpetual virginity to the Blessed Virgin) with no thought about God or no thought of obliging oneself before God, the act would be a promise pertaining to the virtue of veneration (*_dulia_*), but it would not be an act of religion or a vow. Promises made to living persons even under solemn circumstances (e.g., a death-bed promise made to a dying mother) are sacred, but they have not the nature of a vow.

(c) A vow is a promise to perform that which is better; that is, since a vow is a free promise made to God, to whom only good is pleasing and to whom the lesser good is less pleasing, a vow does not promise God what is evil or entirely indifferent or less pleasing. It would dishonor a human being to promise him something offensive, it would not honor him to promise something vain or useless, it would not show him special honor to promise to do something less agreeable to him. Hence, it would be irreligious to take a vow to steal, or to count one's steps, or to prefer marriage itself to celibacy. Certain solemn promises are called vows (e.g., the vows of Baptism, the marriage vows), but they are not vows in the strict sense as here understood, for they do not promise that which is better, the promisors having no intention to place on themselves the obligation of religion.

2192. The Various Kinds of Vows.—(a) By reason of its object, a vow is either personal (i.e., the promise of some act or omission, such as a fast or the avoidance of an occasion of sin), real (i.e., the promise of some payment or object, such as an alms), or mixed (i.e., the promise of some action and some object, such as pilgrimage to a shrine with an offering).

(b) By reason of its subject, a vow is either singular (i.e., made by a physical person) or common (i.e., made by a moral person or community).

(c) By reason of its duration, a vow is either temporary (e.g., a vow taken for one year) or perpetual (i.e., a vow taken for life).

(d) By reason of its manner, a vow is either absolute (e.g., an unconditional vow of chastity) or conditional (e.g., a vow to go on pilgrimage, if one recovers one's health; a vow to enter religion, if parents consent). A conditional vow is either non-penal, as in the example just given, or penal, in which the promise is that one shall undergo a penalty if fault is committed (e.g., a vow to say the Rosary every time one uses profane language, to fast every time one becomes intoxicated, to give alms every time one is dishonest).

(e) By reason of its form a vow is either express (i.e., externally manifested by words or other signs) or tacit (i.e., externally assumed by reason of some office to which it is annexed, as when one takes the subdiaconate in the Latin Church, to which is attached the duty of celibacy. (It must be noted, however, that some authors consider celibacy arising from the subdiaconate as a duty arising from ecclesiastical law and not from a vow.) The express vow in turn is explicit (i.e., manifested by signs that immediately express the vow, as when the vower mentions poverty and chastity) or implicit (i.e., manifested by signs that express another vow which includes the implicit vow, as when the vower mentions only obedience according to the rule, but the rule includes the other two vows of poverty and chastity). An explicit vow is either determinate (i.e., one in which the thing promised is definitely indicated, as when one vows a pilgrimage) or disjunctive (i.e., one in which the vower promises to perform at his will one or more out of a number of things indicated, as when he vows either to make a pilgrimage or to perform a fast).

(f) By reason of its position before the Church, a vow is either private (i.e., one made without the intervention or acceptance of the Church, as

when a person in danger of shipwreck makes a vow for his safety) or public (i.e., one made before the Church and accepted in its name by an ecclesiastical superior, as in the essential vows made in approved Orders or Congregations). The public vow is either simple or solemn, according as the Church has determined for different religious institutes.

2193. Vows in Canon Law.—The canonical dispositions in reference to vows in general will be found in Canons 1307-1315, while religious vows are treated in the section on religious (Canons 492 sqq.), and the effects of vows on matrimony are declared in Canons 1072, 1073, 1058. A fuller treatment of the canonical aspects of vows than can be given here will be found in commentaries on these parts of the Code.

2194. Distinction between Solemn and Simple Vows.—Is the distinction between a solemn and a simple vow one of divine or one of ecclesiastical law?

(a) As to accidental solemnity (i.e., the conditions of time, place, age, fitness, rubrics, etc.), the solemn vow depends on the Church, for there is no doubt that the Church has the right to determine these matters as circumstances may require. Hence, the Church may appoint conditions for the validity of a solemn vow, and she may also change these conditions as she sees fit.

(b) As to the essential solemnity (i.e., the internal characteristic that distinguishes the solemn from other vows), the solemn vow depends, not on the law of the Church, but on the divine law, since, unlike other vows, it is not a mere promise of acts, but an irrevocable giving over to God of one's person itself and an internal spiritual consecration or espousals accepted by the Church. This is denied, however, by some authorities, who place the difference between the solemn and the simple vow in the different juridical effects which they produce in Canon Law, the solemn vow making acts opposed to it invalid and the simple vow rendering opposed acts illicit, but not invalid (see Canon 579). All agree that the Church may for just reasons dispense even in solemn vows.

2195. Knowledge and Deliberation Necessary for Valid Vow.—In the intellect of him who takes a vow there must be such knowledge and deliberation as are required for making an important contract, for he who takes a vow assumes a grave obligation (see 1883). The rule given by many

is that the deliberation which suffices for a mortal sin suffices also for a vow, but this does not appear to be exact, since a mortal sin may be committed when there is only a confused perception of the gravity of the sin (see 177).

(a) Thus, a vow is invalidated by substantial ignorance or error (e.g., Titus, thinking his gold watch is brass, vows to give it as an alms; Balbus, thinking that a distant sanctuary is not very far off, vows to make a pilgrimage to it; Claudius, being wrongly informed that his father is sick, makes a vow to go on a pilgrimage for his father's recovery), but not by ignorance or error that is merely accidental (e.g., Sempronius, thinking that a sanctuary which is four miles away is only three miles distant, vows to go there on pilgrimage, but he would have made the vow, even though he had known the true distance; Caius, intending chiefly to perform an act of religion, and secondarily to visit a friend, vows a pilgrimage to a neighboring town, not being aware that the friend has moved elsewhere). The vows of religion, according to the common opinion, are not invalidated on account of ignorance or error about accidentals, even though the vows would not have been taken had these accidentals been known; for the common good demands that the religious state, like the married state, have stability, and that those who enter it intend to accept all the obligations that go with it.

(b) A vow is invalidated by the absence of full deliberation (e.g., vows made by children who have not the perfect use of reason, by persons who are only half-conscious or who are delirious or laboring under a hysterical delusion or fixed idea, by persons who act on the impulse of the moment without full advertence to the import or force of the vow), but not by the absence of long or studious deliberation (e.g., a vow is valid if one has thought over its meaning and obligation, even though one has done this hurriedly and without reflection on the details and has regretted the vow soon after its pronouncement).

2196. Freedom of Will Necessary for Valid Vow.—In the will of the person who takes a vow there must be freedom of choice, and the absence of such impediments as take away self-determination or consent.

(a) Thus, the natural law itself invalidates a vow made under force or under such fear as takes away the power of giving due deliberation to the

vow.

(b) The natural law, according to many, invalidates a vow made under fear that is grave (though not disturbing to the reason), and that is produced unjustly and with a view to coerce one into making the vow. The reason for this opinion is that God cannot accept a promise to Himself caused by injustice, nor can one be held to a promise made under unjust pressure.

(c) The positive law (see Canon 1307, Sec.3) invalidates a vow given under grave and unjust fear. Many canonists interpret this law as meaning that even when the unjust fear is not employed as a means to force one into taking the vow, but does in reality cause one to take the vow, the promise is null in both forums in virtue of Canon Law.

2197. Cases in Which Fear Does Not Invalidate a Vow.—(a) All admit that fear does not invalidate when it proceeds from a natural cause (e.g., vows made during a storm at sea) or an internal cause (e.g., vows made under the influence of fear that one will fall into sin without the protection of the vow); for in these cases one chooses a lesser burden to avoid a greater one, and the thing chosen is involuntary, not simply, but only in a certain respect (see 44).

(b) It is commonly admitted that fear does not invalidate when it proceeds from an external and just cause (e.g., if a guilty person were threatened with the penalties of law unless he vowed not to repeat the offense), since the cause of the vow is then internal rather than external, namely, the guilt of the person who takes the vow and his wish to evade punishment.

2198. Vows of Doubtful Validity.—In the following cases it is disputed whether fear invalidates a vow.

(a) It is disputed whether fear unjustly caused invalidates in the forum of conscience when it is light (e.g., Titia constantly importuned by her parents to enter religion makes a vow to follow their wishes). Some answer in the negative, because a fear that is slight both in itself and in its influence on the vower cannot be considered as the real cause of the vow. Others answer in the affirmative, because light reasons do move persons to take grave steps, and it is not reasonable to think that God will accept a vow brought on by unjust, though light, fear.

(b) It is also disputed whether grave fear unjustly caused invalidates, when the person who causes the fear intends to force the vower, not to the vow, but to something else (e.g., Balbus threatens to kill Caius unless the latter pays a large sum of money, and Caius vows to give the money to religion if he escapes the danger). Some hold for the affirmative and refer to Canon 1307, mentioned above. Others hold for the negative because the vow is taken, not to accommodate the aggressor, but to honor God and benefit self. This is the interpretation given the pre-Code legislation. Still others distinguish, affirming invalidity for the case in which fear is the cause of the vow and denying invalidity for the case when fear is only the occasion of the vow.

2199. The Intention Necessary for a Valid Vow.—As was said in the explanation of the definition, a vow must include a will to bind oneself, that is, the intention to make a vow.

(a) The object of this intention is the obligation itself, not its fulfillment. Hence, he who makes a vow, but intends not to oblige himself, vows invalidly; for he has two contrary intentions and (unless the intention to vow is stronger) the substance of the vow is excluded. On the contrary, he who makes a vow, intending not to fulfill it, vows validly but illicitly, since he really intends to oblige himself, but he sins by his purpose not to keep his vow (see 1883).

(b) The quality of the intention must be such that the character of the vow as a deliberate act and a sincere agreement to obligation will be preserved. Hence, an habitual intention (e.g., Claudius intending to take a vow on the morrow pronounces the words of promise while asleep) does not suffice, because the act made with such an intention is not deliberate or human. Likewise, an external intention (e.g., Balba forced by her parents to enter a convent takes the vows, intending only the external rite) and an indirect intention (e.g., Sempronius, foreseeing that if he drinks certain liquors he will bind himself by vow to a number of things, takes the drinks and makes the vows) are not sufficient, because with them there is no real agreement to obligation. On the other hand, it suffices to have an actual but implicit or tacit intention (e.g., Titus receives subdeaconship intending the obligations annexed to the office, but not knowing that celibacy is a duty vowed by subdeacons), or a virtual intention (e.g., Caius intended to make religious profession, but at the moment of pronouncing the vows he is distracted and

gives no attention to the words), for in either case there is a human act and real agreement to obligation (see 2164, 2165).

2200. The Matter of a Vow.—(a) A vow is a free promise, and hence its matter must not be something necessary. (b) A vow is made to God, and hence its matter must not be something that is not pleasing to Him.

2201. Vows that Promise Something Necessary.—(a) If the necessity is absolute, because a certain thing must be or cannot be, a vow is invalid. A vow to die is null, because death is a necessity; a vow to avoid venial sin, deliberate and indeliberate, is null, because it is impossible without a special privilege from God to keep such a vow; a vow that one's child shall enter religion is also null, because one has no power over that which depends on the will of another. The vows made by communities do not oblige their successors or posterity as vows, but only as laws or customs having the force of law, or as contracts to which agreement is given, etc.

(b) If the necessity is hypothetical, because a certain thing must be done or omitted if one is to observe the natural or positive law, the vow is valid. For though it is necessary to observe a commandment (e.g., to avoid intoxication), it is not necessary to add to the existent obligation the new obligation of religion. The most suitable matter for a vow, however, is something that is of counsel, but not of precept, for example, to practise celibacy.

2202. When Fulfillment of Vow Is Only Partly Possible.—(a) If the vower intended that his promise should be an entire one obliging him to fulfillment of all the items, the vow is invalid, since its fulfillment as intended is impossible. Thus, if one vowed to go on foot to a place of pilgrimage but was unable to accomplish the journey on foot, or vowed to go to Rome and became unable to go the full distance, there would be no obligation.

(b) If the vower intended that his promise should be severable, the difficulty can be settled as follows: he is held to nothing if the matter is severable but the principal part impossible (e.g., if he vowed to go on a pilgrimage and also to go barefooted, he is not bound to go barefooted an equal distance if the pilgrimage becomes impossible). He is held to the part that is possible, if it is really severable and was intended as the principal

part of the vow (e.g., if he vowed to go on a pilgrimage and to go barefooted, but is unable to go barefooted).

(c) If the intention of the vow-maker is uncertain, it seems he is held to perform what is possible (e.g., if one has vowed to pay for the erection of a church but becomes unable to pay for more than a part of the expense); but if there is a good reason to presume that he intended an entire vow, or a severable vow whose chief part has become impossible, one may decide the doubt in the sense of that presumption (cfr. 465).

2203. Vows that Promise Something Displeasing to God.—(a) Vows that promise what is always evil (e.g., to steal) are invalid and, on account of the irreverence, gravely sinful, at least if the sin promised is mortal. (b) Vows that promise something that may turn out either evil or good (e.g., Jepthe's vow to immolate the first living being that came before him) are imprudent, and should not be kept as to the part that is sinful.

2204. What should be said of vows that promise something good, but that have an evil end or other evil circumstances?

(a) The vow is invalid and illicit if the evil circumstance affects the thing promised itself, so that the fulfillment of the vow must be sinful, for example, when one promises to give an alms in order to seduce the recipient into sin or to build a church in order to gratify pride or spite. Similarly, invalid and illicit are vows made to obtain something evil (e.g., the vow of an alms in order to obtain success in a robbery) or to render thanksgiving for success in evil already done (e.g., the vow to give God half the booty taken in robbery); for such vows can not be fulfilled without the implicit protestation that God is the author of sin.

(b) The vow is valid but illicit if the evil circumstance affects only the act of vowing; for the thing promised is good and is to be performed properly, but the disposition of the vower is not free from sin as he makes his promise. It should be noted, however, that the evil circumstance does not always deprive the act of vowing of substantial goodness (see 78). Thus, if one vows to build a church and the sole motive for making the vow is the applause one will receive, the vow is substantially illicit; but if vainglory is only a secondary motive, the vow is substantially licit.

(c) The vow is valid and licit if the evil circumstance affects neither the act promised nor the act of vowing, both of these being good. Thus, it is lawful to vow an alms for every time one yields to a sinful habit. It is also lawful to vow an offering to God if one escapes unhurt from a duel, for such a vow does not ask God to bless the duel but to protect one's life.

2205. Vows that Promise Something Indifferent.—(a) These vows are invalid if there is no circumstance to make the promise honorable to God (e.g., if one promises to save up a certain percentage of one's earnings each month). The sin committed by those who vow necessary, impossible or indifferent things, does not seem to exceed venial fault per se, for the vow is illicit, not because its matter is evil and displeasing to God, but because it is not good and pleasing to Him. The sin seems to be one of levity rather than of irreverence.

(b) These vows are valid and lawful if there is a circumstance that makes the indifferent subject-matter honorable to God (e.g., if one vows to save up so much each month in order to practise frugality, or to set aside means for some charitable or pious cause).

2206. Meaning of a Better Good.—It is also necessary for validity of a vow that the thing promised be a better good; for this is the will of God, our sanctification (I Thess., iv. 3), and the vow is made to God.

(a) By the better good is not meant that which has no good superior to it, for then one could vow only the most excellent good, which is not true.

(b) By the better good, then, is understood that which is preferable to its contrary good (e.g., virginity is better than marriage), that which is absolutely or objectively preferable to its contradictory (e.g., it is better to give an alms than not to give one, it is better to keep the law of fasting than not to keep it), that which is relatively or subjectively better than its contradictory (e.g., it is better to marry than to commit fornication, or live in concubinage, or give scandal, or leave children illegitimate). Generally, however, it is not advisable to vow matrimony, for, even if the vow is not invalid, it seems to have little advantage. If a person thinks marriage is better for him, let him take the marriage vows or engage to marry the woman of his choice.

2207. Vows Invalidated by Promise of Lesser Good.—(a) The vow to do what is less pleasing to God (e.g., never to make a vow, never to embrace a counsel) is invalid *_per se_*. There may be cases, however, in which a vow of this kind would be better and therefore valid (e.g., when a person who is prone to making vows is bidden by the confessor to make no other vows without advice).

(b) The vow to do what may easily become less pleasing to God also seems to be invalid. Thus, if one were to make a vow to play no more games in order to give more time to prayer or to avoid temptations, the vow might later be a cause of spiritual harm, for at times it is more pleasing to God to take recreation than to abstain from it.

2208. Case in Which One Has Taken Two Opposite Vows.—(a) If the vows are equally good, or if it is doubtful which is better, the first prevails; the second being impossible does not oblige. (b) If the second is certainly better, it prevails, and the first does not oblige, being impossible. Thus, if one has first vowed to go on a pilgrimage and next to stay at home and attend the sick during an epidemic, the pilgrimage should not stand in the way of the more urgent good of caring for those in distress.

2209. The Obligation of a Vow.—Every valid vow obliges to fulfillment, for it is a promise, and loyalty to promises is a moral duty. Scripture declares that one must pay one's vows, and that it is better not to vow than to vow and not fulfill (Eccles., v. 4), that God will hold as sin the neglect of a vow (Deut., xxiii. 21), that a faithless promise displeases Him (Eccles., V. 3).

(a) The Quality of the Obligation.—A vow is an act of religion, since it promises to God a tribute of honor, even though the thing promised (e.g., a fast, virginity) does not belong to worship but to some other virtue. Hence, the violation of a vow is a sin against fidelity and also against religion. But it seems that sacrilege is committed only by sins against certain vows, namely, those whose matter is a sacred thing dedicated to God; for example, the violation of the vow to fast would not be sacrilegious, while the violation of a public vow of chastity is a sacrilege. All transgressions of vows, as such, are sins of the same species, namely, sins against religion.

(b) The Quantity of the Obligation.—A vow, as being a duty of religion (see 2146, 2148), obliges under grave sin. But in an individual case the sin

committed may be only venial on account of lightness of matter or imperfection of the act.

2210. Gravity of the Obligation of a Vow.—A vow has the nature of a private law, since it is an obligation which the vow-maker voluntarily imposes on himself. But a law obliges under grave sin when the subject-matter itself and the intention of the lawgiver require strict obligation (see 381 sqq.). Hence, gravity of matter in a vow depends on the great importance of the thing vowed and on the will of the vower to assume a grave obligation.

(a) Thus, the thing vowed must be of great importance, either in itself (e.g., chastity) or from its relation to divine worship (e.g., a fast, a communion). One cannot oblige oneself to a grave obligation under a vow whose matter is absolutely and relatively of minor importance (e.g., a daily Hail Mary, an alms of twenty-five cents; see 382).

(b) The intention of the vower must be to bind himself under grave sin. He is free not to oblige himself by vow at all, and hence, should he elect to vow, he may bind himself, even though the matter of the vow is of great importance, either under grave or under light sin (or only to penalty), as he wishes. Exception must be made, however, for public vows taken in religious institutes and for the vow of chastity and celibacy taken in the reception of subdeaconship, for the law of the Church on account of the public good decrees that these vows oblige under grave sin.

2211. Rules for Determining What Is Important Matter in a Vow.—(a) In personal vows, an act of omission may be made the subject of grave obligation, if it may be made the subject of grave precept by the Church (e.g., the hearing of Mass, Confession, Communion, a fast or abstinence, a Rosary).

(b) In real vows, some fix grave matter according to the standards for commutative justice (see 1896 sqq.). But such a rule seems unsuitable. The amounts absolutely and relatively grave in theft are determined by the wealth of the person stolen from, but, since God is owner of all things, we do not see how those amounts could be fixed in reference to Him. On the other hand, the duty of religion obliges more strictly than that of commutative justice, and hence it does not seem that grave matter should be the same for both. In practice, the matter is not grave when it is quite

inconsiderable (say less than a dollar), or when the vower intends only a light obligation. If the matter is not inconsiderable and the intent of the vower is uncertain, one may decide as to the obligation of the vow from presumptions based on custom, the circumstances of the vow, or the rule that grave obligation is not to be taken for granted (see 709, 714, 659).

2212. Coalescence of Light into Grave Matter.—(a) If the vower has determined the relation of the items of the vow one to another, coalescence can be judged from his intention. Thus, if the vower intends that the items shall be parts of one whole, there is coalescence (e.g., if he vows to give fifty cents in alms daily and neglects this for a year, there is grave sin); but if he intends the items as separate promises, there is no coalescence (e.g., if he vows to say a Hail Mary every day and neglects this for a year, there are many venial sins). If some of the items have been performed, others omitted, and the omissions coalesce, there is grave sin according to some as soon as a notable quantity is reached, but others believe that there is grave sin only when a notable percentage (say one-third or one-fourth) of the matter vowed has been neglected.

(b) If the vower has not determined the relation between the items of the vow, the presumption as a rule favors coalescence in real vows, non-coalescence in personal vows (as in the examples of a vow to give fifty cents daily and of a vow to say a Hail Mary every day). But there are exceptions, as when one vows to give a small alms every Saturday in honor of the Blessed Virgin, for the chief intention in this case may be to show respect to the Mother of God and not to give a certain amount to the poor.

2213. The Time When a Vow Obliges.—(a) A negative vow (e.g., not to drink certain intoxicants) obliges at once and always (see 371).

(b) An affirmative vow to which the vower has annexed a time for fulfillment obliges at the time determined. If the time was intended as a principal circumstance (e.g., a vow to say the Rosary on the Feast of the Assumption), the vow ceases with that time, even though performance was culpably neglected; but if the time was intended only as a secondary circumstance (e.g., a vow to go to confession next week made by one who needs it badly), the vow continues in force even after the time set has elapsed without fulfillment (see 468 sqq.). Anticipation of fulfillment on account of inability to fulfill at the time appointed in the vow, is not

necessary, unless the vow was attached to a certain space and cannot be fulfilled in the latter part of this space; for example, if one has vowed to say the Rosary today and foresees that the whole afternoon will be occupied, one should say the Rosary in the forenoon (see 470, 471).

(c) An affirmative vow for which the vower has fixed no special time should be accomplished as soon as this can be conveniently done, for such is the rule in every absolute promise, and, moreover, no better time for fulfillment can be assigned; “When thou hast made a vow to the Lord thy God, thou shalt not delay to pay it, because the Lord thy God will require it. And if thou delay it shall be imputed to thee for a sin” (Deut., xxiii. 21).

2214. Delay in Fulfilling Vow.—Sin may be committed by delaying to keep a gravely obligatory vow for which no date was set.

(a) There is no sin if the delay is reasonable in view of the subject-matter of the vow (e.g., to put off a Rosary or fast for two or three days, a pilgrimage of 50 miles for a week, a pilgrimage of 1000 miles for several months, etc.) or of the circumstances (e.g., if one has to delay entrance into religion until one has better health or has closed up a business).

(b) There is venial sin if the delay is unreasonable but does not notably diminish what is promised or endanger its fulfillment. Thus, a Rosary, a fast, or a pilgrimage is as good next year as this year, and, apart from danger of forgetting or omitting, no lapse of time seems to constitute a notable delay in respect to such obligations.

(e) There is mortal sin if the delay is unreasonable and notably depreciates what is promised or notably endangers performance of the vow. Thus, to put off the fulfillment of a vow to enter religion lessens the value of the thing promised, if one waits until old age; it imperils the promise, if one remains in the world for several years exposed to the danger of losing vocation. Moralists hold that three or four years would be a considerable delay in reference to a vow to enter religion.

2215. The Person Obligated to Fulfill a Vow.—(a) A personal vow obliges only the vower, because by its nature a vow is a law which one imposes on oneself (see 463, 1696, 188). But vows taken by a city or community may be obligatory on the subjects in virtue of law, and vows taken by ancestors may oblige posterity in virtue of lawful and obligatory custom. (b) A real

vow (and a mixed vow as to the part that is real) obliges also the heirs, for this kind of vow is a debt of the vower's estate (see Canon 1310). The obligation of the heirs is one, not of religion, but of justice, and they are not held beyond the resources of the estate.

2216. The Manner of Fulfilling a Vow.—(a) As to Internal Disposition.—It is not necessary that one have at the time of fulfillment the purpose of fulfillment, provided there is no intention exclusive of that purpose, for the vow binds one only to do what was promised (cfr. 477). Hence, if one has vowed to hear Mass and then hears a Mass out of devotion, not thinking of the vow, one may take this assistance at Mass as a satisfaction of the vow.

(b) As to External Performance.—If a vow is personal, one must perform it personally, for one's own act was promised, and hence, if personal performance becomes impossible, it is not necessary or valid to use a proxy; if a vow is real, one may use goods given by others, but one is not obliged in case of poverty to seek the goods of another, since one's own goods were promised.

2217. The Obligation of Certain Kinds of Vows.—(a) Conditional Vow.—The vower is not obliged by the vow unless the condition is fulfilled, and this is probably true even when the condition is equivalently, but not formally, fulfilled (e.g., Titus, who has to support his mother, vows to enter religion as soon as she contracts marriage, but the mother unexpectedly dies and Titus is thus freed of her support). The vower is not guilty of sin against the vow if he prevents the fulfillment of the condition, unless he uses unlawful means. Such means are not employed if one is not obliged to fulfill the condition (e.g., a vow to pay an alms of \$10 if one gets drunk), or if non-fulfillment is due to weakness, not to the purpose to defeat the vow (e.g., a vow to pay an alms of \$100, if one remains sober for a year, when the vower becomes intoxicated accidentally or through frailty before the year is up), or if non-fulfillment is due to the exercise of one's right (e.g., a vow to enter religion if one's parents consent, when the vower in lawful ways persuades his parents not to consent). The vower is guilty of sin against the vow, if he uses unlawful means to prevent the condition's fulfillment (e.g., if he gets drunk purposely in order to evade the alms promised for sobriety, or if he uses fraud or force to keep his parents from consenting to a vow which he has made dependent on their consent).

(b) Penal Vow.—The vower is not obliged by the vow if the act against which the vow is made is committed by him but is not sinful (e.g., Claudius vowed not to play cards, but on a certain occasion did play after having received a dispensation), or is only materially sinful (e.g., Balbus vowed not to use profane language, but on a certain occasion did use such language inadvertently), or is not sinful against the vow, at least if the penalty is for violation of the vow (e.g., Caius vowed not to quarrel under penalty of an alms for breaking the promise, but on a certain occasion did quarrel, adverting to the sin against charity, but not to the vow), or is venially sinful on account of the imperfection of the act, at least if the penalty is grave. If the vower has not determined the number of times the penalty is to be paid, it seems that it should be paid only after the first fault, if the penalty is grave and one that is not customarily repeated (e.g., a distant pilgrimage, a large alms), but should be repeated after every fault if the penalty is slight and one that is customarily repeated (e.g., a decade of the Rosary, a small alms).

(c) Disjunctive Vow.—The vow is null if one of the objects to be chosen from is evil, vain or impossible (e.g., a vow either to earn or to steal the money for an alms). The vower is held to nothing if before his choice one of the things to be chosen from has become impossible (e.g., Claudius vows to give one or the other of two chalices he owns, but before he makes his choice one of the chalices is stolen), or if after his choice the thing chosen becomes impossible (e.g., Claudius decided to give the larger of two chalices, but before he could give it, it was stolen). The vower is held, however, if one of the things to be chosen from has become impossible before choice through the vower's own fault (e.g., Claudius' chalice was stolen before his choice because he had culpably delayed to make a choice), or if the thing not chosen has become impossible after the choice (e.g., Claudius decided to give the large chalice and the small one was stolen afterwards).

(d) Doubtful Vow.—Doubts about the essentials, that is, whether a vow was really made (e.g., whether it was a vow or only a resolution, whether there was the requisite intention or deliberation, whether the vow was invalid on account of fear, etc.), or whether a vow certainly made was fulfilled, must be settled according to the principles for directing a doubtful conscience (see 672 sqq.). Thus, if it is more probable that a vow was made

or that a vow was not fulfilled, the decision must be for obligation according to the Probabiliorists; but if there remains a positive doubt whether only a resolution was made, or whether a vow was fulfilled, there is no obligation according to the Probabilists. Doubts about accidentals, that is, whether a vow was of this kind or that (e.g., the circumstances of quality, quantity, number, etc.), must be settled according to reasonable rules of interpretation of the mind of the vower.

2218. General Rules of Interpretation of Doubtful Vows.—(a) Private vows must be interpreted according to the expressed or presumptive intention of the vower, for a vow is a private law, and the vower the lawmaker. (b) Public vows must be interpreted according to the sound doctrine of approved authorities on theology and Canon Law.

2219. Special Rules for Interpreting the Mind of the Vower.—(a) A doubtful vow should be interpreted from internal evidence, that is, from the language of the vow itself and the significance usually attached to the terms used, for the presumption is that the vower meant to express himself in the ordinary speech used for vows. Thus, a vow of “virginity” usually means the same as a vow of “chastity,” and should be so understood unless there is reason for a stricter interpretation. The language of a vow is to be understood in the light of the purpose of the vower (e.g., a vow to give a chalice to a church does not mean a glass chalice, since the Church employs only chalices of precious metal); a vow to hear Mass daily does not mean that one must hear two Masses on Sunday, since the purpose of the vow is to let no day pass without assistance at Mass.

(b) A doubtful vow that cannot be sufficiently construed from internal evidence should be judged from general presumptions, that is, from the custom as regards the vow taken (e.g., one who vows an alms is understood to promise the amount that others in his condition promise), from the custom or law as regards the matter of the vow (e.g., one who vows a perpetual fast is understood to promise a fast on days other than Sundays and holydays, for the church law distinguishes between fast days and feast days), from the rules governing the interpretation of laws (e.g., since things odious are to be of strict interpretation, he who vows to give something may himself determine what he wishes to give, provided it is not ridiculously small), from the conditions that are implied in every vow as to possibility, the rights of others, change in circumstances, etc. (e.g., he who promises to

become a religious means that he will do so, if a Religious Order will accept and keep him; he who promises a gift means that he will give without prejudice to the claims of third parties, etc.).

2220. The Advantages of Vows to the Vowers.—(a) A first advantage is that a vow strengthens the will of the vower to do good and avoid evil. This is an important advantage, since human nature is so weak and inconstant and so much in need of helps that will add resolution and perseverance to its efforts. The vow is a promise binding not only in honor but also as a religious duty, and an act that has a special claim on divine assistance and a favorable answer, and hence it is a powerful ally to a virtuous life. True, he who takes a vow is subject to greater sin if he is unfaithful. But there is no good that has not some risk attached to it, and the risk here is due, not to the vow itself, but to the weakness of the will which may use it improperly. The person who thinks only of the dangers of storms will neither sow nor reap (Eccles., xi. 4).

(b) A second advantage is that a vow makes the good done more meritorious and praiseworthy. It adds to the virtue practised (e.g., abstinence) the virtue that directs (viz, divine worship or religion, the most excellent among the moral virtues); it offers God a more perfect subjection, since it presents to Him, not only a single act here and now, but the power itself of the will to do the opposite; it acts from a greater resolution and firmness, a circumstance that gives perfection to virtue. All this should be understood *_per se_*, or with the qualification “other things being equal”; for if we suppose that a person who has no vow serves God with great charity and fervor, there is no doubt that he is better before God than one who has vows and performs them carelessly and reluctantly.

2221. When a Good Vow May Be Sinful.—A vow good in itself may be sinful or the occasion of sin on account of the dispositions of the vower.

(a) Thus, in taking vows one commits sin if one acts imprudently in not taking into consideration the circumstances. Hence, before making a vow one should consider carefully and consult one’s confessor or director or some other prudent man.

(b) After taking vows one commits sin by regrets, if these regrets include the desire not to comply with obligations (e.g., when one regrets having lived up to a vow in the past or intends not to live up to it in the future, or

when one keeps the vow only from human motives and wishes one could violate it), or if they manifest ingratitude towards God (e.g., when one regrets without good reason that one ever took the vow). The sin committed by desire not to comply with obligation is mortal or venial according to the nature of the obligation; the sin of ingratitude is venial. There is no sin at all, it seems, if for a reasonable cause one regrets having made a vow or wishes there were no obligation to perform something of supererogation that one vowed, unless by such wishes one is exposed to temptations and the danger of sinning against the vow.

2222. Merit of Fulfilling a Vow that One Regrets.—If one regrets having made a vow but intends to keep it, is the good work performed better by reason of the vow?

(a) If the intention to keep the vow is prompted by a religious motive (e.g., the desire to please God or the fear to offend Him), the good work is more meritorious than if there were no vow, for it has the double value of an act of religion and of an act of some other virtue, of a good work done and of a vow to do it.

(b) If the intention to keep the vow is prompted by a human motive (e.g., the desire to please some human person or to secure some temporal benefit), the good work is not made more meritorious, but indeed is not meritorious at all, since not done for God's sake.

2223. Who Can Make a Vow?—Every person living in the state of mortal existence, whether Catholic or non-Catholic, is able to take a vow, unless there is an impediment of natural or positive law.

(a) Natural law excludes vows made by those who are not masters of their own acts or who have not the use of reason; for, since a vow is a law which one knowingly places on oneself, it cannot be made by those who have not the right of disposition over their acts or who do not understand the meaning of the obligation. Hence, religious and other subject persons are restricted as to the right of making vows, while infants and insane persons are utterly incapable of making a vow.

(b) Positive law of the Church has laid down certain conditions for the validity of public vows (e.g., age, performance of the novitiate, etc.), and hence those persons in whom the conditions are not found are incapable of

taking these vows. The power of binding and loosing has been given the Church, and the regulations on public vows exercise this power for the benefit of the Church as a whole and of the persons who take vows, As to private vows, it is a matter of dispute whether the Church has the power to appoint conditions for them, since they are internal acts (see 426), but it seems that no such conditions have ever been made.

2224. Twofold Dependence on the Will of Another.—Those who are not masters of their own acts are unable to vow on account of their subjection to or dependence on the will of another. There is a twofold dependence of this kind.

(a) There is a dependence of the will of the subject, as in the case of religious who have vowed obedience to their rule and superiors, and in the case of those who have not attained the age of puberty and who must be guided and ruled by their father or guardian. This dependence means, not that the subject must have the positive consent of the superior for every act, but that he must not will or do anything contrary to the just will of the superior.

(b) There is a dependence of the matter of the vow, when it is subject to the wishes of another person, as happens in the case of those who have obligations to others. Thus, a wife cannot make a vow of chastity without the consent of her husband, otherwise she infringes upon conjugal rights; a servant cannot make a vow to spend in visiting churches time for which he is paid; a son who lives with his parents and is not emancipated cannot vow to give his earnings in alms, for he owes them to his family.

2225. The Validity of Vows Made by Subjects.—(a) If the vow is against the rights of another person, it is invalid without his consent. Thus, if a wife makes a vow of chastity without her husband's consent, the vow obliges her to ask his consent, but it has no force if he refuses his consent.

(b) If the vow is against the subjection due another, it is invalid if he denies his consent. Thus, if a religious vows an act for which according to his rule permission must be sought, the vow has no actual force until the permission is obtained; if he vows an act that is good in itself, but absolutely forbidden in his rule (e.g., if a novice bound to remain in the cloister vowed to go on a pilgrimage), the vow is null, since it is better to keep the rule.

(c) If the vow is neither against the right of another nor against the subjection due, it seems that the vow is valid without the knowledge and consent of the superior. Thus, if a religious privately vows to do what is commanded in a particular law or rule, or what is counselled by his superiors, or what is good and not forbidden, the vow is valid until annulled by the superior; for, as was said in the previous paragraph, the subject is not bound to have the positive consent of his superior for all acts, and it is supposed now that the thing vowed is not detrimental to the rights of the superior or others.

2226. Cessation of Vows.—Since a vow is a private law, it may cease, just as a law ceases in certain cases (see 500 sqq.). There are, therefore, two ways in which a vow ceases or ceases to oblige.

(a) The vow ceases from within, or from internal causes, when the matter of the vow has so changed as to be detrimental or useless, or the purpose of the vow is no longer served by the vow. For the nature of a vow is that it promotes a better good to the greater glory of God. It is clear also that a temporary vow ceases when the time limit fixed to it has expired, and that a conditional vow ceases if the condition is not fulfilled (e.g., one vows an alms of thanksgiving if one's mother recovers from sickness, but she dies).

(b) The vow ceases from without, or from external causes, when it is removed or suspended by the authority of God to whom it was made (dispensation) or by the authority of one who has power over the will of the vower or over the matter of the vow (annulment), or even by the authority of the vower himself in so far as belongs to him the right to substitute some equal or better work for the work vowed (commutation).

2227. Public vows do not cease from intrinsic causes, for this would be productive of many disadvantages to religious communities and to those who take vows in them. The chief cases in which private vows cease for internal reasons are as follows:

(a) They cease on a substantial change in the thing promised, for then the subject-matter has become morally different. There is a substantial change if the matter of the vow has become illicit (e.g., Titus vowed an alms to a beggar, but he learns that the beggar will use the alms to become drunk), or if it has become useless (e.g., Claudius vowed not to visit a certain house on account of the bad language used there, but the guilty parties have now

moved away), or if it has become an obstacle to a greater good (e.g., Balbus vowed to go on a pilgrimage, but an epidemic has broken out and it is better for him to remain home and care for the sick), or if it has become impossible (e.g., Sempronius vowed to give an alms, but lost his money and cannot afford to keep the promise). Some also think there is a substantial change when circumstances are so different that, had the vower been able to foresee them, he would not have taken the vow.

(b) They cease on the disappearance of the principal reason that induced the vower to make his promise. Thus, if Caius vows a sum of money to an institution solely because it is poor and it becomes wealthy before he has fulfilled his vow, his obligation is at an end (see Canon 1311).

2228. Annulment of Vows.—The annulment of a vow is made in two ways, directly and indirectly. A full treatment of this subject will be found in commentaries on Canons 1312, 499, 88, 89, 675, 501.

(a) Direct annulment is the operation of a person distinct from the vower which, by affecting immediately the vower's act, recalls the vow and makes it of no force. Hence, this kind of annulment may be exercised by all those who have such private authority over the will of the vower as to be able either to confirm or to cancel his acts. Private authority over the will of another is contained in the paternal power of the father over his children, in the domestic power of the husband over his wife, and in the governing power of a religious superior over his subjects. The paternal power may be exercised to annul the vows of children (at least, of those who have not reached puberty), since these children are incompetent to decide for themselves. The governing power also may annul directly the private vows of professed subjects made after profession, since these subjects have made a quasi-contract of submission in this matter. The domestic power of the husband, according to some, cannot directly annul the post-matrimonial vows of the wife, since the wife is competent to direct herself in these affairs, and has made no engagement of subjection in their regard; but others argue that at least positive law (Num., xxx. 2-17; Eph., v. 24) gives the husband this authority. The paternal power in this matter is had, not only by the father, but also by those who take his place (such as the guardian or the mother); the governing power is had by religious superioresses, by immediate and other regular superiors, by bishops in reference to their non-exempt communities, and by the Pope in reference to all communities.

(b) Indirect annulment is the operation of a person distinct from the vower which, by affecting the matter or object of the vow, suspends the obligation produced by the vow. Hence, this kind of annulment may be exercised by all those who have a right over the matter of the vow, when and as long as the vow is prejudicial to their right. Thus, the Pope may annul a vow of any of the faithful that is detrimental to his rights or the rights of the Church; parents may annul the vows even of their children who have attained puberty, when these vows interfere with family order; religious superiors may annul the vows of novices that are harmful to religious discipline; husbands and wives may annul each other's vows that trespass on conjugal rights; a master may annul a vow of his servant that keeps the servant from performing work due the master.

2229. Reason Necessary for Annulment of a Vow.—Is a just reason necessary for annulment of a vow? (a) For validity it is not necessary that there be a just reason, since there is always the implicit condition in a vow: “unless the superior or other person whose consent is necessary refuses.” (b) For lawfulness it is necessary that there be a just reason, for it is not lawful to deprive God of honor promised Him, unless one has a good reason to do so (see Canon 1312). But the sin committed by one who annuls or who asks for annulment without sufficient reason does not regularly exceed a venial sin.

2230. Differences between Direct and Indirect Annulment.—(a) Direct annulment extinguishes a vow, since it affects the act of vowing itself, and hence, if a father annuls the vow of his son who has not reached the age of fourteen, the vow ceases entirely. Indirect annulment, on the contrary, only suspends a vow, since it affects only the matter of the vow and this matter may be withdrawn from the power of him who annuls. Thus, if a master annulled the vow of his cook to hear Mass daily, the vow would revive when the cook took service elsewhere.

(b) He who has power to annul directly may exercise the power even though he granted permission for the vow, or promised not to annul it, or gave his approval to it; for he retains his power over his subject and may change his own decision. But he who has only indirect power of annulment more probably may not annul once he has given his permission or ratification to a vow; for his power is only over the matter of the vow, and

this, after he has consented to its dedication to God, is no longer under his control.

2231. Dispensation.—A dispensation is the relaxation of a vow granted in the name of God by one who has competent jurisdiction.

(a) It is a relaxation, that is, it removes the obligation (see 401). Thus, a dispensation differs from a mere declaration or interpretation that a law is not binding.

(b) It is a relaxation of the vow, that is, the dispensation, at least in modern practice, takes away not only the obligation but also the vow itself. It is not merely a suspension or a commutation, but a total removal of the vow.

(c) It is granted in the name of God; that is, the dispenser acting for God remits the promise that was made to God. Thus, a dispensation differs from an annulment, for the latter is made by the annuller in his own name on account of the authority he has over the will of the vower or over the matter of the vow.

(d) It is given by one who has competent jurisdiction, that is, public spiritual authority in the Church over the external forum. For, as a vow is an obligation to God, it cannot be removed without the act of those whom God has appointed as His representatives in spiritual matters. Here again a dispensation differs from an annulment, for the latter requires, not the power of jurisdiction, but only dominative or domestic power.

2232. Reasons Sufficient for a Dispensation.—A dispensation is granted in the name of God, and therefore, unlike an annulment, it requires a just reason for its validity; for the remission of a religious promise cannot be satisfactory to God, unless there exists a justifying reason. A dispensation conceded for insufficient reasons is invalid, even though all the parties concerned were in good faith; but, in doubt, the presumption is that the reasons were sufficient. The reasons sufficient for a dispensation can be reduced to two classes: (a) the public good of the community or of the Church (e.g., if a person bound by vow leads a dissolute life to the scandal of the public); (b) the private good of the vower (e.g., if he finds the observance of the vow too difficult, if he took the vow without much deliberation or with such fear as is insufficient to nullify, see 2195, 2196).

2233. Sinfulness of an Unnecessary Dispensation from Vows.—(a) The superior who grants the dispensation is guilty if he is certain that there is no sufficient reason for it, or if he doubts whether there is any reason for it. But he dispenses validly and lawfully, if he is certain that there is a reason for the dispensation, but doubts whether the reason is sufficient (see 407). Usually, a superior who has been asked for a dispensation should not be anxious about his right to give it, for the very insistence of the subject indicates that the vow has become harmful or useless.

(b) The subject is guilty if he asks for a dispensation while knowing that he has no right to ask for it, or if he uses it while knowing that there was manifestly no sufficient reason for it. But in case of doubt whether the reason was sufficient, the subject should be guided by the judgment of the superior, not by his own, for the decision belongs to the superior.

2234. Persons Who Have the Power of Dispensation.—The Church has the power to dispense both public and private vows, for Our Lord gave this power when He said: “Whatsoever thou shalt loose upon earth, shall be loosed in heaven” (Matt., xvi. 19), and the power thus given has been exercised from the beginning (see 314). Those who have the power of dispensation are the following:

(a) the Pope, since he is the Vicar of Christ, has the fullness of dispensing power. He may dispense from every dispensable vow, solemn vows included, and there are certain vows from which he alone may dispense. The vows reserved to the Pope or his delegate are almost all public vows and the two private vows of perfect and perpetual chastity and of entrance into a Religious Order of solemn vows. The two latter vows are reserved, however, only when made absolutely and with perfect freedom by one who has completed his or her eighteenth year;

(b) local Ordinaries (and superiors with quasi-episcopal jurisdiction, such as regular prelates) can dispense from the non-reserved vows. In certain cases, such as urgent necessity or a doubtful vow, they can also dispense from the two private vows reserved to the Pope. These matters are treated more fully by canonists, especially in connection with Canons 258 and 1045. It is the common opinion that regular confessors who have the privileges of Mendicants can dispense, either in confession or outside of confession, from all non-reserved vows not made principally for the

advantage of a third party and accepted by him. Parish-priests and other confessors may dispense from a vow of chastity discovered at the last moment when all preparations have been made for marriage (see Canon 1045).

2235. Dispensation from Religious Vow of Chastity.—Does the Church dispense from the vow of chastity taken in religious profession or in the reception of Sacred Orders?

(a) There are no known examples of public dispensation of priestly celibacy for the sake of contracting marriage, but dispensations are granted from the religious vow of chastity.

(b) There have been cases in which subdeacons and deacons were permitted to marry for the sake of some common good of the Church or of a nation, and in which the marriages of priests were validated, as at the time of the Anglican Schism and of the French Revolution. But the clerics thus dispensed were forbidden the exercise of their clerical powers.

2236. Dispensation from a Vow Made for the Benefit of a Third Party.—
(a) If the promise is gratuitous and not yet accepted by the third party, the dispensation can be given; for in such a case the only obligation is one arising from the vow, and the Church can dispense from vows. Hence, if one vowed to have Masses said for the soul of a deceased person or to give alms to the poor without determining any particular persons, the vows can be dispensed.

(b) If the promise is gratuitous and accepted by the third party, but is made chiefly in honor of God and only secondarily for the benefit of the third party, it is probable that the dispensation can be given. For that which is secondary in the promise should follow that which is primary, and here the vow, which is the primary intention, is dispensable.

(c) If the promise is gratuitous and accepted, but the purpose to benefit the third party is not subordinate to the purpose to make a vow, or if the promise is onerous, the dispensation cannot regularly be given. The reason is that in these cases there is question not only of a vow but also of a contract, not only of an obligation to God but also of an obligation to man, and justice demands that the rights of a party to a contract be not taken away without his consent. Thus, a vow of stability made on entrance into a

Congregation cannot be dispensed without the consent of the Congregation itself, for the vow was also a contract between the Congregation and the vower. There are exceptions, however, as when the third party renounces his right, or when the Pope, in virtue of his supreme authority over ecclesiastical goods or of his dominative authority, grants a dispensation for which there are just and sufficient reasons.

2237. Persons Who May Be Dispensed from Vows.—(a) Dispensation may be granted to subjects and, in certain cases, even to non-subjects. Thus, a superior whose faculty is not restricted may dispense himself (see 403); but it is advisable that dispensation be always sought from another person on account of the danger of self-deception. A local Ordinary also has the power to dispense, not only his own subjects, but also outsiders who are in his territory (see Canon 1313).

(b) Dispensation may be given either in the confessional or outside of the confessional, unless the contrary is stipulated in the faculty. It is more suitable, however, that it be given in the confessional.

(e) Dispensation may not be granted except to those who are willing to accept it, and in this respect it differs from an annulment, which may be made even against the will of the vower. The reason for this is that the vower placed the obligation on himself freely (see 403). This holds at least as regards the dispensation of a private vow.

2238. Commutation of Vows.—The commutation of a vow is the substitution of some good work for the one promised by vow with the transfer of the religious obligation to the new work. Commutation differs from annulment and dispensation, for these take away the obligation while commutation only changes the matter, the obligation of the vow remaining unchanged. Thus, if the vow to make a pilgrimage is commuted into prayers, one is no longer obliged to make the pilgrimage, but one is bound under vow to say the substituted prayers. The power of the Church to commute vows is clear from what was said above about the power of dispensation, for he who can do what is greater can also do what is less.

2239. Kinds of Good Works that May Be Substituted for Vows.—(a) The good work can be a better work than the old one, that is, a work which, if not more difficult, is more pleasing to God and more spiritually advantageous to the vower. Hence, if one has vowed to give an alms to a

poor stranger, the vow may be commuted, if the stranger has not accepted the promise, in favor of another stranger who is poorer or in favor of one's father who is also poor.

(b) The good work may be a work equally good, that is, one which morally speaking has the same difficulty or spiritual value. Thus, one prayer may be exchanged for another of equal length, one alms for another of equal amount, one pilgrimage for another of equal distance. But equality is to be determined, not mathematically but morally, and hence one kind of work may be exchanged for another, one kind of vow for another, and it is not necessary that the works be of exactly the same worth. In fact, the new work, which objectively is only equal, is subjectively better, since it is more advantageous to the vower.

(c) The good work may be a work less good, that is, one which is clearly less difficult or meritorious, as when a Mass is commuted into a Rosary.

2240. Persons Who Have Authority to Commute a Vow.—(a) The commutation of a non-reserved vow into something better or equally good may be made by the vower himself, if there are no rights of a third party to forbid this. For the ends of the original vow (viz., the honor of God and the spiritual welfare of the vower) are thus better or at least equally served. But ordinarily one should not commute one's own vows, since for most persons it is not an easy matter to decide what is a better or an equal good. How many understand the respective rank of the virtues? And even if one does know, for example, that religion is better than temperance, one cannot decide from this alone that a Rosary is an equal or a better substitute for a fast. One who wishes commutation for his vow, therefore, should consult his confessor or another priest.

(b) The commutation of a vow into something less good can be granted only by the one who has a special faculty; for this kind of commutation partakes of the nature of a dispensation, inasmuch as it relaxes to some extent the original vow. Those who have the power of dispensing (e.g., regular confessors who have the privileges of Mendicants) have also the power of commuting; but those who have only the power of commuting may not change a vow into something that is of notably less value. A good rule to follow in commuting a vow into something less is that more frequent reception of the Sacraments be the substitute ordered. The limitations on

dispensations by reason of the rights of third parties (see above 2236) apply also to commutations.

2241. The Cause Required for Commutation of a Vow.—(a) For commutation into something better no cause is required, since the new work is its own justification. (b) For commutation into something of equal value, some cause is required, since it is a mark of inconstancy and therefore displeasing to God to give over one's promises without good reason. But a light reason is sufficient, such as greater devotion or less danger of violating the vow. (c) For commutation into something of less value, a proportionate reason is necessary, not only for lawfulness, but also more probably for validity, since this kind of commutation is a partial dispensation. But the reason need not be so serious as that needed for a full dispensation.

2242. Reversion to Original Vow.—The return to the original vow by one whose vow has been commuted is always lawful, and in certain cases may be obligatory.

(a) It is lawful, even though the vow was commuted into something better; for a commutation is a privilege, and there is no obligation of using a personal privilege (see 523). Some authors hold that this doctrine does not apply when the vower himself commuted his vow into something better, but the common opinion is that the principle of privilege applies to every case, and that one may even choose between different works if a vow has been commuted a number of times. Those who make vows should be on their guard, however, against frequent and needless changes, since inconstancy is harmful spiritually.

(b) The return to the original vow is obligatory according to some when the vower commuted his own vow to something better and the new matter has become impossible; for the effect of the commutation was not to extinguish the old vow at once, but to offer a satisfaction in its place, and hence when this satisfaction proves impossible the vow must be performed. Others deny this and maintain that the old vow is extinguished immediately, since one who commutes a former vow is immediately held under vow to the substituted work. All agree, however, that if the commutation is granted by authority, the old vow is extinguished and there is no duty to return to it if the substituted work becomes impossible, even though the impossibility is due to the vower's own fault. Hence, if a pilgrimage is commuted into a

fast and the vower through his carelessness becomes sick and unable to fast, there is no obligation either to make the pilgrimage or to fast. It should be noted, though, that private vows made before religious profession are suspended only so long as the vower remains in the institute he has joined, and hence, if he is dismissed or leaves, the vows revive (Canon 1315).

2243. Duties of Confessors in Reference to Private Vows.—(a) A confessor should not readily permit penitents to take private vows, since a vow is a serious matter and should receive mature deliberation. A vow taken hastily in a fit of fervor will likely be soon repented of (see 2221). But if it seems that a penitent will be benefited by a vow, the confessor should give permission, though it will frequently be advisable to limit the duration of the vow at first to a month or a year or other fixed period.

(b) Nor should a confessor be easy in recommending commutations of private vows, lest those who have taken them be encouraged to make continual changes. On the other hand, if there is a good reason for a change (such as danger or difficulty in the old matter or greater devotion in the new matter), the confessor should not stand in the way of a commutation. Confessors who have not the faculties must have recourse to authority for dispensations and dispensative commutations, and the same course is advised for some difficult cases of annulment (e.g., when a husband and wife have made a mutual vow of continence).

2244. External Acts of Religion in Honor of God.—We now pass on to consider those external acts of religion in which the worshipper makes use of divine things in order to show honor to God (see 2175). These sacred things are of two classes, namely, objects whose use is the sanctification of man (Sacraments and sacramentals) and words whose use is the power they have on others or the manifestation of reverence towards God (the Divine Name). Sacraments and sacramentals will be dealt with later. For the present we shall speak of the honor shown to God by the use of His Name, and hence we shall take up in turn the following subjects: (a) use of the divine name to confirm before others one's declarations or promises (oaths); (b) use of the divine name to move others to do or omit something (adjuration); (c) use of the divine name to express praise and invocation.

2245. Oaths.—An oath is the calling upon God to witness the truth of what we say.

(a) It is a calling upon God; that is, it is the selection of God as the witness of what is said. The oath is not merely an address made to others or a declaration that a fact is known to God (e.g., “God knows she has been a good woman”); it is an address or invocation made to God Himself. Neither is it a mere prayer that God will in some way bring out the truthfulness of what is said; it is an appeal to Him to corroborate that truthfulness by His own testimony. Neither does it appeal to testimony already given (e.g., the words of God found in Sacred Scripture), but to testimony to be given about the present matter. A prayer to God to prove one’s innocence or the proof of a theological proposition from the Word of God is not, therefore, an oath.

(b) It is a calling on God, and hence if appeal is made to some creature (e.g., in the expression, “upon my word of honor”) or to some false deity (e.g., “By Jove, I’ll do that”), there is no oath.

(c) It calls on God to bear witness; that is, it confirms the truth of one’s words by God Himself, who can neither deceive nor be deceived. He who swears does not ask that God intervene here and now by some visible or miraculous sign, but that God confirm, where and when it pleases Him, what is said, at least on that day when He will clear up the hidden things of darkness and reveal the secrets of hearts (I Cor., iv. 5). The proving force of the oath is that one who believes in God will not be so wicked or rash as to call upon the All-Holy to defend iniquity and falsehood.

2246. The Various Kinds of Oaths.—(a) By reason of the matter, an oath is either assertory or promissory. An assertory oath refers to the past or present (e.g., “I swear that I saw the accident,” “I swear that I am insolvent”), a promissory oath to the future (e.g., “I swear that I will execute my office faithfully”). The promissory oath is either without a pact made with another (e.g., in the comminatory oath, “I swear that I will prosecute, if you do that”) or with a pact. This latter oath is called confirmatory, and, according as the pact is with God or with man or with both, it is either a sworn vow, or a sworn contract, or a sworn vow and contract.

(b) By reason of its mode, an oath is either contestatory (invocatory) or execratory. The contestatory oath simply calls on God as a witness (e.g., “God is my witness that this is true,” “I swear by God, etc.”). The execratory oath asks God, even though the Divine Name is not expressly

mentioned, to punish the swearer in his own person or in the persons or goods that pertain to him, if the statement made is not true (e.g., “May God strike me dead, if this is not true!” “May the devil take my children, if I swear falsely!”). The form commonly used, “So help me God and these holy Gospels!” has an execratory sense, the meaning being “May God help me if I speak truly, may He deny me help if I speak falsely!”

(c) By reason of the person invoked, an oath is either explicit or implicit. The former calls on God by name (e.g., “God is my witness,” “I speak the truth in Christ”); the latter calls on some creature as the reflection of a divine attribute, or in some other way the representative of God (e.g., the oath of Moses in Deut., xxx. 19: “I call upon heaven and earth this day to witness that I have offered you life and death”).

(d) By reason of its legal form, an oath is either solemn or simple, judicial or extra-judicial. The solemn oath is taken with ceremony (e.g., before the altar, with hand placed on the Bible, with upraised hand, etc.); the simple oath is taken privately, without special form of words or ceremony. The judicial oath is taken in court or in reference to the public decision of questions of right, fact or delinquency (e.g., in Canon Law the oaths of calumny, malice, etc., which are treated in canonical works); the extra-judicial oath, solemn or simple, is taken on other occasions (e.g., when two contractants strengthen their compact by oath). Examples of solemn oaths in the Bible are found in Gen., xiv. 22, xxiv. 2, 3; Jeremias, xxxiv. 18.

2247. Moral Difference between the Various Kinds of Oaths.—(a) Essentially, there is no difference, since all the kinds agree in the principal features mentioned in the definition. (b) Accidentally, there is a difference in circumstances of form, solemnity, etc. Moreover, one kind of oath may be more obligatory (e.g., the solemn oath on account of the special deliberation given it and the scandal caused by its non-observance is more sacred than the simple oath), or it may have other species of obligation besides that of religion (e.g., the oath to keep a compact binds in justice as well as religion).

2248. Lawfulness of Oaths.—(a) It is lawful to take an oath that has the necessary qualities, for in Scripture God Himself is represented as swearing (Gen, xxii. 16; Psalm cix. 4, Heb., vi. 13, vii. 21), holy men swear and are

praised for swearing as they should (II Cor., i. 23; Psalm xiv. 4), and the Church has always made use of oaths. The origin of oaths is man's faith in God, and their purpose is the useful one of lending authority to important assertions. Indeed, an oath is an act of religion, for men swear only by one who is greater (Heb., vi. 13), and hence an oath is a profession of reverence for God's superior knowledge, truth, and justice.

(b) It is not lawful to take an oath that lacks a necessary quality. Here we should note an important difference between an oath and other acts of religion, such as vows. An oath is not desirable for its own sake, since it is occasioned by human weakness and unreliability; hence, like medicine and other necessities occasioned by evil, it should be used only in serious need and sparingly. A vow or other act of religion, on the contrary, originates from the desire to honor God, even apart from necessity, and hence it may be used oftener. This explains why Scripture forbids the habit of swearing (Ecclus., xxiii. 9; Matt., v. 33; James, v. 12); but it is a wrong interpretation of these texts that sees in them an absolute prohibition of oaths. From the context and other passages it is clear that the Scriptures just cited reprove the Pharisees who taught that promiscuous swearing was lawful, provided only the matter was true or the Divine Name was not used, and also those persons who delighted to swear on all occasions.

2249. Necessary Qualities of a Lawful Oath.—The necessary qualities that should accompany an oath are expressed in Jeremias, iv. 2: "And thou shalt swear, 'As the Lord liveth,' in truth, and in judgment and in justice." Judgment refers to the good dispositions of the person who swears, truth and justice to the righteousness of the cause for which he swears.

(a) Thus, an oath should have judgment; that is, the person who swears should do so only from serious necessity, with faith and devotion, and in a manner respectful to God whom he invokes. An oath that lacks judgment is called incautious or disrespectful, as when one swears about a trivial matter or swears jokingly.

(b) An oath should have truth; that is, one should not swear except to that which one believes to be true, after reasonable diligence has been used in seeking for the truth. An oath that lacks truth is called false or perjured, as when one swears to what one knows or believes to be false, or promises what one does not intend to fulfill, or swears that one is certain when one

has only opinion, or swears with a purely mental reservation, or swears after insufficient investigation of a matter.

(c) An oath should have justice; that is, one should not promise what one has no right to promise (e.g., to tell a lie), and one should not say what one has no right to say (e.g., what is defamatory). The matter of the oath, then, both as to its object and its circumstances, must be good, even though one is swearing truthfully and respectfully. An oath that lacks justice is called a wicked oath, as when one promises under oath to commit murder, or not to follow what is of counsel, or swears about a real fact in such a way as to do unnecessary harm to another person or to boast about one's own crimes.

2250. Sinful Oaths.—(a) An incautious or disrespectful oath is from its nature only a venial sin, since its malice consists, not in any direct injury to the divine truth or other attribute, but only in levity of mind; and, moreover, it is not opposed to the purpose of an oath, which is to confirm the truth. But accidentally it may be a serious sin on account of the scandal it gives (e.g., when a person of standing swears without necessity), or on account of the danger to which it exposes the swearer (e.g., when one swears habitually and is thereby put in the occasion of swearing falsely or unjustly). On account of the evils of familiarity, etc., to which habitual swearing leads, Our Lord warn us to be content as a rule to support the truth with simple assertion or denial (Matt., v. 2). At least for ordinary, daily communications the word of a Christian or honest man ought to be sufficient without his oath.

(b) A lying or perjured oath is from the nature of the act always (see 172) a mortal sin, since it consists essentially in contempt for God and disrespect for His attributes. The perjurer dares to ask God to be an accomplice in a lie, or else supposes that God can be deceived. Hence, only by reason of the imperfection of the act can perjury ever escape the guilt of mortal sin, as when one commits perjury without sufficient reflection on or full consent to the oath or to its falsity. Pope Innocent XI condemned the doctrine that perjury is only a light sin (Denzinger, n. 1174). In Canon Law those who perjure themselves are debarred from acting as witnesses or giving expert testimony, and are subject to penalties at the discretion of the Ordinary (see Canons 1757, 1795, 2323). In American civil law perjury is a false oath given before a tribunal and is a crime against public justice, while

subornation of perjury and false oaths given on private occasions are also crimes or punishable offenses.

(c) A wicked oath, even though the thing sworn to be true and the oath be given only after consideration and in a respectful manner, is a sin against religion and any other virtue it offends. The sin committed by reason of the oath is from its nature mortal according to some, since the swearer gravely insults God by asking Him to become a partaker in sin and by turning into an instrument of sin what should be an act of religion; others hold that the sin is only venial, since it is not serious disrespect to ask God to witness the truth of what is true; others again make the gravity of the sin depend on the wickedness of the matter or circumstances. This wickedness committed by reason of the statement or promise is venial or mortal according to the case. Thus, there is grave injustice in revealing a fact seriously detrimental to another and which one is bound to keep as confidential; there is venial scandal in swearing in order to lead another person into a slight fault of detraction; there is a grave sin of impurity in promising to commit adultery; there is a light sin of theft in promising to steal a small sum of money. Finally, others hold that the oath is mortally sinful when it furthers a grave sin (e.g., an oath confirming serious detraction), and that it is venial in other cases (e.g., an oath confirming a boast about past mortal sins).

2251. Mental Reservation in an Oath.-(a) Strict mental reservation (i.e., the internal restriction of one's words so that the listener cannot gather the true meaning, as when one says one has seen Rome, meaning a picture of Rome) is a lie, and hence cannot be used in an oath without perjury. See propositions condemned by Innocent XI (Denzinger, n. 1176).

(b) Wide mental reservation (i.e., the internal restriction of one's words that may be gathered by the listener from circumstances, as when a servant says his master is not at home, meaning that he cannot be seen) is lawful only when there is some reason of justice or charity that demands it. Hence, it is a mortal sin to swear with this kind of reservation when the questioner has the right to know the truth; it is no sin at all when the questioner has no right to question and mental reservation is the only escape from a serious evil. If the questioner has no right to demand an oath and the deponent has no right to use mental reservation (e.g., when the oath is only private and not concerned with contract or other important matter), the sinfulness of a mental reservation is a matter of dispute. Some think the oath is mortally

sinful, because it is gravely irreverent to God to call on Him to witness testimony meant to deceive. Others think the oath is only venially sinful, because the offense is not against truth or justice, but only against judgment or discretion.

2252. Cooperation in Sinful Oaths.—(a) Formal cooperation is never lawful, because it makes the cooperator will the guilt of what is done. Thus, he who by command, counsel, promise, etc., induces another to swear falsely is guilty as the principal or accessory to the crime (see 1513, 1778).

(b) Material cooperation is lawful when there is a sufficient reason for it, as when a public official demands the oath according to law from a person who, as he knows, will swear falsely. For the public good demands that in certain cases oaths be administered, notwithstanding that for some persons this will prove an occasion of perjury. But the lawgiver should not multiply temptations by demanding sworn statements unnecessarily; otherwise the oath becomes a mere formality deprived of proving value, and the crime of perjury is made common.

2253. Sinful Oaths Demanded or Accepted by Private Persons.—(a) Incautious or Disrespectful Oaths.—It is not lawful to ask or receive an oath, when there is no great public or private need for it; otherwise one makes a sacred act cheap and common. Neither is it lawful to ask or receive an oath from those who do not believe in oaths (e.g., the Mennonites, some Quakers); otherwise one compels another to swear against his conscience and indevoutly. Those who believe that oaths are sinful may be required, nevertheless, to bind themselves on their solemn word of honor, and may be punished in the same manner as perjurers if they speak falsely.

(b) Perjured Oaths.—It is not lawful for a private person to ask or receive an oath from another, if he is sure that the latter will commit perjury; but one may ask and receive an oath, even though one does not know whether the other person will swear truly or not, if one has a sufficient reason.

(c) Wicked Oaths.—It is clearly unlawful to ask or receive a wicked oath, in which something sinful is promised or stated; for the thing itself is then desired and there is formal cooperation. But it is not necessarily sinful to ask or receive a wicked oath, in which the sinfulness is found, not in the matter of the oath, but in the dispositions of the swearer, for there may be only material cooperation. Thus, he who exacts a sworn promise of murder

agrees to murder, but he who demands a sworn statement against a third party for which there is necessity does not necessarily agree to hatred, if the person taking the oath swears out of hate or revenge.

2254. Fictitious Oaths.—A fictitious oath is one in which a person swearing externally has no intention internally to call on God as a witness.

(a) This kind of oath is invalid, for, as was just said, without a real intention to swear there is no oath. Hence, a fictitious oath produces no obligation of religion, but there may be an obligation of justice, as when the oath is the unjust cause of damage to another.

(b) This kind of oath is sinful, for, if it testifies to error, it includes the grave sin of external dishonor to God; if it testifies to truth, it includes the venial sin of taking God's name in vain. The fictitious oath is a grave sin if the circumstances are such that a sincere oath is gravely obligatory, as when a superior or judge lawfully imposes an oath in a serious matter, or the parties to an important onerous contract bind themselves by oath in order to strengthen their pact.

2255. Expressions Confused with Oaths.—Expressions that are sometimes mistakenly confused with sinful swearing are the following: (a) profane or vulgar talk, such as "Hell," "The devil," "Doggone it"; (b) cursing, such as "Go to hell," "God damn you," "Damn it", (c) contumely, such as "bastard," "son of a bitch"; (d) vain use of the name of God, such as "by God," "Christ," etc., when used as common exclamations; (e) temptation of God, such as: "If there is a God, may He strike me dead!"; (f) blasphemy, such as: "May God perish, if this is not true!"

The expressions, "This is as true as the Gospel," "God's own word is not more truthful," "I am as innocent as the Blessed Virgin," etc., if used to confirm the truth, are not meant to assert the speaker's equality to God and the Saints, and hence they are venial sins of taking the Lord's name in vain. But, if they are used to confirm error, they are mortal sins of blasphemy.

2256. Obligation Imposed by Promissory Oath.—An assertory oath imposes the obligation of telling the truth and of repairing any damage that results from the falsity or injustice of the declaration. In addition, a promissory oath binds one in virtue of religion to perform one's promise; for, as said above (2249), an oath must have truth. Hence, Scripture bids

those who have sworn to fulfill the promise (Matt., v. 33) not to make the word of no effect (Num, xxxi. 3). But the thing promised must be possible and lawful, or otherwise the oath lacks judgment or justice. (a) Thus, an impossible promise is not binding, for no one can oblige himself to perform what he cannot perform (cfr. 2201); (b) an unlawful promise is not binding, for no one can oblige himself to perform what he is bound not to do. Thus, an oath to revenge murder by murder is null, and sin is committed both in taking and in keeping it.

2257. *Obligation Imposed by Negative Oaths.*—The obligation of a sworn promise not to do what is better (e.g., not to take a vow), or to do what is vain and useless (e.g., an oath to count the steps one takes), depends on the circumstances. (a) If there are no rights of a third party involved, these oaths do not hold (e.g., he who swears not to vow acts laudably in disregarding the oath). For one may not call God to witness or be guarantee for that which is less pleasing to Him, or which in no way honors Him, and for which there is no claim on the part of a third person. (b) If there are rights of a third party involved, these oaths oblige one to give the third party what he is entitled to from the promise (e.g., a nurse who swears to remain with a sick person may not violate the oath by entering religion).

2258. *Obligation of Oath Is Personal.*—An oath added to a promise made to man and obligatory in justice is personal, and hence it binds the one who makes the oath, but not his heirs (see 2216).

2259. *Interpretation of Promissory Oaths.*—(a) An oath should be interpreted strictly, for the presumption is that the promisor intended to place upon himself the least possible burden. Thus, if a person swears to observe the statutes of a certain Congregation, it should be understood that he pledges himself to present, not to future statutes; if he swears not to gamble, the oath does not forbid games in which money is not played for. But if the promisor acts deceitfully, the oath is to be interpreted according to the intention of him who receives the promise (Canon 1321).

(b) An oath is always subject to the limitations and reservations which the nature of the case, law, or custom demands. Hence, even though an oath is made unconditionally, the following conditions are understood: “If fulfillment will be physically and morally possible,” “saving the rights of superiors,” “unless the other party renounces his right,” “unless the other

party fails to keep his part of the agreement,” “unless there comes a notable change in conditions.” If the promisor explains beforehand to the promisee what he understands by the oath, he swears only in the sense thus set forth by him.

(c) An oath follows the nature and conditions of the act (e.g., resolution, promise, vow, contract) that it confirms, for the accessory follows the principal. Hence, if the act to which the oath is attached cannot be obligatory (e.g., an act detrimental to eternal salvation, or the public good, or the rights of a third party), the oath gives no strength to this act (Canon 1318); if the act is naturally invalid (e.g., a promise obtained through substantial fraud), the oath is also invalid; if the act does not become effective (e.g., a promise not accepted), neither does the oath become effective; if the act ceases to oblige (e.g., a promise of secrecy made for a time), the oath also ceases to oblige; if the act is not obligatory under grave sin, the oath is not obligatory under grave sin (e.g., if one swears to observe the statutes of a university, one is not bound to observe those that are commonly neglected, one commits no sin by transgressing those that are merely penal or optional, and one commits no grave sin by violating those that oblige under venial sin).

2260. Kind of Obligation Produced by a Valid Promissory Oath.—(a) The obligation is one of religion, because the significance of the oath is that it adds the duty of respect owed to God to the duty of fidelity owed to the promise. Men swear in order to make their promises more trustworthy through the sacredness of the oath. The violation of a promissory oath is, therefore, always a sin against religion. There are other sins added in some species of oath, namely, a second sin against religion in case of a sworn vow, a sin against justice and fidelity in case of a sworn contract, a second sin against religion and a sin against justice and fidelity in case of a sworn vow and contract (see 2246 a).

(b) The obligation, other things being equal, is less than that produced by a vow, because the vow binds in virtue of fidelity to God, but the oath only in virtue of respect. The obligation of fidelity seems to be stronger, because unfaithfulness always contains disrespect, but not vice versa. Moreover, in the case of a vow not only the fulfillment of the promise, but the thing promised itself is sacred, which is not true in the case of an oath. An assertory oath, however, seems to be more binding than a vow, because it is

a greater injury to God to make Him the witness for falsehood than to break a promise made to Him.

2261. Degree of the Obligation of a Valid Promissory Oath.—(a) The obligation is grave, from the nature of an oath, because the virtue of religion is preeminent among the moral virtues (see 2146). There is no doubt that mortal sin is committed when one gives a sworn promise and has no intention to fulfill it, for this is perjury (see 2250 b); and also when one unjustly refuses to live up to an important engagement made under oath, for this is irreligion and injustice in a serious matter. The remarks on grave matter in vows (2211) apply here, but, since the vow obliges more strictly, a somewhat greater amount is needed for serious matter in violation of an oath.

(b) The obligation may be light on account of the smallness of the matter involved. Even a vow, which is more binding than an oath, may be of venial obligation in this way (see 2211). A person who makes a promise under oath, fully intending to keep the promise, but who later changes his mind without sufficient reason, does not show disrespect to God, since when the oath was made he intended to abide by it, and does not seriously injure his neighbor, since, as we suppose, the matter of the oath is small. The sin, therefore, is one of inconstancy or levity, and, if there is disrespect, it is slight. Thus, if a person who had sworn to drink no more wine took a drop now and then, these transgressions would be only venial. Some authors, however, believe that every unfaithfulness to a promissory oath, no matter how small the subject-matter, is a grave sin, because perjury is committed by the breach of promise. This is commonly denied, because the meaning of a promissory oath is that God is called on to witness the truth of a present intention and the obligation (great or small) of a future performance.

2262. Cessation of Obligation of Promissory Oath.—The obligation of a promissory oath, like that of a vow (see 2226), ceases intrinsically or extrinsically.

(a) Intrinsically, an oath ceases when there is a substantial change in the matter (e.g., it is or has become impossible or unlawful, as in Herod's oath to Salome), when the principal reason for the oath has ceased (e.g., Titus swore to give an alms to Sempronius because the latter was poor, but before

the alms was given Sempronius became rich), or when the time or condition by which the oath was limited terminates the obligation.

(b) Extrinsically, an oath ceases by condonation (e.g., when the State or a private person to whom a sworn promise has been made yields the right and remits the obligation), by annulment (e.g., when a father nullifies the oath of his minor child), by dispensation (e.g., when the Church absolves from an oath taken under grave compulsion), by commutation (e.g., when the Church changes the matter of a sworn vow into something more suitable). Those who can annul, dispense or commute vows have the same power over oaths; but if the dispensation of an oath is detrimental to others who are unwilling to forego the promise, only the Apostolic See can dispense, and then on account of a necessary reason (see Canon 1320).

2263. Adjuration.—Adjuration is the invocation of the name of God used in a request or command to another person in order to move that person to do or omit something.

(a) It is an invocation, and in this respect it is like an oath, for both an oath and an adjuration call upon the name of God.

(b) It calls upon the name of God either explicitly (e.g., “I command you in the name of God”) or implicitly (e.g., “I beseech you for the sake of the passion of Christ”). If command or request is made in the name of a creature and without reference to God’s attributes reflected in them, there is not, properly speaking, an adjuration, as when one implores a favor from another person in the name of a Patron Saint, or of one’s country, parents, friendship, etc.

(c) It is used in a command or a request, and thus it differs from prayer, which cannot be made in the form of a command. But adjuration may be used in prayers to God Himself or to the Saints, as is done in obsecrations.

(d) Its purpose is to move another to an act or omission, and thus it is different from an oath. The end of an oath is to confirm one’s words by the testimony of God; the end of an adjuration is to influence another to a certain course through an appeal to his respect, fear or love of God.

2264. The Species of Adjuration.—(a) Adjuration is solemn or simple (private). The solemn adjuration is made in the name of the Church by her ministers and in the ritual form prescribed by her, as in the exorcisms of

Baptism. The simple adjuration is made by private persons and without ritual ceremony.

(b) Adjuration is imperative or deprecativ. The imperative is given in the form of a command to inferiors or demons, as when St. Paul writes to the Thessalonians: “I charge you by the Lord that this epistle be read” (I Thess., v. 27). The deprecativ is given in the form of a request made to God or to any creature not damned, as when St. Paul writes to the Romans: “I beseech you, brethren, by the love of God that you present your bodies a living sacrifice” (Rom., xii. 1).

2265. Qualities of Lawful Adjuration.—Adjuration is lawful and an act of the virtue of religion, since it professes reverence for the divine attributes in using them as the most efficacious motives of appeal. But, like an oath, adjuration must be accompanied by qualities that make it lawful.

(a) Thus, there must be judgment, and hence those persons are guilty of sin who employ adjuration without necessity (e.g., those who constantly urge the love of God and other religious motives when asking for any favor), or without devotion (e.g., those who in anger are wont to command “for God’s sake,” etc.). The sin committed does not seem grave, since there is no great disrespect and the malice consists in taking God’s name in vain, not in insult.

(b) There must be truth, and hence an adjuration is sinful when used for a lying cause, as when a well-to-do person pretends to be indigent and begs that alms be given him for the love of God. The sin committed does not seem grave, since the act to which the other person is invited is good, and the act of adjuration itself does not ask God to testify to the lie, but only uses His name without reason. If the deception is mortally sinful, however, some authorities think that the adjuration added to it is a grave sin against religion.

(c) There must be justice, and therefore an adjuration is sinful when used to obtain something unlawful, as when one demands in the name of God that another person tell a lie or commit murder. The adjuration is gravely irreverent to God if the thing sought (e.g., murder) is a mortal sin; it is lightly irreverent, according to the common opinion, if the thing sought (e.g., a harmless lie) is only a venial sin.

2266. Persons Who May Be Adjured.—God may be adjured, but only in a deprecative manner, as is done in the obsecrations, “through Jesus Christ,” “through Thy Passion and Death,” etc. The purpose of adjurations addressed to God is not to change the divine decrees, but to obtain through His goodness what He intended from eternity that we should obtain by prayer. But the same form of adjuration cannot be used for all creatures.

(a) Thus, deprecative adjuration may be used in reference to those who are in some way one’s superiors. Hence, we may pray the Angels and Saints to grant a prayer for the love of God, and a beggar may ask in Our Lord’s name that a wealthy man give him an alms.

(b) Imperative adjuration may be used in addressing subjects or inferiors. Adjuration of demons must not be made in friendly words, nor with a view to obtaining services or knowledge from them, but in words of reproach and only as a means to end their nefarious activities.

(c) No kind of adjuration may be used in regard to irrational creatures, since they are without knowledge sufficient for receiving a command or a request. The adjurations of animals, the elements, inanimate objects, etc., that are contained in the Ritual, must be understood as deprecative adjurations addressed to God, or imperative adjurations addressed to evil spirits, that the creatures prayed over may be to our benefit and not to our hurt. Examples are the exorcisms of water, salt, mice, locusts, houses, or storms.

2267. The Use of Exorcisms.—(a) As to their effect, exorcisms are of two kinds, exorcisms in the strict sense (i.e., the expulsion of demons from possessed persons) and exorcisms in the wide sense (i.e., the diminution of demonic influence). Examples of the former are found in the Gospels, where Our Lord drives out many evil spirits from afflicted persons; examples of the latter are found in the exorcisms administered in Baptism and in the exorcisms of salt, water and other inanimate or irrational creatures.

(b) As to their manner, exorcisms are also of two kinds, the solemn and the private. The former are made in the name of the Church in the manner prescribed by the Ritual, and their administration is reserved to clerics who have a special and express permission from the Ordinary (Canon 1151, Sec. 1). The latter kind may be made even by members of the laity, and we read

that certain Saints, like St. Anthony and St. Catherine of Siena, had great power over evil spirits. It is recommended that priests frequently use private exorcisms, at least secretly, for persons who are vexed by temptations or scruples, and for which they may use the form: "In the name of Jesus Christ, unholy spirit, I command you to depart from this creature of God."

2268. The Effects of Adjurations.—(a) Adjurations addressed to one's fellow-men upon earth impose no obligation of religion upon the persons addressed. Hence, if a rich man turns a deaf ear to an appeal for charity made in the name of God, he violates charity but not religion; if a child disregards a command urged upon him for the love of God, he violates obedience but not religion.

(b) Adjurations addressed to demons are not of infallible efficacy, at least as to the entire effect intended, for power over the spirits of darkness is given only in such measure as is needed for the propagation of the Gospel. But we believe that an exorcism pronounced lawfully by one who has the Order of Exorcist acts *_ex opere operato_*, at least to restrain the wickedness of the demons: "In My name they shall cast out demons" (Mark, xvi. 17).

2269. Praise of God.—Having discussed oaths and adjurations, in which honor is shown the name of God, and the immediate end of which is or may be some human advantage, we come now to the honor shown the name of God by praise in which the immediate end is some spiritual advantage. Praise is defined as "the declaration of another's greatness with approval." The divine praises include the prayers of wonder, of honor, of thanksgiving; but they differ from prayer properly so called or petition (see 2153).

2270. Internal and External Praise of God.—(a) Internal praise is expressed by the thoughts and affections of the soul. This is the most important part of praise, and without it external praise loses much of its value. Our Lord reproved the Pharisees for honoring God with their lips, while their hearts were far from Him (Matt., xv. 8), and St. Paul admonishes the Ephesians to sing and make melody to the Lord in their hearts (Ephes, v, 19).

(b) External praise is expressed in words ("I will bless the Lord at all times, His praise is always in my mouth," Psalm xxxiii. 1), or in song ("Admonishing one another in psalms, hymns and spiritual canticles,

singing in grace in your hearts to God,” Col., iii. 16), or by music (“Praise Him with sound of trumpet, with psaltery and harp, with timbrel and choir, with strings and organs, with high-sounding cymbals,” Psalm cl).

2271. Excellence of Praise of God.—(a) Praise Is Due to God.—His essence and attributes are ineffable and above all praise (Ecclus., xliii. 33), and they must be honored by the superior acts of worship and reverence. But the effects of His goodness shown to us should be declared and glorified: “I will remember the tender mercies of the Lord, the praise of the Lord for all the things the Lord hath bestowed upon us” (Is., lxiii. 7).

(b) Praise of God Is Advantageous to Man.—Internal praise lifts the soul on high and prepares it to receive benefits from God, while external praise helps the mind to keep its attention fixed on God, excludes those things that are contrary to Him, and offers edification to others. St. Augustine narrates in his Confessions how profoundly he was moved in spirit, even to tears, on hearing the hymns and canticles of the Church.

2272. Qualities that Should Be Present in the Divine Praises.—(a) Internally, there should be devotion. It is useful that those who perform or assist at the praises of God understand what is said, but it suffices for devotion that they know His greatness and goodness is being proclaimed. The intention should be to honor God, and hence there is no act of personal religion if in reciting or hearing God’s praises one intends only ostentation or pleasure; attention should also be given to what is said, and hence St. Augustine says that it is a sin to think rather of the music than of the praise of God proclaimed by the music (see 2164 sqq.).

(b) Externally, the divine praises should be respectful to God and helpful to recollection and devotion. Hence, the law of the Church excludes from her services all that is of a disturbing, profane or sinful character, such as theatrical displays, musical instruments that distract the mind from religious thoughts, lascivious airs or those suggestive of the dance. The Code prescribes that impure music of every kind must be eliminated from churches (Canon 1264), and Pius X in his *Motu Proprio* of 1903 lays down the rule that there must be nothing in the services of the Church that is calculated to diminish piety, give reasonable scandal or disgust, or offend the decorum of sacred functions or the sacredness of the place (see also Instruction on Sacred Art [Holy Office, 30 June, 1952], AAS 44-542). The

sin committed by misbehavior or levity during divine services depends on the seriousness of the disrespect shown to God or the scandal given the beholders.

2273. The Sins against Religion.—Inasmuch as religion is a moral virtue and therefore consists in the observance of a golden mean, the sins opposed to it are the extremes of excess or defect. (a) The sins of excess offend, not because they offer too much worship to God (a thing that is impossible), but because they exceed by giving worship where it is not due or in a manner that is not due (superstition). (b) The sins of defect offend by denying due religious reverence to God Himself (temptation of God, perjury) or to sacred things (sacrilege, simony).

2274. Superstition.—Superstition is false religion, or a vice that offers improper worship to the true God or divine worship to a false god. Improper worship of the true God is either false or superfluous.

(a) False worship is opposed to the truth of religion (e.g., Old Testament rites which signify that Christ is still to come), or of rites (e.g., Mass by a layman, Mass according to a form disapproved by the Church), or of facts (e.g., fictitious revelations, ecstasies, mysticism, miracles, relies), or of morals (e.g., human sacrifice, praises of God to the accompaniment of lascivious words or music, etc.).

(b) Superfluous worship is offered when an external observance in no way serves the purposes of religion (viz., the glory of God, the elevation of the soul to Him, the repression of the passions), or is opposed to law or common custom. The purposes of religion are not served by actions foolish in themselves (e.g., the repeated mumbling of meaningless sounds) or in their intent (e.g., undue emphasis given to minor details of a religious act, such as color of the candles on the altar, the stature of the celebrant, the hour or condition of the weather, etc., as if weighty consequences depended on them). The chain prayer is another example of a superstition that places all the virtue of an act of worship in some small external circumstance. The law and custom are not followed in such superstitions as additional crosses, alleluias, credos, etc., made in violation of Mass rubrics, or a devotion consisting of fasts on Sundays, or new forms of piety that lack ecclesiastical approval. There is no superstition, however, in modes of worship approved by the Church (such as novenas, tridua, Gregorian Masses, and the like), for

the Church recognizes no devotion or ceremony unless it is true and useful as an expression of religion.

2275. The Sinfulness of Improper Worship of God.—(a) False worship is from its nature a grave sin; it is seriously insulting to God because it offers Him dishonor as honor, and it is also seriously harmful to man because it casts discredit by its falsity on the name of religion. (b) Superfluous worship is from its nature a venial sin, since it contains no notable irreverence towards God and, being outlawed, does not reflect on religion. Accidentally, however, it may be a mortal sin, as when it is performed in such a way as to cause great scandal.

2276. Worship of False Deity.—Worship of a false deity is performed by offering a creature an act of homage due to God alone. Hence, there are three species of this superstition: (a) a creature is recognized as God, when it is offered a service (such as sacrifice) that testifies to supreme and infinite excellence (idolatry); (b) a creature is given the credit of divine knowledge, when instruction about hidden matters which only God could bestow is asked from it (divination), (c) a creature is treated as the supreme ruler, when assistance which only God can grant is sought from it (vain observance).

2277. Definition of Idolatry.—Idolatry is the supreme worship of latria offered to a creature.

(a) It is supreme worship, and hence the inferior reverence of hyperdulia, dulia, or civil honor, offered respectively to the Blessed Mother, angels, saints, superiors, etc., is not idolatry. The external signs of worship that belong to God alone (such as sacrifice, temples, priesthood, altars, etc.), may never be used in the veneration of creatures; nor the signs that are common to God and creatures (such as genuflexions, prostrations, prayers, etc.), if the intention is to adore.

(b) Idolatry is offered, that is, by it an act of worship is intended or is at least performed in a serious manner. Hence, it would not be idolatry so to enact a pagan ceremony that the onlookers could understand that no religious rite was being performed (e.g., if it were done on the stage, or in a joking manner).

(c) Idolatry is offered to a creature, and hence the relative honor that is shown the images of the Trinity or of Christ on account of the persons represented by them is not idolatry. The creature to whom idolatry is shown is either a person (e.g., an Angel, the soul of a departed person, a living human being), or an irrational creature (e.g., the bull Apis, a sacred plant), or an inanimate substance (e.g., statues or pictures, the elements, the heavenly bodies), or a fictitious being (e.g., Jupiter and the other gods of mythology).

2278. The Kinds of Idolatry.—(a) Idolatry is either internal or external. Internal idolatry has the intention to adore a creature, as when a Satanist offers sacrifice to demons. External idolatry performs an outward rite that signifies adoration of a creature, although there is no will to give adoration, as when a Christian out of fear of death reluctantly burns incense before an idol. (b) Internal idolatry is either perfect or imperfect. Perfect idolatry includes belief in a false god, as when an ignorant pagan prays to the sun and moon. Imperfect idolatry is committed when, without belief in a false god, there is the will to offer it divine worship on account of hatred of God, wish to obtain favors from demons, or the like.

2279. The Sinfulness of Idolatry.—(a) Idolatry is a most grievous crime. It entails rebellion against the majesty of God, attack on the virtue of religion, unbelief or denial of faith, and scandal; and hence it is forbidden in the first commandment: “Thou shalt not have strange gods before Me. Thou shalt not adore them, nor serve them” (Exod., xx. 3 sqq.).

(b) Idolatry in itself and in its highest degree is the most grievous of sins, for it includes both hatred of God (since it would deprive Him of His unique excellence by giving His honors to creatures) and blasphemous unbelief (since the idolater publicly professes that God is not above all). Now, it was said above that unbelief, hatred of God and blasphemy are the most enormous of sins (see 820, 895, 1301, 1302), and so it follows that the worst form of idolatry is graver than other sins.

(c) Idolatry, by reason of the dispositions of the person who commits it, may be less grievous than other sins. Thus, it is worse to hate or deny God internally than to worship an idol externally only; it is worse to blaspheme with great hatred and contempt than to practise idolatry with less malice.

Imperfection of the act, as in cases of ignorance or want of consent, makes the sin venial, or no formal sin at all.

2280. Comparison of Different Sins of Idolatry.—(a) Internal idolatry is worse than external idolatry, because the former, though not the latter, includes approval of the superstition committed. (b) Imperfect idolatry is worse than perfect idolatry, if both be considered precisely as idolatry, since the former proceeds from malice, and the latter from greater or less ignorance. (c) External idolatry is aggravated when its motive is more sinful or makes the act more voluntary (e.g., it is worse to pretend sacrifice to an idol if the motive is to ingratiate oneself with the idolaters or to spite the Christians, than if the motive is to escape death at the hands of the pagans).

2281. Idolatry Possible in Christian Worship.—The guilt of idolatry may be incurred even by Christians offering worship to God. (a) Thus, in the adoration of the Eucharist there would be idolatry, at least material, if an unconsecrated host were exposed for veneration or given in communion. (b) In the veneration of the Saints there would be idolatry, if they were honored or invoked as if they possessed divine attributes.

2282. Definition of Divination.—Divination (soothsaying, fortune-telling) is a form of superstition in which the evil spirits are invoked explicitly or implicitly with a view to the discovery of what is future or occult.

(a) It is a form of superstition, because it seeks to obtain through natural means knowledge that cannot be had except from God, or substitutes other teachers for God.

(b) It contains the invocation of evil spirits, for the information sought surpasses the powers of nature and, being illicit, cannot be expected from supernatural powers that are good (such as God, the Angels, the Saints).

(c) The invocation is explicit or implicit. There is explicit calling on the evil spirits when one prays to the demon or makes an agreement with him; there is implicit invocation when one does not address an evil spirit, but does employ means for the discovery of knowledge which are not adequate, either from their nature or from the will of God, for the desired effect.

(d) The knowledge desired is of future or occult things, that is, of such things as cannot be foreseen in their causes or discovered by natural means

(such as the future acts of free beings, the secret thoughts of the heart).

2283. Distinction between the Fact and Sin of Divination.—(a) The fact of divination—that is, the actual manifestation by evil spirits of things humanly unknowable—is not impossible, since the demons are far superior to man in intelligence and knowledge, and it is the teaching of revelation that they use their powers to mislead and seduce mankind. Their knowledge, however, does not extend to future contingencies, nor to the secrets of hearts, and their word cannot be relied on. A case of real communication by an evil spirit is that of the girl of Philippi possessed by a pythonical spirit (Acts, xiv. 16-18), and some think that the same can be said of the Witch of Endor (I Kings, xxvii. 7-25); but no doubt there have been many instances of divination in which the intervention of demons was only imaginary.

(b) The sin of divination is committed when one has the will to receive occult knowledge from forbidden sources, or uses the means to obtain knowledge from those sources, even though there be no communication or response on the part of the spirits of evil.

2284. Forms of Explicit Invocation.—Divination in which there is explicit invocation of the demon is of various kinds according to the medium through which instruction is given or expected.

(a) Thus, the medium is direct if it is an external sensible appearance representing the demon (_praestigium_) or an internal picture in the imagination or a dream containing his answer (oneiromancy).

(b) The medium is indirect and rational when it is a human being, dead or living. Divination through the evocation of the departed is known as necromancy, while that which is given through living possessed persons is called pythonism. Modern Spiritism partakes of the character of both necromancy (since the spirits of the departed are consulted) and pythonism (since persons supposed to be under the control of familiar spirits act as mediums).

(c) The medium is indirect and irrational when it is some solid body (such as iron, stone or crystal) in which figures or signs appear; idols from which oracles are received; tables or ouija boards from which answers are given by raps or writing; divining rods supposed to lead the way to any

hidden person or thing, etc. (geomancy); or some liquid body (hydromancy), or air (aeromancy), or fire (pyromancy), or the entrails of sacrificial victims or natural prodigies, such as lightning (haruspicy). Here also may be mentioned the superstition of ordeal by fire, boiling water, combat, etc., once used to determine the guilt or innocence of an accused person.

2285. Forms of Implicit Invocation.—Divination in which there is only implicit invocation of evil spirits is manifold, just as the natural causes from which preternatural knowledge is expected are manifold. Among the principal forms are the following:

(a) that which is made from the human mind, when clairvoyance or clair-audience is employed. It is supposed that certain persons have the natural gift, at least when in a trance or hypnotic state, of perceiving what is done or said at a distance without any of the normal means of communication, and even of reading minds. This supposed inborn gift is sometimes called second sight or telepathy. Some authorities hold that there is sufficient evidence for vision at a distance as a sixth sense in certain individuals, especially among primitive peoples and persons bound by a tie of blood or intimate friendship. Moreover, many facts learned through telepathy seem to have been verified sufficiently to render telepathy probable. Accordingly, to believe telepathy or to practice it, excluding all superstition and invocation of demons, is not illicit.

(b) divination that is made from the human body in physiognomy, phrenology, and chiromancy. The physiognomist pretends that he is able to discover the hidden character, latent abilities or defects, secret thoughts, etc., by a study of the features or expression of the countenance. The phrenologist claims that he can read the mental and moral traits of a person from the bumps or prominences of the skull. The chiromantist, or palmist, promises to foretell the future, read the past, discover the present secret character and aptitudes of an individual from an inspection of the shape, lines and configuration of his hand and of the character of the lines and marks of his palms;

(c) divination that is made from non-human and necessary events in astrology. This pseudo-science gives predictions about the fortunes of an individual drawn from a study of his horoscope (i.e., the aspect of the

heavenly bodies at the moment of his birth) and of certain rules of interpretation;

(d) divination that is made from non-human and contingent events in augury and auspice, which divine from the voices or manner of flight of birds; in omen or portent, which divine the future from some chance happening (such as meeting with a red-haired woman or a hunchback, a sneeze, etc.), in sortilege, which divines by lots or signs arbitrarily chosen (such as the letters that appear on opening a book at random, the numbers or figures that appear when cards are drawn or dice thrown). Superstitions about omens are of two kinds, some happenings being regarded as signs of good luck (e.g., to find a pin), others as signs of bad luck (e.g., to meet a black cat, to spill the salt, to break a mirror, to raise an umbrella in the house).

2286. The Malice of the Sin of Divination.—(a) The Theological Species.—If there is explicit invocation of evil spirits, divination is of its nature a mortal sin that admits of no lightness of matter, for it gives divine worship to a creature, acts on friendly terms with the enemy of God, and prepares one for apostasy and eternal damnation. If there is no explicit invocation of the spirits of evil, the sin is of its nature mortal on account of the implicit commerce with the devil; but generally the sin will be light on account of the dispositions of the offender (e.g., because he is ignorant, or consults divination as a joke or from curiosity, or has no faith in it). Hence, the faithful should be warned not to go to fortune-tellers or put faith in dreams, but, apart from such cases as serious scandal, habitual direction of one's life by superstition, cooperation in serious sin of a diviner, etc., the sin will usually be venial, at least in young people. Persons who occasionally act or omit to act in some indifferent matter on account of dreams they have had are often excused from all sin on account of the fear or hope which the dreams excited.

(b) The Moral Species.—All forms of divination, it is commonly held, belong to the same species of worship of a false god (Deut., xviii. 10-12). Yet, the confessor should be told about an explicit pact with evil spirits, if there was one, since thus he will be able to decide the gravity of the sin and to make inquiries about other sins that usually accompany such a pact (e.g., blasphemy, promise to serve the devil, sacrileges, etc.).

2287. When Knowledge Is Obtained from God.—There is no sin of divination when knowledge is obtained from God.

(a) Thus, God can communicate directly in a vision or dream, and there are examples of this in Scripture, But generally one should not be guided by dreams as if they were means for supernatural knowledge, since nearly all dreams are produced by natural causes. It is not sinful to believe that a dream of an extraordinary kind (e.g., one in which the future is wonderfully foretold or a warning given, or which produces great spiritual good) was sent by God.

(b) God can communicate through other human beings, and hence it is not superstitious to put faith in the private visions or revelations that have been recognized by the Church, or that have the marks of genuineness required by the Church.

(c) God has sometimes communicated through the instrumentality of irrational beings or by means of portents. Thus, Gedeon took the words of enemy soldiers as a premonition of victory (Judges, vii. 15); Eliezer chose a sign by which to recognize the woman who should be the wife of Isaac (Gen, xxiv. 14); the ordeal of bitter waters was prescribed in Numbers, v. 11 sqq.; Josue discovered the guilt of Achan by lots (Josue, vii. 14), and St. Matthias was elected to the Apostolate by lots (Acts, i. 23-26). But these were exceptional cases in which men were inspired to consult God as they did, and it would be superstitious to seek knowledge in these ways against the will of God. Those who desire light and guidance should have recourse to the teachers God has provided on earth and should pray to God, leaving to Him the ways and means of His answer. Hence, the Church has declared it unlawful, even in private, to call upon the good spirits to give answers through automatic writing (*_Collect. de Prop. Fide_*, 1894), or to interrogate the dead at spiritistic seances (AAS, 1917, IX, 268). It is not superstitious, however, in a grave matter when there is no ordinary means of instruction at hand, to offer a prayer to God and then have recourse to lots to decide what course shall be followed (Prov., xvi. 33).

2288. When Knowledge Is Obtained Through Natural Causes.—There is no sin of divination when knowledge of the future or of hidden things is obtained through proportionate natural causes or indications.

(a) Thus, knowledge of future happenings is naturally deducible from their necessary causes, when these causes are known. The effect may be predicted with certainty if the cause is so determined to one course that its result is invariable (e.g., the revolution of the earth around the sun always brings on the four seasons of the year); it may be predicted with the greatest probability if the cause is so constituted that almost always it has a certain consequence (e.g., a seed properly planted usually grows into a tree). Hence, there is no superstition in astronomical predictions, weather forecasts by meteorologists, tables of life expectancy drawn up by insurance experts, etc., since these are inferences from known scientific laws.

(b) Knowledge of hidden things is naturally deducible with more or less certainty from the presence of their known causes, or effects, or indications. Hence, a physician is not accused of superstition if he reasons out the character or phase of an internal disease from the symptoms that exhibit themselves. Moralists today generally agree that the use of the magic wand (divining rod, dipping rod, dowser) for the discovery of subterranean springs, mineral deposits, oil wells, etc., is not superstitious, although there is some difference of opinion and uncertainty about the cause of the phenomenon. It is true that many means of detection or discovery, supposedly scientific, are due to misunderstanding of scientific principles or of logic; but their authors, since they rely on natural causes, are guilty of ignorance or quackery rather than superstition.

2289. Use of Lots.—Is it lawful to use lots in settlement of some business, when there is no intention to seek preternatural oracle?

(a) It is lawful to do this, if there is some reason of necessity or utility or amusement to justify the lots, and no injustice or prohibition of law. Hence, if there is no other convenient method of decision, one may use the drawing of straws or cards to decide how lands or goods shall be divided between claimants, or which of several competitors shall receive a reward or office.

(b) It is not lawful to do this, if there is a prohibition of law (e.g., ecclesiastical elections may not be made by lot), or if there is no necessity for the lots (e.g., it is at least foolish to use the Gospels for deciding by lot matters that could be decided by reflection), or if injury is done another person (e.g., to decide by lot when the merits of two contestants are unequal, to practise unfairness in the drawing).

2290. Vain Observance.—Vain observance is a superstition that ascribes to certain things effects for which they have no natural or communicated power.

(a) It ascribes the effects to natural things, but it supposes that in some way supernatural forces, not of religion, are at work in or through these things. Thus, just as in divination, there is in vain observance either an express or an implied invocation of the spirits of evil. The alchemists, who thought there was a philosopher's stone able to transmute base metals into gold or an elixir that could greatly prolong life, looked to natural causes, and hence to that extent seem to be guilty of false science, rather than of superstition. Scientific materialism, though, is a crasser form of ignorance than any superstition that trusts in super-material powers.

(b) The things which vain observance makes use of are persons, acts, objects, circumstances, happenings, etc. Even sacred things may be employed as the material for vain observance, as happens when some accidental and unnecessary circumstance of a sacred rite (e.g., the size or color of candles) is given the credit of the sacred results. Here again vain observance and divination are alike, since the same means are employed by both.

(c) The effects looked for in vain observance, or the purpose had in view, is some fact or event. It is this characteristic that distinguishes vain observance from divination: the latter aims at occult knowledge, the former at supranatural results. The expected fact or event is something that surpasses the natural powers of physical or human agencies (e.g., sensation without sense excitants, mind-reading without external indications, scientific knowledge without study, bodily feats without corresponding bodily powers, detection of secret and hidden things without human means for detection), or even of the invisible world of spirits (e.g., creation, generation of new substances, evocation of the dead, internal motion of man's will).

(d) There is no natural power in the things used for producing the substance or mode of the desired effects, that is, no inherent and sufficient force or activity. Hence, vain observance is not to be confused with scientific marvels or natural wonders whose explanation is unknown to the general public, or which cannot be fully explained by scientists themselves.

Thus, the baffling tricks of white magic are due to legerdemain, ventriloquism, ocular delusions, and the like; the physiological changes (e.g., convulsions, hysteria, somnambulism, bodily cures) produced in mesmerism, hypnotism, thought healing, etc., are explained by suggestion and the motor power of images excited to produce bodily motions, passions, or changes; the mental phenomena (e.g., hyperaesthesia, wondrous visions, increased vigor of mind) of certain drugs such as hashish, mescal and opium, are caused by properties of these drugs.

(e) There is no communicated power in the things employed, that is, no instrumental virtue bestowed by a higher cause. Hence, since Sacraments, sacramentals, and miracle-working relics have from God in a greater or less degree an efficacy for results above nature, there is no superstition in their proper use. But, as was noted just above, sacred things themselves may be used superstitiously, as happens when they are regarded as principal agents, or when, contrary to fact, they are deemed to act infallibly or independently of any human cooperation or disposition.

2291. Forms of Vain Observance.—Among the forms of vain observance are the following:

(a) those by which one puts into use vain ceremonies or objects in the expectation that they will secure certain desired effects, or puts an exaggerated confidence in lawful rites or sacred objects;

(b) those by which one directs one's life through fortuitous and impertinent happenings in the belief that they have the power to influence one's fortunes favorably or adversely. This form of superstition is like divination by omens; the difference is that in using omens one chiefly seeks for knowledge of the future, while in observing chance events one chiefly intends the direction of one's conduct. Examples are found in persons who fear to make a journey on Friday or to begin any important affair during the dark of the moon.

2292. Vain Observances from which Desired Effects Are Expected.—(a) Useful results are sometimes expected, such as knowledge for the mind (notorious art) or health for the body (healing observances). The notorious art consisted in the repeating of certain formulas or the gazing upon certain figures, prayers and fasts at times being added, and it was supposed that these practices would obtain infused knowledge without the necessity of

labor or study. Healing observances are remedies used for man or beast that manifestly have no natural curative properties (e.g., a buckeye or rabbit's foot carried in the pocket to ward off rheumatism).

(b) Wondrous results are sometimes expected, such as the power to bring on storms, telekinesis, materialization, and levitation, through the use of incantations, theurgic sacraments, spiritistic rites, etc. This is known as the black art or black magic.

(c) Evil effects are sometimes expected, such as the power to blight another by a glance (evil eye or fascination), the power to cast a spell over another person by certain spoken words, to bring disease or misfortune on a person by piercing or striking his effigy, to excite impure love for a determinate person by the administration of love philtres or charms, etc. (sorcery, witchcraft).

2293. Distinction between the Fact and the Sin of Vain Observance.—(a) The Fact.—The demons have naturally powers over our world that surpass those of human or physical agents, and it is not impossible for them to produce prodigies or seeming miracles. The magicians of Egypt by enchantments and certain secrets changed rods into serpents, etc. (Exod., vii. 12, viii. 7); the New Testament narrates that Simon the Magician bewitched the Samaritans by his magic (Acts, viii. 11), and it clearly foretells the lying wonders of Satan and Antichrist (Matt., xxiv. 24; II Thess., ii. 9). But there are limits to the power of the fallen spirits; for example, they cannot infuse knowledge, and occultism has contributed nothing to the advancement of science or civilization. Moreover, many effects that have been attributed to demonic intervention were due to natural causes or to fraud (e.g., a large proportion of spiritistic phenomena), or they were supposed to exist only because the popular mind was carried away by excitement or was bent on persecution (e.g., most of the witchcraft accusations of a few centuries ago).

(b) The Sin.—Vain observance in which there is no express invocation of evil spirits is common enough; even religious, educated and practical persons are found to act on superstitious hopes or fears or to put confidence in charms or amulets. But vain observance that includes an express invocation of demons is a comparatively rare sin. It is not impossible, however, that a person should come to such a pass of despair or malice as to

wish to have dealings with Satan, or should be so carried away by curiosity, desire of wealth, power, fame, or honor as to be willing to barter his soul in exchange for them. That there were professional wizards from ancient times is a matter of history, and Scripture contains severe prohibitions against dealings with them (Levit., xix. 31, xx. 27; Deut., xviii. 10).

2294. Superstition in Religious Observances.—Superstition is sometimes found even in religious observances. (a) Thus, there is superstition in the observance itself when vain additions are made to an approved usage (e.g., the addition to a prayer against sickness of gestures, breathings, gibberish, etc., that have no significance of reverence for God). (b) There is superstition in the manner of the observance when one attributes the virtue of a sacred rite or object to some unimportant circumstance (e.g., the shape of the reliquary in which a relic is carried, the “propitious” day on which a sacramental was received), or expects from a sacred thing an effect which it has no power to produce (e.g., infallible certainty of salvation from the performance of a certain devotion or the presence of a holy picture or blessed object). It is not superstition, however, to attach significance to circumstances that have a sacred meaning (e.g., holydays, figures that have a religious symbolism), or to put a confidence in sacred things that is based on their character or approved usage (e.g., the hope and trust that blessings will be impetrated and salvation itself through fidelity to an authorized devotion).

2295. Sinfulness of Vain Observance.—The malice of vain observance is essentially the same as that of divination, for in both superstitions the same virtue of religion is offended by the sinful cult that is performed.

(a) Thus, there is mortal sin from the nature of the act, when vain observance is exercised with invocation of evil spirits or with false religious rites (for a serious injury is done to the honor due to God), or when a vain observance is meant to bring a curse or grave misfortune on a neighbor (for a serious injustice is willed).

(b) There is regularly only a venial sin, when a vain observance is of a non-religious kind, consisting in foolish heed given to chance happenings (such as a rabbit running across the road, the mention of death, the presence of a person regarded as a Jonah), or the use of impropportionate means (e.g., to change one’s place at a card table in order to change the luck). For

usually there is no irreverence in such practices, and at the worst they are foolish and idle acts. Often there is no sin at all, the vain observance being due to ignorance or the wish to joke.

(c) There is no sin at all, but rather subjective virtue, in religious practices to which on account of simplicity or invincible ignorance too much power is attributed, as when one who is faithful to the essential duties of religion has greater confidence in some personal devotion of his own than in them. But superstition of this kind, though in itself it is the least reprehensible form of superstition, may be very harmful and disedifying.

2296. Cooperation in Divination or Other Form of Superstition.—(a) Formal cooperation is of course never lawful (e.g., to act as the medium or one of the deceivers at a spiritistic meeting). (b) Material cooperation is lawful only when there is a proportionately grave reason, no danger of sin, and no scandal. Thus, it seems that no sin is committed by a scientist who assists at a spiritistic seance in order to discover the frauds that are resorted to, or who makes experiments with table turning or planchette movements in order to examine into the theory that the phenomena are due to the action of the persons present.

2297. Doubtful Cases of Vain Observance.—Cases in which it is a matter of doubt or dispute whether divination or vain observance is present.

(a) There is sometimes uncertainty whether an extraordinary fact is due to natural or supranatural causes. Thus, authorities commonly take the position, it seems, that certain phenomena of Spiritism (e.g., the apparently automatic movement of tables on which a group of persons rest their finger tips, the answers to questions that are rapped out by such tables), and of mental healing (e.g., the cure of bodily ailment by sympathy or moral influence), are accomplished through natural powers of matter or mind. But other authorities incline to a supranaturalistic explanation.

(b) There is also at times uncertainty whether a fact or practice has a religious or an irreligious character. As to facts, they sometimes appear to be so marvellous as to pass the natural, and yet it is difficult to determine whether their source is good or evil (e.g., when an ignorant person not noted for piety seems to have a remarkable ability for treating and curing all kinds of diseases). As to practices, they are sometimes susceptible of a religious or a superstitious interpretation. Thus, one who says, “God bless

us,” at a sneeze may intend a prayer against sickness; one who knocks on wood after boasting may intend a prayer to Him who died on the wood of the cross, lest he be punished for boasting.

2298. Licitness of Using Doubtfully Superstitious Means.—It is lawful to use means that are only doubtfully superstitious if the following conditions are present:

(a) internally or subjectively, there must be a good conscience about the use of the means. The rule can be followed that what is not certainly of a supranatural character may be regarded as natural, but that what seems to be supranatural is not to be ascribed to God unless it has the marks and fruits of a divine work. When lawfully using means of a dubious character, it is advisable to make an inner protestation that one acts from reasonable necessity, and has no wish to take part in superstition;

(b) externally or objectively, there must be nothing in the object or circumstances or results to make the use of the means illicit. Thus, even though a practice be not superstitious, it may be unlawful because of the immorality of its object or tendency (e.g., frauds used by psychical researchers, obscene messages given by laboratory telepathists), or of its purpose (e.g., table-rapping used as the instrument of pretended religious revelations), or because of the evil consequences for body or soul (e.g., devotees of the ouija board give scandal to others and often end in insanity or suicide).

2299. Irreligiousness.—We now proceed to the four sins that offend religion by defect, namely, temptation of God and perjury, which show disrespect to God Himself, and sacrilege and simony, which show disrespect to holy things (see 2273). Perjury has been treated above (see 2249), and hence we shall consider now only the other three forms of irreligiousness.

2300. Temptation of God.—Temptation of God is a word or deed that puts God to the test to discover whether He possesses or will exercise some perfection.

(a) It is a word or deed, such as a prayer whose purpose is to discover whether God is possessed of knowledge, power or goodness, or an act of defiance performed in order to prove that there is no God.

(b) It puts God to the test, that is, the temptation is not seductive (since it is impossible to influence God to sin), but experimental. He who tempts God desires that God give some proof of His attributes.

(c) It is concerned with God, hence there is no temptation of God if one legitimately tests out the character of a human being. God Himself tempted by trial holy men like Abraham, Job, and Tobias in order that their virtue might be manifested and an example given to others. And of spirits St. John says: "Believe not every spirit, but try the spirits if they be of God, because many false prophets are gone out into the world" (I John, iv. 1).

(d) The purpose is to discover, without regard to the ordinary means of instruction and guidance appointed by God, whether God possesses or will exercise an attribute; that is, temptation of God is due to unbelief or to presumption.

2301. Cases Wherein There Is no Temptation of God.—(a) To seek a proof of divine perfections is not temptation of God, if the purpose is only to find new reasons for what one already accepts, or to experience in an affective way what one already admits speculatively. Hence, a theologian may study the attributes of God with a view to further illumination; hence also, one may prove the sweetness of God or the goodness of His will from the spiritual taste or relish for divine things (Psalm xxxiii. 9; Rom., xii. 2).

(b) To seek a sign of God's will or a manifestation of His perfections is not temptation of God, if this is done, not from curiosity, ostentation or other vain motive, but from some reason of necessity or great utility, as when Gedeon prayed for a sign that the Lord had spoken to him or was with him (Judges, vi. 17, 37), or when Elias called on Jehovah to show His power before the worshippers of Baal (III Kings, xviii. 37). Hence, he does not tempt God who, when ordinary means of direction fail him in some critical affair, asks humbly for a sign of God's will; or who in a matter of great moment asks for miraculous help if it be pleasing to God to grant it; or who exposes himself to serious danger for some priceless good that cannot otherwise be had, in the trust that God will be with him.

2302. Kinds of Temptation of God.—(a) In relation to its source, temptation of God arises either from unbelief or from presumption. The former, which is temptation of God in the strict sense, exists when one disbelieves or doubts some attribute of God and seeks to put it to the proof,

as when the Israelites in the desert called into question the providence and power of Jehovah (Exod., xvii. 7, Psalm lxxvii. 18, 19), or when a person doubting the Real Presence asks for a miraculous sight of Christ in the Eucharist. The latter sin, which is temptation of God in the wide sense, is committed when a believing person asks without a just cause for a miraculous manifestation of God's will, or powers, or of some other thing, as when a lazy man asks that his work be done in some miraculous way, or a rash man neglects the ordinary care of his health, asking that God supply for his carelessness. But temptation of God is not to be identified with the theological sin of presumption (see 1081).

(b) In relation to its manner, temptation of God is either express or interpretative. It is express when one intends by one's word or act to put God to the proof in respect to knowledge, power, reliability, or other perfection (as when the Jews demanded that Christ come down from the Cross, if He were the Son of God) or to satisfy a vain curiosity or boldness (as when Herod asked Christ to work some miracles for his amusement). Temptation of God is interpretative when one does not intend to discover God's perfections or make presumptuous requests, but nevertheless so acts or omits to act that one's conduct is useful for nothing except temptation of God, as when a believer rashly promises a miracle to convince an unbeliever, a sick man refuses to use any medical care (Ecclus., xxxviii. 4), a lecturer goes entirely unprepared to his lecture, etc. Prayer made without the proper dispositions is a quasi-temptation of God (Ecclus., xviii. 23), because it is disrespectful and presumptuous; but it is not real temptation of God, nor of its nature mortally sinful, the direct end of the act being laziness or some other state of soul unsuitable to prayer.

2303. Causes that Exclude the Interpretative Temptation of God.—There is no interpretative temptation of God strictly speaking if one acts rashly or encounters danger, but does not at all expect miraculous or special intervention from God. This happens as follows:

(a) when one is unconcerned whether evil results or not, or desires that it may result (e.g., when a person who is tired of life seeks a dangerous occupation for the diversion and excitement it affords, or when a person practises abstinence from certain remedies as an act of moderate mortification);

(b) when one does not wish the evil result, but is so stupid or rash as to believe that an imprudent risk can be taken and evil escaped through chance or good luck, as when a student goes up for a difficult examination with slight preparation, trusting that only the things he knows will be asked.

2304. Refusal of Medicine or Hygienic Care.—(a) If there is a sufficient reason for this conduct, no sin is committed. There may be sufficient reasons of a natural kind (e.g., that the remedies are harmful or useless or too expensive), or of a supernatural kind (e.g., St. Agatha refused all medicines because God Himself was her physician, certain Saints were divinely inspired to make no effort to remove bodily maladies on account of the spiritual profit derived from them).

(b) If there is no sufficient reason for this conduct, it is sinful. Thus, one sins against faith, if the reason for the conduct is disbelief in the existence of evil (e.g., Christian Science or Eddyism attributes sickness and pain to imagination, and says that the only cure is “faith”); one sins by temptation of God, if the reason for the conduct is vain expectation of miracles; one is guilty of suicide or homicide, if the purpose is to end life, etc.

2305. The Sinfulness of Temptation of God.—(a) To doubt the perfections of God, or to call upon the extraordinary Providence of God in disregard of the ordinary Providence He has established is the essence of temptation of God. It is sinful, because it includes either unjustifiable doubt or vincible ignorance in the intellect or presumption in the will. Hence the command given in Deuteronomy (vi. 16): “Thou shalt not tempt the Lord thy God.” But invincible ignorance excuses from sin, and hence many of those who in times past resorted to ordeals by painful or dangerous tests (e.g., walking on burning coals, risking death in deep waters), in order that God might settle a doubtful matter, were, on account of their good faith, guiltless of temptation of God. The practice was condemned by the Church in the ninth century.

(b) To doubt about the positive and unknown will of God, or to call upon the extraordinary Providence of God (i.e., the direct intervention of the First Cause), without disregard of the ordinary Providence (i.e., of second causes appointed by God), is not sinful, if it is justified by necessity. Thus, being unable to resist the nations leagued against him, Josaphat prayed: “As we know not what to do, we can only turn our eyes to Thee” (II Paral., xx. 12).

And Our Lord promised the disciples that, when they should be unable to prepare their defense on account of the persecutions to which they were subjected, the Spirit Himself would speak through them (Matt., X. 19), and that He would enable them to do things as difficult as moving mountains when real necessity called for it (Matt., xvii. 19). It is not unbelief to doubt about matters pertaining to God that are really doubtful (i.e., not His perfections, but His positive and unknown will), and hence one does not tempt God who asks for divine guarantees of a religion proposed as divinely revealed (see 795); it is not presumption to ask God for a sign or proof, if God directs one to do this (e.g., Abraham in Gen., xv. 8, was inspired to seek a sign that the promised land would be given his posterity; Achaz in Isaias, vii. 11, was bidden for the sake of others to ask for a sign), or if, when a sign from God seems necessary or very useful, one prays for it prudently and on condition that the request is pleasing to God (e.g., the Apostles in Acts, iv. 30, prayed for signs and wonders in confirmation of their preaching).

2306. The Malice of Temptation of God.—(a) It is a sin directly against religion, for one shows contempt to God when one demands that He prove His perfections, or when one takes the liberty to disregard the ordinary means He has established and to call for others. The sin is less, however, than that of superstition, since temptation of God professes doubt, while superstition professes positive error. Temptation of God offends also against other virtues, such as faith (e.g., when one doubts the perfections of God), hope (e.g., when one presumes that God will do all without one's cooperation), charity (e.g., when a person exposes his own life to risk or his neighbor to scandal in a vain confidence that the danger will be miraculously averted).

(b) It is a mortal sin from its nature, since it offends religion. But it may be venial on account of the imperfection of the act, as when from weakness of faith or without reflection one asks unnecessarily for a sign (Luke, i. 11-20). It may be venial also from the lightness of the matter, if the temptation is interpretative, as when one presumes on the divine aid in a slight sickness, an unimportant talk, or other small affair.

2307. As a rule temptation of God is only a venial sin, and in an individual case it is rarely mortal, except in the following instances:

(a) when one intends a grave offense against God, as by doubting His goodness, demanding or attempting a miracle to satisfy curiosity;

(b) when one exposes oneself to grave peril, as by leaping from the roof of a high building, refusing all remedies or means of preserving health, neglecting to provide for one's sustenance, etc., in the expectation that God will miraculously provide;

(c) when one causes grave harm to others, as when a person rashly asking for signs exposes faith to the derision of unbelievers or scandalizes believers.

2308. Sacrilege.—Sacrilege in the wide sense is any sin against the virtue of religion. But in the strict sense, in which it is now taken, it is defined as “the violation of a sacred thing.”

(a) Sacrilege is against a thing, that is, against some person, place or object dedicated to divine worship as a possession of God. Sacrilege differs from the two previous sins of irreligiosity (namely, temptation of God and perjury); for they are against the reverence due to God Himself, while sacrilege is against the reverence due to things on account of their use in the worship of God.

(b) It is against a sacred thing, that is, against the sanctity which a thing acquires from its dedication to God (e.g., when a church or a chalice is consecrated to divine worship, when a virgin is dedicated to God by vow), or from the immunity or privilege conferred on it by the Church on account of its dedication to God (e.g., the clerical privileges of forum and of canon in Church Law). But sacrilege is present only when a sacred thing is attacked in that special quality or relation in which it is sacred. Hence, he who violates the chastity of a virgin consecrated to God is guilty of sacrilege, since it is her chastity that was vowed to God; he who strikes her is also guilty of sacrilege, since he attacks the sacred immunity which the law confers on her; he who calumniates her or steals from her is not guilty of sacrilege, since her name and goods are not consecrated to divine worship nor protected by its special sacredness in law.

(c) Sacrilege is a violation, that is, an action or omission physically or morally injurious to the sacred character of a person, place or thing. The difference between the injury done in sacrilege and that done in simony is

that the former injustice belongs to the class of wrongs inflicted in involuntary commutations, such as theft or robbery (see 1748, 1815), whereas the latter injustice pertains to the category of wrongs perpetrated in voluntary commutations, such as buying, selling, or lending. In both cases there is an injury to the property or possession of God, but the difference is that in sacrilege the parties involved are the sacrilegious person acting as aggressor against God, in simony the parties are two men bargaining together to buy and sell the sacred things of God.

2309. What Kind of Consecration Must Be Violated to Constitute Sacrilege?—There are various opinions about the kind of assignment to worship necessary for the sacredness which is injured by sacrilege.

(a) The opinion that seems to be common today holds that the assignment must be made through some public rite or consecration on the part of the Church. Hence, according to this view, the violation of a private vow or resolution is not sacrilegious, but rather perfidious or disloyal. The argument for this opinion is that the public acceptance of the Church, which has control over divine worship, is a necessary factor in making anything sacred to that worship; and that many absurdities would follow from the principle that each individual has the power to give the sacredness in question to his own person, acts or possessions.

(b) According to a stricter opinion, no public assignment is necessary if the consecration is a personal one; and hence the violation of even a private vow of chastity would be sacrilegious. The argument is that even a private vow affecting the person sets it apart as a sacred thing.

(c) According to a still stricter view, no public assignment to worship is necessary, whether the consecration be personal or non-personal, and hence even the violation of a vow to fast would be sacrilegious. The argument is that anything set apart for God's honor, either publicly or privately, becomes sacred to Him.

2310. Is Sacrilege a Special Sin?—(a) As regards its matter or subject sacrilege may be called, though improperly, a general sin, in the sense that many different classes of sins may be sacrilegious (e.g., murder is sacrilegious when a sacred person is killed, lust is sacrilegious when a person vowed to God is violated; theft is sacrilegious when objects consecrated to divine worship are stolen, etc.).

(b) As regards its form or essence, and hence properly speaking, sacrilege is a special sin, because there is a peculiar deformity contained in the very nature of sacrilege that is not in other sins, namely, the disrespect shown to God through contempt for things that are sacred to Him. Moreover, there may be a sin of sacrilege that is separate from other sins, such as murder, lust, and theft, for example, when the right of asylum is violated.

2311. The Species of Sacrilege.—(a) Personal sacrilege is committed when the sacredness of a person is violated. This happens in the first place when bodily or real harm (e.g., gravely sinful striking, citing before a secular tribunal, subjecting to civil duties or burdens, such as military

service) is done to a cleric; and in the second place when a grave sin of unchastity is committed by or with a person dedicated to God by a vow (at least by a public vow) of chastity. Sacrilege committed through bodily or real harm is treated by canonists under the questions of the privileges of canon (Canon 119), forum (Canon 120), immunity (Canon 121). Sacrilegious impurity committed with a person vowed to chastity and sacrilegious impurity committed by a person vowed to chastity are grave sins of lust, even though they be only of thought or desire.

(b) Local sacrilege is committed when the sacredness of a place is injured. A place is considered sacred or religious when it possesses sanctity as being consecrated or blessed for divine worship or for burial of the faithful, namely, churches, public or semi-public oratories, and consecrated cemeteries. Injury is done to the holiness of the place by desecration or profanation. Desecration is the performance in a sacred place of a notorious act of irreverence which so spiritually contaminates it that the divine offices may not be lawfully celebrated therein until the rite of reconciliation has been performed. Canon 1172 enumerates four causes of desecration: the crime of homicide; the injurious and serious shedding of human blood; impious or sordid uses (e.g., if a church were turned into a brothel or gambling den, a dump, or cattle stable), and burial of an infidel or person excommunicated by condemnatory or declaratory sentence. Profanation of a sacred place is a disregard for the religious respect or immunity due to it which in some way materially contaminates it (e.g., if a church is not kept nice and clean; if markets and fairs are held in its precincts; if it is used for shows, plays, moving pictures, banquets, court proceedings; if the right of asylum is violated; if the church is broken into, seriously defaced, burned). These matters are treated more fully in commentaries on Canons 1172 sqq.

(c) Real sacrilege is committed when the sacredness of an object is violated. An object is sacred when it contains the Author of holiness or confers holiness (viz., the Eucharist and the other Sacraments), when it is naturally related to the Sacraments or sacred persons (e.g., the sacred vessels, images and relics of the Saints), when it is set aside for the uses of worship (e.g., holy water and other sacramentals, candles for the altar) or the maintenance of the Church or its ministers (viz., movables and immovables of a parish, money left for the support of the clergy, seminarians, etc.). Injury is done to the holiness of an object by unworthy

treatment or by unjust damage or conversion. Examples of unworthy treatment are the following: the invalid or sinful administration or reception of a Sacrament, parodies of Sacred Scripture, scandalous manner of enacting sacred rites or saying prayers, use of sacred chalices or other sacred vessels or of blessed articles for profane purposes, use of unblessed holy articles for sordid or ignoble purposes, handling of chalices, etc., by those who have no right to touch sacred vessels (Canon 1306). Examples of unjust damage or conversion are: contemptuous breaking or burning of relics, oils, pictures used for worship; theft of moneys or goods belonging to the Church.

2312. Special Cases Regarding Local Sacrilege.—Local sacrilege is not committed by every sin, even though grave, that is done in a holy place, for the character of this sacrilege is that it be such an injury to the sacredness of the place as to make what should be hallowed seem horrible, or contemptible, or common. Hence, there is no sacrilege in detractions, lies, perjuries, blasphemies, or in most internal sins, when committed in a church or cemetery. But there are two kinds of sins which are sacrilegious profanations of holy places, namely, theft and impurity.

(a) Theft in a holy place is certainly sacrilegious when the thing taken is sacred (e.g., a chalice, money in the votive stands). It is probably not sacrilegious when the thing taken is not sacred (e.g., the pocketbook of a person kneeling in the church), and if the thing taken was not left in the custody of the place. This matter, however, is disputed.

(b) Impurity, if external and perfect (*_voluntaria effusio seminis_*), is sacrilegious, though under the Code it does not seem to be a desecration. The same is probably true of external but imperfect sins (such as touches, looks, words, gestures). Internal acts of impurity are not sacrilegious, unless they include a desire to sin externally in a holy place.

2313. Cases Wherein There Is No Sacrilege.—In the following cases no sacrilege is committed:

(a) when the thing violated is not sacred. There is no personal sacrilege in an act of unchastity committed by a person privately vowed to chastity (common opinion). While some authors teach that personal sacrilege is committed by the violation of poverty and obedience (see Merkelbach, *_Summa Theologiae Moralis_* II, n.804, 4), it seems better to hold the

opposite opinion and restrict personal sacrilege to violations of chastity by persons with religious vows or admitted to the religious state. There is no local sacrilege in the profane use of a place devoted to works of piety but not specially set apart for them by Church authority (such as a private oratory, or a hospital conducted by the laity), nor in the burial of infidels in an unblest graveyard. There is no real sacrilege in profane use of things which are not set apart exclusively for sacred use (e.g., to use the candelabra and candles of the altar to read by in one's room), or which have not been made sacred (e.g., to steal money promised but not delivered to the Church or the personal belongings of a cleric);

(b) when the thing injured is sacred, but the action or omission is not opposed to the attribute in which it is holy, or to a law made to ensure respect for it. Thus, a person who has the vow of chastity does not commit sacrilege if he becomes intoxicated or uses profane language, for he was not consecrated against those sins; a sacred place is not sacrilegiously violated by an act not opposed to its holiness or the respect demanded for it by the law (e.g., organ recitals or awards for Christian Doctrine in church, sale of candles in the vestibule, physical violence against a disturber of divine service). Sacrilege is not done in reverently destroying an old and tattered vestment, in respectfully handling agnus deis, relics, unused palls, and other objects that may be touched by all.

2314. Sacredness as Aggravating Circumstance of Sin.—But a sin that is not sacrilegious is often made worse by reason of the sacredness of some thing with which the sin is connected. (a) Thus, the sin is aggravated by such circumstances as person and place. In this way it is worse for a person vowed to God to blaspheme or lie than for one who has no vow; it is worse to carry on frivolous or calumnious conversations in church than on the street. (b) The sin receives the additional malice of sacrilege if the sinner expressly intends the circumstance of time, place, etc., in order to show contempt. Thus, it is not sacrilege to get drunk on a Sunday or holyday, unless one wishes by the sin to show dishonor to the sacred time; it is not sacrilege to conduct oneself with levity in church, unless one wishes by the levity to show contempt for the place.

2315. The Malice of Sacrilege.—(a) The moral malice of sacrilege is that of irreligiousness (see 2299). The three kinds of sacrilege (personal, local and real) are commonly regarded as three distinct species of sin; for, just as

injuries done to a man's person, to his immovable property, and to his movable goods are looked upon in law as different kinds of offenses, so are injuries offered to the ministers of God, the house of God, and the objects used in the service of God unequal in the dishonor which they give to God before the public. More probably there are no sub-species of these three classes of sacrilege. Hence, in so far as the disrespect to God is concerned, there seems no essential difference between the sin of violating and that of striking a consecrated virgin.

(b) The theological malice of sacrilege is mortal from the nature of the sin. Just as it is gravely insulting to a man to treat his representatives or his home or chattels with contempt, likewise disrespect for the things of God is disrespect for God Himself. The seriousness of sacrilege is seen from the punishments visited on Core, Dathan and Abiron (Num., xvi), on the sons of Heli (I Kings, ii. 17, iv. 11), on King Balthasar (Dan., v. 2 sqq.), and on the sellers in the temple (John, ii. 14). Sacrilege may be venial, however, on account of the imperfection of the act (e.g., when one strikes a priest without reflecting that he is a clergyman) or the smallness of the matter (e.g., to quote Scripture in a decent joke, to use altar linen that is only slightly soiled or torn, to touch the chalice without permission, to steal a few pennies from a church).

2316. Conditions that Govern Gravity of Sacrilege.—To decide in a concrete case whether a sacrilege is gravely or lightly sinful, one should consider the internal state of mind of the offender and the external character of the offense. (a) Thus, if the purpose is directly and formally to dishonor God, the sin is grave, but, if there is some other purpose, it may be light. (b) If the thing dishonored is more closely related to God, or if the act of dishonor is in public estimation more insulting, the sin is more serious. Unworthy treatment of the Eucharist is the worst of sacrileges; ill-usage of a sacred person is worse than disrespect for a sacred place; treading the Sacred Species under foot is more contemptuous than an unworthy Communion, etc.

2317. Simony.—Simony derives its name from Simon Magus, the first person in New Testament times, as far as we know, who committed this crime. For it is written of Simon (Acts, viii. 18 sqq.) that he attempted to buy from St. Peter the power of imposition of hands. But the sin was not unknown in the Old Testament, as we see from the examples of Baalam

(Numb., xxii. 7), Giezi (IV Kings, v. 20 sqq.), and Jason (II Mach., iv. 7 sqq.).

2318. Definition of Simony.—Simony is defined as “the studied will to buy or sell for a temporal price or consideration something that is spiritual either intrinsically or extrinsically.”

(a) Simony is in the will, for it is an act of injustice pretending to have or to receive the right of dominion over spiritual things that belong to God alone, and injustice is a vice of the will. Hence, simony is not an internal sin of the intellect; for, though one who practises simony externally makes to some extent a profession of belief in the heresy that man is the owner of spirituals and gives grounds for the suspicion that he holds that the sale of spirituals is lawful, yet he may know well that the things of God are priceless and still wish to give or receive a price for them. Again, simony is not to be identified with the external act of bargaining for spirituals; for, though the law punishes only external or completed simony, the guilt and malice of the sin is present even when one has the desire to traffic in spiritual things, but makes no overtures or compact.

(b) Simony is a studied will; that is, it is an act of free and deliberate choice selecting some form of internal or external simony as a desirable means. Hence, it is not sufficient for the sin of simony that there be an internal wish not fully voluntary on account of inculpable ignorance or imperfect consent; nor, on the other hand, is it necessary for incurring the guilt of simony that there be a mutual pact, but it suffices that one party alone have the will to make the pact or to obligate another party to simony.

(c) It is a wish to buy or sell, that is, to give or receive a temporal thing in exchange for a spiritual thing. There is question here, then, not only of the contract of sale, but of any other form of onerous contract, such as hire, rent, loan, exchange, *_do ut des_*, *_facio ut facias_*, etc. To be simoniacal, however, a contract need not be fulfilled or explicitly manifested; it suffices that it be unfulfilled or tacitly made, if the sinful intent can be gathered from the circumstances of the case. Hence, from the present part of the definition it follows that there is no simony in a gratuitous contract (e.g., when one gives a gift to another hoping and expecting that the later from gratitude will give in return something spiritual which it is lawful to bestow from gratitude; when a poor person offers to make a novena for benefactors

who give him an alms). It is simony, however, to make an onerous contract under the guise of a gratuitous contract, for example: “I give you this money as a pure gift on condition that you will not be ungrateful but will give me this spiritual favor as a pure gift.”

(d) The price or consideration in simony is some thing, action or forbearance which in some way is of advantage to the recipient. Simony in the strictest sense is committed when a temporal thing is offered for a spiritual thing (e.g., money paid for a Sacrament); simony in the wide sense is committed when, contrary to the law on simony, things like in character are exchanged (2323 a). Thus, if the Church forbids Mass to be exchanged for Mass, or benefice for benefice, or the office of sacristan for that of sexton, transgressors are guilty of the second form of simony.

(e) The matter of simony is something intrinsically or extrinsically spiritual. In general, the spiritual is that which proceeds from God or tends to Him as the Author or End of eternal salvation (viz., the destiny, law, means, works, etc., proposed to us in Christian revelation and religion). Among these things those are intrinsically spiritual that pertain to the supernatural order on account of some inherent character of their own (e.g., grace, Sacraments, Mass, miracles) or some intimate union with things spiritual (e.g., benefices attached to spiritual offices, consecration to be given a chalice); those are extrinsically spiritual that are in themselves temporal, but in church law are treated as spiritual for the sake of reverence to the intrinsically spiritual (e.g., chrism in regard to the material itself of the oil and other ingredients). If the matter of a contract is neither intrinsically nor extrinsically spiritual, there is no simony in buying or selling it (e.g., devotional books, household furnishings of a rectory, personal effects of a cleric).

2319. Temporal Price in Simony.—The temporal price in simony is some temporal good or advantage. St. Gregory the Great distinguishes three kinds of simoniacal prices as follows:

(a) the price from the hand (*_munus a manu_*) is either money or things that have a money value, such as movable or immovable property, corporeal or incorporeal rights. It would be simony to give a benefice in exchange for a sum of money, for a loan, for real estate;

(b) the price from the tongue (*_munus a lingua_*) is any kind of patronage, such as praise, recommendation, protection, defense, opposition to competitors, etc. It would be simony to confer a benefice in exchange for the influence in one's favor which the recipient of the benefice would exercise with some powerful person, for his vote in an election, etc.;

(c) the price in service (*_munus ab obsequio_*) is any kind of temporal labor or assistance given for another's benefit, such as the management of his business or the instruction of his children. It would be simony to grant a benefice in exchange for work done as secretary, treasurer, or advisor.

2320. The Spiritual Thing in Simony.—The thing inherently spiritual in simony is also of three kinds. (a) That which is spiritual from its nature is a thing that is supernatural in itself, such as sanctifying grace, the Gifts of the Holy Ghost, and the power of orders or of jurisdiction. (b) That which is supernatural from its cause is a thing produced by a supernatural agency or power, such as health obtained through miracle. (c) That which is supernatural from its effect is a thing having the virtue of producing supernatural results, *_ex opere operato_*, or *_ex opere operantis_*, or as an occasion (e.g., Sacraments, prayers, sermons).

2321. Temporal Thing United with Spiritual.—In the two following ways things are made spiritual in reference to simony through intimate union with spirituals: (a) by necessary connection, when a temporal thing is so annexed with a spiritual thing that it cannot exist without it. This includes the things annexed consequently, and perhaps also those annexed concomitantly and intrinsically (see 2322); (b) by contractual connection, when a spiritual and a temporal are the partial objects of a contract, as when in the sale of a consecrated chalice the price is raised on account of the consecration.

2322. Temporal Thing Annexed to Spiritual.—In three ways a temporal thing is annexed to a spiritual thing.

(a) The temporal thing is annexed antecedently if it precedes the spiritual thing as its prepared or appointed or presupposed matter or subject. Thus, all things that receive a consecration or blessing (e.g., chalices, rosaries) or a property to which a right of patronage is attached are of this kind. Relics are properly of this category, but, since they have usually no material value, it is customary to include them amongst spirituals.

(b) The temporal thing is annexed concomitantly if it is simultaneous with the spiritual thing as being the action or labor that produces it. If the union is essential and inseparable, the temporal thing is said to be annexed intrinsically (e.g., the work performed in saying Mass, preaching, making a sick call); if the union is not essential, the temporal thing is said to be annexed extrinsically (e.g., the special work performed in saying Mass, if it has to be sung, or said in a distant church, or at a determined hour).

(c) The temporal thing is annexed consequently when it presupposes the spiritual thing as the cause on which it depends. Thus, the revenues of a parish are a temporal thing, but they follow on the pastoral office which is a spiritual thing.

2323. The Various Kinds of Simony.—(a) In reference to its matter or the law violated, simony is either against natural and divine law or against positive ecclesiastical law. Simony against divine law consists in the exchange for temporalities of things that are spiritual or intimately annexed to the spiritual (see 2321), such as Sacraments, indulgences, or jurisdiction. Simony against church law consists in an exchange that has the appearance of simony against divine law, or that easily leads to simony against the divine law, and is consequently forbidden by the Church in order to safeguard religious respect for sacred things, as when one violates the law by taking money for holy oils. In the former kind of simony, things of different orders (spirituals and temporals) are exchanged one for the other; in the latter kind of simony, things of the same sort (spirituals for spirituals, temporals for temporals, etc.) are exchanged where the law forbids (Canon 727).

(b) In reference to its manner, or the way in which it is committed, simony is internal or external. Internal simony is the will, without the external agreement, to exchange spirituals for temporals; it is purely mental if nothing external is done by reason of the internal will; it is not purely mental if something external is done by reason of the internal will (e.g., if the person who desires to commit simony makes a money present to another in the hope that the latter will feel morally bound to give something spiritual in return, or if one gives something spiritual looking for a substantial gift of money as compensation). External simony is an outward pact freely entered into between two parties to exchange spirituals for temporals. It is called purely conventional, if neither party has as yet

performed his part of the agreement; it is semi-real or mixed, if one of the parties has executed his part; it is real if both parties have performed, at least in part, what they agreed to. A simoniacal compact is explicit, if expressed by clear words or signs (e.g., “I will pay \$100 for your vote”); it is tacit, if circumstances indicate the evil intention (e.g., very unusual presents given before an election).

2324. Confidential Simony.—Simony committed in reference to benefices is called confidential because the contract is illegal, giving no judicial protection, and there is only the confidence or reliance on another’s word to give assurance that the agreement will be kept. Canonists discuss at length the following contracts in which it is committed:

(a) the contract *_per accessum_* grants a benefice with the agreement that the grantee will later resign, so that access to it may be had by the grantor or a third party at present incapable;

(b) the contract *_per ingressum_* resigns a benefice not yet taken possession of with the understanding that the person who now enters into possession will leave the place open for his predecessor if he himself resigns or is promoted;

(c) the contract *_per regressum_* resigns a benefice already possessed with the understanding that it may be recovered by the person now resigning or by a third party;

(d) the contract *_per reservationem partis_* obtains a benefice for another with the stipulation that he will pay a certain percentage of its revenues to the person who obtains it for him or to a third party (see Canon 1441).

2325. Simony Against Divine Law.—Simony against divine law is committed in reference to spiritual things when a temporal price is formally or virtually given or received for them.

(a) Thus, the temporal thing is formally set up as the price, when it is regarded or treated as the end of the spiritual thing or action itself (*_finis operis_*), one of the things exchanged being used as the measure of value of the other. This happens when a person wills to buy or sell a spiritual thing, either because he thinks that its value may be expressed in terms of money or other temporal thing, or because he judges that he should treat it as

though money were its equivalent, as when one fulfills a spiritual office and excludes every other motive than that of lucre (Denzinger, n. 1196).

(b) The temporal thing is virtually set up as the price, when it is intended as the sole proximate end of the agent himself (*_finis operantis_*), though there is no explicit thought about values or prices or comparisons. This happens when one gives a temporal thing and has no other immediate personal purpose in this act than the acquisition of a spiritual thing, or performs a pretendedly gratuitous service, intending thereby to obligate the beneficiary to the grant of some spiritual benefit, or bestows a “gratuitous” temporal favor as compensation for a spiritual benefit or vice versa (Denzinger, n. 1195). This is simony, for he who explicitly intends only an exchange, implicitly intends a price; and if it were not simony, then simony would be almost entirely an entity of the mind, since it is a very simple matter to will that the temporal thing exchanged shall be not the price, but only the motive of the contract or gratuitous compensation.

2326. The temporal thing is not made the virtual price of the spiritual thing, if there is a lawful proximate motive (i.e., one recognized by the Canons or legitimate custom) for giving the temporal thing and the desire of receiving the spiritual thing is only the remote reason or occasion of the act. For in such a case the temporal thing is given for a lawful purpose and is not the price of a spiritual thing.

Examples: (a) If the recipient of the temporal thing has a right to it, there is no simony. Thus, the ministers of the altar have a right to their support (see 2186), and it is not simoniacal, when asking spiritual things from them (e.g., the application of Mass to one’s intention, the performance of Sacraments and sacred functions), to offer a stipend or fee; (b) if the bestower of the temporal thing gives it freely out of pure friendship, liberality, charity, gratitude or good will, so that it is an absolute gift, there is no simony, even though he hopes or expects that he will receive something spiritual as a mark of appreciation. But “a charitable or friendly gift” may easily be palliated simony; that is, there may be a pretense of liberality to conceal the real purpose of purchasing spirituals with temporals.

2327. Rules of Alexander III for Determining Simony.—Alexander III gave several rules for determining whether a gift is made from liberality or

with simoniacal intent.

(a) The following are marks of simoniacal intent: the quality of the giver (e.g., that he is poor, or in great need, or not customarily generous), the quantity of the gift (e.g., that it corresponds with the value of a vacant benefice, that it is surprisingly large), the time of the gift (e.g., that it is made when the donee is not in any special need, or when he is about to confer an office, or after hints have been made). If a gift is bestowed in connection with a spiritual thing received, the presumption is for simoniacal intent, unless there was a sincere and reasonable motive for the gift.

(b) The following, on the contrary, are marks of a liberal intent: the quality of the giver (e.g., that he is wealthy, noted for kindness and compassion, or liberal to all, or is a relative of the donee); the quantity of the gift (e.g., that it is small or normal in size), the time of the gift (e.g., if it is made when necessity, festal occasion, or the like calls for it).

2328. Simony against Divine Law in Reference to Things Annexed to Spirituals.—(a) It is simony against divine law to buy or sell things annexed to spirituals consequently (e.g., the revenues of a benefice) or concomitantly and intrinsically (e.g., the ordinary labor and fatigue connected with preaching, saying Mass); for in the former case the temporal grows out of a spiritual and is morally one with it, while in the latter case the temporal has no value except in so far as it is joined with the spiritual.

(b) It is not simony against divine law to buy or sell things annexed to spirituals antecedently (e.g., blessed candles, sacred vestments), if the price is not raised on account of the spiritual thing, or things annexed concomitantly and extrinsically (e.g., the extraordinary labor and fatigue caused by saying Mass in a distant place or at a late hour); for in both cases the temporal has its own proper value and is not considered as inseparable from the spiritual. There is simony against divine law, however, if the price is raised on account of the spiritual part (e.g., if something is added for the blessing given a candle), and simony against church law if the transaction is forbidden as simoniacal (e.g., deductions and payments made in the act of preferment to a benefice are contrary to Canon 1441).

2329. Conditions Necessary for Simony against Ecclesiastical Law.—(a) There must be an exchange through some kind of onerous contract, but it

suffices that the understanding be tacit and non-executed, as was explained above (see 2323).

(b) There must be a law of the Church which, from a motive of respect for sacred things, forbids the exchange.

(c) The simoniacal exchange is made, whether a temporal annexed to a spiritual is given for another temporal annexed to a spiritual (e.g., benefice for benefice), or a spiritual for a spiritual, or a temporal for a temporal. Canonists enumerate the following as examples of simony of ecclesiastical law: gifts made in connection with a competitive examination for a parochial benefice, with ordination or grant of certain testimonial letters (Canon 545), with erection of confraternities; sale of blessed oil or chrism, or of the right of patronage (Canon 1470); remuneration for collection of stipends or for expenses of Mass (Canons 840, 1303).

2330. Certain and Uncertain Simony.—(a) Cases in which simony is certain are the administration of Sacraments or sacramentals to the unworthy for the sake of the fee or favors, the sale of indulgences, taxes or charges made contrary to law (e.g., for a Mass of bination). Other examples are given in 2323 sqq. The Church demands that certain ministrations (e.g., Confirmation, Eucharist, Penance, Extreme Unction, Orders) be gratis, but there may be local customs or conditions that justify exceptions. Some moralists teach that there is no simony when a stipend is exacted for an obligatory ministry, if the simoniacal motive is absent.

(b) Cases in which simony is controverted are those in which a tax or stipend in excess of what is just or lawful is exacted (e.g., a Mass stipend higher than custom permits). Some claim there is simony, because the excess must be for the spiritual thing; others hold that there is no simony, but only an unjust increase in the stipend allowed for support; others say that there is no simony in the internal forum if the intent is not simoniacal, but that there is simony in the external forum on account of the presumption of simoniacal intent.

2331. Doubtful Cases of Simony.—In some gifts and payments the presence or absence of simony depends on the object for which they are given.

(a) Thus, when they are given for omission of a spiritual act, there is simony if the omission includes the exercise of spiritual power (e.g., to omit absolution is to retain sins or censures); there is no simony if the omission is the mere exercise of free will (e.g., to omit Mass, confession).

(b) When they are given for omission of opposition or annoyance, so that one may be able to obtain some office or benefice, there is simony if the temporal thing is thereby given for the benefice itself or for the way to it (i.e., if one has no strict right to the spiritual thing, or if the opposition is just), as when the candidate for a benefice pays a competitor to withdraw, or pays an accuser to keep silence; there is no simony if the temporal thing is given for freedom from unjust vexation (i.e., if one has a strict right to the spiritual thing and the opposition is clearly unjust, as when one who has acquired a right to an office pays an enemy to desist from placing impediments). The payment made by Jacob to Esau for the birthright, to which Jacob was entitled by divine disposition, may be regarded as having had for its end, not the paternal blessing and other spiritual rights of the first-born, but immunity from persecution by Esau.

(c) When they are given for instruction, there is simony if the instruction has for its direct purpose the spiritual benefit of the disciple (e.g., catechetical instructions, sermons, spiritual direction); there is no simony if the instruction has for its direct purpose the improvement of the mind or the utility or advantage which the disciple will derive from it (e.g., instruction in theology, preparation for examinations).

(d) When they are given for admission to religious life, there is simony if the money is paid for the religious state itself, the vows, or other spirituals; there is no simony if the money is paid for the temporal support of the religious institute, that it may be able to meet its expenses.

2332. Cases in Which a Transaction Is Not Simoniactal, but Lawful.—(a) There is no simony when a temporal is given on the occasion of but not for a spiritual. This happens when there is a just title for bestowal of the temporal, such as right of support (e.g., pastors' salaries, Mass stipends, fees), extrinsic values in a work or object (e.g., the special labor in saying Mass under certain conditions, and, according to some, the special affection one has for a relic, the *lucrum cessans* on account of some function performed).

(b) There is no simony when something of value is given in exchange, but not for a spiritual, nor in contravention of an anti-simony law. This happens whether like be exchanged for like (e.g., Mass for Mass), or a temporal for a thing associated with a spiritual as the latter's subject (e.g., money for a rosary or cemetery plot which has been blessed). In the former case there is no prohibition; in the latter, the temporalities have their own distinct values which may be paid for, if the price is not raised on account of the spiritual (see Canons 730, 1539).

2333. Cases in Which a Transaction Is Not Simoniactal, but Is Sinful.—

(a) Sins against God.—One who performs functions of religion primarily and principally, as far as his personal motive (*_finis operantis_*) is concerned, for the salary, stipend or fee, is not guilty of simony, since he does not regard the temporal even virtually as the price of the spiritual. But he does sin by indevotion, and the sin may even be mortal (e.g., a canon goes to choir chiefly because this yields him a living). Offenses committed in the matter of Mass stipends are not called simony in the Code, but the penal law classes them with offenses against religion, as may be seen from Canon 2324. Nepotism, favoritism in giving offices, and political and dishonest maneuvers to obtain church dignities are not in themselves simoniactal; but they are an unworthy and scandalous treatment of sacred things.

(b) Sins against Others.—It is not simony but injustice to deny the Sacraments to parishioners who do not contribute, to overcharge in lawful fees, and also, according to some, to take money for the omission of a spiritual act owed in justice (e.g., for refusal to hear the confession of a parishioner), or to demand money as the stipend for the performance of such a spiritual act (e.g., for hearing a confession). It is disobedience to take money in ways forbidden (e.g., to take Mass stipends in the confessional, to earn money by gambling or trading forbidden in the Canons). Again, it is not strictly simony to put up as the stakes in a game a spiritual thing (e.g., the recitation of the Rosary) against a temporal thing (e.g., ten dollars), for there is no intention to value the spiritual thing by the temporal; but such a practice is scandalous. Greed about getting or keeping money pertains to avarice, not necessarily to simony.

2334. Cases in Which a Transaction Is Not Simoniactal, but Virtuous.—

(a) Some acts done in God's honor (e.g., to purchase a spiritual object, such

as a sacred vessel or relic, from a person who would misuse it), when the purchaser intends the prevention of profanation. It is certainly not irreverence to a sacred thing to use means necessary to rescue it from such irreverence.

(b) Some acts done for the good of others (e.g., to give prizes to children who frequent the Sacraments or Sunday school, dowries to young girls that they may be able to enter religion, free education to worthy young men as an inducement to embrace the ecclesiastical state). In all these cases there is no purchase of a spiritual thing, because the temporal is a pure gift, and the spiritual is received, not by the giver of the temporal, but by another. There is no simony in the fees imposed for dispensations or in the alms sometimes prescribed for indulgences; for the temporal is not a price paid for the spiritual, but in the one case either a penance or a charge for expenses, and in the other a spiritual good work and duty prescribed as a condition for a spiritual benefit.

(e) Some acts done for the spiritual good of self (e.g., if one were in danger of death and could be baptized only by a person Who demanded money for the service, it would not be simony to pay the money, since the price would be offered, not for the Sacrament, but for the removal of an unjust annoyance).

2335. Theological Malice of the Sin of Simony.—(a) Simony against the divine law is a mortal sin from its nature and in every instance. No matter how small the spiritual thing that is sold, it is priceless, and a grave injury is done by putting a price on it. Simony is a serious injury to God, since it usurps His place as the only Lord of spiritual things (I Cor., iv, 1), to the spiritual things themselves, since it estimates their worth by vile material gain (Prov., iii. 15; Acts, viii. 20), and to the recipients, who should receive the gifts of God freely (Matt, x, 8). Hence, St. Peter denounced Simon Magus as deserving of perdition (Acts, viii. 20), and in law simony is spoken of as the worst of pests, a cancer, leprosy, a scourge.

(b) Simony against ecclesiastical law is a mortal sin from its nature, since it is forbidden as a protection to religion and under grave sin; but in particular cases it may be only a venial sin, since the church laws do not bind under grave sin, when the matter or the danger is not serious, as was said in 382.

2336. Moral Malice of the Sin of Simony.—(a) Simony is reducible to real sacrilege (see 2311 c). It is treated separately for the sake of convenience, on account of the large number of questions that pertain to it, and also because there is reason to consider it as a distinct species of sin (2308 c). Hence, the moral malice of simony is that of irreligiousness.

(b) Simony of divine law and simony of ecclesiastical law, according to the more common and likely opinion, are alike in moral malice. For although the mere prohibition of the Church does not make a non-sacred thing sacred, it does make the non-sacred thing unsaleable precisely because related to things that are sacred. In other words, the motive of the law is the protection of sacred things against the appearance or danger of simony, and the motive of the law is the factor that determines the moral character of precepts and prohibitions of human law. Thus, to miss Mass on Sunday is a sin against religion, because the Church commands in virtue of religion that Mass be heard on Sunday; to eat meat on Friday is a sin against temperance, because the Church forbids the use of meat on Friday in virtue of temperance. Hence, it is not merely disobedience, but simony, to violate a law which forbids a certain contract because of its nearness to the sale of spirituals for temporals. Moreover, he who willfully exposes himself to the immediate danger of some sin wills the malice of that sin.

2337. Invalidity and Penalties of Simoniactal Contracts.—(a) Every simoniactal contract is invalid and of no force either in the external or in the internal forum, because it sells what is unsaleable under divine or ecclesiastical law. If the contract has to do with benefices, offices or dignities (e.g., “You vote as I wish and I will give you such and such favors,” “You obtain for me such a dignity and I will pay you well”), the appointment to them is rendered null and void, even though the simoniactal act be done by a third party without the knowledge of the beneficiary, unless it be done by that third party to injure the beneficiary or against his protest (Canon 729). Invalidity is also produced in case of simoniactal resignations (Canon 185), commissions (Canon 1441), presentations (Canon 1465, Sec. 2), and prescription does not operate for one who holds a benefice obtained through simony (Canon 1446).

(b) Certain simoniactal contracts subject the guilty parties to special punishments. Thus, the penalty for simony in appointments, elections or promotions to office and dignities is excommunication *latae sententiae*

reserved simply to the Holy See, and deprivation forever of all right of nominating, voting, presenting, and suspension (Canon 2392); the penalty for simony in elevation to Orders or in use of other sacraments is suspicion of heresy and suspension reserved to the Holy See (Canon 2371).

2338. When the Canonical Penalties for Simony Do Not Apply.—(a) Purely mental simony is not subject to ecclesiastical penalties, since the Church does not pronounce on internal acts. But this does not take away the serious guilt in the sight of God. (b) External simony is subject to ecclesiastical penalties, but canonists dispute about the meaning of certain Canons, for example, whether only real simony falls under the punishments *_latae sententiae_*, whether the penalties of Canons 729 and 2392 apply only to simony of divine law, or to simony of ecclesiastical law as well.

2339. Influence of Simony on Spiritual Effects.—(a) On Effects of the Power of Orders.—Sacraments administered simoniacally are valid, for the law nullifies only the contract made about the Sacrament, not the Sacrament itself. It seems also that in the case of sacramentals (such as simple blessings imposed on articles) the blessing is not lost by sale of the article, provided the price is asked only for the object and not for the blessing. A blessed or consecrated object loses its blessing or consecration when it is put up for public sale (Canon 1305).

(b) On Effects of the Power of Jurisdiction.—Acts of jurisdiction are valid in spite of simony, unless there is special provision to the contrary. Indulgences are lost *_ipso facto_*, if anything temporal is taken for the indulgenced object (Canon 924). Religious profession, it seems, is valid, even though simoniacal.

2340. Restitution of the Temporal Price Received for a Spiritual Thing.—(a) If the simoniacal contract is semi-real (that is, if the spiritual consideration has not been received), the price must be restored; for we have then the case of an immoral and unexecuted contract (see 1878 d). (b) If the simoniacal contract is real (that is, if the spiritual consideration has been received), the price should be given back; for the case then is one of commutative justice, a temporal price being taken for a thing (e.g., a blessing) that has no temporal price, or for a service that one was bound to give gratis (e.g., parochial sermon by the pastor). But if a service was not obligatory, it is held by some that there is no certain duty of restitution, if

the spiritual thing cannot be restored (e.g., when one received a stipend for a Mass of bination or demanded an excessive fee for a sacred function).

2341. Restitution of the Temporal Price Received for Temporal Things Annexed to Spirituals.—Restitution is obligatory as follows: (a) when commutative justice is violated, as when one charges for a blessed candle or rosary in excess of its market value or just price, or when by fear or force one compels another to exchange a chalice for a ciborium; (b) when law or judicial sentence imposes restitution as a penalty for an offense, as when for money one has resigned one's benefice in favor of another person.

2342. Circumstances of Restitution for Simony.—(a) The Time for Restitution.—If simony is against natural law, restitution is due before sentence; if against ecclesiastical law only, restitution is due only after sentence.

(b) The Person to Whom Restitution Is to Be Made.—Satisfaction should be given to the owner, or injured party (e.g., to the person who was charged for a blessing), or, if this is impossible, to the poor or pious causes. The revenues derived from a benefice simoniacally obtained should be restored to the church to which the benefice belongs, unless this is advantageous to the guilty parties, or probably to charity, or religion, or the successor in the benefice.

(c) Excuses from Restitution.—Impossibility, condonation or the permission of the Church, express or presumed, excuses from the duty of restitution.

2343. Restitution of Spiritual Thing Simoniacally Received.—The spiritual thing simoniacally received must be restored even before the sentence of the judge (Canon 729, Sec.1). (a) Thus, if it is a benefice, office or dignity that was obtained or conferred through simony, it must be resigned; nor may the guilty party keep the fruits, unless he was in good faith and permission is given. (b) If the spiritual thing is something other than a benefice, it should likewise be given up, provided it is of a kind that can be restored (e.g., it is impossible to restore a Sacrament received or a consecration given to a church) and restitution will not cause irreverence (e.g., it would be irreverent to restore blessed objects or relics to the seller if he meant to profane them).

Art. 6: THE REMAINING POTENTIAL PARTS OF JUSTICE; THE VIRTUE OF PIETY; THE COMMANDMENTS

(*_Summa Theologica_*, II-II, qq. 101-122.)

2344. Having treated of religion, the chief potential part of justice, we shall now consider the remaining subsidiary virtues of the present group, namely, piety, reverence, truthfulness, gratitude, vindication, friendship, liberality, equity (see 2141-2143).

2345. The Virtue of Piety.—In general, piety is the virtue that inclines one to show due recognition of indebtedness to those from whom one has received life and existence. There are three senses of the word:

(a) in its strictest meaning, it refers to the dutifulness owed to the immediate or secondary causes of our being, namely, parents and country;

(b) in a derived meaning, it is applied to the religious duties owed to God, who is our Heavenly Father and the First Author of our being. Hence, those who are faithful to the worship of God are called pious and the divine services are known as works of piety;

(c) in its widest meaning, piety is applied to works of mercy, since they are most pleasing to God as a tribute of filial devotion. The merciful man has pity (piety), because his kindness to the unfortunate honors God more than victims or sacrifices. Hence, since God is merciful, He Himself is sometimes called pious: “The Lord is compassionate (*_pius_*) and merciful” (Ecclus., ii. 13).

2346. Definition of Piety.—Piety in the strictest sense is defined as “a moral virtue that inclines one to pay to father and fatherland the duty of respect and assistance that is owed them as the authors and sustainers of our being.”

(a) It is a moral virtue, one pertaining to justice, and hence it differs from the special duty of charity owed to parents and country (see 1158, 1171

sqq.). Charity loves parents and country out of love for God whose creatures they are; piety honors them in recognition of the benefits received from them and the authority vested in them.

(b) Piety is shown to father and fatherland; that is, just as religion gives worship to God in acknowledgment of His excellence and our dependence upon Him, so does piety show due respect to those who hold the place of God in our respect on earth. Filial piety is owed to the mother as well as to the father, and in a less degree to other relatives, inasmuch as they share or continue the blood of one's parents and may be regarded as representing them (e.g., brothers and sisters, husband or wife). Patriotism belongs to one's native land or the country, nation, state, city, etc., of which one is a citizen; and it should include, not only fellow-citizens, but also the friends and allies of one's country. He who is the adopted citizen of a country should love the place of his birth, but loyalty and obedience are owed to the nation to which he has transferred his allegiance.

(c) Piety offers respect and assistance. The first duty is owed to parents on account of their position of progenitors and superiors; the second is owed to their condition when they are infirm or destitute or otherwise in need. It is more probable that filial piety is violated only when the personal goods (e.g., life, health, body, fame, honor) of parents are injured, and that injury to their real goods pertains to fraud, theft or damage, rather than to impiety. Moreover, on account of the community of goods that exists between parents and children, real injuries between them are not rigorously acts of injustice and require more than the ordinary grave matter for serious sin (see 1902).

(d) Piety is owed to parents and country as the authors and sustainers of our being. Thus, it differs from legal justice, which is the duty owed the State or community, precisely as it is the whole of which one is a part. It differs likewise from commutative justice, which is obligatory in agreements with parents or other superiors, for the duty is then owed them as partners to a free contract. On account of this nobility of the formal object, filial piety and patriotism are very like to religion and rank next after it in the catalogue of virtues.

2347. The Reverence Required by Piety.—(a) Parents should be honored internally by the esteem in which their parental dignity and merits (not their

personal failings) are held; externally, by the marks of respect customarily shown to parents.

(b) Relatives should receive a lower degree of respect commensurate with the nearness and quality of the kinship. Thus, parents should treat their children with the consideration owed to members of the family, and not as servants or strangers, brothers and sisters and relatives of remoter degree should give one another that courtesy and regard which respect for common parents or ancestors calls for. Lineal relatives are nearer than collaterals, and elder relatives (such as grandparents, uncles and aunts) are more entitled to respect than younger relatives (such as grandchildren, nephews and nieces).

(e) Country should be honored, not merely by the admiration one feels for its greatness in the past or present, but also and primarily by the tender feeling of veneration one has for the land that has given one birth, nurture and education. Even though a country be poor and humble, it should be patriotically revered (Ps. cxxxvi). External manifestations of piety towards country are the honors given its flag and symbols, marks of appreciation of its citizenship (Acts, xxi. 39), and efforts to promote its true glory at home and abroad.

2348. The Assistance Required by Piety.—(a) Parents should be helped in their needs, spiritual or temporal. If they are sick, they should be visited; if they are poor, they should be assisted; if they are in need of the Sacraments or prayers or suffrages, these spiritual means should be provided. But a son is not bound to pay the debts of his deceased father who left him nothing, since the debt was a personal one.

(b) Relatives should also be assisted in their needs, especially if the necessity is urgent and the relationship close (as in the case of brothers and sisters). But this duty is not as strict as that owed to parents, and, if the relationship is distant, there is no special obligation of piety.

(c) Country is helped by the aid given to fellow-countrymen who are in moral, mental or corporal need. The noblest patriots are those who devote their lives, labors or substance to the promotion of religion, education and contentment among their people, to the correction of real evils that threaten decay or disaster to the national life, and to the preservation of those special

ideals and institutions that constitute what is characteristic and best in the nation.

2349. Sins against Piety.—(a) By Excess.—Exaggerated respect for relatives or country is a sin, since it is not according to order or reason. Thus, while children should not dishonor their parents under the pretext of religion (Matt., xv. 3-9), neither should they be more devoted to their parents than to God (Luke, xiv. 26; Matt., viii. 22), nor neglect God's call when their parents do not need them (Matt., iv. 22). Thus also, patriotism should not degenerate into patriolatry, in which country is enshrined as a god, all-perfect and all-powerful, nor into jingoism or chauvinism, with their boastfulness or contempt for other nations and their disregard for international justice or charity.

(b) By Defect.—Disrespect for parents is felt when they are despised on account of their poverty, ignorance, or feebleness; it is shown by word (e.g., when they are addressed in bitter, reproachful, or contemptuous speech; or when they are ill spoken of to others), by signs (e.g., when mocking gestures or mimicry are used to ridicule them), by deeds (e.g., when they are threatened or struck), and by omissions (e.g., when their children are too proud to recognize them or to give them tokens of honor). Disrespect for one's country is felt when one is imbued with anti-nationalistic doctrines (e.g., the principles of Internationalism which hold that loyalty is due to a class, namely, the workers of the world or a capitalistic group, and that country should be sacrificed to selfish interests; the principle of Humanitarianism, which holds that patriotism is incompatible with love of the race; the principle of Egoism which holds that the individual has no obligations to society); it is practised when one speaks contemptuously about country, disregards its good name or prestige, subordinates its rightful pre-eminence to a class, section, party, personal ambition, or greed, etc.

2350. Malice of Sins against Piety.—(a) The moral malice is distinct from that of other sins, since injustice committed against the debt owed to the human principle of existence has a special character of wrong, as being opposed to a special kind of right. Parricide and matricide have always been looked on as having a peculiar enormity among sins of homicide; and similarly, disrespect to father and mother are greater evils than disrespect to persons who have no like claim to honor. Hence, he who has struck his father must mention the circumstance of relationship in confession, since it

is a circumstance that changes the species of the sin. But he who has struck his fourth cousin need not confess the relationship, for distant kinship, though an aggravating circumstance, does not give the injury the character of impiety.

(b) The theological malice of the sin is grave from the sin's nature, since piety ranks next to religion and is the object of a special commandment and promise from God. But the sin may be venial on account of lightness of the offense (e.g., when young children answer back or speak saucily to their parents, but without contempt) or on account of the lesser importance of the person offended (e.g., when a brother slaps his brother, the sin is not as serious as when a child strikes his parent). Children who have been seriously disrespectful to their parents are obliged to beg pardon; but to impose the obligation regularly in confession is deemed unwise, since insistence may only lead the penitent to new sins, and moreover the forgiveness of parents may generally be presumed when there is amendment.

2351. The Virtue of Reverence.—This virtue is known in Latin as observantia, because its object is persons of authority, whom it carefully observes in order to revere their dignity and to learn their commands. It is defined as “a moral virtue which inclines one to render to persons of higher position the tribute of honor and obedience that is due their authority.”

(a) It is a moral virtue, that is, one concerned immediately with the direction of human acts. Reverence belongs to justice because it renders to others what is due them.

(b) The persons to whom it does justice are those of higher position, that is, superiors who rule over us or over others, and men distinguished for virtue, knowledge or other excellent qualities that make them fit to govern. Superior here does not mean that the person who receives reverence must be in every way better than the person who shows reverence (e.g., he who is superior in jurisdiction owes some reverence to a subject who is more learned or virtuous than himself), or that there must be inequality between the one who gives and the one who receives reverence (e.g., two distinguished persons of equal rank and merit owe mutual reverence to each other on account of the superiority which each has to many others).

(c) The reason for reverence is the authority vested in these persons, that is, the excellence of their state, which gives them a higher dignity than others, and their office of ruling, which empowers them to direct a subject to his proper end. Here we see that reverence is a distinct virtue, for, while piety and reverence are both forms of veneration, the motive of each is different. Thus, a child owes to his father piety, because from the father was received the beginning of his life, and reverence, because from the father is received direction to his end. Again, a subject owes the rulers of his country both piety and reverence: piety, as regards their relation to the common good and the nation (e.g., when the ruler is given his special salute), reverence, as regards their personal rank and glory (e.g., when assistance is given the ruler to lessen the burden of his office).

(d) The first tribute paid by reverence is honor, which is a testimony given to worth, and is offered to the dignity or rank of the superior. Honor differs from reverence as the effect differs from the cause, or the means from the end; for it is reverence that prompts one to show honor, and honor is meant to excite in others reverence for the person honored. The debt of honor is due those who are superior in jurisdiction, from legal justice; it is due to those who are superiors, but not in jurisdiction, not from legal justice, since the law does not enforce it, but from moral obligation, since it is decent and becoming.

(e) The second tribute of reverence is obedience, which is submission to law, and is offered to the ruling power of the superior. This tribute of reverence is paid only to one's own ruling superior, since others have no power to impose upon one their will or precept.

2352. Species of Honor.—(a) As to kinds, there is common honor which is shown to all and by all (e.g., God honors the Saints, and Tobias and Mardocheus were honored by their sovereigns), and the special honor of homage which includes submission and is shown only by inferiors or servants to their superiors or masters.

(b) As to modes, there is honor in general and praise, which is a special form of honor; Praise is given in speech or writing; honor is shown not only by words, but also by deeds (e.g., by salutations, prostrations) and things (e.g., by monuments, presents, banquets, titles).

(c) As to motives, there is civil honor (i.e., the respect shown to the temporal authority of rulers, teachers, employers, etc.), religious honor (i.e., the respect shown to the spiritual authority of the Pope, bishops, priests, etc.), and supernatural honor (i.e., the respect given to the virtue of holy men). This last honor is known as _dulia_ (service) when offered to the Saints who reign with Christ in heaven, as _hyperdulia_ (superior service) when offered to the Mother of God.

2353. Obligation of Showing Honor to Deserving Excellence.—(a) Common honor should be given to all who are not irrevocably evil and malignant, that is, it should be shown to all creatures, the damned excepted. For, as was said above, there is no one who is not possessed of superiority in some respect, and it is even reasonable to believe that the most unpromising person is better than oneself in some quality or other. Hence, the Scriptures admonish us to honor all (I Peter, ii. 17), to be beforehand in giving honor to one another (Rom., xii. 10), and humbly to believe that others are superior (Phil., ii. 3). But in bestowing honor, while one should have at least in general an honorable opinion of others, the duty of external honor does not oblige at all times or in all circumstances; and the same kind of honor is not to be given by or to all persons. Those who show the ordinary signs of charity (as they should) in greetings, salutations, courtesies, and the like, comply sufficiently with the duty of common honor.

(b) Special honor should be given all those who have a right to it: “Tribute to whom tribute is due, honor to whom honor is due” (Rom., xiii. 7). Thus, rulers and prelates should be given the respect due their station, even though personally they are wicked, for in the honor given their rank reverence is shown to God, whose ministers they are, and to the community which they represent. There is a moral, though not a legal, obligation to honor men distinguished for holiness for their own sakes since, while honor is not a sufficient reward of virtue, it is a distinguished mark of recognition, and for the sake of others, since virtue in honor is like a lamp placed upon a stand and shining for many (Matt., v. 15).

2354. Obligation of the Religious Cult of Dulia.—(a) There is no strict duty of giving veneration to the Blessed Virgin, the Angels, Saints, images, or relics, for absolutely speaking it suffices for salvation to adore God. But it is of faith that the cult of these holy persons and things is lawful and

useful; hence he who should neglect it would not merely disregard the earnest advice of the Church, but he would also deny to God's friends and heroes the honors they deserve (Ecclus., xliv. 1; Heb., xi), and would deprive himself of precious helps of intercession and inspiration. Some believe it is at least venially sinful never to invoke the Blessed Virgin, and surely there would be sin—and perhaps even grave sin, *_per accidens_*—if the neglect was scandalous or perilous to salvation.

(b) There is an obligation in performing acts of cult to make the veneration suitable to the dignity of the object (e.g., to the Mother of God belongs *_hyperdulia_*, to the Saints of God *_dulia_*; to holy persons is given absolute cult, to holy objects relative cult) and conformable to the laws of the Church (e.g., the titles of Venerable, Blessed, Saint are conferred only by the Church; public cult may be performed only by those authorized to act in the name of the Church and only by such rites as have been approved). It is lawful privately to pray to infants who died after Baptism, and, according to many, to the souls in Purgatory; but it would be superstitious to give to the damned or false saints the cult that belongs only to the canonized Saints.

2355. Obedience.—Obedience is a moral virtue annexed to justice which inclines one to comply promptly and willingly with the command of one's superior, because it is a command and obligatory.

(a) Obedience is prompt and willing, and so it differs from forced or unwilling or tardy submission and from servile and politic obedience (which would not obey were it not for fear or self-interest), for these lack either the good will or the good motive required by virtue. Note also that the virtue of obedience differs from the vow of obedience in this, that the vow obliges to the external performance of a command, while the virtue includes also internal submission.

(b) It is shown to a superior. Between equals there is not obedience in the strict sense, though one of them may out of charity or friendship yield to what the other desires.

(c) It is compliance with a command, that is, with a law or precept imposed by authority. Some authorities hold that it is an act of obedience to fulfill the known will of a superior, even though it has not been imposed as obligatory; but others see in such a fulfillment, not obedience, but the

perfection or spirit of obedience. Thus, if a son knows that his father wishes him to perform a certain work, but has received no orders to do it and leaves it undone, this omission according to the first opinion is disobedience, while according to the second it is a want of the spirit of obedience.

(d) It obeys precisely because the superior's will has been expressed as a command. It is this intention that sets off obedience from other acts of virtue about commanded matters. There is a material obedience which is a circumstance of other virtues and may be called a general virtue (e.g., when one keeps the first commandment out of love for God, there is charity; when one keeps the seventh commandment out of love of honesty, there is justice). The formal obedience of which we now speak is a peculiar and distinct virtue, because it keeps the law simply because it is law and as such should be kept.

2356. Power of Jurisdiction and Dominative Power.—There are two kinds of power that confer moral authority to impose a command—the power of jurisdiction and dominative power.

(a) The power of jurisdiction is had by one who rules in a perfect society (Church or State), which has supreme authority and the right to impose laws.

(b) Dominative power is had by one who rules in an imperfect society, which has dependent authority and the right to impose precepts only. This power arises either from the very nature of society as a body composed of superior and subjects (e.g., in the family the children are necessarily subject to the father), or from agreement between the parties concerned (e.g., the wife by marrying becomes subject to her husband, the servant by taking employment becomes subject to the employer, the religious by entering a community or by vowing obedience becomes subject to the superior).

2357. Degrees of Obedience.—Ascetical authors distinguish three degrees of obedience: (a) external obedience, which performs with exactness the thing commanded though there is no heart or willingness in its act; (b) internal obedience, which joins willingness to external submission though the judgment doubts the wisdom or value or good faith of the command; (c) blind obedience, which submits the judgment itself to

the superior's judgment, provided of course the thing ordered is not clearly sinful (Matt., ix. 9; Gen., xxii. 3 sqq.; Matt., ii. 13 sqq.).

2358. Comparison of Obedience with the Other Virtues.—(a) Obedience, as was explained above (2355), is distinct from the other virtues on account of its different formal object. Its act is found sometimes joined with other virtues (e.g., to fast during Lent in order to keep the law is an act of obedience, but it is also an act of temperance if actuated by love of moderation, or an act of religion if offered as homage to God); but obedience may be separate from other virtues, as when a superior commands or forbids something indifferent in order to try a subject's obedience (e.g., to take a walk solely because it has been commanded is an act of obedience only).

(b) Obedience is less perfect than the theological virtues, since it belongs to the moral virtues, which are not directly concerned with God Himself but with the means to union with Him (I Tim., i. 5). Among those moral virtues that consist in contempt of temporal things, obedience which serves God in all things has a certain preeminence, inasmuch as it contemns for God's sake the noblest human good, one's own will, whereas the other virtues condemn lower goods (those of the body and external things); on the other hand, obedience is inferior to religion, since, while obedience consists in veneration of the law, religion consists in veneration of God Himself. But acts of worship performed without devotion or without regard for God's will are not to be compared with respectful obedience, since the former are sins and the latter is both religious and obedient; hence, it is said that obedience is better than sacrifice (I Kings, xv. 22), which means that internal devotion is to be preferred to mere external worship. Spiritual writers praise obedience as the guardian of all the virtues and the safe road in which they walk (Prov., xxi. 28).

2359. Comparison of Acts of Obedience.—(a) All acts of obedience are of the same species, since in spite of diversity of superiors or of laws there is always in obedience the same essential character on account of the motive. Whoever may be the superior or whatever may be the law, the reason for obedience is always the authority that commands and the obligation that it imposes. Thus, whether one obeys God, or the Church, or the State, or parents, the virtue is always one and the same.

(b) All acts of obedience are not of the same perfection, for circumstances (e.g., the willingness, the duration, the difficulty) add to the merit of obedience. It should be noted, however, that to obey by performing what one likes is not necessarily less virtuous than to obey by performing what one dislikes; for the thing liked may be something hard that appeals to few and may be performed from a spirit of willing obedience, whereas the thing that is disliked may be something easy and may be performed with less willingness.

2360. The Duty of Obedience.—Since obedience is obligatory because a superior has the right to command, the extent of the duty depends on the extent of the superior's authority.

(a) Thus, God must be obeyed in all things that He commands, for He is Lord of all and cannot command what is unlawful: "Let us do all that the Lord has spoken and we shall be obedient" (Exod., xxiv. 7). Man is not bound, however, to wish all that God wishes in particular, since God wishes things from the viewpoint of the universal good, and the creature from the viewpoint of the limited good known to him (e.g., it is not lawful for man to wish the damnation or the misfortune of those whom God will permit to suffer these evils); but man is bound to wish that which God desires him to wish (e.g., that his neighbor will not be lost, that his father will not now die). Neither is man bound to perform what God proposed to him as a counsel. In certain instances (Gen., xxii. 2; Exod., xii. 36; Osee, i. 2) it appears that God commanded sin, but only a foolish or blasphemous person would interpret the facts in that impossible sense. In the physical order, a miracle wrought by God is not contrary to the law of nature established by Him, but to the usual course of nature; and similarly the commands referred to were not contrary to the laws of virtue, but to the usual manner of virtue, as was explained in 308 sqq.

(b) Man must be obeyed in all those things in which he has lawful authority to command, first, because God Himself requires this and he who resists resists God (Rom, xii. 2); next, because without obedience the peaceful order of society cannot be maintained. Even though the superior be wicked or an infidel, obedience is due him, for it is given him, not in his personal, but in his official capacity (Matt, xxiii. 2, 3). The Scriptures command obedience to all classes of lawful superiors, whether

ecclesiastical (Heb, xiii. 17), civil (Titus, iii. 1; I Peter, ii. 13), or domestic (Eph, vi. 1, v. 22-24, vi. 5-8).

2361. When Obedience Is Not Lawful or Obligatory.—Obedience to a human superior is not lawful or not obligatory in those matters in which the superior has no authority to command.

(a) It is not lawful to obey a human superior when his command is clearly contrary to the command of a higher superior, and therefore unlawful. Thus, one may not obey any human superior when he orders sin, even a venial sin, for we must obey God rather than man (Acts, v. 29; Rom., iii. 8); neither may one obey a subordinate official who commands something clearly opposed to the law or to the regulations of his own superior. It does not belong to the subject, however, to sit in judgment on his superior, and hence, unless the unlawfulness of a command is manifest, the subject must presume that it is lawful.

(b) It is not necessary to obey a human superior when his command exceeds his competency, or when he orders things over which he has no control. Thus, God alone has authority over the internal action of the soul and over the natural state of the body; and as regards these things all men are equal, one indeed being less perfect mentally or bodily than another, but none being subject to another in these matters. Divine law regulates the interior (e.g., the command to believe, the prohibition to covet), but human law is confined to external acts; divine law can regulate things pertaining to the nature of the body (e.g., God could command an individual to marry, or to observe virginity, or to abstain from all food), but human law is concerned with external things, in which men are unequal, and it cannot take away natural rights to life or the means thereto (see 292 on Inalienable Rights). Moreover, even as regards external acts and things, the authority of a superior is limited by the bounds which its nature gives it; for example, temporal authority cannot command spiritual acts, a ruler placed over one territory or group cannot command for others, a constitutional body cannot make laws beyond the powers conferred by its constitution, ecclesiastical laws or customs rejected by the Code cannot be enforced, etc. It is clear, too, that no superior may command the execution of what is physically or morally impossible, and generally a subject should not be required to practise heroic virtue (e.g., to expose his life to danger; see 374). If a command is plainly ridiculous (that is, if it lacks a reasonable motive), it

would be more perfect to obey, but it seems it would not be a sin to disregard it.

2362. Obedience in Cases Where There Is Normally No Obligation.—If a superior oversteps his authority, the subject may obey when the matter is lawful and the motive of submission is good. In certain cases it is even obligatory to obey a superior in matters over which normally he would not have authority. Such cases are the following:

(a) on account of a vow or other free and moral agreement, a subject is held to obedience in matters pertaining to the nature of the body (e.g., when he has made a vow of virginity). The Church cannot impose virginity, but he who has vowed to observe it, must fulfill the conditions and precautions necessary for its observance, and can be ordered so to do;

(b) on account of circumstances, such as scandal or danger of great evils, it is sometimes necessary to yield submission to a command that is not of itself obligatory (see 376, 377).

2363. Internal Actions and Human Superiors.—Internal actions in themselves do not fall under human authority, and hence the Apostle says: “Judge not before the time until the Lord come, who will make manifest the counsels of the heart” (I Cor., iv. 5). But in two ways these actions may be dealt with authoritatively by human superiors.

(a) Thus, in the internal forum and there alone, internal acts themselves are subject to a human superior; for the confessor knows and acts there, not as man, but as the representative of God, and hence he may pass on and prescribe internal thoughts and desires just as God may pass on them and prescribe them.

(b) In the external forum, the Church deals with internal acts in so far as they enter into an external act as a necessary ingredient of its goodness or malice, as when she commands a devout communion or pronounces censure against judges who are swayed by fear or favor. This question was treated above in 426.

2364. Obligation of the Vow of Obedience.—(a) The vow obliges a religious to observe the commands of superiors that are given according to the rule which the religious professed. Hence, there would be no obligation in virtue of the vow of performing commands that are not authorized

explicitly or implicitly in the rule (e.g., if a cloistered religious were bidden to engage in hospital work), nor, unless otherwise vowed, of keeping each prescription of the rule or constitutions. A command to accept a relaxation from the rule is obligatory, unless the dispensation is clearly invalid (cfr. 2225, 2237).

(b) The obligation is grave only when superiors command in a grave matter and with the intention of imposing a grave precept. The intention of a superior is indicated by a form of words and other circumstances which the rule or constitutions prescribe for the imposition of a grave precept.

2365. Sins against Obedience.—Since obedience is a moral virtue and therefore observes a mean, there is both an excess and a defect that it avoids.

(a) Thus, the sin of excess is not found in the quantity of obedience, for the more obedient a subject is, the more is he worthy of praise. It is found, therefore, in other circumstances of the act of submission, as when one obeys a person or a command which one should not obey. Sinful submission is just as foreign to obedience as superstition is to religion; cringing submission or servility in matters where one should think and judge for oneself is only a simulacrum of obedience.

(b) The sin of defect is found in disobedience to a lawful command. This sin may also be said to include both excess and defect—the former because the subject follows his own desires more than he should, and the latter because the superior does not receive what he is entitled to (see 1711 sqq.).

2366. Definition of Disobedience.—Disobedience is the transgression of the lawful command of a superior.

(a) It is a transgression, that is, a voluntary neglect or refusal to perform what is ordered or to omit what is forbidden, or to perform or omit at the time or in the manner ordered. Thus, there is no disobedience if fulfillment is impossible—for example, if a subject who is summoned to present himself at a certain place does not receive the notice or becomes too ill to make the journey, or if he is asked to give what he cannot give, or if he is burdened with so many laws or regulations that he cannot even know what they are, much less attempt to observe them.

(b) Disobedience transgresses a lawful command, that is, one which is morally good and issues from competent authority. It is not disobedience to refuse to do what is evidently illicit (e.g., to lie or steal), or what is illegally ordered (e.g., to submit to arrest blindly, to perform what the law forbids the superior to order).

(c) It is violation of a command, that is, of a law or precept. Hence, it is not disobedience to neglect advice or exhortations or requests made by superiors, if the subject-matter is not otherwise obligatory (e.g., a daughter is not disobedient if she does not choose the husband picked out for her by her parents).

(d) It is against the command of a superior, and hence, if there is opposition between laws or precepts, the higher law and the higher superior prevails (288 sqq.).

2367. The Kinds of Disobedience.—(a) By reason of the subject, disobedience is either material or formal, according as the transgressor intends only the satisfaction of his sinful desire against some other virtue, or intends the violation of obedience itself. Material disobedience is found in every sin, since every sin is a transgression, and in this sense the pride of the original sin is called disobedience (Rom., v. 19); but formal disobedience is a special sin, and it is committed only when the sinner transgresses purposely in order not to submit.

(b) By reason of the object, formal disobedience is contempt either for the law or for the superior. In the former case the transgressor despises the commandment given him and vents his dislike in disobedience; in the latter case the transgressor belittles the authority of the lawmaker or superior who made the law or who gave the precept; or scorns his sinfulness, ignorance, or low birth; or hates or envies him, and therefore proceeds to break his laws or precepts. If contempt moves one to rebel against every command, it is perfect; if it extends to only one or another matter, it is imperfect.

2368. It is not sinful contempt of a person in authority, however, if the subject does not admire his character, or agree with his opinions, or approve of his courses, when the subject has good reason for his view and does not forget the respect and obedience due to authority and law.

2369. Theological Sinfulness of Formal Disobedience.—(a) From its nature formal disobedience is a grave sin, since it is contrary to charity, which is the life of the soul and the end of the law. Love of God demands that we keep His commandments and be submissive to His representatives (Rom., xiii. 2; John, xiv, 21; Rom., ii. 23, xiii. 2; Luke, X. 16). Disobedience is classed by St. Paul with the worst sins of the ancient pagans (Rom., i. 30) and of the sinners of the last days (II Tim, iii. 1), with witchcraft and idolatry (I Kings, xv. 23).

(b) From the imperfection of the act formal disobedience is sometimes only a venial sin, as when in a sudden fit of anger against his superiors a child refuses to obey his teachers or parents.

(c) From the lightness of the matter, formal disobedience is only a venial sin, if the contempt is imperfect and not directed against God, and the matter of the command or transgression is not serious (e.g., if one gets up a few minutes late in the morning once or twice as a protest against a regulation). But, even though the matter is not serious in itself, formal disobedience is a grave sin, when the contempt is perfect (e.g., if in a spirit of defiance and of anarchistic contempt for all his laws one pays no heed to some minor regulation of a superior), and perhaps also when contempt is directed against a divine precept (e.g., if with the feeling that the eighth commandment is foolish or useless, one tells small lies); for in the former case there is grave contempt, in the latter case blasphemy.

2370. Moral Species of Disobedience.—(a) In formal disobedience, if the command belongs to some special virtue, there are two sins, namely, that against obedience and that against the virtue intended by the lawgiver (e.g., when out of contempt one violates the third commandment); but, if the command was given for the sake of obedience only, there is but the one sin of formal disobedience (e.g., when out of stubbornness a child refuses to do the study or other work imposed by parents or teachers).

(b) In material disobedience, if the command was given for the sake of some special virtue, there is but the one sin against that virtue, as when one breaks the fifth or sixth commandment to satisfy passion; but if the command was given for the exercise of submission only, there is but the one general sin of disobedience, as when a child eats between meals against the command given by his mother.

2371. Circumstances that Aggravate Formal Disobedience.—One act of formal disobedience can be worse than another such act in two ways:

(a) by reason of the rank of the person who gave the command. Thus, it is more serious to disobey God than to disobey man, and more serious to disobey a higher than a lower superior;

(b) by reason of the rank which the thing commanded has in the intention of the superior. Thus, when disobeying God it is more serious to transgress against the higher than against the lower good, for God always prefers the better good; but in disobeying man alone it is more serious to transgress against the good, higher or lower, which the lawgiver has more at heart.

2372. Comparison of Formal Disobedience with Other Sins.—(a) Disobedience against God (e.g., contempt for His law) is worse than sins against the neighbor (e.g., murder, theft, adultery). This is true when these latter sins do not include formal disobedience against God, for, *per se* and other things being equal, a sin against God is more serious than a sin against a creature; it is also true when sins against creatures include formal disobedience against God but offend a less important commandment, as when the one sin is perjury and the other theft.

(b) Contempt for the lawgiver, even without disobedience, is worse than contempt for the law with disobedience, since the lawgiver is of greater importance than his precept. Thus, it is worse to blaspheme God than to despise His commandment; it is worse to hold a superior in contempt than to disregard his precept.

2373. The Virtue of Gratitude.—Religion, piety, reverence and obedience are annexed to justice on account of a legal debt; the virtues that remain, beginning with gratitude, are assigned to justice on account of a moral debt only (see 2143). Gratitude is defined as “a moral virtue that inclines one to acknowledge with appreciation and to repay with gladness the favors one has received.”

(a) The object of gratitude is favors received, that is, some good useful and acceptable to the recipient and gratuitously bestowed. Thus, gratitude is not owed for a thing that is harmful (e.g., for aid in the commission of sin, for gifts offered with purpose of bribery or simony) or useless (e.g., for old articles which the giver only wished to get rid of and forced one to take).

Neither is gratitude owed for presents made with the purpose of ridicule or offense. Finally, no thanks are due for what was owed in justice (e.g., wages for work performed), though courtesy demands a pleasant response to every good one receives, even when it is not a favor.

(b) The offices of gratitude are acknowledgment and repayment. The former consists in thoughts or words, such as remembrance of benefactors, praise of their good deeds, words of thanks; the latter consists in acts or things, such as honor, service, assistance, and gifts (Tob., xii. 2, 4).

2374. Two Kinds of Gratitude.—(a) In a wide sense, gratitude is the recognition of favors received from superiors, and does not differ from religion, piety and reverence, by which one gives due acknowledgment to God as the first cause of all benefits, to parents as the second cause of life and training, and to rulers as the second cause of direction or guidance or of public and common benefits. (b) In its strict sense, gratitude refers only to special and private benefits distinct from those mentioned above. Gratitude, then, is a distinct virtue and follows in order after reverence.

2375. Is greater gratitude due to God for the gift of innocence or for the gift of repentance?

(a) If we consider only the greatness of the favor, the one who has been preserved from sin owes more gratitude to God; for, *_per se_* and other things being equal, it is a greater favor to be kept from sin than to be rescued from it.

(b) If we consider the liberality of the favor, the one who has received the gift of repentance should be more thankful, for God is more generous when He bestows His grace on one who deserved punishment.

2376. Circumstances of Gratitude.—(a) To Whom Gratitude Should Be Shown.—Every benefactor should be repaid internally (e.g., by kind remembrance and prayers) and also externally, unless this is impossible (e.g., when he has become so depraved that one can have no dealings with him). The internal debt is lessened if the benefactor was less benevolent (e.g., if he gave grudgingly, or in an unkind manner, or only with a view to self-advertisement), for the gift is esteemed chiefly from the good will of the giver; the external debt is lessened if the benefactor stands less in need of external help (e.g., if he is wealthy or famous).

(b) By Whom Gratitude Should Be Shown.—Every person who is favored should be thankful. There is no one so high that another cannot be his benefactor, and the greatest or wealthiest person should not feel it beneath his dignity to repay even small favors sincerely given. Neither is there anyone so low, whether child or pauper, that he cannot to some extent, by his respect, affection, prayers, etc., recompense his benefactors.

(c) The Time for Gratitude.—Internal gratitude should be immediate, and should be shown by the kindly manner in which a favor is received; but external repayment should await a suitable time, as it seems forced or unappreciative to give a favor in return as soon as one is received.

(d) The Degree of Gratitude Owed.—If the favor was bestowed by reason of a friendship of utility, the gratitude should correspond with the benefit received; but, if it was bestowed out of pure friendship or liberality, the gratitude should be measured by the benevolence that prompted the favor. Hence, as Seneca remarks, gratitude is sometimes more due to one who bestows small favors, but with liberality and willingness and disinterestedness.

[e] The Amount of Recompense for Favors.—It is suitable that one repay benefactors by giving more than was received from them, if this is possible; for otherwise one will seem only to give back all or part of what was received. But in gratitude, as in benefits, the good will counts for more than the favor; and hence if one cannot hope to surpass the favor (e.g., the case of children in relation to parents), one can at least surpass in desire and internal benevolence.

2377. The Sins against Gratitude.—(a) Since gratitude is a moral virtue, the sins against it are either by excess (e.g., if one is grateful for things one should not desire), or by defect (that is, by ingratitude). Since gratitude inclines to surpass favors received, it is more offended by lack of thanks or ingratitude than by excessive thanks.

(b) As to its motive, ingratitude is twofold, material and formal. Formal ingratitude consists in contempt for the benefit or the benefactor, as when the person favored disdains what has been done for him, and therefore omits to give thanks or commits some injury against the benefactor. Material ingratitude is any injury done a benefactor without contempt for him or his favor.

(c) As to its mode, formal ingratitude is also twofold, that by omission and that by commission. The former is the culpable neglect of the grateful act of repaying a benefactor, or of the grateful word of thanking him, or of the grateful thought of remembering him with affection; the latter is the culpable return of evil for good (Jerem., xviii. 20; Exod., xviii. 3) by an injurious act, or by a word in contempt of the favor, or by a thought that it is a disfavor.

2378. The Moral Species of Ingratitude.—(a) Material ingratitude is not a special sin, since it may be found in all kinds of sins committed against a benefactor; for example, every violation of a commandment is an act of ingratitude to God, and every injury done a human benefactor is an act of ingratitude to man. But material ingratitude is an aggravating circumstance, since it is worse to harm those to whom we owe thanks than to harm others.

(b) Formal ingratitude is a special sin, for it is the denial of a special debt owed in decency, and which a special virtue requires one to pay (see 2374). St. Paul lists ingratitude with other special classes of sin (II Tim., iii. 2).

2379. The Theological Species of Ingratitude.—(a) Formal ingratitude from its nature seems to be a mortal sin, since it is against charity, which bids us love our benefactors. It may be venial, however, on account of the imperfection of the act or the smallness of the matter. Thus, to offend a benefactor in some trifling matter would not be mortal, even though there be some slight contempt in the act.

(b) Material ingratitude is venial or mortal according to the nature of the injury done the benefactor. Thus, a small injury is done when one gives a cheap present to a benefactor from whom one had received a valuable gift, for his right to more was not strict, and hence the sin is venial; but a grave injury is done when one seriously calumniates a benefactor, and the sin is then mortal.

2380. Is It Right to Confer Favors on the Ungrateful?—(a) If the favors will be of benefit, one should not desist merely because of the ingratitude with which they are received. It is not always certain that the beneficiary is ungrateful, and there may be reason to hope for his improvement (Luke, vi. 35).

(b) If the favors are not beneficial, because the recipient is made worse (e.g., arrogant, lazy) through them, they should be discontinued.

2381. The Virtue of Vengeance.—Just as gratitude returns good for evil, so does vengeance (*_vindictio_*) return evil for evil, that is, the evil of punishment for the evil of sin. Vengeance is defined as “a moral virtue that inclines a private person to use lawful means for the punishment of wrongdoing, with a view to the satisfaction of public or private justice.”

(a) Vengeance is a virtue of private persons; that is, it belongs to those who are not charged officially with the punishment of offenses. The duty of public persons, such as judges, is a much stricter one and pertains to the virtue of vindictive justice, which is a form of commutative justice; whereas vengeance is only a virtue annexed to justice (see above, 2141 sqq.). Vindictive justice attends to the equality between fault and punishment, vengeance to the protection of the person who has been injured.

(b) Vengeance is concerned with the punishment of wrongdoing, or the infliction of some painful retribution upon one who has already committed an injury. Thus, this virtue is not strictly identical with lawful self-defense, which is directed against an evil that is not past but present, though self-defense may be rated as a secondary act of the virtue of vengeance.

(c) Vengeance uses only lawful means; that is, it seeks redress or reparation from the authorities who have the right to give it and follows due process of law. This virtue differs, then, from private revenge, vendetta, lynch law, exercise of the “unwritten law,” etc., which are acts of sinful violence, though sometimes subjectively excusable on account of ignorance. The virtue of vengeance is also exercised by those who desire that justice may be done against malefactors, or who visit upon them with moderation such punishments as are not forbidden to private persons (e.g., denial of friendship). Parents also exercise this virtue whenever they properly correct and chastise their children.

(d) Vengeance has for its ends public and private justice, that is, the vindication of the right order of society or the compensation or satisfaction of an injured person. If some other good motive causes one to desire requital of evil deeds, the act will pertain to another virtue: thus, if one aims at the amendment of the evil-doer, one’s act pertains to charity; if one desires by the deterrent of punishment to secure the peace and prosperity of

the commonwealth, the act is one of legal justice; if one seeks the honor of God, the act is one of religion, etc. If an evil motive prompts the desire of punishment, the wish is not virtuous at all, but sinful. Thus, he who labors to have a criminal captured, sentenced and executed, and whose intention is not the vindication of justice but the gratification of jealousy, hatred, cruelty or other like passion, sins grievously and perhaps makes himself worse than the criminal. To return evil for evil in this way is to be overcome by evil (Rom., xii. 17-21).

2382. The Morality of Vengeance.—(a) Vengeance is lawful, since it pertains to justice, and Our Lord declares that it is found in the just and is approved by God (Luke, xviii. 7). It is, moreover, a special virtue, for it regulates the special natural inclination which moves man to attack what is harmful and injurious and has its own distinctive ends (see 2381). It is closely related to fortitude and zeal, which prepare the way for it; zeal, being a fervent love of God and man, inspires indignation against injustice, while fortitude removes the fear that might keep one back from attack on injustice. Accidentally, however, on account of greater evils, vengeance is sometimes unlawful, as when it would involve the innocent with the guilty, or fall more heavily upon the less guilty (Matt., xiii. 29, 30).

(b) Vengeance is obligatory when an injury to oneself is also an injury to a public or other necessary good (e.g., to the rights of God or of the Church). Hence it was that Elias and Eliseus punished those who maltreated them (IV Kings, i. 9 sqq., ii. 23, 24), that inspired writers pray God to punish the wicked (Psalms xviii, xxxiv, lxviii, cviii, lxxviii, cxxxvi; Jeremias, xi. 20, xvii, 18, xviii. 21, xx. 12), and Pope Sylvester excommunicated those who sent him into exile. If an injury to oneself is merely personal, one should be willing to forego punishment of the guilty person, and should actually do so when this course is expedient, as Our Lord teaches in Matthew, vi. 14, 15 (see 1198 sqq.). When no necessity requires one to vindicate a personal wrong, the more perfect course is to pardon the wrong for the sake of God; for in avenging injuries to self there is always the danger of such evils as selfish motive, arrogance, hatred, scandal, and the loss of such goods as peace of mind, conversion of the other party, edification, and greater claim on God's forgiveness of self. Hence, vengeance is called "a little virtue," since it is so often the less perfect way.

2383. Excess and Defect.—Punitive justice is a moral virtue and hence should be characterized by moderation as to all its circumstances. It should avoid the extremes of excess and defect.

(a) The sin of excess here is cruelty, which in the quality or the quantity of the punishment offends human rights or surpasses the measure of the crime or the custom of the law. Thus, it is immoral to associate young prisoners with hardened criminals, to deprive an offender of religious opportunities; it is inhuman to treat a human being as if he were a brute or less than a brute (e.g., by confinement in a loathsome dungeon, by overwork with starvation, by torture); it is unfair to use severe punishments unknown to law or custom, or whose rigor far surpasses the degree of offense. There is excess even in medicinal or reformatory penalties, if a higher good is sacrificed for a lower (e.g., the spiritual for the temporal, a major for a minor good quality), for then the remedy is worse than the disease.

(b) The sin of defect in punishments is laxity, which rewards crime, or allows it to go unpunished, or imposes penalties which are agreeable to offenders, or not a deterrent, or not at all equal to the offense. Scripture condemns this lenity when it declares that the parent who spares the rod spoils the child (Prov., xiii. 24). In weighing the gravity of a delinquency account should be taken of the fault itself, of the injury done and the scandal given. In the fault consideration must be had of the objective element (i.e., the nature and importance of the law violated), of the subjective element (i.e., the age, instruction, education, sex, and state of mind of the offender), of the circumstances (e.g., the time, the place, the persons involved, and the frequency). See Canon 2218.

2384. Circumstances of Punitive Justice.—(a) Punishments that May Be Used.—Punishment is virtuous only in so far as it restrains from evil those who cannot be restrained by love of virtue, but only by fear of penalty. Hence, penalties should consist in the deprivation of goods that are more prized than the satisfactions obtained through delinquencies. Both divine and human laws, therefore, have established as punishments the loss of a bodily good (e.g., by death, flogging, imprisonment) or of an external good (e.g., by exile, fine, infamy), the chief inducements to crime being found in bodily or external things. The extreme penalty of death should be reserved for extreme cases, and the other penalties should be suited to the crime, so

as to remove the incentive or means (e.g., dishonesty should be punished by loss of goods, calumny by infamy, lust by pain, etc.).

(b) **Persons Who May Be Punished.**—Punishment again is virtuous only because it pertains to justice and rights the inequality caused by sin. Accordingly, no one should be punished unless he has sinned or voluntarily transgressed. It is unlawful to punish the innocent for the guilty, or to punish an innocent person in order to keep him from future sins. It should be noted, however, that God inflicts temporal evils on the just for the sake of spiritual goods (e.g., that they may not become attached to this world, may have opportunities of merit, and may give good example); that one person may be punished for the sin of another when he associates himself with or approves of that sin, as when careless parents have bad children or careless subjects bad rulers (Job, xxxiv. 30; Exod, xx. 5); that for a sufficient reason an innocent person may be deprived of a good for which he is unfitted (e.g., ordination when one is irregular by defect) or to which he has no personal or absolute claim (e.g., the family property when it is lost to the children because the father is fined).

2385. **The Virtue of Truthfulness.**—Having treated the virtues of gratitude and vengeance, which deal with moral obligations caused by an act of the one owed, we now pass on to truthfulness, which is a moral obligation arising from the acts of the one owing in which he communicates with others. For he who speaks, writes, or otherwise manifests his mind to others puts himself under a duty of not deceiving. Truthfulness or veracity is defined as “a moral virtue that inclines one duly and faithfully to express what is in one’s mind.”

(a) It is a virtue, that is, a good habit, and so it differs from truth, which is the object of intellectual habits. Thus, the First Truth or God is the object of faith. Truthfulness is not the object of a virtue, but it is a virtue.

(b) It is a moral virtue. It deals with external things (viz., the words or signs by which we express our thoughts), and so it is not a theological virtue; moreover, though the knowledge of truth belongs to the intellect, the right manifestation of truth depends on a good will, and so truthfulness is not an intellectual virtue: the truthful man may be unlearned, but he loves honesty.

(c) It regulates the expression of the mind, that is, the words, writing, gestures, conduct, and other external signs, so as to make them conformable to the mind which they stand for. Truthfulness deals with internal things (e.g., when the speaker says that he has good health or is well disposed towards another) and with external things as they appear to the speaker (e.g., when he says that he is certain or believes that a report is accurate).

(d) It is a faithful expression of what is in the mind or belief. Hence, one may be truthful while making statements contrary to fact, or untruthful while making statements agreeable to facts, for truthfulness is sincerity, not correctness.

(e) It is a due expression of one's mind or belief; that is, it is given when and where and as it should be given. A person who speaks out his mind on all occasions, with no regard for results, is not a liar, but he is at least imprudent, and he cannot be said to possess the virtue of truthfulness, for every virtue is prudent. Examples of this are persons who unnecessarily indulge self-praise by telling their true virtues or perfections (Prov., xxvii. 2), or who vaingloriously or otherwise foolishly publish their true sins or imperfections (Is. iii. 9).

2386. The Excellence of Truthfulness.—(a) Truthfulness is a virtue, since it makes right use of language and other signs by employing them for the truth, and also serves society, which rests on the trust that men have in the words and promises of their fellow-men. St. Paul admonishes the Ephesians (iv. 25) that each one speak the truth to his neighbor, since all are members of the other.

(b) It is a moral virtue, preserving moderation in conversations and other interchanges of thought. This virtue sees that facts are neither exaggerated nor understated, that truth is not manifested when it should be concealed, nor concealed when it should be spoken.

(c) It is a special virtue, for, while the other moral virtues regulate actions and external things, none of them except truthfulness regulates those objects precisely in their character of media or instruments for signifying and conveying thoughts, opinions, and decisions. And since a great part of human life is occupied in conference or correspondence with others, truthfulness is one of the most useful of the virtues and one whose exercise is most frequently called for.

(d) It is a virtue annexed to justice. On the one hand, it is like justice, since it pays a debt which one social being owes another of speaking the truth; on the other hand, it falls short of justice, since the debt is moral, not legal. This is said of truthfulness in ordinary intercourse, for in judicial process and in contracts there is also a legal obligation of justice to tell the truth.

2387. Sincerity and Fidelity.—Two virtues that pertain to truthfulness are sincerity and fidelity.

(a) Sincerity (simplicity) is the virtue of one who is consistent with himself, avoiding duplicity and double dealing of every kind, such as lies, equivocations, sophistries, specious excuses, quibbles, dishonest shifts, distractions, concealments, and the like.

(b) Fidelity (loyalty) is the virtue of one who fulfills promises that are obligatory only in virtue of his word freely given. It differs from constancy, which is concerned not with promises but resolutions, and from virtues concerned with promises that are obligatory in virtue of legal debt, such as contracts, promissory oaths (see 1692, 1749, 1753, 1888). Fidelity makes an honest man's word as good as his bond, and it is therefore one of the most appreciated of virtues (Matt., xxv. 21; Psalm xiv). Horace calls it the sister of justice.

2388. Vices Opposed to Truthfulness.—(a) By defect one sins against truth through lying and breach of promise; (b) by excess one sins against truthfulness in violation of secret or other unjustifiable disclosures.

2389. Lying.—A lie is a word spoken with the purpose of stating what is not true.

(a) It is said to be a word, by which is meant any external sign consisting in speech or its equivalent. A lie may be expressed by language, oral or written, by signs, by gestures, by insinuation, by expressive silence, by actions or conduct (see 2012, 2028).

(b) A lie is spoken, that is, expressed externally. But the guilt is found in the will, and hence those who plan lies are guilty of mendacity, even though they do not carry out their plans.

(c) A lie is told with purpose; that is, there is a comparison by the intellect of the sign with the thing signified and a voluntary choice of the

insufficient sign to be used. An infant or an unconscious person, therefore, may tell an untruth, but he cannot tell a lie. Moreover, a person who has no good command of language or no clear understanding of a subject is not guilty of lying when in spite of his efforts to the contrary he gives misleading impressions. But those who do not think before they speak, or who use language carelessly or inaccurately, may be guilty of injustice and deception, or even of indirect lying.

(d) The purpose of a lie is the statement of what is not true, or the pretense that what is not in one's mind is in one's mind. Just as truth is the agreement of the word with the thought, so a lie is the disagreement of word with thought. But a lie need not be entirely false, and indeed one of the most dangerous of lies is what is known as a half-truth, in which some real facts are told in order to give support to pretended facts, or in which valid arguments are adduced to throw dust in the eyes as regards other arguments that are sophistical.

2390. Statements Liable to Misunderstanding or Misinterpretation.—A word that sufficiently expresses one's idea is not a lie or a deception, even though another idea will be taken from it by a listener or is conveyed by its mere letter.

(a) Thus, misunderstanding due to defect, not of the speaker, but of the listener, does not make one's words untruthful, any more than it makes them scandalous (see 1462), as when the listener has not given attention to what was said (John, xxi. 23). Even a speech worded obscurely because the matter is obscure, or because the listener would be harmed by plainer speech (see 1001), is not mendacious but prudent.

(b) Misinterpretation to which a statement is open on account of its wording does not make the statement untruthful, if the context or circumstances sufficiently disclose the true meaning of the words. Examples: hyperbolic, ironical or other metaphorical speech; words spoken in jest or in terms of customary politeness, such as "your most obedient servant", statements made inquiringly or hypothetically (e.g., when a judge or prosecutor accuses a defendant of crime in order to discover the truth; cfr. Gen., xiii. 9), or by way of mere quotation or of fictitious narrative (e.g., fairy tales, stories, reveries), or of disputation as in school debates exercised for the sake of practice in argumentation. It is not

a lie to write under a pen-name, to speak according to the personality one represents (Gen., xxxi. 13; Tob., v. 18), to answer according to the mind of a questioner, as when A says to B: "Have you seen your father?" meaning, "Do you know where he is?" and B replies: "I have not seen him," meaning "I do not know where he is." Lying contests, in which fishermen, sportsmen, etc., vie with one another to see who can tell the most incredible yarn or tall tale, are not in themselves sinful, but there may be circumstances (for example, scandal, deception, danger) that make them reprehensible.

2391. Divisions of Lies.—(a) Intrinsically, or in respect to its nature as a departure from the speaker's mind, every lie is either an exaggeration, which tells more than the truth, or a suppression, which tells less than the whole truth. He who affirms what he does not believe, or who states as certain what he thinks is uncertain, exaggerates; he who denies what he believes, or who states as doubtful what he holds as certain, is guilty of suppression.

(b) Extrinsically, or in respect to purpose, mode, and result, lies are of many kinds. As to mode, a lie is either spoken or acted, the former being a falsehood and the latter a simulation or hypocrisy. As to its immediate purpose, a lie is meant either to express falsehood only or to deceive, the former being misrepresentation and the latter deceit (e.g., if Claudius knows that he calumniated and that Sempronius heard the calumny, and yet brazenly denies the calumny to Sempronius, there is misrepresentation); if Claudius tries to mislead others who only suspect him and gives false alibis, there is deceit. As to its ulterior purpose, a lie is meant for good (an officious or jocose lie) or for evil (a pernicious lie), or is directed to both good and evil. As to its result, a lie sometimes produces and sometimes does not produce a statement at variance with fact; it sometimes deceives and sometimes does not deceive the auditors.

2392. Classification of Lies.—Every lie is harmful from its nature, since it tends to deceive others and so to disturb the good order of society. But the reason that moves persons to lie is not always evil, and hence we have the following classes of lies.

(a) Some lies are told for a good purpose, as when one lies in order to please (jocose lie) or to serve another (officious lie). Jocose lies include all

kinds of humorous and interesting narrations and descriptions meant only to afford pleasure, but given out as facts by one who does not believe them to be facts. Untruths told in such a way (e.g., with a laugh or in a playful tone, especially if the auditors have a sense of humor) that it is clear they are not meant to be taken seriously, are not jocose lies or lies of any kind. Officious lies are told with a view to assisting or accommodating a neighbor, that he may receive some good (e.g., to hold out false promises as an inducement to good conduct) or escape some evil (e.g., to fill the ears of a despondent man with false reports of good news in order to revive his spirits). It seems that we should regard as officious lies various statements made by Jacob (Gen., xxvii. 35), David (I Kings, xx. 6, xxi. 2, xxvii. 10), and Judith (X. xi. xii).

(b) Some lies are told for an evil purpose, as when one lies merely to indulge a propensity for falsehood or for the sheer pleasure of lying (lies of inclination), or when one lies to injure another person (pernicious lies).

2393. Motives for Lying.—The motives for lying are not always simple, and it may happen that in one and the same lie there are several motives of different character.

(a) Thus, an officious lie is not always dictated by pure benevolence. It may be selfish (e.g., when one lies to conceal the delinquency of another in which one was involved), as well as altruistic (e.g., when the liar derives no benefit from the lie), or self-sacrificing (e.g., when the liar is put to expense, trouble or loss through his lie).

(b) An officious lie may also be pernicious and jocose, for it may affect different persons in different ways. Thus, if Claudius calumniates Julius in order to shield Balbus from the bad opinion of Caius, who does not know Balbus, and to amuse Sempronius who knows the truth, the lie is pernicious as regards Julius, officious as regards Balbus, and jocose as regards Sempronius.

2394. Comparison of the Gravity of Various Lies.—(a) Lies of exaggeration are not worse as lies than lies of suppression, for in both cases the truth is departed from. But it is more imprudent to overstate than to understate, and in this sense the lie of exaggeration is worse.

(b) Lies are aggravated by the purpose to harm, and the greater the harm, the greater the sin. Thus, the worst of all pernicious lies is that which is directed against God, as in false religious doctrine; and the lie that harms a man in spiritual goods is worse than a lie that harms in temporal things only.

(c) Lies are mitigated by the purpose to help, and the greater the good intended the less the sin. In other words, lies that are not pernicious are not so bad as pernicious lies, officious lies are less sinful than jocose lies, officious lies told for the sake of some great good are not so grave as those told for the sake of a lesser good. Thus, it is a less evil to lie in order to save a man's life than to lie in order to take his life; it is less sinful to lie in order to spare another the shock of bad news than to lie for the sake of embellishing a tale; it is a less offense to lie in order to ward off a bodily harm than to lie in order to prevent a financial loss.

2395. Sinfulness of All Lies.—But though lies are unequal in sinfulness, it remains that no lie, even the smallest (such as are called fibs or white lies), is ever justified, even by the greatest good (Job, xiii. 7), for a lie is intrinsically evil, and the end does not justify the means.

(a) A lie is a sin, because it is an abuse of speech and other signs given by God for the manifestation of truth; because it is an unfriendly and unsocial act, tending to the disruption of kindly relations between men; because it is directly opposed to truth, the proper and distinctive good of the human mind. Even the pagans have regarded liars with contempt and considered lies as disgraceful, and even those who lay no claim to virtue feel gravely insulted if called liars. In many places the Scriptures forbid lying (Exod., xxiii. 7; Levit., Xix. 11; Prov., xii. 22; Ecclus., xx. 26; Col., iii. 9), and St. Paul especially (Eph., iv. 25) is very clear on this point: "Putting away lying, speak ye the truth every man with his neighbor, for we are members one of another." The Fathers and the theologians are generally agreed that no necessity, not even the danger of death, excuses a lie, any more than it excuses theft or adultery. If God could approve of even one lie, would not that approval undermine our faith in His own veracity? Surely we have no implicit confidence in one who helps to deceive us even in a small matter.

(b) A lie, considered precisely as a lie, seems from its nature to be only a venial sin, for the disorder of using signs against one's mind is not serious,

and the harm done society by mere denial of truth is not necessarily grave (the case would be otherwise if truth could be denied on principle as a lawful thing). Even pious persons do not regard harmless lies as very sinful (see 2143, 2386). Hence, as jocose and officious lies have no other malice than that of untruthfulness and as the malice is lessened by the intention, they are generally venial; but some extrinsic circumstance (such as scandal, the fact that one lies habitually and without scruple, or disastrous results) may render them mortal. Pernicious lies have another malice besides that of untruthfulness, and accordingly the case with them is different.

2396. When Lying Entails No Formal Sin.—Lies are sometimes free from all formal sin on account of ignorance (as in the case of children or uninstructed persons, who think they may use lies in case of great difficulty) or on account of irresponsibility (as in the case of certain defectives who seem to be born liars).

2397. Pernicious Lies.—Pernicious lies are mortal sins from their nature, but may become venial from the imperfection of the act or the lightness of the matter. For a pernicious lie sins not against truth only, but also against justice or charity. Hence, it is said that the liar destroys his own soul (Wis., i. 11), that a lie is abominated and hated by the Lord (Prov., vi. 17, xii. 22), that it has the devil for its father (John, viii. 44), that it brings down divine vengeance (Ps. v. 7) and will receive its portion in the pool of fire and brimstone (Apoc., xxi. 8). This sin is committed in two ways, as follows:

(a) a lie is pernicious when its matter is harmful, as being contrary to sound doctrine, good morals or true science. Hence, a preacher sins gravely if the substance of his pulpit teaching is mendacious (e.g., if in a sermon he enunciates or defends erroneous principles of conduct), venially if he lies about accidentals (e.g., if he gives the wrong chapter or verse for a text); a scientist, a physician, a jurist, or the like is similarly guilty of a pernicious lie when he misleads the public by unreliable information. A penitent in the confessional and a witness in court lie perniciously if their statements about relevant matters are untrue, for the one injures the Sacrament and the other injures public justice; but if the lie is about some matter of slight importance, the sin is venial, unless there is no other matter in the confession, or the testimony is under oath;

(b) a lie is also pernicious when the intention of the liar is to injure God or his neighbor, even though the matter itself is not opposed to true doctrine or is not official testimony. Examples are found in those who lie in a humorous way in order to injure or sadden others.

2398. Concealment of the Truth.—Truthfulness is offended not only by the declaration of falsity (i.e., of what is not in the mind), but also by the unlawful concealment of the truth (i.e., of what is in the mind). The truth is concealed either negatively or positively.

(a) There is negative concealment of the truth, when one has recourse to silence or evasion. Everyone admits that this kind of concealment is lawful when there is no obligation to give information, or when there is an obligation not to give it. Thus, a person who is besieged by newspaper reporters does not feel obligated to answer all their questions; a person who is interrogated by curious individuals about his business or financial affairs, does not feel guilty if he evades their questions by changing the subject, or by asking them similar questions, or by putting them off till a more convenient time, etc.

(b) There is positive concealment of the truth, when one gives a reply in language that is obscure to the listener or obscure in itself. If the listener has no right to the truth, it is not wrong to speak to him in words which he will not understand (e.g., in technical or scientific terms); for if he is deceived, he can blame only his own impertinence or dullness. The case is more difficult, however, if the reply is obscure in itself, that is, if use is made of ambiguity or mental reservation.

2399. Mental Reservation.—Mental reservation is an act of the mind by which a speaker restricts or limits his words to a meaning which they do not naturally or clearly convey; or it is an internal modification of an external speech delivered without any or without clear external modification. There are two kinds of mental reservation.

(a) Strict mental reservation is that in which the internal modification is manifested by nothing external, neither by the natural sense of the words (i.e., the meaning that ordinarily attaches to them) nor by their accidental sense (i.e., the meaning they receive from their context, such as the circumstances of time, place, usage, person who questions, person who is

questioned, etc.). Example: Titus, who struck Balbus with a club, denies that he hit him, meaning that it was the club which hit Balbus directly.

(b) Broad mental reservation is that in which the internal modification can be perceived, at least by a prudent person, either from the natural sense of the words (because they are known to be capable of different meanings), or from the context (because circumstances indicate that the words are not to be taken in their obvious sense). Example: Claudius accidentally ran against and wounded Sempronius and the latter thinks that someone struck him a blow. Claudius denies that he struck Sempronius, or declares to those who have no right to ask that he knows nothing about the matter.

2400. Lawfulness of Mental Reservation.—(a) Strict mental reservation is unlawful and has been condemned by the Church (see Denzinger, nn. 1174-1178). The reasons are, first, that it is a lie, since it employs words that do not at all express what the speaker has in mind, and his mental reservation cannot give them a significance they do not possess; secondly, that, if it were lawful, every dishonest person could easily escape the guilt of lying and yet deceive at will. According to Scripture the sophistical speaker is hateful (Ecclus., xxxvii. 23), but the just man speaks and swears without guile (Ps. xxxiii. 14, xxiii. 4).

(b) Broad mental reservation is unlawful when there is a reason that forbids its use, or when there is no sufficient reason to justify its use. Reservation is forbidden when a questioner has the right to an answer free from all ambiguity, for example, when a pastor questions parties preparing for marriage, when a person who is about to be inducted into office is asked about his freedom from disqualifications, when a witness in court is interrogated about matters on which he can testify, when one party to a contract seeks from the other necessary knowledge about the contract; for in all these cases injury is done by concealment of the truth. Reservation is not justified, unless it is necessary in order to secure some good or avoid some evil, whether spiritual or temporal, whether for self or for another, and the end compensates by its importance for the deception that may be caused. Apart from such necessity mental reservation is, to say the least, a departure from the virtue of Christian sincerity or simplicity, which pertains to truthfulness and which forbids one to conceal the truth from others when there is no good reason for concealment (Matt, v. 37). Moreover, the friendly relations of mankind would be impaired if it were lawful to speak

equivocally even when trifling things are discussed or when there is no reason to be secretive.

(c) Broad mental reservation is lawful when there is a sufficient reason for it, such as the public welfare (e. g., the preservation of state secrets or of military plans), spiritual welfare (e.g., the prevention of blasphemy or intoxication), bodily welfare (e.g., the prevention of death or murder), or financial welfare (e.g., the prevention of robbery). But the reservation must be necessary, as being the only lawful means that will secure the end (e.g., one should not use reservation when evasion or silence will suffice); and it should not be injurious to the rights of another (e.g., it should not be employed against the common good, in favor of a private good). The reason for the present conclusion is found in the principle of double result (see 103 sqq.) and in the fact that a broad mental reservation is not intrinsically evil, since it contains no lie or insincerity and causes no injury to individuals or society. There is no lie, because the words correspond with the thought, either from their natural signification (in case of double-meaning words), or from their accidental signification (in case of words whose meaning is varied by the context); there is no insincerity, for the aim is only to conceal a truth that should not be made known; there is no injury to the listener or questioner, since, if he is deceived, this is due to his own heedlessness or dullness or unjustified curiosity; there is no injury to society, since the general welfare demands that there be some honest means of eluding unjust inquiries and of protecting important secrets. Our Lord Himself, who is infinitely above all suspicion of duplicity or insincerity, may have used broad mental reservations when He declared (John, vii. 8-10) that He would not go up to Jerusalem, that the daughter of Jairus was not dead but sleeping (Matt., ix. 24). Other cases of mental reservation in Scripture are found in Eliseus (IV Kings, vi. 19).

2401. When Is Broad Mental Reservation Lawful?—There is general agreement that broad mental reservation is lawful in the following cases:

(a) it is lawful and obligatory when one is bound to keep the truth from the person who asks it. Hence, those who are questioned about secrets which sacramental or professional confidence forbids them to disclose (e.g., confessors, doctors, lawyers, statesmen, and secretaries) should deny knowledge, or, if hard-pressed, even the facts. The answer, “I do not know” or “No,” in these cases simply means: “I have no personal or communicable

knowledge.” In war time a government has the right to censor the news in order to keep information from the enemy. A reason of charity might also make it obligatory to disguise the truth by mental reservation (e.g., when a clear reply given to the question of a sick person would only weaken a slender hope of saving his life, or when exact information given to a gunman would enable him to overtake an intended victim);

(b) it is lawful when a reasonable local custom permits one to withhold the truth. Thus, an accused person, even though guilty, has the right to plead not guilty, which means that he does not confess guilt; a person who has a visitor at an unseasonable hour may send word that he is not at home, which means that she is not at home to visitors, a person who is asked for an alms or a loan which he cannot conveniently grant may answer, according to many, that he has not the money, which means that he has no money to spare for those purposes (see 2251).

2402. Ambiguous Answers.—Are ambiguous answers which are not given according to the questioner’s mind, and for which there are no reasonable justifications, to be classed as lies?

(a) If the answer, even in the setting of its context, retains its ambiguity or can be interpreted in two ways, there is not strictly speaking a lie, for the words signify, though obscurely, what is in the speaker’s mind. But this is a form of insincerity known as equivocation or quibbling, which many regard almost as disreputable as plain lying. The pagan oracles that made predictions that would suit any turn of events and politicians who so word themselves as to be on opposite sides at the same time are examples of equivocation.

(b) If the answer, though verbally susceptible of two senses, is contextually limited to one sense, it is a lie; for it does not express the speaker’s mind. Thus, if Titus knows that Balbus is good physically or mentally but not morally, he equivocates by answering that Balbus is good, if from the circumstances this indicates only that in some way or other Balbus is good; but Titus lies by answering that Balbus is good and restricting his meaning to physical goodness or industry, if the question propounded referred to moral goodness.

2403. Simulation or Pretence.—A special form of untruthfulness is simulation or pretence, which uses external deeds or things to signify the

contrary of what one thinks or intends internally.

(a) Simulation uses external deeds or things, and thus there is an accidental difference between lying and simulation, the one being untruthfulness in word and the other untruthfulness in deed (see 1678 sqq.).

(b) It employs deeds or things to signify. Unlike words, deeds and things were not meant principally to signify, and hence not all conduct at variance with one's ideas is simulation. One may act without any thought of the impression the act makes on others (e.g., when one keeps sober, not from wish, but from necessity). And even when an act is done with the intention to influence others by it, the purpose may be, not to signify, but to conceal something (e.g., Josue fled from the troops of Hai to keep them from a knowledge of his plans, Jos., viii. 1 sqq.; David feigned insanity to conceal his identity, I Kings, xxi. 11. sqq.). Thus, simulation teaches error, and dissimulation hides truth from those who have no right to it. That dissimulation is generally recognized as lawful is seen from such examples as stratagems, ambushes, camouflage in war, disguises in detective work, and concealment of marriage by couples not ready for housekeeping.

(c) It signifies the contrary of what one has in mind, as when one who is sad laughs and jokes to make others think he is happy, or one who is well apes the actions of a sick man so as to appear unwell, or when one who hates his neighbor treats him as a friend in public. A special form of simulation is hypocrisy, which makes a show of virtue that one does not possess at all or in the degree pretended. There is no simulation if the exterior corresponds with what one has in mind, for example, at Emmaus Christ made as though He would go farther (Luke, xxiv. 28), but He meant not to stop without an invitation.

2404. The Sinfulness of Simulation.—(a) In general, simulation is a sin, since it is nothing else than an acted lie. But deeds, with the few exceptions of bows, nods, gestures and the like, are not from their nature signs of thoughts, and those employed to serve as signs are more indeterminate and equivocal than words; hence, it is not always as easy to decide that an act is simulatory as to decide that a word is a lie. Thus, it is not simulation to make use of false hair, false teeth, or false jewelry as means of protection or of adornment, there being no intention to mislead; neither is it simulation

for a wicked cleric to wear the clerical garb, for the dress signifies primarily his state, and not necessarily his personal moral character.

(b) In particular, simulation by hypocrisy and treachery is detestable; for hypocrisy prostitutes works of virtue to the ignoble ends of applause or lucre or worse, while treachery uses the intimacy or marks of friendship as means for betrayal. The most stinging rebukes of Our Lord were given the hypocritical Pharisees (“Blind guides, whited sepulchres, serpents, generation of vipers,” Matt., xxiii. 23 sqq.), and among the saddest words of Christ are those addressed to Judas (“Dost thou betray the Son of man with a kiss?” Luke, xxii. 48). Against the former he pronounced woes, and He declared that it were better if the latter had never been born (Matt., xxvi. 24).

2405. Sinfulness of Hypocrisy.—(a) Hypocrisy in its strictest sense is the simulation of one who wishes to seem but not to be virtuous. This sin is mortal, since it cares nothing for virtue, and its external pretense is but a mockery. It is this hypocrisy that is so scathingly denounced in Scripture.

(b) Hypocrisy in a less strict sense is the simulation of one who is in mortal sin, but wishes for some reason to appear virtuous or to lead a double life. The sin is mortal or venial according to the motive; for example, to act the hypocrite in order to seduce another is a mortal sin, though, if the motive is only vanity, the sin is venial. It should be noted that it is not hypocrisy for a just cause to conceal one’s sin by dissimulation; indeed, Isaias severely blames those who scandalize others by flaunting their wickedness before the public (Is, iii. 9).

(c) Hypocrisy in the widest sense assumes the appearance of a high degree of sanctity above that requisite for salvation, as when a person of ordinary goodness tries to gain the reputation of miracle-worker, or to pass as one better than others in faith, zeal, humility, etc. This sin is not mortal in itself, but it may become mortal on account of some motive, some means, or some other circumstance. There is no hypocrisy at all, however, in showing oneself for the virtue one really has; on the contrary, he lies, who being good pretends that he is not good, or who being free of a vice pretends that he is guilty of it.

2406. Self-Glorification and Self-Depreciation.—Two forms of lying about self are self-glorification and self-depreciation.

(a) Braggadocio is untruthful self-glorification, as when one pretends to be of royal descent, or makes a display of wealth beyond one's means, or poses as an authority on matters of which one is ignorant, or tries by bluff to make one's defects seem perfections. This sin is mortal when the lie is seriously injurious to God or others (Ezech., xxviii. 2, Luke, xviii. 11), or when the motive is gravely sinful, such as grave arrogance, ambition, or avarice.

(b) Feigning of defects (irony) is untruthful self-depreciation, as when one falsely denies a good quality which one possesses (e.g., an excessively humble man denies the good deeds that others ascribe to him, though he knows they are real), or when one falsely admits a bad quality which one lacks (e.g., a person who wishes to curry favor accuses himself of misdeeds which he knows never happened). This sin is usually less than braggadocio, since as a rule its purpose is to avoid offense to others; but it may be serious sin on account of some circumstance, as when one speaks ill of self in order to scandalize or seduce another. At times the feigning of defects is a concealed braggadocio, as when one dresses in rags, hoping by this expedient to acquire repute as a person of great spirituality (Prov., xxvi, 25; Matt., vi. 16; Ecclus., xix. 23).

2407. Infidelity and Violation of a Secret.—It remains to speak of the vices of infidelity and violation of secret (see 2388 a). As to the former, since it has been discussed elsewhere (1877 sqq., 1888, 1889; see also the matter on Promissory Oaths), it will suffice here to ask the question: Is the breach of a promise freely given a sin?

(a) If observance of the promise is due from fidelity only, there is no legal fault, but there is moral fault, and hence the breach of the promise is a sin. The malice is essentially the same as that of untruthfulness (see 2395), for both the liar and the promise-breaker show themselves unreliable, the former because his words do not square with his mind and the latter because his deeds do not live up to his plighted word. Breach of promise, then, seems per se to be a venial sin, though there are often circumstances (such as damage done) that make it mortal.

(b) If observance of the promise is not due even from fidelity, on account of the presence of some defect, there is no moral obligation to keep the promise and no sin is committed by not keeping it. The defects referred to

are such as make the promise lack force from the beginning (e.g., if it was immoral or extorted by force), or deprive it of the force it had (i.e., inability on the part of the promisor or loss of right on the part of the promisee). The promisor is unable to keep the promise, if the thing promised has become physically impossible (e.g., he no longer has the strength or the means to perform what he promised), or morally impossible (e.g., the thing promised has become unlawful, or a notable change has taken place which, could it have been foreseen, would have prevented the promise). The promisee loses his right if the sole or principal reason that dictated the promise has ceased, or if the promise has become useless to the promisee, or if the promisor has been released, or if the promisee forfeits his claim by his own perfidy towards the promisor (see 2256 sqq., 1889).

2408. Definition of a Secret.—A secret is a matter (e.g., an invention, valuable information, concealed virtues, the fact that a crime has been committed) known privately by only one person or by so few that it is neither public property nor notorious. Moralists distinguish the following kinds of secrets:

(a) a natural secret, which is one that cannot be revealed without causing injury or annoyance to another, as when the revelation will harm a person in his reputation, honor, influence property. It is called natural for it arises from the very nature of the matter of the secret and not from any promise or contract.

(b) a promised secret, which is one that a person has promised, but only after he had already learned it, to guard inviolate. It makes no difference whether the promisor learned the secret from the promisee or from some other source;

(c) an entrusted or committed secret, which is one that a person promised (and before he learned it) to keep from others. The promise here is either implicit or explicit. An implicit promise of secrecy is one that is demanded by the confidential nature of communications between two parties (professional secret), as when physicians, lawyers, priests, parents, or friends are told of private matters on account of their position or relationship. An explicit promise is one that is given in express terms, as when A says to B: “I have a matter of great importance to tell you, but you

must first promise that you will keep it secret”; and on B promising, A confides to him the secret.

2409. Sinfulness of Violating a. Secret.—A secret is the property of its owner, and to it he has a strict right; for if it is a good secret (such as an original idea or discovery), it is the product of his labor or at least a possession which he has lawfully come by; if it is an evil secret (such as a crime of which he has been guilty), it may not be made known without infringing on his right of reputation. It is no more lawful to violate the right to a secret than to violate the right to property, and, as there are three kinds of injuries to property, so there are three kinds of injuries to a secret.

(a) Thus, the right of possession is injured by those who by fraud or force or other illegal means deprive another of his secret (e.g., by secretly intercepting private letters, by making a person drunk in order to learn a secret).

(b) The right of use is injured by those who on acquiring knowledge of a secret guide themselves or others by it to the detriment of the owner’s rights.

(c) The right of disposition is injured by those who reveal a secret which they were obliged not to reveal.

2410. Prying Into Others’ Secrets.—To seek to discover the secrets of others is not lawful unless the following conditions are present:

(a) one must have a right to the knowledge. Hence, if there is question about a crime that has been committed or that is about to be committed, one has a right to investigate in order to prevent harm to public or private good; in war one may try to discover the plans of the enemy. But it is not lawful to pry into purely personal matters, to fish from others natural or confidential secrets which they are bound to keep, to steal from another the thoughts, plans, inventions, etc, which are his own;

(b) one must use only honest means to discover secrets to which one has a right (1504). Thus, it does not seem lawful generally to inebriate another in order to learn his secret, and it is certainly sinful to resort to lies or simulation or immorality.

2411. Reading Another’s Letters or Papers.—When is it lawful to read the letters or other papers of another person?

(a) This is lawful when the writings are not intended to be secret to anyone, as when a circular is meant for public use, when greetings are written on a postcard which all may read, and when a letter is left open and thrown away or otherwise abandoned. But a sealed letter, or one left open in a private room, or one lost in a public place, is secret. If a letter or manuscript has been torn up by its owner and thrown away on the street or other public place, it does not seem lawful to piece the fragments together and read the writing, for, though the paper has been abandoned, the owner by destroying it has indicated his will to keep the contents secret.

(b) It is also lawful to read the writing of others that are not secret as regards oneself, as when one has received a just permission from the writer to peruse a letter written by him, or when one may presume such permission on account of friendship with the writer, or when rule or lawful custom gives the superior of an institution the right to inspect the correspondence of his subjects. Exception must be made for exempted matter for which there is no permission, such as letters containing conscience matters and letters directed to higher religious superiors (see Canon 611).

(c) It is also lawful to read the writings of others that are meant to be secret, if one has a right to know what is in them: for in such a case the owner would be unreasonable if he wished to exclude one from the knowledge. Thus, the public authority (e.g., in time of war) has the right to open and read letters and private papers, when this is necessary for the common good; parents and heads of boarding schools may examine the correspondence of their subjects, though parents should respect conscience matter and others should not read family secrets; private individuals have the natural right, as a measure of self-defense, to read another's letter, when there is a prudent reason for thinking that it contains something gravely and unjustly harmful to themselves (such as conspiracy, a trap, calumny).

2412. Lawfulness of Utilizing Knowledge of Secret.—One is said to use the knowledge obtained from a secret when one guides one's conduct by the knowledge, doing or omitting what one would not otherwise do or omit. Is this use of a secret lawful?

(a) If there was a promise not to use the secret, such use is unlawful (see 2414). Breach of promise is then, in case of a merely promised secret, an

act of infidelity at least, and in case of an entrusted secret an act of injustice. Thus, when one consults a professional person, there is a tacit understanding that the knowledge communicated will not be used against one's interests or without one's consent, and hence a lawyer would be unjust if, on learning in the course of work for a client that the latter's business was not prosperous, he gave word of this to one of the client's creditors.

(b) If there was no promise not to use the secret, the use of it is nevertheless unjust, if it infringes a strict right (e.g., to make money from a secret process on which another has a patent, to get knowledge of another's information and plans through reading his letters and thereby to prevent him from securing a vacant position), or if it is equivalent to unjust revelation of a secret. The use is uncharitable if it harms another person without necessity (e.g., to take away one's trade from a deserving merchant solely because one has learned that on one occasion he was accidentally intoxicated).

(c) If there was no promise to avoid use and no harm will be done by use, it is lawful to use a secret for a non-necessary good (e.g., to raise the price on one's property when one accidentally learns through overhearing a secret conversation that the property is worth the higher price), and it is obligatory to use it for a necessary good (e.g., to assist a neighbor when one is told under secret that he is in dire need of one's charitable help). Even though harm will result to another by use of the secret, use is not sinful if it infringes no right and could be sacrificed only at great inconvenience to oneself, as when one has discovered by one's own industry some important truth in an art or science which another had previously discovered but had neglected to make his own by exclusive right, or when one learns under secret that another person is one's enemy and has to be watched and avoided.

2413. The Sin Committed by Stealing or Unduly Using the Secret of Another.—(a) From its nature (cases of mere fidelity excepted) the sin is mortal, as being a violation of commutative justice or of charity. Injury to property rights, whether in goods or in knowledge, is violation of a strict right (see 1890, 1894). The sin is aggravated by the greater import of the secret or by the greater damages or displeasure caused.

(b) From the imperfection of the act or the lightness of the matter the sin may become venial, as when one thoughtlessly reads another person's letters, or opens correspondence without authority, feeling morally sure that there is nothing confidential in it, or makes use of an unimportant secret without permission.

2414. The Obligation of Keeping a Secret.—(a) The natural secret obliges per se under grave sin; for violation of it offends charity and justice by saddening and harming a neighbor. The sin may become venial on account of lightness of matter, as when little sadness or harm is caused.

(b) The promised secret obliges ordinarily under light sin only; for as a rule the promisor intends to obligate himself in virtue of fidelity alone (1888), and the obligation of fidelity, as said above (see 2407), is not grave. But exceptionally the obligation may be grave, as when the promisor intended to bind himself in virtue of justice and under grave sin, or when the secret is natural as well as promised.

(c) The entrusted secret obliges per se under grave sin; for there is a duty of commutative and of legal justice to keep it, on account of the rights of contract and of the common good that are involved. The violator of an entrusted secret injures private good by disregard for contract, and he injures public good by weakening confidence in officials or professional persons to whom others must go for advice or assistance. Violation of a committed secret may be only a venial sin on account of the lightness of the matter. Thus, some think it is not a serious injustice to reveal a secret to one very discreet person, if the person whose secret is made known is not very much opposed to this and no other damage will result (see 2065).

2415. Comparison of Secrets as Regards Binding Force.—(a) The promised secret obliges less than the natural or the entrusted, as was said in the previous paragraph. (b) The natural secret obliges less per se than the entrusted secret, for the safeguarding of the latter is agreed to in an onerous contract, while no engagement is made to keep the former. (c) Some entrusted secrets are more sacred than others. Thus, a secret confided from necessity is more binding than one confided without necessity; a secret one has sworn to keep is more obligatory than a secret one has given one's word of honor to keep; a professional secret is more imperious than a private secret; a state secret is far more important than any secret of private

individuals. The most inviolable of all secrets is that of the confessional, because its violation is always a sacrilege.

2416. Cases Wherein It Is Not Necessary to Keep a Secret.—(a) If there has been no obligation from the time the secret was learned, it is not necessary to keep it. Thus, if a merely promised secret was accepted under compulsion and revelation will be advantageous and not harmful, it does not seem necessary to keep the secret.

(b) If the obligation of the secret has ceased, it is not necessary to be silent. Examples are cases in which secrecy was promised only for a certain space of time, or in which a matter formerly secret has become public, or in which the owner of the secret wishes it to be divulged, or in which he has not kept faith with the possessor of the secret, provided of course that in these cases no injury or unnecessary harm is done by making known the secret. Similarly, if the recipient of the secret cannot keep it without grave harm (e.g., death) to himself, he is not bound by it, unless charity (see 1165, 1236) or justice calls for the contrary. Commutative justice would demand silence (though many make exception for a most grave reason, regarding a promise to the contrary as prodigal) if there had been an express contract to guard the secret at all risks; legal justice would demand it, if the safety of the republic were involved.

2417. Cases Wherein It Is Not Lawful to Keep a Secret.—(a) If a secret cannot be kept without greater harm to the common good, it may not be kept, for legal justice requires that private good be subordinated to public safety. The violation of secrets is a harm to the public good and a greater harm than ordinary evils against the community (such as the escape of a guilty person); but it is a less harm than serious evils against the people (such as menace to public health, sedition, or treason). The possessor of a natural or promised secret must make it known at the command of lawful authority, as in court; but the superior has no right to question about entrusted secrets of a necessary kind, and this is usually recognized by positive law in the protection extended to professional communications.

(b) If a secret cannot be kept without greater harm to the private good of the owner of the secret, distinction is made between a non-entrusted and an entrusted secret. In the former case the secret may not be kept, for charity bids one to help a neighbor escape a greater evil, and the owner of the

secret would be unreasonable if he were opposed to its revelation (see 501 sqq.). In the latter case, some are of the opinion that the secret should be kept, if it is professional (since the public good then takes precedence over the private good of the owner of the secret), but this is denied by others. Example: Titus knows that Balbus is about to marry with a secret impediment that will nullify the marriage, but he cannot persuade Balbus to disclose this impediment to the pastor.

(c) If a secret cannot be kept without greater harm to the private good of a third party (i.e., one other than the owner of the secret), distinction is made between cases, according as injury is or is not done by the owner of the secret to the third party. If no injury is done the third party, the secret should be kept (e.g., if one knows in confidence that Sempronius has made an invention which will supersede an invention made by Claudius, one is not at liberty to make this known to the latter, for Sempronius has done no injury to Claudius). If, however, injury is done the third party by the owner of the secret when the secret is kept, one should not keep the secret; for charity requires that one help an innocent person to escape from harm, even if this has to be done at the expense of harm to the guilty cause of the harm. Examples: If one knows as a secret that A, B and C have conspired to murder D tomorrow night, and one cannot otherwise prevent the murder, one should if possible break the secret, at least by sending warning to D that his life is in danger tomorrow night. If a doctor knows that a man who is about to contract marriage is syphilitic and pretends that he is sound, and if the doctor cannot persuade this man to make the facts known to the intended wife, the doctor himself should give notice to the woman, according to some authorities, unless the laws of the country forbid such use of professional knowledge.

2418. What should the possessor of an entrusted secret do, if from the secret he knows that the one who entrusted it is guilty of a crime for which an innocent third person is about to be convicted and sentenced?

(a) If the guilty party is responsible for the plight of the innocent party (e.g., because he falsely accused him or threw suspicion on him), natural law would require the possessor of the secret to make known the true state of affairs; for the guilty party is then the unjust cause of damage and is bound to accuse himself (see 1763). Revelation of the true culprit would not

be necessary, however, if there was some other way of saving the innocent person.

(b) If the guilty person is not responsible for the difficulty in which the innocent person finds himself, not having used any means to bring the latter into suspicion, some believe that the secret should be kept, since the guilty person has then the right to keep his secret and therefore has also the right that his confidants keep it (see 1968). But others, while granting that the guilty person is not obliged to accuse himself, deny that the confidant is not obliged to accuse him; for the right of the guilty that his secret be kept and the right of the innocent that he be not deprived of life or liberty are in conflict and unequal, and he who prefers the former right does an injury to the innocent person (see 288).

2419. The previous question was concerned with an innocent third party. If the holder of the secret is also the accused, it seems he is not obliged, unless perhaps when he agreed to it, to prefer the inviolability of the secret to his own justification; for the acceptance of a secret does not mean that one binds oneself to grave hardship for its preservation (see 2418). The thing to do would be to warn the guilty person to escape in time, and then to exculpate oneself by making known the truth.

2420. Lawfulness of Revealing a Secret Learned by Stealth or Force.—Is it lawful, in order to avert some great evil, to use or reveal against the interests or wishes of its owner a secret which one has learned by stealth (e.g., by spying, eavesdropping, wiretapping, unauthorized inspection of papers) or by force? Various answers are given to this question, but to us the following seems the best:

(a) if the stealth or force would not be unjust here and now, because the owner of the secret has a duty to disclose it (e.g., on account of the public good, on account of the extreme need of a private person), or the other party has a right to seek after it (e.g., because he cannot otherwise defend himself against the unjust vexation of the owner of the secret), the answer is in the affirmative; for in such a case there is only applied the principle of lawful occupation or of lawful self-defense (see 1920 sqq., 1819). But if the stealth or force is excessive in its manner or productive of unnecessary harm, it is sinful and induces the duty of restitution, nor is there any right to make such

use or such revelation of a secret as is sinful in itself (e.g., on account of calumnies, scandals, disorders);

(b) if the stealth or force would be unjust here and now, the answer is in the negative; for in such a case there is real theft of a secret, a person's most intimate possession, and a continuation of the original injury by the use of the stolen property against its owner, or at least an unlawful conversion of property. Hence, if there is no grave or proportionate reason for the use of the secret, or if other and simpler methods can be employed, the secret may not be used. Those who play the detective ostensibly for other reasons but really for purposes of blackmail or other personal advantage, are therefore in the same class as thieves and are bound to restitution; their sin is per se mortal, for secrets are usually esteemed more highly than money, and it would be seriously detrimental to the public weal if the practice of using secrets unlawfully obtained (e.g., by secretly taking down privileged communications or state secrets) were permissible.

2421. The Virtues of Affability and Liberality.—These two virtues, though they are not so important as those that preceded, are still most useful to human life (see 2143). Affability (friendliness, politeness) is a virtue which inclines a person to show himself in serious matters properly agreeable to others in order thus to fulfill a duty to society.

(a) Affability has for its object to be agreeable to others, that is, in looks, manner, words and deeds to treat them with kindness and consideration, and so to give them pleasure. Affability is more than mere civility, which avoids rudeness and observes necessary proprieties, but does not manifest a gracious spirit. The gentleman, according to Cardinal Newman ("Idea of a University," Discourse viii, 10), is one who does not inflict pain and whose great concern is to make others at their ease and at home. The true gentleman is considerate for all his company, guards against unseasonable allusions or topics, is seldom prominent in conversation and never wearisome, makes light of his own favors, never speaks of himself except when compelled, avoids personalities and insinuations of evil, and is indulgent towards opponents.

(b) Affability is as agreeable as is becoming, or proper; that is, it observes the golden mean, attending to moderation and circumstances, suiting its deportment to the time, place, occasion, and persons and observing the

recognized laws of etiquette for social, official, business, religious, domestic and other relations. Indeed, there are times when affability should not be shown, as when it is necessary to display severity and displeasure, or even to sadden others, for the sake of some higher good (II Cor., vii. 8, 9).

(c) Its purpose is to fulfill a social duty. Without affability the ways of life are made rougher and more difficult for all, and therefore, since man is a social being, it becomes obligatory that each one should so conduct himself towards others as to avoid the displeasing and to cultivate the pleasing. Thus, affability is less than friendship (see 1110), since it does not include special benevolence and is shown to friend and foe alike; but it is more than polish, for it consists not merely in external good manners but chiefly in an internal sense of responsibility to society and of deference to its requirements. Affability is at its best, however, when prompted by friendship and Christian charity. A modicum of courtesy, if accompanied by sincerity and goodness of heart, is more appreciated than profuse compliment and ceremony behind which there is little genuineness or little affection.

(d) Affability regulates conduct in serious matters, for the regulation of amusements or recreations pertain chiefly to modesty and falls under temperance rather than justice. Aristotle calls the virtue directive of games eutrapelia, which may also be called reasonable relaxation, urbanity, or pleasantness.

2422. Offices of Affability.—All, and especially the clergy, should practise courtesy, imitating St. Paul, who became all things to all men, in order to gain all to Christ (I Cor., ix. 22), and following his advice to be without offense to Jew or Gentile or to the Church of God (I Cor., x. 32). The offices of affability can be reduced to the negative and the positive, as follows: (a) the negative offices are the avoidance of excess (adulation) and defect (surliness); (b) the positive offices are the observance on special occasions of the appropriate forms and usages and on all occasions the exercise of a gentle and thoughtful regard for the feelings of others.

2423. The Sins against Affability.—(a) Adulation is the vice of those who in the effort to please others go beyond what is proper, of the complaisant man who aims to gratify by merely conventional or extravagant compliments, and of the flatterer who seeks to win favors for himself by

expressions of fulsome admiration. Adulation is shown by exaggerated debasement of self (servility, obsequiousness), as well as by exaggerated exaltation of others (toadyism). The sin of adulation is not grave from its nature, being only an excessive will to please; but circumstances sometimes make it grave, such as its matter (e.g., when one compliments another's sins, Is., v. 20), its effect (e.g., when the person flattered will be made proud), or its purpose (e.g., when the flatterer means to seduce the other person, Prov., xxvii. 6). Like to adulation in its exaggeration, but unlike it in manner, is the display of friendliness by offensive familiarity or boisterous conduct.

(b) Surliness is the sin of those who are ungracious in their manners, not because of hate or anger, but because of a desire to be unpleasant and to make others yield to themselves. The surly man is always ready to contradict or argue, he is hard to please, sensitive, sour in visage, gruff in words, and much given to complaint or sullen silence. Surliness is per se worse than adulation but not a mortal sin; for it is farther removed from affability than adulation, but does not necessarily inflict a severe wound on charity. But the smooth palaverer is usually a more dangerous character than the morose man (Ps. cxl. 5). Like to surliness is the boorishness of those who from cynicism or laziness despise refinement, or from greed neglect proper manners at table. But entirely different from surliness is that dignity which can be reserved without being distant or hard of approach, and that seriousness which can be grave or silent without being ungracious.

2424. Liberality.—Liberality is a virtue that moderates the love of riches and inclines one in ordinary affairs to bestow one's own goods upon others willingly, when and as right reason may dictate.

(a) It moderates the love of riches; that is, it makes one value and esteem money at its true worth. In this respect it pertains at least improperly to temperance inasmuch as the love of money is a passion. Liberality is thus distinguished from mercy and beneficence. These virtues are open-handed from charity, and give because another is in need or is loved; liberality, on the contrary, may be without charity and its bounty may be shown even to those who are not in need or who are not liked, for it is free in using money precisely because it does not prize external things excessively.

(b) It inclines one to bestow one's own possessions, or freely to communicate them. In this respect liberality is assigned to justice, since its object is external things as owed by a certain moral debt to others. Since liberality consists primarily in a generous inclination, even the poor may have this virtue; in fact, the poor oftentimes, being less wedded to money, are far more disposed to liberality than the rich.

(c) It functions in ordinary affairs, for there is a special virtue of magnificence that makes wealthy men spend money lavishly in enterprise of the greatest moment.

(d) The beneficiary of liberality is another, for no special virtue is needed to make one use money freely for one's own needs or comfort.

(e) Liberality bestows gladly, but according to right reason, for there is no merit in unwilling gifts, and no virtue in gifts bestowed unsuitably as to time, place, purpose, person, quantity, quality, etc. Liberality, then, is not inconsistent with prudence about temporal affairs, that is, with economy which adapts expenditures to income, with thrift which puts something by for the future, and with frugality which spares unnecessary expenses on self, especially in the matter of luxuries (see 1681 sqq.).

2425. The Importance of Liberality.—(a) Liberality is not the greatest virtue. It is less than temperance, for temperance regulates the passions in reference to the body, while liberality regulates them in reference to externals; it is less than fortitude and justice, which serve the common good, whereas liberality regards individuals; it is less than the virtues that are concerned with divine things, for liberality has to do directly with temporals.

(b) Liberality is one of the most useful of virtues since it disposes one to use money well in the service of God and humanity, and gives one an influence that can be employed for good (Ecclus., xxxi. 28). According to Aristotle, the virtues that chiefly attract fame are first bravery, next justice, and then liberality. Moreover, this virtue of generosity is one of the surest indexes of internal religion and charity, as being the natural expression of devotion and benevolence (see 2185, 1211), while miserliness is a sign of coldness towards God and man.

2426. Vice of Avarice.—The vice which is opposed to liberality by defect in giving is avarice, which, properly speaking or as distinguished from theft and robbery, is an immoderate desire, love or delight entertained in respect to external corporal goods, such as lands or money.

(a) The Absolute Malice of Avarice.—This sin is *per se* venial, since it is only an excess in the love of a thing that is in itself indifferent and lawful; but it becomes mortal if the affection for money is so great that one is prepared to sacrifice grave obligations for its sake (e.g., to stay away from church rather than contribute to religion or the suffering poor). It is not merely carnal, since not concerned with bodily pleasure; nor merely spiritual, since riches are not a spiritual object; hence, it stands midway between spiritual and carnal vices.

(b) The Comparative Malice of Avarice.—In regard to deformity, avarice is not worse than other sins, but rather the contrary. The less the good to which a vice is opposed, the less the deprivation caused by the vice; and hence since external goods, to whose proper esteem avarice is opposed, are less important than divine or human goods, it follows that avarice is not so sinful as irreligion, homicide, theft, etc. In regard to shamefulness, however, avarice is worse than other sins. The less valuable the created good that a vice pursues, the more disgraceful the vice; and hence since the miser sets his heart on external things, which are the lowest of all goods, preferring them to goods of body and of soul (e.g., to health, education) and even to divine goods, he is rightly regarded as more contemptible than other sinners. Some forms of avarice, too, are more despicable than others. Thus, in some persons avarice shows itself in their fear to consume or expend for their own necessary uses (parsimony, penuriousness); in others it shows itself by an unwillingness to give to others (stinginess, niggardliness), or a willingness to live at the expense of others (sponging); finally, the most disgusting form of avarice is seen in those who cannot bear to part with their possessions either for their own sake or for the sake of others, and find their happiness in mere possession (miserliness). In regard to influence, avarice has a pre-eminence among sins that causes it to be numbered among the seven capital vices. A capital vice is one of the chief sources of evil attraction that produces other sins, and it is clear that immoderate love of riches is one of the most prolific of sins. All are drawn to happiness, and money seems to secure the requisites for happiness (Ecclus., x. 16); hence

we see that for the sake of holding to money men become hard of heart (Matt., xxiii. 14; Luke, xvi. 21), for the sake of acquiring it they become carnal and restless in mind (Ecclus., xiv. 9; Matt., xiii. 22) and have recourse to deeds of violence (III Kings, xxi. 2), of deception (Acts, xxiv. 26), of perjury (Matt., xxviii. 12 sqq.), of fraud (Luke, xvi. 4 sqq.), and of treachery (Matt., xxvi. 15). Avarice is at the same time one of the most dangerous of sins, for it will lead a man to sell even his own soul (Ecclus., X. 10) and to commit any enormity (I Tim., vi. 9), and one of the most incurable, for the miser never has enough (Prov., xxx. 15, 16) and is always able to make believe that his avarice is prudence or some other virtue (Wis., xv. 12).

2427. Vice of Prodigality.—The vice opposed to liberality by excess in giving is prodigality, which is an insufficient regard for temporal things and an extravagant bestowal of them on others.

(a) It is an insufficient care for temporal things: that is, as the miser loves money too much, so the prodigal esteems it too little; as the miser is over-anxious to get and keep money, so the prodigal is careless about earning or saving.

(b) It is an extravagant bestowal of temporal things; that is, the prodigal gives more than he should, or else the circumstances do not call for his gift, as when he gives when or where or to whom he should not give.

2428. The Sinfulness of Prodigality.—(a) From its nature it is venial. The prodigal is not the absolute owner of his goods, but a steward who is held to administer them according to reason. But his sin is not grave, since it does not injure others and the goods of which he deprives himself are of the lowest kind.

(b) From its circumstances it may be mortal. Thus, it is made mortal on account of the purpose (e.g., extravagant presents made with a view to seduction or bribery), or the consequences (e.g., wastefulness which makes one unable to pay debts or assist a relative who is in grave need), or the special obligation of devoting superfluities to charity, as when one squanders the excess revenues of a benefice (see 1252).

2429. Comparison of Avarice and Prodigality.—(a) They are associable, for the same person may be both avaricious and prodigal, though in

different respects (e.g., some persons are spendthrifts in giving money away, and are thus forced to be grasping to get money and ready to obtain it by any means, foul or fair). (b) They are unequal in malice. Prodigality is less sinful than avarice, because it is less removed from liberality, less harmful to self and others, and less difficult to cure. It is said that prodigality is the vice of youth, avarice the vice of old age.

2430. The Virtue of Equity.—The virtues that have been so far treated in the present Article are forms of particular justice, and they have the status of adjuncts or potential parts. We shall conclude the list of virtues grouped with justice by discussing equity, which belongs to general (legal) justice and has the rank of a subjective part (see above, 1635, 1636, 1745, 1701, 1704).

2431. Definition of Equity.—In law, equity is any court system of extraordinary justice in which the standard is natural honesty as declared by the conscience of the judge or by a body of rules and procedures that supplement or override the usual rules and procedures where these are too narrow or limited. Thus, in England and in the United States courts of equity are those that take care of defined special cases for which there is no remedy in the usual or common law courts (Robinson, *Elementary Law*, Sec.348). But as here taken equity is a moral virtue, and is of two kinds, particular equity which pertains to particular justice (natural equity) and general equity which belongs to legal justice (legal equity).

(a) Natural equity is a moral virtue that inclines one not to insist unnecessarily on one's strict or legal rights when to do so will be unpleasant or burdensome to others. It is exemplified in the acts of an employer who freely grants a bonus to deserving employees in addition to the wage promised, and of a creditor who grants an extension of time to a hard-pressed debtor. This virtue partakes of both charity and justice; of charity, since it tempers justice with mercy; of justice, since it is really identical with the virtue of affability or friendliness mentioned above (2421). Its obligation as an act of justice is not grave, since the debt is not of a rigorous kind.

(b) Legal equity is a moral virtue that inclines one to justice beyond the common laws, or it is a correction of the law in that wherein the law by reason of its universality is manifestly deficient. The law is said to be

deficient here when its application in a particular case would be prejudicial to the supreme purpose of law (i.e., to the common good or to equal justice). Some precepts of the natural law (e.g., the prohibitions against lying and adultery) cannot be deficient in this way and need no supervising equity. But other precepts of natural law, according to some (e.g., the command that a deposit be returned to the depositor), and also precepts of positive law are found to be unsuitable in exceptional cases. The reason for this defect in a good law lies in the nature of the case; for these laws must be made in view of what happens in the majority of cases, and accordingly they are couched in general terms and permit of exceptions which the lawgiver himself would allow (see on *Epieikeia*, 411 sqq).

2432. The Greatness of Legal Equity.—(a) It is a distinct virtue, since it inclines the will to do good and avoid iniquity in a matter of special difficulty. It is not a transgression of law, since it upholds the spirit when the letter departs from the spirit, and prizes the lawgiver's intention to do what is just and right above the lawgiver's words.

(b) It is a subjective part of common justice, since all that is contained in the concept of justice belongs to equity. Thus, it differs from the potential and integral parts of justice so far treated in Articles 5 and 6.

(c) It pertains to the species, not of particular, but of general or legal justice; for equity extends to all the virtues and is concerned with the debt owed to the common good. Thus, *_per se_* its obligation is grave (see 1721).

(d) It is the higher part of legal justice. Just as prudence has two parts—good judgment (*_synesis_*), which settles ordinary cases of morals according to the usual rules of conduct, and acute judgment (*_gnome_*), which passes on moral problems that are out of the ordinary run—so legal justice has two acts, a lower which applies the law to usual cases, and a higher (equity) which applies more remote principles (viz., that the common good be not injured, nor injustice done) where the immediate principles of the law are clearly inadequate. Thus, if a madman demands from a depositary the return of his revolver in order to commit murder, the letter of the law would uphold the madman, but equity would decide against him; if the enemy are attacking a city and one cannot repel them except by

disregarding an ordinance of the city, the law would forbid one to transgress the ordinance, while equity would command one to transgress it.

(e) Equity is, therefore, the noblest act of strict justice. For legal justice is preferred to particular justice (1703, 1715), and equity is the superior act of legal justice. In will and intention the common good and justice must take precedence over laws and statutes at all times; but in act the supreme ends of law are served, except in extraordinary cases, by obedience to law.

2433. The Complements of Justice.—To each of the various virtues correspond certain complements, namely, Gifts of the Holy Ghost, Fruits of the Holy Ghost, and Beatitudes (see 159).

(a) The Gift that corresponds to justice is piety, for, like justice, piety is exercised towards another, and moreover piety is the completion of the virtue of religion, the highest development of justice. This Gift is defined as “an infused habit that renders the soul well disposed towards God as its kind Father, and makes it quickly responsive to the Holy Spirit when He moves it to acts of filial affection towards God.” As the virtue of piety is shown to earthly fathers, so the Gift of Piety is shown to the Father in heaven: “You have received the spirit of adoption of sons, in which we cry: Abba, Father” (Rom., viii. 15). Religion honors God as Lord, piety as Father; filial fear reveres His majesty, piety His lovingkindness. And as a child tenderly loves all that belongs to a good father, so piety makes the soul rejoice and be glad in the things of God, in the Saints, the Scriptures, the practices of religion, and the like.

(b) The Beatitudes assigned here are the fourth (Blessed are they that hunger and thirst after justice, for they shall have their fill), which agrees with justice, and the fifth (Blessed are the merciful, for they shall obtain mercy), which is suitable for piety inasmuch as one who finds his love and joy in God as Father will be compassionate to the suffering creatures of God. Like justice, both of these Beatitudes are exercised in reference to the neighbor (see 164).

(c) The Fruits that seem most appropriate here are good will and kindness, which find a sweet joy in purposing and performing services for others. Like justice, these acts have reference to others (163); like piety, they see in their neighbors the children of the same heavenly Father. Thus, justice when alone is guided by prudence; it pays what is due to God as

Lord, to man as neighbor; it acts perhaps with pain, but from a sense of duty. But when justice is supernaturally perfected, it is the Spirit of Piety which guides, and which makes one to see in God one's Father and in man the child of God; even that which is not owed is given from mercy, and there is a hunger and thirst for justice; and in the payment of duty to others there is at last a joy found in the very difficulty itself.

2434. The Commandments of Justice.—The various precepts regarding justice are contained in the Decalogue. For justice consists in the fulfillment of duties towards others whether they be superiors, equals or inferiors. The Ten Commandments sum up these duties of justice; the first three prescribe the duties owed to God, the fourth the duties owed to human superiors, and the other six the obligations which man has to his equals or to all fellowmen.

2435. The order of the Commandments is most appropriate, for their purpose is to form man to virtue and to lead him to perfection, which consists in the love of God and neighbor (see 1118, 1553 sqq.), and they therefore outline first the service that is owed to God (Commandments of the First Table) and next the service that is owed to man (Commandments of the Second Table).

(a) The Commandments of the First Table lay the foundation of the edifice of justice, for they teach us that our first duty is to render to God the things that are God's. We must avoid, therefore, the excess of superstition (Thou shalt not have strange gods before Me) and the defect of irreligiousness (Thou shalt not take the name of the Lord Thy God in vain); we must practise the virtue of religion (Remember thou keep holy the Sabbath Day).

(b) The Commandments of the Second Table begin with the duties owed to those to whom we are most bound after God, namely, parents, country, superiors (Honor thy father and thy mother). Next follow prohibitions against injuries done to any neighbor by deeds or words, whether the harm be to his person (Thou shalt not kill), or to those who are as one person with him (Thou shalt not commit adultery), or to a neighbor's external corporal goods (Thou shalt not steal), or to his external incorporeal goods of fame and honor (Thou shalt not bear false witness against thy neighbor). Finally, there are prohibitions against thoughts or desires injurious to the neighbor,

mention being made specially of those internal sins that are most common on account of the utility (Thou shalt not covet thy neighbor's goods) or the pleasure (Thou shalt not covet thy neighbor's wife) they afford.

2436. We shall not give here any special treatment of the Decalogue. Rather we refer the reader to the excellent explanations that are contained in Part III of The Catechism of the Council of Trent. Moreover, each of the Commandments has been treated in the present work, chiefly in the Articles on justice, and supplementary matter can be drawn from some others of its articles. For the sake of convenience, however, we give here a list of references, showing the passages of this Moral Theology in which the Commandments of the Decalogue are explained.

(a) Thus, for the First Commandment read on superstition (2274 sqq.) for the prohibitory part, on faith, hope and charity (746 sqq.) for the preceptive part.

(b) For the Second Commandment read on irreligiousness (2299) for the prohibitory part; on oaths, adjuration and praise (2245 sqq.) for the preceptive part.

(c) For the Third Commandment as to its natural precept, read on the virtue of religion (2145 sqq.); as to its positive precept, read on positive laws (340 sqq., 352, 425) and on the first Commandment of the Church (see 2575 sqq.).

(d) For the Fourth Commandment read on the virtues of piety, reverence, obedience and gratitude (2344 sqq.). Other matter will be found under charity (1158 sqq., 1211 sqq.) and under the duties of particular states.

(e) For the Fifth Commandment read on homicide, suicide, and bodily injury (1816-1871). Other matter will be found in the Articles on charity (1579 sqq., 1193 sqq.) and on affability (2421 sqq.).

(f) For the Sixth Commandment read on injustice (1719 sqq.), on restitution (1803), and on the virtue of temperance (2461 sqq.).

(g) For the Seventh Commandment read on commutative and distributive justice (1745 sqq.), on restitution (1751 sqq.), on injuries to property (1872-1938), on fraud (2121 sqq.), on liberality (2424 sqq.).

(h) For the Eighth Commandment read on judicial injustice (1939 sqq.), on unjust words (2009 Sqq.), and on truthfulness (2385 sqq.).

(i) For the Ninth and Tenth Commandments read on internal sins (230 sqq.), and on the malice of the internal act of sin (89-93).

Art. 7: THE VIRTUE OF FORTITUDE

(*_Summa Theologica_*, II-II, qq. 123-140.)

2437. The Virtue of Fortitude.—This virtue ranks next after justice and before temperance. Prudence has the greatest amount of goodness since it deals directly with reason, the essential good of man; justice is next because it realizes the dictates of reason in human affairs; the other virtues uphold the reign of reason against the rebellion of passion, fortitude repressing fear, the most powerful foe of reason, and temperance subduing pleasure, which is after fear the strongest of reason's enemies (cfr. 157, 1627, 1688). Fortitude is nobler than temperance because more closely related to reason; it is the more difficult virtue, because it is harder to bear pain than to abstain from pleasure.

2438. Fortitude in General.—Fortitude (etymologically, strength, vigor, firmness) in general is a moral quality which makes a person unshaken from the right by danger or difficulty. It has various senses.

(a) It is used for a seeming virtue, which has the act but not the requisites (i.e., the knowledge and the free choice) of a moral virtue. Thus, some are brave from ignorance or want of reflection, because they do not realize the danger (e.g., intoxicated persons) or because habit makes them act without thought, or because many successes have rendered them over-sanguine; others are brave from compulsion, because cowardice is severely punished, or from passion, because they are beside themselves with pain, anger, desire, etc.

(b) It is used for an inchoate virtue or a natural fitness to withstand attack or encounter danger. Thus, some persons are so constituted physically that the thought of risk, pain, or death does not affect them strongly (fearlessness, intrepidity), or even attracts them (adventurousness). This kind of bodily bravery is a preparation or predisposition for moral courage.

(c) Fortitude is also the name of a general virtue or rather of a general condition which must be found in every virtue. For there is no virtue without firmness and persistence in good, as the name virtue (i.e., strength)

indicates. Thus, a person who is weakly inclined to temperance and opposes no strong resistance to temptation cannot be said to possess the virtue of temperance.

(d) Finally, fortitude is the name of a special virtue which confers vigor and steadfastness in a special kind of trial, such as perils and pains which threaten or inflict severe evils. It is of this fortitude that we now speak.

2439. Definition of Fortitude.—Fortitude is defined as “a virtue which in the face of the greatest evils moderates the passions of fear and confidence within the bounds dictated by right reason.”

(a) The primary object of fortitude is the passions, or motions of the sensuous appetite through which the appetite is attracted or repelled by an object brought before it as good or evil, agreeable or disagreeable. Justice is concerned with operations, fortitude and temperance with passions (see 1709).

(b) The passions that chiefly fall within the scope of fortitude are fear and confidence; and thus it is set apart from temperance, which deals with the passions of pleasure. Fortitude has to do with that which is disagreeable to sense, temperance with that which is agreeable. Fear is a disturbance of soul produced by the imminence of an external evil that cannot be easily escaped; confidence is a feeling of self-reliance impelling one to face or attack a threatening evil.

(c) The function of fortitude is to moderate fear and confidence, or to keep them to the happy mean between excess and defect. The passions in themselves are not evil, but they need regulation (see 121, 122); and hence without fortitude one falls either into cowardice or rashness.

(d) Fortitude acts in the face of the greatest evils, that is, even when death itself, the greatest of corporal evils and the king of terrors, is at hand. Virtue is the act of a perfect man, and hence we do not ascribe fortitude to a man who is not brave except in reference to things that are fearful only slightly or not at all (such as having a tooth pulled or a finger lanced). The right regulation of fear springs, therefore, from different good qualities, according to the kinds of objects that inspire alarm: to fortitude in the strictest sense, if there is question of supreme natural evil (that is, death or its equivalent in deadly disease, mortal wound or torture); to fortitude in a

wider sense, if there is question of lesser corporal evils (e.g., blows, wounds or mutilation that do not cause death); to some other virtue, if there is question of other kinds of evils (e.g., liberality regulates the fear of losing money).

(e) The motive of fortitude is conformity with right reason. The courageous person despises dangers because he wishes to hold fast to virtue and has for his last aim God and true beatitude. Fortitude is exercised, then, only when one is courageous in a good cause; the end of the work (*_finis operis_*), or at least the end of the agent (*_finis operantis_*), must be virtuous. The aim of bravery itself is virtuous when it is the common good (e.g., soldiers fighting in defense of country) or the good of a particular virtue (e.g., a judge contending for justice, a virgin for purity, a martyr for religion); the aim of the brave man is good when he performs an indifferent act for virtue's sake (e.g., waits on another during pestilence because of friendship, goes on a perilous journey because of a pilgrimage). On the contrary, fortitude is not exercised if bravery has nothing to do with virtue (e.g., the imperturbability during sickness or shipwreck of a person who had resolved on suicide), or if it is opposed to virtue (e.g., the daring and coolness of a pirate, bandit, gunman or dueller); to risk ignoble death with bravado is not a virtue.

2440. The Two Acts of Fortitude.—(a) The moderation of fear is followed by endurance or firmness in the midst of danger, as in the case of the martyrs. This act in common speech is more especially designated “fortitude.” It is not accurate to speak of it as passive resistance or passive courage. By it, indeed, no external act is performed, but this is due to a most firm internal resolution and self-control, such as a refusal to accept defeat, surrender principles or make peace with wrong. Endurance to undergo is not the same thing, then, as stoical indifference or apathy.

(b) The moderation of confidence is followed, where circumstances call for it, by prudent attack or even, when discretion is the better part of valor, by retreat as in warriors. A truly brave man does not fear to be called a coward, and hence he will not advance when reason forbids nor hesitate to retire when reason commands. Brave endurance is a nobler act of fortitude than brave attack; for endurance struggles against superior strength, it feels the evil already present, and its fight is long and continuous, whereas attack is borne on by a sense of power, the object of dread is still in the distance,

and its rush is quick and passing (Prov., xvi. 32). Hence, not all who are courageous in attack are courageous under attack. But both acts are noble, and each is necessary at its proper time.

2441. The Excellence of Fortitude.—(a) Its Rank.—Fortitude is one of the four principal or cardinal virtues. A principal virtue is one that exercises in the most difficult circumstances one of the four qualities that every moral virtue must have. These qualities are firmness (for every virtue is a habit or strongly rooted quality), rectitude (since a virtue inclines to the good as the right or obligatory), moderation (since a virtue is moral, or measured according to reason), and discretion (since good inclinations must be guided by true direction). Now, just as rectitude is most difficult, on account of self-love, in dealing with others, and moderation in governing the appetites, and discretion in ruling one's own actions, so firmness is most difficult in the presence of the greatest dangers; and therefore with justice, temperance, and prudence must also be associated fortitude as one of the chief of all virtues. These four principal virtues are also called cardinal virtues (from cardo, a hinge), because the whole moral life of man hinges on them. Thus, though perils of death are comparatively rare, the occasions of such perils are common and one is constantly called on to exercise fortitude (e.g., to be prepared to incur mortal enmities rather than forsake justice, or purity, or religion).

(b) Its Utility.—Fortitude has a certain general utility, for it is found to be of advantage everywhere. Thus, brave men and just men are admired in peace as well as in war, whereas liberal men are serviceable only in certain matters (Aristotle). Fortitude is like a strong tower, or like an army that protects the other virtues, and there are continual demands for its exercise. The life of man is a warfare (Job, vii. 1), and a manly spirit is needed to struggle against the temptations, injuries, infirmities, and trials that threaten virtue. Without fortitude, then, no one can be saved, for the kingdom of heaven is captured only by the aggressive (Matt., xi. 12), and only those who fight shall receive the crown (II Tim., ii. 5).

2442. Martyrdom.—As judgment is the chief act of justice (see 1727), so martyrdom is the chief act of fortitude, and in a sense the most perfect of all acts. For martyrdom is defined as “the voluntary acceptance for the sake of God of a violent death inflicted out of hatred of virtue.” Martyrdom belongs to fortitude which produces it, to love of God which commands it (I Cor.,

xiii. 13), and to faith which attracts it. Merely as an act of courage, it is inferior to some other acts, since fortitude is not the highest virtue, and the goods for which martyrdom is undergone must be preferable to martyrdom itself. But in two ways martyrdom is the greatest act of virtue.

(a) Thus, internally it has charity for its end, and “greater love than this no man hath, that a man lay down his life for his friends” (John, xv. 13); it is the greatest sign of love of God.

(b) Externally it is a profession of faith in the superiority of the invisible and future to the visible and present goods, and no more efficacious proof of this faith can be given than martyrdom (Job, ii. 4; II Cor., iv. 11).

2443. Kinds of Martyrdom.—The word martyrdom is sometimes used loosely or less accurately, and hence we distinguish the following kinds of martyrdom:

(a) false martyrdom is death suffered in an evil cause, as when one dies for erroneous principles or doctrines (e.g., for anarchy), Martyrdom is testimony of blood given to the truth, not to error, and hence it is not the suffering but the cause that makes the martyr. Improper martyrdom is death suffered for some purely natural good, as when a person dies for the cause of science or of a political party, or in defense of natural truths about God but without a religious motive;

(b) true and proper martyrdom, which is not the virtue but the crown of martyrdom, is death inflicted on an infant out of hatred for Christ, as in the case of the Holy Innocents. This is baptism of blood for infants, as the virtue is for adults, supplying the place of baptism of water (Matt., x. 39);

(c) the virtue of martyrdom in the sight of God (theological martyrdom) is either in desire or in act. Martyrdom of desire, which is the wish to die for God, may have the same essential glory as martyrdom in act, but it lacks the accidental glory, since it does not really suffer the trial (see 89-93). Martyrdom in act, which is external suffering for justice’s sake, has three degrees: the lowest degree is suffering that lacks one or other of the essential conditions (see 2444) for supreme self-sacrifice (imperfect martyrdom), the higher degree has all the essential conditions (perfect martyrdom), while the highest degree has also the accidentals that are most suitable for martyrdom (complete martyrdom);

(d) the virtue of martyrdom in the sight of the Church (canonical martyrdom) is that which, in addition to the conditions for perfect martyrdom, possesses also external indications sufficient to prove their existence and character.

2444. Conditions for Martyrdom.—Since martyrdom is a virtue and the supreme testimony, it must have the following conditions:

(a) the cause of the martyrdom must be faith (e.g., persecution because the martyr is a Catholic), or some virtue containing a profession of faith, inasmuch as a divine good (e.g., chastity) or a human good (e.g., the truth of a science, the safety of one's country) is defended for the sake of God;

(b) the persecutor must act from hatred of virtue, but it is not necessary that he be an unbeliever, or that he avow his hatred of virtue as the motive of persecution, or that he pronounce or execute the sentence of death himself;

(c) the martyr must accept martyrdom willingly (actual or virtual intention suffices, and perhaps also habitual); he must be free from guilt that provoked the sentence, and must be in the state of grace or at least repentant; he must die from a virtuous motive, not from vainglory, despair, or other sinful reason. Some make non-resistance a condition for what we called perfect martyrdom, while others make it a condition for what we called complete martyrdom; according to the former opinion the crusaders or other soldiers dying in a just war cannot be called martyrs of religion, but according to the second opinion they may be ranked with the martyrs;

(d) the punishment inflicted on the martyr must be death, either instant (as in decapitation) or delayed (as in gradual starvation, death by slow poisoning, mortal wounds, imprisonment or other hardship). Hence, those who are not put to death, but who are tortured, mutilated or imprisoned (e.g., St. John the Evangelist), are confessors of the faith, but only in an imperfect sense are they martyrs. Some believe that suffering is necessary for perfect martyrdom, and hence that those who are put to death painlessly are not, strictly speaking, martyrs; but others—and with better reason, it seems—deny this. Those who are not killed (e.g., persons who die from disease contracted while attending the sick or from austerities), or who are killed by themselves (e.g., the Circumcellions who thought to win

martyrdom by suicide), are not martyrs (on the cases of Sts. Apollonia and Pelagia, see 1856).

2445. Practical Questions about Martyrdom.—(a) The Desire of Martyrdom.—A general desire for or the willingness to suffer martyrdom if the necessity should arise is required for salvation (I John, iii. 16; Rom., x. 10). Apart from necessity, a special desire of martyrdom is not of precept, since martyrdom is an act of perfection; but such a desire is of counsel, since it is encouraged by Christ (I Peter, ii. 21), and many Saints have prayed for martyrdom.

(b) The Choice of Martyrdom.—Regularly it is not lawful to offer oneself freely for martyrdom, for to do so gives the tyrant an occasion of committing injustice, and as a rule there are not sufficient reasons of public or private good for permitting his sin (see 103 sqq.). Exceptionally it is lawful, when there is no danger that one will be overcome and there are urgent reasons for the act, such as the glory of God or the peace of the faithful.

(c) Provocation of Martyrdom.—Regularly it is not lawful to bring on a persecution by aggression (e.g., by destroying idols), since generally this will make one guilty of complicity and presumption. But there are exceptional cases, when the good of souls demands attack on evils (Dan., xiv. 26; Matt., xiv. 3, 4). It is not provocation of persecution, however, to live virtuously (Tob., ii. 8, 9), or to reprove a persecutor after one has been apprehended (II Mach., viii. 15-17; Acts, vii. 51-54).

(d) Flight from Martyrdom.—Flight is sometimes sinful, sometimes obligatory, sometimes optional, according to circumstances, as was explained in 1005, 1006.

2446. Sins Opposed to Fortitude.—(a) Number.—The vices opposed to fortitude are four, two of excess and two of defect, according as fear and confidence are not regulated as to time, place, manner and other circumstances in the way of moderation. He who fears when or as he should not, is timorous (e.g., one who kills himself because he fears the hardships of life, one who neglects religion out of human respect); he who does not fear when or as he should, is insensible (e.g., one who exposes himself to peril of death for the sake of excitement). He who does not dare when or as he should, is cowardly (e.g., a superior who does not correct as he should);

he who dares when or as he should not, is foolhardy (e.g., a superior who corrects when there is no chance of a good result).

(b) Malice.—These sins per se are venial, since excess or defect in emotions, which in themselves are indifferent, is not a serious disorder. But they become mortal if they lead to grave evil (e.g., if from fear of persecution one becomes a pagan), or to grave danger (e.g., if from foolhardiness one exposes oneself to death or mutilation). Insensibility and foolhardiness are caused by pride or vainglory, by contempt for life or for the strength of others. Timidity and cowardice diminish culpability, though they do not remove it.

2447. The Parts of Fortitude.—As has been said above, the parts of a virtue are subjective, integral and potential (see 1635, 1636).

(a) Fortitude has no subjective parts, for it is concerned with a very specialized matter, namely, the danger of death; and hence there is no room for differences of kind, although there are differences of degree (e.g., greater courage is needed to face an ignominious or cruel death than to face death amid applause or with little suffering).

(b) The integral parts of fortitude are those that are necessary for the perfect functioning of its offices in reference to major dangers (i.e., of death). Now, the first act of fortitude, namely, attack, requires greatness of soul (which makes one love the best things and despise all that is opposed to them) and greatness of deed (which makes one perform generously what was nobly willed). The second act of fortitude, namely, endurance, requires patience (that the soul be not thrown into dejection by difficulties) and steadfastness (that the soul be not turned aside from its purpose or wearied by long-continued opposition).

(c) The potential parts of fortitude are the four just named, but as exercised in reference to minor dangers.

2448. Greatness of Soul.—Greatness of soul or nobility (Latin, magnanimitas) is a virtue that inclines one to aspire after excellence in things most honorable, but to esteem and use honors themselves with moderation.

(a) The first act of this virtue is aspiration. It desires the higher manifestations of every virtue—the things that are more difficult and that

befit a generous and elevated spirit, such as great austerity, great labor, great sacrifice, etc. Thus, it resembles fortitude, for both virtues are exercised in difficult circumstances.

(b) The second act of this virtue is moderation. It esteems honors at their true worth, for it is greatly concerned to possess the higher honors (i.e., good repute before God and godly men), knowing that these are solid and lasting, but it is less concerned about lower honors (i.e., the esteem and applause of the world), knowing that these are frail, fleeting, and common to good and bad alike. Hence, the great of soul are not elated in prosperity or dejected in adversity. This virtue here differs from fortitude, since fortitude is concerned with dangers, which are unpleasant, while greatness of soul is occupied with honors which are pleasant.

2449. Comparison between Greatness of Soul and Humility.—Greatness of soul and humility are different, but not contrary.

(a) Thus, greatness of soul makes one regard oneself as worthy of great things, when one is indeed worthy of them on account of gifts bestowed by God (Luke, i. 46). Hence, the great of soul put the good above the profitable, they do not busy themselves unduly about lesser things, they are slow to ask and quick to grant favors, they are not outdone in generosity, they are not subservient before the mighty, and they are familiar only with friends. But if they are truly great of soul, they are also humble, knowing that the good is from God, and that of themselves they are weak and sinful.

(b) Greatness of soul makes one regard oneself as superior to lower things, for it makes one loathe anything that would be unbecoming the gifts one has received from God. Hence, as St. Thomas says, the noble character does not flaunt his ideals, nor obtrude himself into places or offices of honor; he does not complain or remember injuries; he is not haughty with inferiors but gentle and considerate with all; in manner he is quiet and unhurried, speaks sincerely, and is not much given either to praise or to blame others. But though the noble person despises all that is petty, he is not proud; and hence he can see the good that is in others, and he reveres those who are superior to himself.

2450. Vices Opposed to Greatness of Soul by Excess.—The vices opposed to greatness of soul by excess are such as desire great deeds, or honors, or fame, when or where or how they should not be desired.

(a) Excessive desire of great deeds is presumption, which attempts to do greater things than one is able to perform (cfr. 1075 sqq.). This happens in conceited persons who overestimate their own abilities, taking on themselves offices for which they are incompetent or exercising powers for which they have no authority; also in vulgar persons who mistake their fortuitous advantages, such as wealth or influence or birth, for character and ability. Presumption is a mortal sin when its cause is a grave sin (e.g., lack of faith) or when its effects are very harmful (e.g., when one who is ignorant presumes to teach or practise medicine, when one who is morally frail presumes to enter occasions of sin). There is no sin if one attempts too much in good faith and from inculpable ignorance.

(b) Excessive desire of honors (see 2010, 2011, 2351) is ambition, or an inordinate hankering after distinctions and deference. The great of soul desire honors when these are due to their station or when there is a just reason, such as the glory of God or the advantage of the neighbor (Matt., v. 15, 16; Heb., v. 4). The ambitious, on the contrary, seek to be honored beyond their deserts (e.g., when an ignorant man longs for academic degrees, a tyrant wishes to be respected on account of his tyranny, an inferior man seeks to perpetuate himself in temporary elective offices, a rich man or athletic hero expects that he will be revered above those who are eminent for virtue or learning), or they seek honor for its own or their own sake, like the Pharisees who loved the first places at feasts and the first chairs in the synagogues, and salutations in the market place, and to be called by men Rabbi (Matt., xxiii. 7; cfr. I Tim., iii. 1 sqq.; Matt., xx. 25). This sin, being excessive desire of something indifferent, is not per se mortal; but it is made mortal either by a cause that is seriously sinful (e.g., if one's whole life is but a mad chase for preferments) or by a result that is seriously harmful (e.g., if one commits or is ready to commit serious injustice or uncharitableness to win a coveted dignity). Ambition is cured chiefly by charity, for charity is not ambitious (I Cor., xiii. 5; cfr. Gal., v. 13).

(c) Excessive desire of praise or celebrity is vanity (see 2028, 2269). The great of soul desire the good opinion of their fellow-men (see 1575 sqq.), but they also desire that their good reputation be well founded, and their motive is the glory of God or the spiritual profit of man. The vain, on the contrary, are eager for admiration and praise for which there is no

justification (e.g., those who wish to be praised for virtues they do not possess) or which are valueless (e.g., those who fish for compliments over things of no great importance, such as good looks or dress, or who wish to appear learned among the uneducated, or who crave notoriety), or seek admiration without a proper motive (e.g., those who advertise themselves for self-glorification alone). Vanity, like ambition, is *per se* only a venial sin, but it becomes mortal on account of its cause (e.g., when the motive is to conceal crimes that are planned), or its results (e.g., when the desire to be famous makes one boast of one's crimes, or refuse to repair injuries done to others, or neglect the honor of God), or its matter (e.g., when one is vain about a reputation for skillful injustice). Vanity is one of the capital sins (see 268 sqq.), since it is one of the motives that chiefly lead men into sin; for all desire excellence, and in consequence the love of renown is one of the chief incentives to action. Even the ambitious crave honors because of the glory honors bring. The offspring of vanity includes the sins by which a man seeks unlawfully to show off his good points, or to prove that he is not inferior and thus capture popularity or glory. In the first class are the publication by word or deed of one's own true or pretended exploits (boasting hypocrisy), the cultivation of novelties and eccentricities designed to attract attention (such as singularity in opinion, in pronunciation, in dress, etc.). In the latter class are sins of intellect which make one hold obstinately to one's views (stubbornness), sins of will which make one resist desires of others (discord), sins of word which make one loudly dispute (contention), sins of deed which make one refuse to yield to authority (disobedience).

2451. Vice Opposed to Greatness of Soul by Defect.—The sin opposed to greatness of soul by defect is pusillanimity (littleness of soul), which does not desire great things when one should desire them.

(a) Pusillanimity is sinful, because it excludes nobility of soul, springs from a lazy ignorance of one's own ability and worth and from a false fear of failure, and leads to the loss of great things that could be done for God and humanity. The Scriptures reprove Jonas, who fled from the great task set for him by God (Jonas, i. 1 sqq.), and the fearful servant who hid his talent in a napkin (Matt, xxv. 24 sqq.). Pusillanimity is not to be confused, therefore, with humility; for humility excludes the unreasonable or immoderate desire of excellence, whereas pusillanimity represses even that

desire of greatness which is reasonable and moderate. Indeed, meanness of spirit may be associated with pride on account of obstinate refusal to take upon oneself what is commanded (Prov., xxvi. 16). Thus, Moses and Jeremias showed humility by their fears of unworthiness (Exod, iii. 11; Jerem., i. 6), but they would have sinned by pusillanimity, and also by pride, had they held out against God's charge to them.

(b) Pusillanimity is *_per se_* a venial sin (see 2450), but it may become mortal on account of its matter or consequences, as when one is so self-depreciative as to neglect grave obligations of correcting abuses. It is essentially more evil than presumption, for it turns one away from things and pursuits that are noble, and is thus more opposed to greatness of soul; but radically presumption is more evil, as it springs from pride (Ecclus., xxxvii. 3). The dread of attempting great deeds or pursuits is sometimes no sin at all, as when it is due to inculpable ignorance of what one can do or what one deserves, or from a fear that overpowers judgment, or from bodily disease, or from a sense of inferiority caused by education, excessive repression and habit (Col., iii. 21).

2452. Greatness of Deed.—Greatness of deed is the execution of the great things to which one is inclined by greatness of soul.

(a) The virtue is a general one, if it includes every kind of noble performance; it is a special one, if restricted to princely generosity in the expenditure of large sums for great works (virtue of magnificence or munificence). The munificent person spends large sums from his purse in behalf of the worship of God (e.g., in building churches, monasteries, etc.), and for the common good (e.g., in founding schools, in endowing educational institutions, hospitals, etc.). This virtue resembles fortitude by the grandeur of its accomplishment; it falls short of fortitude, since it deals not with sacrifice of self but with sacrifice of goods. The Maecenases and the generous patrons of religion are among the greatest benefactors of humanity, for without them the best things would often languish for want of support.

(b) The vices opposed to this virtue are meanness by deficiency and vulgarity by excess. The mean man is unable to do things on a great scale, and prefers to ruin a noble work rather than make the proper outlay (e.g., after planning a beautiful church, he will spoil it by using cheap materials).

The vulgar man, on the contrary, is avid for ostentation, or heavy expenditure when there is no call for it. He is liberal to works of less importance (e.g., his own usual personal needs or comforts), but penurious with works of great importance (e.g., charitable causes); or he lavishes money needlessly on great works, as when his residence is over-ornamented and offensive to good taste, or when his wedding breakfast is served with profuse extravagance and waste in order to make a display of wealth. Per se, these sins are venial, but they may be mortal on account of circumstances. Munificence is the virtue of the rich, but even the poor may have the merit of this virtue, by a good intention, especially when they show liberality to great enterprises according to their means.

2453. Patience.—Patience is a virtue which from the love of moderation so controls the sadness caused by present afflictions that this passion neither excessively disturbs the internal powers of the soul nor produces anything inordinate in the external conduct. Hence it differs from the following:

(a) from temperance, for, although temperance also regulates sadness, the sadness with which it deals is caused by lack of pleasures, while that with which patience deals is caused by the presence of evils, especially of those brought on by annoyances from others;

(b) from the endurance of fortitude, for fortitude regulates fear of death, while patience regulates sadness caused by evils of whatever nature, such as sickness, bereavements, loss of money, persecution;

(c) from longsuffering and constancy, for the matter of these virtues is a good which cannot be obtained except by long waiting or a good which must be continually exercised, whereas the matter of patience is an evil that has to be endured in the present. But since the delay of a desired good causes sadness (Prov., xiii. 12), and since continuance in good is irksome to the flesh, both longsuffering and constancy are included under patience.

2454. The Greatness of Patience.—(a) Its Rank.—Patience is less than the theological virtues, and also is inferior to prudence and justice, which perfect one in goodness; it is also less than fortitude and temperance, which preserve from the greatest impediments to goodness; for the office of patience is only to preserve one from lesser impediments, namely, the common adversities of life. But, on the other hand, patience is a part of fortitude—a potential part, because it does not connote the supreme heroism

of fortitude, and an integral part, because courage in the face of death is bettered by the serenity which patience imparts.

(b) Its Necessity.—Patience is a most useful virtue. Without it one cannot long continue in the way of virtue on account of the many trials man encounters (Heb., x. 36), whereas with it the enemies of other virtues are destroyed; and hence it is called the root and guardian of virtue (cfr. Rom., v. 3, 4; James, i. 2-4; Luke, xxi. 19). But there are degrees of patience: the lowest is equanimity, which offends God neither in thought, word nor deed even though sorely tried (Job, ii. 7-10); a higher degree is submission, which prefers adversity to prosperity (Ps. cxviii. 71); the highest degree is joyful resignation, which smiles at grief and rejoices in tribulation (II Cor., xii. 10, vii. 4).

2455. The Vices Opposed to Patience.—(a) The sin of deficiency in sorrow is stolidity, which is a brutal insensibility that is moved neither by one's own nor by others' misfortunes. This is not a virtue, but an inhuman and unnatural way of life, which takes no account of man as a feeling as well as a reasoning being.

(b) The sin of excess in sorrow is impatience, which mourns excessively under afflictions, or in looks, words or deeds expresses a complaining and rebellious spirit (Prov. xiv. 17; Judith, viii. 24, 25). Stolidity and impatience are *per se* venial sins, but they become mortal *per accidens* on account of some circumstance, as when the unfeeling man gives great scandal by his hardhearted acts, or the impatient man blasphemes (see 2450, 2451).

2456. Steadfastness.—Steadfastness is a virtue which is so devoted to the goodness of continuing in the right that it is not fatigued by the length of time or the repeated effort required for a good work (virtue of persistence or perseverance), nor disheartened by the opposition which a good work encounters (virtue of manliness or constancy), but goes on unmoved until the conclusion which right reason calls for has been arrived at.

(a) The Virtue.—Steadfastness belongs to fortitude, since the essence of both is a struggle against difficulty; but steadfastness is the inferior, since it is nobler and more heroic to be undismayed by the peril of death than to be unconquered by strain of monotony or opposition. Steadfastness is a most important virtue, for it avails one little to begin a work well if it is not carried to a successful conclusion. Without it one puts hand to the plow but

looks back (Luke, ix. 62), or begins to build but does not finish (Like, xiv. 30); with it the work begun is crowned, the harvest will be reaped (Gal., vi. 9, 10), and salvation secured (Matt., x. 22). Scripture abounds with exhortations to steadfastness (I Cor., xv. 58; Phil., iv. i; II Tim., iii. 13; Eccclus., xi. 21, 22, v. 12; John, viii. 31; Heb., xii. 7); but final perseverance is a special gift of God (I Peter, v. 10).

(b) The Opposite Vices.—Opposed to steadfastness by deficiency is the vice of effeminacy or weakness, by excess the vice of pertinacity. The effeminate person, lacking stamina to go on in a necessary good, surrenders to weariness or opposition by abandoning the undertaking or by taking up with evil (Matt., xi. 7, 8). The pertinacious person continues in the course he has begun when right reason bids him to discontinue, as when one has taken a vow and does not wish to accept the dispensation which a change of circumstances necessitates. These sins are venial unless they go counter to a grave duty, as when an effeminate person gives up the resolution to avoid a very dangerous occasion of sin, or the headstrong person determines to fast during the remainder of Lent when this will seriously injure his health.

2457. The Complements of Fortitude.—We shall now speak of the Gift, the Beatitude, and the Fruits that correspond to fortitude (see 159 and 2433).

(a) The Gift of Fortitude is an infused habit which makes the appetitive powers readily responsive to the encouragement of the Holy Spirit and filled with a courage that is more than human. Thus, the Gift of Fortitude supplies for what is wanting in the virtue of fortitude. The virtue is regulated by the rules and measure of human prudence, but the Gift is inspired by the presence and command of the Holy Spirit Himself (Ps. xliii. 4, xvii. 2, 3); the virtue strengthens the soul, but the Gift supports even the weakness of the flesh, for the Spirit helpeth our infirmity (Rom., viii. 26; cfr. Luke, xxii. 43); the virtue aids one against the perils of death, but the Gift strengthens in difficulties both of life and death, reinforcing not only courage but also the allied virtues, greatness of soul, munificence, patience and perseverance, for we can do all things in Him that strengthens us (Phil., iv. 13); the virtue gives firm resolution to adhere to the right in spite of death itself, but the Gift adds the unshaken confidence that one shall surmount every difficulty and win the crown of victory (Rom., viii. 31 sqq.).

(b) The Beatitude which is the special exercise of the Gift of Fortitude is the eighth: “Blessed are they that suffer persecution for justice’s sake, for theirs is the kingdom of heaven” (Matt, v 10). The Gift of Fortitude makes the persecuted feel a great confidence and security in the midst of the struggle, and this is a foretaste of the copious, exceeding and eternal reward that follows this Gift (Gen., xv. 1; Rom., viii. 18; II Cor., iv. 17; Ps. xciii. 19; II Cor., i, 1). Others assign to this Gift the Beatitudes of the meek and of those who hunger and thirst for holiness.

(c) The Fruits that are most appropriate here are patience in bearing evil and longsuffering in awaiting or performing good; for these are acts that add a finish of maturity to fortitude (see 2447, 2454, 2456), and in their most excellent state (see 2454) the performance of them is no longer bitter but sweet.

2458. The Commandments of Fortitude.—(a) Fortitude itself is commanded both in the Old and the New Testament. In the Old Testament are found precepts of bravery in bodily warfare, as in Deut. xx. 3: “Hear, O Israel, you join battle this day against your enemies. Let not your heart be dismayed, be not afraid, do not give back, fear ye them not.” The New Law commands courage before spiritual foes; “Your adversary the devil goeth about like a roaring lion, seeking whom he may devour, whom resist ye strong in faith” (I Peter, v. 8); “Resist the devil and he will fly from you” (James, iv. 7); “Fight the good fight” (I Tim., vi. 12). It also commands fortitude in the presence of corporal dangers: “Fear not them that kill the body, but cannot kill the soul” (Matt., x. 28).

(b) The annexed virtues are counselled when (as is the case with greatness of soul and munificence) they incline to the excellent and superabundant; they are commanded when (as in the case of patience and perseverance) they are necessitated by normal conditions of earthly existence. Greatness of soul is recommended in the invitations to be perfect (Matt., v. 48), to love God more ardently (see 1560) and to follow the counsels (see 364 sqq.), and in the praise bestowed on the excellent virtue of Noe (Gen., vi. 9), of John the Baptist (Matt., xi. 11), and of Mary Magdalene (Luke x. 42). Munificence is recommended in the eulogies of Solomon (Ecclus., xlvii. 20), of Magdalene (Mark, xiv. 9) and of Joseph of Arimathea (Luke, xxiii. 50 ff.). Patience is commanded in Luke, xxi. 19 (In patience possess your souls), and in Rom., xxii. 12 (Be patient in

tribulation); perseverance in Ecclus., ii. 4 (In sorrow endure), in Matt., x. 22 (He that perseveres to the end shall be saved), in I Cor., xv. 58 (Be steadfast and unmovable) and in Heb. xxi. 7 (Persevere under discipline).

2459. Obligation of the Precepts of Fortitude and Annexed Virtues.—(a) The precepts of fortitude are negative or prohibitory, and therefore it is obligatory at all times to omit what they forbid (see 371). It is never lawful to be timorous, insensible, cowardly, or foolhardy—to do anything intrinsically wrong, even to escape death (see 317, 318). But it is not necessary to sacrifice life for the fulfillment of an affirmative precept, unless injury to God or the common safety, or an extreme spiritual loss to self will otherwise result (see 317, 818, 361).

(b) The precepts of patience and perseverance are also negative, and hence it is never lawful to be guilty of stolidity, impatience, effeminacy or stubbornness. But since patience and perseverance are not so difficult as fortitude, they have also affirmative precepts. These latter laws oblige always, but not for every occasion (see 371). Thus, one must be always willing to exercise patience, but one who is spared trials has not the occasion to exercise the virtue. Patience itself never ceases to be a virtue, but there is a pseudo-patience which consists in toleration of evils that should not be tolerated, and which is not a virtue but a kind of supineness or spinelessness that pertains to effeminacy rather than to patience.

2460. Subjects of Fortitude.—(a) Laws have universal extension, and hence it would not be true to say that active fortitude is a masculine, passive fortitude or patience a feminine virtue. But greater courage is expected in some than in others on account of greater strength (e.g., the adult, the physically well) or greater necessity (as in soldiers, policemen, firemen, pastors, physicians, rulers).

(b) The counsel of munificence, however, is only for the rich as regards exercise, since others have not the means wherewith to exercise this virtue.

Art. 8: THE VIRTUE OF TEMPERANCE

(*_Summa Theologica_*, II-II, qq. 141-170.)

2461. Definition of Temperance.—Temperance is a moral virtue which regulates according to reason the gratification of the lower pleasures and desires of sense.

(a) It moderates pleasure and desire, and in consequence also the sadness caused by the absence of pleasure. Just as a special virtue (fortitude) is needed to check the strongest of the repelled emotions (fear of death), so likewise a special virtue (temperance) is necessary to bridle the most vehement of the attracted emotions (pleasure and desire).

(b) It moderates sensible pleasure, that is, satisfactions derived from the use of the external senses—sight, hearing, smell, taste, and touch. Spiritual pleasures, which are derived from the loftier powers of intellect, will and imagination (e.g., from the study of theology, the reading of classical literature, the meeting of mother and child or of friend and friend), have no opposition to reason, except accidentally when a still higher activity which should be exercised is impeded by them. Some of these (such as the pleasures of the intellect) may be called purely spiritual, since they make little or no impression on the sensible appetite; others, on the contrary (such as the pleasures of the will), may be called mixed pleasures, since at times they vehemently excite the sensitive appetite and powerfully affect the body (e.g., mothers have been known to die of joy at the return of a child who was thought to be dead).

(c) Temperance moderates the lower sensible pleasures, that is, the satisfactions caused primarily by touch and taste, and secondarily by other senses, in the activities necessary for preservation of the individual (eating and drinking) and of the race (sexual intercourse). These passions are called the lower, animal, or carnal pleasures, since they are common to man and beast, and are strongly rebellious against reason. The special virtue of temperance is necessary, then, to make man follow reason, not Bacchus or Venus. The higher sensible pleasures, on the other hand, are produced by a sensible object, not on account of any relation to venereal or gustatory

delight, but on account of a perfection in the object that makes it suitable to the sense (e.g., the enjoyment derived from beautiful scenery, classical music, fragrant roses, or downy or velvety cloth). The esthete or the connoisseur obtains from these agreeable sensations a pleasure unknown to the animals, and one that is not from its nature refractory to reason nor seductive to carnal excess. Hence, these higher sensual pleasures are not gross, but refined; they should be moderated by prudence, but they are not so dangerous as to demand a special virtue, like temperance, for their regulation. Neither should we class with carnal pleasures the joys of physical well-being, such as the refreshment of sleep, the exhilaration of a sea bath or of a massage, the comfort of a balmy breeze, the ease of strength, or the relaxation of exercise.

2462. The Rule of Moderation.—The rule of moderation which temperance imposes on the carnal appetites is this: “Indulge only as necessity requires and duty allows.” For pleasure is a means whose end is some reasonable need of life, and it is therefore a perversion to make pleasure an end by indulging it apart from need and duty (see 85). But necessity is to be understood broadly, so as to include not only the essentials, but also the conveniences of life (e.g., seasonings and desserts with food).

(a) As to venereal pleasures, then, the rule means that they should not be used outside matrimony, nor in matrimony except for the procreation of children and the other lawful ends of marriage.

(b) As to the pleasures of the table, they should not be indulged except for the benefit of mind and body, and in such manner, quantity, quality, etc., as this purpose requires. But one may regulate one’s food or drink by the higher purpose of mortification, and partake of less than the body demands here and now.

2463. The Excellence of Temperance.—(a) Temperance is among the four principal or cardinal virtues. It keeps in order one of the passions that is most natural and most necessary for the present life, and among the virtues it excels in the quality of moderation, since it chastens the inclination that is hardest to hold within bounds, and guards the senses, the gateways of the soul (see 2441). “Wisdom teaches temperance, prudence,

justice and fortitude, than which there is nothing more useful in life” (Wis., viii. 7).

(b) In its nature temperance is not the chief but the least of the moral virtues. For justice and bravery are of greater service to the common welfare, and the good of the multitude, as Aristotle remarks, is more divine than the good of the individual. But in accidental respects temperance has a superiority; for it is more tender and graceful than fortitude, more arduous than justice, and there is perhaps no other virtue whose exercise is so constantly called for.

2464. The Vices Opposed to Temperance.—(a) The vice of deficiency has been called insensibility, and consists in an unreasonable dislike of the inferior sensible pleasures, which makes one unwilling to use them when and as reason commands. Thus, the Stoics and Manichees believed that material joys are intrinsically evil, and there have been fanatical advocates of teetotalism (e.g., the Aquarians) and of purity (e.g., the Puritans who would not permit a man to kiss his wife on Sunday, the prudish and censorious who fear or suspect evil without reason, the Pharisees who think they are defiled if a sinner speaks to them, the misogynists who disapprove of marriage). The sin is venial *per se*, since it does not submit to passion; but it may be mortal on account of some circumstance, as when the marriage debt is unjustly refused or necessary nourishment is not taken. This vice is rarer than its opposite, and it must not be confused with austerity, which for the sake of a spiritual good foregoes some lawful but unnecessary sensible enjoyment.

(b) The vice of excess is immoderation, which includes gluttony and impurity. This is the most disgraceful of sins, because the most unworthy of a rational being; it enslaves man to pleasures of which the lower animals are capable; unlike other vices, it contains in itself nothing of intelligence, industry, generosity, and nothing that would at all liken it to virtue. The lowest depths of degradation are reached when immoderation is brutish even in its manner, as when one is gluttonous of human flesh or desirous of sodomitic pleasure. Immoderation is called by Aristotle a “childish sin,” because, as a child is eager for pleasures and will follow them unduly unless instructed and trained, so also an immoderate person thinks only of his appetite, and will go from bad to worse unless he accepts the discipline of reason. But the child is excusable, while the immoderate man should

know better. Immoderation is worse than timidity; for, while the former seeks selfish delight and acts with willing unrestraint, the latter seeks self-preservation and is under some external menace.

2465. The Parts of Temperance.—(a) The subjective parts or species of temperance are two, since there are two distinct objects of the virtue. These objects are the two delights of touch that are ruled by the virtue, namely, those associated with the nutritive and those associated with the generative function. The first subjective part of temperance includes abstemiousness as to food and sobriety as to drink; the second part includes chastity, as regards the principal sexual act (copulation), and decency or pudicity, as regards the secondary acts (kisses, touches, embraces, etc).

(b) The integral parts are also two, since there are two conditions for the perfect exercise of temperance. These conditions are the fear and avoidance of what is disgraceful (shamefacedness, reserve, or delicacy) and the love of what is honorable (virtue of propriety or refinement). Shamefacedness is a passion, but, as physical fearlessness is a disposition for moral courage, so is the fear of incurring reproach a preparation for virtue. Hence, this delicacy is a laudable passion, and is ascribed chiefly to temperance, whose opposite is chief among things disgraceful. Propriety is also assigned to temperance, because it is an attraction towards that which is spiritually good and beautiful, a habit most useful for temperance, which must subordinate the delightful to the good, the carnal to the spiritual.

(c) The potential parts of temperance are its minor or servant virtues. They resemble temperance inasmuch as their chief praise is in moderation, but they are inferior to it inasmuch as that which is moderated by them is less recalcitrant than the sexual or gustatory appetites. First among these potential parts are those whose task of moderating, while not of the greatest difficulty, is yet more than ordinarily difficult; and here we have continence, which calms a will agitated by immoderate passion, and meekness, which governs the passion of anger. Next among the potential parts are those whose task of moderating offers less or ordinary difficulty, because they keep in order matters less removed from reason. All the virtues of this second group are given the common name of modesty. They are reduced to four: humility and studiosity, which moderate the internal appetites of excellence and of learning respectively; modesty of bearing and modesty of

living, which regulate respectively the external acts of the body and the external goods of food, drink, clothing, furnishings, etc.

2466. Abstemiousness.—Abstemiousness is a virtue that moderates according to reason the desire and enjoyment of the pleasures of the table.

(a) It is a special virtue, because the appetite it curbs is very powerful, and on account of the body's need of nourishment is often tempted.

(b) It moderates by avoiding both defect and excess in meals as to time, place, quantity, quality, etc. There is not, then, one standard amount of food for all, since the needs and duties of all are not the same, and hence he who takes more or less than is normal or usual cannot from that alone be accused of being unabstemious. Neither is the mean for an individual so rigidly fixed as not to permit some latitude within certain limits. It should be noted here too that abstemiousness is not the same thing as abstinence. Thus, a person who is immoderately abstinent, denying himself the food necessary for life or for duty or for optional works better than his abstinence, is not abstemious, since he is not guided by prudence or obligation.

(c) It moderates according to reason; that is, it decides what is proper for an individual, not merely from the viewpoint of bodily health, vigor, and longevity, as is done by the arts of medicine and hygiene, but also and chiefly from the viewpoints of higher goods, such as mental power, control of passion, austerity.

(d) It moderates the pleasures of the table, that is, the desire for and actual enjoyment of food and non-intoxicating beverages. Moderation in intoxicants is the special virtue of sobriety, which will be discussed later. Hence, a person who drinks too much ginger ale or water, tea or coffee, sins against abstemiousness; he who drinks too much whisky, beer, or wine sins against sobriety.

2467. Degrees of Abstemiousness.—(a) The lower degree practises temperance, taking sufficient food and drink for the preservation, not only of life and health, but also of the very pink of physical condition, yet so as to avoid all excess.

(b) The higher degree practises austerity, taking less than is necessary for the best condition, or strength or comfort of the body, but sufficient for life and health. The austere person eats less than he could reasonably take, but

not less than his health and work demand. The subtraction he makes in his food will more likely benefit his health in the long run and promote longevity, for, in the wise words of old Galen, “abstemiousness is the best medicine.” But even though this austerity be slightly detrimental to health, or may slightly abbreviate life, it is still lawful, since the higher goods of the mind and of virtue may always be secured at such reasonable sacrifice of corporal goods (see 1164 sqq., 1561 sqq.).

2468. Austerity.—The two chief forms of austerity in food and drink are fasting and abstinence.

(a) Nature.—The natural fast is the omission of all eating and drinking, or the omission to receive into the stomach anything whatever that has the nature of food, drink or medicine. The moral fast is the omission to take a certain quantity of food that could be taken without intemperance. Abstinence is the omission to take a certain quality of food, such as meat or eggs.

(b) Kinds.—Fast and abstinence are in respect to duration either perpetual (e.g., the abstinence from meat of the Carthusians) or temporary (e.g., the abstinence for Fridays and other appointed days of the faithful generally); either voluntary (e.g., a fast which one assumes under private vow) or obligatory (e.g., the fasts and abstinences prescribed in the general or particular laws of the Church). The ecclesiastical fast and abstinence will be spoken of later when we treat of the precepts of the Church and Holy Communion.

2469. The Excellence of Fasting and Abstinence.—(a) Lawfulness.—Fasting and abstinence are acts of virtue, for they subdue the unruly flesh, fit the mind for divine contemplation (Dan, x. 3 sqq.), satisfy for sins (Joel, ii. 12), and add weight to prayers (Tob., xii. 8; Judith, iv. 11; Matt., xvii. 20). The greatest men of the Old and New Testaments practised fasting—Moses, Samson, Elias, John the Baptist, and St. Paul. Our Lord Himself fasted forty days and forty nights (Matt, iv. 2). St. Paul, therefore, numbers fasting with other virtues: “In fastings, in knowledge, in chastity” (II Cor., vi. 5). Examples of abstinence are Daniel avoiding meat (Dan, i. 8 sqq.) and Eleazar who died rather than eat forbidden swine flesh (II Mach., vi. 18 sqq.). Abstention from solid or liquid nourishment is not a virtue, however, if practised from purely indifferent or evil motives, for example, merely in

order to recover health through diet, or to train for an athletic contest, or to preserve shape and beauty, or to commit suicide, or to simulate virtue, or to profess false doctrines or if carried to extremes. The forty-day fasts of Moses, Elias and of Our Lord are for our admiration, but very few are able to imitate these examples.

(b) Obligation.—Fasting and abstinence in general are obligatory under natural law, because without them certain necessary ends cannot be obtained. They are remedies for past sins and preservatives against future sins; and, as sin is the common state of man (James, iii. 2; Gal., v. 17), it would be presumptuous to neglect these antidotes. Under the positive law fasting and abstinence have been prescribed in detail, and this was necessary since it is the duty of the Church to determine the time, manner and other circumstances of natural duties of religion which the natural law itself has not determined.

2470. The Sins Opposed to Abstemiousness.—(a) The sin of deficiency in the matter of food is self-starvation. This is the sin of those who are martyrs to fashion, who in order to have a frail figure follow a diet (e.g., denying oneself all substantial food to reduce obesity) that undermines their constitutions and leaves them a prey to disease. It is also the sin of those who from unwise zeal for rigorous fasting deprive themselves of the necessities of life, or eat what their stomachs rebel against. This sin does not differ from suicide or bodily injury treated above (see 1566 sqq., 1857 sqq.). “It is the same thing to kill yourself by slow degrees as to kill yourself in a moment. And he who kills himself by fasting is like one who offers God a sacrifice from stolen property” (St. Jerome).

(b) The sin of excess in food is gluttony. There is no sin in desiring food or in taking food with satisfaction, for the Author of nature has willed that such an essential act as eating should be pleasurable, and it is a fact that digestion and health suffer when food is taken without appetite or a peaceful frame of mind. But the glutton goes to excess by the inordinate and unreasonable enjoyment he takes in feeding himself.

2471. Ways of Committing Gluttony.—There are many ways of committing gluttony, but they can all be reduced to two heads.

(a) Gluttony in food is excess in the substance, quantity, or quality of the things eaten. The gourmet is extremely fastidious about the substance of his

food; he must have the most dainty or costly or rare viands, and nothing else will satisfy him. Cannibalism seems to be lawful in extreme necessity, but it is not lawful to kill human beings in order to eat them. The gorgor or gourmand may not be particular about the kind of food that is given him, but he desires a large quantity, more than is good for him. The epicure is too hard to please as to quality; even when there is no festal occasion, he must have a great variety of foods and they must be most carefully prepared, so that he may get the utmost joy of the palate. We should not class among gluttons, however, those who require special foods or special cooking for a good reason, as when health or hard work forces one to observe a strict diet.

(b) Gluttony in eating is excess as to the time or manner of taking food. There is excess about the time when a person is over-eager about the dinner bell, eats before or oftener than he should, or lingers too long at table. There is excess about the manner when a person eats greedily, hurriedly, or selfishly, rushing at his food like a tiger, bolting it like a dog, or depriving others like a pig.

2472. The Sinfulness of Gluttony.—(a) Gluttony is a mortal sin when it is so serious as to turn man away from his end itself, making him prefer his appetite to God. Thus, those sin gravely who are such high livers that they are unable to pay their debts, to the serious detriment of creditors; or who gormandize so much that they can do little work and have to spend most of their time in exercising or taking cures; or whose heavy eating is the occasion of serious sins of anger, impurity, or neglect of religious or other duties. To all these apply the words of St. Paul (Phil., iii. 19): “Whose god is their belly.” To eat until one vomits seems to be a mortal sin, if the vomit is caused by the enormous quantity of food consumed, for such an act seems to be gravely opposed to reason; but there is no grave sin if the vomit is due to the quality of the food or the weakness of the stomach.

(b) Gluttony in itself is a venial sin since it is a disorder about the means, and not a turning away from the end. This happens when one is inordinately fond of gastronomic joys, but is not prepared to sacrifice grave duties for their sakes. Thus, a person who gives too much indulgence to a sweet tooth, or who likes to stuff himself now and then, but who doesn’t disable himself or give scandal by his weakness, sins venially.

2473. Gluttony as a Capital Sin.—(a) The first condition of a capital sin is that it be one of the main sources of evil attraction. This condition is verified of gluttony, for all seek happiness, and gluttony contains one of the ingredients of happiness, namely, pleasure in an unusual degree. Among all sensual delights those of the palate and stomach are admitted to be, along with those of sexual love, the most intense. The first of the three temptations with which Satan assailed Christ was that of gluttony (Matt., iv. 1-4).

(b) The second condition of a capital vice is that it be the final or motive cause of a large crop of sins. This condition is also verified in gluttony, since the greedy man is so in love with his pet vice that in order to pamper it he is ready to suffer various kinds of evils which he should not permit. Evils of soul that are caused by gluttony are: heaviness in the mind, for an overloaded stomach unfits the mind to reflect on higher things or to consider the duty of moderation in rejoicing, in words or in acts (Ecclus., ii. 3); absurd mirth in the will, a feeling of security and gladness and unrestraint, for the glutton thinks only of his present contentment and does not consider the evils of his sin; loquacity in word, for his mental faculties being dulled and his will hilarious the glutton gives free rein to his tongue, often sinning by detraction, betrayal of secrets, contumely, and blasphemy (Prov., X. 19); levity in act, for the glutton wishes to give vent to his animal spirits, and he does so by unbecoming jokes and clownishness. Evils of body due to gluttony are dirtiness and disease: the glutton is often filthy in his manner of eating, his breath is fetid, he is much occupied with natural necessities, excretion and exurgitation, and he suffers from gout or indigestion or one of the numerous other maladies that are the price of overindulgence.

2474. Sobriety.—Sobriety in its strictest sense is a virtue that keeps one to the moderation of temperance in the liking for intoxicating liquors and in their use.

(a) Thus, sobriety is concerned with intoxicants, that is, with substances that produce a poisonous effect upon the nerves and brain. It is, therefore, a different virtue from abstemiousness, since it has to subdue a vice far more alluring and deleterious than gluttony. Alcohol has the same effect as a narcotic drug, for it benumbs both mind and body, sometimes to the point of insensibility, so that those who are under its influence are unable to think,

speaking or regulate their movements properly; but it gives a feeling of exhilaration and elevation and leaves behind it an insatiable craving, so that those who have once taken too much are very likely to repeat the act. Habitual intoxication breaks down both morals and health, and the toper goes to a disgraceful and early grave.

(b) Sobriety is concerned with liquors, that is, with beverages and medicines. But secondarily it also controls the appetite for narcotics, such as opium, chloroform, tobacco, and the desire to inhale strong liquors or vapors or gases which may produce intoxication.

2475. Obligation to Practise Sobriety.—Sobriety should be cultivated by all, but certain ones are more bound to it than others.

(a) Thus, on account of the greater physical evils of insobriety in their regard, the virtue should be especially cultivated by the young, the old, women, and persons of sedentary life. Young people are greatly harmed by too much alcohol, because it stunts their growth and affects them more seriously in mind and body than adults. The old have not the strength to throw off the poison of too much stimulation and are accordingly more injured. Women, being more excitable than men, are more easily affected by strong drink, and hence among the ancient Romans females abstained from wine. Finally, those who lead a sedentary or indoor life do not so easily get the poison out of their systems, and they feel the evil effects more than those who live out of doors or who engage in manual work. But there is no constitution, however iron it may be, that is not conquered in the end by alcoholism.

(b) On account of the greater spiritual ills that result from their insobriety, the virtue of soberness is more imperative in certain individuals. Thus, there are some who do greater spiritual harm to themselves by intoxication, for example, the young, whose passions are more easily inflamed, and females, who are more readily taken advantage of; and hence St. Paul recommends sobriety to women and young men particularly (I Tim., iii. 11; Tit., ii. 6). There are also some who do greater harm to others by intoxication, such as those who should instruct others (Tit., ii. 2), or who should give good example (I Tim., iii. 2), or who are rulers over the people (Prov., xxxi. 4).

2476. The Sins against Sobriety.—(a) The sin of excess may be called, for want of a special name, over-sobriety. It is committed by those who

condemn all liking for or enjoyment of intoxicants as intrinsically evil (e.g., the Manichees, who said that wine was the gall of the devil); also by those who deny to themselves or others intoxicants when the use of them is necessary (e.g., the Encratites, who would allow only water for the Eucharist, or a fanatical teetotaler who would see a man die rather than give him a necessary dose of whisky).

(b) The sin of deficiency against sobriety is drunkenness, which is a voluntary and unjustified loss of the use of reason brought on by the consumption of too much intoxicating liquor. Drunkenness as a sin (active drunkenness), therefore, is to be distinguished from drunkenness as a condition (passive drunkenness). There is active drunkenness or the sin of drunkenness when intoxication is both voluntary and inexcusable; there is passive drunkenness or the mere state of drunkenness when one or the other of these two conditions is lacking. Usually those who sin by drunkenness seek the pleasure or forgetfulness which potations bring, but this is not essential, it seems, to the sin of inebriety; the malice of drunkenness is found not merely in the excessive pleasure, but especially in the subordination of spirit to the flesh and in the damage done to mind and body. Hence, a person who yields to the insistence of a banquet companion that he drink wine which is disgusting to him, is guilty of drunkenness if he takes too much.

2477. Cases of Mere Passive Drunkenness.—(a) Involuntary Drunkenness.—This occurs when there is invincible ignorance of fact (e.g., when an adult becomes intoxicated in good faith, because he had no reason to suspect that a cocktail or eggnog was very strong, or that his stomach was very weak), or of law (e.g., when a child gets drunk because he does not know that it is wrong to do so), or when there is lack of intention (e.g., when drink is forced on a person who does not want it).

(b) Excusable Drunkenness.—This occurs according to most theologians when there is a proportionately grave reason which justifies the evil of intoxication (see 103 sqq.). Such grave reasons are the saving of life (e.g., to escape death from snake bite), the cure of serious disease (e.g., cholera or influenza), the avoidance or mitigation of severe suffering (e.g., before a surgical operation, or after a very painful accident, or when there is no other means of helping a grave case of insomnia). In all these cases it is generally admitted that one may bring on unconsciousness by the use of anesthetics

and sedatives (such as chloroform, ether, morphine, opium); and there is no reason why we should not view intoxicants also in the light of remedies which may be taken on the advice of physicians or other competent persons if other remedies cannot be had. Some theologians, however, refuse to excuse intoxication for any reason, since they regard drunkenness as intrinsically evil. In addition to the excuses just mentioned some also give that of escape from violent death, as when a burglar threatens to kill unless those present make themselves helpless by intoxication. But all agree that intoxication is not excused by ordinary advantages, such as escape from slight physical pain (e.g., toothache, seasickness), nor by the desire to avoid what can be avoided by other and more suitable means (e.g., worry about one's troubles, an unpleasant meeting or conversation).

2478. The Morality of Total Abstinence.—(a) Obligation.—*Per se*, there is no obligation of abstaining from every or any kind of intoxicating beverage, either perpetually or temporarily, for food and drink were intended by God for the use of man and the moderate use of intoxicants, especially when the percentage of alcohol is light, is found by many to be a help to digestion, a refreshing stimulant, an excellent tonic and remedy. The example of Our Lord, who changed water into wine, who partook of wine at banquets, and who made wine one of the elements of the most sacred of rites, is proof that it is not sinful to drink strong liquors. This is also clearly taught in the Bible, which praises moderate drinking of wine (Ecclus., xxxi 36), recommends that a little be taken for a weak stomach (I Tim., v. 23), and declares that it is not what enters the mouth that defiles (Matt., xv. 2).

But, *per accidens*, there is an obligation of total abstinence when a greater good requires that one sacrifice intoxicants, whether the good be of self (e.g., when intoxicants are a serious danger to one's health or morals, or when one is bound by vow or pledge to abstain from them) or of another (e.g., when the use of intoxicants gives serious scandal, Rom., xiv. 21). If the common safety is seriously imperilled through drunkenness, and obligatory abstinence can be enforced and will be the most reasonable method of correcting the evil, we can see no objection to prohibition laws. But whether these conditions exist in this or that particular place or case is a question of fact and has to be decided by impartial study.

(b) Lawfulness.—*Per se*, it is also permissible to abstain freely from all intoxicants, for the sake of some higher good (e.g., in order the better to

apply the mind to studies, Eccclus., ii. 3), to silence calumnious tongues, to practise mortification, or to give good example. But, *_per accidens_*, it is not lawful to abstain when law (e.g., in the celebration of Mass) or necessity (e.g., a man dying from influenza who cannot be saved without whiskey) requires one to drink spirits. Examples of total abstinence are the Nazarites (Num., vi. 3), Samson (Judges, xiii. 7), Judith (Jud., xii. 2, 19), and John the Baptist (Luke, i. 15).

2479. Degrees of the Sin of Drunkenness.—(a) The sin of perfect or complete drunkenness is a voluntary excess in intoxicants carried so far that one loses temporarily the use of reason. This does not mean that one must become insensible or fall in a stupor or be unable to walk or have delirium tremens (dead drunk), but only that one loses the mental power to direct oneself morally, even though one still retains enough judgment to direct oneself physically (e.g., to cross the street or ascend the stairs safely, or to find one's own quarters without help). The indications of perfect drunkenness are that the intoxicated person no longer distinguishes between right and wrong, perpetrates evils he would abhor in his right senses (e.g., beats his wife, runs down a pedestrian, blasphemes, or provokes quarrels), and cannot remember on sobering up the chief things he said or did while drunk.

(b) The sin of imperfect or incomplete drunkenness is a voluntary excess in intoxicants carried so far that one is somewhat confused in mind, but does not lose the use of reason. Hence, a person who is physically impeded though not mentally incapable on account of drink, who staggers, speaks incoherently, or sees uncertainly, but who knows that he should not beat his wife, or kill, or blaspheme, or quarrel, etc., is imperfectly drunk. There are also circumstances that aggravate the evil of perfect or imperfect drunkenness. Thus, it is worse to be a toper or habitual drunkard than to be an occasional drunkard, and worse to go on a long spree than to be drunk only for an evening.

2480. Malice of the Sin of Drunkenness.—(a) Perfect drunkenness is a mortal sin, because it is a grave disorder to deprive oneself of moral judgment and thus expose oneself to the danger of perpetrating serious crimes and injuries. Moreover, it is a monstrous thing to despoil oneself unnecessarily of reason, the greatest natural good of man, and to make oneself for the time being a maniac, more like a beast than a human being.

St. Paul declares that those who would put on Christ must put away drunkenness with other works of darkness (Rom., xiii. 13), and that drunkards shall not inherit the kingdom of God (Gal, v. 21). The opinion that perfect drunkenness is only venial if not habitual is now obsolete, and the opinion that perfect drunkenness is not mortal unless it lasts a considerable time (say, more than an hour) is commonly rejected; for the essential malice of drunkenness depends on its nature, not on its frequency or duration. A person who takes enough to make himself completely drunk and then escapes the consequences by artificial means (e.g., by using a drug or bringing on a vomit), does not sin mortally by drunkenness; but it seems that such a swinish person must sin mortally by reason of gluttony, injury to health, or scandal.

(b) Imperfect drunkenness is a venial sin, because the harm done is not considerable, for a tipsy man usually suffers nothing more than a slightly fuddled brain and some unsteadiness of body. Indeed, if wine or beer produces nothing more than a spirit of moderate hilarity and talkativeness, there is no sin.

Accidentally, imperfect drunkenness may be a mortal sin by reason of circumstances, as when the person who is intoxicated gives great scandal on account of his position or office, or when the motive is to inflame passion or to commit other serious sin, or when the drunkenness is constantly repeated, or when the drunkard seriously neglects his business, family, or religious duties, or does other grave harm in consequence of his love of the bottle. In fact, there may be grave sin when one is not intoxicated at all, but is only a tippler. For the habit of drinking alcoholic beverages frequently (e.g., a nip or dram of whisky several times a day) is, according to medical authority, more harmful to the system (alcoholism) than intoxication at long intervals, especially if the portion is generous and the drinker is young.

2481. Drunkenness Compared with Other Sins.—(a) It is not the worst of sins. Sins against the theological virtues are more wicked, since they offend against divine good, whereas drunkenness is against human good. Many sins against the moral virtues are worse, since they injure a greater human good; for example, it is more harmful to take away life than to suspend the use of reason.

(b) It is one of the most ruinous of sins in its consequences (see 2472, 2473): first, for society, since a large percentage of crime, insanity, destitution, and misery is due to intemperance; secondly, to religion, since indulgence in one sensual pleasure sharpens the appetite for others, while creating a distaste for spiritual things, for effort and self-sacrifice; thirdly, to the intellect, for strong drink steals away the mind and memory; fourthly, to the body, for drunkenness not only prostrates the nervous system at the moment and has most painful after-effects in bursting headaches and disabled stomach, but it also causes permanent disasters (to brain, heart, nerves, kidneys, and liver), weakens the resistance to disease and brings on an early death; fifthly, to goods of fortune, since drunkards squander their all for drink; sixthly, to posterity, since intemperate parents transmit constitutional weakness to their children.

2482. Responsibility of Drunkard for Sins Committed While Intoxicated. —(a) If the drunkenness is fully voluntary and culpable, he is responsible for all the sins he foresaw or should have foreseen; for then these sins are willed in their cause (see 94 sqq.). Hence one who is accustomed while under the influence of liquor to blaspheme, betray secrets, quarrel, etc., should confess that he committed them while drunk, or that he was prepared to commit them in getting drunk. Under similar conditions one who misses Mass because he was drunk is responsible for the omission; one who is too drunk to attend to a business appointment and thereby causes loss to another is held to restitution. But, if grave sins are foreseen only in a very confused way, generally they will be imputable only as venial in themselves.

(b) If the drunkenness is fully voluntary and culpable, but the sins that ensued were not foreseen and could not humanly have been foreseen, the drunkard is excused at least in part from the guilt of these sins. Hence, a person who gets drunk for the first time or who usually sleeps after getting drunk is not responsible for the bad language he uses, if the thought of profanity was farthest from his mind when he became drunk. But if this person was not completely drunk and had some realization of the malice and scandal of bad language, he is at least venially guilty of profanity and scandal.

(c) If the drunkenness was involuntary, the drunken person is excused entirely in case of complete drunkenness; he is excused partially in case of

incomplete drunkenness that did not exclude some realization of the sinfulness of what he said or did while intoxicated (see Canon 2201, Sec.3). In the civil law drunkenness is not held to be an excuse for a criminal act, but it may negative a specific intent (Robinson, *Elements of Law*, Sec.471, 525, 531).

2483. Material Cooperation in the Sin of Drunkenness—(a) If there is no grave reason for the cooperation, it is illicit. Mere hospitality is not a sufficient reason for furnishing a table with a great supply of strong drinks when some of the guests are dipsomaniacs, and mere good fellowship does not justify one who has been treated to order another round of treats if some of the drinkers are already inebriated. Parents or others in authority who get drunk before their subjects are guilty of scandal; those who encourage drunkenness are guilty of seduction; those who supply others with drink in order that these may become drunkards are guilty of formal cooperation.

(b) If there is a grave reason for cooperation, it is not illicit (1515 sqq., 1538 sqq.). Whether it is lawful to persuade another to get sinfully drunk in order to keep him from the commission of a greater evil (e.g., homicide or sacrilege), is a disputed question (see 1502).

2484. Is it lawful to make another person drunk when he will be guiltless of sin, and there is a grave reason?

(a) According to one opinion this is not lawful, because drunkenness, like impurity, is intrinsically evil and never permissible, since the end does not justify the means. Hence, just as it would be wrong to induce a drunken person to impurity, so it would also be wrong to intoxicate a child or an insane person (see 306).

(b) According to the common opinion, it is lawful to intoxicate oneself for a grave reason (see 2477 b), and hence also it is lawful to intoxicate another for a similar reason. Thus, if a criminal were about to blow up a building and destroy many lives, it would be permissible or even obligatory to put powerful intoxicants into his drink so as to make him helpless. If one were about to be roasted by cannibals and could escape by making the cannibals drunk, it would not be sinful to make them drunk.

2485. Licit Use of Narcotics.—There are a great many substances that produce the same effects on mind and body as intoxicating liquors, namely,

the narcotic poisons, such as morphine, opium, chloroform, ether, or laughing gas. To them then will apply the principles given above in reference to strong drink. Thus, it would be a serious sin to make oneself insensible by using morphine, if there were no just reason; but it is lawful to take ether for an operation, gas when having a tooth pulled, morphine when it is ordered by a physician to relieve pain, etc. In his address of Feb. 24, 1957 to a symposium of the Italian Society of Anaesthesiology (The Pope Speaks, Summer, 1957, pp. 33 ff.) Pope Pius XII considered some special aspects of the use of drugs in the practice of analgesis. Among the questions submitted to him for consideration were the following:

1) Is there a general moral obligation to refuse analgesis and to accept physical pain in a spirit of faith? After indicating that in certain cases the acceptance of physical suffering is a matter of serious obligation, the Pope responded that there was no conflict with the spirit of faith to avoid pain by the use of narcotics. Pain can and does prevent the achievement of higher goods and interests and may licitly be avoided; obviously, too, the pain may be willingly accepted in fulfillment of the Christian duty of renunciation and of interior purification.

2) Is it lawful for the dying or the sick who are in danger of death to make use of narcotics when there are medical reasons for their use? The Pope responded; “Yes—provided that no other means exist, and if, in the given circumstances, that action does not prevent the carrying out of other moral and religious duties.” The duties referred to include settling important business, making a will, or going to confession. (Should a dying man refuse first to attend to these duties and persist in asking for narcotics, the doctor can administer the drugs without rendering himself guilty of formal co-operation in the fault committed, which results, not from the narcotics but from the immoral will of the patient.) Among the conditions and circumstances laid down for the licit use of narcotics in the case in question are the following: “if the dying person has received the last Sacraments, if medical reasons clearly suggest the use of anaesthesia, if in delivering the dose the permitted amount is not exceeded, if the intensity and duration of the treatment is carefully reckoned, and finally, if the patient consents to it, then there is no objection, the use of anaesthesia is morally permissible.”

3) Can narcotics be used even if the lessening of pain probably be accompanied by a shortening of life? The Pope responded that “every form

of direct euthanasia, that is, the administration of a narcotic in order to produce or hasten death, is unlawful because in that case one presumes to dispose directly of life ... If between the narcotics and the shortening of life there exists no direct causal link, imposed either by the intention of the interested parties or by the nature of things (as would be the case if the suppression of the pain could be attained only by the shortening of life), and if, on the contrary, the administration of narcotics produces two distinct effects, one, the relief of pain and the other the shortening of life, then the action is lawful. However it must be determined whether there is a reasonable proportion between these two effects and whether the advantages of the one effect compensate for the disadvantages of the other. It is important also to ask oneself whether the present state of science does not make it possible for the same result to be obtained by other means. Finally, in the use of the narcotics, one should not go beyond the limits which are actually necessary.”

2486. The Virtue of Purity.—As abstemiousness and sobriety preside over the pleasures of the self-preservative instinct, so purity governs those that pertain to the species-preservative instinct. Purity is an inclusive name for the virtues of chastity and decency or pudicity, and its office is to regulate proximately the internal movements of the soul (thoughts and desires) and remotely the external words and acts that have to do with sexual delights.

(a) Chastity in its strictest sense is a virtue that moderates or chastens through reason venereal pleasure, chiefly as to its principal or consummated act (i.e., intercourse, semination) or as to its principal bodily centers (i.e., the genital organs). Hence, there is a twofold chastity, conjugal and celibate: conjugal chastity abstains from unnatural pleasure, and uses the natural reasonably in marriage; celibate chastity abstains from all venereal pleasure, as being unlawful in the single state.

(b) Decency (pudicitia) in its strictest sense is a virtue that moderates by the sense of shame venereal pleasure chiefly in its secondary or non-consummated external acts (e.g., looks, conversations, touches, embraces, kisses), which are related to the principal act as being an enticement to it, its preparation, or its external sign and accompaniment. The conjugal act, though lawful, occasions a feeling of shame, and the same is true of the non-consummated acts; but decency is especially concerned with these

latter, because they are usually more openly performed than the consummated act. Decency means, then, that manifestations of carnal desire should be conducted with a sense that this desire arises from a lower and rebellious passion, removed in itself farthest from reason, and not more suited for unrestrained expression or public exhibition than other lower animal acts. The sense of shame and decency is a protection to the virtue of the unmarried and the married, restraining the former from the unlawful and holding the latter to moderation in the use of the lawful.

2487. Chastity and decency are not separate virtues; rather decency is a circumstance of chastity. (a) Thus, chastity moderates also the secondary acts, for reason must chastise the pleasure that is taken in these acts, if this passion is to be kept in due bounds, (b) Decency moderates also the primary act, for in the use of marriage there should be nothing unworthy, nothing to bring a blush of confusion.

2488. Virginit. —The highest form of chastity is virginity, which is a purity unblemished that retains the bloom of its original innocence. Conjugal chastity uses venereal pleasures moderately and virtuously; virginity abstains from them entirely and virtuously. Virginity is threefold.

(a) Virginity of body is freedom from corruption in the genitals, which means that a male has never had sexual intercourse, that the hymen of a female is inviolate. This physical purity belongs to the virtue of virginity accidentally, seeing that it is the result or indication of the virtue; but it does not belong to the virtue essentially, since virtue is in the soul, not in the body. Hence, one may be virginal in body without the virtue of virginity (e.g., a new-born infant), or vice versa (e.g., a woman vowed to virginity who has been raped).

(b) Virginity of the lower part of the soul (the passions) is freedom from venereal pleasure voluntarily experienced. Primarily, this refers to pleasure in consummated acts, secondarily to pleasure in non-consummated acts and internal acts of thought and desire. This kind of purity belongs to the virtue of virginity essentially, since sexual pleasures are the material element or subject-matter of virginity, whose office it is to exclude all indulgence of them. Hence, a person who has had even one voluntary experience of these satisfactions, lawful or gravely unlawful, has lost virginity permanently, though the virtue of chastity may remain or may be recovered. For virginity

cannot continue when its subject-matter has been removed. It should be noted that involuntary pleasures, as in nocturnal pollution or in rape or in passive spermic discharges, are not detrimental to the virtue of virginity.

(c) Virginity of the higher part of the soul (the mind) is the intention to abstain from every venereal act in the future. This purity of soul also belongs to the virtue of virginity essentially, being its formal element, since acts of the sensitive appetites are made moral and virtuous only from the direction and influence of reason and will. Hence, one who has had no experience of voluntary carnal pleasure, but who intends to marry and use its rights or to act unchastely, has not in the first case the virtue of virginity, or in the second case the virtue of chastity.

2489. Loss of Virginity.—Physical or bodily virginity once lost can never be recovered, for this virginity means that a certain bodily action or passion has not occurred, whereas the loss means that such action or passion has occurred. Of course, a miracle could restore bodily integrity. But a more important question is this: is moral virginity, or the virtue of virginity, also irrecoverable?

(a) If the virtue has been lost as to its chief material element, it cannot be recovered. This material element (i.e., the absence of all voluntary seminal experience) cannot be restored, for even God cannot make what has been experienced a non-actuality. However, it should be noted once for all that loss of virginity does not necessarily imply loss of conjugal chastity, and that lost chastity may be recovered by repentance.

(b) If virginity has been lost as to its formal element, and the intention not to abstain was unlawful and naturally, though not actually, productive of semination (e.g., copulation of a completely aspermatic adult, or internal and intense libidinous sin from which accidentally pollution does not result), it seems that the virtue cannot be recovered. For in these cases the sinner wills, at least indirectly, the loss of the chief material element of virginity, and it seems repugnant to reason to ascribe the glory of virginity to one who has sinned in this way. *Non expedit regulariter monere poenitentes de eorum virginitate irreparabiliter amissa, sed praestat quaerentibus respondere omnia peccata remitti de quibus contritio habeatur.*

(c) If virginity has been lost as to its formal element and the intention not to abstain was lawful (e.g., a maid not under vow decided to marry and

have children, but changed her mind and decided to remain single), or was unlawful but neither naturally nor actually productive of semination (e.g., external unchastity of a child incapable through impuberty of emissions, or internal and only mildly exciting unchastity of an adult), the virtue may be recovered, certainly in the first case and probably also in the second case. For the matter of virginity is certainly not taken away by the mere intention to have lawful venereal pleasure, nor probably even by pleasures that do not tend to semination. Recovery of virginity is made in the one case by the retractation of contrary intention and in the other case by repentance and renewal of good purpose.

2490. Conditions Necessary for the Virtue of Virginity.—(a) As to its manner, it seems more probable that this purpose must be expressed as a vow. The reason for this according to some is that virginity is a special virtue only because of the sacred character which religion gives it, and according to others also because of the unshakable renunciation which is conferred by a vow. But it is also held as probable that unvowed virginity may be called a lesser degree of the special virtue of virginity, At least, it is a higher degree of the virtue of chastity.

(b) As to its motive, virginity must be justified by an extrinsic reason. Chastity is justified by its own end, which is reasonable moderation. Virginity, on the contrary, is not self-justificatory, since in itself it is unfruitful and without advantage. Hence, it is not praiseworthy unless it serves some higher good than that of propagation, such as a good of the mind (e.g., Plato remained single for the sake of philosophy) or of the will (e.g., the New Testament recommends virginity for the sake of greater devotion to the things of God). Virginity that results from mere contempt for sensible pleasure would be an excess, and continence embraced merely to escape the burdens of marriage and to lead an easy, self-indulgent, irresponsible life would be selfishness; but virginity followed from an ideal of self-sacrifice which reason approves observes the golden mean (see Pius XII, *_Sacra Virginitas_*, March 25, 1954).

2491. The Excellence of Virginity.—(a) Virginity has the highest rank among the various forms of chastity. Every kind of chastity (pre-nuptial, conjugal, vidual) is of great importance, because to this virtue is entrusted the right propagation of the entire race and the moral and physical health of the individual in the most insistent of passions. The material reproduction of

the race is indeed a more urgent need than virginity, since without it the human species would die out; and if there were danger of race extinction, it would be more imperative to marry than to remain continent. But if we confine our attention to the ordinary course of things and compare virginity and non-virginal chastity from the viewpoint of nobility, it must be said virginity is more valuable both to the community and to the individual than the other kinds of chastity. It is more valuable to the community, since the example of its excellence is a protection to public morals, and its permanence gives the opportunity for a more general and ready service of society. It is more valuable to the individual, since to be occupied with the things of God is better than to be engrossed in the things of the world, and the unmarried have the opportunity to devote more time with less distraction to higher things. Scripture affirms the superiority of virginity to marriage by its teaching (e.g., Our Lord in Matt., xix. 12, counsels virginity; St. Paul in I Cor., vii. 7 sqq., says that it is the better and more blessed state), by its examples (Our Lord, the Blessed Virgin, St. John the Baptist, St. John the Evangelist, and in the Old Dispensation Josue, Elias, Eliseus, Jeremias), and by its promised rewards (Apoc., xiv. 4). A popular philosophy of materialism today makes repressed sex-urges responsible for hysteria and other emotional disturbances, but experience proves that continence benefits both psychical and physical health.

(b) Virginity does not rank first among all the virtues. The theological virtues surpass it, being its goal; martyrdom and religious obedience are greater, because they sacrifice the superior goods of life and of the will. It may happen, then, that a person in the married state or a penitent (Luke, vii. 36 sqq.) is personally more holy than one dedicated to continence; a married person or penitent may surpass a virgin in faith, hope and charity, and may be therefore, simply speaking, more perfect.

2492. The Sin of Impurity.—This sin, which is also known as lust, is an inordinate desire of sexual pleasure.

(a) Its object is sexual pleasure, that is, the sense of physical enjoyment in the bodily organs or of psychical satisfaction in the lower appetites of the soul derived from acts related to generation. Hence, we should distinguish impurity from sensuality (which is an inordinate attachment to esthetic pleasure or other higher sense-pleasure), from luxury (which is an excessive desire of health and comfort), and from the vice called curiosity (which is

an over-fondness for intellectual delights, see 2461). But it should be noted that sensual pleasure easily leads to venereal delight, and that intellectual curiosity about sex matters is dangerous, and hence this sensuality and curiosity may be, and frequently are, a temptation to impurity (see below on Temptations to Impurity).

(b) Impurity is in desire, for the passions in themselves are indifferent (see 121), and they become sinful only when their abuse is consented to by the will.

(c) Impurity is inordinate; that is, it takes pleasure against the dictate of reason. This happens when sexual gratifications are indulged by the unmarried, or by the married in unnatural ways. It is a perversion and a sin to cheat the stomach in order to gratify the palate, because God willed that the pleasure of eating should serve the nourishment of the body, or, as the proverb has it, because man does not live to eat, but eats to live. Now, sex pleasure has been ordained by God as an inducement to perform an act which has for its purpose the propagation and education of children, duties that cannot be rightly attended to except in the married state. Hence, those who seek venereal pleasure outside of matrimony, or outside the way intended by nature, act unreasonably, for they sacrifice the end for the means. Instinct guides the animal aright in these matters, but man is a nobler creature and must guide himself by religion and reason.

2493. Kinds of Impurity.—(a) Impurity is consummated when the act is continued to its natural conclusion and complete venereal satisfaction is had. This occurs in semination, which is the termination of the process set up by the impure thought and desire and the realization of its full pleasure. Semination occurs either in the process of coition, or in extracoital issues known as “pollution.” Equivalent to semination, morally speaking, are other emissions or secretions that accompany complete or almost complete gratification, but in which the fluid is not prolific (e.g., the urethral emissions in boys who have not attained puberty or in eunuchs, the vaginal flow in women, urethral distillations). Consummated impurity is either natural (that is, suitable for reproduction, the end intended by nature), as in fornication or adultery, or unnatural (that is, not suited for reproduction), as in sodomy or pollution.

(b) Impurity is non-consummated when not carried to its natural conclusion of complete satisfaction and semination. There are two classes of the non-consummated sins, namely, the internal (as in thoughts and desires) and the external or lewdness (as in words, looks, kisses). This happens without carnal commotion (e.g., when a frigid old man thinks with mental pleasure only on the wild deeds of his youth), or with carnal commotion, that is, with an excitement and stimulation in the genital organs that prepares the way for semination.

2494. Gravity of the Sin of Impurity.—(a) Impurity is a mortal sin, because it is a disorder that affects a good of the highest importance (viz, the propagation of the race), and brings in its train public and private, moral and physical, evils of the most serious kind. Man has no more right to degrade his body by lust than he has to kill it by suicide, for God is the absolute Lord over the body and He severely forbids impurity of every kind. Those who do the works of the flesh, whether according to nature (e.g., fornicators and adulterers) or against nature (e.g., sodomites) or by unconsummated sin (e.g., the unclean, the impure), shall not obtain the kingdom of God (Gal., v. 19; I Cor., vi. 9 sqq.), nor have any inheritance with Christ (Eph., v. 5).

(b) Impurity is not the worst of sins, because sins against God (e.g., hatred of God, sacrilege) are more heinous than sins against created goods, and sins of malice are more inexcusable than sins of passion or frailty. But carnal sins are peculiarly disgraceful on account of their animality (see 2464 b, 224), and in a Christian they are a kind of profanation, since his body has been given to Christ in Baptism and the other Sacraments (I Cor., vi. 11-19).

(c) Impurity is one of the seven capital vices. The capital sins have a preeminence in evil, as the cardinal virtues have a superiority in good. The preeminence in evil is due, first, to some special attractiveness of a vice that makes it an end for the commission of other sins, which are used as means to it or are incurred for its sake; or, secondly, to a power and influence that is so strong as to hurry those under its sway into various kinds of sin. Now, impurity is a moral disease that ravages every part of the soul, its deadly effects appearing in the reason, the will and external speech; for the more one subjects oneself to the dominion of passion, the less fitted does one

become for the higher and nobler things of life; and the more ignoble the inner life, the more vulgar, cheap and degrading will be the conversation.

Hence, the Fathers trace back to impurity the following sins of imprudence in the mind: wrong apprehension, about the end or purpose of life, and precipitancy in deliberation, thoughtlessness in decision, inconstancy in direction, in reference to the means to the end (see 1693 sqq.). They also trace to impurity the following sins in the will: as to the end, voluptuarism (which subordinates all to fleshly pleasure) and hatred of God (which abhors the Supreme Lawgiver who forbids and punishes lust); as to the means, love of the present and horror of the future life (since the carnal man revels in bodily pleasures and dreads the thought of death and judgment). Finally, they trace the following sins of the tongue to the vice of impurity: the subject of the lewd man's talk is filthy, for out of the heart the mouth speaketh (Matt., xii. 34), the expression itself is foolish, since passion clouds his mind, the origin of his talk is emptiness of mind which shows itself in frivolous words, and his purpose is unsuitable amusement, which leads to farcical or vulgar jokes.

2495. Evil Fruits of Impurity.—In addition to these moral consequences, impurity is also prolific of many other evil fruits.

(a) Thus, for the sinner himself it is like a cruel goad that constantly annoys him and takes away his peace (St. Ambrose), like a sword that kills the nobler instincts (St. Gregory the Great), like a descent from human dignity to a condition below the beasts (St. Eusebius of Caesarea).

(b) For society it is disastrous in many ways, since it propagates dread mental and physical diseases, disrupts the peace of families, brings disgrace and destitution on innocent children, eats away fortunes and leads up to innumerable crimes of injustice and violence.

2496. Is Impurity Ever a Venial Sin?—(a) By reason of the imperfection of the act, impurity is venial when there is no sufficient deliberation or consent. Invincible ignorance in reference to the sixth commandment itself sometimes happens, especially in reference to internal sins of thought, to external sins of pollution if the person is young, and to other external sins when there is some complication of circumstances (e.g., kissing and other intimacy by engaged persons, onanism when married persons are poor or the woman sickly); and more frequently there is invincible ignorance about

details of the sixth commandment (e.g., about the precise theological or moral malice of what is known to be sinful).

(b) By reason of the matter, impurity according to the common teaching is always mortal if directly willed, but sometimes venial if only indirectly willed. Impurity is directly willed when one posits an act intending to obtain from it unlawful venereal delectation, or perceives that such delectation is already present and consents to it. No matter how brief this voluntary assent, no matter how slight the commotion of the animal nature, no matter how far from the consummated is the impure act in question, there is always a serious injury done to a great good or at least (exception is made for the case of married persons) the proximate danger of such injury, and hence mortal sin (see 260). That even slight yielding to impurity is a serious peril is the teaching of Scripture (which declares that lust has killed even the strongest, Prov., vii. 26), of the Church (which condemns the opinion that libidinous kisses are not dangerous, see Denzinger, *Enchiridion*, n. 1140), of theology (which reminds us that by original sin reason has been darkened, the will enfeebled and the passions strengthened), and of experience (which shows that those who expose themselves to passion's flame will be burnt). A small spark of fire is not trivial in the vicinity of a powder magazine, a minute flaw in a machine is not unimportant if it may bring on disaster, a first step is not safe if it is made on a slippery downward declivity.

(c) Impurity is indirectly willed when deliberately and without sufficient reason one posits an act which is not venereal pleasure (whether the act be good, such as a prayer made with great sensible fervor, or bad, such as gluttony, or indifferent, such as reading a book, looking at a picture, taking a bath), but which produces foreseen venereal pleasure (consummated or non-consummated) that one neither intends nor directly consents to. Impurity thus indirectly willed is sinful, because the pleasure is foreseen and permitted without sufficient reason (see 102), or in other words because one exposes oneself to danger of internal defilement (consent), or external pollution without justification (see 260). Indirect impurity is mortal when there is proximate danger of grave sin in the act done, that is, when the posited act *_per se_* or from its nature strongly incites the agent to sexual passion, as when one gazes long and fixedly at obscene pictures, knowing that always or nearly always this arouses impure emotions. The sin is venial

when there is only remote danger of grave sin. This happens when the posited act is not of a venereal kind (an unnecessary conversation on indifferent topics) or is only mildly exciting (e.g., a passing glance at an obscene object), or when the agent himself is not greatly affected by it (e.g., when an old man, or one who is of very cold disposition, or an artist whose only thought is the esthetic excellence, carefully studies a picture of the nude).

2497. Temptations to Impurity.—Before treating the various kinds of impurity, we shall speak briefly of temptations that occasion this sin and of the duties of the person tempted.

(a) External temptation comes from the devil or the world, and the duty of struggling against it has been treated elsewhere (see 252, 1455 sqq., 1495 sqq.). Thus, he who finds that certain persons, places or things are for him a temptation to impurity must be guided by the principles given for occasions of sin (263 sqq.); he who finds that another wishes to seduce him into impurity must refuse all internal consent (see 254 sqq.), and must also resist violence when there is hope of success, or when this is necessary to avoid giving scandal or yielding consent (see on self-defense, 1841).

(b) Internal temptation comes from the flesh. It consists in inchoative disturbances or excitements of the organs or fluids that serve generation (e.g., erections, clitoral movements). Sometimes it is produced involuntarily, without any intention or consent of the will, by physiological states (e.g., conditions of the blood, nerves, etc., due solely to the weather, to disease, to aphrodisiac properties of ailment, to clothing, or position) or by psychical states (e.g., spontaneous images or appetites of the soul mentioned in 129), and in these cases the temptation is manifestly free from all sin. St. Pius V condemned the teaching of Baius that those who suffer motions of concupiscence against their will are transgressors of the command: “Thou shalt not covet” (see Denziger, *Enchiridion*, nn. 1050, 1051, 1075). Sometimes the temptation is directly voluntary, as when the passion is deliberately awakened for the purpose of sin, and then there is grave guilt (see 2496 b). Sometimes the temptation is indirectly voluntary, as when with the foresight of the passion but without desire of it an action is performed that arouses it. In this last case, if there is a just reason for the excitatory action (e.g., a physician sees and hears things that are calculated to be a temptation, but his reason is the exercise of his profession), no sin is

committed; but if there is no just reason for the action (e.g., a person reads an erotic book, and curiosity is his only motive), sin is committed, and its gravity depends on the amount of danger to which one exposes oneself (see 2496 c).

2498. Resistance to Internal Temptations.—The fight against internal temptations is of various kinds.

(a) By reason of its subject, the conflict is chiefly in the will, to which it belongs to give or withhold consent; secondarily, in the other powers of the soul and the body, which under command from the will perform acts designed to overcome temptation.

(b) By reason of its manner, the conflict is either removal of the temptation (i.e., cessation from an act which produces the temptation) or resistance, passive or active. Passive resistance is the suspension of activity relative to the temptation till it ends of itself, as when internally the will neither consents nor dissents, or externally nothing is done for or against the temptation. Active resistance is positive opposition offered to temptation. It is made in two ways: first, by way of flight, as when internally the mind turns away to other thoughts (e.g., absorbing studies, meditation on the passion of Christ), or the will devotes itself to other subjects of resolve (e.g., acts of love of God or of purity), or externally the body is removed or freed from conditions that excite temptation; secondly, by way of attack, as when internally the mind turns against the temptation (e.g., thinking of its dangers, calling on God to drive it away), or the will rejects the temptation (e.g., by despising it, by expressing dislike, disapproval and unwillingness, by firmly resolving not to yield, by deciding on measures against the passion), or when externally the body is subjected to pain or mortification.

(c) By reason of its circumstances, resistance to temptation is either prolonged, as when the act by which the will resists is of considerable duration or is renewed at frequent intervals, or is brief, as when the act of rejection is momentary and is not repeated.

2499. What Opposition to Temptation Is Sufficient?—Opposition to temptations of the flesh must be sufficient to remove the temptation, when the temptation is due to the continuance of one's own sinful or unjustified act; for one is obliged to cease from sin or the unreasonable. This happens (a) when the temptation is directly voluntary—for example, one who

wished to experience temptation and therefore reads a very seductive book must give over this reading; or (b) when the temptation is not directly voluntary and is without sufficient reason—for example, one who experiences carnal temptation due to a book which he reads from idle curiosity must desist from the book. But one is not bound to omit or interrupt necessary or useful acts, such as rest and sleep, prayer and charity; consent should be denied the evil, but the good should be continued.

2500. Insufficient, Harmful and Unnecessary Opposition.—In other cases opposition to temptations of the flesh must be such as is sufficient to keep one from consent, that is, to protect one against the proximate danger of sin.

(a) Hence, that resistance is insufficient which does not strengthen the will. It seems that passive will-resistance is of this kind, since it is most difficult for the will to remain inactive in the presence of carnal stimulation or motions of the sensible appetites without being moved by the evil suggestion. In external resistance, however, passive opposition suffices when it alone is feasible, as when temptation grows out of necessary work, or rest that cannot be discontinued or interrupted by active resistance, provided the will registers internally its displeasure or disapproval; but external passivity is not permissible when the will needs the help of external resistance, as in the case of vehement and prolonged temptations.

(b) That resistance is harmful which strengthens the temptation. Hence, resistance by direct attack or by formal rejection is oftentimes to be omitted in favor of resistance by flight or by contempt; for it is a common teaching of the Fathers and Doctors confirmed by experience that dwelling on reasons and means of repelling passion often adds to its strength, and that resolving mightily and expressly to crush a weak and passing temptation often serves only to give it a longer life. It is better to brush a mosquito away than to risk one's neck by chasing it up and down stairs.

(c) That resistance is unnecessary which demands a physical or moral impossibility. Thus, a prolonged act of resistance or one repeated at intervals of a few minutes, or a resistance that includes extreme corporal austerities, is not required in ordinary cases at least. When a temptation is unusually vehement or is due to one's own fault, there should be proportionately greater resistance to offset the greater danger; but when a temptation is only moderately dangerous, it suffices to reject it firmly but

briefly and to repeat this when there arises a new crisis or danger and the renewal of resistance is useful.

2501. Weapons against Carnal Temptations.—The most powerful weapons against carnal temptations are spiritual ones, and of these the most necessary is grace, which should be asked in prayer (Wis., viii. 21), especially through the intercession of the Blessed Virgin Mary (see Pius XII, *„Sacra Virginitas“*, March 25, 1954). But corporal means, chiefly of a preventive kind, should not be neglected.

(a) Physical measures are the observance of what are now often spoken of as sex hygiene for normal and sex therapeutics for abnormal cases. Special health rules whose observance conduces to good morals are especially the cultivation of habits of bodily cleanliness, of hard mental and physical work, of vigorous exercise and the avoidance of unhealthful habits (such as constipation, drug or spirit stimulation), unsuitable clothing or sleeping conditions. Surgical or medical treatment for structural abnormalities or for mental or bodily diseases that react unfavorably on sex life requires the service of a conscientious and competent physician.

(b) Religious measures are various forms of corporal mortification, such as custody of the eyes and other senses, deprivation in food (fasting and abstinence) and sleep (vigils, night watches), afflictive penances through the use of hairshirts, painful girdles, scourges or disciplines. But austerities must be suited to the health, age, condition, duties and other circumstances of the person who practises them, and should not be used without the consent of one's confessor or spiritual director.

2502. Sinfulness of Negligence in Resisting Temptations.—It is sinful not to struggle against temptation, since he who in no way resists, not even passively, surrenders or yields to sin. Hence, the Church condemned the quietistic indifference to temptation of Molinos (Denzinger, nn. 1237, 1257, 1267). It is also sinful to resist, but only insufficiently, as regards promptness, vigor, manner, etc.

(a) The Theological Malice.—It is mortally or venially sinful to be negligent against temptation, according to the greatness or smallness of the danger to which the negligence exposes one (see 256-262). Thus, it is not a serious sin to omit all resistance to a weak and dying temptation, or to neglect from indolence or other venial fault all external resistance when the

danger is made remote by the internal displeasure or resolution; but it is a serious sin to trifle with any very attractive temptation or to put off resistance until a progressing temptation has grown formidable and made self-control difficult, and this is true even though consent is not finally given to the impure suggestion.

(b) The Moral Malice.—Negligences in reference to carnal temptations do not differ specifically but only in degree, according to the approach the stimuli make towards complete lust. Even when there is an object (e.g., fornication, adultery) before the mind, the difference in species of the object, it seems, does not induce a difference in species of the sin, since the sin is the general one of carelessness in presence of temptation. Hence, it suffices to confess that one has been remiss in banishing impure emotions or thoughts.

2503. Applications.—(a) The principles here given in reference to emotions of the sensible appetite and rebellions of the flesh should be applied to other involuntary acts in the imagination, reason and will (see 129). Thus, thoughts or images of impure scenes that pass through the mind should be treated in the same way as temptations of the flesh.

(b) The principles here given about the person who suffers temptation should also be applied to the person who causes temptation. Since it is a mortal sin to commit impurity, it is also a mortal sin to solicit impurity; since it is a mortal sin of lust to make oneself drunk in order to experience carnal emotions, it is also a mortal sin of lust to make another person drunk that he may become likewise inflamed; since it is a mortal sin to expose oneself to extreme danger by reading a pornographic work, it is also a mortal sin to wish to expose another to a like danger. And this is true even though the temptation is unsuccessful. Physicians who minimize the wrong of masturbation, or who counsel fornication to young men on the absurd plea that continence is unhealthy or productive of impotency, share in the guilt of pollution or fornication which they counsel; and young persons who seek to win the sinful love of others by nourishing their hair, painting their faces, exposing their bodies, etc., have the guilt, if not the gain, of seduction.

2504. Non-Consummated Sins of Impurity.—These include all those preparatory sins in which unlawful sex pleasure is not carried to completion

by coition or pollution. We shall speak first of the internal sins of thought, delight, and desire (see 232 sqq.), and next of the external sins of unlawful looks, words, kisses, and embraces.

2505. Impure Thoughts.—Impure thoughts (*_delectatio morosa_*) are representations in the mind or imagination of impure venereal objects in which deliberate pleasure is taken.

(a) They are representations, that is, mental pictures or images of things absent from the senses, but thought of or imagined as present. Thus, impure thoughts differ from desires, which consist in attraction with will to accomplish, and also from sense contact of various kinds with objects present to the eyes, ears, or touch.

(b) They are joined with deliberate pleasure of the will, that is, one intends them or consents even momentarily to them after perceiving their presence and malice, even though carnal pleasure is not felt or does not threaten. Thus, impure thoughts differ from tempting thoughts, which are transient and unwished forms that appear in the mind, and are thought on before their true character is adverted to, or which gain a lodging in spite of efforts to eject them. A tempting thought is not sinful, but an occasion of merit when resisted, no matter how long it endures (see 2497 b).

(c) The pleasure is taken in a venereal object, that is, in the thought of fornication, adultery or other carnal sin, committed by oneself or by another. Hence, impure thoughts are not to be confused with the pleasure taken in knowledge about impurity (e.g., a professor of medicine or morality is not impure when he rejoices at the sexual knowledge he possesses and which is necessary for his duties, or willingly thinks about sex matters when it is necessary or useful for him to do so), or with pleasure taken in the morally indifferent manner of the venereal sin. For example, amusement over a ridiculous feature of a sin which one detests is not an impure thought (see 233-236).

2506. The Malice of Impure Thoughts.—(a) The Theological Malice.—Impure thoughts are mortal sins: for he who deliberately rejoices at the thought of sin, loves sin and is therefore guilty of it. They are venial sins when there is imperfect advertence, and also when there is lightness of matter on account of the remoteness of the danger of a thought only

indirectly voluntary. They are mortal when there is full deliberation and the impure thought is directly voluntary or gravely dangerous (see 2496).

(b) The Moral Malice.—Impure thoughts have the same specific malice as the representation of the object which is entertained as a welcome guest in the mind; for not only is impurity given the hospitality of the mind, but a particular kind of impurity (see 90, 235). Hence it follows, first, that a specifically different object (as is the case with different consummated sins) makes a specifically different sin (e.g., to think pleurably of unlawful intercourse is mental fornication if the persons in mind are unmarried, and is mental adultery if the person in mind is married); secondly, that objects not specifically different—as is the case with different non-consummated sins of lewdness—do not make specifically different sins (e.g., to think pleurably of a sinful kiss and to think sinfully of a sinful touch are both mental lewdness or impure thoughts); thirdly, that special malices of the object from which the mind can prescind—viz., those which in the external act do not change the species or do not explain the venereal pleasure—and from which it does prescind, are not incurred (e.g., to think pleurably of sin with a woman who is married and a relative, if the thought that she is married or one's relative is not pleasing or is displeasing, is mental fornication, not mental adultery or mental incest). In praxi vero consulitur confessariis ut regulariter abstineant a quaestionibus de specie morali delectationis morosae; nam fideles plerumque nesciunt faciliter distinguere inter species morales cogitationum, et sic interrogatio evaderet vel inutilis, vel etiam ratione materiae periculosa. Ad haec quum casus crebriores sint, maximo esset incommodo, tum confessariis, tum poenitentibus, si sacerdos exquireret quae vix cognosci possunt. Sufficit igitur ordinarie sciscitari de specie theologica (utrum voluntas complacuerit), vel de specie morali generali (utrum actus internus delectatio morosa vel potius desiderium fuerit). See Canon 888, Sec.2; Norms for Confessors in Dealing with the Sixth Commandment, Holy Office, May 16, 1943.

2507. Impure Rejoicing.—Impure rejoicing is a deliberate pleasure of the mind yielded to the recollection of a past sin of impurity. Hence, this sin of rejoicing is committed when one thinks with approval of a fornication of former days, but the sin of rejoicing is not committed when one confines one's pleasure to some good consequence of a fornication (e.g., the excellent child that was born), or to a lawful pleasure of the past, as when a

widower thinks without present carnal commotion or danger of his former married life. The circumstances are more readily willed here than in impure thoughts, for here the mind is picturing an actual, not an imaginary case of sin, and the mental representation will therefore be more distinct; nevertheless, in the case of impure rejoicing the moral sub-species—at times even the distinction between impure rejoicing and impure thoughts—is usually not perceived. The principles of the previous paragraph apply to impure rejoicing.

2508. Impure Desires.—Impure desire is a deliberate intention to commit impurity in the future.

(a) It is a deliberate intention, that is, a purpose or will to which consent is given internally. Hence, an impure desire is not the same thing as a statement of fact, as when a passionate person declares that he would sin, were it not for fear of the consequences, meaning only that he is frail, not that he wishes to sin. Neither is it the same as a mere velleity, which desires venereal pleasure under circumstances that would make it lawful, as when a married man wishes that he were lawfully married to a woman other than his present wife, or that both he and the other woman were free to marry each other. But these velleities are foolish and venially sinful, and often on account of danger they are mortally sinful. An impure desire exists when the will consents unconditionally (as when a person decides or wishes to fornicate tomorrow) or conditionally under a proviso that does not take away the malice (as when a person decides that he would fornicate were it not for fear of punishment, or Wishes that it were lawful for him to practise fornication).

(b) It is an intention to commit impurity, and hence there is no impure desire in wishing what is not venereal pleasure (e.g., the spiritual, mental or bodily relief that follows on an involuntary pollution), or what is lawful venereal pleasure (e.g., when engaged persons think, but without carnal commotion or danger, of the benefits of their future married relationship).

2509. Malice of Impure Desires.—Impure desires are mortal sins and have the malice of the object and of the circumstances that one has in mind; that is, one commits the same kind of sin in desiring as in performing impurity. Hence, Our Lord declares that he who looks upon a woman to desire her unlawfully has already committed adultery in his heart (Matt., v.

28), and hence also the ninth commandment forbids sins of impure desire. The principles given in 2506, 2507, apply also to impure desires with this difference that the mind when it wills external performance considers the object as it is in itself, not as it is mentally represented, and hence is less likely to prescind from actual circumstances known to it. But even here confessional investigation is sometimes not necessary on account of its moral impossibility.

2510. Lewdness.—After the internal sins follow the external sins of lewdness or indecency (*_impudicitia_*). These may be defined as “external acts which are performed from or with deliberate venereal pleasure that is not consummated, and which are not directed to the conjugal act.”

(a) They are external acts of the body, such as the looks of the eye, the speech of the tongue, kisses of the lips, touches, fondling, embraces, pressure of the hand, etc. Those also are guilty of lewdness who permit themselves to be petted, kissed or otherwise impurely handled, unless it is morally impossible to resist, as when a woman who gives no internal consent cannot defend herself against a forced kiss without being killed, or cannot without great scandal refuse to shake hands with one whose motive is impure love. Lewdness (e.g., an impure look) may also be directed to one’s own person, or to an animal, or to an artificial object, such as a statue or book.

(b) They are performed from or with pleasure; that is, passion either causes or accompanies the impure look or other act. These non-consummated acts are indifferent in themselves and may be licitly performed for a just cause; they become sinful by reason of the evil passion that animates them. The carnal motive appears either from the end of the act (e.g., an indecent kiss naturally tends to impurity or grave danger thereof, no matter what good purpose the kisser may have), or from the end of the one acting (e.g., a decent kiss becomes an impure act if the one who kisses is moved by carnal desire). Hence, there is no sin of lewdness when one of the acts now considered is performed becomingly as to externals and innocently as to the internal motive and quality (e.g., from a sense of duty, not from pleasure).

(c) The pleasure intended or consented to is venereal; that is, such as is consummated in copulation or pollution. Hence, there is no sin of lewdness

when the acts in question are performed becomingly and with and for pleasure of a spiritual kind (as when members of a family give one another the customary kiss or embrace of affection), or of a merely sensual kind (e.g., when a nurse kisses the tender skin of an infant). On the distinction of intellectual, sensual and venereal pleasures see above (2461).

(d) The external act is not consummated by copulation or pollution. These are often its result but they are a different degree of sin, and lewdness is committed even without them (see 2486).

(e) Lewdness is an action not directed to the conjugal act. Coition itself is lawful in the married state, and this legitimatizes all the preparatory or accessory endearments. Hence, the rule as to married persons is that venereal kisses and other such acts are lawful when given with a view to the exercise of the lawful marriage act and kept within the bounds of decency and moderation; that they are sinful, gravely or lightly according to the case, when unbecoming or immoderate; that they are venially sinful, on account of the inordinate use of a thing lawful in itself (85 a), when only pleasure is intended; that they are mortally sinful, when they tend to pollution, whether solitary or not solitary, for then they are acts of lewdness. The rights and duties during courtship and engagement will be treated below in Question III.

2511. Cases Wherein No Sin Is Committed.—Since lewdness proceeds from or is accompanied by culpable venereal pleasure, it does not exist in the following cases:

(a) in children who have not attained puberty and the capacity for sex pleasure, and hence there is no sin by reason of proximate danger in looks or touches exercised by them, which would be gravely sinful in those who have reached the age of puberty. These children may, however, sin against modesty or obedience, at least venially. They should be trained from their earliest years to reserve and decency, and it is a most serious sin to scandalize their innocence. The question of sex instruction for the young will be dealt with in the Question on the Duties of Particular States. If an adult person were as unmoved as a child by the stimulus of passion, such a one would incur no personal guilt of lewdness by kissing and the like acts, but such an adult person is very rare;

(b) in adult persons when a dangerous act is exercised by them, without consent or proximate danger, and with a sufficient reason for the exercise. Thus, a student of literature may read an erotic story from the classics, if he is proof against the danger and intends only improvement in style, though for the young such books should be expurgated; a professor of medicine or moral theology may discourse prudently to his students on venereal diseases or sins; an artist may use naked models in painting, if and as far as this is necessary; farm hands may attend to the service of female by male animals; looks and touches that would otherwise be immodest are lawful for proportionate reasons of utility, as in bathing oneself, in performing the services of nurse or physician for others, etc. (see 2497 sqq.).

2512. Conditions Governing Propriety of External Acts.—The becomingness of the external acts spoken of in 2510 b includes two conditions.

(a) On the side of its object, the act must not be directed unnecessarily to the parts of the body that are shameful and private (i.e., the genitals and immediately adjacent parts). It is customary to distinguish the remaining or non-shameful parts of the body into becoming, which are uncovered (e.g., face, hands, feet), and less becoming, which are covered (e.g., legs, breast, back). But as to less decent parts much depends on local usage. For example, at a bathing beach it is not unbecoming to appear in a mixed crowd with uncovered legs or arms, and in very warm countries it is not improper to go about in public with less clothing than is worn in colder climates.

(b) On the side of its subject, the act must be performed with moderation and respect for reasonable custom. Thus, columbine (popularly called “French”) kissing and the ardent or prolonged embraces known as “necking” or “petting” are admittedly indecent, even when not accompanied by sexual excitement. Oral abuse committed by or with either sex is indecent both as to the object, i.e., the part of the body involved, and as to the subject, i.e., the mode of action. It is the filthiest form of lewdness and is usually joined with pollution (irrumation).

2513. Morality of Kissing and Similar Acts.—(a) Per se, or from their nature, these acts are indifferent, since they can be employed, not only for evil (Job, xxxi. 27; Luke, xxii. 48), but also for good, as we see from the

examples of the kiss of peace (I Thess., v. 26), the kiss of fraternal greeting (Gen., xxvii. 26, 27), and the kiss of respectful homage (Luke, vii. 38, 45).

(b) *Per accidens*, or from their circumstances, these acts are often venially or mortally sinful against purity or against some other virtue, or against both. Thus, justice is offended by injuries or violence (e.g., stolen kisses, unhygienic kisses that transmit venereal or other disease); charity is offended by scandal given the object of affection or the onlookers (e.g., kisses given by way of greeting to a member of the opposite sex by an ecclesiastic or religious, kisses forced upon children by grown-ups and which are harmful to the youthful sense of modest reserve); purity itself is offended by familiarities which, though not impure in themselves, constitute a peril for the virtue of one or both parties, as is true especially in demonstrations of sensual affection or pleasure. But even though there be some carnal commotion, it is not unlawful to give with a pure intention the decent salutation customary in one's country (e.g., to shake hands with a lady, to kiss one's stepmother or sister-in-law).

2514. *Morality of Sensual Gratification.*—Sensual gratification, or the pleasure experienced from the perfection in the sensible order of some object, is indifferent and lawful in itself (see 2461, 2492). When it is aroused by objects not venereally exciting (e.g., the beauty of the heavens or scenery, the harmony of music, the tender softness of the rose), it does not tempt to impurity; but when it is aroused by objects that are venereally exciting (e.g., the beautiful face or eyes or sweet voice or soft skin of a person much admired), it approaches so closely to the confines of venereal gratification as to seem almost the same thing. Hence arises the question; is deliberate sensual gratification about objects sexually exciting always a mortal sin?

(a) Many theologians answer in the affirmative, and give as their reason that in the state of fallen nature there is no one who can be assured that such gratification is not for him or her a proximate occasion of pollution, or of what is morally the same thing, of inchoate pollution. This opinion does not include gratifications not deliberately sought or yielded to, nor those in which experience has shown that the venereal attraction of the object, at least for the subject concerned, is nil or practically nil (e.g., sensual kisses of an infant by a nurse.)

(b) Other theologians dissent from the rigorous view, and argue that, since sensual and venereal attraction are really distinct, there is always the possibility of intending the former and excluding consent to the latter.

(c) To the present authors it seems that there is room for a middle way between these two extreme views. As was said above (2497), it is sometimes sinful and sometimes not sinful to encounter temptation, according to the intention and reason one has, and a temptation willed unjustifiably but only indirectly is a grave or a light sin according to the great or small danger that is risked. Now, it seems that certain forms of sensual gratification (e.g., those derived from beautiful but modest music or paintings) have only a very slight sexual allurements for even the passionate; whereas other forms (e.g., those derived from the warm kiss or caress of a handsome adult person of the opposite sex) are vehemently alluring. Hence, if sensual pleasure of the first kind is sought inordinately, or if it is dangerous to purity, there is a venial sin; if sensual pleasure of the second kind is sought, there is very likely mortal sin.

2515. The Theological Species of the Sin of Lewdness.—(a) *Per se*, or from its nature, this sin is mortal, even though the external act (kiss, etc.) be decent (see 2512) and of the briefest duration; for lewdness is consent to unlawful venereal pleasure, which from the nature of the case is a serious matter, tending either to illicit copulation or to pollution (see 2496). Hence, even a shake of the hand made with lustful intent is a mortal sin. If the guilt of adultery is found even in libidinous thoughts (Deut., v. 21) and glances (Matt., v. 28), much more is it found in lewd kisses, embraces, and conversations. Scripture strongly condemns every form of lewdness: impure speech (“Uncleanness let it not so much as be named among you, or obscenity, or foolish talking,” Eph., v. 3, 4), impure reading (“Evil communications corrupt good morals,” I Cor., xv. 33), impure looks (“Whosoever shall look on a woman to lust after her hath already committed adultery with her in his heart,” Matt., v. 28), impure kisses and other touches (“It is good for a man not to touch a woman, but for fear of fornication let every man have his own wife,” I Cor., vii. 1).

(b) *Per accidens*, this sin may be venial as follows: first, on account of the imperfection of deliberation, as when a person under the influence of liquor, drugs or sleep acts with only a partial realization of what he is doing, especially if the lewd offense has not occurred before; secondly, on account

of the lightness of the matter, when the lewd act is indirectly voluntary and the danger remote (see 2496), as when slight danger is risked in gratifying the sensual desire to gaze at a famous painting, or in yielding to an impulse of curiosity, levity, or playfulness, to indulge in suitable recreations or even unnecessary conversations in which occur glances or touches that arouse some small degree of sexual emotion. Were mortal guilt of impurity incurred in these instances, very few could remain free from it unless there was a general retirement into isolation. But even in the *_per accidens_* cases there may be other mortal sins (e.g., that of drunkenness or of scandal).

2516. A large proportion of the sins of lewdness are only indirectly voluntary, and hence they are mortal or venial according to the amount of danger to which one exposes oneself. No ironclad rules, however, can be given to determine universally what things are gravely and what slightly dangerous, since the force and direction of concupiscence are not the same in all persons. Some persons are oversexed or passionate, others are undersexed or cold; some have normal, others abnormal inclinations (e.g., homosexuality, sadism, masochism, sexual fetishism) in matters venereal. Hypersexuality and abnormal sexuality are not in themselves sinful, but are manifestations of that inordinate concupiscence that is the effect of original sin and, if yielded to, becomes the cause of actual sin. Proximately they may be due to disease. But since these subjective differences do exist, what we shall set down in the following paragraphs about gravity and lightness of danger is to be understood of the average or normal person and in the abstract, for it is impossible to consider every individual case.

2517. Circumstances That Increase or Lessen the Danger of Sin.—(a) The Person Acting.—There is less danger before and after than during puberty, less for an invalid than for a person full of health, less for an inhabitant of a cold region than for a dweller in the tropics, less for one habituated to suppress venereal passion (e.g., a bachelor) than for one who has been accustomed to indulge it (e.g., a widower), less in some cases for the married who can lawfully enjoy sexual intercourse than for the single who cannot. Familiarity also can give a certain amount of immunity (e.g., where naked bathing or naked statuary in public places is according to custom, the natives are less disturbed by these things than outsiders). Those who know (without self-deception) from their experience that certain things excite them very little do not run grave danger in encountering such things.

(b) The Person or Being Who Is the Object of the Act.—There is less allurements in an animal than in a human, less in a small than in a large animal, less in a representation than in the original, less in young children than in adults, less in one's own person or sex than in another person or the opposite sex, less in an elderly or homely person than in one who is young and attractive.

(c) The Sense Used.—Hearing (and, for a similar reason, reading) is less dangerous than sight, for hearing is nearer to the immanent activities of thought and desire, while sight has more of an emanant character (e.g., to hear or read about an obscene act is farther removed from it, and hence less seductive, than to see it in picture or reality). Sight in turn is less dangerous than touch, for sight is a more elevated and less material kind of perception, being exercised by a cognitional, not by a physical contact with its object, as is the case with touch (e.g., to behold others embrace is not so moving as to give or receive an embrace). Thus, impure touches (kisses, embraces, handling) are the most dangerous form of lewdness.

(d) The Sense-Object Acted Upon.—The degree of danger corresponds with the approach made to the act of generation (e.g., smutty stories are worse when they deal with consummated than with non-consummated acts) or to the genitals (e.g., impure touches are worse when directed to the organs of reproduction than to the non-shameful regions).

(e) The Manner.—There is greater danger when the act is prolonged than when it is momentary, when it is ardent than when it is calm (e.g., a passing glance or peep at an obscene picture is not as dangerous as a leisurely inspection, a loose linking of arms not as dangerous as a hug). The more exposed the object of attraction and the more secluded the parties themselves, the greater the danger (e.g., love-making between parties who are not fully clothed or who are alone in the dark or in a closed and curtained room is more dangerous than love-making between those who are properly dressed and seated among a crowd of people).

2518. Cases Wherein the Danger of Sin Is Grave or Slight.—A physician must know the difference between mortal and non-mortal diseases, and likewise a priest must know the distinction between various kinds of spiritual leprosies. But when certain cases are listed as less dangerous, this does not mean that they are not dangerous at all and that no account should

be taken of them. Especially in the matter of impurity should the warning of Scripture be remembered: “He that contemneth small things shall fall by little and little” (Ecclus., xix. 1). With this in mind, we now subjoin some examples of grave and slight danger for cases in which a lewd act is indirectly voluntary, but is prompted only by curiosity, joke, levity or other such insufficient reason.

(a) Speech.—Dirty or suggestive stories, conversations, songs, music, or radio entertainments are a grave danger when the persons present are very impressionable (e.g., on account of age or character), or if the topic is utterly vile (e.g., descriptions of filthy or unnatural sex acts), or if the manner is very seductive (e.g., the terms used are unfit for polite society, or the story is very detailed, or sin is boasted about, or the conversation is prolonged). On the other hand, the danger is light when the persons present are of mature age and not strongly inclined to impurity, especially if the topic and the language are not very disgusting; but there may be serious sin on account of circumstances, as when the speaker or approving listener is a person from whom good example is expected. Obscene talk is generally not a serious sin when the persons are husband and wife, or a group of married men or of married women; on the contrary, it is generally a serious matter when the persons are a group of young people of the same sex, more serious when they are a mixed group, and still more serious when they are a boy and a girl or a young man and a young woman. The fact that those of the younger generation often do not admit this, does not change its abiding truth.

(b) Reading.—The remarks made on speech apply also to reading, which is a kind of silent speech. A noteworthy difference between the two in the present matter, however, is that reading is often more dangerous than conversation, since it is usually more protracted. Love letters and romances were once the chief temptation in this line, but today they seem mild in comparison with the supply of pornography that is easily accessible to all (e.g., the magazines and papers that pander to depraved tastes, the stories and pseudo-scientific books that corrupt the youth of every land). Even without grave danger to self, one may still be guilty of grave sin in reading obscene books on account of the cooperation with the vendors of immorality, or the scandal, or the disobedience thereby shown to the Church (see 1455 sqq., 1529, 1530).

(c) Looks.—There is generally no danger in a look at the full nudity of a small infant, or at the less becoming parts of a person of the same sex; there is generally only slight danger when the object is the privates of self or of another of the same sex, or the coition of animals, unless the gaze be fixed, prolonged and the object near; there is grave danger in beholding a completely non-infant naked person of the opposite sex, or the coition or other grave external sex acts of human beings (unless the glance be brief or not attentive), or even at times the less becoming parts of the opposite sex, if the look is very intent and continuous. Representations of the bodily parts or acts just mentioned (pictures, drawings, diagrams, etc.) have generally the same dangers as the originals, though the allurements in itself is less vivid; circumstances may even make the representations equally or more dangerous (e.g., on account of a thin veil of concealment in paintings or sculpture that only increases the attraction; or on account of the suggestive music, the voluptuous dance, the crowd atmosphere that accompanies an immoral scene on the stage or screen). The saying of Oscar Wilde that esthetics are above ethics is opposed both to morality (since all conduct should be guided by reason) and to art (for the highest beauty is that of virtue and the spirit and purity).

(d) Touches.—Kisses are seriously dangerous to purity when warmly or lingeringly exchanged between adults of different sex who are attracted to one another as male and female; in other cases, kisses, if impressed on decent parts of the body and in a decent manner, may be only slightly dangerous. Holding or grasping between such adults is also a serious danger when it is vehement (e.g., the tight squeeze or hug of certain dances) or long (e.g., the repeated or hour-long fondling of love-makers); it is of slight or no danger in other cases, as in the customary handclasp of greeting, Handling or feeling, if passing, hurried or light, is generally not dangerous, when it has to do with the becoming parts of another person, or with the less becoming parts of a person of the same sex, or with personal private parts; it is only slightly dangerous, under the same conditions, in reference to the verenda of animals or small infants; it is gravely dangerous when directed to the privates of another person who has passed infancy, or to the less becoming parts of a person of opposite sex, or to the breasts of a woman, unless it be entirely casual, passing, or light. Tactile contact made under the clothing is of course more dangerous than that which is external.

2519. The Moral Species of Lewdness.—(a) Theoretically, it is more probable that the imperfect sins of impurity do not differ from the perfect sins to which they tend; for the natural circumstances or antecedents of an act have really the same morality as the act itself (see 2486). In the physical order, the fetus, the infant, and the child do not differ essentially from the full-grown man; and likewise, in the moral order, the thought, the purpose and the external beginning do not differ essentially from completed murder, even though for some reason the act be not finished. Hence, immodest words, reading, looks and touches belong to fornication, or adultery, or incest, or sodomy, according to their tendency (e.g., to read an immodest love story with another man's wife and to kiss her is incipient adultery, and, if the guilty person has a vow of chastity, it is also sacrilege). But the species is taken only from the object, not from the purely accidental circumstances, such as the elicitive faculty (e.g., an immodest look at another does not differ essentially from an immodest touch) or the intensity (e.g., incomplete pleasure in touches by one who has not attained puberty does not differ essentially, according to some, from the completed pleasure of which he is capable). Moreover, it seems that, in regard to looks if not as regards touch, abstraction (see 2506) is easily made by the guilty person from various circumstances; for example, one who looks immodestly on a person consecrated to God, may be thinking only of his unlawful love for a person of the other sex, and so may be guilty of incipient fornication, but not of sacrilege, or he may be thinking, without any affection for the other person, only of his own pleasure, and so may perhaps be guilty only of incipient pollution. A less probable opinion makes lewdness a species of sin distinct from pollution and the other consummated sins.

(b) Practically, penitents should confess that their sin was indecent and not completed lust (such as pollution), and they should also confess whether the lewdness was committed by speech, reading, looks, kisses, embraces, or touches; and also the object of the sin, whether male or female, whether married or single, relative or non-relative, etc. Otherwise, since few penitents know how to distinguish the moral species of sins, there will be great danger of incomplete confessions; and, moreover, the additional sins usually committed in cases of lewdness (e.g., scandals, injustices, and bad company keeping) will not be disclosed. If a consummated sin of fornication, pollution, etc., followed the indecency, this consummated sin should be confessed distinctly. Similarly, those who expose, incite or tempt

others to impure thoughts or to lewdness in word, reading, looks, kisses or touches, should confess the kind of sin they intended (see 1497), even though their purpose failed, whether it was incipient fornication, sacrilege, sodomy, etc. But some authors admit a generic confession (in which the penitent merely states that he sinned mortally or venially, as the case was, by indecency), if the lewdness was solitary, or was committed with another but certainly without scandal or lustful desire of the other person.

2520. The Consummated Sins of Impurity.—There are in all seven species of completed acts of impurity. (a) Thus, some sins of impurity are against reason because they do not observe the ends of sexual intercourse. These ends are, first, the begetting of children (to which is opposed unnatural impurity), and, secondly, the rearing of children (to which is opposed fornication).

(b) Other sins of impurity are against reason because they violate a right of the person with whom intercourse is had (incest), or of a third party to whom that person belongs. If the third party is injured in conjugal rights, there is adultery; if in parental rights, there is defloration or rape, according as the injury is done without or with force; if in religious rights, there is sacrilege. This second category of sins is classed under impurity rather than under injustice, because the purpose of the guilty person and his act belong to venereal sin.

2521. Comparative Malice of the Sins of Consummated Lust.—(a) In the abuse of an act, the worst evil is the disregard of what nature itself determines as the fundamentals upon which all else depends, just as in speculative matters the worst error is that which goes astray about first principles. Now, the prime dictates of nature as to sexual intercourse are that it serve the race and the family. Hence, the sin of unnatural lust (which injures the race by defeating its propagation) and the sin of incest (which injures the family by offending piety) are the worst of carnal vices.

(b) In the abuse of an act a lesser evil is that which observes the natural fundamentals, but disregards what right reason teaches about things secondary, in the manner of performing the act. But reason requires that in sexual intercourse the rights of the individual be respected. A most serious violation of individual right is adultery, which usurps the right of intercourse belonging to another; next in gravity is rape, which violently

seizes for lust a person under the care of another or undefiled; next is defloration, which trespasses on the right of guardianship, or removes bodily virginity, but without violence; last among these sins is fornication, which is an injury done not to the living, but to the unborn.

2522. Multiplication of Sins of Lust.—The various kinds of lust may be combined in one and the same act, as when unnatural vice (e.g., sodomy) is practised with a relative (incest). Sacrilege, of course, aggravates every other kind of carnal sin, and thus there is sacrilegious sodomy, sacrilegious adultery, sacrilegious incest, etc.

2523. Fornication.—Fornication is the copulation of an unmarried man with an unmarried woman who is not a virgin.

(a) It is copulation, or sexual intercourse suited for generation of children. Thus, it differs from lewdness, which consists in unconsummated acts, and from sodomitic intercourse, which is consummated but unsuited for generation. Onanism is an aggravating circumstance of fornication, or rather a new sin of unnatural intercourse. (b) It is committed by unmarried persons, and thus it differs from adultery. (c) It is committed with a woman, and is thus distinguished from sodomy. (d) It is committed with a woman who is not a virgin, and thus differs from defloration.

2524. Sinfulness of Fornication.—It is of faith that fornication is a mortal sin.

(a) Thus, it is gravely forbidden by the divine positive law. Hence, whores and whoremongers are an abomination to the Lord (Deut., xxiii. 17); fornicators are worthy of death (Rom., i. 29-32), they shall not enter the kingdom of God (Gal., V. 19-21; Eph., v. 5; Heb., xiii. 4; Apoc., xxi. 8). The Fathers teach that fornication is a grave crime (St. Fulgentius), and that it brings condemnation on the guilty person (St. Chrysostom). The declarations of the Church on the evil of this sin are found in the Council of Vienne and in the censures of Alexander VII and Innocent XI (Denzinger, nn. 477, 1125, 1198).

(b) Fornication is gravely forbidden by the natural law. For it is seriously against reason to cause an injury to the entire life of another human being; but fornication does this very thing by depriving the unborn child of its natural rights to legitimacy, to the protection of both parents, and to

education in the home circle. True, in some cases there may be no prospect of a child, or there may be provision for its proper rearing; but these cases are the exception, since fornication from its nature tends to the neglect of the child, and the morality of acts must be judged, not by the exceptional and accidental, but by the usual and natural. Those who commit fornication are thinking of their own pleasure rather than of duty, and will generally shirk the difficult burdens of parenthood. Society also would be gravely wounded if unmarried intercourse were at any time lawful. Hence, St. Paul reproves the pagans, though ignorant of Scripture, for their sins of fornication (I Cor., vi. 9-11; Eph., v. 1-6), since reason itself should have taught them the unlawfulness of this practice. It seems, though, that invincible ignorance of the wrong of fornication is possible among very rude or barbarous people, since the injury to the neighbor does not show itself so clearly in this sin as in many others.

2525. Fornication Compared with Other Sins.—(a) It is less serious than those that offend a divine good (e.g., unbelief, despair, hatred of God, irreligion), or human life (e.g., abortion), or the human goods of those already in being (e.g., adultery). (b) It is more serious than sins that offend only an external good (e.g., theft), or that are opposed only to decency in the marriage state (e.g., unbecoming kisses of husband and wife).

2526. Circumstances of Fornication.—(a) Circumstances that aggravate the malice are the condition of the person with whom the sin is committed (e.g., that the female is a widow, or the employee of the man, or his ward, or a minor).

(b) Circumstances that add a new malice to fornication are of various kinds. Thus, previous circumstances are the distinct desires of the sin entertained beforehand, the solicitation and scandal of the other party or parties with whom the sin was committed; concomitant circumstances are the quality of the persons (e.g., fornication is sacrilegious if one of the parties is consecrated to God, and also, according to some, if one party is a Christian and the other an infidel; it is unjust if one of the couple is betrothed to a third party), or the quality of the act itself (e.g., if it is performed onanistically, though pollution may be excused if it results accidentally from the good purpose to discontinue the sinful act); subsequent circumstances are injury done to the partner in sin (e.g., by

refusal to pay the support or restitution due) or to the offspring (e.g., by exposure, abortion, neglect).

Whether the fornication of an engaged person with a third party is a distinct species of sin is disputed. (a) According to some, it is a distinct species, or at least a form of adultery on account of the infidelity. (b) According to others, it is a distinct species if the guilty party is the woman, but not if it is the man, for the infidelity of the former is a far more serious matter than the infidelity of the latter. (c) According to still others, it is never a distinct species, since engagement to marry is a dissoluble agreement and the injury to the contract is therefore not a notable one. In this last opinion the manner of the sin is an aggravating circumstance, not a distinct species that has to be declared in confession.

2527. Forms of Fornication.—There are three special forms of fornication, which are all the same essentially, but which differ accidentally in malice or in results.

(a) Thus, ordinary fornication is that which is committed with a woman who is neither a harlot nor a concubine. This sin is in itself the least grave of the three, since it is not so harmful as whoremongering, nor so enduring as concubinage. Ordinary fornication also has its degrees of bad and worse: thus, engaged persons who sin together habitually are worse than those who sin only occasionally, and circumstances such as artificial onanism and abortion add to the guilt.

(b) Whoremongering is fornication committed with a harlot, that is, with a woman who makes a business of illicit intercourse and hires herself out for pay to all comers. Rarely does a harlot choose her life from passion or love, but is dragged in by white slavers, or enters from poverty, or after disgrace, or the like. This sin is worse than ordinary fornication from the viewpoint of propagation, since few harlots become mothers. But its most dire consequences are visited on the guilty persons themselves and on society: for the life of a prostitute is a most degrading slavery; to her patrons she communicates the most terrible diseases, which are then carried to innocent wives and children, and to the innocent she often becomes a cause of ruin, seeking her trade in the streets and public places. Today, according to reliable newspaper reports, many men and women have become rich in the terrible business known as the white-slave traffic. This

horrible abuse has grown into a vast international machine which is efficiently organized, and which profits not only from prostitution, but from many other kinds of crime. The patrons of brothels, therefore, cooperate with the crying injustice that is often done the fallen woman, and with the criminals who destroy souls and bodies for their own advantage.

(c) Free love is fornication committed with one's concubine, that is, with a woman who is not a public harlot but who has contracted with one man for habitual sexual intercourse as if they were man and wife. According to reports, this is quite common in Europe, where lawful marriage is very often preceded by free unions. The trial marriage advocated by some in this country, in which paramours agree to live together as husband and wife for a certain term of years or at pleasure, also falls under the category of concubinage. This sin is worse than mere whoremongering in one respect, namely, that it includes the purpose to continue in the state of sin, at least for a certain length of time. Moreover, there is often the public scandal and contempt for public opinion which other kinds of fornication may be free from. One who practises concubinage is living in a proximate occasion of sin, and hence he cannot be absolved unless he dismisses the concubine, if they cohabit, or agrees to keep away from her, if they do not cohabit.

2528. The State and Places of Prostitution.—It is clear that civil government has no right to support or provide places of prostitution, or to give permission for its practice, since fornication is intrinsically evil. But what should be said of toleration or license given to prostitutes by the public authority?

(a) Theoretically, the civil power has the right to give toleration or license; for, if the common welfare will suffer from a greater evil unless a lesser evil is suffered to go on, the lesser evil should be endured, and it is certain that there are greater evils than prostitution (such as rape and unnatural crimes of lust).

(b) Practically, the question is open to dispute. Older moralists held that toleration was actually more beneficial to the common good than suppression. But under the conditions of the present time many moralists think it is a mistake to give any recognition to prostitutes, and much less to houses of prostitution. Even in large cities, where alone the license could be beneficial, the purposes of toleration are not fulfilled; for the moral evil

seems to be greater, since an appearance of legality is given to prostitution, its practice is facilitated, its habitats become dens of every kind of iniquity, and the purpose of segregation is not realized; the physical evils also are not lessened, but perhaps increased, for even with medical inspection of prostitutes, syphilis and gonorrhea cannot be prevented.

2529. Defloration and Rape.—Defloration and rape are distinct species of lust, for each of them in its very concept includes a special and notable deformity not found in other species of impurity.

(a) Defloration is unlawful carnal knowledge of a woman who is virginal in body (1488 a). It has the special deformity of depriving the woman of the physical integrity that is most highly prized among all the unmarried of her sex, or at least of her own self-respect, and of setting her on the way to become a strumpet rather than an honorable wife or spinster. Some authors do not consider defloration a special sin unless it is done by violence, or unless injury is done the parental right over the virgin; and even the authors who consider unforced defloration a special sin hold that the new or additional malice in it is slight and venial, and therefore not a necessary matter of confession. The first sin of fornication by a male is not a special sin, because the consequences are not so serious for the man as for the woman, but of course seduction is always a special sin, whether the injured party be male or female.

(b) Rape is physical or moral coercion (i.e., force or fear) employed against any person (male or female, married or single, pure or corrupt), or against his or her guardians, to compel him or her to an act of lust. It has the special deformity of inflicting bodily injury on the person ravished. The sin of rape should not be confused with the canonical crime of rape, which consists in abduction, and which is an impediment to marriage (Canon 1074); nor with seduction, as when an innocent person is deceived into believing that an act of impurity is lawful, or is tricked into sin by false promises of marriage. Equivalent to rape is the carnal knowledge of a person drugged, hypnotized, or otherwise unconscious, or the seduction of an infant. A person who is ravished is obliged to deny all consent internally, and to resist or make outcry when this is possible (see 2497 a).

2530. Adultery.—Adultery is also a distinct species of lust.—(a) Definition.—Adultery is sexual intercourse with the husband or wife of

another. If the sin is committed only in desire, there is mental adultery; if the paramours allow themselves unlawful familiarities without intercourse, or if a married person is guilty of solitary lust, there is imperfect adultery.

(b) Sinfulness of Adultery.—Adultery is a grave sin, since it is an act of impurity and is expressly forbidden in the sixth commandment (Exod., xx. 14), and is classed among the sins that exclude from the kingdom of heaven (I Cor., vi. 9, 10). It is a special sin, because it is a violation of the faith pledged in the contract and Sacrament of Matrimony, and an injury to the right of one's spouse and of the conjugal state (Matt., xix. 5; Rom., vii. 3; I Cor., vii. 39). Even though a husband gives his wife permission to commit adultery or vice versa, the injustice remains, for though the individual is not formally injured, the married state is injured, since no married person has the right to give a permission opposed to the sacredness of the marriage vows (Denzinger, n. 1200).

(c) Degrees of Malice.—There are three degrees of malice in adultery. The first is that in which a married man sins with a single woman; the second that in which a married woman sins with a single man; the third that in which a married man sins with another man's wife. The second is worse than the first, on account of its consequences (e.g., sterility, uncertainty of paternity, rearing of an illegitimate child in the family); the third is worse than the second, because in addition to the consequences just mentioned, it contains a double injustice (viz., unfaithfulness to an innocent wife and unfaithfulness to an innocent husband), and it multiplies the sin. If an adulterer's husband or wife is also unfaithful, the injustice is lessened, but not removed; for not merely the two married persons are to be considered, but also the children, the family, society, and God; and the wrong done by one of the parties does not take away the right to fidelity pledged absolutely to all of these in marriage.

(d) Effects.—The party whose marriage rights have been injured by adultery was permitted under some former civil codes to kill a wife taken in adultery. But such laws were against justice and charity: against justice since no guilty person should be put to death unheard, and no injured person should be judge and accuser in his own case; against charity, since by such summary vengeance the adulteress would be sent to death in the midst of sin and without opportunity for repentance. The remedies of Canon Law for the innocent spouse will be noted below (2542).

2531. Incest.—Incest is impurity committed with a person related to one within the degrees in which marriage is forbidden.

(a) It is impurity, internal or external. Internal desires are mental incest, while external unconsummated (e.g., kisses) or consummated (e.g., intercourse) acts are actual incest.

(b) It is committed with a relative, that is, with a person, male or female, who is near to one by the tie of common ancestry (blood relationship, kinship, consanguinity), or of marriage to one's kin (marriage relationship, affinity), or of sacramental administration (spiritual relationship), or of adoption (legal relationship). *Alias species cognationis non pertinent ad incestum, sed novam aliquam malitiam possunt tribuere; v.g., si partes sunt parochus et parochiana, confessarius et poenitens, habetur scandalum, seductio.*

(c) The relationship is within the canonical degrees. Thus, marriage between blood relatives is forbidden in all degrees of the direct line (e.g., as to all female ancestry and posterity of a man) and in the first three degrees of the collateral line, which includes, for a man, his sisters, nieces, grandnieces, aunts, first and second cousins, grand aunts and their daughters and granddaughters. Marriage between those who are relatives-in-law is forbidden in all degrees of the direct line (e.g., as to wife's mother, daughter, etc.) and in the first two degrees of the collateral line (e.g., wife's sister, first cousin, aunt or niece). Spiritual relationship which is impedient of marriage exists between a person baptized and his baptizer, and also between the god-child and the god-parent in baptism. Legal relationship exists between the adopter and the adopted, when and as the civil law makes it a bar to marriage.

(d) Incest is committed within the forbidden degrees, and hence if a dispensation from an impediment of relationship had been granted to parties about to marry, a sin between them would not be incestuous.

2532. Incest as a Distinct Species of Sin.—(a) There is a specific distinction between incest and other forms of lust, since incest violates not only purity, but also the piety and respect due each other by those who are so closely related as to be unable to contract a lawful marriage. Nature itself abhors this sin; for, apart from the exceptional cases in which a dispensation is given, even lawful marriage with near relatives would be an incentive to

many sins before marriage and would prevent the widening circle of friendships between mankind which marriage with non-relatives produces, and would cause a physical and mental enfeeblement of the race. In Scripture incest is spoken of with peculiar horror as a nefarious deed deserving of death (Lev., xx. 11 sqq.), and as an act unworthy even of pagans (I Cor., v. 1 sqq.).

(b) There are three distinct sub-species of incest, namely, natural incest (between kin by blood or marriage), spiritual incest (between the baptized and his baptizer or god-parent), and legal incest (between persons who are kin in virtue of 8, marriage-impeding adoption). The first violates piety due to natural origin, the second that due to spiritual origin, and the third that due to legal origin. And in each species the nearer the relationship, the greater the sin (e.g., incest with a sister-in-law is less than that with a sister, incest with a sister is less than that with a mother).

2533. Carnal Sacrilege.—Carnal sacrilege is the violation by an act of impurity of the sacredness of a person, place or thing.

(a) It is a violation of sacredness, and thus it is a special sin, adding irreligion to lust (see 2308 sqq.).

(b) It is an act of impurity, internal or external, consummated or non-consummated. The impurity, however, must be so related to that which is sacred as to treat its sanctity with injury or contempt (formal disrespect), and there is no sacrilege if the impurity is associated with something holy in such a way as not to show any notable irreverence (material disrespect).

(c) Its first species is personal sacrilege, and it is committed by a sacred person (see 2309) when he is impure internally or externally, or by a non-sacred person when in desire or act he commits impurity with a sacred person. If two sacred persons sin together, there is a double sacrilege, which multiplies the sin.

(d) Its second species is local sacrilege, and is committed when an impure act is done in a sacred place (2311) in such a way as to show formal disrespect. Hence, consummated acts done in a church are sacrilegious, and the same is probably true of non-consummated acts, at least if they are of an enormous kind (e.g., a lascivious dance), and even of internal desires to sin

in the sacred place. But impure thoughts or passing glances of prurient curiosity in a church are not sacrilegious.

(e) Its third species is real sacrilege, and it occurs when impurity is committed in such a way as to show formal disrespect to a sacred object (2311). Hence, there is sacrilege of this kind when one commits impurity immediately after Communion, or when one uses the Sacrament of Penance as a means to solicit impurity. But the fact that a person commits impurity while wearing a scapular is not sacrilegious, unless contempt for the scapular was intended.

2534. Unnatural Lust.—Worst among the sins of impurity, as such, are crimes of unnatural lust, for they exercise the sexual act, not only illicitly, but also in a manner that defeats its purpose of reproduction. In some non-venereal respects, however, natural sins of impurity may be worse than the unnatural; for example, adultery is worse as regards injustice, sacrilegious lust as regards irreligion, etc. There are four distinct species of unnatural impurities—pollution, unnatural coition, sodomy, bestiality (see Denzinger, n. 1124).

(a) For procreation nature requires copulation, and hence pollution is unnatural, for it exercises semination without copulation, either alone (self-abuse, solitary vice, masturbation) or with another (softness).

(b) For procreation nature requires proper copulation, that is, one that will permit of a fertile union between the two life elements, the sperma and the ovum. Hence, unnatural coition does not comply with this necessity, for it does not employ the proper organ of sexual union, substituting rectal for vaginal intercourse, or else by some form of natural or artificial onanism it frustrates the act of its destined conclusion. This sin is worse than pollution, since pollution omits to use intercourse, whereas unnatural coition positively abuses it.

(c) For procreation nature requires heterosexual intercourse, a condition disregarded by sodomy, which is the lustful commerce of male with male (pederasty, uranism), or of female with female (tribadism, sapphism, Lesbian love). This sin is worse than unnatural coition, for it is a greater perversity to neglect one of the two needed life elements than to neglect the right process for their union (see Gen., xix. 24, 25; Lev., xx. 13; Rom., i. 26, 27).

(d) Finally, for procreation nature requires homogeneous intercourse, a law violated by bestiality, which is coition of a human being, male or female, with a brute animal. This is the worst of unnatural impurities, since it sins against the most fundamental condition for the sexual act, namely, that the participants be of the same nature (see Lev., xx. 15, 16). Similar to bestiality is the crime of necrophilism (intercourse with a corpse).

2535. Pollution.—Pollution is the voluntary emission of semen apart from coition.

(a) It is an emission, that is an external discharge. The internal secretion in the so-called female semination is also included by many under the head of pollution. The carnal motions spoken of in 2497 b are a preparation for pollution.

(b) It is a discharge of semen, that is, of the male fluid that fertilizes the female ovum. But equivalent pollution, from the moral viewpoint, is found in the discharge of certain non-prolific fluids that are accessory to generation or that produce in their movement a venereal satisfaction, such as the vaginal fluid in females (female semination), the urethral fluid in males capable or incapable of procreation (distillation). There is no pollution, however, in natural discharges such as menstruation and urination.

(c) It is apart from coition, and thus it differs from other consummated sins. But pollution may be committed either alone (solitary vice), or with another, and in the latter case it pertains reductively to adultery, fornication, sodomy, etc., as the case may be.

(d) It is voluntary directly or indirectly: directly, when one intends it as an end (e.g., for the sake of the pleasure) or as a means (e.g., as a relief from temptation or bodily itching, to obtain a specimen of semen for medical diagnosis); indirectly, when one unjustifiably does something from which one foresees that pollution will result. In all these cases pollution is formal or sinful, and it is not to be confused with material or natural pollution, which is a discharge of semen or distillation that is involuntary or unimputable.

2536. Cases of Material or Non-Sinful Pollution.—(a) Involuntary pollution is passive or active. The former happens even when one is awake.

It is evoked by such slight causes as physical movement and exertion, and is unaccompanied by pleasure; when habitual, it is a disease due to organic debility. The latter happens during sleep, and may be caused by a superfluity of fluid. It is accompanied by pleasure and often by libidinous dreams. It is a means used by nature to relieve the system, and is therefore healthful and beneficial, unless the discharges are too frequent (e.g., nightly). There is no obligation of repressing the continuance of a pollution that began involuntarily during sleep, since it may be regarded as an act of nature; but consent must be withheld (2498 sqq.). Moreover, if merely natural pollution be considered, not as to its venereal gratification but solely as to its good effects (e.g., that it ends a temptation, that it benefits the mind or the health), there is no sin in rejoicing at its accomplishment or in desiring its fulfillment, provided nothing is done to produce it and the intention is good; for then the object of the will is indifferent and the end is good.

(b) Unimputable pollution is caused by a lawful act from which one foresees that pollution will ensue, there being no proximate danger of consent to sin, and the pollution being only permitted, and that for a proportionately grave reason.

2537. Unimputable Pollution.—In reference to unimputable pollution the following distinctions should be noted:

(a) the danger risked by an act may be either of formal pollution (i.e., with consent to sin) or of material pollution (i.e., without consent to sin);

(b) the danger of pollution is either proximate or remote, the former being that from which pollution naturally and usually results and the latter that from which it does not naturally or usually result. Remotely dangerous are acts of a non-venereal kind, such as horseback riding, gymnastics, drinking alcoholic beverages, and also acts of a sexual kind that are only mildly exciting, such as conversations or books that are slightly “off color” when the parties are of mature age (see 2517, 2518). Proximally dangerous are acts of a venereal kind that notably inflame passion, such as warm and lingering kisses between persons of opposite sexes (see 2517, 2518);

(c) the reason for running the danger of pollution is either grave, serious, or slight. A grave reason is real necessity (e.g., the removal of disease or pain or of a very painful or troublesome itch due to the blood or disease) or great utility (e.g., the preservation of health, cleanliness of body); a serious

reason is an important convenience of soul or body (e.g., the exercise of common politeness, the enjoyment of reasonable comfort); a slight reason is one in which none of the mentioned motives is found (e.g., the satisfaction of an idle curiosity, the removal of a trifling irritation or itch).

2538. Proximate and Remote Occasions of Pollution.—It is never lawful to expose oneself to the immediate danger of sin, for he who loves the danger loves the sin (see 258, 260); but if one uses means to make the danger remote, one may lawfully encounter it for a good reason (see 258, 260, 261). It is lawful to permit an evil effect when there is sufficient justification according to the principle of double effect (see 103 sqq.).

(a) Hence, if there is proximate danger of formal pollution (that is, of consent to sin), no reason excuses an act even of a non-sexual kind, such as horseback riding. But if the act is necessary, the danger must be made remote by the use of special means, such as prayer, firm resolves, etc. (see 2497 sqq.).

(b) If there is proximate danger of material pollution, a grave reason suffices (e.g., the care of patients by physicians and nurses, assistance of bathers by attendants, warm soporific drinks taken for the sake of sleep).

(c) If there is remote danger of material pollution, a serious reason suffices (e.g., customary salutations of the country, physical exercises, moderate comfort in posture, seasoning in food.). A slight reason may excuse at times from mortal sin (e.g., unnecessary curiosity about the sciences of anatomy or sexology).

2539. The Theological Malice of Sinful Pollution.—(a) From its nature pollution is a mortal sin, because it is an act of impurity (1494) and a perversion of nature (2534). Moreover, its consequences are most injurious to society (it tends to self-indulgence and the avoidance of the burdens of marriage) and to the individual (when habitual, it weakens mental and will power and often brings on a breakdown of bodily vigor especially among young people). In Scripture it is represented as gravely illicit (I Cor., vi. 10; Gal., v. 19; Eph., v. 3). Hence, pollution is always a mortal sin when directly willed (e.g., when practised deliberately in order to be rid of a temptation or of bodily irritation or itch certainly due to superfluity of semen or to passion), and also when indirectly willed if there is proximate danger of consent to sin (e.g., when one who has always committed formal

pollution in certain company goes into that company without necessity, or without use of means to prevent a fall) or grave danger of pollution and no sufficient reason for permitting it (e.g., undue familiarities from which nocturnal pollution is foreseen as most probable).

(b) From the imperfection of the internal act, pollution is sometimes only a venial sin. This happens in case of invincible ignorance (e.g., young children who do not understand the evil of masturbation, students who have been taught by instructors or physical directors that it is necessary for health or that it is unsanitary but not sinful), or of incomplete consent (e.g., when the person is only half awake and does not ordinarily desire pollution, when he is a psychopathic and not fully responsible for his acts).

(c) From the lightness of the matter pollution is venial when willed indirectly and permitted without sufficient reason, if there is only slight danger of it from the nature of the action performed (see 2496). Examples are the reading for pastime of love stories before falling asleep with the prevision that this may possibly bring on pollution during sleep.

2540. If the action productive of pollution is gravely illicit, as being seriously opposed to chastity (e.g., lewdness) or to some other virtue (e.g., extreme intemperance in drugs or alcohol), is one thereby guilty of the grave sin of pollution?

(a) If the case be considered in the abstract, the answer is in the negative. For if the action in question is only remotely dangerous as regards pollution (e.g., an action of a non-venereal kind such as intemperance does not necessarily tend to impurity, an act of a venereal kind that is momentary, such as a desire, does not strongly affect the passions), the sin is only venial in so far as pollution is concerned (see 2517, 2518).

(b) If the case be considered in the concrete, the answer is in the affirmative as a rule when there is question of a habit. For generally those who act habitually in this way yield consent to the pollution as well as to the sin that precedes. Authorities note, however, that he who repents of the cause of pollution before the pollution results is not guilty of the actual pollution.

2541. The Moral Species of Sinful Pollution.—(a) The general species of pollution is distinct from other consummated sins of impurity, since it is

unnatural, and this in a special way (see 2534, and Denzinger, n. 1124), But some authors regard equivalent pollution (see 2493, 2535) as not a consummated sin, since it is without true semination, and hence according to them it may be confessed simply as impure pleasure (see 2519 b).

(b) The particular species of pollution is derived from circumstances that give it a new essential malice. If it is solitary, and committed by one who is under no bond of marriage or vow, and accompanied by no thought or desire except in reference to self or self-gratification (autoerotism, narcissism), there is the single sin of pollution. But there are other sins if it is committed by one under special obligation (i.e., adultery or sacrilege), or if committed with another person (e.g., seduction, cooperation, rape), or if committed with impure thoughts or desires about others (e.g., mental adultery, fornication, sodomy, bestiality). The manner in which pollution is performed (e.g., whether cooperative pollution is active or passive, by irrumation or concubitus or touch, with or without an instrument) is per se an accidental circumstance. According to some authors, cooperative pollution brought on by touch alone is not diversified in species, if there is no special affection for the other person, but only the desire of carnal gratification, and hence it may be declared simply as pollution from touch.

2542. Penalties for Immorality Decreed in Canons 2357-2359.—(a) Laymen who are guilty of certain offenses against the sixth commandment become infamous on conviction and are excluded from legitimate ecclesiastical acts. In case of adultery, the injured spouse may obtain a separation, temporary or perpetual, from the offending spouse (Canon 1129). (b) Clerics in minor orders are subject to special punishments, and may even be dismissed from the clerical state. (c) Clerics in major orders are subject to penalties named in law (e.g., suspension, infamy, deposition) for graver crimes such as concubinage, adultery, and to penalties decreed by the lawful superior for other delinquencies.

2543. The Potential Parts of Temperance.—The appetites of pleasure are the most difficult to restrain, and there is need of a perfect virtue like temperance to rule over them and keep them within the bounds of reason. The analogous or potential virtues of temperance are that one which is able to check, though it does not tame, the animal appetites (continency), and those that preside and rule over the less violent appetites for vengeance,

exercise of authority, superior excellence, knowledge, amusement and display (meekness, etc.). See above, 2465 c.

2544. Continence.—(a) Its Nature.—This quality, as here taken, is the state of one who has not gained mastery over the passions sufficient to keep down strong, frequent and persistent rebellions, but whose will is firmly disposed to resist their attacks. It is less than a moral virtue, then, since it does not tranquillize the lower appetites. The temperate man has already subdued his passions, and hence he is less disturbed by them, or at least he has less trouble in rejecting their onsets.

(b) Its Relation to Temperance.—Greater difficulty increases merit, if it is due to the presence of a corporal or external impediment (e.g., a man of sickly constitution or one who suffers great opposition deserves more credit for his work than a man of vigorous constitution or one who enjoys great favors and opportunities); not, however, if it is due to the absence of a spiritual excellence (e.g., a man who finds work hard because he is lazy does not deserve more credit than another who finds it easy because he is industrious). Hence, temperance is more deserving than continence, for it controls passion with greater ease simply because it has subjected not only the higher but also the lower appetite to the dictates of reason.

(c) Its Opposite.—The vice opposed to continence is incontinence, which does not follow the dictate of reason to resist the onslaughts of passion; it sees and approves the higher things, but it follows the lower. This sin is less grievous than intemperance, just as a passing indisposition is less harmful than a settled malady. For passion comes and goes, and the incontinent man quickly regrets his weakness; but a sinful habit of gluttony or impurity is permanent, and is so like a second nature that its votaries rejoice when they have satisfied their desires (Prov., ii. 14). Incontinence in pleasure is more disgraceful than incontinence in anger, for anger is less distant from reason; but on the other hand the irascible man usually sins more grievously by the greater harm he does to others. It is more difficult to contain oneself from wrath than from intemperance in the sense that wrath storms the soul by a more vehement and compelling attack; yet, it is harder to be unconquered by pleasure, because it lays persistent siege to the soul and demands a more unwearied vigilance.

2545. Meekness.—Meekness or mildness is the virtue that moderates anger.

(a) It is a virtue, since it consists in moderation according to right reason. Our Lord proclaims it blessed (Matt., v. 4). and St. Paul numbers it among the Fruits of the Spirit (Gal., v. 23). Illustrious models of mildness are Joseph (Gen., l. 20), Moses (Num., xii. 3), David (I Kings, xxiv), Christ (Luke, xv; John, i. 29, viii. 11), St. Paul (Acts, xx. 31).

(b) Its office is moderation, and hence in its manner, though not in its matter, it is like temperance. It follows the middle way between the extremes of sinful indignation and sinful indulgence.

(c) Its matter is the passion of anger, that is, the sensitive appetite that inclines one to avenge an evil by punishing its author. Like other passions (121), anger is indifferent in itself, but it is made good or evil by its reasonableness or unreasonableness. The meek man is angry at times, but only when and where and as he should be (Ps. iv. 5); his anger is not a blind impulse, but a righteous zeal that attacks a wrong only after reason has shown that this is the proper course.

2546. Anger.—Anger is sinful when it deviates from reason, as to its matter or its manner.

(a) Thus, it is unreasonable as to its matter (i.e., its vengeance) when it punishes unjustifiably (e.g., when the person punished is innocent, when the penalty is excessive, when the legal order is not followed, when the motive is not justice or correction, but hatred, etc).

(b) It is unreasonable as to its manner (i.e., the degree of excitement felt or shown) when temper goes beyond measure. Great anger is not sinful when a great evil calls for it (e.g., the anger of Our Lord against the money-changers in John, vi. 14 sqq.; that of Mathathias against the idolatrous Jew in I Mach., ii. 24); but to fly into a rage at nothings or trifles is sinful.

2547. Gravity of the Sin of Anger.—(a) If anger is sinful on account of its matter, it is mortal from its nature as being opposed to charity and justice. He that is angry against his brother is worthy of hell fire (Matt., v. 21, 22). It may be venial, however, on account of imperfection of the act (e.g., the sudden impulse to strike down those who do not agree with one's opinions)

or the lightness of the matter (e.g., a slap or push or box on the ears given a naughty child when a word of reproof would have sufficed).

(b) If anger is sinful on account of its manner, it is venial from its nature; for excess in an otherwise indifferent passion is not a serious disorder (see 2450). But the sin may be mortal by reason of circumstances, as when an angry person acts like a wild man, curses and swears, breaks the furniture, gives serious scandal on account of his position, or the time or place, or injures his health by the violence of his paroxysm.

2548. Is Anger a Graver Sin than Hatred and Envy?—(a) As to its matter, anger is less grave than hatred and envy, for it pursues evil under the guise of spiritual good, pretending at least that the harm it intends is just, whereas hatred and envy pursue evil precisely as it is injurious to another, or as it is a means to one's own temporal and external good or glory. Likewise, anger is less grave objectively than concupiscence, for the voluptuous man aims at utility or pleasure, whereas the revengeful man aims at what he makes believe is just.

(b) As to its manner, anger surpasses the vices mentioned in certain of its violent manifestations. The infuriated man, when crossed, creates a scene and makes a fool of himself; his blood boils, his face is flushed, his eyes dart fire, he froths at the mouth and trembles, he pounds, stamps and bellows like an enraged bull.

2549. Anger as One of the Seven Capital Vices.—(a) It has a certain preeminence in evil. Its matter is quite attractive, for revenge is sweet and the cloak of just retaliation makes it seem good; its manner is powerful, for it drives one on to dare even the most shocking crimes.

(b) It is the spring of many sins. In the heart anger produces indignation against the object of displeasure, whom the angry man looks upon as base and unworthy, and soreness about the treatment of self, which fills the mind with plans of revenge. Sins of the mouth due to anger are incoherent cries of rage, words of contumely and blasphemy (Matt., v. 22), while its sinful deeds include quarrels and every kind of injury.

2550. Sinful Indulgence.—Sinful indulgence, which is opposed to meekness by excess, is often a mortal sin on account of the grave harm it inflicts upon the common welfare and the protection it affords to crime.

Thus, Heli was seriously reproved and punished because he winked at grave disorders, or at least was too easy-going in his corrections (I Kings, ii, iii).

2551. Clemency.—Clemency is a virtue that inclines one, from a spirit of kindness and moderation, to be as easy in inflicting punishments as the claims of justice will allow.

(a) Clemency is a virtue, because it is reasonable, does good to others, and makes the doer good. It is beneficial to public as well as private interest: “Mercy and truth preserve the king, and his throne is strengthened by clemency” (Prov., xx. 28).

(b) It inclines one to be easy, that is, to temper or relax the severity of the law. Thus, it differs from the virtues of legal justice and of charitable forgiveness, the former of which, when necessary, insists on the full rigor of the law (see 2381 sqq.), whereas the latter, when permissible, grants an enemy a full pardon (see 1198).

(c) Its matter is punishment, that is, the external evil of chastisement visited on wrongdoers. Hence, it differs from meekness, which deals with the internal emotion of anger, and from mercy, which deals with external goods bestowed upon the suffering.

(d) It is easy only in so far as the claims of justice will allow; that is, it acts from a sense of responsibility to the rights and claims of the common good and of all the interests involved, and decides according to an impartial and enlightened judgment that circumstances of person, deed, cause, etc., call for a departure from the strict requirements of law or custom. Clemency is not the same thing, then, as arbitrary laxity or sentimentalism.

(e) It is moved in the first place by kindness to the offender, and thus it differs both from the virtue of equity (which acts from the sense of higher justice) and from the vices of favoritism, extortion, and cowardice (which extend forbearance only to friends or to those who offer bribes or who bring pressure to bear).

(f) It is moved secondly by a spirit of moderation. Many persons are spoiled by authority: feeling their own importance, they desire to exercise their powers to the limit and to keep others down as much as possible. The clement man, on the contrary, keeps his poise and uses his authority with

moderation. Meekness should be practised by all, but clemency is the proper virtue of superiors.

2552. The Vices Opposed to Clemency.—(a) The extreme of defect is cruelty, which is a hardness of heart, not moved by the sufferings of others, that disposes one to inflict excessive punishments. The worst form of cruelty is savagery, which takes inhuman delight in the sufferings of others and inflicts pain without regard for guilt or innocence.

(b) The extreme of excess is undue leniency, which spares the rod when it should be used. There are times when severity is necessary, as when a crime was malicious and cold-blooded, when an offender is stubborn and irreformable, and when mildness will harm the public welfare or invite the sinner to repeat his offense. In such cases it would be unwise and harmful to mitigate the sentence which wise statutes or customs provide for the offense.

2553. Humility.—Humility is the virtue that makes one modest in the desire of greatness.

(a) It is a virtue, that is, a moral excellence and a voluntary disposition. Hence, it is not the same as physical humility (e.g., the humble or lowly circumstances in which a person was born) or as involuntary humility (e.g., the humiliation which comes upon those who exalt themselves).

(b) It is concerned with greatness, that is, with the higher things that pertain to greatness of soul (see 2448 sqq.). There is no opposition between these two virtues, for greatness of soul makes one set such a value upon the gifts one has received from God as to aspire to the betterment for which they prepare one, while humility makes one realize one's own shortcomings so sincerely that it keeps one from the desire of those excellences for which one is unsuited.

(c) It is modest; that is, it regulates according to the standard of reason the passion for greatness, so that one may avoid the extremes of pride and of abjectness or littleness of soul (see 2465 c).

2554. The Three Acts of Humility.—(a) Its regulatory act is in the intellect, and consists in the knowledge and acknowledgment of one's infirmity and inferiority, not only in comparison with God, but also in comparison with men.

(b) Its essential act is in the appetite and consists in a regulation of the hope for greatness so that, recognizing one's limitations, one does not strive for that for which one is unfitted. Higher degrees of humility are those which do not desire honor, or which are pained by it, or which desire dishonor.

(c) Its expressive act is in the external conduct. St. Benedict says that the humble person avoids singularity in deed, is sparing in his words and not given to loudness, and bears himself modestly, not staring about or laughing immoderately. But there is also a false humility, which is only in externals, and this is really proud hypocrisy (Ecclus., xix. 23).

2555. Two Requirements of Humility.—Humility is chiefly an abasement of self before God (Gen., xviii. 27), and it is not opposed to truth or to good order. Hence, the two following rules on the lowering of self before fellow-creatures:

(a) in the internal act, humility requires that each one acknowledge his neighbor as his better, if comparison is made between what the former has from himself and what the latter has from God (Phil., ii. 3; Osee, xiii. 9). But it is not against humility to believe that one has more of divine grace or less of human imperfection than another, if there are good reasons for the belief (Eph., iii. 5; Gal., ii. 15);

(b) in the external act, humility requires that one show proper signs of respect to one's betters. But of persons who are in authority St. Augustine says that, while before God they should prostrate themselves at the feet of all, before man they should not so demean themselves to inferiors as to detract from their dignity or authority. Like the other virtues, humility must be guided in its manifestations by prudence as to place, time, and other circumstances.

2556. The Excellence of Humility.—(a) Humility is inferior to the theological virtues, which tend immediately to the end itself, and also to the intellectual virtues and legal justice, which rightly dispose mind and will about the means to that end. Humility and the remaining virtues incline one to follow the direction of mind and will, but with this difference that, while humility makes one ready for submission in all that is right, temperance, fortitude and the rest prepare one for submission only in some one or other particular matter. To these latter virtues, then, humility is superior.

(b) Humility is the groundwork of the spiritual edifice negatively or indirectly; for, since God resists the proud and gives grace to the humble (James, iv. 6), the obstacles to the other virtues are removed by humility. But it is faith which positively and directly places the cornerstone of the spiritual life, for faith is the first approach towards God: “He who would come to God must believe” (Heb., xi. 6).

2557. Pride.—Pride is an inordinate desire of one’s own personal excellence.

(a) It is a desire, for the object of pride is that which is pleasing and yet not easy of attainment.

(b) The desire is concerned with excellence, that is, with a high degree of some perfection (such as virtue, knowledge, beauty, fame, honor) or with superiority to others in perfection.

(c) The excellence sought is personal; that is, the object of pride is self as exalted on high or raised above others. Ambition seeks greatness in honors and dignities, presumption greatness in accomplishment, and vanity greatness in reputation and glory; pride, from which these other vices spring, seeks the greatness of the ego or of those things with which the ego is identified, such as one’s own children, one’s own family, or one’s own race.

(d) The desire is inordinate, either as to the matter, when one desires an excellence or superiority of which one is unworthy (e.g., equality with Our Lord), or as to the manner, when one expressly desires to have excellence or superiority without due subjection (e.g., to possess one’s virtue without dependence on God or from one’s own unaided merits). In the former case pride is opposed to greatness of soul, in the latter case to humility. The contempt which is proper to pride is a disdain for subjection, and the contempt which belongs to disobedience is a disgust for a precept; but pride naturally leads to contempt for law and for God and the neighbor (see 2367).

2558. The Acts of Pride.—(a) In his intellect, the proud man has an exaggerated opinion of his own worth, and this causes his inordinate desire of praise and exaltation. But pride may also be the cause of conceited ideas,

for those who are too much in admiration of themselves often come to think that they are really as great as they wish to be.

(b) The will of the proud man worships his own greatness, and longs for its recognition and glorification by others.

(c) In his external words and works, the proud man betrays himself by boasting, self-glorification, self-justification, by his haughty appearance and gestures and luxurious style, by arrogance, insolence, perfidy, disregard of the rights and feelings of others, etc.

2559. The Sinfulness of Pride.—(a) Complete pride, which turns away from God because it considers subjection detrimental to one's own excellence, is a mortal sin from its nature, since it is a manifest rebellion against the Supreme Being (Ecclus., x. 14). Such was the pride of Lucifer, but it is rare in human beings. Complete pride may be venial from the imperfection of the act, when it is only a semideliberate wish.

(b) Incomplete pride, which turns inordinately to the love of created excellence but without disaffection to superiors, is in itself a venial sin, for there is no serious disorder in the excess of an otherwise indifferent passion. But circumstances may make this pride mortal (e.g., when it is productive of serious harm to others).

2560. Pride Compared with Other Sins.—(a) Gravity.—Complete pride is less than hatred of God, for the former has as its object personal excellence, the latter separation from God. But after hatred of God complete pride is worse disloyalty than any other mortal sin; it separates from God directly, since it abjures allegiance to the Supreme Being, while other sins separate from God only indirectly, since they offend, not from contempt, but from ignorance, or passion or excessive desire.

(b) Origin.—Pride was the first sin, because by it the angels and our first parents fell, the angels desiring likeness to God in beatitude, Adam and Eve likeness in knowledge (Ecclus., x. 15; Prov., xviii. 11; Tob., iv. 14).

(c) Influence.—Pride is called the queen and mother of the seven capital vices—namely, vainglory (2450), gluttony (2473), lust (2494), avarice (2426), sloth (1322), envy (1342), and anger (2549)—not in the sense that every sin is the result of pride (for many persons sin from ignorance, passion, etc.), but in the sense that the inordinate desire of personal

excellence is a motive that can impel one to any kind of sin, just as covetousness offers a means that is useful for every temporal end (I Tim., vi. 10). Pride is also most dangerous, since it steals away the reward of virtue itself (Matt., vi. 2); and, as humility is the first step towards heaven, pride is the first step towards hell.

2561. Abjection.—The other extreme of pride is abjection. (a) As a turning away from these higher things to which one should aspire, this sin is the same as littleness of soul, and it is opposed to greatness of soul (see 2451). (b) As a turning to lower things or to a submission to others which is unreasonable, this vice is directly opposed to humility. Examples are persons of knowledge who waste their time on menial labor when they should be more usefully employed in other pursuits, or who permit themselves to be corrected and guided by the errors and false principles of the ignorant.

2562. Studiosness.—Studiosness (*_studiositas_*) is the virtue that makes one modest in the desire of knowledge.

(a) Its object is the desire of knowledge; for man is gifted with powers of sensation and understanding, and nature inclines him to desire the exercise of these powers to see, hear, picture, apprehend, judge, reason, etc.

(b) Its function is to make one modest in this desire (see 2465 c); that is, it regulates the inclination of nature according to reason, so that one may avoid both excess and defect in the pursuit of knowledge. On the one hand, the soul has the urge to discover and learn, but just as bodily hunger leads to gluttony, if not restrained, so does mental hunger become a vice (curiosity), if it is not moderated. On the other hand, the body has a disinclination for the labor, weariness and hardship which study demands, and, if this reluctance is not overcome, one becomes guilty of the sin of negligence or ignorance (see 904, 1326, 1671).

(c) Its character, therefore, is that of a virtue, since it holds a natural appetite within moderation, avoiding the extremes of excess and defect, and keeping custody over senses and mind. This virtue is praised in Prov., xxvii. 11: “Study wisdom, my son, and make my heart joyful”; and in I Tim., iv. 13: “Attend to reading.” Essentially, it is a potential part of temperance, for its chief characteristic is moderation of an eager desire; but secondarily, it

belongs to fortitude, for great courage, persistence, and self-sacrifice are necessary for a student.

2563. The Vices Opposed to Studiousness.—(a) The vice of excess is called curiosity. It is a desire of knowledge that is inordinate on account of the motive (e.g., when one is curious about the doings of others because one wishes to injure them, when one gazes about to satisfy impure desire) or on account of its circumstances (e.g., a curiosity about the latest news or rumors that keeps one from duty or more important matters, a curiosity that consults fortune-tellers, a curiosity that tries to peer into the inscrutable mysteries of God, Ecclus., iii. 22).

(b) The vice opposed to studiousness by defect is negligence, which is a voluntary omission of study of those matters one is bound to know, as when a schoolboy wastes his time in play and idleness. Curiosity and negligence are usually found in the same person (e.g., those who pry into the affairs of others without reason, do not, as a rule, mind their own business well).

2564. The Malice of the Sins against Studiousness.—(a) Curiosity in itself is venial, for it does not seem a serious offense to busy oneself with things superfluous. But circumstances sometimes make it mortal. Thus, the subject-matter may make it serious, as when one is curious about obscene books, or has a prurient desire to gaze on unbecoming pictures or plays, or tries to fish out of others sacramental or other confidential secrets; or the purpose may make it serious as when one is inquisitive or spying because one wishes to blacken a neighbor (Prov., xxiv. 15), or the means may make it mortal as when recourse is had to calumny, fraud, reading private papers, etc., in order to get information.

(b) Negligence is mortal or venial according to the gravity of the duty of knowledge. Thus, if a lawyer gave no study at all to a case and thereby inflicted a grave loss on his client, the negligence would be a mortal sin.

2565. Modesty.—Modesty should control not only the internal passions for excellence and learning, but also the external movements of the body (modesty of bearing) and the external use of corporal things (modesty of living). (a) Thus, modesty of bearing moderates the bodily actions, both in serious things (modest behavior) and in things playful (modest relaxation).

(b) Modesty of living makes one temperate in the use of the externals that serve life (modesty in style) and of the clothing one wears (modesty in dress).

2566. Modest Behavior or Decorum.—(a) The Virtue.—The movements and gestures of the body should be regulated by reason, both because they are indications of one's own character and disposition, and because they express one's disposition towards those with whom one lives. Hence, they are not a matter of indifference, but reason demands that they be suitable both to oneself (i.e., to one's sex, age, position, etc.) and to one's neighbor (i.e., to the requirements of good social usage in each business or affair of life). Thus, virtuous decorum employs both sincerity, which makes one honestly respectful in act (2403), and affability, which makes one agreeable in the company of others (2421). That this is an important virtue for individuals and society is declared both by sacred and human authority. Ecclesiasticus (xix. 26, 27) calls attention to the importance for himself of a man's looks, laughter and gait; St. Augustine says that there should be nothing offensive to others in one's movements; and Aristotle mentions among the qualities of the high-minded man that he is sedate and dignified in demeanor.

(b) The Opposite Vices.—Modest behavior is offended by various vices of excess and defect. Thus, sincerity is offended by bluntness and affectation, self-respect by stiffness and servility, and consideration for others by flattery and rudeness.

2567. Modest Relaxation.—(a) The Virtue.—Just as the body fatigued by manual labor demands the refreshment of sleep and the recuperation afforded by vacations or by intermissions of work, so also the mind cannot be healthy or active unless from time to time it is relieved by some kind of amusement or diversion. The desire for recreation is, therefore, one of the chief inclinations of man, and there is special need of its temperate management by right reason. The person who prudently provides for pastimes and pleasures as a part of his life has the virtue which Aristotle called eutrapelia (good wit, urbanity), and which St. Thomas named gaiety or pleasantness.

(b) The Sin of Excess.—Relaxation is excessive in various ways. Sometimes the entertainment itself is improper (e.g., obscene comedies,

scandalous dances, unjust games of chance). Sometimes the disposition of the person himself is sinful (e.g., those who make recreation the chief occupation of life, Wis., xv. 12; those who recreate only for pleasure, or who enjoy themselves uproariously). Sometimes the circumstances make an amusement unsuitable, such as the person (e.g., when a man of dignity belittles himself by acting as clown, when a female takes part in sports unsuited to her sex), or the time (e.g., when the hours that should be given to divine services, or to study or other Work, are spent in golfing or fishing; when Good Friday or a day of bereavement or penance is chosen for a ball or picnic), or the place (eg, when a church is used for sports or farces), or the quality (e.g., when the Scriptures or other sacred things are caricatured or parodied), or the quantity (e.g., when one spends so much on theatres, automobiles, trips and other enjoyments that one has nothing left for duties of justice, charity or religion; when health is injured by violent games).

(b) The Sin of Defect.—Those persons offend here who deprive themselves of necessary relaxation (e.g., misers who fear to take a holiday or go on an outing lest they lose some money), or who interfere with the recreation of others (e.g., killjoys who wish to see others miserable, fanatics who believe that all fun is of the devil). Those who have little sense of humor or who suffer much may be excused to some extent if they never laugh, but at least they should try to look pleasant at times, or at least not frown on innocent happiness.

2568. Gravity of the Sins Opposed to Moderate Enjoyment.—(a) The Absolute Gravity.—The sins just mentioned are mortal or venial according to the character of what is done and the circumstances. Thus, it is a mortal sin to find recreation in wild revelry and debauchery, or to drive one's children to the devil by forbidding them necessary diversion; it is a venial sin to spend a little too much time at the card table or to work rather too hard.

(b) The Comparative Gravity.—It is worse to relax too much than too little, for amusement is not taken for its own sake, but is subordinated to serious things. Just as it is more senseless to take too much salt or other relish in food than to take too little, because the salt is secondary, so it is more foolish to play too much than too little.

2569. Modesty in Style of Living and Dress.—(a) The Virtue.—External goods, such as dwellings and clothing, are necessary for body and soul, as a protection to health and decency; others, such as furnishings, decorations, ornaments, cars, radios, entertainments for guests, etc., are useful for convenience, beauty and the maintenance of one's station. But one may be immoderate in the use of these goods, and hence there is need of a virtue to regulate their use, so that it may truthfully be in keeping with one's position and be not offensive to others.

(b) The Sin of Excess.—This is committed when one's style is extravagant according to the standards of the community, or when like Dives, clothed in purple and fine linen, one aims only at display or sensual gratification, or when one is too much preoccupied with externals (e.g., when too much time is spent before the mirror or too much money at the dressmaker's). Dignitaries and the ministers of the altar are not guilty of excess in the pomp and splendor which the Church sanctions, since the honor is intended for their station and the divine worship they perform.

(c) The Sin of Defect.—This is committed when one's mode of life is not up to the reasonable standard of one's community, especially if this is due to negligence or itch for notoriety or disregard for decency. Examples are those who through carelessness go about unwashed or unshaven, who keep their quarters in a filthy and disorderly state, or who wear their clothing untidily; also females who dress in male attire, nudists who appear undressed in public places, and cynics who scorn the conventions of refined society. It is not sinful, however, but a virtuous act of temperance, to wear simpler and poorer garments from the spirit of mortification and humility (Heb., xi. 37). The clergy and religious, since they should be models of the penitential spirit, are to be praised, therefore, when they give an example of plainness and simplicity in personal style and dress.

2570. Morality of Self-Beautification.—Is it wrong to beautify oneself in order to improve one's looks or to win admiration?

(a) In itself there is no harm, especially for females, in using means to improve one's looks, such as remedies for deformities, facial paints, powders and cosmetics, hair waves and dyes, and the like. But accidentally there could be sin (e.g., deception). A poor man would be a deceiver if he lived in great style to make a woman believe he was wealthy, and likewise a

woman would be a deceiver if she used an artificial beauty to deceive a man about her age (see 2404).

(b) In itself also it is not sinful to desire that others approve one's appearance and dress. Thus, a wife should strive to be attractive to her husband (I Cor., vii. 34), and modest ornamentation may be used to win a suitor (I Tim., ii. 9). It is mortally sinful, however, to attire oneself with the purpose or in a manner to arouse carnal temptation or to awaken sinful desire in others—for example, if one wishes to capture the sex love of others without marriage (Prov., vii. 10); it is venially sinful to groom oneself well from mere vanity, that is, from a silly ambition to be regarded as handsome and fashionable. By a Decree of the Sacred Congregation of the Council (January 12, 1930), parish-priests, parents, and teachers are admonished to oppose indecent female dress; and it is ordered that women and girls improperly dressed shall be excluded from Communion or even from church, and special services and sermons on decency are prescribed for December 8 of each year (see 1456, 1457).

2571. Complements of the Virtue of Temperance.—(a) The Gift of the Holy Ghost that perfects temperance is fear of the Lord. The virtue of temperance makes one abstain from unlawful pleasures because to do so is reasonable; fear of the Lord inclines one to the same abstinence from reverence. The Gift of Fear looks first to the greatness of the Heavenly Father, before whom the nations are as a drop in the bucket and are counted as the smallest grain of the balance and the islands as but a little dust (Is., xl. 15); and in this respect it represses presumption and serves the virtue of hope (see 1041 sqq.). But secondarily it looks to the insignificance of every delight that is apart from God, and sees that these inferior joys are passing, insipid and bitter, like dust blown away by the wind, like a thin froth dispersed by the storm, like smoke scattered by the breeze (Wis., v. 15), like a sweet poison that turns to gall and destroys (Job, xx. 12 sqq.); and in this respect fear of God sustains temperance, which must regulate the cravings of the flesh and lower appetites. Fear of God, then, makes one fly from those things which chiefly allure one to offend Him, and hence the Psalmist (Ps. cxviii. 120) prays: “Pierce Thou my flesh with Thy fear.”

(b) The Beatitude that corresponds to the present Gift is the second: “Blessed are they that mourn, for they shall be comforted.” Those who have the fear of God perceive the true nature of illicit joys and the evil end that

awaits those who chase after them. They prefer, then, to be sorrowful, that is, to deprive themselves of every wicked pleasure and love for the sake of the love of God in this life and the enjoyment of God in the life to come: “Your sorrow shall be changed into joy” (John, xx. 16).

(c) The fruits of fear of the Lord are modesty, continency and chastity. Like a good tree that produces a rich harvest of delightful fruits, filial reverence for God brings forth acts of virtue that have in them a delicious savor more enjoyable and more lasting than the fruits of the flesh. These goodly and pleasant fruits of the spirit of fear of God are modesty in words, deeds and external things, continency of the single and chastity of the married in thoughts and desires.

2572. The Commandments of Temperance.—(a) Negative Precepts.—In the Decalogue the vices of intemperance that are most directly opposed to the love of God and the neighbor (I Tim., i. 5) are expressly forbidden, namely, adultery in act and adultery in desire. Elsewhere other sins are forbidden. Thus, drunkenness (“Drunkards shall not possess the kingdom,” I Cor., vi. 10), every kind of lust (“The works of the flesh are fornication, uncleanness, immodesty, luxury ... those who do such things shall not obtain the kingdom,” Gal., v. 19, 21), anger (“Let all bitterness and anger and indignation be put away from you,” Eph., iv. 31), pride (“God resisteth the proud,” James, iv. 6), etc.

(b) Affirmative Precepts.—The positive modes of observing temperance (i.e., rules on fasting) are not prescribed in the Decalogue. For the law confines itself to general principles that, are of universal application, whereas the manner of practising fasts and abstinences has to be suited to conditions of time and place. Hence, it pertains to the Church to settle by her legislation the details of mortification in eating and drinking, so that they may be suited to the ever-changing conditions of human life (2469).

Question III

THE DUTIES OF PARTICULAR CLASSES OF MEN

2573. The theological and moral virtues treated in the previous Question are obligatory upon all states and conditions, for all men have the same supernatural destiny, and all alike are bound to govern their acts and their passions by the rule of reason. But not all have the same calling or office, or consequently the same particular ends to be striven for or the same special means to be used; wherefore, there are moral duties proper to particular classes and particular ways of life. Those special obligations, however, do not constitute new virtues, but are applications of the seven general virtues to the states of man diversified in reference to the acts and habits of the soul. The diversities now spoken of may be reduced to the three mentioned by St. Paul (I Cor., xii. 4 sqq.), namely, diversities of graces (i.e., some are gifted to edify the Church in marvellous ways by knowledge, speech or miracles), diversities of operations (i.e., some are called to the life of contemplation, others to active life), and diversities of ministries (i.e., there are various stations, ranks, occupations, both in ecclesiastical and non-ecclesiastical life). The higher graces and ways of the spiritual life of man are treated in works of ascetical and mystical theology, and we shall confine ourselves here to two subjects: (a) the duties of men as members of the Church, that is, the general duties of the faithful and the special duties of clerics and religious; (b) the duties of men as members of domestic and civil society.

Before proceeding any further, a word is in order regarding the role of the laity in the Church.

“We desire that all who claim the Church as their mother should seriously consider that not only the sacred ministers and those who have consecrated themselves to God in religious life, but the other members as well of the Mystical Body of Jesus Christ, have the obligation of working hard and

constantly for the upbuilding and increase of this Body” (Pius XII, *„Mystici Corporis“*).

The Catholic layman, long a silent partner in the Church’s apostolate, has assumed a more active part in recent years. His role, his apostolate, his milieu, his special claims to divine graces, his spiritual prerogatives—all have been made subjects of theological investigation particularly by European writers. Controversy, uncertainty, at times even error have characterized their efforts as they grope their way in a new area of theology. Their efforts ultimately will lead to the elaboration of a developed theology of the laity, an extremely important and equally necessary body of knowledge, for “the laity are in the front line of the Church’s life; through them the Church is the vital principle of human society. Accordingly they especially must have an ever clearer consciousness not only of belonging to the Church, but of being the Church....” (Pius XII, *„Allocution to the Sacred College, AAS“*, 38-149).[1]

[1] To detail the advances made in this new area of theology would demand a volume for itself. We shall have to be content with indicating a select bibliography of the outstanding works available.

Francis M. Keating, S.J., “Theology of the Laity,” *„Proceedings of the Catholic Theological Society of America“*, 1956, pp. 196 ff.; Ives M. J. Congar, O.P., *„Jalons pour une theologie du laicat“*, (Paris, Cerf, 1953); translated as *„Lay People in the Church“*, (The Newman Press, Westminster, Md., 1957); G. Philips, *„Le role du laicat dans l’Eglise“*, (Casterman, Tournai-Paris, 1954); translated as *„The Role of the Laity in the Church“*. (Mercier, Cork, 1955); Karl Rahner, “The Apostolate of Laymen,” *„Theology Digest“*, (Spring 1957), pp. 73 ff.; Jacques Leclercq, “Can a Layman be a Saint?” *„Theology Digest“*, (Winter 1956), pp. 3 ff. (This same issue contains a select bibliography on spirituality of the laity, p. 8.); Paul Dabin, S.J., *„Le sacerdoce royal des fideles dans les livres saints“*, (Blond et Gay, 1941); *„Le sacerdoce royal des fideles dans la tradition ancienne et moderne“*, (Les Editions Universelles, Brussels, 1950); Gustave Weigel, S.J., “The Body of Christ and the City of God,” *„Social Order“*, (Vol. 5, 1955, p. 275 ff.).

Art. 1: THE DUTIES OF MEMBERS OF THE CHURCH

2574. The General Duties of the Faithful.—The Church has the power to make laws which will promote the common good of the whole body and the individual good of the members (see 418). Chief among the laws that bind the faithful in general are the six known as the Precepts of the Church, namely, the laws on the observance of Sundays and holydays, on fasting and abstinence, on yearly confession, on Easter Communion, on the support of pastors, and on marriage.

2575. The First Precept of the Church.—This precept commands that on Sundays and holydays of obligation Mass be heard and servile and other like works be omitted (Canons 1247-1249) by the subjects of church laws (427 sqq.).

(a) This precept is of natural and divine law as to its purpose and substance, for reason teaches and the Third Commandment of the Decalogue prescribes that man set aside some time for the external worship of God, and avoid those things that distract him from worship (Catechism of the Council of Trent, pp. 396 sqq.). Hence, even non-Catholics, though they do not sin by missing Mass (429, 430), are guilty of sin if they do not from time to time worship God externally.

(b) This precept is of ecclesiastical law only as to its details (i.e., the time set apart and the manner of worship and sanctification decreed). The Old Testament Law observed the Sabbath or last day of the Week in memory of the creation of the World, and it abstained most rigorously from work on the Sabbath, because there was a divine prohibition and because this rest was a figure of things to come. But in the New Law the ceremonial precepts of Judaism no longer have force, and the Christian precepts substituted for them were not instituted by Christ Himself but arose from the custom of the Church. During the lifetime of the Apostles themselves Sunday (or the first day of the week) came to be venerated as the Lord's Day in memory of the Resurrection, which completed the work of Redemption (Acts, ii. 46, iii. 1, v. 12, xxi. 26); and from early times various special holydays were

appointed and made days of obligatory worship, as had been the case with certain feasts in the Old Testament. As early as the third and fourth centuries laws were made confirming the primitive customs of assisting at Mass and resting on Sundays and holydays.

2576. The Affirmative and Negative Parts of the First Precept.—The first precept of the Church has two parts, an affirmative (preceptive) part which commands the hearing of Mass, and a negative (prohibitive) part which forbids the doing of servile works. The law is therefore most salutary and simple, requiring that one take part in the greatest act of worship, the sacrifice which is a commemoration of Christ, and that one rest from the labors and cares of the week and be spiritually refreshed. In reference to the Mass, the precept requires that Mass itself be heard, and that it be an entire Mass and the same Mass.

(a) Thus, Mass itself must be heard, and hence one does not satisfy the Sunday obligation by attending other services that precede (e.g., the Asperges, blessing of palm), accompany (e.g., sermon), or follow (e.g., Vespers, Benediction) the celebration of Mass. Neither does this precept oblige one to attend other services on Sunday, although it is most suitable to do this, also to make internal acts of faith, hope and charity, and to read pious books and perform works of charity, and it is sometimes necessary as a natural obligation to attend the sermon or catechetical instruction (see 914 sqq.).

(b) A whole Mass must be heard, that is, all the ceremonies from the prayers at the foot of the altar until the blessing at the end, and it is irreverent to leave church without necessity before the priest has left the altar. He who can assist at only the essential and integral parts of the sacrifice (i.e., from the Consecration to the Communion), is obliged to so much; but he who arrives after the Consecration and cannot hear another Mass is not obliged according to one opinion to remain for the present Mass, since the Consecration, the essential part, is already past.

(c) The same Mass must be heard, and hence one cannot satisfy the obligation by hearing the first half of one Mass being said on one altar and the second half of another Mass being said simultaneously on another altar (see Denzinger, n. 1203), nor by hearing the Consecration in one Mass and the Communion in a previous or subsequent Mass, thus dividing the

sacrifice. But if one may have heard from the Consecration to the end in one Mass, one may hear the omitted pre-Consecration parts, it seems, in another Mass that follows, and one should do this if possible.

2577. How Mass Must Be Heard.—In reference to the person who hears Mass, the positive part of the precept calls for external assistance and internal devotion.

(a) Thus, the external or bodily assistance must be such that one can be said to take part in the divine worship. This happens when one is physically present, that is, when one is in the same building or place as the celebrant and can either see or hear him, or is morally present, that is, not in the same building but able to see or hear him naturally (e.g., by looking from the window of a neighboring house), or is unable to see or hear him but joined with the congregation (e.g., those who are outside the closed doors of the church but who can follow the bells and choir to some extent, those who are inside with the congregation but behind a pillar that shuts off the view). In a field Mass amplifiers can carry the voice far out to the edge of a vast crowd. But there does not seem to be a sufficient moral presence when Mass is “seen” by television or “heard” over the radio, since in these cases one is not present to the consecrated species or united to the worshippers.

(b) Internal or mental assistance requires the actual or virtual intention of the will to perform what the Church requires (see 2165), and the attention of the mind, external according to some, internal according to others (see 2166 sqq.). Thus, he who goes to church merely to hear the music or look at the pictures does not hear Mass for lack of intention; he who sleeps soundly all through the service does not hear Mass for lack of attention. One who knows what is going on before him, but whose thoughts are not on any religious matter, complies with the precept of the Church according to some, but he sins by irreverence and voluntary distraction. It suffices during Mass to think either on the Mass itself (which is the best attention), or to think on other pious subjects (e.g., to make an examination of conscience, to say the Rosary). Certain actions (e.g., those that are related to the Mass, such as ringing the bell, taking up the collection, playing the organ) do not exclude external attention, but others certainly exclude it (e.g., writing a letter), and others are doubtful (e.g., going to Confession).

2578. Time and Place of Mass.—In reference to circumstances, the precept requires that Mass be heard at the proper place and the proper time.

(a) Place.—The precept may be complied with by attending Mass in any Catholic rite (Latin, Greek, etc.), and it makes no difference whether Mass is celebrated in the open air, in a church, or in a public or semi-public oratory (Canon 1249). But private chapels are for the benefit of the grantee alone.

(b) Time.—The precept must be complied with on the feast itself, that is, during the period of twenty-four hours from midnight to midnight. Sunday Mass cannot be anticipated on Saturday or put off till Monday. Likewise servile works are unlawful from midnight to midnight.

2579. Servile Works.—The prohibitory part of the precept is concerned with servile works, that is, labor of a kind that tends to make one unfit for devotion or that shows disrespect for the sacredness of the day, even though the labor be done gratis, or for recreation, or out of devotion. Hence, the law forbids:

(a) works given to the service of the devil, that is, sins that deprive one of holiness, such as riotous recreations, gambling, drunkenness, reading improper matter, and attendance at evil movie performances. But these works are opposed to the end, not to the text, of the law; and hence the circumstance of time aggravates their malice but does not give them a new species (see 2314);

(b) works given to the service of the body (servile works properly so called) or to the service of external goods (forensic and commercial works). Servile works in the strict sense cause bodily fatigue and are taken up with material things, and hence they distract the mind from religious thoughts. Such are manual labors (e.g., plowing, digging, housecleaning) and mechanical or industrial labors (e.g., printing, building, plastering, shoemaking). Forensic and commercial labors (e.g., arguing in court, auctioneering) are also of a very worldly kind and unsuitable for the quiet and recollection of Sundays and holydays.

2580. The prohibitory part of the Sunday precept does not affect works which are no impediment to devotion and which cast no dishonor on the day. Such are:

(a) works devoted immediately to the service of God. The purpose of the law is to allow leisure for these works, and hence manifestly their performance is not forbidden. Such works are saying Mass, preaching, administering the Sacraments, singing in church, and visiting the poor and sick (John, vii. 23; Matt., xii. 5). But works that are only remotely related to divine worship (e.g., cleaning the church, painting the altar, repairing the vestments, decorating the shrines) should not be done on Sunday without necessity;

(b) works devoted to the service of the mind (liberal works). These works are of a more elevated kind, do not require great bodily exertion, and are not looked upon as unsuitable to the Sabbath. Such are intellectual works (e.g., teaching, reading, writing, studying), artistic works (e.g., playing the organ, singing, drawing, painting a picture, embroidering), and works of recreation (moderate sports or diversions such as baseball, tennis, and chess).

2581. Other Kinds of Works and Sunday Observance.—(a) Common works are those that stand between the liberal and the servile, since they are exercised equally by mind and body, such as walking, riding, hunting, and fishing that is not very laborious. These are lawful.

(b) Doubtful works are those that are now non-servile, now servile, according to the manner in which they are conducted, such as the work of painters, sculptors, typists, seamstresses, and photographers. Thus, it is a liberal work to paint a portrait, a servile work to paint the walls of a house. In settling the character of various kinds of work, one must be guided by the prudent opinion of one's locality, and in case of doubt and need must seek a dispensation. (For a history of the theology of servile works see Franz X. Pettirsch, S.J., "A Theology of Sunday Rest," *Theology Digest*, Vol. VI, no. 2, Spring 1958, pp. 114 ff.; for a survey of modern studies on the problem see *Proceedings of the Catholic Theological Society of America*, 1957).

2582. Is it lawful without necessity to hire the servile work of non-Catholics on Sunday, if these persons are not thereby impeded from the natural duty of worshipping God and no scandal is given? (a) If the non-Catholics are infidels and not bound by church laws, this is lawful. The same would be true of those who lack the use of reason (see 427 sqq.). (b)

If the non-Catholics are heretics, it is not lawful in the case given to make them work on Sunday.

2583. Obligation of First Precept.—The first precept of the Church obliges under pain of grave sin, because it determines a necessary act of religion (2148), and experience shows that where the Sabbath is neglected the social, spiritual and physical interests of man are seriously harmed (see Denzinger, n. 1202). There is always hope for Catholics who attend Mass, whereas those who miss Mass soon become Catholics only in name. But since neglect of worship may be only slightly disrespectful, and since the end of the precept may be substantially obtained without complete fulfillment, a transgression may be only venial by reason of lightness of matter.

(a) Preceptive Part.—Grave matter is a part of the Mass that is notable on account of dignity (i.e., the essential and integral parts of the Mass, for example, the Consecration and Communion), or on account of its duration (i.e., a third of the whole Mass, e.g., from the beginning to the Offertory inclusively, from the beginning to the Gospel and from the Communion to the end, from the Preface to the Consecration, from the Consecration to the Agnus Dei, etc.). Hence, he who is culpably absent or asleep during a notable part of the Mass sins gravely, but he who is absent or asleep during an inconsiderable part of the Mass (e.g., one who arrives just at the Offertory or who leaves after the Communion) sins venially, unless he is so disposed that he does not care how much he misses.

(b) Prohibitive Part.—Grave matter is labor that is notable on account of its quality (e.g., forensic proceedings even for a brief space on Sunday would be a serious distraction and scandal), or its quantity (e.g., two and a half hours given to very exhausting manual work, such as digging a ditch, three hours given to less arduous labor, such as sowing). He who commands ten laborers to work an hour each on Sunday cooperates in ten venial sins (see 219), but he may be guilty of mortal sin on account of scandal.

2584. Excuses from Observance of First Precept.—These reasons may be reduced to two classes, namely, external reasons (i.e., a dispensation or a lawful custom) and internal reasons (i.e., one's own inability or necessity).

(a) External Reasons.—Dispensations may be given under certain conditions by local Ordinaries, by parish-priests, and by superiors of

exempt clerical institutes (Canon 1245). Custom in certain places excuses from Mass for a month women who have just given birth to a child or who have lost their husband by death, and also—from the Mass in which their banns are to be proclaimed—those women who are about to marry. Custom further permits necessary labors, such as cooking, ordinary housecleaning, barbering, the work of railroad and garage men, etc.

(b) Internal Reasons.—Impossibility or serious inconvenience excuses from hearing Mass (e.g., those who have to walk an hour's journey to church or ride a two hours' journey, regarding which, in terms of distance travelled, it has been suggested that the figures should be more than three miles each way if one must walk, more than thirty miles if a car is available and the roads are good; those who will suffer great detriment to health, honor, fortune, etc., if they go; those who are kept away by duties of charity or employment or office that cannot be omitted). Necessity or duty to others permits one to work on Sunday at least to some extent (e.g., those who must labor on a Sunday in order to live, or to keep out of serious trouble, or to perform services or works of charity that cannot easily be done at another time). To avoid self-deception the faithful should consult their pastor or other prudent person if there is doubt about the sufficiency of the excuse.

2585. Though the Church does not impose excessive Sabbatarianism, neither does she admit laxity in the important matter of the Lord's Day.

(a) Hence, not every reason excuses from the church precept. Thus, those are guilty who unnecessarily place themselves in the impossibility of observing the law (e.g., by moving to a place where there is no church, by taking a position that requires work all Sunday morning, by starting on a vacation or auto trip to a churchless region), or whose excuses are frivolous (e.g., those who stay away from Mass because they dislike the priest, or who work on Sunday merely to keep busy).

(b) Reasons that excuse from part of the ecclesiastical precept do not excuse from all of it. Thus, those who are unable to hear Mass are not thereby justified in doing servile work, those who can hear the essential part of Mass (Consecration and Communion), but not the other parts, should hear the essential part; those who can hear Mass only on one Sunday a year are not excused on that Sunday.

(c) Reasons that excuse from the ecclesiastical precept do not excuse from the divine precept (see 2575) of worshipping God. Hence, those who are really obliged to work every Sunday should sanctify the Lord's Day by whatever private prayer or devotion they can substitute. Some authors very rightly believe that those who can never go to Mass on Sunday are held by divine law to hear Mass on weekdays three or four times a year at least, when this is possible (see 2148, 2180).

2586. The Second Precept of the Church.—This precept commands that on all Fridays of the year and certain other specified days (unless they fall on a holyday outside of Lent) every baptized person who has completed the age of seven and has attained the use of reason shall abstain from eating flesh meat and from drinking the broth or soup made from flesh meat (Canons 1250-1254).

(a) Under the name flesh are included all land and warm-blooded animals (i.e., mammals and birds). The law does not include aquatic animals (i.e., fishes, clams, oysters and other shellfish, lobsters, shrimps, crabs and other crustaceans), nor cold-blooded animals (i.e., reptiles, snails and amphibians, such as frogs, tortoises). Some authors include under aquatic animals otters, beavers, seals, walruses, loons, and coots, though generally the birds are regarded as flesh. In doubt whether a food is fish or flesh, it may be judged to be fish, for in doubts laws are to be interpreted benignly.

(b) Under the name meat are included all the parts of an animal (i.e., its flesh, blood, marrow, brains, lard, meat extracts, mince-pie, pepsin) but not its fruit (e.g., eggs, milk, and things made from milk, such as butter, cheese).

(c) Under the name broth is included any liquid made from the juice of meat, such as beef tea, chicken broth, mutton soup, gravy, etc. But the law does not forbid condiments made from animal fats (e.g., margarin).

2587. Obligation of the Second Precept of the Church.—(a) Origin of the Obligation.—In substance this precept is of the natural law, but in details (time, manner, etc.) it is of ecclesiastical law (2468 b) and has come down from customs that began in the first ages of Christianity. The church regulation on abstinence is most wise and moderate: the foods forbidden are those whose deprivation is a mortification to most persons, and at the same time a great benefit to spiritual and bodily health; the times appointed are

few but appropriate (viz., days of sorrow, special prayer, penance, preparation, such as Fridays, Ember Days, Lent, vigils), and they are so distributed as to sanctify by mortification each week and each season of the year. True, no food is evil in itself (Matt., xv. 11; I Cor., viii, 8; I Tim., iv. 3; Col., ii. 16), but just as the physician can forbid certain foods to his patient for the sake of temporal good, so for the sake of spiritual good God forbade to Adam the fruit of one tree and to the Jews the flesh of certain animals; and the Church from the days of the Apostles (Acts, xv. 29) has exercised the same right.

(b) Gravity of the Obligation.—The abstinence required by the Second Precept is a grave duty, because the Church makes it the necessary act of the necessary virtue of abstemiousness and a serious duty of obedience. But not every transgression is a serious injury to the spirit of this law, and hence some sins against it are venial. Grave matter is such a quantity of forbidden food as gives considerable nourishment, and hence for practical purposes the rule may be given that flesh meat which weighs two ounces (or, according to others, what would be the size of a walnut or of a small hen's egg) is grave matter. Some hold for a more liberal interpretation when the food is not strictly flesh meat, and believe that liquid from meat is not grave matter at any time, or at least when it weighs less than four ounces. Vegetables cooked or seasoned with meat or meat juice are also considered light matter. He who eats meat twice on a Friday or other abstinence day commits two sins, just as he who works twice on a Sunday or holyday commits two sins. It is commonly held that many venial sins against abstinence committed on the same day coalesce to form grave matter, but on account of the separation between the eatings a larger amount is necessary for grave matter.

(c) Exceptions to the Obligation.—Those are not bound to observe a day of abstinence who have been exempted by indult (Canon 1253), who have been dispensed by the Ordinary, pastor or superior (Canon 1245), or who are excused on account of real impossibility (e.g., the poor, the sick, those obliged to perform very hard work, those who are morally forced to eat meat but not as a sign of contempt of the law). Persons dispensed from abstinence may not eat meat oftener than once a day on fast days, unless they have a special grant. The faithful should be guided by the Lenten regulations of their dioceses, and in doubt they should consult their pastors.

2588. The Obligation of Fasting.—The Second Precept also commands that on the weekdays of Lent and certain other specified days (holydays outside Lent excepted) every baptized person between the ages of twenty-one years completed and sixty years begun shall eat not more than one full meal a day (Canon 1251).

(a) The law speaks of eating, that is, of solid food, and hence the Lenten and other similar fasts are not broken by liquids which are beverages rather than foods, or which are used to allay thirst, or carry food or assist digestion, and not chiefly to nourish (e.g., water, teas, coffee, light cocoa, wine, beer, lemonade, fruit juice). Likewise, sirups taken as medicines are not considered foods, even though they contain nourishment, unless one drinks a large quantity for its food content. Light ices may be considered drink, but ice-cream is food. On the contrary, liquids that are chiefly nourishing are regarded as food (e.g., soup, oil, honey). Finally, some liquors vary between food and drink, according to their richness or weakness, their great or small quantity. Thus, hot chocolate as made in the United States contains only a small amount of solid and may be considered as a drink, but as made in Europe it is stronger and rather food than drink.

(b) The law admits as an indulgence on fast days, in addition to the one meal, a small breakfast in the morning and a light collation to be taken either around noon (lunch) or in the evening (supper). The quality and quantity of these two repasts are left to local custom. The Uniform Norm for Fast and Abstinence in the United States adopted by the Hierarchy, Nov. 14, 1951, establishes the following norm for these two meatless meals. They are to be “sufficient to maintain strength, may be taken according to each one’s needs; but together they should not equal another full meal.” This norm, called the relative standard, was adopted by many Bishops of the United States, beginning with Lent of 1952. Thus, the amount of food is dependent to some degree on a person’s own needs and appetite. The relative standard is distinguished from the absolute norm which allows about two ounces for the morning collation and eight ounces for the evening.

(c) The law permits one to eat but once in the day (exception being made for breakfast and collation), but it places no limits as to the quality of the food at the principal meal (unless the day be also a day of abstinence, when meat is forbidden), or as to its quantity, though temperance bids one to eat

at all times in moderation. On fast days, therefore, one may not eat between meals, nor so divide or prolong the dinner that it really becomes several meals. A notable interruption (two or three hours) made without good reason divides a dinner into two meals, and over two hours of uninterrupted eating, under ordinary circumstances, seems to be more than the one full meal which the law allows.

2589. The Obligation of the Precept of Fasting.—(a) Origin.—The natural law commands fasting in general, since without some kind of austerity above common temperance certain desirable ends (such as atonement for past transgressions, conquest of unruly passions, and elevation of the soul) cannot be attained; and as these ends are necessary it is also necessary to use the means as far as one needs them. The particularization of this natural law has been made by the positive law of the Church, and with such wisdom as to promote the good of both soul and body. The times appointed are most appropriate (e.g., the season when the Passion is commemorated, Luke, v. 35); the duration of the long fast is modelled on that of Christ (Matt., iv. 1); the curtailment of food required is not only beneficial (as an exercise of self-control and a rest and change to the metabolism), but is moderate, since it permits sufficient food for the day, and even in the fast of Lent the Sundays occur to give a respite.

(b) Gravity.—The precept of fasting is grave, both from the purpose of the law (see 2469), and from the express declaration of the lawgiver (Denzinger, n. 1123). But the spirit of the precept is not notably deviated from by every transgression, and hence even in reference to matter there are minor or venial violations; and moreover the precept is probably (unlike that of abstinence) an indivisible one, since it consists in the limitation to one meal, and hence it cannot be violated more than once a day. Grave matter, when the absolute norm is used, seems to be about four ounces added to the collations or taken between meals, either all at once or at different times during the day (Denzinger, n.1129), But if the relative norm is used, a greater quantity is needed to establish grave matter, e.g., one fourth of a full meal. But he who has broken his fast (e.g., by a second full meal) does not break it again by a third or fourth full meal on the same day, for after the second full meal the fast has become impossible for that day. He who accidentally takes too much at breakfast can still keep the fast by proportionately diminishing his evening repast.

(c) Exceptions.—Physical or moral impossibility excuses from the fast, and gives the right to eat meat as often as moderation allows on days that are not meatless days. The chief persons who labor under impossibility are those who are too weak to fast (e.g., the sick, the convalescent, pregnant and nursing mothers, the nervous), those who are too poor to get one square meal a day (e.g., street beggars who have nothing may eat as often as they are given an alms, if it does not buy them a dinner), and those who cannot do their necessary or customary hard work if they fast. Hard work is such as is exercised for many hours continuously, or for a less time if it is very intense, and which is greatly fatiguing to the mind (e.g., daily teaching, lecturing, studying, hearing confessions, preaching, etc.) or to the body (e.g., heavy manual labor, the difficult jobs in offices or stores, work that requires one to be on one's feet for hours at a time, necessary journeys made under hardship). The confessor or physician can decide about cases of impossibility that are not manifest, but dispensation should be had from the pastor (Canon 1245). Those who are dispensed from the ecclesiastical fast or abstinence should remember that they are not dispensed from the natural law of temperance, and they should practise some abstemiousness according to their ability (e.g., by self-denial in alcoholic beverages, tobacco, sweets, etc., or mortification in the quantity or quality of food).

2590. The Third Precept of the Church.—This precept commands that all the faithful, male and female, who have reached the age of discretion go to confession at least once a year (Canon 906).

(a) The subject of this precept is every baptized person who has entered the Church through valid Baptism and who has the use of reason, which begins usually at the age of seven. Infants are incapable of committing sin, and the unbaptized are incapable of receiving the Sacrament of Penance.

(b) The matter of the precept is a good sacramental confession of the grave sins not yet confessed, made with the purpose of obtaining absolution to any duly authorized priest. Hence, those who have only venial sins on their conscience are not bound according to the common opinion by this precept, and, on the other hand, those who make a sacrilegious or voluntarily null confession do not fulfill the law (Denzinger, n. 1114; Code, Canon 907). It seems that one who, after a confession of venial sins at Easter, falls into grave sin is not bound from this precept to confess again before the end of the year.

(c) The time for fulfillment of the precept is once during the year. The law leaves one free to confess on any day during the twelvemonth, and to count the year either civilly (i.e., from January 1 to December 31), or ecclesiastically (e.g., from Easter time to Easter time, as is commonly done), or from the date of the last confession. The limit is set, however, not to terminate but to insist upon obligation, and hence it seems that he who has not made his 1957 confession must make it as soon as possible in 1958, but the 1957 confession made in 1958 will satisfy for the 1958 obligation also (see 468 sqq.).

2591. The Obligation of the Third Precept.—(a) Origin.—From divine law sacramental confession is necessary for all who have fallen into serious sin after Baptism, since Christ has given His Church the keys of heaven and appointed His bishops and priests the physicians and judges to cure and pardon (Matt., xviii. 18; John, xx. 23). But Our Lord did not fix the frequency of confession, and it is this which the present precept determines. The law of annual confession goes back to the Fourth Lateran Council (1215).

(b) Gravity.—The precept of annual confession obliges under pain of mortal sin, for its purpose is of vital importance and the Church has always regarded it as a grave obligation. The purpose of the law is to ensure the use of the Sacrament instituted by Christ for forgiveness and to keep sinners from delaying their repentance too long. If a good business man takes stock of his assets and liabilities at least once a year, and those who are careful of their health have medical attention or examination at least yearly, it is most reasonable that the faithful should settle their spiritual accounts and attend to the well-being of their souls within an equal period of time. In the early centuries when fervor was greater and conditions different, no general church law on the frequency of confession was needed; but there is no doubt that the Lateran Decree met well the need that began after the change from the early penitential discipline. The penalties for violation of this precept were excommunication and exclusion from ecclesiastical burial, and, though they are not enforced today, they show the intention of the Church to impose a grave duty.

2592. The Fourth Precept of the Church.—This precept commands that all the faithful, male and female, who have attained the use of reason, go to

Holy Communion at least once a year, and that during Easter time (Canon 859).

(a) The subjects of this precept are the same as those of the previous precept, and consequently children of seven years or thereabout, who are able to understand, must make the Easter duty.

(b) The matter of the precept is a worthy Communion (Viaticum or ordinary Communion) received in any parish, but preferably in one's own parish. Persons living in community (e.g., religious, soldiers, college boarders) may make the Easter duty in their own chapels, strangers and vagi in any church or chapel, and priests in the place where they say Mass.

(c) The time of the precept is the Paschal Season (i.e., from Palm Sunday to Low Sunday, but in the United States, by privilege, from the First Sunday of Lent to Trinity Sunday). The Easter time may be prolonged for an individual by his pastor or confessor for a just reason. The year within which the Easter duty is to be made begins, it seems, with the opening of one Paschal Season and ends with the opening of the Paschal Season of the following calendar year. Since the law requires that the Easter duty be made, not only within the Paschal Season, but also once a year, it follows that he who neglects Communion during the Easter period is still bound by the law to go to Communion before the opening of the next Paschal Season, but probably he is not bound to go at the first opportunity. As a rule, we believe those who do not make their Easter duty during a year are guilty of but one sin, since they do not think of distinct violations.

2593. The Obligation of the Fourth Precept.—(a) Origin.—There is a divine precept of receiving Communion some time during life, since Our Lord willed the Eucharist to be the necessary nourishment of the soul's journey (John, vi. 54) and the perpetual memorial of Himself (I Cor., xi. 24). The Church in the present precept has prescribed both the frequency and the time for complying with the will of Christ. Since the Eucharist is a daily bread, the law does not permit it to be abstained from by anyone beyond a year; and, since the Paschal Season brings the anniversary of Christ's sacrifice and of the institution of the Blessed Sacrament, it is the time most fitly chosen for the obligatory Communion.

(b) Gravity.—The precept obliges under pain of grave sin, for it determines a law given by Our Lord Himself and regulates the minimum in

the use of the Eucharist, the greatest of the Sacraments and the end of all the others. The doctrine of theologians is that it is a grave sin to delay culpably the Easter Communion for even a day beyond the Paschal Season as prescribed.

2594. The Fifth and Sixth Precepts of the Church.—The Fifth Precept commands the proper maintenance of the clergy by the laity. The manner of giving the support is left to the special statutes and customs of each country (Canons 1496, 1502). This ecclesiastical law is but a determination of the natural law of justice and religion, and also of the divine law; for even in the Old Testament the Levites were supported by the people. The duty is, therefore, grave (see 2185 sqq.). Respect and obedience in spiritual matters are owed the clergy, and it is sinful to usurp their functions (see 2351, 2355 sqq., and Canons 119, 683, 1931, 166).

The Sixth Precept commands the proper solemnization of marriage and prohibits the solemn blessing of marriages at stated times. Canon 1108, Sec.2 specifies these times as “from the first Sunday of Advent until the day of the Nativity of Our Lord inclusive, and from Ash Wednesday until Easter Sunday inclusive.” It is to be noted that the forbidden time excludes only the solemn blessing, and even this may be permitted by the Ordinary for just cause, subject to liturgical laws (Canon 1108, Sec.3).

2595. Two Other Important General Laws of the Church.—(a) The prohibition of wicked and dangerous writings (Canons 1384 sqq.) is based on the natural law, which requires one to avoid what is proximately dangerous to faith or morals. This subject is treated above in 1456, 849 sqq., 1529.

(b) The prohibition of the cremation of corpses (Canon 1203) is not based on natural law or on any dogma, as though the burning of dead bodies were intrinsically evil or repugnant to our faith in immortality and resurrection. On the contrary, in exceptional cases (e.g., in time of war or epidemic) cremation is permitted, if a real public necessity requires it. The reasons for the anti-cremation law are: the tradition of the Old and New Testaments (Gen., iii, 19; I Cor., xv. 42), and especially the example of Christ whose body was consigned to the tomb; the association of burial throughout the history of the Church with sacred rites and the doctrine of the future life, and the contrary association of cremation both in times past and today with

paganism and despair; the sacred dignity of the human body (Gen., i. 25; I Cor., iii. 16, vi. 5), and the feeling of affection for parents, relatives, friends, which is outraged when their bodies are consigned to the furnace. The practical arguments offered for cremation are chiefly hygienic and economic; but it is certain that proper burial at sea or in the grave is no menace to public health, and is not more expensive or difficult than cremation. A most serious objection to cremation is that it makes exhumation impossible, and is therefore a means of concealing murder by poison. It is not lawful for a Catholic to cooperate (except materially in case of necessity) with cremation, or to belong to any society that promotes the incineration of corpses; it is not lawful for a priest to give the last Sacraments or funeral rites to those who ordered the cremation of their bodies.

2596. The Special Duties of Clerics.—From the duties of Catholics in general we pass now to the special duties of clerics; for the clergy, on account of their position as the salt of the earth and the light of the world (Matt., v. 16), are bound to a greater internal and external holiness and edification than the laity. The word “cleric” is understood in a wide or in a strict sense. In the wide sense, a cleric is any Christian specially set apart for the service of God, whether by ordination or religious profession (e.g., lay brothers, nuns); in the strict sense, a cleric (clergyman) is one who has been admitted to Orders, or at least to their preparation through tonsure (Canon 108).

(a) Duties Before Entering the Clerical State.—The person who would enter the clerical state must have a vocation and a right intention. As to the latter, since the clerical state has for its ends the glory of God and the salvation of souls, it would be a serious sin to choose it principally for temporal ends, such as wealth, dignity or pleasure; but it is not a sin to desire secondarily and moderately the necessary support of the clerical state (I Cor., ix, 3).

(b) Duties After Entering the Clerical State.—The privileges of clerics are treated in canonical works. Here we speak only of duties. The obligations of a cleric are of two kinds—the positive, such as celibacy, and the negative, such as the avoidance of unbecoming amusements or occupations.

2597. Vocation to the Clerical State.—(a) Internal Vocation.—No one should enter the religious or clerical state unless called thereto by God (John, xv. 16; Acts, xiii. 2; Heb., v. 4, 5; I Cor., xii. 4 sqq.). The foundation of the entire religious, priestly and apostolic life, namely divine vocation, consists of two essential elements, the one divine, the other ecclesiastical. As to the first element, God's call to embrace the priestly or religious life must be considered so necessary that in its absence the foundation upon which the whole structure is to rest is absent (Pius XII, *Sedes Sapientiae*). The signs of a divine call do not necessarily or even ordinarily include a feeling of inspiration or invitation from the Holy Spirit, but it suffices that one may have a liking, a right intention, and fitness (physical, mental, moral) for the life; for, where God gives a call, He gives the means to fulfill the duties. Thus, those who will not be able to say Mass, or who cannot master Latin or theology, or who cannot observe celibacy, or who are vicious (e.g., mischief-makers, drunkards) or unspiritual (e.g., the lazy, those who dislike exercises of piety), do not show the signs of a priestly vocation.

(b) External Vocation.—No one should be admitted to the religious life or to Orders unless he has given sufficient signs of a call from God. Thus, a Bishop would sin most gravely and be a sharer in the sins of others if he conferred Major Orders on anyone about whose unworthiness he was morally certain on positive grounds (Canon 973); nor may a Religious Superior receive to profession any novice about whom he is doubtful (Canon 571). Scarcity of vocations is no excuse for laxity, since it is better to have a few creditable clerics than a multitude of unworthy ones (Benedict XIV). What St. Paul said of deacons ("Let these first be proved, and so let them minister, having no crime," I Tim., iii. 10), is therefore to be applied to all candidates for the clerical life. A vocation is tested by the years of probation which the church law provides for seminarians, novices and other aspirants to the ecclesiastical state. No cleric has a right to ordination before he receives the free call from a bishop, but on the other hand it is criminal to prevent a suitable candidate from embracing the clerical state (Canon 971). "By a divine vocation to the religious and clerical state a person undertakes publicly to lead a life of holiness in the Church, a visible and hierarchical society, and to exercise this hierarchical ministry. Such a person, therefore, ought to be authoritatively tested,

approved and directed by the hierarchical rulers to whom God has entrusted the administration of the Church” (Pius XII, *_Sedes Sapientiae_*).

2598. Sinfulness of Disregarding Vocation.—(a) He who enters the clerical state, not knowing that he has a vocation, is guilty of sin, as is clear from the previous paragraph. According to some, anyone who receives Major Orders, even with serious doubt about his vocation, commits a mortal sin, since he inflicts a serious injury on the rights of God, the Church, himself and his neighbor. According to others, the sin is only venial when one enters the clerical state conscious of the absence of vocation, but determined with the help of God to live up to all the duties; for, though the act is rash, there is good will and good intention, and grace will not be wanting.

(b) He who refuses to enter the clerical state, though knowing for certain that he has a vocation, is also guilty of sin, for only negligence or improper motives such as laziness, sensuality, or too great love of liberty can produce such reluctance. The sin is grave or light according to the circumstances. There is grave sin, if the resistance to the call constitutes serious disobedience, pride or uncharitableness (e.g., if there were a great scarcity of priests and the bishop commanded a worthy layman to take Orders); there is venial sin in other cases when the rejection is only dissent to an invitation and exposes neither self nor other to grave peril of losing salvation. Finally, if the signs of vocation do not produce certainty, there may be no sin at all, but rather virtue, in refusal to ascend to the clerical state, for no one is bound to take up grave obligations when uncertain of his duties, and many holy persons from humility or fear of unworthiness have decided, against the advice or invitation of others, not to become clerics.

2599. The Positive Duties of Clerics.—(a) Duties to God.—All clerics are held to frequent reception of the Sacrament of Penance, to daily devotions (i.e., mental prayer, visit to the Blessed Sacrament, a third part of the Rosary, examen), and to triennial spiritual retreats (Canons 125, 126). Moreover, clerics in Sacred Orders, benefice holders, and solemnly professed religious bound to the choir are obliged to the daily recitation of the Canonical Hours, each one according to his own rite and calendar (Canons 135, 213 sqq., 1475, 610). This obligation is grave, because its purpose is the important one of consecrating each hour of the day by the public prayer of the Church according to the usage that goes back to the

earliest centuries. But the choral obligation of simply professed religious is light, unless the choir is impossible without their presence.

(b) Duties to Superiors.—Clerics are especially obliged to show respect to their Ordinaries and to give them the obedience promised in ordination (Canon 127).

(c) Duties to the Clerical State.—Clerics are required to cultivate their minds by sacred and sound studies, and to this end examinations and conferences are also prescribed (Canons 129-131); to keep themselves pure in soul and body by the observance of celibate chastity (Canons 132, 133); to conduct themselves in externals (dwelling, dress, etc.) in a manner befitting their position (Canons 134, 136). The clerical garb in this country is the cassock or habit in the house and church, and dark clothes and the Roman collar, or other distinctive sign for priests and brothers elsewhere. The dress of the clergy should avoid the extremes of dudishness and slovenliness (Second Council of Baltimore, 148; Third Council, 77). The duty of wearing clerical dress at least away from home and regularly is of serious importance, since its purpose is the honor of the clerical state and the protection of its members. It is also forbidden to clerics to cultivate their hair (e.g., to grow long locks, to use curling irons, to oil or perfume their head in dandyish fashion), since this is unbecoming in the followers of a thorn-crowned Leader. The use of the beard is a thing indifferent in itself, and hence it is forbidden in some places (generally in the Latin Church) and required in others (as in the Orient), according to tradition and local usage.

2600. The Obligation of the Divine Office.—(a) Matter.—A cleric is gravely obliged to recite the Office according to his own rite and in the language of his rite, and not to make any notable change in the Office prescribed by the Ordo, either as to quantity (e.g., by omission of a Little Hour or of parts equally long) or as to quality (e.g., by substitution of a minor office for that of one of the great solemnities.) The omission of the Vespers of Holy Saturday, of Pretiosa, or of the Rogation Litanies seems to be only a venial sin, because in the first two cases the prayer is short, while in the third case the precept seems to be *_sub levi_*. There is also lightness of matter in the omission of an inconsiderable part of the day's Office, or in the substitution without good reason of an equal part for a prescribed part.

(b) Manner.—Since the Office is a prayer, of a public and daily kind, it must be said: mentally, that is, there must be at least virtual intention (which is present from the fact that one takes up the Breviary to fulfill the obligation) and at least external attention (see 2166 sqq.); vocally, that is, the words must be consciously formed by the lips, mouth, or tongue, but it is not necessary that they be audible, unless two or more are saying the Office together; within the limits of the day, that is, Matins and Lauds may be anticipated from 2 p.m. of the previous day, but the whole Office must be finished before midnight of the current day. These are substantial requisites and bind *_sub gravi_*, but there may be only venial sin when they are deviated from inconsiderably. Next, since the Office has a continuity of thought, an order of precedence among its hours and their subdivisions, and a special dignity, it must be said uninterruptedly (i.e., without break between the parts of an hour), in order (i.e., according to the succession of Matins, Lauds, Prime, etc.), with external respect as to place and posture (i.e., he who is bound to choral Office should say it in choir and with the rubrical postures, while he who is bound only to private Office should say it in church or some other becoming place, and should observe the rubrical or at least a respectful posture). These are accidental requisites and bind *_sub levi_*. For a good reason one may interrupt the Office even for a notable part of the day (e.g., one may discontinue in the midst of a Psalm to pay a duty of politeness or to attend to business), and for convenience one may invert the order of hours or of parts of hours, or may say the evening hours in the morning.

2601. Excuses from the Obligation of the Divine Office.—(a) For Substitution.—A sufficient reason makes it permissible to substitute another office not notably different in quantity or quality, as when one lacks a new office, or has greater devotion for another office. When substitution has been made unintentionally, the following rules may be observed, though the last two are not admitted by all: office counts for office, (e.g., he who through mistake has said the office of another day may let that office stand for today's office, but should add enough to make up for any notable shortness in the office said); hour does not count for hour (e.g., he who through mistake said Tierce twice cannot count the second Tierce for Sext); an error should be corrected when noticed (e.g., he who notices at Sext that he is not saying the right office should change from Sext); an error is not

corrected by another error (e.g., he who said today's office yesterday should not say yesterday's office today).

(b) For Omission.—The causes that excuse, in whole or in part, from recitation of the Office are physical inability (e.g., loss of the breviary, blindness of one who does not know the hours by heart, sickness or convalescence which makes the recitation a grave hardship), moral impossibility (e.g., when an urgent duty of charity or justice so takes up one's time that one cannot get in all the Office), just dispensation or commutation given by the Pope or, for temporary release, by the Ordinary.

2602. The Precept of Clerical Celibacy.—(a) Origin.—This law is not divine but ecclesiastical, since it arose, not from any command of Christ, but from a custom of the Church that goes back to the first centuries. Nevertheless, celibacy of the clergy is an imitation of Christ and the Apostles, a following of the counsel given by the Lord, an honor to the sacrifice of the altar, and an example that single chastity is possible. Moreover, by means of it the priest is freed from domestic relations and better enabled to minister as the father, pastor, confessor and counsellor of his people. The celibate is unencumbered by family responsibilities and expenses, and is therefore better able to respond to difficult and dangerous tasks, such as mission work in pagan lands and ministrations to the dying in fire, wreck, or plague. The Church does not denounce or condemn the married clergy of non-Catholic bodies; on the contrary, she permits to some extent a married clergy among the Oriental Catholics, who for many centuries have been accustomed to a married priesthood. But the law of celibacy for the Catholic clergy has not only proved itself more suitable for their work, but it has also justified itself by the general fidelity with which it has been observed and the attachment to it of clergy and laity alike.

(b) Obligation.—The law commands chastity as a grave duty of religion (Canon 132); it forbids the contract or use of marriage (Canon 1072). It forbids, where there is danger to chastity or scandal, cohabitation and companionship with women (Canon 133). Cohabitation refers to dwelling in the same house, even though it be only during the day, and the woman be a servant; companionship refers to visits, conversations, signs of friendship, and the like. The danger to good name or virtue depends on circumstances, such as age, beauty, levity, and privacy of association; and the law presumes that a relationship is suspicious unless a woman is a near relative by blood

or by marriage (i.e., in the first or second degree), or is mature in age (about forty years old) and proved in virtue and of good repute.

2603. Negative Duties of Clerics.—The negative duties of clerics are the avoidance of certain acts, occupations, or amusements forbidden as worldly, undignified, dangerous, distracting or scandalous (I Thess., v. 22; II Tim., ii. 4).

(a) Forbidden Acts.—A cleric may not go surety without permission, lest he or his church be involved in scandalous embarrassments (Canon 137); nor engage in trade, lest he be distracted from his spiritual duties and exposed to the danger or suspicion of injustice or greed (Canon 142; for penalty attached see Decree of the Sacred Congregation of the Council, AAS, 42-33D).

(b) Forbidden Occupations.—These include, first, employments and pursuits unbecoming to clerics (such as those of butcher, actor, innkeeper); next, those that are incompatible with the ministry (such as the practice for profit of the medical profession, public magistracies, government jobs, civil court functions, legislative offices, Canon 139); finally, those that are contrary to the mildness that should distinguish clerics (viz, the occupation of fighting man or soldier, Canon 141; see also Canon 984 on executioners). But exceptions may be made for a just cause.

(c) Forbidden Amusements.—Clerics should not take part in undignified diversions or cruel sports, such as the hunting of big game with great uproar of dogs and guns (Canon 138) or in gambling, and they should not enter saloons or similar places (Canon 138). Clerics are also forbidden to assist at unbecoming shows, performances, dances, or at any theatrical entertainment where their presence gives scandal (Canon 140). To gamble much (say, several times a week and for a considerable time at each game) is considered a serious matter; but it is not sinful to indulge in a game of chance now and then, if the stakes are moderate and there is no scandal.

2604. The Prohibition against Trading.—(a) Meaning.—Trading as here understood is purely gainful merchandizing (i.e., buying an article at a lower price in order to sell it unchanged at a higher price) or industrial merchandizing (i.e., buying an article in order to sell it at a profit after it has been changed by hired labor). Hence, there is no canonical trading in commerce which lacks one of the conditions mentioned, for example, if one

buys goods for one's household or community and, on discovering that a superfluity has been purchased, sells at a profit what is left over (see 2134, 2135). Trading includes not only a business conducted personally or for personal profit, but also one conducted through agents or for the benefit of others, such as the poor or pious causes.

(b) *Obligation.*—The violation of this law is grave in itself, but a serious sin demands on the part of the subject that there be real trading (i.e., a number of acts morally united and proceeding from a purpose to continue in lucrative merchandizing), and on the side of the object that there be a large amount involved. Hence, it would be venial to engage in lucrative trading with a large profit once, and with a small profit twice or thrice.

(c) *Excuses.*—Necessity (e.g., if a cleric needs the money to live or to maintain his state, or if a business has fallen to him by inheritance and cannot be given up without loss) justifies trading, if there is permission.

2605. Is It Lawful for Clerics to Purchase and Sell Stocks and Bonds?—

(a) If this conduct has the character of gambling or trading for profit, it is forbidden by Canon 138 or 142, as the case may be, and is gravely or venially sinful according to the circumstances. Thus, pure speculation or mere betting on the market is a game of chance, and the frequent purchase of stocks with the thought of quick sales and huge profits from sudden changes of the market is lucrative trading.

(b) If the gambling or trading element is absent, the conduct in question is not forbidden by Canon Law. It is generally admitted that bond investments are permissible, since they are only a loan of one's money at interest. There are two views about stock dealings: the stricter view regards them as always containing the character of forbidden trading (since all the notes of strict negotiation are found in them), or at least as being a game of chance; the milder view, which is common, holds that they are no more an affair of chance than many other business undertakings, and that there is no strict negotiation, if the stockholder is not a member or director of the corporation, since the buying and selling is done neither directly nor indirectly by him. Buying of stocks, then, may be nothing more than a prudent investment of money in a deserving enterprise with the hope of a reasonable return, and selling out the stocks at a large profit may be nothing more than the disposal of superfluous goods which it would be inconvenient

to retain. It must be remembered, though, that it is unlawful to cooperate with a company whose purpose is evil or suspect, or to have part in frauds, or to give disedification.

2606. Special Duties of Clerical Superiors from Divine Law.—(a) As individuals, they should strive to be personally more perfect than their subjects, for they are supposed to give an example in faith, religion, zeal, labor, and self-denial, “being made a pattern of the flock from the heart” (I Peter, v. 3).

(b) As rulers, they must have the virtues of good superiors, such as legal justice or firm devotion to the common good, distributive justice or avoidance of partiality and prejudice, prudence or knowledge of how to direct men and means successfully to the glory of God and the salvation of souls, and commutative justice or respect for the rights of subjects.

(c) As pastors, they must avoid the qualities of the wolf and of the hireling, and cultivate those of the good shepherd, being kind and amiable to Catholic and non-Catholic, and practising the spiritual and corporal works of mercy.

2607. Special Duties from Canon Law of Those Who Have Care of Souls.—(a) Bishops have grave obligations of residing in their see or diocese (Canon 338), of attending to the instruction of their flock (Canons 1327, 336), of applying the Mass *_pro populo_* (Canon 339), of making a diocesan report (Canon 340), of confirming and of ordaining worthy candidates (Canon 785), of visiting their dioceses (Canon 343), of making the *_ad limina_* visit (Canons 340, 342), and of calling a diocesan synod at least every tenth year (Canon 356).

(b) Pastors must reside generally in their parish (Canon 465), and, if lawfully absent, they must make provision for the sick calls and other spiritual necessities of their flocks. They must preach the word of God on Sundays and holydays, and it would be a serious matter to neglect this duty for a considerable time (e.g., a whole month) without good reason (Canon 1344). It is also a serious obligation to attend to the necessary catechetical instruction of young and old (Canons 1330, 1332), to apply the Mass *_pro populo_* (Canon 466), and to administer the Sacraments (at least Baptism, Penance, Extreme Unction) to those in grave spiritual need (see 1167). Pastors are also obliged to know their flock, to visit the sick and dying, to

correct abuses, to see that the customary administration of the Sacraments and the usual church functions are attended to, to watch over the schooling of the children, and to direct the temporalities and attend to the reports and records of the parish. The duties of chaplains of hospitals, institutions, soldiers, etc., are similar to those of pastors, but in particular cases the former are subject to special prescriptions or to local usage or to rules made by the Ordinary.

(c) Assistant pastors are subject in the care of souls to the instruction and direction of the parish-priest. Their particular duties are known from the diocesan statutes, the letters of the Ordinary, and the commission of the pastor. Regularly, they are bound to reside in the parish rectory and to assist the pastor or supply for him in all the parish work, the Mass *_pro populo_* excepted (Canon 476).

2608. The Duty of Charity to the Poor.—(a) According to Canon Law all beneficed clergy (Cardinals excepted) must give all the superfluous fruits of their benefice to charitable or pious causes (Canon 1473). But it is an extremely strict view which holds that all the secular clergy are beneficed.

(b) According to the divine law of charity (see 1226, 1252) even the unbeneficed clergy have the duty of giving alms from their surplus wealth. Thus, it would be unmerciful if a clergyman spent on himself all the fortune he had inherited from his relatives without thought of the poor; it would be often a source of scandal if a priest enriched his relatives with money received in ministerial ways, but left nothing to pious causes.

2609. Canon 1473 on the Disposition of Superfluous Wealth by Beneficed Clergy.—(a) The Money to be Spent.—The Canon does not refer to the property of the Church (i.e., the foundation or endowment of the benefice), for of this the beneficed clergyman is only the administrator, and he would be unjust if he alienated its funds to other purposes; nor does it refer to the clergyman's own property, such as goods received by inheritance or other profane title (*_patrimonialia_*), or by title of personal ministerial service, such as stipends and fees (*_quasi-patrimonialia_*). It refers, then, to the revenues of the benefice (e.g., the bishop's or pastor's salary) and to the amount that is left over after the deduction of all reasonable and customary expenses that have been made, or could have been made for decent personal support.

(b) The Use of Surplus Money.—The alms should be given to any pious or charitable cause, such as the promotion of divine worship, the assistance of needy missions, the spiritual or corporal works of mercy. The cleric is free to bestow his gift either during his lifetime (which is better) or to leave it in his will.

2610. The Obligation of Canon 1473.—(a) The obligation is most probably not one of justice, since the holder of the benefice owns the superfluous fruits, but one of obedience to the Church. Some authors also consider this precept as binding in virtue of religion and charity, and regard its violation as a sacrilege or sin against charity. The holder of the benefice is not held to restitution, however, since neglect of the precept is not an injustice. As to his successors through gift inter vivos or testament, they are not bound to give the superfluities as an alms, since the church precept was for the cleric himself. Successors to an intestate should observe the wishes of the deceased, but, if the character of the goods they inherit is doubtful, they may usually be left in good faith.

(b) The obligation is grave, since it is commanded as an act of religion, or at least as an act of obedience in a very important matter. From the time of the Apostles it was customary to distribute to the poor what was left over of the goods of the Church, and the clergy were regarded as the fathers and protectors of the needy. Again, since the goods of a benefice originated in gifts offered to God Himself, it is most becoming that their superfluities be devoted to the causes most pleasing to God. Grave matter would be three times the amount required in theft, because a violation of this precept is not the taking of what is not one's own, but the using in a forbidden way of what is one's own.

2611. The Special Duties of Religious.—The particular obligations of religious are declared in the proper rules of the various institutes, just as the particular obligations of the secular clergy are set forth in the statutes of local synods and councils. We shall outline here only the general obligations of religious, to which they are held by the common law of the Church.

(a) By reason of his profession, a religious is obliged to strive after the perfection of charity (see 1560, 367) through the religious life, that is, by means of the rules and constitutions of his own institute (Canon 593). All

religious, superiors and subjects, are bound to observe their laws, but *per se* these laws oblige under penalty, not under sin (see 570). *Per accidens*, however, the transgression of rule or constitutions may be sinful, as when the matter belongs also to divine or church law or to the observance of a vow, or when the transgression includes contempt, scandal, or demoralization of discipline.

(b) By reason of the vows, a religious is obliged to follow the three evangelical counsels (see 2191 sqq.) and any other vows of his institute according to his rule (e.g., poverty is a renunciation of even community possession in some rules and of individual possession in others). The vows oblige *per se* under grave sin, on account of the duty of religion (see 2209) and the intention of the religious to bind himself gravely; but there may be venial sin on account of imperfection of act or lightness of matter.

2612. The Obligation of the Three Principal Vows.—(a) Poverty is a renunciation of the independent use of external corporal goods, such as money and lands and chattels (simple vow), or also of the radical dominion (see 1697) or right of ownership of such goods (solemn vow). Grave matter in the unjust violation of poverty seems to be the same as in other acts of unjust damage or acquisition, and hence in thefts from outsiders a less amount is grave matter, in domestic thefts from the monastery a greater sum is required (see 1900, 1903). Grave matter in the violation of poverty that is not unjust (e.g., in use of money without permission) seems to be the same as absolutely grave matter for thefts, unless the constitutions rule otherwise; but grave matter here does not coalesce from many small violations. The virtue, but not the vow, of poverty is offended by purely internal acts (e.g., attachment to wealth), and there is no offense at all in dominion over spirituals (such as fame, good reputation) which are not renounced by the vow of poverty, and in certain acts of disposition (e.g., acceptance of deposit, distribution of alms) or proprietorship (e.g., of manuscripts) permitted by rule.

(b) Chastity is a renunciation of all venereal pleasure, internal and external, lawful and unlawful. Grave matter is the same as for the virtue of chastity, but the vow could be violated without the violation of the virtue (e.g., in the use of marriage by one simply professed). For the protection of this vow the Church has made the law of cloister, which forbids under

certain conditions the entrance of outsiders into a religious house or the egress of the religious (Canons 547, 598, 600-604, 679, 2342).

(c) Obedience is the renunciation of one's own will with the duty of submission to commands of a Superior given according to the rules and constitutions. There is grave matter against the vow if one disobeys in an important matter imposed by the Superior in the name of obedience and according to the rite prescribed by the rule or constitutions (see 2364). The virtue, but not the vow, is offended by internal insubordination (see 2357); neither virtue nor vow is offended when a Superior commands what is above the rule (e.g., the accomplishment of the impossible, heroic acts that do not pertain to the nature of the institute), or against the rule, unless he has power to dispense, or probably what is beneath the rule (such as things manifestly ridiculous and useless). Since obedience is vowed to the precepts of the Superior, the vow is not broken by transgression of points of the rule not expressly included under the vow, nor by transgressions of the general precepts of God and the Church.

Art. 2: THE DUTIES OF MEMBERS OF DOMESTIC AND CIVIL SOCIETY

2613. The Duties of Husbands and Wives.—Conjugal obligations may be classed under three heads according to the three ends of marriage.

(a) Thus, the first blessing of marriage is offspring, and this imposes upon parents the obligation of providing for their children and of training them in mind and will (see 2630 sqq.).

(b) The second blessing of marriage is fidelity to the engagement made by husband and wife to deliver to each other exclusive power over their bodies for procreation (conjugal debt) and to love each other with a special but pure affection: “The wife hath not power of her own body, but the husband; and in like manner the husband hath not power of his own body but the wife” (I Cor., vii. 4); “Husbands, love your wives as Christ also loved the Church” (Eph., v. 25). Conjugal love admits no rivals; the husband must prefer his wife to every other woman, and the wife likewise must think more of her husband than of any other man (see 1179).

(c) The third blessing of marriage is the Sacrament or the unbreakable bond of marriage: “The Lord commanded that the wife depart not from the husband, and if she depart that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife” (I Cor., vii. 10). This imposes the duties of a permanent domestic society in which the spouses dwell together permanently and each has certain special functions of assistance to the other.

2614. The Obligation of Paying the Conjugal Debt.—(a) The duty is one of justice, since it arises from the contract of marriage, in which the parties freely and solemnly bind themselves to it as the subject-matter of their pact.

(b) The obligation is grave, since the marriage contract is one of the most momentous of human agreements, its direct end being the propagation of the race, while the denial of its essential right is productive of most serious evils, such as incontinence, scandals and the disruption of families. There is

light matter, however, as when the request is not imperative, or the denial is infrequent and without danger of incontinence.

2615. Absence of Obligation.—The obligation of paying the conjugal debt does not exist, however, when the right to make the request has been lost or when the request is unreasonable.

(a) Thus, the right to make the request is lost when one party has broken faith by committing adultery and has not been forgiven by the innocent party, and also when one party is incapable (e.g., on account of insanity or drunkenness) of asking in a rational manner.

(b) The request is unreasonable, first, when it is immoderate (e.g., when it cannot be granted without serious and unusual detriment to health, or without danger of death, or without likelihood of abortion or other great harm to a child conceived or to be conceived); secondly, when it is seductive (e.g., when it is an invitation to commit onanism).

2616. Suspension of Obligation.—The obligation of granting and the right of requesting conjugal relations are suspended when the marriage is discovered to be null or uncertain.

(a) Thus, if the marriage is certainly null, abstinence is necessary until the marriage is made valid; otherwise the parties are guilty of fornication. But if nullity is due to a merely ecclesiastical impediment, the impediment probably ceases in cases of most grave inconvenience when the nullity is known to only one spouse and the dispensation cannot be obtained at once.

(b) If the marriage is only doubtfully null, abstinence is not necessary unless both parties have a serious doubt and no examination has yet been made. Light doubts should not be considered, nor doubts that have not been corroborated by investigation; while, if only one party doubts, he or she cannot refuse the debt lest injustice be done the other.

2617. Is There an Obligation of Requesting Conjugal Intercourse?—(a) Per se, there is no obligation, since one may lawfully decide not to enjoy one's right, and not to use what belongs to one. As man and wife were free to marry or not to marry, so are they free to agree either to consummate or not consummate marriage. It is even lawful for married people to contract together to abstain temporarily or permanently from marriage relations (e.g., for the sake of health, or of economy, or of mortification). By mutual

consent one or both may make a vow of chastity, as was done by St. Joseph and the Blessed Virgin, or the husband may enter the priesthood and the wife become a nun.

(b) Per accidens, there is often an obligation of requesting intercourse, for experience shows that continual non-use of marriage often leads to incontinence or to loss of affection (see 2228).

2618. The Morality of Venereal Acts of Marriage.—(a) Non-consummated Acts.—These acts, whether internal or external, are lawful per se when they are used only as accessories to the act of marriage or as means to foster or preserve conjugal love, for the acts are meant by God to serve the purposes mentioned (2510). But per accidens there may be venial sin, on account of inordinateness in the motive (i.e., when only pleasure is intended), or in the manner (i.e., when due decency is not observed). There is mortal sin when these acts are not referred to the lawful conjugal act, but either directly or indirectly to pollution, namely, when there is foreseen proximate danger of pollution and the acts are either solitary or cooperative but performed without sufficient reason (such as expressions of special affection), for pollution is gravely sinful in the married, as well as in the single state (see 2539 sqq.).

(b) Natural Consummated Act.—This act in itself is not only lawful, but meritorious, because it exercises such virtues as obedience (Gen., i. 28), justice (I Cor., vii. 3 sqq.), and love of the common good and religion (Tob., viii. 9). Since marriage intercourse has for its ends not only reproduction, but also the expression of mutual love and the allaying of concupiscence, it is lawful even when conception is impossible or less probable, as when the parties are sterile, or the woman is pregnant, or during the so-called agenesic period, or at the time of lactation. It is a venial sin to exercise the conjugal act when one excludes every motive except that of pleasure (Denziger, n. 1159); and there may be even mortal sin on account of circumstances, such as place (e.g., scandal to others present), manner (e.g., external immoderation, internal desire of another person), evil consequences (e.g., when one of the parties has a contagious or venereal disease, when abortion will likely result, etc.).

(c) Unnatural Consummated Acts.—Pollution is mortally sinful (2535 sqq.), and is worse in married than in single persons, as being an injury to

the faith pledged in marriage; and hence it is not lawful to practise it even for the purpose of artificial fecundation. Rectal copulation is also gravely sinful, being unnatural lust (see 2534) and a violation of conjugal faith. The usual forms of unnatural vaginal coition, which are very much practised today, are contraceptive in purpose, and are of two general kinds in the procedure—the physiological or preventive, which uses instruments to keep the semen from the uterus (such as sponges or pessaries for the female, condoms or protectors for the male), or which employs douches or syringes to remove semen from the vagina, or uses chemicals to devitalize it.

2619. Nota.—(a) Non habetur onanismus, nec peccatum, si copula abruptitur, ex necessitate (v.g., ad vitandum scandalum persona inopinate supervenientis), vel ex utilitate, mutuo dato consensu et periculo pollutionis excluso; nam seminatio extra vas, aut involuntaria est, aut nulla.

(b) Non habetur contraceptio nec peccatum, sed potius actus honestus, si, ob defectum physicum viri vel mulieris, naturae adjuvetur mediis artificialibus ut copula fiat, vel ut semen introducatur in uterum; nam fini matrimonii non obstat, sed obsecundat iste modus agendi.

(c) Artificial Insemination. The subject-matter of the latter part of the preceding paragraph is distinguished from several unlawful practices considered by moralists under the heading of artificial insemination. Pope Pius XII on several occasions has given a clear, accurate and complete statement of Catholic teaching on the subject. We append here his texts:

1) The practice of artificial insemination, when it refers to man, cannot be considered, either exclusively or principally, from the biological and medical point of view, ignoring the moral and legal one.

Artificial insemination, outside of marriage, must be condemned as essentially and strictly immoral.

Natural law and divine positive law establish, in fact, that the procreation of a new life cannot but be the fruit of marriage. Only marriage safeguards the dignity of the spouses (principally of the wife in the present case) and their personal good. It alone provides for the well-being and education of the child.

It follows that no divergence of opinion among Catholics is admitted on the condemnation of artificial insemination outside of marriage. The child

conceived in those conditions would be, by that very fact, illegitimate.

Artificial insemination produced in a marriage by the active element of a third party is equally immoral and consequently to be condemned without appeal.

Only the spouses have a reciprocal right upon each other's body to generate a new life: an exclusive, inalienable right, which cannot be ceded. And so it must be, even out of consideration for the child. On whoever gives life to a small being, nature imposes, by the very strength of that tie, the duty to keep and educate it. But no ties of origin, no moral or legal bonds of conjugal procreation, exist between the legitimate husband and the child who is the fruit of the active element of a third party (even if the husband has given his consent).

As far as the legitimacy of artificial insemination in marriage is concerned, it suffices, for the moment, to recall these principles of natural law: the simple fact that the result desired is obtained by this means does not justify the use of the means itself; nor does the desire of the husband and wife, in itself perfectly legitimate, to have a child, suffice to establish the legitimacy of resorting to the artificial insemination which would satisfy this desire.

It would be erroneous, therefore, to think that the possibility of resorting to this means might render valid a marriage between persons unable to contract it because of the *_impedimentum impotentiae_*.

On the other hand, it is superfluous to mention that the active element can never be obtained legitimately by means of acts against nature.

Although new methods cannot be ruled out a priori for the sole reason of their novelty, nonetheless, as far as artificial impregnation is concerned, extreme caution is not enough; it must be absolutely excluded. Saying this does not necessarily proscribe the use of certain artificial means destined only to facilitate the natural act, or to assure the accomplishment of the end of the natural act regularly performed.

Let it never be forgotten that only the procreation of a new life according to the will and the designs of the Creator brings with it, to a marvelous degree of perfection, the accomplishment of the proposed ends. It is at the same time in conformity with corporeal and spiritual nature and the dignity

of the married couple, as well as with the healthy, normal development of the child (Address to Physicians, Sept. 29, 1949, *_Discorsi e Radiomessaggi_*, vol. xi, pp. 221 ff).

2) We also believe that it is of capital importance for you, gentlemen, not to neglect this perspective when you consider the methods of artificial fecundation. The means by which one tends toward the production of a new life take on an essential human significance inseparable from the desired end and susceptible of causing grave harm to this very end if these means are not conformable to reality and to the laws inscribed in the nature of beings.

We have been asked to give some directives on this point also. On the subject of the experiments in artificial human fecundation “in vitro,” let it suffice for Us to observe that they must be rejected as immoral and absolutely illicit. With regard to the various moral problems which are posed by artificial fecundation, in the ordinary meaning of the expression, or “artificial insemination,” We have already expressed Our thought in a discourse addressed to physicians on September 29, 1949 (*_Discorsi e Radiomessaggi_*, vol. xi, pp. 221 ff.). For the details We refer you to what We said then and We confine Ourselves here to repeating the concluding judgment given there: “With regard to artificial fecundation, not only is there reason to be extremely reserved, but it must be absolutely rejected. In speaking thus, one is not necessarily forbidding the use of certain artificial means destined solely to facilitate the natural act or to achieve the attainment of the natural act normally performed.” But since artificial fecundation is being more and more widely used, and in order to correct some erroneous opinions which are being spread concerning what We have taught, We have the following to add:

Artificial fecundation exceeds the limits of the right which spouses have acquired by the matrimonial contract, namely, that of fully exercising their natural sexual capacity in the natural accomplishment of the marital act. The contract in question does not confer on them a right to artificial fecundation, for such a right is not in any way expressed in the right to the natural conjugal act and cannot be deduced from it. Still less can one derive it from the right to the “child,” the primary “end” of marriage. The matrimonial contract does not give this right, because it has for its object not the “child,” but the “natural acts” which are capable of engendering a

new life and are destined to this end. It must likewise be said that artificial fecundation violates the natural law and is contrary to justice and morality [1] (*Marriage and Parenthood*, May 19, 1956). See *The Pope Speaks*, Vol. III, No. 2, Autumn of 1956, pp. 194 ff.

[1] The Holy Father here spoke for several minutes in Latin as follows:

Alia nunc occurrit quaestio, ad quam pertractandam magis addecet latinam linguam adhibere.

Quemadmodum rationalis animus noster artificiali inseminationi adversatur, ita eadem ethica ratio, a qua agendi normo sumenda est, pariter vetat, quominus humanum semen, peritorum examini subiciendum, masturbatiouis ope procuretur.

Hanc agendi rationem attigimus Nostra quoque allocutione coram Urologiae doctoribus coetum participantibus, die VIII mensis Octobris anno MDCCCCLIII prolata, in qua haec habuimus, verba: “Du reste le St-Office a decide deja le 2 aout 1929 (*Acta Ap. Sedis*, vol. XXI a. 1929, p. 490, II) qu’une “masturbatio directe procurata ut obtineatur sperma’ n’est pas licite, ceci quel que soit le but de l’examen” (*Discorsi e Radiomessaggi* vol. XV, pag. 378). Cum vero Nobis allatum sit, pravam huiusmodi consuetudinem pluribus in locis invalescere, opportunum ducimus nunc etiam, quae tunc monuimus, commemorare atque iterum inculcare.

Si actus huiusmodi ad explendam libidinem ponantur, eos vel ipse naturalis hominis sensus sua sponte respuit, ac multo magis mentis iudicium, quotiescumque rem mature recteque considerat. Iidem actus tamen tunc quoque respuendi sunt, cum graves rationes eos a culpa eximere videntur, uti sunt: remedia iis praestanda qui nimia nervorum intentione vel abnormibus animi spasmis laborant; medicis peragenda, ope microscopii, spermatis inspectio, quod venerei vel alius generis morbi bacteriis infectum sit; diversarum partium examen, ex quibus semen ordinarie constat, ut vitalium spermatis elementorum praesentia, numerus, quantitas, forma, vis, habitus aliaque id genus dignoscuntur.

Eiusmodi procuratio humani seminis, per masturbationem effecta, ad nihil aliud directe spectat, nisi ad naturalem in homine generandi facultatem plene exercendam; quod quidem plenum exercitium, extra conjugalem copulam peractum, secum fert directum et indebite usurpatum eiusdem

facultatis usum. In hoc eiusmodi indebito facultatis usu proprie sita est intrinseca regulae morum violatio. Haudquaquam enim homo ius ullum exercendi facultatem sexualem iam inde habet, quod facultatem eandem a natura recepit. Homini nempe (secus ac in ceteris animantibus rationis expertibus contingit) ius et potestas utendi atque exercendi eandem facultatem tantummodo in nuptiis valide initis tribuitur, atque in iure matrimoniali continetur, quod ipsis nuptiis traditur et acceptatur. Inde elucet hominem, ob solam hanc causam quod facultatem sexualem a natura recepit, non habere nisi potentiam et ius ad matrimonium ineundum. Hoc ius tamen, ad objectum et ambitum quod attinet, naturae lege, non hominum voluntate describitur; vi huius legis naturae, homini non competit ius et potestas ad plenum facultatis sexualis exercitium, directe intentum, nisi cum coniugalem copulam exercet ad normam a natura ipsa imperatam atque definitam. Extra hunc naturalem actum, ne in ipso quidem matrimonio ius datur ad sexuali hac facultate plene fruendum. Hi sunt limites, quibus ius, de quo diximus, eiusque exercitium a natura circumscribuntur. Ex eo quod plenum sexualis facultatis exercitium hoc absolute copulae coniugalis limite circumscribitur, eadem facultas intrinsece apta efficitur ad plenum matrimonii naturalem finem assequendum (qui non modo est generatio, sed etiam proles educatio), atque eius exercitium cum dicto fine colligatur. Quae cum ita sint, masturbatio omnino est extra memoratam pleni facultatis sexualis exercitii naturalem habilitatem, ideoque etiam extra eius colligationem cum fine a natura ordinato; quamobrem eadem omni iuris titulo caret atque naturae et ethices legibus contraria est, etiamsi inservire intendat utilitati per se iustae nec improbandae.

Quae hactenus dicta sunt de intrinseca malitia cuiuslibet pleni usus potentiae generandi extra naturalem coniugalem copulam, valent eodem modo cum agitur de matrimonio iunctis vel de matrimonio solutis, sive plenum exercitium apparatus genitalis fit a viro sive a muliere, sive ab utraque parte simul agente; sive fit tactibus manualibus sive coniugalis copulae interruptione; haec enim semper est actus naturae contrarius atque intrinsece malus.

2620. Contraception.—Contraception in all its forms (onanism, condonism, vaginal irrigation, spermicide) is a grave crime.

(a) It is an Injury to God.—Marriage was instituted by God to propagate the human race (Gen., i. 27, 28) and to bless homes with children (Ps.,

cxxvi, cxxvii), and He has made it a sacred institution and a Sacrament. Contraception defeats the ends of marriage and degrades it to the level of a mere instrument of carnal gratification. The hatred of God for this sin appears in general from the horror with which Scripture speaks of unnatural lust, and in particular from the case of Onan, whose sin is called detestable and whom God slew in punishment (Gen., xxxviii. 10).

(b) It is an Injury to Society.—The perpetuation of the human race is endangered as soon as marriage is abused as to its natural end. Hence, after the crime of homicide which destroys human life already in existence, contraception seems to rank next in enormity, since it prevents human life from coming into existence. This vice spreads moral degeneracy and decay from the home itself, and is rightly called race-suicide, since it depopulates and destroys the nation by the act of its own people.

(c) It is an Injury to the Family.—The happiness and success of the home depend chiefly on the respect which its members have one for the other and on the cultivation of the sturdy virtues that strengthen character. The husband and wife who practise onanism or other similar carnal vices cannot have the mutual respect they should have; the wife is deprived of the treasure of her modesty and is treated as a prostitute rather than as an honored wife and mother, and the husband is brutalized by the removal of the natural restraint to his sex passion. Such self-indulgent persons will either selfishly neglect the one or two children they may have, or will spoil them for life by the luxury and laziness in which they are reared.

(d) It is an Injury to the Individual.—As concerns the body, there is a perversion of the sex act from its definite use and specific end, and hence contraception has been described as “reciprocal masturbation.” As regards the soul, its higher goods of will and intellect are subordinated by the contraceptionist to the delight of passion, the lower impulses are greatly strengthened and self-control made more and more difficult, and the spiritual objectives that should prompt a rational creature are sacrificed for the passing gratification that moves the beasts.

2621. Some Arguments of Neo-Malthusians and Other Advocates of Contraception.—(a) Necessity for the Individual.—“This practice is demanded by comfort (e.g., in order to have a good and easy time, to have more opportunity for pleasures and occupations outside the home, to

preserve form and beauty, to escape the troubles of child-bearing and child-rearing), or by utility (e.g., in order that suffering wives be freed from the slavery of excessive child-bearing, in order that children receive more attention and care than is possible in large families).” This argument from comfort is unworthy of any but a pagan or materialist, for the end of existence is something higher than pleasure or escape from all hardship. But even if happiness alone be considered, the childless home is not the most cheerful, and it often happens that parents who have sinfully limited their parenthood will lose an only child and be left sterile and desolate. The argument from utility proves only that sometimes (not often) it is inadvisable for a couple to have any or many children, but it does not prove that family limitation through means forbidden by the laws of God and of nature is permissible. The normal woman is not harmed but helped by child-bearing, whereas onanism and other unnatural vices are fearfully damaging both to mental and physical health. Experience too shows that mothers of five or more children live longer, and that children from large families are very often superior in qualities and achievements and stand a better chance in life. Exceptions only emphasize the rule.

(b) Necessity for the Family.—“Large families are impossible to many persons because the high cost of children today (expenses for clothing, food, medical care, schooling, etc.) is beyond their means.” The inability to support many children is often due to extravagance or to insufficient wages, and the remedy lies in prudent economy or in improvement of the economic condition of workers, not in the abuse of marriage. The weakness of the objection is shown from the fact that race-suicide is more common among the well-to-do than among the poorer classes. However, in a genuine case of inability to maintain a large family, limitation of children is a duty, but not by means of the sin of contraception or onanism.

(c) Necessity for the Community.—“The cause of unemployment, destitution, famine and war is the overpopulation of the world. Moreover, if the poorer classes would practise contraception and the better-to-do classes have larger families, the standard of living of the former would be raised, the culture of the latter would be preserved, and the quality of the whole race be greatly improved.” The resources of the earth are easily adequate to support many times the present population, and the misfortunes referred to are due, not to the number of people who inhabit the earth, but to accident

or to human greed or imprudence. The eugenic argument is a vain dream, for the history of nations and modern facts show that the ideal of race improvement makes little appeal when the easier way of indulgence has been learned. As said above, it is the wealthy and educated classes who have the fewest children.

(d) Necessity of a Moral Kind.—“Contraception is a useful control of nature similar to that employed by physicians, surgeons and other scientists; it is not a contradiction of nature, since it preserves the end of the sexual faculty in expressing physical love. The motives of those who use it are not necessarily carnal, but may be of a very Christian kind (e.g., the need of limitation of family in order the better to practise one’s vocation, or in order to spare one’s wife, or to keep her from abortion), and they may sincerely believe it to be lawful.” Contraception does not control, but defeats nature, by voluntarily frustrating the primary end which nature has in view, and, if permitted, it logically leads to every kind of sensual indulgence. The motives or conscience of those who use it cannot change its character, for the end does not justify the means and a wrong conscience does not change the law. Those who have not been spoiled or misled by contraceptive propaganda or advice, instinctively regard artificial birth-control as well as onanism with disgust.

2622. Is Birth-Control Ever Lawful?—(a) If this refers to an end (viz., the limitation of the number of children or the spacing of their arrival), it is not unlawful in itself (see 2617); and it is sometimes a duty, as when the wife is in very poor health or the family is unable to take care of more. But in view of the decline and deterioration in populations today, it seems that couples who are able to bring up children well should consider it a duty to the common welfare to have at least four children, and it should be easy for many to have at least a dozen children. The example of those married persons of means who are unable to have a number of children of their own, but who adopt or raise orphaned little ones, is very commendable.

(b) If birth control refers to a means of family limitation, it is lawful when that means is continence or abstinence from marital relations, not if it is onanism or the use of mechanical or chemical means to prevent conception. The objection that husbands cannot restrain themselves is really an insult to God’s grace and is contradicted by numerous facts. A man of manly character should be ashamed to admit that he is the slave of passion,

and the fact that God commands chastity and that millions obey Him both in the wedded and single state is sufficient proof that, even though hard, sexual abstinence is not impossible, if there is a real resolve and the right means are employed, such as rooming apart and concentration on other and higher things.

Continence or abstinence is counselled by the Church should conditions make the conception of children inadvisable. It is counselled, not commanded, since it involves heroic sacrifice which makes it all the more meritorious and praiseworthy: “It is wronging men and women of our times to deem them incapable of continuous heroism. Today, for many reasons—perhaps with the goad of hard necessity and even sometimes in the service of injustice—heroism is exercised to a degree and to an extent which would have been thought impossible in days gone by. Why, then, should this heroism, if the circumstances really demand it, stop at the borders established by the passions and inclinations of nature? The answer is clear. The man who does not want to dominate himself is incapable of so doing. He who believes he can do so, counting merely on his own strength without seeking sincerely and perseveringly help from God, will remain miserably disillusioned” (Pope Pius XII, *Allocution to the Italian Catholic Union of Midwives*, Oct. 29, 1951).

Another lawful means of family limitation is “periodic continence” or “rhythm,” the deliberate avoidance of conception by restricting intercourse, temporarily or permanently, to the days of natural sterility on the part of the wife. Many of the faithful are under the impression that the system has received the unqualified approval of the Church, that it constitutes a form of “Catholic Birth-Control.” This is not completely true.

All theologians agree that the use of marriage during the sterile period is not *per se* illicit. The act is performed in the natural way; nothing has been done positively to avoid conception; and the secondary ends of matrimony, mutual love and the quieting of temptation, have been fostered. “If the carrying out of this theory means nothing more than that the couple can make use of their matrimonial rights on the days of natural sterility, too, there is nothing against it, for by so doing they neither hinder nor injure in any way the consummation of the natural act and its further natural consequences” (Pope Pius XII, *ibid.*).

“If, however, there is further question—that is, of permitting the conjugal act on those days exclusively—then the conduct of the married couple must be examined more closely” (ibid).

The following points summarize papal teaching on this aspect:

1) A premarital agreement to restrict the marital right and not merely the use to sterile periods, implies an essential defect in matrimonial consent and renders the marriage invalid. 2) The practice is not morally justified simply because the nature of the marital act is not violated and the couple are prepared to accept and rear children born despite their precautions. 3) Serious motives, (medical, eugenic, economic and social), must be present to justify this practice. When present, they can exempt for a long time, perhaps even for the duration of the marriage, from the positive obligations of the married state. 4) The married state imposes on those who perform the marital act the positive obligation of helping to conserve the human race. Accordingly, to make use of the marital act continuously and without serious reason to withdraw from its primary obligation would be a sin against the very meaning of conjugal life (ibid.).

Pope Pius explicitly confirmed the common teaching of theologians: 1) Rhythm, by mutual consent, for proportionate reasons, and with due safeguards against dangers would be licit. 2) Without a good reason, the practice would involve some degree of culpability. Not expressly confirmed, but simply an expression of common moral principles is the common agreement: 3) That the sin could be mortal by reason of injustice, grave danger of incontinence, serious family discord, etc.

Since the Allocution, the more common opinion in this country asserts that the Holy Father taught: 1) that married people who use their marital right have a duty to procreate; 2) that this duty is binding under pain of sin; 3) there are, however, reasons that excuse the couples from this obligation and, should they exist for the whole of married life, the obligation does not bind them at all; 4) the sin does not consist in the exercise of marital rights during the sterile periods; but in abstention from intercourse during the fertile periods precisely to avoid conception, when the couple could have and should have made its positive contribution to society. Sin is present when the practice is unjustifiedly undertaken; 5) the formal malice of illicit periodic continence is not against the sixth commandment; i.e., against the

procreation of children or the use of the generative faculty, but against the seventh commandment, i.e., against social justice. The couple is not making its contribution to the common good of society; 6) from 4 and 5 above, it follows that the individual acts of intercourse during a period of unjust practice of rhythm do not constitute numerically distinct sins. Rather, granting the continuance of a single will act to practice rhythm, there is one sin for the whole period of illicit abstention during the fertile periods.

Since the Pope abstained from an explicit statement on the gravity of the sin, the controversy of whether the practice intrinsically is a mortal sin or not continued. The opinion in this country which holds the greatest authority states that mortal sin is involved in the case of continued practice with a total exclusion of children and frequent use of marital rights during the sterile period.

Diversity of opinion has arisen as to the means of estimating when a serious sin has been committed. Some have used a temporal norm, e.g., unjustified use of rhythm for five or six years would constitute a serious matter. Undoubtedly most of the proponents of this norm would not accuse a couple of certain mortal sin if they already have one or more children; after that, indefinite use of the practice without excusing causes would not be a mortal sin. (This is admitted by most theologians.) Others have proposed a numerical norm as a basis to determine whether or not a couple has made its contribution to the conservation of the race. Concretely the proponents of this theory regard four or five children as sufficient to satisfy the obligation in such a way;

a) that the use of rhythm to limit the family to this number is licit provided the couple is willing and morally able to practice it;

b) that the limitation through rhythm to less than four requires a serious justifying cause. The intention involved to prevent conception would be seriously sinful in itself, since it causes great harm to the common good and involves in practice subordination of the primary to the secondary end or ends of matrimony. At the present time this opinion seems to be more favored in America than the first which places the gravity of the sin in the unjustified practice of rhythm for five years. (For a survey of recent opinion, see the Conference Bulletin of the Archdiocese of New York, Vol. XXXIV, No. 1, pp. 36 ff.)

On the other hand, some European theologians have denied that the practice constitutes a mortal sin in itself, independently of circumstances such as injustice and danger of incontinence.

The present state of opinion, then, is definitely undecided and calls for caution both in dealing too severely with penitents or too readily recommending the practice. The response of the Sacred Penitentiary of June 16, 1880, affords a safe guide in practice: “Married couples who use their marriage rights in the aforesaid manner are not to be disturbed, and the confessor may suggest the opinion in question, cautiously, however, to those married people whom he has tried in vain to dissuade from the detestable crime of onanism.”

As to the theological censure to be attached to “rhythm,” it is not approved, nor recommended, but seems to be tolerated for sufficiently grave reasons. “Instead of being freely taught and commended, it is rather to be tolerated as an extreme remedy or means of preventing sin” (Official Monitum, Patrick Cardinal Hayes, Sept. 8, 1936, *Conference Bulletin of Archdiocese of New York*, Volume XIV, No. 2, p. 78).

2623. *Cooperatio Uxoris ad Onanism vel Contraceptionem.*—(a) *Cooperatio formalis graviter illicita est, quum includat approbationem ipsius peccati. Unde graviter peccat uxor quae suis quaeremoniis de molestiis graviditatis virum cogit ad congressum onanisticum, vel quae nec interdum conatur eum avertere ab iniquo consilio onanistice congregiendi, vel quae active adjuvat abruptionem copulae, vel quae interne gaudet de ipso peccato (1513).*

(b) *Cooperatio materialis ad onanism ex gravi causa (e.g., ex metu fundato rixarum, molestae cohabitationis, adulterii viri) licet; nam actio mulieris, scil. copulam habere naturalem, honesta est, atque causa sufficiens adest permittendi abusum factum a comparte (1515 sqq.). Imo uxor debitum petere potest a suo viro onanistico, si secus diu abstinere cogeretur ab omni usu conjugii cum periculo incontinentiae, quia caritas erga virum non obligat ad abstinentiam cum tanto incommodo.*

(c) *Cooperatio mere materialis ad contraceptionem, non videtur possibilis; nam copula contraceptiva est intrinsece et ab initio mala (1517, 1527). Unde uxori nec petere debitum licet, nec passive se habere. Sed qualibet vice tenetur positive pro viribus resistere. Sin autem gravissima*

causa sit actum permittendi, ut puta periculum mortis, eam tantum resistentiam opponere debet ad quam obligatur virgo oppressa (2497), consensu ut patet denegato (See Irish Ecclesiastical Record, June, 1940, pp. 634 ff., and March, 1948, pp. 244 ff.)

2624. Recapitulatio de Licitis et Illicitis in Conjugio.—(a) Illicita graviter sunt extra matrimonium facta, v.g., moechia, mollities solitaria, alienae conjugis concupiscentia; sed probabiliter actus imperfecti et solitarii in proprium corpus exerciti leve non excedunt, citra periculum pollutionis, siquidem in delectationem veneream quae in conjugio licita est natura sua ordinentur, sicque minus indecentes fiant.

(b) Illicita graviter sunt intra matrimonium facta sed contra finem, i.e., naturae matrimonii seu generationi prolis repugnantia, ut sunt pollutio mutua, onanismus, impudicitia quae non in copulam sed in pollutionem tendit.

(c) Illicita leviter sunt intra matrimonium facta sed praeter finem, i.e., quum generationi nec prosunt, nec obsunt, sed in circumstantiis aliquam prae se ferunt inordinationem (e.g., copula ob solam voluptatem habita), imprudentiam (e.g., copula tempore parum apto habita), immoderantiam (e.g., impudicitia pudori nociva, situs innaturalis, ut si stent vel vir succubet, ex levitate electus).

(d) Licitae sunt intra matrimonium factae, quae tum ex parte objecti (scil., quia actus ordinatur ad finem matrimonii), tum ex parte circumstantiarum (scil., quia debito tempore, loco, modo, etc., ut prudentia exigit, exercentur) rationi rectae concordant. Unde non peccant conjuges sibi licite concupiscendo vel de iis gaudendo. Immo mulier onanistae licite cooperata non est peccati arguenda si gavisae sit de ipsa copula vel de bonis ejus effectibus, vel (saltem quando probabile videtur se semen excipisse) si ad completam voluptatem se excitaverit.

2625. Regulae pro Confessariis.—(a) Interrogationes.—Si nulla ratio est suspicandi copulam modo innaturali exerceri, praestat ut plurimum de circumstantiis (v.g., de motivo copulae) non quaerere, ne conjuges taedio afficiantur vel bona fide inutiliter priventur. Si tamen fundata suspicio est abusum matrimonii celari, hac de re confessarius inquirere debet, sed prudenter, ne scandalo sit poenitentibus verbis indiscretis.

(b) *Monitiones*.—Si deprehenditur poenitentem onanistam esse, per se severe reprehendendus est (quod de viro praesertim dicitur) nec absolvendus nisi signa contritionis prius dederit; per accidens autem, si datur ignorantia invincibilis et monitio nullatenus profutura praevidetur, poenitens in bona fide relinquatur.

2626. Marriage as a Sacrament.—The third benefit of marriage is that of the Sacrament. The union of man and wife is not merely a physical union, but also a social one, and it should be modelled on the union of Christ and the Church: “This is a great sacrament; but I speak in Christ and the Church” (Eph., v. 32).

(a) Christ abides with the Church, and so the husband should dwell with his wife (Matt., xix. 5). The cohabitation of the parties is demanded by the very nature of the promises made in marriage, and hence it is wrong for the husband to be absent from the home for notable periods of time, or, what is worse, to drive his wife from home—or vice versa. Grave reasons and mutual consent justify long absences, as when the husband is called away on distant business; but, if he goes away for a considerable part of the year, he should, if possible, take his wife with him, or visit or write to her frequently. Very grave reasons suffice for obtaining a separation, either permanent, on account of adultery, or during the continuance of the reason, as when there is serious unhappiness (Canons 1128 sqq.).

(b) Christ is the head of the Church, and so also the husband is superior to the wife in authority (Eph., v. 23). Ordinarily man excels in the qualities suited for rule of the home (such as physical strength, decision, courage), and hence as every society, no matter how small, must have a head, the husband is the natural head of the home. But obedience is due a husband in domestic matters in which he is head of the house—for example, the choice of the place of residence, the management of the family income, the discipline of the children, but not in the wife’s personal affairs (e.g., her conscience, her politics, her property)—and only in commands that do not exceed his authority, for he has no power to command if he is irrational, and he has no claim to obedience if he orders something sinful or foolish. Moreover, since the wife is a partner and not a servant, and since she usually excels as sympathetic and wise adviser and careful household manager and is naturally more virtuous, the husband should consult with her on important family questions and decide them as far as possible by

mutual consent, and should gladly leave to her sole control and direction the many things in which she is more competent than himself.

(c) Christ gave Himself for the Church (Eph., v. 25), and so also the husband has the duty of providing for his wife, spiritually and temporally. Usually the man should attend to the external affairs of the family (such as its support and protection), while the wife should take care of the internal affairs (such as the housekeeping and the training of the children). It is to be regretted that the smallness of the husband's salary often compels the wife to work outside her home. Women should not be compelled to take up occupations unsuited to their sex, much less those that interfere with the supreme duty of motherhood. Injury done the common personal goods of husband and wife by one of them is unjust, if due to illegal action; it is at least uncharitable, if due to carelessness. The family goods are usually under the control of the head of the family. The wife has no right to use the earnings of her husband without his consent, unless he fails to provide suitably for his family, or uses his money extravagantly.

2627. The Duties of Persons Engaged to Marry.—We shall speak first of the duty of entering into a nuptial engagement, and next of the duties which engagement imposes.

(a) *Per se*, there is no obligation for an individual to marry, for the need of marriage is not a personal but a social one, and social duties do not all fall upon each particular person. Each person must take necessary food, for without it the individual perishes, and eating is thus an individual duty; but each person need not be a soldier, or farmer, or builder, or merchant, or married; for it suffices that these offices be fulfilled, one by one individual, another by another. Indeed, if marriage is an impediment to a more urgent good of the common welfare (e.g., perilous public service incompatible with married life), or of private good (e.g., the duty of maintaining parents, the wish to remain single because one feels oneself unsuited for marriage or called to continence), marriage should not be chosen.

(b) *Per accidens*, there is sometimes a duty of marrying on account of public or private necessity. Thus, if the community is depopulated by race-suicide, the public good should move suitable persons to marry in order to assist the birth rate; for, if those are considered slackers who refuse their service or money in war time when the nation is threatened with death from

without, are not those also culpable who will not assist a community threatened with extinction from within? Marriage is also obligatory on those who feel that they are unable to live continently, and will be lost unless they marry (I Cor., vii. 9). In case of seduction, marriage is a form of restitution to the injured girl, but since forced marriages are usually unhappy, the injury should be atoned for in some other way if the seducer does not care for the girl or is not desirable himself (see 1803).

2628. The Duties Imposed by Engagement to Marry.—(a) Before Engagement.—Courtship is lawful for those who intend to marry, for without it the mutual knowledge which is requisite for a prudent choice is impossible. But courtship should be employed, not as a period of pleasure and extravagance, but as an opportunity for learning the suitability of the parties, one for the other, and their desirability in virtue, religion, sanity, intelligence, health, wealth, position, love of children, sobriety, steadiness, etc. Visits are lawful during courtship, but not the same familiarity as is permissible after engagement. The time of wooing should not be protracted, and as a rule after a year the parties should either become engaged or decide they are not well matched.

(b) At the Time of the Engagement.—The parties are gravely bound to make known to each other all personal defects which cannot be concealed without serious injustice, such as the lack of virginity or other quality which one party makes a *conditio sine qua non*, or the presence of a diriment impediment or of a very harmful or displeasing characteristic (such as venereal disease, sterility, disgrace, race, the fact that one is a widow, etc.). There is no duty of justice to manifest defects whose concealment will not be detrimental (such as poverty, lowly origin), but there may be a duty of charity to reveal them, as when their concealment now will lead to an unhappy marriage. As to fornication, the man is not obliged to confess it, unless perhaps when he has an illegitimate child; nor the woman, unless she is actually pregnant, or cannot keep the matter hidden afterwards and can make it known without serious harm to herself (see Self-defamation, 1577; cfr. 1978, 2132). But those who have been guilty of these mistakes should undergo a test on the question of physical health.

(c) During the Engagement.—Fidelity requires that an engaged person be true to the other party, avoid paying court to a third person (see 2526), and give the signs of affection that are usual between engaged persons. The

relationship between the engaged parties does not give them the right to what is intrinsically evil (e.g., voluntary pollution, proximate danger of consent to sin, continuance in a familiarity which is a proximate occasion of sin), or to what is lawful only to married persons (e.g., intercourse and the liberties pertinent to it). But it does give them the right to manifest their affection by acts indifferent in themselves (e.g., visits which are not private, too frequent, or too prolonged; the decent kisses usual between betrothed lovers on meeting and parting), even though unintentionally pollution may follow (2538). Persons who intend to marry soon should acquaint themselves before marriage and from reliable sources with the fundamental physiological facts of sex, so as to avoid the mistakes which often wreck conjugal happiness, beginning with the honeymoon itself; they should have some money or the prospect of being able to support themselves, and the woman should know how to take care of a home.

(d) At the End of the Engagement.—A formal promise to marry (Canon 1017) imposes the duty of marriage within a reasonable time (i.e., at the appointed date, or, if no date was fixed, at the time when one of the parties reasonably requests it), unless the engagement be broken (e.g., by mutual consent, by a circumstance that makes marriage impossible, such as marriage to a third party or choice of the clerical state; or unnecessary, such as the fulfillment of a resolutive condition, supervening impediment, Papal dispensation given for a just cause); or unless one of the parties has a right not to keep the engagement on account of a notable change in the circumstances, or a breach of faith, or opposition of parents that will make the marriage inadvisable, etc. The obligation to marry is one of justice, and is grave when the contract was bilateral; it is one of fidelity or justice, and grave or light according to the intention of the promisor, when the contract was unilateral (see 1888). There is no action to enforce an engagement, for forced marriages are unwise (Canon 1017, n. 3); and in practice confessors and pastors should not insist on fulfillment of the promise. But damages can be sued for, and the confessor should deny absolution to one who refuses to make just restitution in a case of breach of promise (see 1803). An informal promise to marry (i.e., one invalid naturally or positively) produces no obligation to marry in either forum (see 454); but it does produce a duty of restitution in breach of promise, if there was force, fraud, or deceit.

2629. Conditions for the Signs of Affection between Engaged Persons.—
(a) Objectively, these signs must be suited to the condition of merely engaged, not of married persons. Brief and modest kisses are proper for lovers, but greater intimacy, such as long and lone conversations in secluded spots, are wrong.

The chaster the relations between the betrothed, the less occasion for future regrets and recriminations. “Petting” purchases a cheap physical thrill or excitement at the cost of present moral danger for two persons, of the degradation of love to its lowest expression, and of loss of self-respect, with the probable risk of a future ill-fated marital career ending speedily in disillusionment and divorce. It is essentially selfish and unwise.

(b) Subjectively, the signs of affection must not be a proximate occasion of sin; nor may they be accompanied by consent to sin, or be used for the sake of venereal pleasure. Joy at the thought of future marriage intercourse and sensual pleasure in present kisses (2514) are in themselves not sinful, but in practice they are as a rule gravely dangerous. *—Motiones carnales, quales sunt erectiones, signa sunt delectationis venereae quando conjuguntur eum pollutione vel proxime praevis ad eam; sunt signa delectationis mere sensuales, quando amorem sensibilem sequuntur ex motu sanguinis, quin in resolutionem seminis ex se tendant—* (2497 b).

2630. The Duties of Parents and Children.—In addition to the duties that belong to all superiors and subjects (see 2635 sqq.) there are special obligations incumbent on parents and children by reason of the special relationship between them. The duties of the parents are of two kinds.

(a) Duties of Charity.—Parents should give their children special love and special signs of affection, as the order of charity requires (see 1158 sqq.). Hence, those parents sin grievously who hate or curse their children, even the illegitimate or wayward, or who drive the children from home by unkindness.

(b) Duties of Piety.—Parents should, as far as they are able, give their children the honor and help that belongs to members of the family (see 2346 sqq.), though illegitimate children have not the right to dwell in the home of the legitimate children or to share in the family inheritance (see 1803 b). The help owed to children is spiritual and material, and the obligation, which is natural and divine, is most grave (Canon 1113).

Spiritual help includes religious and moral training and example (see 867 sqq.); material help includes food, clothing, lodging, medical care, means to learn a necessary trade, art or profession or to enter marriage or take up a suitable state in life, protection and defense. Parents are bound to help their children, at least in necessities, as long as the latter are in need. Sins are committed also against the unborn (e.g., when the pregnant mother does not take care of her health, or when she is ill-treated by her husband) and young infants (e.g., when the child is unnecessarily suckled by strangers and thus exposed to danger, or is placed in a foundling asylum or other institution because the parents are unwilling to be bothered). On the other hand, those parents sin through excess who spoil or “sissify” their children by luxury and idleness, or who are too indulgent to give needed correction and even moderate chastisement.

2631. Compensation of Children.—A child, even though subject to parental authority, seems to have a right to compensation for extraordinary services given his parents, and also to at least a fair commission for gains made in the course of extraordinary services for which he is receiving no compensation. In their wills, after satisfying just debts and expenses, parents should leave their offspring who need it enough to maintain their state in life.

2632. Sex Education of Children.—(a) Necessity.—Some moralists believe that sex education of the young should be indirect. They hold that it is dangerous to speak of venereal matters to the young; that silence itself is to them a lesson of modesty; that the practice of piety and mortification, along with parental watchfulness, will keep them pure; that sufficient knowledge will come at the proper time as God will provide. Others reject this theory as opposed to the tradition of the Church as well as to experience. The defenders of direct sexual education point to the evil of silence: the bad habits contracted and grown strong before their sinfulness is understood, or the scruples and misery into which ignorance will plunge young people entering the crisis of puberty, the false and corrupt ideas with which unavoidably the minds of the innocent will be indoctrinated by immoral companions or physicians, the loss of confidence in parents who have refused important knowledge and advice, and the ruin of innocent lives by seducers which a timely word of warning would have prevented. Hence, there is an invincible ignorance which cannot be removed without

direct education, and which is more harmful at least to well-reared children than any evil that may be caused by the education.

(b) Preparation for Direct Education.—Training for purity should be directed both to will and intellect, for knowledge without character is powerless against temptation. Children should be trained from the beginning morally (i.e., they should be kept as far as possible from sources of contamination; should be taught to have implicit confidence in parents and to bring to them their questions and difficulties; should be trained to practise continual mortification and restraint and to struggle against evil tendencies until the habit of self-control becomes a second nature) and religiously (i.e., to use prayer, the Sacraments and other means of grace until they are well formed in piety). This previous moral education and religious conviction will stand on guard as a protection against the suggestions of indulgence which initiation into sex matters may suggest.

(c) The Subject-Matter of Sex Education.—The fundamentals of sex instruction include such points as the diversity of sex, its origin from God and its dignity, the beginning of life in plants and animals, the organs of reproduction, the functions of maternity and paternity, the grave reasons that demand sexual morality, respect for womankind, the great sinfulness of masturbation and fornication, the meaning of puberty and its accompaniments in male and female, the possibility and healthfulness of continence, the moral dangers of the world and the social diseases to be guarded against, and the hygienic aids to chastity.

(d) The Method of Instruction.—It is clear that not all the details just mentioned can be imparted at one time, for young children would not understand or there would be scandal of little ones; but, while fiction and exaggeration should be avoided, a strictly scientific and technical instruction is not necessary or generally advisable. It is clear also that parents, and especially mothers, are naturally suited for the delicate task of early guardians of chastity, though the later instruction should be supplemented in catechism class, sermon, school, and an individual advice given in confession. It would be impossible in brief space to outline sufficiently a program of sex instruction, but parents and persons who are about to marry should read, study and apply some of the excellent books prepared for their guidance.

2633. Duties of Children.—The duties of children to their parents can also be classed under those of charity and piety.

(a) Duties of Charity.—Children owe their parents a special internal and external love (see 1176 sqq.). Those children sin gravely who hate their parents or wish them serious evil, or who treat them with great unkindness or neglect, or bring them great sorrow or worry, or who never visit or write to them.

(b) Duties of Piety.—Children must respect and assist their parents (see 2347, 2348). It is a serious sin to have contempt for one's parents, or to show them serious dishonor in words (e.g., by injurious or mocking names), in signs (e.g., by laughing at them, mimicking them), in deeds (e.g., by striking them, speaking against them), in omission (e.g., by refusing to acknowledge them or show them the usual marks of courtesy). It is not disrespect, however, for a child to dislike or protest against evils done by his parents. The assistance owed to parents is both spiritual and corporal, and children sin when they neglect the religious welfare of their parents (e.g., by not respectfully admonishing them when the parents do not lead a good life, by not obtaining for them the Sacraments, prayers and suffrages they need), or deny them bodily aid (e.g., by refusing them help or comfort when they are poor, persecuted, or suffering). Children who live at home with their parents should contribute from their earnings or individual property to the maintenance of the home, unless the parents do not need this pay and do not wish it. See Catechism of the Council of Trent, on the Fourth Commandment (pages 408 sqq.).

2634. Duties of Near Relatives.—There are similar duties of charity and piety between other near relatives, for example, between brothers and sisters, grandparents and grandchildren uncles and aunts and their nephews and nieces, and between first cousins. The obligation seems, to some authors, to be a grave one as far as the second degree of kinship, but is light in the other degrees. The relationship and duty to kin by marriage is not so strong.

2635. The Duties of Superiors and Subjects: Duties of Superiors.—Superiors both in domestic and civil society need especially prudence and justice in order to fulfill well their special duties of ruling successfully and lawfully (Jerem., xxiii. 5).

(a) Prudence.—If every individual must use wise deliberation, decision and direction to guide himself aright, much more does a ruler, whether of the home or of the State, need these qualities; and hence it is the prudent servant who is placed over his master's household (Matt., xxiv. 45), whereas the imprudent ruler brings confusion upon his community (Is., iii. 4 sqq). Parents, guardians, executives, lawmakers and magistrates are, therefore, bound to fit themselves by competent knowledge of their duties. At the minimum, they must know what constitutes the welfare of their circle or community, and how it should be promoted. For this, in positions of subordinate importance, common sense with good will often suffices, but from those who are heads of large organizations much more is expected. A chief who has to direct a great multitude must have unusual ability and unusual knowledge or unusual quickness to learn from study and conference what measures will safeguard the interests of his body and promote the happiness and prosperity of its members (see 1640 sqq.).

(b) Justice.—In their rule superiors must be lovers of the common good; they must decree, judge and govern according to natural justice and the law; in distributions of burdens and favors they must be guided by fairness to all, avoiding partiality, bribery, speculation and every form of political corruption; in discipline they must conscientiously enforce the right; in personal life they must be a model to their subjects, showing themselves moral, religious, truthful, dignified but approachable and patient (not arrogant, stubborn, sensitive, ill-humored or revengeful), given to work and duty rather than to pleasure and display.

2636. Duties of Subjects.—The general duties of subjects to superiors are chiefly honor and obedience (see 2351 sqq.).

(a) Honor.—Honor is owed to superiors on account of their position of authority, which is derived from God, not on account of their personal character, for personally they may be wicked. It is disrespectful even in a democracy to deny them the honorable address, salutation or courtesy which is customary, or to treat them insultingly by word, manner or writing. But it is not disrespectful to disagree with the personal views of a superior or to seek legitimately his removal from office if he is unfit or less fit.

(b) Obedience.—Obedience is owed to superiors and their laws when they strictly command what is not sinful or illegal or outside their authority

(see 375 sqq.). Unemancipated children are obliged to obey their parents in all that falls under the parental authority, namely, in what pertains to good morals (e.g., attendance at religious duties, avoidance of bad companions) or the good order of the home (e.g., the hours for meals, the time of retiring, the visitors to be received). But parents have no authority to command fraud or other sin; nor are children under subjection in the matter of taking up a state of life, for this demands liking and fitness, and the command of a superior cannot give liking and fitness. It is a serious sin for parents to force a child to take up religious life or the priesthood, or to marry a certain individual; but a child should yield when his parents are reasonably opposed to his choice of a vocation, as when they need his support, or wish him to test his vocation a little, or know that the person selected for wife will disgrace the family.

2637. Taxes.—Citizens owe the government particularly the tribute of taxation, and in war that of military service. Taxes are contributions exacted by the public authority from subjects for the purpose of defraying public expenses or promoting the public welfare.

(a) Thus, they are contributions, and hence a tax is not to be confused with a payment (e.g., fares for passage on government railroads), or with a fine (e.g., pecuniary penalty for evasion of customs).

(b) They are exacted from subjects (i.e., from citizens), who are subject on account of their persons as being members of the State, and from aliens, who are subject on account of their goods, as receiving privileges of residence, commerce, passage, etc.

2638. Kinds of Taxes.—There are many kinds of taxes, but they can all be reduced to two general categories.

(a) Direct taxes are those collected from the person on whom the burden is ultimately to fall. Examples are poll or personal taxes and property taxes (such as those on general property, incomes or inheritances), for these charges remain an expense of the taxpayer himself.

(b) Indirect taxes are those collected from a person other than the one on whom the burden is ultimately to fall. Examples are duties imposed on outsiders (such as customs or tariffs, duties raised for revenues, protection, etc.), external revenue taxes imposed on certain acts (such as the

manufacture or sale of commodities) or occupations (e.g., licenses for trades, sports, etc.). In these the charge falls immediately on the taxpayer, but ultimately on a consumer.

2639. Just Taxes.—Tax laws, like other laws, must be just; that is, they must be made by lawful authority and must promote the common good (see 285). The common good requires that taxes be not imposed except for just reasons, and that there be a fair distribution of the burden.

(a) Just reasons are those of public utility or necessity. A tax would be unjust, if it were levied for unjust or unnecessary purposes.

(b) Fair distribution requires that citizens be assessed according to their ability to pay (sacrifices for the public good, special benefits from the use of a tax fund, etc.).

2640. Obligation to Pay Taxes.—The obligation in conscience of just tax laws is admitted by all Catholic authorities.

(a) The teaching of Scripture is quite clear, since Our Lord, in answer to the question whether it were lawful to pay tribute to Caesar, replied: “Render to Caesar the things that are Caesar’s” (Matt., xxii. 17-21); and St. Paul teaches: “Be subject of necessity, not only for wrath, but also for conscience’ sake. Render therefore to all men their due, tribute to whom tribute is due, custom to whom custom” (Rom., xiii. 5, 6).

(b) Reason too shows the need of obligation in conscience, for, unless these laws oblige thus, the common good will suffer through lack of money needed for public purposes, and some individuals will be unjustly burdened and others unjustly favored.

2641. Quality of the Obligation.—There are various opinions about the quality of the obligation in conscience of taxation laws.

(a) Thus, according to one opinion they oblige in conscience and under sin, that is, as preceptive laws (see 561 sqq.). For the natural law and justice require that the members of society contribute the necessities to the social body organized for their benefit, or that the people live up to their implicit contract with their government by giving compensation for the services they receive.

(b) According to another opinion tax laws oblige in conscience only under penalty, that is, as penal laws. The arguments for this view are, first, the sufficiency of the penal obligation (i.e., the heavy fines imposed) for the attainment of the laws' purpose, and, secondly, the common opinion of citizens that they commit no sin by merely evading payment of taxes. Furthermore, it is added that, if these laws were preceptive, conscientious citizens would be under a great disadvantage, for they would be placed in the dilemma of either acting against their conscience and committing sin or of paying more than their due on account of the neglect of tax dues by citizens who are not conscientious.

(c) According to a third opinion distinction has to be made between different cases. Thus, some held that laws on direct taxes are preceptive and laws on indirect taxes merely penal, while others say that the kind of obligation depends on the will of the lawgiver, and that tax laws that are preceptive in one country may be only penal in another. If tax laws are merely penal, there is no obligation of restitution, but there is an obligation of payment and of penalty after sentence.

2642. Obedience to Tax Laws.—Obedience to just laws is owed either from legal justice alone, or also from commutative justice with the burden of restitution. There are various opinions about the case of tax laws.

(a) According to the traditional opinion, the obligation is one of commutative justice, because there is an implicit contract between the government and the people, in virtue of which the former is bound to provide for the safety of the people at home and abroad and to secure those things that are necessary for the common welfare (such as roads, postal service, etc.), while the latter are bound in return to pay the expenses of the government.

(b) According to a recent opinion, the obligation is one of legal justice only, because the imposition of taxes is an exercise of authority by the government, and taxes themselves have the character of a tribute from the part to the whole rather than of a wage or payment. Hence, though he who evades taxes is not held to restitution, he sins against justice, and sins gravely if the matter is considerable.

(c) According to other opinions, tax laws oblige sometimes from legal, sometimes from commutative justice. Thus, some admit that in feudal times

there was a contract between the governed and the ruler, and therefore an obligation of commutative justice to give services and taxes; but in modern times they say there is no such contract, and the duties of ruler and subjects rest on natural law and legal justice, not on any compact. Others again distinguish between the obligation before the quota has been determined, which is the duty of legal justice to declare properly the value of one's property, and the obligation after assessment, which is a duty of commutative justice to pay just tax bills.

2643. The Duty of Exercising the Electoral Franchise.—(a) There is a grave duty of using the privilege granted to citizens of voting in public elections, and especially primaries; for the welfare of the community and the moral, intellectual and physical good of individuals depend on the kind of men who are nominated or chosen to rule, and on the ticket platforms voted for. Hence, those who neglect to vote cooperate negatively with a serious harm (*viz.*, evil in power), or at least with public unconcern about public matters—for example, those who neglect through laziness or indifference to condemn by their vote. A grave inconvenience (*e.g.*, sickness, ostracism, exile, persecution), but not a slight inconvenience (such as loss of time, trouble, ridicule), excuses from the duty; for an affirmative law has exceptions. Neither is there an obligation to vote when an election is a mere formality, as when there is but one candidate or party.

(b) The duty is not one of commutative justice, as the ballot is either a privilege, or a thing commanded by authority, but not a service to which the citizen has bound himself by contract or office. The obligation is, therefore, one of legal justice, arising from the fact that the common weal is everybody's business and responsibility, especially in a republic. Hence, representatives of the people who by abstention from voting cause a serious damage which they were bound *_ex officio_* to prevent, are guilty of commutative injustice and are held to restitution; but a citizen who stays away from the polls sins, and perhaps gravely, against legal justice, though there is no duty of restitution for the damages that result. Moreover, in a general election the vote of one citizen is usually not of decisive influence, and citizens do not make themselves responsible for all the acts of their representatives.

2644. Manner of Voting.—(a) Object.—It is not necessary to vote for the best candidate, provided one votes for a person who is fitted by character,

ability, record, experience, etc. for the office, and gives indications, not merely promises, that he will serve the community well. But in certain ecclesiastical elections the voters must take oath beforehand to vote, not only for a worthy candidate, but also for the person whom they honestly think, all things considered, most worthy. In minor offices (such as constable or town clerk) it suffices that the candidate be known as conscientious; but in major offices (such as President, governor, congressman, legislator, or judge) the party principles for which he stands have to be considered chiefly. *Per accidens*, it is lawful to vote for an unworthy candidate when this is necessary to prevent a greater evil, as when the opposing candidate is much worse, or a good ticket cannot be elected unless some less worthy candidates are included.

(b) Purpose.—The end which the voter should have in mind is the good of the public, and hence it is not right to vote for candidates solely or chiefly because they are personal friends, members of one's own race, organization or religion, or because one wishes to gain favor or escape enmity.

(c) Circumstances.—The voter must avoid all that is contrary to natural law (e.g., selling of votes, repeating, stuffing ballot boxes) or positive law (e.g., state laws require not only citizenship and a period of previous residence, but also other conditions such as registration and freedom from bribery and other election crimes). The opinion that politics is necessarily corrupt, and that all is fair that helps to win, is a false and pernicious doctrine. The conditions for ecclesiastical elections are given in Canons 160 sqq.

2645. Obligation to Seek Office.—A worthy man should run for office in the following case: (a) when the public good calls for his candidacy (e.g., when his election or candidacy will avert serious evils, and there is no one else so available); and (b) there is no grave impediment to his candidacy (such as supremely important private affairs or ill-health that makes it impossible to run).

2646. Duties of Employers and Employees.—Between employers and their domestic servants or workingmen there are general mutual duties as between superiors and subjects, and special mutual duties as between

parties to an explicit and implicit contract. Of these latter duties we shall now speak.

2647. Duties of Employers.—(a) Justice.—The labor assigned must not be excessive (e.g., unduly perilous, exhausting, protracted) or injurious (e.g., harmful to religion or morals, an unreasonable impediment to marriage, to cultural opportunity or amusement); the wage paid must be just (i.e., one that will enable the worker to support himself and his family in reasonable comfort) and equitable (i.e., one that rewards special merit and service by pensions or additional compensation); the terms of the contract must be observed (e.g., arbitrary lowering of wages or dismissal are unjust).

(b) Charity.—Liberality should be shown by preference to employees, since they have a special claim on the employer's good will. The employer should consider that he is responsible for the spiritual betterment and material improvement of his workers, and should have them in mind when making contributions to religious, educational or special causes, so that his own employees will benefit in particular by his gifts to these worthy causes. Trade schools and insurance against sickness and unemployment are especially deserving of his assistance.

2648. Duties of Employees.—(a) Justice.—Workers are bound to give a fair return in quantity and quality of labor for the pay they receive, and to be loyal to their employer as regards his person, reputation, and property. Hence, it is unjust to loaf or come late or leave early, to turn out work too slowly or of an inferior grade, to damage machinery or property, to waste food or provisions, to act as a household spy or informer, to try to extort what is not due. (For a consideration of the worker's obligation to join unions see "Catholics in Labor Unions" by Francis J. Connell, C.S.S.R., American Ecclesiastical Review, Vol. CXVI, no. 6 June, 1947, pp. 422 ff.)

(b) Charity.—Workers should be willing even at the expense of some right or of some slight loss to help an employer who is in grave necessity; for example, it would be uncharitable for farm hands to stop work promptly on time when this will cause a serious damage to the farmer's crop, or for a cook to leave on her free day when her mistress is very sick and will be left alone.

2649. Labor Disputes between Employers and Employees.—(a) In themselves these disputes are indifferent, as they are a species of industrial war (see 1380 sqq.) or of industrial self-defense (1826 sqq.). If the end, the means and the circumstances are not against right reason, the disputes are lawful or even laudable.

(b) In the concrete, the strike is labor's chief means for enforcing demands. Since organized labor seeks to equalize the bargaining power between employer and employee, the way to counteract refusal to pay fairly is by a concerted refusal to work, i.e., a strike. A strike may be defined as an organized cessation from work by a group of workers to obtain advantages from an employer. Since an organized strike is a kind of war, moral theologians apply the principles of a just war to determine concretely the morality of a strike.

1) There must be a just reason for the strike. Too little pay, too long hours, brutal treatment, unsafe or unsanitary conditions constitute genuine grievances for what may be called a defensive strike, which presupposes injustice in the part of the employer. On the other hand an ameliorative strike does not presuppose an employer's injustice, but consists essentially in the worker's attempt to better conditions, e.g., a better salary, shorter working hours, etc. Such a strike seems to be unlawful if it violates a just work contract in effect at the time of the strike. If no such contract has been made, the ameliorative strike can be lawful, granting a proportionately grave cause; but it is never given unqualified approval owing to the fact that such a strike involves many and grave losses both material and moral to the workers, employer, and community. (See Merkelbach, *_Summa Theologiae Moralis_* II, n.556.)

2) The strike must be the last means. Owing to the fact that a strike is a kind of warfare, all other peaceful means should be tried, e.g., arbitration, governmental inquiry boards, injunctions, fact-finding boards etc. The moral principle involved is; if an evil is avoidable but not avoided, it cannot be considered as merely incidental to a good end.

3) The strike would be called by proper authority. The decision to strike should be made by the men themselves freely and Without intimidation. Organized labor must have the backing of a responsible union in its strike, for this is the channel of bargaining or arbitration that the employer must

use, and it should be used by the workers also. Accordingly, “wildcat” strikes are unlawful unless the unions have ceased to represent the men and have been repudiated by them.

4) The benefits expected from the strike must compensate for the evils inseparable from it. In this matter not only the worker’s personal gains are to be considered, but also the welfare of others, namely the employers and the public. Thus, in a long-drawn-out strike the economic advantage gained in a small salary increase for the worker can never be proportionate to the financial losses inflicted on the workers themselves in loss of income, on the employers, and particularly on a community which suffers the loss of purchasing power of a number of its members. Many strikes in which the products or services of the workers are necessary to the public (transportation, food distribution, etc.) seem to be more a strike against the community than against an employer; and the harm inflicted on the innocent public is not incidental as it must be in order to be justified. Only extraordinarily grave reasons can justify such strikes.

5) The means employed must be just. The common means are work stoppage, persuasion of other workers to keep the work stopped until the demands are met, and picketing in a peaceful manner. Sabotage and violence against an employer’s person or property constitute unjust means. “Scabs,” or professional strike-breakers, may be prevented from depriving the workers of their jobs to which the workers keep their rights; but violence in defense of this right seems illicit, unless violence is begun by the strike-breakers and the workers are forced to defend themselves.

(c) Kinds of Strike. Thus far the analysis has been concerned with a direct strike. Other kinds of strike demand special consideration.

1) Slow-down strike. Since it does not involve cessation from work, but simply a reduction in production or services while the worker is receiving full pay under contract, the strike seems to be immoral. The striker is not giving the work paid for.

2) Sit-down strikes. Some authors justify these strikes by analogy with an act of self-defense in which the person attacked seizes the weapon from the attacker. The analogy seems defective since the place of work is hardly a weapon. This strike seems to be immoral since it involves an unjust

invasion of property rights by way of excluding an owner from the use of his property.

3) Sympathy strikes. There is a great diversity of opinion in this kind of strike. A moderate view distinguishes between strikes of several groups against the same employer and one or several groups against different and unassociated employers. The first kind seems justified, for it is directed against the same unjust employer, and the workers are cooperators to defend the rights of one group against him. In the second case of striking against different employers, the “sympathizers” are striking against a just employer and are violating their work contract which binds in commutative justice. Hence this type of strike seems to be essentially unjust.

(d) The lockout is the employer’s strike. Unwilling to grant the worker’s demand, the employer shuts down his plant, thus terminating employment of both strikers and non-strikers. The same conditions and restrictions that apply to the strike are applicable to lockouts. That the lockout itself is not unjust, but at least morally indifferent, appears to be evident in this, that as workers are not bound to submit to injustice, neither is the employer. He cannot be expected to pay wages when essential employers have quit or stalled production.

(e) A boycott is a mass refusal to patronize a certain business with the effort to persuade others to join in the refusal. Historically it has been used by labor to gain support from the public against an employer or by elements of the public itself to protest some evil practice of a business establishment, e.g., Legion of Decency boycotts of indecent pictures, NODL boycotts of literature, etc. In itself, a boycott is not immoral, since no one is obliged to trade in one place in preference to another and may refuse to trade with persons who are unjust or otherwise immoral. There seems to be no reason also to prevent a person from lawfully persuading others to follow his cause. The principles of a just strike are applicable to the justification of boycotts, and the conditions of a sympathy strike are to be applied to secondary boycotts, i.e., against other firms doing business with a boycotted firm. These other firms are not themselves unjust and should not be made to suffer for the injustice of another. Hence, a very grave cause, co-operation in injustice, for example would be necessary to bring pressure against them.

2650. Is There Any Obligation of Giving Employment?—(a) The State certainly has an obligation in legal justice of offering opportunities of work to those who cannot find it, if the public welfare is compromised by widespread unemployment. Even if only one worker were without work through no fault of his own, the duty of helping him would seem to devolve on the State, since the laborer has a right to work and the State has the duty of promoting the temporal welfare of its subjects when they are unable to provide for themselves.

(b) Employers have a duty of commutative justice to give work to men with whom they have made a contract of labor and not to keep work from men unfairly; hence, arbitrary dismissal or blacklisting is a crime against justice. They should also try to secure other employment for good workers whom they are unable to keep, so as to tide over for the men the slack seasons when some have to be laid off. Industry, organized labor and individuals should interest themselves practically in private movements and plans to remedy unemployment situations, for these are matters that should not be left entirely to the State and charity. Employment and honest wages are in the long run to the advantage of employers as well as of employees, and are therefore good business as well as good morals.

2651. Duties of Certain Professions.—(a) Judges and Lawyers.—The duties of men of the law were discussed already in 1940 sqq. Clients on their part owe their lawyers fair treatment and just compensation for services, while those who have part in a judicial process must give respect to the judge and other officials of the court and due obedience to their directions.

(b) Teachers and Students.—Teachers must make themselves proficient in their matter and in the art of pedagogy; must take care that their teaching is accurate and beneficial; must be steady, punctual, orderly; must give no example or advice but what is good; must be neither too lenient nor too exacting; must preserve discipline in their classes by correcting, punishing, or expelling as need requires; must be just, neither petting nor bullying, and must award honors and averages according to merit. There may be grave harm and sin in denying important academic degrees (such as S.T.M., S.T.D., J.D.C., M.D.) to the worthy or in conferring them on the unworthy. Students on their part owe to their teachers respect and obedience in class matters, to their parents and themselves diligence in study, and to their

school avoidance of cheating and of disorderly conduct. In athletics they should not aim at winning for winning's sake, or playing for playing's sake, but at the true goal of a sound mind in a sound body. In the selection of preferred studies they should remember that nothing worth while is won without hard work, and that the true objectives of learning are not mere utility, or gain or diversion, but the culture of mind and of spirit.

(c) Physicians, Surgeons, Nurses, and Druggists.—These persons must have sufficient knowledge and skill, and must keep up with the progress of medical science; they must not deny their services or delay to come when there is urgent need; they must give a case diligence proportionate to its seriousness; they must consult in case of doubt, follow the safer opinions, and use the more likely remedies. In his relations with his patient a doctor must be chaste (e.g., avoiding immoral advice or operations, unnecessary psychoanalytic conversations, or bodily exposures); loyal to the confidences received; honest and charitable, not prescribing useless remedies, or overcharging, or refusing service to the poor; mindful of the religious needs of his patients, being not too ready to exempt them from church duties nor slow to remind them when they should send for the priest. Patients on their part should honor the physician, call him in need, obey his directions, and properly compensate him for his services. What is here said of physicians and surgeons is true also of nurses in their duties and capacities. Pharmacists are bound to exercise great care in filling prescriptions; they should not cooperate with abortion or contraception by selling medicines, instruments or appliances to be used for those purposes; they should not sell drugs, dopes, poisons, liquors, etc., forbidden by law.

Question IV

THE SACRAMENTS

2652. In the three Questions that preceded we spoke of the means by which man is sanctified and is enabled to secure supernatural rewards through the merits of his own works; for the virtues make their possessor as well as his acts morally righteous, while through God's grace the good deeds done for His sake entitle the doer to the crown of eternal life. In the present Question we pass on to consider certain means by which God is honored by man and man is sanctified through the application to his soul of the merits and passion of Christ; for the Sacraments were instituted by Christ both as external acts of religion (2175, 2244) and as most powerful agencies to begin, restore, and increase the life of holiness.

2653. It should be observed, first, that the present work is concerned with Moral Theology; and, secondly, that it must be confined within the limited number of pages which a two-volume production of convenient size necessitates. Hence the reader will understand why in the Question now beginning we speak only of man's duties in reference to the Sacraments, and omit other points that do not so strictly pertain to Moral. (a) Thus, the nature, institution, number and effects of the Sacraments belong to Dogma, which the authors hope to treat later in a similar work. (b) The administration of the Sacraments, their rites, rubrics, ceremonies are set forth in ritual books and works on liturgy. (c) The legal rights of ministers, canonical requirements on registration, penal and processual legislation in reference to the Sacraments, and like juridical questions are treated fully in commentaries on pertinent sections of the Code.

Art. 1: THE SACRAMENTS IN GENERAL; THE SACRAMENTALS

(*_Summa Theologica_*, III, qq. 60-65.)

2654. Nature of a Sacrament.—In the New Law a Sacrament is an outward sign instituted permanently by Christ to signify and convey grace.

(a) The internal cause or essence of a Sacrament is the outward sign, which has two parts. The indeterminate part or matter is a visible object (e.g., the water of Baptism, the chrism of Confirmation, the bread and wine of the Eucharist, the oil of Extreme Unction, the imposition of hands in Orders) or a perceptible act that looks to another act for its perfectionment (e.g., the confession, etc., of the penitent in penance; the giving of oneself as spouse in Matrimony). The determining part, or form, is either the sacred formula spoken over the material element (e.g., in Baptism the words “I baptize thee, etc.”) or an act that completes another act (e.g., the acceptance of another as spouse in Matrimony). As the matter must be visible or otherwise sense-perceptible, so the form must be audible or at least (in Matrimony) equivalently audible; for a Sacrament is a sensible sign. The words are audible when they are heard or are capable of being heard at least by the minister.

(b) The external efficient cause or instituter of the Sacraments is Christ, the founder of the New Testament religion and the productive and meritorious author of grace as our God and Saviour.

(c) The external final cause or purpose of the Sacraments is to symbolize outwardly by their rite and to work inwardly by their instrumental virtue the application of Christ’s redemption in the soul of properly disposed recipients. It is the nature of Baptism and Penance (Sacraments of the Dead) to produce first grace or forgiveness, of the others to produce second grace or increase of holiness (Sacraments of the Living). Furthermore, three of the Sacraments (Baptism, Confirmation, Orders) have a second effect, since they sign the soul with the indelible character of member or soldier or minister of Christ, and hence these Sacraments cannot be repeated.

2655. Rules on the Invalid Use of the Matter and Form of the Sacraments.—(a) Since the matter and form are essential constituents without which the Sacraments are not had, it is sacrilegious to invalidate a Sacrament by substantial changes in either of these parts. The matter is changed substantially when it is so modified as currently to be considered and called something different from the element appointed by Christ. Thus, wine is unfit for the Eucharist if corrupted into vinegar, or made unsuitable as a drink (e.g., probably as long as it remains frozen), or notably adulterated (e.g., when it is mixed half and half with water). The form is changed substantially when it is so modified that to a listener it no longer conveys the sense intended by Christ. This happens when the changed form does not express the chief ideas of the correct form, as when it does not determine who is the minister of Penance (e.g., “You are absolved”), or who is the subject of Baptism (e.g., “Ego baptizo in nomine, etc.”), or what is the effect of the Eucharist (e.g., “Hoc non est corpus meum,” “Hoc est corpus,” “Hic meum est corpus”), or the action of the minister of Penance (e.g., “Ego abluo te a peccatis”), or the profession in Baptism of faith in the Trinity (e.g., “Ego te baptizo, Amen”).

(b) Since the matter and form are parts of a single composite sign, it is sacrilegious to invalidate a Sacrament by substantial separations, which destroy the continuity or unity of signification. There is a substantial separation within the form when such long intervals occur between the pronunciation of its syllables or words that it is not in common estimation a united sentence or proposition; for example, if the celebrant says, “Hoc est cor-,” then sneezes two or three times, and (instead of repeating the words) concludes “-pus meum,” or says “Hoc est corpus” and after an interruption of several minutes (instead of repeating) finishes with: “meum.” There is substantial separation between the matter and form, if the former is applied by one minister and the latter is spoken by another, although the form declares that the matter is applied by the speaker of the form: for example, if Titus pours the water while Claudius says: “I baptize thee, etc.” Even when the same minister applies both matter and form, there is a substantial separation between these parts when the form is not spoken at the same time or for the same time that the matter is posited, and thereby, from the special character of the Sacrament, leaves the signification of the sacramental matter unsettled. This happens when the form is spoken too long before or too long after the presence or application of the matter, or

when the form is limited by a future condition which will not be verified during the continuance of the matter (see 2668).

2656. Simultaneity of Matter and Form.—The simultaneity of matter and form which validity requires must be either moral or physical according to the character of the Sacrament.

(a) There is physical simultaneity when matter and form are present in the same instants of time. This kind of union is demanded in the Eucharist, for it has the character of a transubstantiation of bread and Wine present at the moments the words of consecration are said over them. There would be no Sacrament if the bread were absent even during a part of the consecration.

(b) There is a moral simultaneity like to the physical contemporaneousness when the matter and form are partly present in the same instants of time, and perhaps also (as some hold) when one follows the other with such close succession that not more than a Pater or Ave could be said between them. This kind of union is the maximum in Penance and Matrimony, for absolution must follow after confession, and conjugal acceptance must follow after conjugal offer. It suffices in Baptism, Confirmation, Extreme Unction, and Orders; for these four Sacraments do not consecrate the matter (and hence some little separation is allowed), but they do signify in the present tense the bestowal of grace through the application of the matter (and hence any separation must be of the slightest).

(c) There is a purely moral simultaneity when the form follows the matter after a somewhat considerable interval of time has elapsed, but with a connection between the two based on human usage which carries the matter on in human estimation over to the time the form is employed. This suffices in Penance and Matrimony. Penance has the character of a judicial process, whose unity is not destroyed by some little delay between the discussion and the sentence; and hence it seems that absolution could be given validly an hour after confession. Matrimony has the character of a contract, whose unity is preserved even in spite of a long interval between the date of consent of the first party and the date of consent of the second party.

2657. Lawfulness of Moral Simultaneity in the Sacraments Other than the Eucharist.—(a) In Baptism, Confirmation, Extreme Unction, and

Orders, it would seem on account of the danger of nullity to be a serious sin to exclude all physical simultaneity between matter and form (e.g., to pour all the water and then to begin the words: “I baptize thee, etc.,” or vice versa). In practice the Rubrics should be followed.

(b) In Penance and Matrimony it is more or less sinful to make needless, though not invalidating, delays. In ordinary practice the confessor should absolve as soon as the confession has been heard and the penance accepted, and the bride should express her consent immediately after the bridegroom has expressed his.

2658. Accidental Changes or Separations as to Matter and Form.—(a) These administrations are not invalid, for they preserve the essence of the elements or the sense of the words appointed by Christ. Examples of accidental change of matter are baptismal water to which a relatively very small quantity of wine has been added, or wine for the Eucharist to which a relatively trifling amount of water has been added. The form is accidentally modified if translated into the vernacular or rendered by synonymous words (e.g., “Ego abluo te, etc.”), or if an unimportant word (e.g., “enim”) is added or subtracted, or if the words are transposed or partially repeated or unintentionally mispronounced without detriment to sense (e.g., “Hoc est meum corpus,” “Hoc, hoc, est, est, etc.,” “Hoc est copus meum”). There is accidental separation when slight pauses are made between words, or when an interval not destructive of the sense falls between the use of the matter and the use of the form (see 2655, 2656).

(b) These administrations are unlawful and from their nature mortally sinful, since they are transgressions of a precept of the Church meant to safeguard respect for the Sacraments of Christ, and they are therefore opposed to the virtue of religion (2147). But the sin may be venial by reason of lightness of matter (e.g., omission of the word “enim”), or of imperfection of the act. Scandal, danger of invalidity, contempt, and bad intention would make even a small change a serious sin. In practice the rule to follow is to observe exactly the prescribed matter and form and entire rite, to pronounce the words clearly and slowly, to repeat the form when any involuntary interruption happens between its essential parts, and to unite the matter and form as closely as possible.

2659. Substantial Changes or Separations.—Substantial changes or separations *a fortiori* are grave sins. They offend against religion (since they make a mockery of the sacred signs appointed by Christ), against obedience (since they disregard a most serious precept of the Church), against charity (since they deprive the recipient of sacramental grace), and against justice (at least when the minister is bound *ex officio* to confer the Sacrament, since there is then a quasi-contract with the recipient to administer the Sacrament correctly).

2660. Doubtful Matter.—It is sometimes probable but not certain that an element suffices for the matter of a Sacrament (e.g., coffee or tea for Baptism, chrism for Extreme Unction). Hence the question: “Is it lawful to use probable matter in the administration of a Sacrament?”

(a) If certain matter cannot be had and the Sacrament is urgently necessary or very useful, probable matter may be used. For the Sacraments were instituted by Christ to benefit man (“The Sacraments are for men”), and hence it is not irreverent to give to one in need a probably valid Sacrament when a certainly valid Sacrament is impossible. Thus, a dying infant may and should be baptized with coffee, if no pure water can be procured in time; the last anointing may be conferred with chrism, if the oil of the sick cannot be had before a dying man will have expired.

(b) If certain matter can be had, or if the Sacrament is not urgently necessary or useful, probable matter may not be used without grave sin; for there is then no reason of necessity to justify the risk to which the Sacrament and perhaps also the recipient are exposed. Thus, it is not lawful to baptize with coffee when pure water can be secured, or to confirm with chrism not blessed by a bishop a dying man who had just received the last Sacraments, even though other chrism is unobtainable (see 661, 678, 711, and Denziger, n. 1151).

2661. What Sacraments Have a Necessity of Means (see 360, 786, 2156)?—(a) Those Sacraments have a necessity of means without which sanctifying grace and salvation cannot be had. Hence the necessity for individuals of Baptism (without which there is no regeneration), of Penance (without which there is no reconciliation), of the Eucharist’s effect (without which there is no incorporation with Christ), and for the Church the

necessity of Orders (without which there are no ministers and dispensers of grace, Prov., xi, 14).

(b) Those Sacraments have no necessity of means without which sanctifying grace and salvation can be had; but they have a necessity of convenience, inasmuch as they perfect grace already had and make salvation more easy. In this sense, then, Confirmation and Extreme Unction may be called necessary for the individual, since the former perfects the grace of Baptism and the latter the grace of Penance; and Matrimony may be called necessary for the Church, since it perfects with a sacramental grace the propagation of the children of the Church.

2662. Reception of Sacraments in re or in voto.—The Sacraments that have a necessity of means must be received either in themselves (in re) or in desire (in voto).

(a) Thus, Baptism in re is necessary for all infants (John, iii. 5), Baptism in re or in voto for all adults (John, xiv. 21-23). Baptism of desire consists in an act of perfect charity or contrition made by an unbaptized person, which includes the will to do all that God has commanded, and consequently at least an implicit or virtual desire of Baptism of water. As is proved in Dogmatic Theology, Baptism may be supplied for, as regards grace, by martyrdom in an infant and by martyrdom joined with attrition in an adult.

(b) Penance in re or in voto is necessary for all who have committed grave sin after Baptism. The desire of the Sacrament is an act of perfect charity or contrition, which includes at least implicitly the wish to receive absolution. Martyrdom joined with attrition also suffices.

(c) The Sacrament of the Eucharist is not a necessary means for anyone, either in re or in voto; for the essential grace of justification can be obtained through Baptism and Penance. But the proper result (res) of the Eucharist, which consists in incorporation with Christ, perseverance, and life eternal, is a necessary means in voto, tacitly or interpretatively; for Baptism, as was said, is absolutely necessary for salvation, and Baptism itself is a tacit or interpretative desire of the result of the Eucharist, inasmuch as Baptism is but a means to that result and the beginning of its accomplishment.

2663. What Sacraments Have a Necessity of Precept?—An act is said to fall under precept *_per se_*, when it is directly commanded in a law that mentions it specifically; it is said to fall under precept *_per accidens_*, when it becomes obligatory in virtue of a law that does not command it directly or specifically (cfr. 935, 1099, 1602).

(a) There is a divine precept obliging *_per se_* and *_sub gravi_* in reference to Baptism (“Preach the Gospel to all nations, baptizing them, etc.,” Matt., xxviii. 19), Penance (“Whose sins you shall forgive, they are forgiven them, etc.,” John, xx. 23), and the Eucharist (“Unless you eat the flesh of the Son of man, you shall not have life in you,” John, vi. 54). According to some authorities there is also a divine precept obliging at least *_sub levi_* to receive Confirmation (“He commanded them to await the promise of the Father,” Acts, i. 4) and Extreme Unction (“Is there any man sick among you? Let him bring in the priests of the Church,” James, v. 14).

(b) There is a divine precept obliging *_per accidens_* and *_sub gravi_* in reference to Confirmation and Extreme Unction, when they cannot be omitted without peril to salvation, scandal to neighbors, or other such inconvenience which one is seriously bound to prevent. Similarly, there might be a *_per accidens_* obligation of receiving Matrimony or Orders (see 2627).

(c) There are ecclesiastical precepts determining the circumstances of the reception of Penance and the Eucharist (see 2590-2593) and prescribing Confirmation for candidates to Orders (Canon 974). Moreover, the Code reminds us that no one may lawfully neglect Confirmation when he has an opportunity to receive it (Canon 787), and likewise that it is not lawful to neglect Extreme Unction (Canon 944).

2664. Twofold Ministry of the Sacraments.—(a) The ministry of production (*_confectio_*) is the application of form to matter that makes the Sacrament (e.g., the consecration of bread and wine); (b) the ministry of bestowal (*_administratio_*) is the application of the Sacrament to the human recipient (e.g., the Communion). The Eucharist is a permanent object, whereas Baptism and the rest are transitory actions. Hence it is that in the Eucharist, but not in the other Sacraments, the two ministries are separated, and hence it is also that the Eucharist may be validly given or validly received by those who cannot validly consecrate.

2665. Requirements in the Minister for Valid Performance of a Sacrament.—(a) The Person of the Minister.—As the minister represents Christ, only those may perform a Sacrament to whom Christ has given authority. Hence, ordinarily only mortals and human beings—not the Angels or departed Saints—can administer a Sacrament. Further, as the ministry of a Sacrament may include an act of power and authority, there are various ranks of ministers. Thus, the ministry of Matrimony supposes no power or orders or spiritual authority, and the ministers are the parties themselves; that of Solemn Baptism, Eucharist, Penance, and Extreme Unction supposes orders and lower authority, and the minister is the priest; that of Confirmation and Orders supposes higher authority, and the minister is the bishop.

(b) The Acts of the Minister.—As the minister acts as Christ's responsible agent to whose wise discretion the dispensation of the Sacraments is committed, he must have at least the external attention of mind sufficient to perform all that the rite demands and the internal intention of will sufficient to make his ministry an act that is human, sacred, and definitely symbolical of the sacramental effects.

2666. The Necessary Intention.—The intention or purpose of the minister therefore must have the following qualities:

(a) objectively, there must be an intention of doing what the Church does (i.e., of performing a sacred rite instituted by Christ, for the minister acts in the name and authority of Christ). Hence a mock sacrament—or even, more probably, a purely external performance with no purpose to enact a sacred rite—does not suffice. But, on the other hand, an unbeliever can administer validly if he really intends to do what Christians do or what Christ commanded to be done. The intention not to do what the Church does was the chief cause of the nullity of Anglican Orders;

(b) subjectively, the intention must be at least virtual, so as to ensure a deliberate act. An actual intention is not necessary, because it is often impossible on account of its difficulty; while an habitual intention is not sufficient, because it does not influence the act so as to make it human (see 2165). The interpretative intention (i.e., a purpose that never existed, but that would presumably have existed, had attention been given the matter) is with greater reason insufficient;

(c) modally, the intention must be such as to make precise the character of the action as a special sacred rite; for just as the matter awaits the form or word to receive the imprint of a sacred significance, so do the ceremonial words themselves look to the internal purpose of the minister for their fixed meaning. Hence, the Sacrament is invalid if the minister's purpose is indeterminate (e.g., if a priest wills to consecrate ten undesignated hosts out of the hundred contained in a ciborium, or to absolve one undesignated person of a multitude); or if the purpose is self-exclusive (e.g., if a bridegroom has two mutually incompatible intentions, namely, to marry the bride and also to marry her only for a time); or if the purpose is left in suspense (e.g., if a priest makes his absolution depend on future restitution or any other non-existent condition, and most probably also if the minister makes the Sacrament depend on the recipient's predestination or other such condition known only to God).

2667. Rules on Plurality of Intentions.—(a) When opposite intentions are simultaneous, if one of them is predominant in the minister's will and not insociable with the Sacrament, that one prevails and the Sacrament is valid; otherwise the Sacrament is null. (b) When opposite intentions are successive, the later prevails over the earlier, unless the earlier was stronger and meant to endure in spite of other intentions, and it has not been recalled expressly by the will.

2668. Requisites for Use of Conditional Intention.—(a) The use must be valid or non-suspensive (2666 e), and hence (Matrimony excepted on account of its special character as a contract) the minister may not confer a Sacrament under a condition de futuro. But conditions de praesenti (e.g., "I absolve you, if you are repentant") or de praeterito (e.g., "I baptize you, if you have not received Baptism") are valid.

(b) The use of a conditional intention must be lawful, or justified by a sufficient reason. Normally the minister should intend absolutely to give a Sacrament, as the forms of the Sacraments are unconditional. But if the absolute intention would be disrespectful, because there is doubt whether all the requisites for the Sacrament are present, while on the other hand denial of the Sacrament would be harmful because the subject needs it, both disrespect to the Sacrament and harm to the subject are avoided by conditional administration. The doubt spoken of may refer to the recipient (e.g., whether he is living or otherwise capable, whether he is contrite or

otherwise disposed) or to the Sacrament (e.g., whether it has been received or received validly, whether the form has been rightly spoken, whether the present matter is valid).

(c) The use of the conditional intention must be legal according to the rules prescribed by the Church. Thus, according to the Ritual the conditional intention in Baptism and Extreme Unction (“_Si non es baptizatus_,” “_Si vivis_”) must be expressed vocally. Moreover, conditional marriages are not permitted as a rule except there be a grave reason and the bishop consents.

2669. Lawful Administration of Sacraments.—Lawful administration of a Sacrament demands, in addition to the conditions for validity (2665-2668), that the minister and his ministry be worthy, for even in the Old Law it was strictly commanded that holy things be treated in a holy manner (Isa., lii. 11; Lev., xxi. xxii). Hence, a person who fulfilled the conditions for validity but who lacked one or other of the qualities mentioned below would perform and confer a true Sacrament, but he would sin more or less seriously on account of the unworthy administration, unless good faith excused him.

(a) The Minister’s Worthiness before God.—The state of grace is required in consecrated ministers when they minister solemnly and *_ex officio_* in performing a Sacrament; for they act then as representatives of Christ, who is holy, and exercise most sacred functions which He appointed as means of holiness and which they were ordained to perform holily. The sin of unworthiness is a grave sacrilege. It seems there is *_per se_* no grave sin, if the minister is not consecrated (e.g., in lay Baptism), or if the ministry is not *_ex officio_* (e.g., in a Baptism of necessity given by a priest but without the solemn ceremonies), or if a Sacrament is not made or performed (e.g., when confession is heard but absolution not given, when Communion is administered, when the Blessed Sacrament is carried). It is generally admitted that there is no grave sin even in a solemn and official performance of a Sacrament, if the Sacrament is urgently necessary and the state of grace cannot be recovered in time; also in the exercise of a function which is not itself a Sacrament (e.g., to be official witness at a marriage or deacon at Mass, to preach, bless, give Minor Orders, chant or say the Office). When the state of grace is necessary for his ministry, one who is in

sin must to the best of his ability recover that state by going to confession or at least by making an act of contrition.

(b) The Minister's Worthiness Before the Church.—Since the Church is the custodian of the Sacraments, these cannot be lawfully performed or administered by those who are under her censure or who have not received her license. The excommunicated and the irregular sin gravely if they administer Sacraments, unless the faithful lawfully request administration from them (see 2683). Only priests are licensed to act as ministers of Baptism, Penance, Extreme Unction and the Eucharist, and the pastor of a place is the authorized minister for that territory; but in case of need even the laity may administer Baptism, a priest other than the pastor may give the Last Sacraments, and the sick may confess to any confessor with due faculties.

(c) Worthiness of the Ministration.—Internally the ministry should be devout and attentive; for, if private worship should be religiously made, much more the worship contained in the Sacraments (see 2150, 2244). Voluntary distractions, however, do not seem to be gravely sinful, unless the validity of the rite is imperilled by them. Externally the ministry should be dignified and rubrical. Canon 733 requires that each one observe the accidental ceremonies of his own Rite and liturgical books. Since ceremonies were instituted by the Church from the earliest ages and are prescribed in virtue of religion (Catechism of the Council of Trent, page 152), it is sinful to neglect them unless a rubric is merely directive or optional, such as the rules before and after Mass. The preceptive rubrics oblige *_sub gravi_* as to notable matter (e.g., the anointing in Baptism), *_sub levi_* as to inconsiderable matter (e.g., words, bows, crosses, etc. of minor importance); but one may be excused from guilt, or grave guilt, on account of imperfection of act (e.g., inadvertence caused by external distractions) or impossibility (e.g., ceremonies curtailed because of approaching death, scandal or wonder of the people). The Roman Ritual (Title I, n. 10) advises the explanation of the ceremonies for the benefit of those who assist at the administration of the Sacraments, and recommends the Catechism of the Council of Trent for this purpose.

2670. Multiplication of Sins of Unworthy Administration.—How many sins are committed by the minister when Sacraments are unworthily administered to many recipients at one time, as when several children are

baptized together, or a large gathering of penitents are heard one after the other, etc.?

(a) According to the strict view, there are as many distinct sins as there are distinct administrations, for each Sacrament is separate from the other. But in case of Communion, since the separate Communions are parts of the one Eucharistic banquet, there is but one sin, mortal or venial, according to the view taken of an administration that is not also performance of a Sacrament.

(b) According to the mild view, there is but one sin, since sins are not multiplied numerically when they form morally but one act on account of the unity given them by the purpose of the agent and the circumstances.

2671. Requirements for a Valid Sacrament in Reference to the Recipient.—(a) The Person of the Recipient.—Since the Sacraments were instituted as means of salvation, they can be given only to those who are still wayfarers in the present mortal existence, and hence a Sacrament administered to a brute animal or a corpse would be invalid, or, in the case of Communion, would not be received sacramentally. As Baptism is the preparation for the other Sacraments, but need not presuppose personal sinfulness, its subject is any and every unbaptized person, infant or adult, male or female. The other six Sacraments presuppose Baptism, and only those who have been initiated into the Church by Baptism can receive them validly. As to these six Sacraments only males are capable of Orders, which is for the rulers of the Church; only adults are capable of Penance, Extreme Unction and Matrimony, which suppose personal sin or personal contract. Further, the impotent and impeded are incapable of Matrimony, and those who are not in danger of death from sickness are incapable of Extreme Unction. Finally, those who have been baptized, confirmed, or ordained, cannot be rebaptized, reconfirmed, or reordained, since these three Sacraments can be given but once; he who is married cannot marry again while his wife lives and the bond endures; he who has been anointed cannot be reanointed during the same danger.

(b) The Acts of the Recipient.—If the recipient is an infant, no disposition on his part is necessary, since he does not understand. If the recipient is an adult, it is necessary in the performance of every Sacrament (on the Eucharist see 2664) that he have some intention or willingness to

receive the Sacrament, since Christ does not wish to confer benefits or impose certain grave burdens on those who are unwilling. A forced Sacrament to which the subject yielded no internal consent would be a null Sacrament. Further, since an essential part (namely, the matter, or according to others a *_conditio sine qua non_*) of Penance is the faith and repentance of the recipient, these dispositions are necessary in that Sacrament.

2672. Qualities of the Recipient's Intention.—(a) Objectively, the recipient should intend to receive what the Church confers, and hence intentions that are not serious, or are mistaken or external (e.g., Baptism received for the sake of rehearsal, or in the belief that it is a profane ablution, or accepted as a pure formality), do not seem sufficient (see 2666).

(b) Subjectively.—The recipient must positively will the Sacrament, for it seems that the so-called neutral intention—in which the subject neither consents nor dissents internally, but is passive and indifferent, and acquiesces externally only to please another—is not a true desire. But the strength or influence of the recipient's intention need not be so great as the minister's, since the role of the minister is to perform the rite, that of the subject only to receive the rite (see 2665).

2673. When a Virtual Intention Is Necessary.—It is generally agreed, therefore, that while the interpretative intention does not suffice, the actual intention and even, for the most part, the virtual intention are not necessary. But about the virtual intention the following should be noted; (a) a virtual and explicit intention is necessary in Matrimony if a party be considered, not precisely as recipient, but as minister of the Sacrament (see 2666) and as maker of the contract (see 1883); (b) a virtual and at least implicit intention is necessary in Penance, if a penitent is considered precisely as positing the requisite matter or condition of the Sacrament, since this consists in repentance, and repentance includes either an express or an implied desire of sacramental absolution.

2674. When an Habitual Intention Suffices.—The habitual intention is found in those who are not conscious (see 2165), but it suffices for the reception of a Sacrament, since the recipient does not affect the Sacrament, and it is enough that he had the good will to accept it and has not retracted that will.

(a) An habitual and explicit intention suffices for the three Sacraments that impose special obligations, namely, Baptism, Orders, and Matrimony. Hence, he who has asked for Baptism is validly baptized after he becomes delirious; he who has asked for Orders is validly ordained even when unconscious; he who has sent his consent to a marriage by proxy receives the Sacrament during his sleep, if the other party's consent closing the contract is given at that time.

(b) An habitual and implicit intention included in a particular will to do a good act on which the Sacrament follows in natural course, suffices for the other three Sacraments which do not impose special obligations. Hence, a person who purposed to live as a Catholic is validly confirmed while unconscious; a person who intended to die as a Catholic is validly absolved and anointed, as far as intention is concerned, at the moment of death, even though he be out of his mind. Further, if an unbaptized person has resolved to become a Catholic but has no knowledge of Baptism itself, he is validly baptized in virtue of his implicit desire, even though he be unconscious.

(c) An habitual and implicit intention included in a general will to do all that is necessary for salvation or a good life is taught by some authors, and is by them considered sufficient for Baptism, since it is the most necessary Sacrament, and the Sacraments are for men. An unbaptized person of good will who has supernatural contrition or charity is justified through Baptism of desire, but if he has only supernatural attrition the Sacrament itself is necessary for him. Hence, in case of urgent need conditional Baptism should be given a dying and unconscious infidel who was well disposed; but, as the intention is not certain, the Baptism should be repeated in case of recovery. The same principle is extended by some moralists to the administration of Penance and Extreme Unction to schismatics and heretics who are in danger of death.

2675. Requirements for Lawful or Fruitful Reception of a Sacrament by an Adult.—(a) Worthiness of the Recipient from Divine Law.—The two Sacraments of the Dead, Baptism and Penance, were intended by Christ to be means of forgiveness to the repentant, and hence they require at least that the recipient believe himself attrite. The five Sacraments of the Living were meant by Christ to strengthen grace and life already had, and consequently he who approaches them must have no serious fault on his conscience. Conscious unworthiness is a sacrilege, and only extreme necessity can

excuse reception in such a state (e.g., when a sinner takes Communion to save the Host from profanation).

(b) **Worthiness from Church Law.**—The recipient must be free from church censures (Canon 2260) or impediments, and must possess the preparation or qualification which the church law prescribes (e.g., a certain age is required for Confirmation; the Eucharist must be received fasting; the candidate for Orders must be approved, etc.).

(c) **Worthiness of Reception.**—The Sacraments should be received devoutly, with proper preparation, attention, and thanksgiving. In the case of the Eucharist, though intention is not necessary for validity, it is required for a sacramental or fruitful Communion; an habitual and implicit intention suffices for the Viaticum (and Easter Communion), an habitual explicit intention for Communion of devotion.

2676. When Is the Minister of the Sacraments Bound to Give Them?—

(a) A pastor is obliged to give a Sacrament to one of his own subjects who reasonably requests it, and to do so willingly, freely (Canon 736), and, if he has no substitute, in person; for a spiritual shepherd has a grave duty of justice and charity to feed his flock. A request is not reasonable, however, if compliance will put the pastor to an inconvenience greater than that which the parishioner will suffer from a refusal, for example, when Baptisms, Confessions, or Communions are needlessly asked for outside the appointed hours, or when sick calls that can be attended during the day are sent in at night. The Sacraments necessary for salvation (Baptism and Penance) should be given even at the risk of life, if the subject is in grave need and there is assured hope of success (see 1167), and doubtless this should be applied also to Extreme Unction or even the Viaticum.

(b) One who is not a pastor is obliged from charity to give the Sacraments to those who reasonably ask. He would be obliged even to risk his life to save a soul, if there were no one else to administer a necessary Sacrament to a person in extreme spiritual peril who could be saved by his ministry.

2677. When Is the Minister of the Sacraments Bound to Deny Them?—

(a) He must always deny them to those who are incapable, for otherwise he insults the Sacrament. Under no circumstances, then, may a priest baptize one who is already baptized, or absolve one who is unrepentant; and he may

not assist at the attempted marriage of a divorcee. Likewise, as is manifest, he must always deny the Sacraments to those who ask for them out of hatred or contempt for religion, for to grant them in such circumstances would be an act intrinsically evil.

(b) He must deny them, as a rule, to those who to his knowledge are certainly unworthy (e.g., on account of lack of requisite instruction or moral disposition); otherwise, he casts pearls before swine, cooperates in the sacrilege of others, and scandalizes the people. Hence, a public sinner—that is, one whose unworthiness is notorious (see 2053)—should not be given the Sacraments publicly, until he has repaired the scandal he gave; and no unworthy person, even though he be a hidden sinner whose guilt is known only to the minister, should be given a Sacrament in private until he has shown signs of repentance. Generally the minister is bound to assure himself beforehand of the good disposition of the one who asks for a Sacrament, though in case of Communion this is often impossible, and it suffices to presume that all who approach the altar becomingly are in the state of grace.

2678. Administration to Unworthy Persons.—Since material cooperation with sin is lawful for a sufficient reason (see 1515 sqq.), one may administer a Sacrament to an unworthy person when refusal would cause a greater evil than ministration. This happens in the following cases:

(a) when refusal will necessitate a more wicked sacrilege (viz., injury to a Sacrament by the minister himself). This case occurs when the minister knows the subject's unworthiness only from the latter's sacramental confession, and hence cannot exclude him without violation of the seal;

(b) when the refusal will bring on more widespread evils (viz., discouragement of the use of the Sacraments). This happens when the subject who asks the Sacrament is not publicly known as a sinner, but his request is public, so that a refusal will amount to a defamation of him by the minister. If priests had the right to inflict public disgrace on those who approached the Sacraments, it is easily seen what grave scandals and disorders would follow, and that a ready excuse would present itself for personal spite and neglect of religion. Our Lord administered Communion to Judas rather than betray his secret guilt to the other Apostles.

2679. Is the fear of bodily harm or of death a sufficient reason for administering a Sacrament to an unworthy person? (a) If a greater evil will be caused by bestowal of the Sacrament, it should not be bestowed. This happens when the Sacrament is asked out of hatred or contempt of religion, and when great scandal will result if the priest yields. (b) If a greater evil will be caused by refusal of the Sacrament, it should not be refused. Examples are those of the previous paragraph. The mere private good of the minister is not preferable to the good of the Sacrament.

2680. Simulation and Dissimulation of a Sacrament?—Is it lawful in case of difficulty to give a Sacrament only in appearance? (a) If this means simulation of a Sacrament, or the use of its externals in such a way as to make it null (i.e., by withholding internal intention or using invalid matter or form), the answer is in the negative; for simulation is always an acted lie (see 2403, 2404), and when applied to Sacraments it produces a sacrilegious mutilation and also, in the case of the Eucharist (e.g., when an unconsecrated host is given to a communicant), an occasion of idolatry. (b) If this means dissimulation of a Sacrament, or the use of some nonsacramental act to conceal the denial of a Sacrament, the answer is in the affirmative, for it is lawful to keep from others knowledge to which they have no right. Thus, a priest who wishes to conceal from onlookers that he has refused absolution to a penitent, can lawfully say a prayer and make a sign of the cross over this person.

2681. Administration of Penance and Extreme Unction to Heretics and Schismatics.—(a) Regularly this is unlawful, even though these persons are in good faith and ask for the Sacraments. They must first renounce their errors and become reconciled with the Church (Canon 731).

(b) Exceptionally, according to some moralists, this is lawful when there is extreme need. Hence, according to this view a priest may secretly give conditional absolution to an unconscious heretic or schismatic in danger of death who has given signs of repentance; he may absolve and anoint a dying heretic or schismatic, even though conscious, if this person appears to be in good faith and repentant and willing to do all that God requires of him. But the priest should first try to convert the dying person, if this is possible and the latter's good faith will not be disturbed; and he must also avoid giving scandal.

2682. Repetition of a Sacrament on Account of Invalid Administration.—
(a) This is unlawful when the fear of invalidity is groundless and foolish; for it is seriously disrespectful to a Sacrament and disedifying to others to repeat the rite without reason. But scrupulous persons are sometimes free of grave sin, since they mean well in repeating and are not accountable for their fears.

(b) This is lawful but not obligatory when there is a prudent misgiving about a useful Sacrament (Confirmation, Matrimony, anointing of one who is conscious); also when there is a slight reason of law or fact for fear about a necessary or more important Sacrament (Baptism, Orders, absolution of a dying person, anointing of an unconscious person, consecration of the Eucharist). For the Sacraments are for men. But if only a small loss or an unlikely loss will be caused by their non-repetition, the duty of repeating them cannot be insisted on.

(c) This is gravely obligatory when there is a prudent fear about a necessary or more important Sacrament; it is gravely or lightly obligatory (to be determined in each case) when there is a well-founded fear about a useful Sacrament, if charity, justice or religion calls for repetition and the inconvenience will not be too great. In Matrimony the alternate methods of convalidation or sanation may be used as the case demands. Again, the Sacraments are for men, and hence, if man will likely be subjected to a notable loss by the minister's neglect of repetition, the duty of repetition is clear.

2683. Reception of a Sacrament from an Unworthy Minister.—May a Sacrament be received from a minister who, to one's certain knowledge, cannot give it without sin on account of unworthiness (such as a state of sin or censure)?

(a) *_Per se_*, this is unlawful, for it is cooperation with sacrilege and is often attended by scandal and danger of perversion to self.

(b) *_Per accidens_*, this is lawful, for material cooperation is justified when a proportionately grave reason exists (1515 sqq.). Moreover, often the minister can put himself in the state of grace before he gives the Sacrament, or can be excused from sacrilege on account of the necessity. The less the irreverence or danger of scandal, the less need be the reason for asking or taking a Sacrament from an unworthy person. If the minister is a sinner or is

under ordinary suspension or other censure, a serious reason of spiritual advantage suffices (e.g., the opportunity to make the Easter duty); if the minister is under sentence (Canon 2261 n. 3), only danger of death suffices; if the minister is a heretic or schismatic, only extreme need suffices, and the danger of scandal and perversion must be avoided.

2684. Sacramentals.—The sacramentals are the sacred things (e.g., rosaries, scapulars, agnus deis) and actions (e.g., consecrations, blessings, exorcisms) used by the Church in imitation of the Sacraments to obtain through her intercession blessings chiefly of a spiritual sort (Canon 1144).

(a) Necessity.—Our Lord gave to the Church the power of instituting sacramentals, and certain of those used by the Church are but developments of the blessings and exorcisms that He used. Some of the sacramentals are commanded by the Church (viz, those that are used in the administration of the Sacraments or in other sacred services); others are recommended, but not commanded.

(b) Use.—The virtue of religion requires that the sacramentals be administered, received and treated with devotion and respect, the extremes of irreligion and superstition being avoided (see 2244). The laws of the Church on the ministers, recipients, and rites of the sacramentals are treated in works on Canon Law and liturgy.

Art. 2: BAPTISM; CONFIRMATION; THE EUCHARIST; THE SACRIFICE OF THE MASS

(*_Summa Theologica_*, III, qq. 66-83.)

2685. The general duties of the ministers and recipients of the Sacraments have been outlined in the previous Article. The principles therein given are the basis of the special duties that pertain to each of the seven Sacraments. In this and the remaining Articles, therefore, it will suffice to apply without explaining anew the rules already given and to add the special details proper to each Sacrament.

2686. The Sacrament of Baptism.—The first and most essential Sacrament is Baptism (Greek, washing), which may be defined: “The Sacrament of regeneration by water in the word” (Catechism of the Council of Trent, page 163). The internal grace of the Sacrament is expressed by regeneration, the external sign by water and the word.

(a) The effect of Baptism is regeneration, for it cleanses from sin and penalty, and makes him who was a child of wrath to be a child of God and a co-heir of Christ. Baptism also christens, since it seals one with the indelible character of Christian, or member of the Church. As all are under the original curse by birth from Adam, so all who would inherit blessing are in need of this new birth through Christ (see 2661): “Unless a man be born again of water and the Holy Ghost, he cannot enter into the kingdom of God” (John, iii. 5).

(b) The material element (remote matter) of Baptism is water, that is, any and every form of liquid which in common estimation is pure and unchanged water (e.g., water taken from the ocean, from streams, fountains, or wells; water melted from snow, ice or hail; water gathered from steam, dew, or mist; chemical and mineral water). But animal and plant fluids, though they contain water, are looked upon as distinct substances, and hence Baptism cannot be administered with milk, blood, spittle, sweat, oil, flower or fruit juices (e.g., wine, cider), or extracts of barks or roots. Doubtful matter are liquids that, while in large part composed of water,

seem to be generally regarded as not water (e.g., thin soup, tea or coffee, light beer); and hence only in necessity can these be lawfully used for Baptism.

(c) The formal element of Baptism is the word or the formula appointed by Christ. In the Latin Church the words are: "I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost," Almost every word in this form is necessary for the sense given by Christ, and hence almost any omission makes it necessary, or at least lawful, to repeat Baptism (see 2655, 2682). The declaration of the form demands that the application of the water (proximate matter) be made in the manner of an ablution (i.e., by sprinkling, pouring or immersion). If sprinkling or pouring is used, the body of the recipient (i.e., the skin of his head) must be washed (i.e., the water must touch the head and flow thereon) by the baptizer (i.e., the person who pronounces the words must pour or sprinkle the water). But in case of necessity one may use the opinion that Baptism is valid when the water touches only the hair or some part distinct from the head, or even the afterbirth of a fetus.

2687. Solemn and Private Baptism.—Though in essentials Baptism is but one, it is distinguished in reference to accidental ceremony into solemn and private.

(a) Solemn Baptism is that which is administered with all the rites prescribed by the Liturgy. It requires consecrated water, sponsors and special ceremonies; its minister is a clergyman (ordinarily the parish-priest or Ordinary, extraordinarily a delegated deacon); its place is the baptistery or church. In the Baptism of adults even greater solemnity may be used, for there is a special rite of administration, and the Church recommends that this Baptism be performed when possible by the Ordinary, or at least in cathedral churches, and on the vigil of Easter or Pentecost.

(b) Private Baptism is given in danger of death, or when an adult convert is rebaptized conditionally (Canon 759). It requires only true and natural water, though the water should be as clean and decent as possible, and baptismal or blessed water is preferable; generally the simple form without other rite suffices; sponsors are not necessary, unless they can be had without difficulty, but if possible at least one or two witnesses should be present; the Baptism may be given in the private home or the hospital or

other place where the candidate is staying; anyone who has the use of reason and is able to perform the rite may act as minister. When several persons suitable to minister private Baptism are present, the order of preference to be followed is: priest, deacon, subdeacon, cleric, layman, woman; but a woman should be preferred to a man if modesty calls for this, or if the woman is better acquainted with the manner of baptizing. It is considered a serious sin needlessly to prefer a non-priest to a worthy priest, a non-Catholic to a Catholic, an outsider to the parish-priest. If possible, parents should not baptize their own children, since it is more becoming that the spiritual parent and the carnal parent be different persons.

2688. Duties of Parish-Priests as to Baptism.—(a) Before Baptism.—Baptismal water should be blessed, added to or renewed, as the ritual regulations of one's place require; the faithful should be frequently admonished in sermons of the serious duty of having their infants baptized as soon as possible (Canon 770); the people should also be told (especially midwives, physicians and surgeons) how lay Baptism is to be given validly (Canon 743).

(b) At the Time of Baptism.—Converts preparing for Baptism should be well instructed in the principal religious truths (viz, those contained in the Creed), and precepts (viz., the laws of the Decalogue and of the Church, see 914 sqq.), and prayers (viz, the Our Father, the acts of faith, hope, charity, and contrition); and they should learn the nature and effects of Baptism. The parish-priest may delegate a deacon to baptize solemnly in his place, if there is a sufficient reason, as when he himself is impeded by sickness, absence, or occupation (Canon 741).

(c) After Baptism.—The pastor in virtue of his office has the responsibility of attending to the registration of baptisms in the proper book (Canon 777). The registration should be made without delay—that is, before the sponsors have departed, or immediately after the ceremony, or at least on the same day, if possible; the entry should be made accurately and legibly. The duty of keeping proper baptismal records is considered grave, since important evils would follow on their neglect.

2689. Duties of Parents and Guardians in Reference to Baptism.—(a) As to Administration of Baptism.—Parents are obliged under grave sin not to expose their children to the loss of salvation by undue delay of Baptism (see

2344, 2630). If there is danger of death, a child must be baptized at once; if there is no immediate danger of death, the child must nevertheless, on account of the absolute necessity of Baptism, be baptized as soon as possible. Some moralists consider a needless delay gravely sinful if it exceeds three or four days; others, if it exceeds ten or eleven days. Since infants can be baptized in the womb, a mother is not obliged to undergo the Caesarean operation to ensure Baptism; but she may permit the operation for the sake of a more certain Baptism, unless her obligations to husband or other children will suffer on account of the danger to her life. If a mother dies in pregnancy, the fetus should be extracted and baptized. The duty here rests with the relatives and the physician (Canon 746).

(b) As to Details of Baptism.—Parents should choose suitable names for their children, avoiding such as are obscene, ridiculous, or impious. It is advisable that the name of a Saint or of some other person distinguished for holiness be chosen, for this will be of a spiritual advantage to the child and an edification to others. Parents have the right to appoint the sponsors of their infant children, and should choose only those who are canonically admissible. If Baptism has been administered at home, the parents should, if the child survives, bring it as soon as possible to the church for conditional Baptism, or for the baptismal ceremonies (Canons 759, 760).

2690. Sponsors.—From early times the Church has required in Baptism the use of sponsors, and the reasons for this usage will appear from the duties of these god-parents. The present law (Canons 762 sqq.) retains the ancient tradition, and prescribes as a serious duty that in Solemn Baptism (even of adults, whenever possible) there shall be at least one sponsor (male or female), and that not more than two be used, one a male and the other a female.

(a) Requirements for Validity—Since the sponsor takes obligations, he must have the use of reason and give consent to the office; since he is charged with the duty of spiritual guidance, he must be baptized and not be a member of a heretical or schismatic sect; since he exercises an office of honor, he must not be under the displeasure of the Church by sentence of excommunication or the like; since he is to act as spiritual father, he must not be the parent or spouse of the baptized; since he is to stand for the baptized person, he must be designated by the latter or his parents or by the minister. The sponsor must also indicate (in person or by proxy) his

acceptance of the care of the baptized person by physically touching him at the moment of Baptism (either by holding the infant over the font, or by placing a hand on the candidate), or immediately after the Baptism (by raising from the waters or receiving from the hands of the minister the one who has been immersed, or by taking from the font one who has been baptized by pouring). Non-Catholics, therefore, may not be sponsors, but to avoid great offense or other serious evil they may sometimes be admitted as witnesses or honorary sponsors (see 956 sqq.).

(b) Requirements for Lawfulness.—The sponsor should have reached his fourteenth year (unless the minister sees fit for a just cause to admit a younger person), and should know the rudiments of faith; he must be a person of respectability among Catholics, and hence one who is notorious on account of certain penalties or on account of crime or of membership in the Freemasons is not acceptable; he must be free to act as sponsor, and hence religious and clerics in Major Orders must have permission of the superior qualified in each instance to grant this permission.

2691. Duties of Sponsors.—(a) They are obliged to look upon their spiritual children as their perpetual charges, to see to their Christian education and to the fulfillment of the baptismal promises for which they stood surety (Canon 769).

(b) These obligations are grave, since the matter is grave; but, as the care of children falls principally upon the parents, it is only when the parents neglect their duty that the sponsors are held to do what they can for the instruction and correction of their god-children (Catechism of Council of Trent, page 175).

2692. Duties of Adult Recipients of Baptism or of Those Who Have the Use of Reason.—(a) Before Baptism.—An unbaptized person who has faith and who sees the necessity of Baptism, is gravely obliged to ask for Baptism at once, if he is in danger of death, or as soon as he conveniently can, if he is not in danger of death; for since Baptism is the divinely appointed means of entering the Church and of sharing in its privileges, he who would delay it unduly would disobey an important command of God and would be seriously neglectful of his own salvation. For a sufficient reason, however (e.g., for the sake of instruction or probation, or to avoid persecution), Baptism may be delayed even for years; but the catechumen

should then make at once an act of contrition or charity so as to obtain the benefit of Baptism of desire. Converts should prepare for Baptism by taking a course of instructions, or, when there is danger of death, a summary instruction (791 sqq.).

(b) At Baptism.—The internal dispositions include, besides intention, faith and repentance: “He that believeth and is baptized shall be saved” (Mark, xvi. 16); “Do penance and be baptized” (Acts, ii. 38). There must be an explicit faith in the four chief mysteries (see 789). In this country converts who are being baptized conditionally make an abjuration and profession of faith before Baptism, and go to confession and receive conditional absolution after Baptism. The Code recommends that those who are well receive Baptism fasting; and that, unless grave reason excuses, the neophyte assist at Mass and receive Communion after his Baptism (Canon 753).

(c) After Baptism.—Since Baptism makes one a member of the Church, those who receive it are subject to church laws. The promises made in Baptism are not strictly vows, but an engagement of loyalty to the faith and the commandments (see 2191).

2693. Duties of the Minister of Baptism.—(a) In Reference to the Parents.—If the parents insist on giving an unsuitable name to their child, the pastor should silently add a suitable name of some Saint chosen by himself, and should inscribe both names in the register (Canon 761). A child of non-Catholic parents should not be baptized by Catholics, unless this can be done without injury to the natural right of the parents of training their own children and without danger to the future perseverance of the child. Hence these children, if infants, should not be baptized against the will of their parents unless they are in danger of death and can be baptized without too great inconvenience; but if a child is able to judge for himself, or if there is no parental opposition (at least not of both parents), and there are good reasons to believe that the child will be brought up as a Catholic, he may be baptized (Canons 750, 751).

(b) In Reference to the Sponsors.—If a sponsor cannot be admitted, the pastor must use great kindness and prudence, so as not to give offense. If a non-Catholic has been appointed as sponsor, the difficulty may sometimes

be overcome by naming a sacristan or servant as sponsor and permitting the non-Catholic to act as witness.

(c) In Reference to the Capacity of the Recipient.—The minister must give the Sacrament only to those who are capable. Hence, he cannot baptize what is not human (e.g., uterine growths which do not pertain to a fetus), or not living (e.g., a stillborn infant), or not unbaptized (e.g., a convert or an infant about whose valid Baptism there is no reasonable doubt). Speculatively there is some difficulty about Baptism of unborn fetuses, of abortive fetuses, and of monstrosities (e.g., an infant with two heads or two hearts). For, as to the first, it seems that the physically unborn are incapable of spiritual rebirth; as to the second, it seems that the soul of an undeveloped fetus may be sub-human; and, as to the third, it may be doubtful whether a monstrosity is one individual or several individuals. Practically, however, one should proceed on the principle that the Sacraments are for men, and give the benefit of a doubt to the infants by conditional Baptism. Intra-uterine Baptism should not be used except in case of urgent necessity, and it is then permissible to employ a mixture of one part of chloride of mercury with two parts of water to avoid infection. Midwives, nurses, mothers, and physicians should be especially careful to baptize abortive fetuses, and should know how this can be done (see Commentaries on Canons 746-748).

(d) In Reference to the Willingness of the Recipient.—An infant is not required to will the Sacrament, and hence the perpetually insane, who are unable to distinguish between right and wrong, may be baptized without any desire on their part. But an adult must intend to be baptized (see 2671 b). Hence, the minister must inquire about the wishes of an adult candidate. If an unbaptized person is now out of his mind (insane, afflicted with lethargy or sleeping sickness, delirious), but formerly had the use of reason, he is classed with adults, and his intention has to be considered. He should not be baptized, therefore, until he comes to himself, unless there is danger of death and signs of a desire to receive Baptism were given before (Canons 745, 754).

(e) In Reference to the Worthiness of the Recipient.—The minister should remind the candidate of the duty of attrition. If the person who asks for Baptism wishes to retain certain habits (e.g., superstition, concubinage, or unlawful business) which cannot be reconciled with Christianity, he

cannot be regarded as suited for Baptism. But in danger of death good faith should not be uselessly disturbed.

(f) In Reference to the Pastor.—Solemn Baptism either in or out of one's territory may not be given without permission from the proper pastor who has jurisdiction (Canons 738-740). And a minister who is not the pastor of the baptized person must send notice of the Baptism to the pastor, as soon as possible, if the latter was not present (Canon 778).

(g) In Reference to Himself and the Sacrament.—The minister should inform himself, if necessary, about the existence or validity of a previous Baptism, and he should observe the ceremonies, essential and accidental, of his Rite. Foundlings should be baptized conditionally, unless it is certain that they have been already baptized validly (Canon 749). The internal dispositions of intention and state of grace are necessary, while for baptism of adults fasting is advisable (Canon 753).

2694. The Sacrament of Confirmation.—Next to Baptism, not in necessity or dignity but in likeness and in time, is Confirmation; for Confirmation completes the work begun in Baptism, and it is also frequently received immediately or next after Baptism. It may be defined as “the Sacrament in which through the anointing with chrism and the prayer of the bishop a baptized person is perfected and strengthened in the grace received and signed indelibly with the character of soldier of Jesus Christ.”

(a) The element of the Sacrament (remote matter) is chrism, that is, a mixture of olive oil and balsam specially blessed by the bishop and applied (proximate matter) by an anointing and the imposition of hands on the forehead of the recipient. The law of the Church requires that the chrism be new (i.e., made at the last previous consecration of oils), and that the anointing be made with the right thumb in the form of a cross.

(b) The form of Confirmation in the Latin Church is as follows: “I sign thee with the sign of the cross, and I confirm thee with the chrism of salvation in the name of the Father and of the Son and of the Holy Ghost.”

2695. The Minister of Confirmation.—(a) Qualifications.—The ordinary minister of this Sacrament is only the bishop; but a priest may act as extraordinary minister, either from the common law (viz., Cardinals, Abbots, etc.), or from special indult (Canon 782). The bishop may confirm

outsiders in his own diocese, unless their own Ordinary forbids, and with permission he may confirm outside his diocese (Canon 783). Since January 1, 1947, by force of the decree of the Congregation of the Discipline of the Sacraments (*_Spiritus Sanctus_*) the following were established as extraordinary ministers within the limits of their territories and for subjects in danger of death.

1) “pastors having their own territories, therefore excluding personal and family pastors, unless they have also their own territory.” Under this heading are included secular and religious pastors. It is to be noted that, since national parishes in the United States are assigned a definite territory, pastors of such parishes enjoy the privilege of this decree. Pastors of Negro and Indian parishes, even if they are considered to be personal pastors, may be included, for the jurisdiction is both personal and territorial. Military chaplains can not confirm in virtue of this decree.

2) “the vicars spoken of in Canon 471, and also parochial administrators (*_vicarii oeconomi_*).” The first group are canonically innominate and authors adopt various titles for the personages involved. However, the reference is always to the priests placed in actual charge of *_cura animarum_* in parishes which have been fully incorporated. The second group mentioned are the *_vicarii oeconomi_*, priests appointed canonically as administrators of vacant parishes (see Canons 472, n.1; 473,1). All other vicars lack the power, namely, the Diocesan Administrator (*_vicarius capitularis_*), Vicar General, *_Vicarius Substitutus_* (priest who takes place of absent pastor), *_Vicarius Adjutor_* (assists a disabled pastor), *_Vicarius Cooperator_* (curate), those who according to Canon 472, n.2, take temporary charge of a vacant parish prior to appointment of a true administrator, chaplains of schools, hospitals, and other charitable institutions (by rescript of Nov. 18, 1948, the faculty was extended also to chaplains of maternity hospitals and foundling homes in the United States, and this faculty is renewable), the seminary rector, religious superiors even in exempt communities.

3) “priests to whom is entrusted exclusively and permanently within a definite territory, and with a definite church, the complete care of souls together with the rights and duties of pastors.” Such territorial arrangements are not common in the United States. The reference may be to priests established as quasi-pastors in Canon 216, Sec.3 (hence pastors in

missionary territory and prefectures), episcopal delegates to the territories later to be erected as parishes or to maintain the status of a perpetual vicarage. Perhaps the reference is only to special arrangements made by particular diocesan laws.

(b) Duties.—The ordinary minister of this Sacrament should confer it when his subjects reasonably request it, and the Ordinary should see that the Sacrament is administered to his people, if possible, at least every five years (Canon 785). It would be unreasonable, however, to expect a bishop to go to every sick or dying person who desires Confirmation, as the Sacrament is not necessary for salvation and the task would be morally impossible. The Sacrament should be performed validly, worthily, and rubrically. When Confirmation is given, fasting is of counsel, not of precept. The use of a sponsor in Confirmation seems to be a grave obligation, when possible. A recipient can have but one sponsor, and a sponsor can act for only one or two confirmandi, unless it appear to the minister that there is sufficient reason to have a sponsor act for more (Canon 794). The pastor of the recipient, if he is unaware of the Confirmation, should be notified as soon as possible (Canon 799).

(c) Various prescriptions, some of them subjects of special study, are attendant upon the grant of power to confirm to pastors and “equivalent pastors.” The major ones are summarily stated here. The pastor obtains this power when he acquires the office. It lasts as long as he holds office. The exercise of his power becomes unlawful if he falls under censure; in certain cases it may then even be invalid. Theologians disagree as to the precise nature of the power, whether it be of orders, of jurisdiction, of both, an intrinsic or extrinsic modification of orders, etc. The common opinion holds that it is solely a power of orders. Hence, Canon 209 may not be safely used here, and an ordinary assistant who attempts to confirm would not fall under any irregularity; a pastor, however, might, by misuse of his power, be not only deprived of it, but be placed under an irregularity. Use of the power is not dependent on the permission of the local Ordinary. It may be necessary to inquire however, whether the bishop wishes to confirm in particular cases. Episcopal instructions on this matter must be complied with.

(d) Subjects of the Extraordinary Minister. The decree, *„Spiritus Sanctus“*, in its second rule lays down a condition for the valid

administration of Confirmation by the extraordinary minister and determines the proper subject. The new faculty is strictly personal (hence it may not be delegated to others) and strictly territorial (hence the administration must take place within the confines of the minister's district and therein extends even to exempt places). The recipient must be "in real danger of death because of a serious illness from which it is foreseen that he will die."

Before treating the illness established as a condition for validity, other conditions of the subject must be considered. The decree describes the proper recipient as *_fidelis_* in two places. The question has been discussed whether this limits the subjects to Catholics and excludes validly baptized Protestants. Authors are not agreed. Perhaps, since the extraordinary minister can act only within the powers given him in the decree, he would have to interpret *_fidelis_* as extending solely to Catholics. On May 1, 1948, the Congregation for the Oriental Church issued a grant of powers to the Latin extraordinary ministers to confer Confirmation under the same conditions to Catholics of the Oriental rite who live under the jurisdiction of a Latin Ordinary, who are in the territory of the Latin pastor and whose rite has no established parish or mission in the locality. (This grant of power was previously impossible by virtue of Canon 782, Sec.4.) In emergency cases there would be no need to await the arrival of the proper pastor. Since Ruthenian Catholics are not under the Latin Ordinaries in this country, it seems that the decree might not extend to them. The point is disputed, but it would be imprudent to act on the opinion that the Ruthenians are included until the question is officially settled. The recipient need not be a permanent resident in the territory by reason of domicile or quasi-domicile; physical presence suffices.

The final condition of dangerous sickness is similar to the one in Extreme Unction; it must arise from an intrinsic cause, not from an extrinsic cause. and includes not only sickness, but also wounds and accident cases. The decree speaks of the subject in "*_vero mortis periculo_*." Some thought that the wording distinguished the sickness from mere "*_periculo_*" *mortis_*, and hence must be certain, not doubtful or probable. In response to the Cardinal of Palermo, on March 6, 1947, the Congregation of the Sacraments favored the opinion that the norms for "*_urgente mortis periculo_*" (Canons 1043, 1044, 1046) are applicable. As a rule of thumb, many authors propose: if

the sickness permits the administration of Extreme Unction, it also justifies the giving of Confirmation in accordance with the terms of the decree.

2696. The Recipient of Confirmation.—(a) Qualifications.—The subject of this Sacrament is only a baptized person, and in adults intention is necessary. The general custom in the Latin Church is not to confirm before the seventh year, or thereabout, has been attained; but the Sacrament may be given even earlier, if an infant is in danger of death, or if there seems to the minister to be a just and grave reason for confirming one under seven years of age (Canon 788). Those who have the use of reason should not be admitted to Confirmation without previous instruction on the nature of the Sacrament and the requirements for its proper reception.

(b) Duties.—There is an obligation to receive this Sacrament when one has the opportunity (Canon 787); but apart from scandal, contempt, or danger to salvation the obligation seems light. Hence, if a person advanced in years is ashamed to receive Confirmation with the children, he should be advised but not reproved; nor should he be denied absolution as if he were certainly guilty of serious fault. The recipient should be in the state of grace, and it is advisable that he go to confession beforehand if he have serious sin on his conscience. Though not necessary, it is more suitable that the recipient be fasting. A new name may be taken in Confirmation, and it is proper that those whose baptismal name is unsuitable should either have it changed at this time or add the name of a Saint. Those who are being confirmed should be present for the entire ceremony (Canon 789).

2697. The Sponsors in Confirmation.—(a) Qualifications.—The requirements for validity are, *_mutatis mutandis_*, practically the same as for baptismal sponsorship. Thus, the sponsor must be designated by the parents or the candidate, or, in default of them, by the pastor or minister; he must not be the parent or spouse of the confirmandus; he must physically touch the confirmandus at the moment of Confirmation. Further, it is required that the sponsor be already confirmed himself. The requirements for licitness are the same as for Baptism, and moreover, as a rule, the sponsor at Confirmation should be of the same sex as the recipient and be different from the baptismal sponsor (Canons 795, 796).

(b) Duties.—The godfather at Confirmation contracts a lifelong spiritual relationship with his godchild (which does not constitute a matrimonial

impediment). The latter should have a special place in his prayers according to the order of charity, and, if necessity arises, should receive his protection and assistance in spiritual matters (Canon 797).

2698. Duties of the Pastor in Reference to Confirmation.—(a) The pastor should instruct his people on the nature and advantages of Confirmation and should see to it that they receive the Sacrament in due time (Canon 787). He should also instruct his parishioners about the terms of *“Spiritus Sanctus”*. His power as extraordinary minister imposes an obligation *per se* grave to use it when the cases arise; excusing causes, however, are possible, and neglect in a single case would be only venial. At appointed times each year he should hold a continuous course of instructions over a period of several days in order to prepare the classes of children for the proper reception of Confirmation (Canon 1300).

(b) The pastor should see that the Confirmations of his parishioners are entered in a special book of record, and should also note in the baptismal register the fact of Confirmation (Canons 798, 470, n. 2).

2699. The Sacrament of the Eucharist.—This is the chief Sacrament, for, while the other Sacraments produce the grace or the grace and the character of Christ, this one contains Christ Himself; and, while the other Sacraments are means that prepare man to consecrate or to receive the Eucharist or at least symbolize it, the Eucharist is the end of them all. The Eucharist may be defined as follows: “The body and blood of our Lord Jesus Christ present through the words of consecration under the appearances of bread and wine to be offered to God and to be received by man.” Thus, we may distinguish various aspects of the Eucharist.

(a) It is a sacrifice, since the Mass is the supreme act of worship and is one with the sacrifice of the cross (see 2178 sqq.).

(b) It is a permanent Sacrament, since unlike the other Sacraments it does not consist in the passing application of a sacred sign to a recipient, but in the abiding presence of a thing absolutely sacred contained under sensible forms.

(c) It may be considered in its passing phases of beginning, in which it is consecrated by the priest (performance of the Sacrament), and termination,

in which it is received by the communicant (application, dispensation of the Sacrament).

2700. The Matter and Form of the Eucharist.—Since the essence of a Sacrament is found in the outward sign, it is commonly held that the Sacrament of the Eucharist consists in the species of bread and wine as signifying the body and blood of the Saviour, which is really, truly and substantially contained under them.

(a) The matter of the first consecration is that which Christ used, namely, bread. The bread must be true bread in the strict and usual Scriptural sense of the word. Hence, for validity it is necessary that it be made from wheat flour (bread made from beans, peas or other legumes, bread made from non-wheaten cereals such as corn, oats, and probably also rye and barley, is not valid matter); that the flour be mixed with water (bread made from a notable quantity, i.e., about one-third of other liquid, such as milk, oil, wine, is invalid matter); further, that the mixture be sufficiently baked (dough or half-baked cakes are invalid matter). The bread must be entire and not substantially adulterated or changed; hence, bread from which all the gluten has been abstracted, bread to which a notable amount of foreign substance (such as sugar or non-wheaten flour) has been added, bread so old that it has corrupted, cannot be consecrated. Accidental qualities do not affect validity, and hence any kind of wheat may be used (hard, soft, red, or white). But the church law strictly requires that a priest observe the tradition of his own Church (i.e., among Latins the bread must be unleavened and the host round), and that all consecrated matter be new (i.e., not baked more than fourteen days, or, according to others, twenty or forty days), clean, and unbroken. The small particles for the laity should be about one inch in diameter, the large hosts about two or three inches; and all altar breads should be of moderate thickness.

(b) The matter of the second consecration is likewise that appointed by Christ at the Last Supper, namely, wine. Only wine strictly so called according to Scriptural and common usage is valid matter. Hence, the Eucharistic wine must be made from grapes, and consequently cherry wine, currant wine, peach wine, blackberry wine, cider, wild grape wine, artificial wine, etc., are insufficient; the grapes must be ripe, and verjuice is therefore invalid matter. The wine must also be entire, unadulterated, and uncorrupted; and hence wine from which all the alcohol has been removed,

brandy or cognac (i.e., spirits distilled from wine), wine to which a notable quantity of water, tartaric acid, sugar, alcohol or other substance has been added, and wine which has become vinegar, are not fit matter for the Sacrament. Accidental qualities are of no importance to validity, and hence the wine may be red or white, dry or sweet; it may be made either from ripe or dry grapes (raisin wine); and the Church permits the fortification of weak wine by a process of heating that does not prevent fermentation, or by the addition when fermentation has begun to subside of grape or wine alcohol on condition that the final alcoholic strength does not exceed 12%, or in some cases, if the wine possessed so much, 17% or 18%. But the church law strictly requires for licit matter that wine be fermented, though must or new wine is permissible in case of necessity, if it have about 5% alcohol; that it be neither souring nor frozen, nor mixed with substances added for the sake of aroma, color or sweetness, nor with water poured in before Mass. The tradition and law of the Church, based on the example of Christ, make it a grave obligation that a few drops of water be added to the wine at the altar, but, if the water equals a third part of the wine, the matter becomes of doubtful sufficiency.

(c) The form is contained essentially in the words of consecration used by Christ at the institution of the Eucharist, namely, “_Hoc est corpus meum_” over the bread, and “_Hic est calix sanguinis mei_” over the wine. But a grave precept of the Church requires that all the other principal words of the consecration be pronounced (i.e., the “_novi et aeterni testamenti_,” etc.,” the “_Haec quotiescumque_,” etc.,” the “_Qui pridie_,” the “_Simili modo_”). The omission of the particle “_enim_” would be only venially sinful.

2701. The Minister of Consecration.—(a) Qualifications.—Every priest and only a priest can consecrate validly, for only to the Apostles and their successors in the priesthood were spoken the words of Christ: “Do this in commemoration of Me.” But only those priests can consecrate lawfully who have the faculty of celebrating Mass (see 2709).

(b) Duties as regards Valid Consecration.—Internally, there must be the intention (actual or virtual) of acting in the name of Christ, and of effecting what the words of consecration signify; and hence a merely narrative recitation of the form is insufficient. This actual or virtual intention must also determine the individual matter to be consecrated, and hence a host

placed on the corporal is not consecrated if the priest neither saw it nor took it up for consecration. Small crumbs in the ciborium and small drops of wine on the inner side of the chalice are consecrated, unless excluded by the priest's intention; but drops of wine on the outside of the chalice should be considered unconsecrated, since it is unlawful to consecrate what is not contained in the chalice.

Externally, bread and wine must be physically present to the priest, that is, so within his reach or range that according to human usage they can be correctly designated by the demonstrative pronoun "this" used in the form. Accordingly, they must be near the minister; how near cannot be mathematically defined, and authors variously assign about ten, twenty, thirty, forty and fifty paces as the extreme limit. Again, the bread and wine must not be separated from the minister by any dividing partition, such as a wall, or the altar, or perhaps even the closed door of the tabernacle, though a closed container (such as a covered ciborium or chalice) would not put the matter away from the minister's presence. Finally, they must not be behind the minister's back, and, even if they are before him but hidden (e.g., hosts under the corporal or chalice), the consecration is doubtful.

(c) Duties as regards Lawful Consecration.—Internally, there must be the state of grace, which the divine law prescribes. Further, one who is conscious of grave sin certainly committed and certainly unconfessed (unless inculpably omitted in confession) must go to confession beforehand, unless there be need to celebrate at once (e.g., because otherwise there will be no parochial Mass on a day of precept, or because grave scandal or defamation will result, or a dying person will be deprived of the Viaticum) and confession is impossible (i.e., there is no confessor present who has jurisdiction, or who can be resorted to without a serious inconvenience extrinsic to confession, and moreover it is very difficult on account of distance, health, weather, or other like reasons to go elsewhere to confession). Under these circumstances, he may make an act of perfect contrition and then proceed to celebrate. But one who has consecrated without confession because of such necessity must go to confession as soon as possible—i.e., within three days, or, if circumstances so require, earlier than that (e.g., if a confessor can be had the same day, but not again for a week) or later (e.g., if a confessor cannot be had for a week). These rules about confession are of grave obligation, from Church law at least (Canon

807). On account of disrespect, it seems that grave sin is committed when the celebrant is voluntarily and advertently distracted during consecration, but he should not repeat the form unless it is certain or very probable that something essential has been omitted. Externally, consecration must be made only during Mass, both species must be consecrated, a larger quantity must not be consecrated than can be conveniently used, the matter at the moment of consecration must rest on the corporal and above the stone of the altar, and a ciborium must be uncovered while its bread is being consecrated.

2702. Inadvertent Neglect of Grave Liturgical Precept.—Is the consecration valid when the minister inadvertently neglects some grave liturgical precept as to the matter or manner of consecration?

(a) Some authors reply in the negative, because they feel that no priest has the will to consecrate in a way forbidden by the Church under pain of grave sin. According to this opinion, then, if accidentally no water were placed in the chalice, or if the chalice were unconsecrated, or if the ciborium were left off the corporal, the consecration would be invalid.

(b) Other authors distinguish as follows: if the celebrant intended not to consecrate with a material breach of grave liturgical prescription, the consecration would be null; if the celebrant had only the intention to consecrate all valid matter before him, the consecration would be valid. This latter intention, it seems, should be formed by all priests once for all, since it ensures the validity of their consecrations and is not sinful, as it does not aim to violate the rubrics, but only to provide for exceptional cases when a rubric is unintentionally violated.

2703. The Minister of Communion.—(a) Qualifications.—The ordinary minister of Communion is a priest, the extraordinary minister a deacon. Pastors and other priests to whose custody the Blessed Sacrament is entrusted have the right to give Communion, and others also who have express or presumed permission. The celebrant of Mass may give Communion during his Mass, and, if Mass is private, just before and just after it. A sick priest who is unable to say Mass may communicate himself, at least when there is no other minister at hand; and even a layman may, in the absence of a major cleric, give himself the Viaticum, or consume the Host to save it from profanation (Canons 845-850).

(b) Duties.—Internally, the minister is bound *_sub levi_* to be in the state of grace, and *_sub gravi_* to be free from censures (such as suspension) which forbid him the exercise of the ministry. Externally, he must observe the church laws on the manner, time and place for distribution of the Sacrament (Canons 851, 852, 867-869), and also the liturgical rules for Communion during and outside of Mass, for Communion of the sick and the dying, and for the avoidance of defects in giving Communion (Rituale Rom., Tit. IV; Missale Rom., de defectibus Missae).

2704. The Recipient of the Eucharist.—(a) Those Who May Receive Communion.—According to divine law, every living person who has received Baptism of water is capable of receiving the Eucharist, infants and the insane not excluded. Ecclesiastical law requires other conditions, which are justified by considerations of respect for the Blessed Sacrament or other good reason. Communion may not be given, first, to those who have not the use of reason (i.e., to infants and the perpetually insane), nor to those who are unable to understand the essential truths of religion and morality (i.e., to those who have always been deaf and dumb or blind, and who are uninstructed); for, on the one hand, the Sacrament is not necessary for these persons, and, on the other hand, there is great danger of irreverence if it be given them. Secondly, Communion may not be given to those who cannot receive without grave peril of unbecoming treatment of the Sacrament, as in the case of those who cough or vomit continually or frequently, or of those who are delirious, or unconscious, or insane, But if the danger is certainly slight (e.g., if the person can swallow an unconsecrated host without spitting it out), Communion may be given, at least the Viaticum or Easter Communion. Next those persons are denied Communion who cannot receive without scandal (e.g., those who are infamous, such as prostitutes or defamers, persons intoxicated or insufficiently dressed). Finally, no one may receive Communion who has already received it that day, lest the Sacrament become common and be taken without due preparation; but exception is made when it is necessary to communicate a second time in order to comply with the divine law of receiving Viaticum or of saving the Host from profanation (Canons 853-858).

(b) Those Who Must Receive Communion.—There is a divine precept that adults receive the Eucharist worthily (John, vi. 54). It obliges *_per se_*, when one is certainly or almost certainly in proximate danger of death,

unless one has recently (that is, according to some, within a week's time) received Communion; for this Sacrament is the wayfarer's provision for his journey to eternity. It obliges also now and then during life, since the Eucharist is man's spiritual nourishment for the journey of life. It obliges *_per accidens_*, when Communion is necessary to avoid grave sin, for charity to self obliges one to use the means without which serious spiritual harm cannot be escaped. The church law determines the details for the fulfillment of the divine precept. All the faithful who have reached the age of reason, even though they be under seven years, must fulfill the yearly Easter duty (see 2592, 2593). In reference to First Communion, the Church requires that children who are not in danger of death must have a mental and moral fitness, consisting in a knowledge of the chief mysteries of faith and a devotion towards the Eucharist such as is possible at their time of life. In reference to the last Communion, or Viaticum, the Code declares that it is obligatory, no matter what be the cause of the danger of death; it reminds us that the duty should not be put off too long; it recommends that the Viaticum be administered even to those who had communicated the same day before the danger of death arose, and that it be given on distinct days during the danger. For children who are in danger of death it suffices that they are able to distinguish the Eucharist from ordinary food and to adore it reverently (Canons 859-865, 854).

2705. Dispositions for Worthy Communion.—(a) Dispositions of Soul.—The divine law requires the state of grace (I Cor., xi. 27 sqq.), and probably also the previous sacramental confession which the Church prescribes *_sub gravi_* for one who is conscious of serious sin not yet remitted through absolution. But he is excused from the duty of previous confession who cannot omit Communion now (e.g., because while at the rails he remembers a grave sin and cannot leave without being disgraced) and who is unable to go to confession (see 2701 c). The recipient must also have a knowledge of the Sacrament suited to his mental capacity, and he must desire it, at least habitually. Since the Sacraments are fruitful in proportion to the cooperation given them, and since the presence and visit of Christ deserves honor and recognition, Communion should be received devoutly, and should be preceded by a preparation and followed by a thanksgiving (Canons 856, 731). The faithful may receive in any Rite, but their own Rite is advised for Easter Communion and strongly urged for the Viaticum (Canon 866).

(b) Dispositions of Body.—The communicant must observe the Eucharistic fast and must conduct himself with external reverence.

By ecclesiastical law a person is bound to the fasting from midnight to receive the Holy Eucharist lawfully (Canons 808, 858). Despite the changes made by the Apostolic Constitution, *Christus Dominus* (Jan. 16, 1953) and the *Motu Proprio*, “*Sacram Communionem*” (Mar. 19, 1957), priests and the faithful who are able to do so are exhorted to observe this venerable and ancient form of Eucharistic fast before Mass or Holy Communion. The legislation of these two papal documents, intended to increase devotion to the Blessed Sacrament by fostering frequent Communion, decrees:

- 1) that natural water does not break the fast;
- 2) that the period for observing the Eucharist fast before Mass, at whatever hour it may be said (morning, afternoon, midnight), is three hours from solid food and alcoholic beverages, and one hour from non-alcoholic beverages. The priest who is to celebrate computes his time from the beginning of Mass; the faithful, from the time of Communion;
- 3) that the sick, although not confined to bed, may consume non-alcoholic beverages and real and appropriate medicines, liquid or solid, without any restriction of time.

The Eucharistic fast is based on primitive tradition and is enjoined by the Church as a grave obligation that admits of no lightness of matter. The fast is violated by the smallest portion of food or alcoholic drink. Food is any solid which the physician considers digestible or alterable by the stomach, and hence the fast is not broken if wood, string, paper, hairs or fingernails are swallowed. But the food or drink must be eaten or drunk, that is, it must come from outside the mouth and be taken into the stomach in the way of consumption, and hence the fast is not broken by what comes from within the mouth (e.g., blood from the gums, food remaining in the teeth from the previous day) or by what is taken into the stomach in the way of saliva (e.g., the accidental remnants of a mouth wash or of a throat gargle, or spray, or of a chew of tobacco or gum, when one has spit out the contents as much as possible), or in the way of breathing (e.g., snuff, tobacco smoke inhaled, an insect or a raindrop blown into the mouth). A solid, like a caramel, however, which is dissolved in the mouth before it is swallowed, can not be considered as a liquid. The liquid of the *Sacram*

Communionem_ must be a liquid before it enters the mouth. (See “Some Further Elucidations on Sacram Communionem” by Cardinal Ottaviani, _American Ecclesiastical Review_, Vol. CXXXXVII, No, 2, August 1957, p. 74.)

The reasons that excuse from the Eucharist fast, in regard to solids or alcoholic beverages, in lay Communion, are, in case of the well, the good of the Sacrament (i.e., its preservation from profanation), or the good of self (e.g., avoidance of serious disgrace, as when one who is at the altar rail remembers only then that he is not fasting); in the case of the ill, the danger of death (the Viaticum may be received even daily after nourishment). The salt taken in Baptism does not break the fast, and one who has a papal indult, which is granted for sufficient reasons, may receive Communion when not fasting.

External reverence means that one should approach Communion with cleanliness of body, respectability of dress, and modesty of behavior. No one is unfitted for Communion because of inculpable unsightliness (e.g., a sick man who has irremovable scars or deformities, a poor man who cannot afford any but the simplest garb, a crippled person whose gait is awkward). But unwashed hands and face, dirty mouth or teeth, worn or torn dress, and the like, which one avoids elsewhere as unsuited for human company, should be avoided when receiving the Eucharist. Women immodestly dressed should be refused Communion, if otherwise scandal will result (Canon 858).

2706. Frequent Communion.—What dispositions are required for frequent Communion (i.e., Communion made several times a week) and daily communion?

(a) The necessary dispositions are the same as for rare Communion, namely, the state of grace and a right intention. Right intention means positively that one have in view the ends that Christ intended when He instituted the Sacrament, namely, that by means of Communion one may please Him, may be more closely united to Him, and may receive a remedy for one’s defects and infirmities. Those who receive devoutly have these purposes at least implicitly, which suffices; but it would be a serious sin wilfully to exclude all these ends. Right intention means negatively that one must not frequent Communion merely from routine, or from vanity, or from

purely human motives, such as pecuniary profit or advantage. If the true ends are not excluded, these improper motives do not exceed a venial sin.

(b) Useful, but not necessary, dispositions are freedom from venial sins, especially such as are deliberate, and freedom from affection for venial sins.

2707. Duties of Parents, Pastors, Confessors in Reference to Communion.—(a) Parents.—The obligation of the Easter duty for boys under fourteen and for girls under twelve rests morally and juridically upon the consciences of those who are charged with their care, namely, parents, guardians, pastors, and confessors (see 2630, 2631). The parents are the best judges of the mental development, moral disposition and instruction of their children, and therefore of their fitness for First Communion (Canons 860, 854, n. 4).

(b) Confessors.—The decision or counsel about the fitness of children for First Communion, of penitents for frequent or daily Communion, about the frequency of the Viaticum, is left by the Church to the prudence of the confessor (Canons 860, 863, 864, 858, n.2).

(c) Pastors.—The Code prescribes that pastors be especially zealous in the matter of holding Lenten classes for the instruction of children in order that they may receive their First Communion worthily; it vests in the pastor the duty of seeing that no child approaches First Communion who has not the use of reason or proper dispositions, as well as of seeing that those children who are fit receive Communion without delay; it also requires that he provide for the fuller instruction in Christian doctrine of children who have made their First Communion (Canons 1330, 854, n. 5, 1331). Pastors should recommend to their people the practices of frequent Communion and of worthy Communion at every Mass they hear, and should take care that the dying receive the Viaticum while they are in possession of their mental faculties (Canons 863, 865). On the duty of administering Communion see 2676.

2708. Reservation of the Blessed Sacrament.—Having considered the duties owed to the consecration and communion of the Eucharist, we shall conclude by mentioning those that are owed to the Sacrament in its permanency or to Christ dwelling in the tabernacle.

(a) The Duty of Custody.—The Blessed Sacrament must be reserved in cathedral, abbatial, parochial, and religious churches; and it may be reserved with due permission of the Ordinary in collegiate churches and in certain public oratories; but there must be someone in charge, and it is not allowed to reserve the Eucharist in private homes or to carry it about when travelling. Churches which have the Blessed Sacrament should be open at least a few hours daily to the faithful. It is not lawful to reserve the Sacrament habitually on more than one altar of the church, and that altar should be the one that is most honorable or most suited for worship, and it should be suitably decorated. The tabernacle should be as precious as possible and be carefully guarded, and the Hosts should be reserved inside in a solid pyx or ciborium. Before the tabernacle should burn day and night a sanctuary lamp fed by olive or other oil (Canons 1265-1271).

(b) The Duty of Renewal of the Hosts.—The consecrated species kept for Communion and adoration should be frequently renewed, lest they be corrupted. It would be a serious sin of irreverence to neglect this duty for over one or two months, or even for a shorter time if the danger of corruption is great on account of local conditions, such as dampness (Canon 1272).

(c) The Duty of Worship.—Pastors and others in charge of religious instruction should encourage devotion to the Eucharist, and especially the practice of assistance at Mass even on weekdays and of visits to the Blessed Sacrament. Benediction may be given frequently, and at least once a year there should be held in every parish church the Devotion of the Forty Hours, or at least some more solemn exposition of the Blessed Sacrament for a number of hours (Canons 1273-1275).

2709. The Sacrifice of the Mass.—In the Eucharist is contained not only a Sacrament which confers the grace of spiritual nutrition on its recipients, but also a sacrifice which offers to God Christ's oblation as an act of adoration, thanksgiving, satisfaction and intercession. It is this sacrifice—which is one with the sacrifice of the cross, though offered unbloodily—that is known as the Mass. The chief persons who have duties in reference to the Mass are the celebrant and the assistants.

(a) The celebrant is the priest, who acts in the name and person of Christ. To say Mass validly one must have the power of Orders conferred in the

presbyterate or priesthood, and must intend to consecrate (see 2701 b); to say Mass licitly one must be free from impediments which debar from Mass, such as suspension or irregularity. Strange priests who wish to say Mass are required to present a celebret or testimonial letter to the rector of the church (Canon 804), without prejudice, however, to their right to say Mass once or twice when they present themselves in clerical garb and sign the visiting priest's book.

(b) The assistants are all those who hear Mass. Their duties were already explained in the question on the first precept of the Church (2576 sqq.). We shall confine ourselves here, therefore, to the duties of the celebrant.

2710. The Obligation of Saying Mass.—(a) The Obligation by reason of Orders or Priesthood.—Divine law imposes on priests as a body a grave obligation of celebrating Mass with such frequency that the memory of Christ's passion be kept alive, which is the purpose of the priesthood, according to the words: "Do this in commemoration of Me." Divine law also imposes on each individual priest the obligation of saying Mass at frequent intervals (i.e., at least, it would seem, on the greater feasts and at dates not more than six months apart); for a priest is ordained primarily to give glory to God and to impart blessings to man by the Sacrifice of the Mass (Heb., v. 1). It seems, therefore, that a priest receives grace in vain or neglects the sacrifice (II Cor., vi. 1, II Mach., iv. 14) if he omits Mass on the most solemn occasions of the year when nearly all the faithful are accustomed to receive Communion, or if he omits it for such a notable period as more than six months. It seems that the sin is per se venial, as being opposed to fervor rather than to charity; but it may be mortal per accidens, as when serious scandal is given. There is no sin, however, if a priest has no opportunity to celebrate, or is lawfully impeded (e.g., on account of humility, scrupulosity, illness, or censure). The law of the Church recalls this obligation in Canon 805, and calls on bishops and religious superiors to exhort their subjects to say Mass at least on all Sundays and holydays. Daily Mass is quite customary today, and there might be serious scandal if without reason Mass were said only exceptionally.

(b) The Obligation by Reason of Special Offices or Duties.—Pastors are bound to say or provide Mass for their people on days of obligation as a duty of justice, and it seems on other days also as a duty of charity if there

is a great need or demand and no reasonable impediment. There is an obligation of justice to celebrate Mass, if one has contracted to do so; an obligation of fidelity, if one has freely promised; an obligation of religion, if one has vowed; an obligation of obedience, if one has been lawfully commanded by one's superior.

2711. Dispositions for the Celebration of Mass.—(a) Dispositions of Soul.—The celebrant must be in the state of grace, and must go to confession before Mass if he has a serious sin on his conscience (see 2701 c). He must have the intention and attention which the validity of the consecration requires (2701 b), and the reverence and devotion which is due the prayers of the Mass (2153 sqq.), Voluntary and fully deliberate distractions entertained for a considerable time during the Canon seem to be seriously sinful. It is most suitable, though apparently not commanded by the Church, that Matins and Lauds be said before Mass. There is, however, a duty of religion and of charity to self to make a suitable preparation and thanksgiving; but negligence here is a light sin, unless there be contempt or serious scandal. Fifteen minutes or a half-hour is recommended by ascetical writers, and the prayers may be taken from those given in the Breviary and Missal, Internal prayer, however, is more important than external recitation (Canon 810).

(b) Dispositions of Body.—The Eucharistic or natural fast is of grave obligation for the celebration of Mass (Canon 808). The only excuses are necessity according to divine law or exemption by ecclesiastical law. Necessity occurs when one must complete the sacrifice (e.g., when after the Communion the priest notices that he consecrated one species invalidly), or must avoid scandal (e.g., when a priest remembers after going to the altar that he is not fasting), or must consecrate for the Viaticum (e.g., when there is no consecrated host for a dying person). Since the law is ecclesiastical, the Church could dispense for a grave reason (e.g., to enable a sickly priest to say Masses on Sunday at widely separated points of his missions). It is clear that the celebration of Mass calls for cleanness of body, suitability of dress, neatness and rubrical correctness of vestments (Canon 811). The omission of a principal vestment (i.e., blessed alb, stole or chasuble) is a serious sin, except in grave necessity; the omission of minor vestments (e.g., amice) is a venial sin, unless there is a just reason. The color of the

day is not gravely obligatory, except by reason of scandal, and a good reason makes it lawful to use another color.

2712. Gravity of Regulations Concerning Circumstances of Mass.—Serious disrespect or serious scandal is caused by disregard of important regulations concerning the circumstances of the Mass. Hence, the following rules oblige under grave sin, though exceptions are permitted for cases of grave or very grave necessity.

(a) The Time of Mass.—Mass may not be said on Good Friday, nor private Masses on Holy Thursday and Holy Saturday. Only one Mass may be said a day, except on Christmas Day and All Souls' Day, and on other days when there is reason for bination or trination allowed by the Church. Ordinarily the hour for beginning Mass should not be earlier than one hour before dawn (i.e., in the latitude of New York from about 1:27 a.m. to 5:00 a.m., according to the season), nor later than one hour after noon. But the time is to be understood morally, and it is not a grave sin in being earlier or later than the times fixed, unless there is a difference of an entire hour (e.g., if one began Mass at 2:00 p.m.) and not just excuse or dispensation. The Holy See has extended to local Ordinaries the power to permit the daily celebration of Mass after noon, if the spiritual good of a considerable number of the faithful demands it (*Sacram Communionem*). The Holy See has also granted permission to Ordinaries to allow the celebration of an evening Mass on Palm Sunday accompanied by the blessing of palms and procession. On Holy Thursday the Mass of the Lord's Supper must be celebrated at the most convenient hour, but not before 4:00 p.m. and not after 9:00 p.m.; Ordinaries may grant permission for one or even two low Masses (besides the principal Mass) to be celebrated in churches and public oratories, and for one in semi-public oratories within the same hours, 4:00-9:00 p.m. The proper hour for the Easter Vigil is that which permits the Mass of the Easter Vigil to be started around midnight. Permission may be granted to conduct the vigil at a time not before sunset (*Dispositions and Regulations concerning the Holy Week Liturgy*, Feb. 1, 1957, Sacred Congregation of Rites). One Christmas may be said at midnight. It is a serious sin to say Mass in less than a quarter of an hour, and a private Mass should not be prolonged beyond a half-hour.

(b) Place.—Mass may not be celebrated regularly except in a church or oratory that is at least blessed and is not polluted, execrated or interdicted. It

must be said on an altar, and it would be a serious sin, except in grave or very grave necessity, to celebrate without at least one altar cloth or one lighted wax candle, or without a rubrical chalice, paten, or corporal (Canons 822, 823).

(c) Rites.—The principal rubrics of the Mass are gravely obligatory, for example, to use an acolyte unless excused by dispensation or necessity, to say each prayer of the Canon, and each part outside the Canon that occurs in every Mass (e.g., the prayers at the foot of the altar, the Gospel), to perform the main liturgical actions (e.g., the Offertory, the breaking of the host, the purification of the chalice). The secondary rubrics oblige under venial sin (see Canons 803, 812-819).

2713. Is it Lawful to Discontinue a Mass?—(a) To terminate Mass before the end has been reached is unlawful unless there be a serious reason; otherwise, disrespect is shown the Holy Sacrifice. A grave reason (e.g., sudden sickness) suffices if Mass be discontinued before the Consecration; a most grave reason (i.e., danger of death or of profanation of the Sacrament) if Mass be discontinued between the Consecration and the Communion. But a Mass that is broken off after the Consecration and before the Communion must be completed by the celebrant or another, at least if this can be done within an hour from the time of cessation; else the sacrifice is mutilated.

(b) To interrupt Mass is also unlawful without serious cause. Thus, a grave reason excuses an interruption outside the Canon, for example, to preach a sermon after the Gospel or Communion; but only a very grave reason excuses an interruption during the Canon, for example, a sick call to give a necessary Sacrament (Baptism, Penance, Extreme Unction, or Viaticum) to a dying person.

2714. Application of the Mass.—All the faithful, especially those who are present and also the celebrant himself, benefit by the Mass, but there is a special fruit reserved to those for whose intention the Mass is offered by the priest; for the Mass is a sacrifice of intercession, propitiation, and satisfaction, and since the priest acts in the person of Christ he may apply its benefits specially to some particular person or persons. In the following cases the celebrant is bound to make this application of the ministerial fruit of the Mass.

(a) In virtue of their office, pastors are seriously obliged to say Mass for their flocks. There is a natural obligation on account of the relationship between the pastor and the people, and there is also a divine obligation, inasmuch as the priest is appointed to offer gifts and sacrifices for sin (Heb., v, 1). The details of this duty, as to the time, place and person, are prescribed in Canons 306, 339, 466. There is a grave duty of saying for the people the number of Masses which the Church orders; but the non-observance of the circumstances is not a mortal sin, unless it happens frequently and without reason.

(b) In virtue of justice, a priest who has received a stipend is bound to apply the Mass for the intention of the donor, and to observe the conditions of the agreement (i.e., the time, place, and kind of Mass specified by the donor). The duty of application is a grave one, because the loss inflicted on the donor by non-application of the Mass to his intention is serious; the duty of observance of the accidental conditions, however, is not generally grave, but it becomes grave if its neglect inflicts serious harm (e.g., if the donor makes the date of the Mass a *conditio sine qua non*, or if the Mass must be said at once on account of an urgent and immediate necessity). Restitution is obligatory if the Mass is not applied, or if essential conditions are not complied with; it is obligatory *sub gravi*, if the stipend equals what is relatively grave matter in theft.

(c) In virtue of obedience, subjects are held to apply Masses for the intention of their prelates, secular or religious, though bishops are counselled to exact this most rarely. The obligation is grave or light according to the intention of the superior, but if the application is also due in justice to the giver of the stipend, there is a serious duty.

(d) In virtue of religion or fidelity, there is an obligation of application when a priest has vowed this to God, or freely promised it to man. The duty is grave or light according to the intention of the vower or promisor (see 2210, 2407). But if there is an onerous promise (e.g., in a society of priests whose members agree to say Mass for fellow-members who have died), the duty is one of justice. One Mass satisfies several free promises, if distinct Masses were not promised.

2715. Duties of the Priest as to the Application of Mass.—(a) For Whom May Mass Be Applied?—Mass may be offered for all objects not forbidden.

From the divine law it is forbidden to offer Mass for those who are incapable of receiving its benefits (e.g., the demons, infants who died without Baptism, the Saints), or for intentions that are displeasing to God (e.g., for success in evil). From the ecclesiastical law certain restrictions are made on the application of Mass in order to safeguard reverence and prevent scandal. Thus, Mass may be said only privately (that is, without publicity or special liturgical solemnity) and prudently (that is, with avoidance of scandal, for example, by the declaration that Mass is said for the faithful departed with the purpose of aiding also a departed unbeliever, if this is pleasing to God) for the living and dead outside the Church, such as infidels, heretics, schismatics, and the excommunicated. Moreover, for a vitandus Mass may be applied only when the intention is his conversion (Canon 809).

(b) How Mass Must Be Applied.—The intention must be formed by the priest, since he represents Christ. But since his application does not produce but only bestows the fruits, it suffices that his applicatory intention be habitual and implicit, as when the celebrant has forgotten the intention formed before Mass, or applies according to the mind of his superior. The person or purpose to which Mass is applied must be at least implicitly determined, and the application must be made at least before the second consecration. If there are two conflicting intentions, the stronger prevails (2667), and, if it is doubtful which one was stronger, Mass should be next offered for the intention which God knows was not satisfied. It is unlawful to apply Mass by anticipation for the next person who will offer a stipend.

2716. Mass Stipends.—It is not unlawful to receive a stipend for the application of Mass, but irreligion, injustice, avarice, scandal and disobedience must be avoided. (a) Irreligion is committed if the stipend is offered or taken as the price of the Mass, or if Mass is said only because of the stipend, or is requested only for the sake of human favor (see 2333); (b) injustice is committed, if an excessive stipend is exacted; (c) avarice is committed when one is over-anxious about large stipends; (d) scandal is given when there is commercialism or the appearance of it in dealing with stipends; (e) disobedience is incurred when the laws of the Church on the amount of a stipend, the number of stipends that may be taken, their distribution, satisfaction, etc., are violated (see Canons 824-844). It is

forbidden to require two stipends for one Mass, or one stipend for mere celebration and another for application.

Art. 3: REPENTANCE; PENANCE; EXTREME UNCTION

(*_Summa Theologica_*, III, qq. 84-90; Supplement, qq. 1-33.)

2717. Penance is the name both of a virtue and of a Sacrament of the New Law. The virtue was at all times necessary; the Sacrament is necessary since its institution by Christ. Having considered in the previous Article how the spiritual life is begotten, matured and preserved through the Sacraments of Baptism, Confirmation and Eucharist, we shall consider in the present Article how spiritual death and infirmity are overcome by the remedies of Penance and Extreme Unction. But first we shall speak of the virtue of penance or repentance which is a requisite for the fruitful reception of the Sacrament of Penance and of its complement, Extreme Unction.

2718. The Virtue of Repentance.—This virtue is a gift of God and a permanent habit of the soul, but there are certain acts by which man cooperates with God and prepares himself for the gift. Sometimes a sinner is converted through consideration of God's goodness or of the rewards of heaven; but usually those who have been drawn by sinful delights are first deterred from them by the thought of God's justice, and amendment begins from fear. Faith, hope, fear and love, at least virtually, are always found in the process of turning to God, and usually they follow one another in that process in the order here given. (a) The beginning of conversion is with God who draws the heart: "Convert us to Thee, O Lord, and we shall be converted" (Lament, v. 21). (b) Then follows the movement of faith, for he that would come to God must first believe that He is (Heb., xi. 6). (c) Next follow servile fear, which removes one from sin, and hope, which leads one to God, for faith holds out both threats of punishment and promises of mercy. (d) Then come the movements of love, which detests sin for its own sake, and of filial fear, which offers satisfaction to God out of reverence.

2719. Repentance.—Repentance may be defined as "a moral virtue that inclines the will of one who is subject to sin to grieve over it and to make reparation to God for the injury it does to His rights."

(a) Thus, repentance has its remote subject in one who is subject to sin, that is, in a person who has sinned or who is able to sin. Hence, it is not in Christ, who is impeccable, nor in the holy Angels, whose wills are fixed in good; but it is found in the Saints, inasmuch as their former sin is displeasing to them and their former contrition and satisfaction pleasing.

(b) The proximate subject of repentance is the will, for its acts of regret, resolution, and reparation belong to the higher appetitive faculty. Hence, repentance does not consist in emotional sorrow, and it does not need to be sensibly felt or joined with tears.

(c) The formal object or motive of repentance is reparation to God for the injury done Him by one's own personal sin. Sin may be considered as opposed to the divine goodness, and in this respect it is detested by charity; or as opposed to the good of man himself, and so hope detests it; or as opposed to the moral goodness of some particular virtue, and in this respect it is hated by that virtue, as temperance shuns intemperance; or as opposed to the right which belongs to God, the Last End, that all actions be done for Him, and in this respect sin is considered by repentance. One may regret original sin or sins done by others, but one is not properly said to repent of them.

(d) The material object or subject-matter of repentance is the acts by which reparation is made to God, namely, grief over sin and its accompaniments, hatred of moral wickedness in the present, regrets for the past, and good resolutions for the future. Thus, repentance differs from religion, for religion looks upon God as Lord and Benefactor and offers Him worship, while repentance considers Him as the Last End who has been offended and offers Him satisfaction. The difference between filial fear and repentance is seen in this, that the former falls back upon its own littleness, whereas the latter throws itself at the feet of God.

2720. The Character of Repentance.—(a) It is a virtue, since it is commanded (“Do penance,” Matt., iii. 2), and also since it moderates according to reason the sorrow felt for sin, keeping it from the extreme of despair, lest it become the remorse of a Cain or a Judas.

(b) It is a moral virtue, since its direct object is the human acts by which reparation is made to God, and its office the regulation of those acts within the bounds of moderation.

(c) It belongs to justice, being a compensation offered for injury to another's right; but it is only a potential part of justice, as there is not perfect justice between an inferior and the superior to whose power the former is subject (2142). It is classed under commutative justice on account of the return that is offered for the offense;

2721. The Excellence of Repentance.—(a) Its Dignity.—Repentance ranks below other virtues, for, while they are naturally advantageous to man, repentance is beneficial only hypothetically, namely, in the supposition of sin. In one respect, however, it holds a certain preeminence, for the infused virtues are bestowed only in justification, whereas the acts of repentance that prepare for justification come before those virtues.

(b) Its Necessity.—In the actual providence of God no mortal sin is remitted unless it be first repented of, and hence it is said: “Unless you do penance, you shall all likewise perish” (Luke, xiii. 5). This is reasonable, since it is fitting that he who has turned away from God by his own act, should also return to God by his own act. As to venial sin, since it consists in an inordinate cleaving to created things and must be removed by its contrary, there is need of an actual rejection of the exaggerated attachment, and hence need of repentance; moreover, since one should be restored to God's friendship before being restored to His familiarity, penitence in regard to a venial sin does not avail, unless the penitent is in the state of grace. The act of repentance need not be formal (i.e., one in which a person expressly thinks of his sins and expressly detests them), but a virtual act suffices, that is, an act of love of God which implicitly includes repentance, though the latter is not expressly taken into consideration.

2722. Is Repentance Necessary as a Means or as a Precept?—(a) It is necessary as a means of salvation because, if it be omitted, salvation cannot be attained. God desires that the sinner assist in and consent to his own forgiveness, and repentance, as we saw, is the most suitable way in which the sinner can do this. (b) It is also necessary as a precept. The natural law requires that those who have done an injury, make reparation; the divine law calls on sinners to repent and be converted to God (Acts, ii. 38, iii. 19, viii. 22), and the church law prescribes annual confession.

2723. How Soon Does the Precept of Repentance Oblige?—(a) It obliges at once (i.e., without any delay), when there is immediate necessity for it.

This happens *_per se_*, when one is in grave danger of death, for at that moment one is bound to prepare immediately to meet God, which supposes repentance. It happens *_per accidens_*, when by reason of some urgent precept distinct from that of repentance one is obligated here and now to rid oneself of sin (e.g., when one is called on to administer a Sacrament and must have a pure conscience, or when one is gravely tempted and will surely fall unless one repents of the past).

(b) It obliges soon (i.e., without any unreasonable delay), when there is no immediate necessity. It is not a new sin to put off repentance until tomorrow or next week in such a case; for the commandment of repentance, being affirmative, does not bind for each instant, but only for a reasonable time. But the common opinion is that a new sin is committed when repentance is delayed for a considerable time, since this exposes the sinner to further sins, impenitence, and damnation. Practically, it seems that those who comply with the church law of yearly confession commit no sin of unrepentance, though some consider it a mortal sin to delay repentance beyond a month.

2724. Accompaniments of Repentance as to Mortal Sin.—(a) When one mortal sin is forgiven, every other mortal sin is forgiven at the same time. For no one can be truly repentant unless he grieves over his separation from God, and this means that he grieves over each individual mortal sin. But, since venial sin does not separate from God, it is possible to be sorry for one venial sin without being sorry for another.

(b) When mortal sin is forgiven, the eternal punishment is also forgiven, for forgiveness makes man a friend of God and an heir to heaven. But the temporal punishment may remain due, as is proved by the examples of Adam (Gen., iii. 23; Wisd., x. 2), of Mary, the sister of Moses (Num., xii.), of Moses (Num., xx. 12), of David (II Kings, xii. 13, 14), and of others. God is not only a merciful Father, but also a just Ruler, and it is fitting that He should exact satisfaction even for sin forgiven. But if repentance is very perfect like that of Magdalen and St. Paul, even the temporal punishment is forgiven.

2725. The Fruits of Repentance.—(a) Every sin, no matter how grievous, is removed by repentance (Is., i. 18), and hence there is always room for forgiveness. For man is always able to repent and God is always ready to

pardon the penitent (Joel, ii. 13). The unpardonable sin is refusal to repent of sin, if one continues in that refusal, but even impenitence is forgiven when laid aside (see 900).

(b) Sin once forgiven does not return, for God does not regret His gifts (Rom, xi. 29), and His pardon means that the guilt of a sin is destroyed and wiped out forever, But he who falls into the same sins after pardon increases his guilt by reason of his ingratitude.

(c) The repentant sinner recovers the infused virtues he lost by sin and also his former merits (Luke, XV. 22; Joel, ii. 25; Ezech., xxxiii. 12; Heb., vi. 10). Virginity of body and innocence of soul are not recovered as to their material elements (i.e., bodily integrity and freedom from all sin), but they are restored as to their formal part, which is the resolve to abstain from all venereal pleasure or to avoid all sin. It seems that former merits are also recovered, not necessarily in their entirety, but in a degree that corresponds with the greater or less excellence of repentance.

2726. Forgiveness of Sin through the Use of the Sacraments.—(a) Mortal sins are forgiven by the Sacraments in virtue of the rite itself (*_ex opere operato_*) and immediately; that is, the Sacraments either *_per se_* or *_per accidens_* (according as they are Sacraments of the Dead or Sacraments of the Living) produce in the soul first grace or justification, which is the opposite of mortal sin.

(b) Venial sins are forgiven by the Sacraments in virtue of the rite itself but not immediately; that is, the Sacraments produce directly either first or second grace, and indirectly through this grace they may awaken fervor, which is the opposite of venial sin. The sacramentals, on the contrary, remit venial sins, not in virtue of the rite itself but in virtue of the intercession of the Church attached to the rite (*_ex opere operantis Ecclesiae_*); for the prayers of the Church are acceptable to God and can obtain from Him a grace of repentance that will remove venial sin.

2727. The Sacrament of Penance.—For those who lose grace after Baptism the Sacrament of Penance is necessary as a part of repentance and a means of forgiveness. This Sacrament may be defined as “a Sacrament of the New Law instituted by Christ in the form of a judicial process, in which, through the absolution of the priest, sins committed after Baptism are forgiven to penitents who confess them with sorrow.”

(a) The remote matter of this Sacrament is the personal sins committed after Baptism, for Baptism washes away all sins committed before its reception. Of this remote matter, some is necessary (i.e., sins that must be confessed), namely, post-baptismal mortal sins not yet declared or directly absolved in confession; some is free (i.e., sins that may, but need not be confessed), namely, post-baptismal mortal sins already forgiven in confession, and post-baptismal venial sins, whether already remitted or not (Canon 902). Imperfections which are not sins, or whose sinfulness is doubtful, are not sufficient matter for absolution; and if they alone are confessed, absolution may not be given, unless there is necessity, and then it may be granted conditionally (see 185, 186).

(b) The proximate matter of this Sacrament, according to the view commonly held, is the three acts of the penitent—contrition in the heart, confession in words, and satisfaction in work. Contrition must exist actually, but the other two acts in case of necessity need not exist actually, but are included implicitly in the act of contrition.

(c) The form of the Sacrament is contained in the words of absolution spoken by the priest. Certainly the words, “_Ego te absolvo a peccatis tuis_,” are sufficient for validity. But lawfulness requires that one use the entire form and the other accompanying prayers as given in one’s approved Ritual. In case of necessity, as in shipwreck or sudden danger of death, an abbreviated form is permitted. Absolution must be spoken or vocal, for the Church has never recognized absolution by signs or in writing. It must be given to one who is present, that is, one who is in the same place and not too far away to hear and be heard. Those who are in different rooms that do not open on each other are not in the same place; those who are more than twenty feet apart are too far away for presence, according to the common opinion; but in great need a more liberal view may be followed, and even absolution by speaking tube or telephone may be resorted to.

(d) The subject of the Sacrament of Penance is every baptized person who has committed venial or mortal sin after Baptism. If there is doubt about the Baptism or about the sin, absolution may be given conditionally. Besides the conditions given for the Sacraments in general, the recipient of Penance must exercise the three acts of contrition, confession and satisfaction. The first is essential in every case, and the second when possible; and without the third the Sacrament is not integral or complete.

2728. Probabilism in Administration of the Sacrament.—In the administration and reception of the Sacrament of Penance it is lawful to follow opinions that are truly probable except in the following cases: (a) when the validity of the Sacrament is at stake (678), unless there is a case of emergency (679). Hence, as the law of material integrity pertains to the lawful, not to the valid use of Penance, one may use probable opinions in its regard (see 2740); (b) when the seal of the Sacrament is involved, lest confession become odious.

2729. Contrition.—The first act of the penitent is contrition. It is defined by the Council of Trent as a sorrow and hatred for sin committed, with a resolution of sinning no more and a desire of doing what is necessary for the proper reception of the Sacrament of Penance.

(a) Thus, it presupposes a hatred of personal past transgressions, for one grieves only about that which displeases one, and the acts of the will begin with likes and dislikes.

(b) It consists essentially in sorrow or affliction of spirit, for contrition, being the chief act of repentance, looks to reparation to God for the injury done Him, and it therefore punishes the sinner by sadness for his misdeeds.

(c) It includes as a property or consequence the resolution to avoid future sin and to do what God requires for forgiveness; for no one is sincerely sorry for the past unless this sorrow makes him decide not to repeat the offense, and makes him desire to fulfill the conditions that God lays down for reconciliation.

2730. The Two Kinds of Contrition.—(a) Perfect contrition is that which is caused by charity, or the love of benevolence or of friendship (1109, 1110) towards God. This love is had, whether the object of one's affection is the divine being or persons, the divine and infinite perfections, or a single attribute; for all of these are really God Himself. This contrition justifies the sinner at once, for it includes charity and the will (at least implicit) to do what God wishes, and God takes up His abode with those who love Him (John, xiv. 23). Perfect contrition is necessary, both as a means and as a divine precept, whenever the duty of repentance or of the Sacrament of Penance obliges with a like necessity, and there is no opportunity of receiving the Sacrament; for it is then the only way of recovering grace.

(b) Imperfect contrition, or attrition, is contrition caused by a supernatural motive inferior to that of charity, i.e., by a less perfect motive suggested by faith that leads one to grieve over sin committed, for example, the heinousness of sin in itself, its eternal punishment by God (i.e., the pain of loss or the pain of sense), or its temporal punishment by God in this life or in Purgatory. This contrition does not justify the sinner without the Sacrament, for it does not rectify or retract the disorder introduced by sin as far as lies within the sinner's power (that is, *_ex opere operantis_*). By his sin the sinner preferred the creature to God; by his attrition he does not go so far as to prefer God positively to every created good, else his contrition would be perfect. But attrition suffices for justification of the sinner with the Sacrament of Penance, for it includes the essentials of contrition in general, and thus removes the impediments to the activity of the Sacrament (that is, the production of grace *_ex opere operato_*). The same holds good also of the sufficient disposition for Baptism, and more probably of that for the Sacraments of the Living received in good faith by one who is not in grace.

2731. Is Attrition Based Solely on Fear of Punishment Laudable?—(a) Fear of the world is sinful, because it offends God to escape evil (1044); slavish fear of God is sinful also, because it makes self the last end, avoiding sin solely because of the harm it will bring on self (1053). Sorrow for sin caused by slavish fear is not attrition, and is not laudable.

(b) Servile fear of God in itself is good and supernatural (1050), and the sorrow for sin or attrition based on such fear is also good; and if it includes a resolution of amendment, it suffices for justification with the Sacraments. The end (i.e., to escape punishment) is good (Matt., x. 28); the means (i.e., sorrow for sin) is good; and the use of the means for the end is good, for desertion of sin is the way to escape unhappiness (Luke, iii. 7, 8). Nor is it wrong to make a nobler good (such as avoidance of sin) a means to a lesser good (such as escape from punishment) when the lesser good is not made the last end, but only the immediate end, of the greater good. Thus, when we pray for temporal goods, we make a spiritual thing a means to a material end, but the Last End of the prayer is God Himself. Servile fear, unlike slavish fear (*_timor serviliter servilis_*), does not make self the last end (Denzinger, 818, 1146, 1525).

2732. Attrition in the Sacrament of Penance.—Must attrition based on fear of punishment be joined with love of God to justify in the Sacrament?

(a) Some form of love is required, for all contrition is detestation of sin, and sin is not hated unless its opposite is loved. Hence, just as attrition must be accompanied by faith and hope, so it must also be accompanied by some form of love of God (2718).

(b) Disinterested love is not required. This is certain as regards love of friendship, for even the smallest degree of that love is charity and justifies even without the Sacrament (1112, 2730). This is commonly held in reference to love of benevolence, which seems practically to be always united with love of friendship or charity. A love that inclines to God for His own sake but that does not predominate over other loves is held by some to be necessary, but it is difficult to understand such a love or to see its possibility.

(c) Interested love (the love of concupiscence or of hope) is therefore necessary. The common opinion today seems to be that it also suffices, and that it need be only virtual or implicit. In other words, the prevalent view is that every attrition prompted by fear of punishment contains an initial love of God which suffices to turn the sinner to God and to remove any obstacle to the action of the Sacrament. For “the fear of God is the beginning of His love” (Ecclus., xxv. 16), the hope of pardon is a beginning of love of the Author of pardon and justice, the resolve to amend is an inclination to keep the great command of love of God (1556).

2733. The Conditions for Valid Contrition and Attrition.—(a) It must be internal, for contrition is an act of repentance and must be in the heart. Merely pretended sorrow, and sorrow which one mistakenly thinks one has, are insufficient.

(b) It must be supernatural, for contrition is a disposition for the reception of the supernatural habit of grace. Sorrow for sin induced by natural motives, such as the punishments inflicted by human agencies, if these are not viewed in the light of faith, is not sufficient.

(c) It must be universal, that is, there must be sorrow for all mortal sins not yet forgiven, for it is impossible to be really sorry for one serious sin

while retaining affection for another. But it is not necessary to repent of all venial sins before one is forgiven (see 2724).

(d) It must be sovereign, that is, if the contrition is perfect, God must be loved above every other good; if it is imperfect, sin must be hated above every evil that could lead to sin. If the sinner does not detest his dishonesty more than the privation he will suffer by being honest, he is not really contrite. It is, however, not necessary that contrition be sensibly felt, or be of supreme intensity, or that its act be of long duration; and it is rash to call to mind the kinds of evils or torments one would prefer to suffer rather than commit sin (see 1556).

2734. Valid and Fruitful Reception of the Sacrament.—Some theologians, distinguishing between contrition as matter of the Sacrament and contrition as a disposition of the penitent, hold that it is possible to have a valid but unfruitful reception of the Sacrament, and that revival of its grace is possible. They explain thus:

(a) the contrition required for the matter and the validity of the Sacrament must be such as can be known with moral certainty by the confessor from external indications, and hence it suffices for validity that the sorrow be true and sincere and supernatural;

(b) the contrition required for the disposition of the penitent and the fruitfulness of the Sacrament must be such as excludes all affection for every grave sin and includes the resolution to avoid all mortal sin in the future, and hence it is required for fruitfulness that sorrow be also universal and sovereign. (This opinion has very few, if any at all, adherents among modern theologians. It is retained here solely as a matter of record.)

2735. Properties of Contrition.—Since contrition belongs to the matter of Penance, it must have the properties of sacramental matter (2655 sqq.).

(a) Thus, the matter must be sensible, and hence contrition must be shown in some external way, as by a sorrowful confession, devout request for absolution, or, in the case of those who are unconscious, by a call for a priest or the practices or prayers of a Christian life.

(b) The matter must be united with the form, and hence contrition must be elicited at the moment of absolution, or a short time before (not more than a few hours before, according to some, or even a few days before,

according to others). But if a penitent recalls immediately after absolution a forgotten mortal sin, and is then absolved from it also, more probably he is not obliged to renew his act of contrition, because the act just made virtually continues; in practice, however, he might be told to make another act of contrition and a new penance or the same penance may be imposed before the second absolution. Moreover, for absolution when one is unconscious and in danger of death, since an habitual intention suffices (2674), it seems that contrition made long ago, but not retracted, is sufficient.

(c) The matter must have at least a moral unity of its own parts, and hence the contrition must in some way be directed to the confession; that is, either before or during or after the act of contrition there must be an intention to confess with the sorrow for sin contained in that act of contrition, or to apply that sorrow to the confession just made. Otherwise it does not appear that one has the purpose to make a sacramental confession. But there is no practical difficulty, as every act of contrition contains implicitly the will to confess, or every sincere confession includes the will to use the contrition one has exercised or will exercise.

2736. Resolution of Amendment.—The resolution of amendment which true contrition calls for is at least implicit in the hatred of sin, but it is advisable that the penitent expressly resolve to avoid sin in the future. This determination should have the following qualities:

(a) it should be firm, that is, the penitent should make up his mind not to relapse into deliberate sin. Yet, it is not necessary that he feel certain of his perseverance, and his resolve does not cease to be firm, if he foresees that he will fall again, provided he is decided to do the best he can;

(b) it should be efficacious, that is, the penitent must decide to use suitable means to fulfill his good intentions as to reparation for scandal, calumny, and injustice, as to the avoidance of sinful occasions, etc.;

(c) it should be universal, that is, the penitent must resolve at least generically to avoid each and every grave sin in the future. If only free matter (2727) is confessed, the penitent may direct his resolution of amendment to all past mortal sins confessed, or to one of the present venial sins declared, or he may resolve to do better in reference to a certain class

of sins (e.g., deliberate sins, faults of speech), or he may resolve to diminish the frequency of his venial sins.

2737. Confession.—The second act of the penitent is confession, that is, the declaration of one's sins made to a duly authorized priest with the purpose of obtaining absolution. Confession is obligatory both from divine and ecclesiastical law.

(a) According to divine law, the forgiveness of grave post-baptismal sins is subject to the power of the keys, which is exercised in the form of a judgment and requires confession (Matt., xviii, 18; John, xx. 23). This law obliges *_per se_* in danger of death, and occasionally during life; *_per accidens_*, when one in sin intends to receive Communion, when one is unable without confession to recover the necessary state of grace or overcome a serious temptation or bad habit.

(b) According to church law, the faithful must go to confession once a year (2590), and confession is also prescribed at times for those who wish to receive Communion (2705) or celebrate Mass (2701 c, 2711).

2738. The Qualities of Confession.—(a) Confession is an act of virtue and should have the conditions of a virtue; that is, it should be discreet (e.g., the penitent should not reveal the names or sins of others), willing, and pure in motive (e.g., the penitent should not confess for temporal ends, such as the good opinion of the confessor), and courageous (i.e., the penitent should not be deterred by shame).

(b) Confession is an act of penitence, and, as penitence includes hatred and regret for sin and abasement of self, confession should not be boastful, jocular or proud, but shamefaced, sorrowful and humble.

(c) Confession is essentially a declaration of fact, and hence it should avoid the defects that make a declaration valueless or imperfect, namely, falsehood, obscurity, digression, or concealment. Confession, then, should be truthful, clear, to the point, and entire.

(d) Confession belongs to the Sacrament of Penance, which is the forum of conscience, and hence the penitent accuses himself, submits to the judgment of the father confessor, and is heard in secret. Public confession is valid but not obligatory. Hence, one who does not speak the language of the confessor is not bound to use an interpreter. Regularly confession should be

vocal, but for grave reasons (e.g., if the penitent is dumb, or the confessor is deaf, or there is danger of being heard by those nearby) it may be made by signs or in writing. In case of a written confession the penitent should declare orally, if possible, that the writing contains his confession (see Canon 903).

2739. Is it a Grave Sin to Lie to the Confessor?—(a) There is a grave sin when the lie deceives the confessor about necessary matter (e.g., when a circumstance changing the theological species of a sin is denied), or about free matter which is the only sin confessed (e.g., when a penitent lyingly accuses himself of only one sin and that a venial one), or about free matter which the confessor asks about and needs to know (e.g., about habits or occasions of sin). He who falsely accuses himself of a grave sin, or who exaggerates the number of his grave sins, *per se* sins mortally; but he is excused if he is ignorant or is under a momentary excitement or delusion. Not only is there grave sin in the cited cases, but the confession is made invalid by the defect in essential matter which the lie produces; for the confessor does not understand the true state of the penitent's soul.

(b) There is mortal sin when the lie deceives the confessor about matter that is impertinent to the confession, but is grave in itself, as when the penitent seriously calumniates a neighbor to the priest. In this case the confession is made invalid by the want of disposition on the part of the penitent.

(c) There is light sin when the lie deceives the confessor about free matter which is not the only sin confessed, or which the confessor does not need to know in order substantially to pass judgment and give direction; also when the lie is not serious and is impertinent to the confession. In these cases the Sacrament is not made invalid, for the insincerity does not change the confessor's decision.

2740. Integral Confession.—The completeness or integrity of confession is twofold.

(a) Material completeness consists in the declaration of all mortal sins committed and not yet confessed and absolved. This kind of completeness is sometimes impossible, and therefore unnecessary. For completeness is obligatory in virtue of a positive law of Christ, and positive laws do not bind in case of impossibility (361).

(b) Formal completeness consists in the declaration of all the mortal sins which here and now, all things considered, one can and should mention. This kind of completeness is necessary for a valid and fruitful confession, because the law of Christ calls for a complete confession, as far as possible, and formal completeness is possible. Since he who is obliged by a law is also obliged to use the means to keep the law, those who are going to confession should examine their consciences beforehand, unless this is impossible or unnecessary. The time and diligence to be given this examination depends on the person and his circumstances; but all should be careful about it, while avoiding scrupulosity, and should also remember that contrition is even more important than confession.

2741. Manner of Confession.—Completeness of confession as regards mortal sins extends to the following points:

(a) the theological and the lowest moral species of a sin (197 sqq.) must be given, for otherwise the confessor does not understand the case before him. He who has committed a mortal theft does not satisfy by confessing a venial theft; he who is guilty of the specific sin of calumny does not satisfy by the generic accusation of sins of the tongue. But impossibility excuses, as when the penitent has only a general recollection about a sin;

(b) the number of the sins must be given exactly or, if this is impossible, approximately. He who unintentionally exaggerates the number or tells a sin of which he is not guilty, is not bound to correct this, but he who unintentionally lowers the number to a notable extent should tell in his next confession what was omitted (see 202 sqq.);

(c) the circumstances that change the species of a sin must be declared, for example, the fact that the person who was scandalized was one's subject, that the person who was treated disrespectfully was one's superior, that the amount stolen was large (see 72);

(d) the external act that completed an internal sin must be declared, and hence he who committed impurity does not confess properly by saying that he gave consent to impure desires (see 89-93).

2742. Disputed Cases.—(a) Circumstances that Notably Aggravate a Sin without Changing Its Species.—For the obligation of confessing these circumstances, it is argued that, if the confessor does not know them, he is

unable to guide the penitent properly. Against obligation, it is argued that the species of the sin gives the confessor sufficient knowledge, and that the obligation of confessing aggravating circumstances would make the burden too heavy for the penitent. But all admit that *_per accidens_* there may be a duty of confessing a circumstance of this kind, as when it makes a sin reserved, or consists in an occasion of sin or evil habit, or when it produces a great change in reference to satisfaction (e.g., the theft of \$10,000 is quite different from the theft of \$1000).

(b) As to the Imputable External Effects of a Sin.—One opinion is that these must be confessed, since they are willed in their cause (96, 102); another opinion is that they need not be confessed since they are not sins, but results that followed on a sin; a third opinion answers that they must be confessed if the evil will was not retracted before they happened, but otherwise not. All agree, however, that the sinner in this case should confess that he sinned with foresight of the consequence, and that he should confess the consequence itself if there is attached to it something that should be known to the confessor (e.g., censure, irregularity, etc.).

(c) Sins Whose Commission, or Gravity, or Remission is Uncertain.—If the uncertainty is about the fact or gravity of the sin, there is no obligation to confess the sin, even though its commission or its gravity be probable; for the obligation cannot be proved. But if it is certain that grave sin has been committed and uncertain whether the sin has been confessed, a mere doubt or suspicion in favor of confession does not exempt from obligation; a probable opinion in favor of confession excuses according to Probabilism, but it does not excuse according to Equiprobabilism, unless the doubt is about a confession made long ago by one who was careful in making his confessions, or unless there is question of a scrupulous person (655 sqq., 708, 709).

2743. When Material Integrity Is Not Necessary.—Material integrity is not due because of real impossibility in the following cases:

(a) when there is physical impossibility, as when one is at the point of death and too weak to make confession, or is deaf and dumb, or cannot speak the confessor's language correctly, or cannot finish confession on account of shipwreck or other great peril;

(b) when there is moral impossibility, as when material integrity cannot be had except at the expense of a great temporal or spiritual evil distinct from the inconvenience intrinsic to the confession itself, and there is some serious reason that makes it necessary to go to confession here and now (e.g., the desire of not remaining long in the state of sin). Examples are: great spiritual harm, as when a penitent is scrupulous; great temporal harm, as when the penitent has to flee to escape assassination. Some affirm, while others deny, the duty of mentioning a sin that will defame an accomplice with the confessor, and in practice it seems the duty cannot be insisted on (cfr. 2065).

2744. Completion or Repetition of Past Incomplete Confessions.—(a) Completion of past confessions must be made when they lacked material integrity, if the impossibility has ceased.

(b) Particular repetition is necessary when a confession lacked formal integrity or other essential; that is, if a sin was unlawfully concealed or unrepented of in confession, the sacrilege must be confessed and the previous confession made over, since it was invalid. But if the new confession is made to the same confessor and he has a general remembrance of it, the new confession may be made summarily.

(c) General repetition is necessary when several past confessions were certainly invalid on account of lack of formal integrity or other defect. Thus, he who has made bad confessions for three months must make a general confession of that period of time. General confession is advisable when there is a prudent doubt about the worth of past confessions; it is permissible when it will help a penitent to be more contrite and lead a better life; it is not lawful when it will do harm, as when a scrupulous penitent will be harrowed and maddened by the thought of his past sins.

2745. Satisfaction.—The third act of the penitent is satisfaction, which is defined as “a compensation for the injury done to God by sin, appointed by God’s minister in the Sacrament of Penance and accepted and performed by the penitent.”

(a) This act is a compensation or payment made to God as an act of reparation and justice.

(b) The compensation is appointed by the confessor, for its chief purpose is restoration of friendship between God and the sinner, and hence equality is not sought, but the good will to do what God's minister imposes.

(c) The compensation is accepted and performed. This is required for the completeness, not for the essence, of the Sacrament. He who is really contrite desires to satisfy, he who confesses offers to satisfy; and hence, if for any reason he does not actually satisfy, his satisfaction of desire suffices for the validity of the Sacrament, but his omission to perform the satisfaction makes the Sacrament incomplete.

2746. The Effects of Actual Satisfaction.—(a) There is a remissive effect, consisting in the *_ex opere operato_* release of a portion or of all the temporal punishment due to sin forgiven.

(b) There is a medicinal effect, consisting in the appreciation of the evil of sin, the caution and vigilance against future relapse, and the removal of evil tendencies, which the penitential works inculcate and promote.

2747. The Conditions for Effective Satisfaction.—(a) For validity (that is, for discharge of the obligation) the penitent must perform the penance as to essentials in the way prescribed by the confessor, and he must perform it personally, unless the confessor permits or enjoins fulfillment by proxy (Canon 887). A penance performed during the actual commission of or with actual affection for sin, is not a satisfaction, but a new offense.

(b) For fruitfulness it is necessary that the penitent be in the state of grace when he fulfills the penance, for the works of His enemies are not supernaturally pleasing to God. Or, more exactly, a penance done in the state of sin, but without affection for sin and under the influence of actual grace, has no strict right either of justice or of friendship to divine acceptance; but it seems fitting that such penance be accepted by the divine liberality in part satisfaction for sins forgiven.

2748. The Obligation of Accepting and Performing a Penance.—(a) *_Per se_*, the obligation is grave, since the penance belongs to the integrity of the Sacrament, and hence its refusal or neglect is an injury to a sacred thing. (b) *_Per accidens_*, the obligation may be light, and this is held to be the case when the penance was imposed for free matter, or when the satisfaction prescribed is a light work (such as one or two Hail Marys). A penitent is not

bound to accept an unreasonable penance, and he may seek a commutation if such a penance is imposed. As a rule, negligence about the circumstances of a penance (e.g., the time, or posture) is not a grave sin, but exceptionally it may be serious (e.g., if one delays a gravely obligatory penance six months, or so long as to be in danger of forgetting it; if one omits to say a prayer on bended knees when this was chiefly intended by the confessor).

2749. Causes That Excuse from a Penance Imposed.—(a) Commutation.—If there is a just reason (e.g., the over-severity of the penance), the penitent may have his penance changed to something lighter. The confessor who imposed the penance may be asked to change it, even probably after and outside of confession, and after a long time, and though he does not remember the confession. Another confessor may lessen the penance, but only in confession and after he has heard at least a summary repetition of the sins for which the penance was given.

(b) Cessation.—There is no obligation to fulfill a penance in case of impossibility, whether physical (e.g., if the penitent is dying and can neither say the prayers ordered nor ask for a commutation), or moral (e.g., if the penitent has forgotten the penance and cannot conveniently ask the confessor about it).

2750. Requirements in the Minister for Valid Absolution.—(a) The divine law requires the power of Orders, for only priests were appointed by Christ as the ministers of Penance, (b) The natural law requires the power of jurisdiction, since the Sacrament of Penance is exercised in the form of a judicial process, which supposes authority to judge. (c) The law of the Church requires the approval of the Bishop, or his decision that the priest is a fit person to hear confessions. Approbation is always given along with jurisdiction.

2751. Power of Jurisdiction.—The power of jurisdiction is so necessary that without it absolution is null.

(a) Jurisdiction in general is treated in Canons 872 sqq. of the Code. Ordinary jurisdiction is had by the Pope for the whole Church, and by Ordinaries, parish-priests, exempt religious superiors, etc., for their own subjects. Delegated jurisdiction comes from the law itself in favor of penitents who are dying (Canon 882), or who are making a sea voyage (Canon 883), a privilege extended recently also to those who are making air

journeys, or who are outside their domicile (Canon 881), etc.; while delegated jurisdiction from man is had by those priests who have obtained faculties orally or in writing from the competent superior (Canon 879).

(b) Jurisdiction in special cases is treated in Canons 874, 875, 876, 519 sqq. Religious women living in community should have for each house one ordinary confessor and one extraordinary confessor who comes four times a year. Further, the bishop should appoint supplementary confessors to whom the Religious may freely make their confessions, and special confessors for individual Sisters when spiritual progress is aided by such an arrangement.

2752. When the Church Supplies Jurisdiction.—In certain cases the Church, for the good of souls, supplies jurisdiction for the time being to priests who lack it:

(a) in case of common error, that is, when all or many of the faithful in a place think that a priest has jurisdiction, as when he is seated in the confessional of a public church hearing or waiting to hear those who are going to confession. The common error is not of law, but of fact;

(b) in case of uncertainty of law (e.g., whether a certain sin is reserved) or of fact (e.g., whether the confessor's jurisdiction has expired) about the confessor's jurisdiction, if the confessor has a positive or probable reason in favor of his right to absolve. The Church supplies jurisdiction in the absolution of a reserved censure whose reservation was not known to the priest, unless it be *_ab homine_* or most specially reserved to the Holy See (Canon 2247, n. 3);

(c) in case of danger of death, when full jurisdiction is granted to every priest (Canon 882).

2753. Limitation of jurisdiction.—(a) Reserved Sins or Cases.—For the sake of discipline and the good of souls the absolution of certain more atrocious or pernicious crimes is reserved to higher superiors, namely, to the Pope or the Ordinary. Reservation is not incurred in a case reserved on account of censure, if the penitent's act was not gravely imputable; nor probably in a case reserved for its own sake (unless the reserving authority willed otherwise), if the penitent was ignorant (though not crassly or supinely) of the reservation (Canon 2229). To fall under reservation, a sin must be mortal, consummated (i.e. not merely attempted) certain and formal

(i.e., perpetrated with knowledge of the special malice that caused reservation). Reservation ceases when confession is made by the sick who are unable to leave the house or by those who are about to be married; when the Superior has refused the request for faculties to absolve a reserved case, or the confessor prudently decides that the request for faculties cannot be made without grave detriment to the penitent or danger to the seal; when confession is made outside the territory of the Superior who reserves the sin (Canon 900).

(b) Reserved Persons.—Those who have not special faculties cannot validly hear the confessions of nuns (Canon 876), for the director of consciences of these Religious should be endowed with special virtue, knowledge and prudence. Religious Superiors, novice-masters, and rectors of seminaries or colleges should not act habitually as confessors of their subjects (Canons 518, n. 2, 891), lest the distinction between the internal and the external forum be forgotten. Finally, to prevent abuse of the Sacrament and occasions of relapse, a confessor cannot validly absolve his accomplice in a sin against the Sixth Commandment, consummated or unconsummated, or from the sin of complicity itself, as necessary matter of the Sacrament, if the sin was on both sides external, certain, and both internally and externally grave (Canons 884, 2367).

2754. Absolution from Reserved Cases.—(a) In danger of death, any priest can absolve every reserved sin and censure, but, should the penitent recover, there is a duty in certain specified cases of having recourse to the lawful superior (Canons 882, 2252). The latter Canon specifies two cases in which recourse is necessary after the person recovers, namely, a censure ab homine and one most specially reserved to the Holy See. A third case has been added by the Sacred Penitentiary, namely, when a priest who has attempted marriage and is unable to separate asks for absolution from the censure of Canon 2388, Sec.1, in danger of death.

(b) In urgent cases, namely, if censures latae sententiae cannot be observed externally without grave danger of scandal or infamy, or if it is hard for the penitent to remain in the state of grave sin for such time as may be necessary in order that the competent superior may provide, then any confessor can, in the sacramental forum, absolve from these censures, no matter how they are reserved, imposing, under pain of falling back into the censure, the obligation of having recourse within a month (at least by letter

and through the confessor, if it can be done without grave inconvenience), without mentioning the name, to the Sacred Penitentiary or to a Bishop or other superior who has the faculty. The confessor imposes also the obligation of fulfilling his injunctions (Canon 2254, Sec.1). It is to be noted:

1) the circumstances constituting an urgent case are the two specified in the Canon: the difficulty of observing the censure; the hardship of remaining in sin.

2) the object of the absolution is all censures *_latae sententiae_*, however reserved, with one exception, namely, the censure incurred under Canon 2388, Sec.1, the case of a priest who, after an attempted marriage, is unable to separate. No absolution as an urgent case under this Canon can be given. The censure *_latae sententiae_* for false denunciation can be absolved under this Canon only if the conditions of Canon 2363 have been fulfilled (actual formal retraction and reparation; imposition of a grave and long penance; and the sin itself remains reserved *_ratione sui_* to the Holy See).

3) Sufficient extrinsic authority is available to make safe in practice the extension of the grant of power of this Canon to censures *_ab homine_* which are *_ferendae sententiae_*.

4) Sections 2 and 3 of this Canon indicate the right of the penitent to go afterwards to a privileged confessor without making the recourse to the superior enjoined upon him or observing the *_mandata_* from the superior in case he has already made recourse, and the procedure to be followed when recourse is morally impossible.

(c) Outside of necessity, only those can absolve who have ordinary or delegated faculties. The law itself grants to pastors the power to absolve during the whole of paschal time from all sins which the Ordinary has reserved to himself, and missionaries have the same power during the time they are giving a mission (Canon 899, n. 3). This does not apply to censures nor to cases reserved to the Ordinary by the Apostolic See or by law, such as the excommunication *_latae sententiae_* which Canon 2350 declares against the procurers of abortion.

2755. Absolution Given by One Not Possessed of Jurisdiction.—(a) Effect.—Absolution of mortal sins given without jurisdiction is invalid; and

of venial sins, is unlawful and probably invalid. In some cases, however, the Church supplies jurisdiction, as was said above (2752).

(b) Guilt.—There is no sin if the absolution is given in good faith, as when a confessor is inculpably ignorant of a reservation. If absolution is given in bad faith and the confessor knows that the Church does not supply, there is a grave sin on account of the irreverence to the Sacrament and the harm to the penitent. If the confessor knows that he lacks jurisdiction, but that the Church supplies on account of common error, it seems that no sin is committed if there is a good reason for giving absolution (e.g., the absence of other priests); but otherwise there is mortal or venial sin according to circumstances.

(c) Penalty.—He who with presumption hears confessions without jurisdiction or absolves from a reserved case for which he has no faculties, incurs in the former case *_ipso facto_* suspension from the power of Orders, and in the latter case *_ipso facto_* suspension from hearing confessions (Canon 2366).

2756. Duties of the Confessor before Confession.—(a) Fitness to Hear Confessions.—The confessor should have sufficient knowledge to be able readily to solve the usual cases and to work out or find the solution of the more difficult cases; sufficient prudence to be able to apply his knowledge well and to avoid what is dangerous or suspicious; sufficient goodness to be sincerely desirous of the spiritual advantage of the penitent, and to be patient in hearing him and firm in correcting him.

(b) Willingness to Hear Confessions.—The confessor is obliged either from justice or charity (2676) to hear the confessions of those who reasonably request it. He should observe the rules of the Ritual and of the Code as to the manner and place of confession (Canons 908-910).

2757. Duties of the Confessor as Judge in Hearing the Case.—(a) Since confession should be entire, the confessor is gravely bound to question the penitent, when there is reason to think that the confession is not entire. With pious and well-instructed persons, of course, there is no need of questioning, and, since the duty of integrity rests primarily on the penitent, the confessor's negligence may be regarded as venial when he is burdened by a great multitude of confessions.

(b) Since confession must not be made onerous or harmful to penitents, the confessor is bound to be very discreet in the questions he asks, and to follow the rule that it is far better to say too little than to say too much. He must avoid any word or remark that might teach sin to the young or scandalize the old; he must be very reserved when speaking of matters that pertain to the Sixth Commandment, and, if there is need to question about them, should begin with very general queries. Neither directly nor indirectly may he inquire the name of an accomplice of the penitent (Canon 888); but he is allowed to investigate matters which he has a right to know, even though the accomplice thereby becomes known to him. If the common good requires that a complaint be lodged against the accomplice, the confessor may oblige the penitent to make this complaint to the proper superior; but it is seldom advisable that the confessor agree to perform this duty himself, and then he should require that the penitent speak to him about the affair outside of confession, if this can be done (see 1287).

(c) Since the penitent acts as the accuser in confession, he should be believed both for and against himself. But should it happen that the confessor knows for certain that his penitent is lying, his procedure will depend on the source of his knowledge. If the knowledge is not of sacramental origin but comes from the confessor's own reliable experience (e.g., because he saw the penitent commit a sin and is sure that the silence about the sin is not due to forgetfulness, ignorance or previous confession of it), he should try to induce the penitent to confess, and, if the latter refuses, should deny absolution. If the confessor is morally certain on account of the word of a third person that the penitent is now concealing a sin, it seems to some authorities that absolution may be either granted or refused, to others that it must be refused. Finally, if the confessor's knowledge comes from a previous sacramental confession or other obligatory secret, he is held to respect the secret; he may not ask any questions which he would not have asked otherwise, and, if the penitent will not confess, he must either grant absolution, as some hold, or dissimulate its denial, as others think.

2758. Duties of the Confessor-Judge in Deciding about the Case.—(a) The confessor should pass judgment on the past state of the penitent's soul as declared to him, but defect or mistake here would not make the Sacrament null. The objective malice of the sins (i.e., their theological and

moral malice) will be recognized by the priest from his knowledge of theology, and the subjective malice from the declarations or replies of the penitent. At times the confessor will have to rest satisfied with the decision that the sin or its character is uncertain.

(b) The confessor should pass judgment on the present dispositions of the penitent, or the sincerity of his sorrow and resolution; but it suffices that the judgment be probable, and there be no strong suspicion against it. The penitent's devout confession, or his promise of amendment, the trouble he took to make his confession, etc., are indexes of good faith, just as boastful confession, disregard for former promises, and unwillingness or carelessness about coming to confession are signs of bad faith.

2759. Duties of the Confessor-Judge in Passing Sentence.—(a) The Duty of Binding.—The confessor must impose upon the penitent such duties as are necessitated by the essence of the Sacrament (e.g., there is no true contrition without willingness to make due restitution, reparation, or satisfaction, and to avoid sinful occasions and to struggle against bad habits), or such penalties as are required for its integrity (i.e., the priest must impose a suitable penance). To safeguard morals, the law of the Church gravely obliges a confessor to require his penitent *_sub gravi_* to denounce another confessor certainly guilty of the crime of solicitation, unless there be a grave reason that excuses the penitent; and, if the penitent refuses, absolution must be denied. On the details of this law and on the penalties for solicitation, refusal to denounce, and false accusation, see Commentaries on Canons 904, 2368 and 2363 of the Code.

(b) The Duty of Loosing.—The confessor is bound *_sub gravi_* to give absolution at once to one who is properly disposed, for there is a tacit contract between the penitent and the confessor that absolution will be granted if the penitent is worthy; the penitent puts himself to considerable trouble to obtain forgiveness, and he is deprived of a great good if absolution is refused (Canon 886). If only free matter is confessed, it is a venial sin now and then to deny absolution without reason, but no sin to deny it for a good reason if the penitent consents.

(c) The Duty of Retaining.—The confessor should always refuse absolution to those who are certainly not contrite and in whom he cannot awaken true repentance, for absolution would be of no benefit to such

persons and would make the confessor an encourager of sin. Likewise, absolution should be denied those who are incapable (e.g., those who have not as yet committed sin or who confess only imperfections). If there is doubt about the fitness or capacity of the penitent, absolution should generally be delayed; but it may be granted conditionally for a serious reason (e.g., if the penitent is in a state of sin and cannot return to confession for a long time), and it should be granted conditionally for a very serious reason (e.g., if the penitent will probably not return, or if he is confessing in preparation for marriage).

2760. Penitents to Whom Absolution Should Be Denied.—There are three classes of penitents especially to whom absolution should be frequently denied on account of their lack of repentance:

(a) those who refuse to abandon a proximate and voluntary occasion of grave sin, for these are impenitent and unworthy of absolution. But absolution may be given those who promise to abandon a proximate and voluntary occasion, or to use the proper means of safety if they are in a proximate and necessary occasion of sin (see 263 sqq.);

(b) those who have contracted the habit of some grave sin, if they are unwilling to use the proper means to overcome it; but if they seriously promise to use means prescribed by the confessor, they should be considered as well disposed. A sin is habitual when it is committed often—that is, for an external sin about five times a month, and for an internal sin about five times a week—and when the sinner acts for the proper motive of the vice, e.g., in injustice for disorder, in intemperance for pleasure of the sense, in sins against charity out of hatred, etc. But consideration should be taken also of the character of the person (i.e., a weak-willed person is enslaved by habit more readily than a strong-willed person) and of the vice (i.e., an alluring sin like impurity becomes a habit more quickly than other sins);

(c) those backsliders or recidivists who have confessed the same grave sin in three or four previous confessions and have relapsed into it again without any improvement. These persons should be absolved if they are sincere now and give some special indication as proof of sincerity (e.g., some effort made to conquer their habit); otherwise (except in great necessity, when they may be given the benefit of the doubt and be granted

conditional absolution) they should not be absolved but should be put off kindly for a short space, since there is no reason to believe that the present sorrow is any better than that of the past.

2761. The Sacramental Penance.—(a) Obligation.—The confessor is bound to impose a penance in order to provide for the integrity of the Sacrament and the good of the penitent. Exceptions to this rule are the cases when the penitent cannot perform any penance, as when he is at the point of death, and when the penitent after the imposition of a penance and absolution remembers new and necessary matter. It is at least a venial sin to delay the giving of a penance till after the absolution, and it is a grave sin to give no penance at all, unless (as some hold) only a light penance was due.

(b) Quantity.—The amount of the penance should be suited as a punishment to the degree of the penitent's guilt, that is, a heavier penance should be given for necessary matter and a lighter penance for free matter. The penance should also take into consideration the moral malice and the frequency of the sins. Works that the Church may order under pain of serious sin suffice for necessary matter (such as a Mass, a fast, five decades of the Rosary, or the Litany of the Saints). Light penances are the *De Profundis*, the Litany of St. Joseph, five Paters and five Aves. For a sufficient reason (e.g., the sickness of the penitent, the probability that a grave penance will keep him from future confession, the fact that his sorrow is very great or that he has gained a plenary indulgence, the performance of satisfaction for him by the confessor himself) the quantity of a penance may be lessened. A grave penance may be lightened by joining it with some duty already owed (e.g., by requiring the penitent to say the Rosary while hearing Sunday Mass, by obliging him to hear Mass on Sunday and also to say a few prayers after the Mass).

(c) Quality.—The character of the penance should make it suitable as a remedy for the spiritual disease of the penitent; that is, as far as possible he should be required to perform works that tend to correct his chief failings. Thus, for those who are uncharitable or avaricious an alms or other work of mercy is a good penance; for those who are given to pleasures of sense, a fast or other corporal austerity; for those who are lax or irreligious, a prayer, a visit to the Blessed Sacrament, a meditation, or frequentation of the Sacraments. Ordinarily it suffices to impose prayers as penances, since prayer is a universal remedy. Penances unsuitable to the penitent (e.g., fasts

for one who needs nourishment on account of labors), those that are too difficult (e.g., perpetual or long-continued practices), those that are harmful (e.g., penances that will bring the penitent into suspicion or ridicule), must be avoided.

2762. The Duties of the Confessor as Spiritual Physician.—(a) General Remedies.—The confessor should give much attention to the study of moral and ascetical works, so as to be able to suggest suitable means to his penitents for overcoming their spiritual infirmities and avoiding future relapses. Thus, if a penitent desires to know or ought to be told how to struggle against anger, drunkenness or impurity, the confessor should know how to advise him and what measures to recommend to him.

(b) Special Remedies.—Certain classes of penitents need special attention. Thus, the tempted and afflicted should be told the means of fighting temptation and sadness; the scrupulous should be forbidden to examine their consciences too carefully, or to accuse themselves minutely, or to spend too much time at devotions; the sick and the dying should be encouraged to dispose themselves well and to put aside thoughts of fear and discouragement; pious persons often need assistance when they suffer temptations to tepidity or spiritual desolation. The careless, lazy, malicious, and hardened should be reproved, but sternness should not be unmingled with kindness, lest the penitent be driven away from his duty altogether.

2763. The Duties of the Confessor as Teacher and Guide.—(a) Instruction.—The confessor should teach children and other ignorant persons if he finds that they do not know truths necessary to be known for a fruitful reception of the Sacrament—that is, the mysteries of faith that must be believed explicitly and the dispositions for receiving absolution (924). He should instruct about duties when this will be for the penitent's good—that is, when the penitent falsely believes something to be sinful which is not sinful, or to be gravely sinful that is only lightly sinful, or when the penitent's ignorance of an obligation is gravely culpable, or when he is invincibly ignorant but will be kept from a sin without graver evil if he is instructed now. If an instruction will probably do no good, a confessor should not instruct an invincibly ignorant penitent about his duties, unless silence will be productive of greater evils than instruction. Thus, if the confessor foresees that the penitent will only be put in bad faith if he is told about a duty of restitution, it would be useless and wrong to speak to him

about it; but if he should foresee that, if he does not speak, the penitent will do worse things with great injury or scandal to others, it would be necessary to instruct him.

(b) Direction.—In spiritual matters a confessor should be willing and able to counsel and advise, for example, about the choice of a state of life (marriage, clerical state, religious life), about voluntary rules or practices (vows, austerities), and about the performance of duties (e.g., training of children). For advice on temporal matters a priest should either direct his penitents to lawyers, physicians or other professional advisers, or, if he can give prudent direction himself (e.g., on artistic, educational, or business questions), he should preferably discuss the matter elsewhere than in the confessional.

2764. The Duties of the Confessor After Confession.—(a) *Per se*, or by reason of his office itself, the confessor is held to guard inviolate the secret of the confessional—that is, he may not disclose, or use to the penitent's disadvantage, any information received from sacramental confession. This duty is a grave one imposed by natural law (since there is a quasi-contract that the confessor will treat the penitent's confession as confidential), by divine law (since Christ, in willing that confession be used, implicitly willed that it be so conducted as not to become a thing odious, scandalous and harmful), and by church law (for Canons 889, 890, 1757, 2369 strictly forbid revelations or use of sacramental knowledge and decree severe penalties against transgressors). Since God wipes out from remembrance the sins He has pardoned, the confessor, being God's representative, must treat what he has heard as not known to him. The obligation of the seal is so strict that no one may dispense from it, that neither Probabilism nor *epieikeia* may be applied to it, and that no exception is allowed unless the penitent himself freely, unmistakably and for a serious reason gives permission for it to the confessor.

(b) *Per accidens*, or by reason of a mistake committed by him (e.g., absolution mistakenly refused or invalidly given, erroneous notion about the gravity of a sin imparted or not corrected, restitution imposed where not due or not imposed where due), a confessor is held to see that the mistake is corrected and that the penitent or a third party is spared or rescued from the harm which will follow from the mistake. The obligation is one of justice in those cases where there is a violation of implicit agreement (e.g., absolution

unreasonably withheld), or damage positively and culpably caused (e.g., erroneous advice about the gravity of a sin or about the duty of restitution); it is one of charity in other cases where the confessor can without undue inconvenience assist the spiritual or temporal need of the penitent or of another (e.g., penitent's misunderstanding about his duty of restitution which the confessor failed to clear up). The duty of repairing mistakes is grave when there is grave damage (e.g., invalid absolution of mortal sins) and grave guilt was contracted by the mistake (e.g., if the invalidity was voluntary) or will be contracted by refusal to prevent the consequences of the mistake (e.g., if the invalidity has been discovered, and one knows that the penitent will die unabsolved, if one does not rectify the error). The duty is light if there is light damage (e.g., invalid absolution of free matter, or of necessary matter confessed by a person who will go to the Sacraments soon again), or light culpability (e.g., failure to question about the species or number of sins, or to impose a penance, when the failure is due to distraction or forgetfulness).

2765. Manner of Repairing Defects Made in Hearing a Confession.—(a) The Reparation to be Made.—If the penitent has been deprived of absolution, he should be absolved; if he has been wrongly instructed, he should be set right; if temporal loss has been caused, temporal restitution should be made.

(b) The Person to Whom Restitution Should Be Made.—The injured person should be compensated. Hence if restitution was mistakenly imposed on the penitent and he cannot recover his property, the confessor should reimburse him; if the penitent was mistakenly excused from restitution, payment is due the third party who loses by the advice.

(c) The Manner of Making Reparation.—If possible, the reparation should be made in the penitent's next confession, as this is less troublesome to all concerned. But if the confessor has wrongly instructed the penitent in an important matter, he is bound more probably (after obtaining the penitent's permission to speak about confession matter) to retract, even outside of the confessional, if this can be done without scandal or other serious evil, which would be rare.

2766. Excuses from the Duty of Repairing Mistakes.—(a) Physical Impossibility.—If the confessor does not know who the penitent is or

cannot find him, there is nothing to do but to repent over the mistake and to pray for the penitent that God may provide for him.

(b) Moral Impossibility.—Grave inconvenience excuses, unless the confessor has been seriously at fault against justice (e.g., by omitting absolution, by giving incorrect instruction in an important matter, by neglecting to warn against an occasion of serious sin, by wrongly advising on restitution of a large sum), or the salvation of a soul is at stake, as when an unabsolved penitent is dying (see 1797 sqq.)

2767. The Obligation of the Seal of Confession.—(a) Its Subject.—Primarily the duty of the seal obliges the confessor, secondarily all others to whom the matter of sacramental confession in any way becomes known, such as bystanders, interpreters, or those who have spied into a confession. The penitent on his part is bound to keep as a natural secret the words of the confessor which the latter would rightly wish to be kept confidential (e.g., it would not be fair to excuse oneself in making necessary corrections, by saying that one was acting under advice of one's confessor, especially since the confessor cannot defend himself).

(b) Its Object.—Primarily, the seal extends to all sins confessed, whether they be light or grave, private or public; and a confessor may not confirm from his knowledge as confessor what he also knows from other knowledge. Secondarily, it extends to all that is declared for a fuller explanation of the sins, such as circumstances, purpose, occasion, cooperation, and to all those things whose revelation would endanger the seal or make the Sacrament odious, such as the denial of absolution, the penance given, the insincerity, impatience or scrupulosity shown in confessing, the fact that a confession was long or a general review. Other matters not generally known and which the penitent reasonably wishes to be confidential (e.g., the fact that he made his confession, his natural defects of illegitimacy or deafness) should be kept as natural secrets. But there is no duty of sacramental or natural silence about matters which the confessor knows from other sources and which he is free to mention (e.g., facts learned from a non-sacramental confession made to the priest and others with a view to its use, or from the confessor's own perception of a theft committed by the penitent in the act of confession).

2768. Sins against the Seal of Confession.—(a) Direct violation happens if a confessor declares, either to the penitent himself or to another, matter protected by the seal, and with such clearness that both the penitent and his sin can be recognized. This occurs even though no names are mentioned, or the penitent is unknown to the listeners, or is no longer living, or when the listeners do not perceive that sacramental knowledge is being used. The sin is grave, and, since the injury to religion and the public is always serious, it admits of no lightness of matter. The penalty is excommunication most specially reserved to the Pope (Canon 2369).

(b) Indirect violation happens if a confessor so speaks or acts as to create a danger of direct violation (e.g., if he speaks so loud in the confessional that those outside can hear, or if he is suspiciously silent when the penitent is being commended, or if he warns the parents of a penitent to be specially watchful of him, or if he refuses to hear a confession because he knows from a previous confession that the person is very scrupulous, or if he shows less confidence or regard for the penitent). The sin admits of lightness of matter, since the danger of direct violation may be remote; but if there is grave culpability, suspension or even severer penalties may be inflicted (Canons 2369, 2368).

(c) Unlawful use of sacramental knowledge happens if there is no direct or indirect violation of the seal, but the confessor's conduct is such as to make confession distasteful either to the penitent or to others, as when a superior is guided in giving his vote or directing his subject by information gathered from confession. This is forbidden in Canon 890.

(d) Apparent violation of the seal happens if there is really no direct or indirect violation of the seal, or unlawful use of confessional knowledge, but a priest's language is calculated to arouse a reasonable suspicion that some such sin is being committed (e.g., if a preacher or retreat master or writer of moral cases uses illustrations from confessions heard by him which will excite distrust in his own or other penitents). Serious scandal and defamation may also be caused by public statements unfavorable to the morals of a certain city or community or class.

2769. Special Abuses.—Two abuses to which confession is especially exposed are defamation and impurity, and hence the law of the Church provides special safeguards against these dangers (see 2753, 2757, 2759).

(a) Defamation.—The fame of third parties is protected by the law which forbids the confessor to inquire about the penitent's accomplice, the fame of the penitent by the law of the sacramental seal, and the fame of the confessor by the law which subjects those who bring a false accusation of solicitation against a confessor to excommunication specially reserved to the Pope, to retractation, reparation, and severe penance (Canons 888, n. 2, 889 sqq., 2363).

(b) Impurity.—The danger that a confessor will be tempted to solicitation by his knowledge of the frailty of a penitent is provided for by the law which severely commands formal denunciation of those guilty of solicitation (Canon 904); the danger that a penitent may be induced to yield to solicitation by a promise to absolve the sin is met by the law which invalidates absolution of an accomplice (Canon 884).

2770. *Absolutio Complicis.*—*Absolutio complicis in peccato turpi invalida est praeterquam in mortis periculo* (Canon 884).

(a) *Objectum legis est peccatum turpe, i.e., quodvis peccatum contra sextum, consummatum vel non consummatum, colloquiis, aspectibus vel factis patratum. Necesse est autem quod peccatum sit utrinque certum (quoad factum et jus), externum, et grave (qua internum et qua externum). Unde non agitur de peccatis contra alias virtutes, neque de peccatis luxuriae mere internis vel levibus.*

(b) *Subjectum de quo in lege est complex seu socius immediatus et formalis in ipso actu peccati; et sic non sufficit ad complicitatem cooperatio etiam proxima (1507), nec peccatum mere materiale, quale fit ab amente, dormiente, ebrio, infante, renitente. Non requiritur tamen quod compar sit puber vel alius sexus, neque quod confessarius tempore complicitatis jam inter clericos adscriptus sit.*

2771. *Effectus Legis de Absolutione Complicis.*—(a) *Quoad Absolutionem.*—*Invalida et illicita est absolutio directa peccati nondum remissi si extra periculum mortis datur. Est valida sed illicita: absolutio directa peccati nondum remissi, in periculo mortis data, quando alius sacerdos confessionem recipere potest; necnon absolutio indirecta peccati nondum remissi, extra periculum mortis data, quando poenitens bona fide peccatum reticet. Est valida et licita absolutio directa peccati nondum remissi, in periculo mortis vel in gravissima necessitate (utputa urgente*

praecepto ecclesiastico et divino confessionis et communionis annuae) data, quando alius sacerdos aut nullimode aut nonnisi cum gravi incommodo (scil. infamiae, scandali, periculi confessionis sacrilegae) haberi potest; necnon absolutio directa peccati jam remissi, etiam extra hoc periculum et hanc necessitatem facta. Non una tamen est sententia auctorum in interpretandis dubiis hujus legis, nec omnes conveniunt cum placitis hic positis, nam de dubiis alii strictius, alii mitius judicant.

(b) Quoad Censuram.—Excommunicatio specialissime reservata S. Sedi ipso facto incurritur a confessario qui illicite absolvit vel fingit absolvere, sive directe, sive (quando poenitens ad tacendum inductus est a confessario ipso) indirecte. Censura non incurritur igitur si confessio tantum auditur, si poenitens propria sponte peccatum reticet, si sacerdos dubitat num poenitens complex sit (Canon 2367).

2772. Sacerdos reus delicti sollicitationis in confessione intra mensem denuntiandus est a poenitente loci Ordinario vel S.C.S. Officii (Canon 904).

(a) Delictum sollicitationis est provocatio, etiam inefficax, poenitentis ejuscumque ut actum quemcumque gravem contra castitatem committat. Provocatio fit vel per verba (e.g., declarationes amoris, invitationes, laudes), per facta (e.g., dona), per sermones (e.g., colloquia de turpibus a poenitente confessis), per tractatus (scil. colloquia de re turpi agenda), per consensum internum-externum sollicitationi poenitentis datum.

(b) Delictum sollicitationis est provocatio quae ordinem habet ad confessionem, i.e., quae fit tempore factae confessionis (i.e., inter, immediate ante, immediate post confessionem), vel tempore confessionis faciendae (i.e., occasione confessionis petita a poenitente, praetextu confessionis falso allegatae a confessario, in loco confessionis cum confessionis simulatione).

2773. Confessarius debet, graviter onerata ejus conscientia, de onere denuntiationis poenitentem monere.

(a) Obligatio confessarii gravis est. Sed antequam moneat, serio consideret utrum poenitens persona fide digna sit, utrum certo constet de facto, de turpitudine, de gravitate, de ordine ad confessionem, utrum detur causa excusans (e.g., mors sollicitantis; probabiliter, ejus plena emendatio per plures annos manifestata; grave damnum poenitentis quoad vitam,

famam, fortunam, nisi gravius damnum simul immineat bono communi). Si de delicto sollicitationis et de obligatione poenitentis nullum dubium est, confessarius moneat, etiamsi poenitens in bona fide sit et praevideatur certo non obtemperaturus, mortis periculo autem excepto. Si poenitens irrationabiliter renuat denunciare, absolvi non potest, sed confessarius de casu consulere debet Ordinarium.

(b) Obligatio poenitentis etiam gravis est. Denuntiatio facienda est intra mensem a cognita obligatione., Ordinario sollicitantis, vel loci delicti, vel poenitentis, personaliter et judicialiter. Poenitens qui nec comparere nec scribere potest, interea excusatur; sed ille qui justa causa exemptionis carens scienter omittit denunciare intra terminum unius mensis incurrit in excommunicationem latae sententiae nemini reservatum, non absolvendus nisi postquam obligationi satisfecerit aut se satisfacturum serio promiserit (Canon 2368, n. 2). Confessarius non tenetur in se suscipere onus denuntiationis, nisi secus gravissimum damnum bono publico inferretur.

2774. The Sacrament of Extreme Unction.—As Confirmation perfects Baptism by bringing to maturity the new life of grace, so Extreme Unction perfects Penance by strengthening against the spiritual debility that remains after sin itself has been wiped away. Confirmation makes ready for the battle of life, Extreme Unction assists during the struggle of death. The fifth Sacrament is defined: “A Sacrament of the New Law in which through the anointing with oil and the prayer of the priest adult persons who are in danger of death receive health of soul, and also at times health of body.”

(a) The remote matter or element of the Sacrament is oil (James, v, 14, 15). For validity it is required that this be olive oil, blessed by a bishop or by a priest having special papal delegation, with the special blessing for the oil of the sick (O. I.); for lawfulness, *_sub gravi_* that it be oil blessed the previous Holy Thursday (Canon 734), *_sub levi_* at least that it be blessed by the bishop of the diocese, or, in case of vacancy, by the neighboring bishop. In necessity the old oils may be lawfully used, while chrism and the oil of the catechumens may be used as doubtful matter. Unblessed oils and oils blessed by an unauthorized priest do not suffice for validity.

(b) The proximate matter is the anointing of the sick man with blessed oil. In urgent necessity it suffices to anoint one sense, or rather the forehead; in other cases the various senses should be anointed in the order

given in the Ritual. Each anointing of a double sense should begin with the right organ (e.g., the right eye) and should be given with the right thumb in the form of a cross. If one organ is missing (e.g., a hand amputated), the anointing should be made, if possible, near to its place (e.g., on the wrist); if there is danger of contagion, the anointing may be made by means of an instrument, such as a brush or small stick. The anointing of the reins should always be omitted and the anointing of the feet may be omitted for any good reason, such as inconvenience to the dying person.

(c) The form of the Sacrament is the prayer used by the priest. In the Latin Church the ordinary form is contained in the words: “_Per istam sanctam unctionem_, etc. By this holy anointing and His most tender mercy may the Lord forgive thee whatever sin thou hast committed by sight (by hearing, by smell, by taste and speech, by touch, by thy steps). Amen.” The extraordinary rite for use when there is not time to give all the anointings is bestowed on the forehead in the words: “Per istam sanctam unctionem et suam piissimam misericordiam indulgeat tibi Dominus quidquid deliquisti. Amen.” The essential words of the form are: “Per istam unctionem indulgeat tibi Dominus quidquid deliquisti,” because they express the intercession and the effect of the rite. It would probably be a grave sin to omit the reference to the senses in the ordinary form, as that seems to be a notable part of the form; but it would be a light sin, apart from contempt or scandal, to omit an unimportant word such as “Amen.” If there is doubt about the recipient’s capacity (i.e., whether he has reached the use of reason, whether he is in danger of death, whether he is already dead, whether he is impenitent and unwilling to receive the Sacrament), the form should be conditional. The condition should be “_si es capax_,” not “_si es dispositus_,” even in the last-mentioned case. For the Sacrament is given validly even to one who is not well disposed (i.e., who lacks repentance) and there is thus the possibility, when validity is not made dependent on the condition of good disposition, that sacramental fruitfulness will follow later when impenitence, the obstacle to the Sacrament’s activity, shall have been removed.

(d) The recipient of the Sacrament is a Catholic who after attaining the use of reason has come into the danger of death through sickness or old age. No one is capable of receiving this Sacrament unless he is baptized, for Baptism is the gateway of the Sacraments (2671); unless he has reached the

use of reason, for the Sacrament is a remedy against personal sin and supposes that the recipient can or formerly could distinguish between right and wrong; unless he is in danger of death through the infirmity of disease or of decrepitude, for St. James teaches that the anointing is for those who are enfeebled by illness dangerous unto death. Hence Extreme Unction cannot be administered validly to the unbaptized, to young children who have not come to the use of reason, to the perpetually insane, to those who are sick but not in danger of death, to those who are in danger of death but not sick (e.g., a strong man going to the gallows or to battle). But the Sacrament may be administered to children who have not yet made their first confession, if they are capable of sin, and to the insane who once had the use of reason. The danger of death need not be immediate, and hence Extreme Unction may be given when the disease is mortal but the patient will last for several months or even a year, as in tuberculosis. Illness includes not only chronic sickness, but also fatal disorders caused by wounds, accidents, poison. The rule about the old is that those who have reached sixty years and show some signs of approaching death, such as great feebleness or fainting spells, even though they have no special malady, may be anointed; for their old age itself is a disease.

(e) The minister of Extreme Unction is the priest, since St. James directs that the presbyters (i.e., the priests) of the Church be called to anoint the sick. Extreme Unction, unlike Penance, is not exercised in the form of a judicial process, and hence the power of Orders suffices for its valid administration, and any priest, even one who lacks jurisdiction, gives it validly. But for lawful administration church law prescribes that the minister regularly be the ecclesiastical superior or spiritual director (i.e., the pastor for his parish, the head of a clerical religious institute for his house, the parish-priest or chaplain for a lay religious body, the confessor for nuns), and that the minister extraordinarily (i.e., in necessity) be any other priest who has permission, or reasonably presumed permission.

(f) The effects of Extreme Unction are per se an increase of sanctifying grace, since this is a Sacrament of the Living; per accidens (i.e., when the recipient is not in the state of grace, but is in good faith and has attrition) the forgiveness of sins and first grace. Extreme Unction produces first grace more surely than does absolution, if the penitent is unconscious, since it does not call for any external manifestation of contrition; hence the

importance of anointing those who are dying but unconscious. The special benefit of Extreme Unction is immediate preparation of the soul for entrance to heaven, though restoration of the health of the body is sometimes vouchsafed when this is for the spiritual good of the sick person. Venial sins and the remains of past sins (i.e., the debility left by them) are removed and the soul is strengthened with confidence as to things past and future and with peace and resignation as to present suffering. Since the Sacrament is given for the period of danger of death, it cannot be repeated during the same danger; but should the patient recover and relapse into a distinct danger through the same or another sickness, there arises a new need and the Sacrament may then be repeated.

2775. Special Duties.—In addition to the duties that are common in all the Sacraments, the following duties should be noted in reference to Extreme Unction.

(a) The Recipient.—*Per se*, Extreme Unction is not necessary as a means to salvation, for sanctifying grace may be had or recovered without it; but *per accidens* it would be necessary as a means, if a dying person were in mortal sin and could not recover grace except through it. He who omits Extreme Unction unwillingly or for a good reason (e.g., because he is well prepared for death and cannot get a priest without very grave inconvenience) does not sin. He who omits the Sacrament voluntarily and without good reason, is guilty of grave sin if he acts from contempt, or gives scandal, or exposes himself to eternal damnation; but if there is no contempt, scandal or danger to salvation, sin is indeed committed by the neglect at such a crisis of so important a spiritual aid, but only venial sin, since there is no grave precept to receive this Sacrament. The recipient of Extreme Unction should be in the state of grace; and hence, if he has mortal sin on his conscience, he must beforehand make an act of contrition or receive absolution with attrition, or, if neither is possible, he must make an act of attrition. The custom of the Church calls for confession before Extreme Unction, and divine law commands confession if one is in mortal sin and in danger of death.

(b) The Minister.—The pastor is gravely bound in justice to give or have given the Sacrament of Extreme Unction to all his subjects who reasonably request it; other priests not charged with the spiritual care of the dying person are held in charity to anoint him, if he has not received the last rites

and cannot otherwise be anointed. It is clear that sick calls should be attended to promptly, and it would be a serious matter to delay so long as to put the sick person in danger of dying without Extreme Unction or of receiving it when he had become unconscious and could not dispose himself properly. If the person has been pronounced dead before the priest's arrival, he should nevertheless be absolved and anointed conditionally if the last breath was not long before; because physicians teach that death takes possession gradually, life lingering in the body for some time after its external signs have ceased, for about a half hour when the end has come after long illness, for one or two hours when death is sudden or accidental. The ceremonies are obligatory under pain of sin, and it is considered a serious matter to neglect the more notable parts, that is, without reason to omit all or nearly all the prayers, or to give the Sacrament without any sacred vestment.

(c) The Pastor.—The oil of the sick should be kept in a neat and properly decorated place, and should be contained in a vessel of silver or white metal. Only in exceptional cases is it lawful to keep it in the rectory (Canon 946). The Catechism of the Council of Trent (page 307) declares that Extreme Unction should form a subject of frequent instruction. It is important to exhort the people not to delay in sending for the priest till the sick person has become insensible, nor to omit to send for him in case of sudden death, since, as already said, life remains for some time in the body after apparent death.

(d) The People.—All those who are responsible for the good of the dying person, such as members of the family, physicians, nurses, relatives, friends, or neighbors, should beware of deceiving him about his condition and his need of preparation for death; on the contrary, they should see to it as far as they can, that he receives the last Sacraments in good time and while he has the full use of his senses, when the spiritual benefit and the comfort of mind will be of greater assistance and the bodily cure more likely.

Art. 4: HOLY ORDERS; MATRIMONY

(*_Summa Theologica_*, Supplement, qq. 34-68.)

2776. The first five Sacraments are necessary for the spiritual welfare of individuals, the remaining two, which are the subject of this Article, are needful, not for each person, but for the Church as a body. A member of the Church may save his soul though he remains outside the priesthood and the married state, but the spiritual good of the Church itself requires both Orders and Matrimony. Without Orders the Church would be deprived of her rulers, teachers and ministers of divine things; without Matrimony the family would lack that sacramental protection which is so important for the Christian home and the right rearing of members of society.

2777. The Sacrament of Orders.—The spiritual office and power of a member of the clergy is called Orders on account of the order or rank of superiority which it gives in the Church. The rite or Sacrament by which an Order is conferred is strictly called Ordination, and hence it is more correct to speak of the Sacrament of Ordination than of the Sacrament of Orders. Ordination may be defined as “a Sacrament of the New Law in which a member of the clergy receives spiritual power in reference to the Eucharist and the grace to exercise properly the duties of his office.”

(a) Orders is conferred only on a member of the clergy. Just as Baptism is preceded by catechumenate and Matrimony by espousals or engagement, so is Ordination preceded by tonsure, a ceremony instituted by the Church whereby a man is separated from the laity and enrolled among clerics with a view to prepare him for Holy Orders. The candidate for tonsure must be a male who has received Baptism and Confirmation (*_sub levi_*), and who has begun his course of theology; he sins if he approaches without a divine vocation or with the purpose not to go on for the priesthood. The privileges of clerics are those of forum and canon, and they are capable of receiving Orders, jurisdiction and benefice (Canons 108 sqq). In the reception of tonsure the cleric is admonished to make his life agree with the garb which he then assumes, or, in other words, to cultivate the special virtues of his state (see 2596 sqq.).

(b) Ordination confers spiritual power in reference to the Eucharist, the Sacrament of Sacraments. Just as the sacred vessels of the altar receive a permanent consecration, so likewise the ministers of the altar are set apart by Ordination, which confers upon them an indelible character with the power to exercise higher or lower offices in reference to the supreme Sacrament and the sole Sacrifice of the New Law. Hence, an Order once conferred is eternal and the Ordination cannot be repeated.

(c) Ordination confers grace, which is per se second grace, or an increase of holiness. The special feature of the grace of Orders is its suitability for the duties of the person ordained, for, where God imposes a special obligation, He confers also a special grace. It is clear that the duties of the ordained in reference to the real Body of Christ (i.e., duties as to the Eucharist and divine worship) and the mystical Body of Christ (i.e., duties to the faithful who receive the Eucharist and the other Sacraments) call for a high degree of virtue and a life edifying to all. Hence the need of a special grace in Ordination.

2778. Distinction of the Orders.—The following distinctions of the orders or ranks of the clergy should be noted:

(a) an Order is either sacramental or non-sacramental, according as it was instituted by Christ Himself or by the Church. It is the teaching of St. Thomas that all of the Orders are sacramental in character, but there is not the same degree of certainty in each case. As to the priesthood, there is the certainty of defined dogma; as to the diaconate (and also episcopal consecration according to many) there is theological certainty, but no definition of faith; as to the subdiaconate, and the lower Orders, there is probability;

(b) an Order is Major (sacred) or Minor (non-sacred) according as its functions are concerned with consecrated or non-consecrated matter in the celebration of the Eucharist. The Major Orders, therefore, are the priesthood (whose office is to consecrate the Body and Blood of Christ), diaconate (whose office is to dispense Communion to the faithful), and sub-diaconate (whose office is to prepare the bread and wine of the sacrifice in the consecrated vessels, that is, the chalice and paten). The Minor Orders are those that prepare the matter of the Eucharist in non-consecrated vessels (acolythate), or that dispose the people for the Eucharist by freeing them

from the impediments of demonic influence (exorcistate) or of ignorance (lectorate), or that exclude unbelievers from participation in the sacred rites (portership). To the Sacred Orders, on account of their closer approach to the Eucharist, are annexed the duties of celibacy and of the Divine Office.

2779. The Hierarchy of Orders and Jurisdiction.—The Orders of the clergy may be considered, not only in reference to power over the real Body of Christ (i.e., the Eucharist), but also in reference to power over the mystical Body of Christ (i.e., the Church). Those who have power over the members of the Church belong to the hierarchy, and this is understood in two senses:

(a) the hierarchy of Orders is composed of those who receive in Ordination a permanent superiority over others in reference to the worship of God and the sanctification of souls by the ministry of the Sacraments. From divine institution this hierarchy is composed of the three ranks of bishops, priests, and deacons; and from ecclesiastical institution of the lower clergy in Orders. Thus, the deacon is able to baptize and administer Communion as extraordinary minister; the priest is the ordinary minister of Baptism and the Eucharist, and only a priest can act as minister of Penance and Extreme Unction; the bishop is the minister, not only of the Sacraments mentioned, but also of Confirmation and Orders;

(b) the hierarchy of jurisdiction is composed of those members of the Church who receive in their accepted election or canonical commission a power over the faithful which can be lost or resigned, and which relates to the instruction and government of subjects in matters of faith and morals. From divine law this hierarchy is composed of the Supreme Pontificate and the subordinate Episcopate; from ecclesiastical law there are other ranks of authority, such as those of parish-priest, prelate, abbot, archbishop, primate, patriarch and cardinal.

2780. The Matter and Form of the Various Orders in the Latin Church.—

(a) In the Minor Orders the matter consists in the bestowal of the symbols of office, and the form in the words of ordination that accompany this bestowal. The porter is ordained when he touches with his right hand the keys of the church which the bishop presents to him with the words: “Conduct yourself as one who must give an accounting for the things that are under those keys”, the reader, when he touches the lectionary (i.e.,

Missal, Breviary, Bible) offered him by the bishop with the form: "Receive this book and announce well the Word of God, knowing that, if you perform your office faithfully and usefully, you shall receive a portion with those who from the beginning have been good ministers of God's word"; the exorcist, when he touches the book of exorcisms (e.g., the Ritual, Pontifical or Missal) presented to him with the words: "Receive and commit to memory and have power to impose hands on the possessed, whether baptized or catechumens", the acolyte, when he touches the symbols of his office (i.e., first the candle and candlestick, next the empty cruet), while the words are said: "Receive this candlestick and candle and know that you are deputed to light the lamps of the church, in the name of the Lord"; "Receive this cruet to furnish the wine and water for the Eucharist of the blood of Christ, in the name of the Lord." "Amen" should be added by the acolyte after each form.

(b) In the subdiaconate, ordination is given when the candidate touches the empty chalice and the paten (the Bishop saying: "See what a ministry is committed to you; I admonish you, therefore, so to conduct yourselves that you may be pleasing to God") and the Book of Epistles, such as Missal or Bible (the Bishop saying: "Receive the Book of Epistles and have power to read them in the holy Church of God, both for the living and for the dead. In the name of the Father, and of the Son, and of the Holy Ghost").

(c) Pope Pius XII in an official decree, an Apostolic Constitution of Nov. 30, 1947 (see AAS, 40-5), determined the essential elements of ordination to diaconate, priesthood and episcopate. Formerly this had been a matter of discussion among theologians. In the diaconate ordination is given by the single imposition of the hands of the Bishop that occurs in the rite with the words of the "Preface," of which these are the essential: "Send into him, We ask, O Lord, the Holy Spirit, by which he shall be strengthened by the gift of Thy sevenfold grace for the faithful performance of the work of the ministry."

(d) The matter of the priesthood is the first imposition of hands of the Bishop which is made in silence. The form consists in the words of the "Preface" of which these are the essential and required for validity: "Give, we ask Thee, omnipotent Father, to this Thy servant the dignity of the priesthood ..."

(e) In episcopal consecration the matter is the imposition of the hands of the consecrating Bishop; the form is the “Preface,” the essential words being: “Fill out in Thy priest the fullness of the ministry....”

It is a disputed matter whether the episcopacy is a distinct Order from the priesthood or simply an extension of it. The common opinion favors the negative side and consequently maintains that the consecration of a Bishop is not sacramental. Accordingly, the supreme Order of Priesthood includes the simple priests or presbyters and the high priests or bishops. The episcopacy confers no new power in reference to the Eucharist, but it extends the character of the priesthood to new powers in reference to Christ’s Mystical Body, the Church.

2781. The Minister of Ordination.—(a) For validity it is necessary that the minister be a consecrated bishop; but the Orders of ecclesiastical institution (i.e., subdiaconate and Minor Orders) may be given by a priest authorized by law, or by special indult of the Apostolic See. Thus, Cardinals, Vicars and Prefects Apostolic, and Abbots have the power of conferring tonsure and Minor Orders from Canon 239.

(b) For lawfulness it is necessary that the consecrator of a bishop be the Pope or a bishop designated by him; that the ordainer to other ranks of the clergy be the proper bishop of the candidate (i.e., the bishop of his place of origin and residence or of his place of domicile), or a delegated bishop (i.e., the bishop who has received dimissorial letters from the proper bishop or religious superior). See Canons 951-967.

2782. The Special Duties of the Minister.—(a) As to the ordinandus, the ordaining prelate must be morally certain from positive arguments that the candidate is suitable according to the Canons; otherwise he would be guilty of a very grievous sin and would expose himself to the danger of sharing in the sins of others (I Tim., v. 22; Canon 973, n. 3).

(b) As to the ordination, the minister is bound to observe the law on time and place, and to follow carefully and exactly the ceremonies of his own Rite. If anything essential is omitted, it has to be supplied, absolutely or conditionally, according as there is certain or only doubtful lack. The omission of an accidental but notable ceremony (e.g., the anointing of hands) would be seriously culpable (Canons 1002-1009).

2783. The Recipient of Orders.—(a) For validity it is necessary that the recipient be of the male sex, for the divine law has reserved sacerdotal and ministerial functions to men, and the church law has properly followed this example in regard to the Orders that are of church institution; the recipient must be baptized, for without Baptism one has no capacity for other Sacraments; if he is an adult, he must have at least an habitual intention freely formed of receiving the Order to which he is raised.

(b) For lawfulness it is not sufficient that the recipient be in the state of grace, since Ordination is not merely a personal matter, but also a matter of great consequence to the whole Church. The recipient of Orders takes his place among the representatives and ministers of the Church, and therefore he should have the special qualities that fit him for his dignity and office. Intellectually, the ordinandus must be competent in theological and profane knowledge, and must have made a satisfactory course of studies (Canons 972, 1364 sqq., 589-591). According to the Code, first tonsure should not be given before the study of theology has begun, Minor Orders may be given during the first and second years of theology, subdeaconship only towards the end of the third year, deaconship only after the beginning of the fourth year, and priesthood only after the first half of the fourth year (Canon 976). Morally, the ordinandus should be of commendable life and have the internal and external excellence which is supposed by the Order he is to receive. Virtues to which the Pontifical especially exhorts clerics at their ordination are love and labor given to the Church and the things of God's house (porter), devotion to the Scriptures and sacred study (lector), conquest of passion (exorcist), the light of good example and the self-sacrifice of good works (acolyte), temperance, vigilance, prayerfulness (subdeacon), liberality to the poor, chastity, fortitude, zeal for preaching the word of God (deacon), elderliness in dignity, leadership in virtue, and justice in stewardship (priesthood). No one should be admitted to a Sacred Order who is unable to overcome a serious habit of sin (especially *_in materia turpi_*), even though secret; and if there is doubt about amendment, a test during a suitable period of time should be made.

2784. Canonical Requirements for Ordination.—(a) Positive requirements are: proper age (that is, the twenty-first, twenty-second, and twenty-fourth years completed are necessary for subdeaconship, deaconship, priesthood, respectively); Confirmation should have been

received before Ordination, for it is suitable that those who are to strengthen others in the faith should have the character of soldier of Christ; promotion from Order to Order should be from lower to higher in proper succession, that fitness may be shown in lesser offices before the greater are received; an interval must elapse between certain Orders, which will give to clerics the opportunity to exercise the powers they have received (e.g., between acolythate and subdiaconate a year, between subdiaconate and diaconate three months); the candidate for sacred ordination must have a title or some canonical means of support (i.e., for secular clergy the title of benefice, or patrimony or ministerial service; for religious the title of profession, common life, etc.). The law allows certain dispensations from some of these requirements (Canons 974 sqq.).

(b) Negative requirements are freedom from certain disabilities introduced by the Church for the sake of the honor and dignity of the sacred ministry. Some of these disqualifications are of their nature permanent, and they are removed only by dispensation or by disposition of the law (e.g., in certain cases by cessation of the cause, or by baptism, or by religious profession), and these are known as irregularities; other disqualifications, which are of their nature temporary and cease with lapse of time or changes in circumstances, are known as simple impediments. The effect of disqualification is to make it unlawful to receive an Order, or to exercise an Order already received. Irregularities are produced either by deficiency or by delinquency, but the cause in either case must be certain; and, in case of delinquency, it must be a personal sin committed after Baptism, which is mortal, external, and consummated in act. The irregularities from defect are: illegitimate birth; mental imperfection (such as epilepsy, insanity, possession); bodily imperfection that makes one unsuited for the service of the altar, on account of mutilation (e.g., those who have lost hand or foot, or thumb or index finger), or of unsoundness (e.g., the blind, the deaf, the dumb, cripples, paralytics), or of very noticeable deformity that excites ridicule or horror (e.g., dwarfs, giants, noseless persons, those who are hunchbacked); successive bigamy, that is, the fact that one has been twice validly married, for St. Paul ruled that a cleric should be a man of not more than one wife (I Tim., iii. 2, 12; Tit., i. 5, 6); infamy of law, that is, the commission of certain crimes which the law declares infamous ipso facto or after sentence (such as profanation of the Eucharist or of graves, violence done to the Pope or a Cardinal, duelling, simultaneous bigamy, and certain

sexual sins); participation in capital punishment by pronouncing (i.e., as judge or juryman) or executing the sentence of death. The irregularities from delinquency are: apostasy, heresy, schism; reception of Baptism from a non-Catholic; attempt at adulterous or sacrilegious marriage; voluntary homicide, cooperation in an abortion, mutilation of self or of another, attempt to commit suicide; unlawful exercise of medicine or surgery by a cleric with fatal results; unlawful exercise of the powers of Major Orders by a cleric or layman. The simple impediments are found in the following: in those who may be weak in faith, namely, persons whose parents are non-Catholics, or who are themselves converts (I Tim., iii. 6); in those who are prevented by other occupations, namely, persons held by marriage, business forbidden to clerics, slavery, military service (II Tim., ii. 4); in those who are actually in bad repute before the community on account of misconduct (I Tim., iii. 7). See Canons 983-991.

2785. Duties of Ordinandi According to Canon Law.—(a) Before Ordination.—Application to the bishop must be made beforehand at an opportune time, and testimonials of Baptism, Confirmation, Orders already received, certificates of good character and studies, and letters from superiors testifying to freedom from impediments and general fitness must be presented. The candidate must undergo a special examination and make a spiritual retreat before the day of his ordination. The profession of faith is made before subdeaconship.

(b) During Ordination.—All the ceremonies should be observed, and especially the physical touching of the instruments (chalice and paten, etc.), which seems to be essential in Minor Orders and the Subdiaconate. In the imposition of the hands in the other Major Orders, the head of the subject should be touched physically, although even moral touch is sufficient for validity of the Sacrament (Pius XII, Apostolic Constitution already cited). The law requires that the recipients of Major Orders receive Communion, and the obligations seems to be grave for the new priests, since they celebrate with the bishop.

(c) After Ordination.—The nocturn (three Psalms and their antiphons) which the ordaining prelate imposes on the newly ordained subdeacons and deacons should be taken from the first nocturn of the day, whether it be feria, feast or Sunday, unless the bishop appoints otherwise. The three Masses of the Holy Ghost, Blessed Virgin, and for the dead, imposed on the

newly ordained priests, need not be applied for the bishop's intention, and a stipend may be taken when they are said; but it is fitting that they be applied in thanksgiving and for the benefit of the bishop as well as of the whole Church on earth and in Purgatory. These prayers and Masses do not seem to oblige under sin, though some hold them to bind *_sub gravi_*. On the life duties of the clergy, see above (2596 sqq.).

2786. Registration of Ordinations.—As in the case of marriage, ordinations should be registered in a special book and notice of them (if subdiaconate was received) should be sent to the pastor of the parish of Baptism. A certificate of ordination is also to be given to the cleric ordained (Canons 1010, 1011).

2787. The Sacrament of Matrimony.—Marriage in general is defined as “the conjugal union of man and woman, contracted between two qualified persons, which obliges them to one another for life.”

(a) The word union may be taken actively for the passing act of internal and external consent, and then it refers to marriage in its state of becoming, as it is a contract and (among Christians) a Sacrament; or it may be taken, as it were passively, for the bond that results from the mutual consent pledged by the parties, and then it refers to marriage as a permanent state of life.

(b) The marriage union is conjugal; that is, its end is the procreation and rearing of children, or the making of a family, and it therefore gives the right to the natural acts of generation. A contract which has other ends (e.g., a business agreement of labor or of partnership), or which excludes procreation (e.g., an agreement of onanistic concubinage), is not a marriage.

(c) Marriage is between qualified persons, for certain individuals are excluded by natural, divine or human law from making a valid contract of marriage.

(d) Marriage is between two, one man and one woman. This unity of marriage is its first property, resulting from its nature as a relationship intended primarily for the propagation of the race and its proper upbringing, and secondarily for the peace and contentment of the married couple, their mutual assistance to one another, and their protection against carnal temptations (299). For polyandry is opposed to both these ends, and

therefore to natural law, while polygamy does not accord well with the secondary ends of matrimony and is forbidden for all by the law of Christ (“They shall be two in one flesh,” Matt., xix. 3 sqq.). On the permission of polygamy in the later Old Testament ages, see 303, 311.

(e) Marriage obliges the parties to one another for life. This indissolubility of marriage is its second property, and also follows from the natural ends of marriage. For the right propagation of the human race is a matter that concerns not merely the married couple or human society, but also God Himself, who is matrimony’s immediate author and lawgiver, and God has decreed that marriage be unbreakable except in the few instances allowed by Himself: “What God hath joined together let no man put asunder” (Matt., xix. 6). Since the good of marriage is inferior to the good of faith, the divine law permits a dissolution of the bond in the case known as the Pauline Privilege (I Cor., vii. 12-15); similarly, in a very few instances where there is a serious good more important than the preservation of the bond (the faith of a convert from infidelity, the observance of the counsel of chastity, the public welfare), and where the bond itself has not the strength of sacramentality (i.e., in a non-Christian marriage), or has not been consummated in a Christian marriage, the divine law authorizes the Church, the representative of God, to decree a dissolution (see 363, 314). Not only are these cases few, but the conditions are strict (see Canons 1120-1127), and hence these exceptions are no menace to the ends of marriage. But once consummation has been added to consent in a Christian marriage, thereby perfecting the natural contract and extending the sacramental signification from the mystical and severable union of Christ with the soul by grace to the physical and perpetual union of Christ with the Church by the Incarnation, the indissolubility becomes complete and admits of no exception. The bill of divorce under the Mosaic Law seems to have been a true and complete dissolution of the marriage tie, but there is good reason to think that it was a toleration of the Jewish civil code, not a permission given by God. The valid marriages of infidels as such are not subject to the judgment of the Church; and the civil authority has no power to dissolve them (even when they are childless), otherwise individuals and the family and the State will suffer, as experience proves.

2788. Distinctions.—(a) In reference to validity, marriage may be true (i.e., validly contracted), or presumed (i.e., taken by the law to be validly

contracted on account of some fact, as when the validity of a marriage was not attacked during the lifetime of the parties), putative (i.e., really invalid, but contracted in good faith by at least one of the spouses and not yet known by both to be certainly null), attempted (i.e., contracted invalidly in bad faith, at least one of the parties being aware of an invalidating impediment).

(b) In reference to perfection, marriage is legitimate (when it is validly contracted between non-baptized persons), ratified or sacramental (when it is celebrated between baptized persons), consummated (when the consent given in the contract is subsequently completed by the conjugal act). It seems that marriage lawfully contracted between a baptized and a non-baptized person is not ratified or sacramental, for, as the consent must be mutual, so should the Sacrament be mutual. But a marriage free from substantial defects is always a Sacrament, even though the contractants do not wish this, when it is contracted between Christians, whether they be Catholics or non-Catholics; and a marriage contracted between non-Christians becomes a Sacrament on the Baptism of the parties.

(c) In reference to its manner, marriage may be clandestine (i.e., not celebrated before the pastor and two witnesses), or secret (i.e., celebrated before the pastor and two witnesses pledged to secrecy, and without the publicity the Church ordinarily requires), public (i.e., celebrated before pastor and witnesses and with publicity such as announcement to the people and registration in the usual marriage book). The secret marriage is also known as a marriage of conscience (Canons 1104-1107).

(d) In reference to the law under which it is performed, marriage is either canonical or civil. A purely civil marriage between Catholics is invalid, as far as the bond is concerned, since their contract, as being a Sacrament, is subject to the Church. But the civil marriage, as far as the purely civil consequences are concerned, is a lawful ceremony, and is obligatory if required by law. A morganatic marriage is made between two persons of unequal condition (e.g., between a king and a plebeian woman) on condition that the inferior spouse and progeny shall not share entirely in the titles and property of the superior spouse.

2789. The Elements of the Contract of Marriage.—(a) The subject-matter of the contract is the conjugal right or the lawful power of exercising with

the other party acts suitable for generation.

(b) The ends of the contract are, primarily, the good of the race and of the children, and secondarily the good of the couple through mutual assistance and protection in spiritual and temporal matters. To these general ends may be added others which a particular person has in view, such as dignity, wealth, honor, lawful pleasure.

(c) The essence of the contract is the consent, for every pact consists in mutual agreement. But if marriage be regarded as a permanent state, its essence is the bond of union, and consent is the efficient cause productive of the bond. Marriage consent must have the qualities (internal, external, mutual, free) that are necessary in every contract, as explained in 1883.

2790. Requirements for Valid Marriage Consent.—(a) Internal Consent.—If both or one of the parties internally and positively wills to exclude marriage, or the right to the conjugal act, or an essential property of marriage, the contract is null, since there is no purpose to contract a real marriage. Similarly, if both or one of the parties negatively (or by lack of all intention) excludes consent, there is no marriage. It should be noted that he who intends to get a divorce later on does not intend a permanent union or marriage, whereas he who intends to be unfaithful or to practise onanism may nevertheless intend to oblige himself to the duties of fidelity and of the lawful use of marriage, and therefore to a true marriage. Fictitious consent, unless a serious reason excuses (e.g., when one is forced under grave fear to marry, when one becomes aware of a diriment impediment at the altar and cannot retire without great scandal), is a mortal sin, as being a lie in a very important matter and an injustice. If the other party was deceived, the party guilty of feigned consent is bound to make reparation for the damage done, and, unless the marriage has become impossible or inadvisable, the means of reparation should be a genuine consent revalidating the marriage. This is especially true when there is a conflict between the internal and the external forums on account of the inability to establish juridically the nullity of the invalid marriage.

(b) External Consent.—Both as contract and as Sacrament, matrimony requires some sensible manifestation of the internal consent. Since the contract of marriage between Christians falls under the jurisdiction of the Church, the manner of expressing the consent is regulated by Canon Law.

The solemnities required for valid and lawful marriage will be treated below in 2826, 2827.

(c) Mutual Consent.—Both parties must agree to the marriage, since no one is obliged by a contract without his consent. But mutuality does not imply simultaneity, for, if the previous consent given by one party continues, the subsequent consent given by the other is joined to it and the consent becomes mutual.

(d) Free Consent.—If every contract must be deliberate and voluntary, this is especially true in the case of marriage, since it entails very heavy duties and its obligations are lifelong (cfr. 2195). In marriage there must be full and perfect consent, though it is not necessary that one think expressly on the essentials of the contract when assenting to it.

2791. Defects in Consent.—Consent supposes sufficient knowledge, and hence it may be vitiated by a defect as to knowledge.

(a) Mental Derangement.—Those who are not in possession of their mental faculties cannot marry, whether the derangement be habitual (e.g., idiots, the completely insane, monomaniacs on the subject of marriage) or actual (e.g., infants, those who are completely drunk or doped, the hypnotized or delirious, somnambulists). But defectives who are not unbalanced all the time or on all subjects, may be able now and then to realize the meaning of marriage and to give deliberate consent, though the presumption is against them. Those whose mentality is of a low grade, but who are able to judge and reason correctly (e.g., stupid persons, the deaf and dumb, or blind), and those who have some little fanaticism or eccentricity are not excluded; otherwise very few of either sex could marry.

(b) Ignorance.—Substantial ignorance, or the absence of knowledge about the essentials of marriage (viz., that it is a permanent association of man and woman for the purpose of raising children of their own), makes the contract null, for one does not consent to what one does not know. Accidental ignorance, on the contrary, does not nullify, for he who understands the main facts about marriage can intend to contract it as others do, even though he does not know its details or secondary features. Ignorance invalidates marriage, therefore, if one of the parties does not know that marriage is meant for the procreation of children or that children are procreated by carnal intercourse; but it does not invalidate if the parties

are ignorant about physiology or scientific explanations. Substantial ignorance in persons of marriageable age (especially young women) is not uncommon even in these days, but it is not presumed after puberty (Canon 1082, Sec.2).

(c) Error.—Error which excludes consent to the essential object of the contract nullifies, and hence a substantial error about the person with whom one is contracting makes marriage of no effect (e.g., if Titus thinks he is marrying Claudia, but is really marrying her twin sister, Sempronia; if Balbus intends to marry Caia only on condition that she is a virgin and she is not a virgin; if Julius intends to marry the woman who is present solely as differentiated by a personal or individual characteristic which he mistakenly believes her to have, such as seniority among her sisters). Error which does not prevent essential consent does not nullify the contract. Hence, a mere accidental error about the other party (e.g., Titus marries Claudia, thinking she is rich, whereas she is poor, and he would never have married her had he known her poverty) does not make marriage null, though the Church makes the marriage of no effect when a slave is married in the belief that he or she is free (Canon 1083, Sec.2, n, 2). A mere speculative error about the properties of marriage (e.g., if one believes that marriage may be lawfully dissolved for adultery) or about the validity of one's own marriage (e.g., if the bride erroneously believes that the marriage she is contracting is null) does not deprive the contract of its force, if there is really a purpose to marry as best one may; for such an error does not act upon the will or take away consent.

2792. Forced Consent.—Consent also supposes self-determination, and hence in certain cases force or fear makes a marriage null and unlawful.

(a) Effect on Validity.—Coercion nullifies marriage from natural law, when overpowering physical might extorts an external assent, or when moral violence so terrifies as to unsettle the reason; from church law at least, when being grave, external and unjustly caused, it compels one to marry in order to escape the evil it inflicts or threatens. In other cases fear does not void marriage, even though it be the cause of the contract, as when the fear is slight, or when it is induced by shipwreck or by the fear of sin, or when a seducer marries only because he is threatened with prosecution unless he marries the girl whom he seduced.

(b) Effect on Lawfulness.—He who by intimidation impels another to marry, sins gravely if the fear is unjust and grave, or unjust and productive of serious evils; he sins venially if the fear, though unjust, is light and not productive of serious evils; he sins not at all; if the fear is justly caused, unless he offends charity by his manner of acting; revengeful spirit, etc. He who marries knowing that the other party is forced into the contract, is guilty of serious injustice; and he who marries unwillingly, but with the purpose to live as if he were validly married, sins gravely by his will to live in impurity.

2793. Conditional Consent.—Conditional consent is that in which the agreement to marriage is made dependent on some fact or event.

(a) A condition makes marriage invalid if it neutralizes consent (e.g., if the condition is *_de praesenti_* but unfulfilled; if it is *_de futuro_* and against the substance of marriage; if it is impossible but seriously added); it suspends marriage if it is *_de futuro_*, possible, and not against the substance of marriage; it neither nullifies nor suspends if it is *_de praesenti_* or *_de praeterito_* and fulfilled. In law the presumption is that *_de futuro_* necessary or impossible conditions and shameful conditions are not serious, or are modes rather than conditions (see 1886), and of course in the external forum invalidity on account of a condition has to be proved. Conditions against the substance of marriage are such as deny essential conjugal rights or duties (i.e., the right to have conjugal intercourse, the duty of fidelity to the consort, of loyalty to the bond); but they should not be confused with the purpose to violate marriage engagements, or with a resolution, or a vow, or a pact in the form of a mode, not to make use of the right to conjugal intercourse.

(b) A condition added to marriage consent is gravely sinful, unless there is a very urgent reason for it; otherwise most serious evils would result. Moreover, there is responsibility in justice for culpable damages, as when one party gives consent conditionally without the knowledge or against the will of the other party. A suspensive condition (e.g., “if my parents will consent”) is regularly unlawful without the bishop’s permission, and marriage rights may not be used in a marriage dependent on a condition whose fulfillment is not known to the parties. It is unlawful to make a vow or promise of chastity in the married life unless there is moral certainty that it will be kept.

2794. The Elements of Marriage as a Sacrament.—(a) The matter and form of marriage are found in the contract, for the Sacrament is the natural pact elevated to the dignity of a sacred sign productive of grace. The remote matter is, therefore, the bodies of the spouses, or the bodily rights which they give one another (I Cor., vii. 4). Since the indeterminate part of a contract is the offer or bestowal, and the determinate part the approval, the proximate matter of Matrimony is found in the grant of mutual conjugal rights externally manifested, and the form in the acceptance of that right externally manifested.

(b) The ministers and the recipients of Matrimony are the parties themselves, since it is they alone who make and receive the contract. In order to be a recipient of the Sacrament it is necessary that a person be baptized and be free from all natural, divine and human impediments that make one incapable of the contract of marriage.

(c) The effects of Matrimony are per se second grace, which increases sanctity and is of help especially for the due performance throughout life of the duties of the conjugal state and for domestic blessedness and happiness.

2795. Duties in Connection with Marriage.—The duties in reference to marriage as a permanent state of life were treated already in 2613 sqq., and we shall consider here only the duties that have to do with marriage as a contract and a Sacrament. These duties can be arranged under three heads: (a) before marriage, there are obligations in reference to the preparation for marriage, which consists remotely in engagement or espousals, and proximately in compliance with duties owed to divine, ecclesiastical, and civil law (e.g., license from the State, establishment of freedom to marry, proclamation of banns, dispensations, confession); (b) during marriage, in addition to the common obligations of intention and a state of grace, there are special duties in reference to the external form or rite of marriage; (c) after marriage, there is a duty of making canonical records and of validating defective marriages.

2796. Betrothal or Engagement.—Engagement is a promise of their future marriage made by competent persons.

(a) It is a promise, either unilateral or bilateral, the latter being espousals or betrothal in the strict sense of the word (1749). Like every promise, engagement is not binding unless it be made with requisite deliberation and

freedom from force and fear. But a valid engagement to marry has not the same strength, either from divine or from human law, as a contract of marriage, and hence fraud or light fear unjustly produced and which induces one to become engaged leaves the engagement rescindable at the will of the innocent party. Canon Law requires certain formalities for a valid engagement, and without them there is no obligation in either forum. The law is that the contract of betrothal be in writing, and be signed by the parties and also by the pastor or local Ordinary or two witnesses, and that, if one or both of the parties be unable to write, this be noted in the document and an extra witness be added (Canon 1017).

(b) It is a promise made by competent persons. Hence, there is no valid engagement if a party is incapable either naturally (e.g., one who has not the use of reason) or canonically (e.g., one who has not attained the age of seven years). It is against good morals to be engaged to two persons at the same time, with the understanding that one will marry the second after the expected death of the first; and much more is it immoral for a married person to become engaged to marry another, the marriage to take place after the death of the present consort. Some canonists hold that engagements are not valid before the age of puberty, on account of the lack of sufficient discretion.

(c) It is a promise of future marriage, that is, a contract to marry, not a contract of marriage. A nuptial engagement is invalid if the marriage promised is invalid or unlawful, for no one can bind himself to sin. An invalid marriage is promised if there is a diriment and not dispensable impediment in the way, or if in spite of a removable impediment the engagement is unconditional, unless the mind of the parties is to marry after the impediment has ceased. The Church seems to regard as null an engagement made on the condition that the Pope will dispense an impediment. An unlawful marriage is promised when the parties cannot marry without sin (e.g., when the marriage will bring great sorrow or disgrace on parents), or when they promise to marry in a sinful way (e.g., with the understanding that they will abuse marriage). But an unlawful promise of a lawful marriage is not necessarily invalid, and hence an engagement dependent on an immoral condition not opposed to the substance of marriage would become obligatory on fulfillment of the condition (see 1878 d, 1886).

2797. It should be noted that the former diriment and impedient impediments produced by espousals are no longer in force, and even a valid engagement gives no right to an action for the celebration of marriage.

2798. Is an Engagement Necessary before Marriage?—(a) An engagement is not strictly necessary. Neither the validity nor the lawfulness of marriage depends on espousals, for there is no law that requires this. Hence, if for a reasonable cause a man and woman married without any previous binding pledge on either side, the marriage would be good and lawful. The formal engagements of Canon Law are not common in this country, but an informal engagement usually precedes matrimony.

(b) Engagement is most suitable and useful. Men are accustomed to fit themselves by long and serious study for the business of a profession or calling, and to enter into preliminary agreements about contracts of major importance (as in contracts to sell), and certainly marriage, a contract and vocation that binds until death and upon which the spiritual and temporal welfare of society and individuals rests, is among the most momentous of human agreements. The special advantage of engagement is that it affords a means of preventing hasty and ill-advised unions, of discovering impediments, of securing the consent of parents, and of preparing oneself in knowledge and virtue for the duties of the married state. If engagements were regarded and treated as a period of training for serious and sacred duties, not as a time for frivolity or enjoyment, there would be fewer divorces and less talk about trial marriages. On the duties of engaged persons to one another, see 2628, 2629.

2799. Duties to Parents or Guardians in Reference to Marriage.—(a) There is, *_per se_*, a duty of consulting with one's parents about one's marriage; for he who marries without their knowledge, generally exposes himself to the danger of making a serious mistake, and moreover as a rule the interests of parents themselves are bound up intimately with the marriages of their children. Hence, unless a very serious reason excuses, he who marries without advising with his parents sins grievously by his rashness or want of filial affection. The same is true, if a child wilfully disregards the wishes of his parents by stubbornly marrying when for a good reason they disapprove. If their opposition is imperative and emphatic, or if they are grief-stricken at thought of the imprudent marriage, the sin is serious; but if their opposition is mild and the match not a very bad one, the

sin is venial. The consent or counsel of parents is not necessary for validity, however, since it is not they who are getting married, and no law makes their consent or counsel an essential part of the compact. *Per accidens*, their consent or counsel is not even necessary for lawfulness, as when the children live far away from their parents, or when marriage has to be contracted without delay, or when the parents are unreasonable in their opposition.

(b) There is, *per se*, no duty of obeying one's parents in the matter of marriage: first, because marriage supposes choice, admiration, and love, and these do not submit to dictation, even from parents; next, because in things that pertain to nature, such as self-preservation and procreation, children are not subject to their parents; finally, because the authority of parents does not extend to the whole lifetime of their children and marriage is a lifelong union. Hence, parents may not compel their children to marry or to remain single; they may not make the match for their children against the latter's will, they may not force a child to marry a person whom he or she detests, they may not veto a marriage that does not appeal to them if the son or daughter has good reasons for it. Those parents sin, then, who refuse their blessing to a marriage out of selfishness, and those parents sin gravely who force their children into loveless unions and so make them unhappy in this world and endanger their salvation for the world to come. *Per accidens*, there is a duty of obeying parents in reference to marriage when one is obliged even apart from their command to do what they prescribe, when the marriage which they forbid is also forbidden by law (e.g., if the child is needed at home to support his indigent parents, if the mate selected will bring disgrace upon the family and the match can easily be broken off), or when the marriage which they require is also demanded by duty (e.g., if a son will surely enter upon a wild and reckless life unless he marries). See above, 2228, 2627, 2633, 2636, 2347, 2348, 2361 sqq.

2800. Duties of Parents in Reference to Marriage.—(a) If there is question of the marriage of a child, parents should guide themselves by the rule of St. Paul: "Let her marry whom she will, only in the Lord" (I Cor., vii. 39). Undue pressure should be avoided, but bad marriages should be opposed, and parents should assist their children to marry well. (b) If there is question of a parent's second marriage, the children's interests should be considered in making the choice of the step-father or step-mother, and, if

the children are grown up, they should be consulted, or at least they should not be unreasonably saddened or harmed by the new marriage.

2801. Obstacles to Marriage.—Since marriage is a most important contract and a Sacrament, it is necessary to ascertain beforehand with moral certainty that there is no obstacle to its valid and lawful celebration. This imposes duties on the pastor, the couple themselves, and the faithful who know them.

(a) The pastor in virtue of his office is gravely obliged to make inquiries about the competency and fitness of the prospective husband and wife, and even in a death-bed marriage the obligation does not cease. Church law prescribes the method of inquiry, which should include an examination and instruction of the couple and a publication of the marriage. Of course, there is an obligation of confidential secrecy.

(b) The couple are bound to present themselves to the pastor within a reasonable time before the marriage in order to make these arrangements, and should bring with them the necessary papers (for example, their baptismal certificates, license to marry, testimonials). They are gravely obliged to make known either to the pastor or to the confessor any impediment, even though it be of a secret and culpable nature, in order that their marriage may be valid and lawful, unless they wish to give up the marriage or seek a dispensation in some other way.

(c) The people who know of an impediment to a marriage are bound under pain of mortal sin to make it known in time to the pastor or Ordinary; for the natural and divine laws, as well as the law of the Church, hold one to speak when this will prevent irreverence to the Sacrament of Matrimony, sin and other serious evils to the neighbor. The obligation ceases, however, when the revelation is either impossible or useless. Cases of impossibility are those in which revelation will cause great spiritual harm (e.g., public scandal), or great temporal harm of a public kind (e.g., violation of professional secret), or a great temporal harm of a private kind (e.g., persecution), unless a more serious evil will result from concealment. Revelation is useless when the marriage can be stopped or made legal in some other way (e.g., by persuading the couple to break their engagement or get a dispensation), or when one foresees that the revelation will have no effect.

2802. Duties of the Pastor in the Examination of Engaged Persons.—(a) He should question both the man and the woman separately and prudently about their freedom to marry, even though he is certain that there are no impediments. He should inquire especially whether there has been a previous marriage, and should also ask specifically about any impediment that seems likely. About impediments of a defamatory kind he should not interrogate before others, leaving that matter if necessary to his doctrinal instruction or to the confessor. (b) He should ask both of them, and especially the woman, whether they have decided on marriage freely, without force or pressure from any person. But children who live with their parents should be asked whether or not they have obtained their parents' consent to the proposed marriage.

2803. Special Proofs of Freedom to Marry.—(a) Proof of Baptism.—A baptismal certificate should be presented by the parties (if baptized in another parish), even by one who is a baptized non-Catholic. If a certificate cannot be had, other proofs are necessary. In danger of death, the sworn testimony of the parties suffices; outside danger of death, the testimony of a reliable witness, or of the person himself, if he can remember his Baptism, or, it seems, a certificate of Confirmation or First Communion will do. If Baptism cannot be proved and there is a prudent doubt, it should be administered conditionally.

(b) Proof of Single State.—If it is manifest that a previous civil marriage was null and was dissolved by divorce, the proof of the facts suffices. If the husband or wife of a previous marriage has died, but the pastor has no personal knowledge of this, positive proof of the decease in the form of a public document or of sworn testimony of two or at least one reliable witness is necessary, and if the pastor cannot obtain these he must have recourse to the Ordinary.

2804. Matrimonial Impediments.—(a) Definition.—An impediment is a circumstance directly affecting the contract of marriage and rendering it illicit or invalid. Thus, an impediment differs from an unfitness that refers immediately to marriage as a sacred rite or Sacrament (such as lack of proper intention or a state of mortal sin), or that does not directly affect the parties (such as forbidden time).

(b) Division.—In reference to effects, an impediment is either impeding (i.e., one that forbids marriage under pain of grave sin but does not render it null and void) or diriment (i.e., one that not only forbids marriage, but also makes it null and void).

2805. Sinfulness of Marrying with an Impediment.—(a) If the impediment is certain, grave sin is committed; for deception and disobedience are committed in a grave and sacred matter, and, if the impediment is diriment, the marriage contract is made null. Great necessity, however, would sometimes excuse.

(b) If the impediment is uncertain, no sin is committed when the impediment is one of ecclesiastical law and the doubt is one of law, for in such a case the legislator removes the obligation (Canon 15); nor when the impediment is impotency (Canon 1068), in view of the fact that the general law of propagation of the race leaves a natural presumption against impotency, which can be overcome only by a certain impediment. It would be an intolerable hardship if marriage were made impossible by a doubt where proof is so difficult. There is a serious sin, however, in other cases, because one is either exposing the Sacrament to nullity or is refusing, contrary to a serious command of the Church, to seek a dispensation.

2806. The Impeding or Prohibitive Impediments (Canons 1058-1066).—(a) Vow.—The following simple vows make marriage illicit: the vow of virginity, that of perfect chastity, the vow not to marry, the vow to receive Sacred Orders, the vow to enter religious life, the simple vows of religion. A vow to abstain from the use of marriage is not against the substance of marriage, but it is difficult to keep in the married state; the vows to enter religion, or take Sacred Orders, or not to wed, are incompatible with marriage. Hence, the Church forbids one who has these vows to marry, unless the vow be first dispensed. Those who marry while bound by one of these vows sin gravely, and are held to keep the vow if this is possible or the other party's rights do not prevent.

(b) Legal Relationship.—In those countries where relationship from adoption makes marriage illicit, there is also an impeding impediment of Canon Law. The Church wishes, in so far as possible, to preserve harmony between her own law and that of the State. Hence, she includes in her Code the civil law regulations that forbid marriage to certain persons on account

of the intimate relation that exists between them through civil law adoption. The law of some European (e.g., France, Germany, Switzerland) and South American countries have a prohibitive impediment of adoption, but in the United States, the British Empire, and many other countries adoption is no such hindrance to marriage.

(c) Mixed Religion.—Marriage between two baptized persons, one a Catholic and the other a member of an heretical or schismatical sect, is severely forbidden by the Church. Mixed marriages in themselves are opposed to divine and natural law, inasmuch as they offer an occasion for communication in false worship and a danger of perversion; and hence they have been disapproved from the very beginning of the Church (II John, X. 11; I Cor., v. 10; Tit., iii. 10). But the divine prohibition ceases if appropriate measures are used to safeguard the faith of the Catholic and the children, and the Church will grant a dispensation, though reluctantly and only for just and grave causes.

2807. Duties in Reference to Mixed Marriages.—(a) The Pastor.—A dispensation should not be sought unless there is first a sufficient reason, all things considered, and generally the reason should be the public good (such as the relative fewness of Catholics in a district, hope of conversion of the non-Catholic, avoidance of scandal). Secondly, there must be guarantees given by the non-Catholic that the faith of the Catholic will not be interfered with, and both parties must promise that all the children will receive Catholic and no other baptism and education. Finally, these promises must be such as to produce moral certainty of fulfillment, and as a rule it should be required that they be given in writing. After the marriage has been celebrated the pastor is held both in charity and in justice to do what he can to have the promises faithfully lived up to.

(b) The Parties.—Neither before nor after the marriage in the Catholic Church is it lawful to have any non-Catholic religious ceremony (see 956 sqq.); and if the pastor knows that this has been done or will be done, he may not assist at the marriage without permission from the Ordinary, which is granted for a most grave reason (scandal being avoided). After the marriage the parties are bound in justice to keep the promises made, and the Catholic is held in charity to seek prudently, by good example and advice, to convert the non-Catholic.

2808. Marriages with Bad Catholics.—(a) If the bad Catholic is unworthy in the matter of faith, because he has notoriously given up the Church (even though he has not joined any other religion), or because he is a member of a forbidden society, there is a danger of perversion. In such a case the pastor may not assist at the marriage unless the Ordinary decides that there is a sufficient reason, that the danger of perversion is made remote, and that the Catholic education of the children is provided for.

(b) If the bad Catholic is unworthy in the matter of morals, because he is a public sinner (e.g., one who neglects the Easter duty), or notoriously under censure and therefore a person to whom the Sacraments must be denied, the pastor is confronted with the law that one may not cooperate formally, even by assistance, in the profanation of a Sacrament. As the guilt of the unworthy person is public in these cases, there must be public reparation before the marriage can be sanctioned by the presence of the Church's representative. The reparation is to be made either by the sinner going to confession or by the censured person obtaining absolution. But since the priest's presence can be only a material cooperation, it may be permitted by the Ordinary for a grave reason when the unworthy person refuses to comply with the conditions.

2809. Other Obstacles to Marriage.—Other obstacles which forbid marriage, though they are not strictly canonical impediments, are the following:

(a) valid engagement gravely forbids marriage with a third party. This is a natural obstacle which results from the very nature of a binding promise;

(b) special prohibition of the Church at times gravely forbids a particular marriage, as when the Holy See in granting a dispensation for a present marriage forbids a future marriage. If an irritant clause is added, the prohibition has the force of a diriment impediment. The Ordinary also may forbid a particular marriage for a time, as when there is suspicion of a secret impediment, or when great damage will likely ensue from a marriage. This prohibition is for a special case or time or person, and thus it differs from the impediments of the law;

(c) closed times (Lent and Advent) are the seasons when, on account of the penitential and mournful character of the liturgy then in use, the solemn blessing of marriage is not regularly permitted. This is not really an

impediment, since marriage itself may be contracted at any time of the year, according to the general law.

2810. Diriment Impediments to Marriage.—The diriment or nullifying impediments to marriage are personal incapacities in a person which render him or her incapable, from divine or ecclesiastical law, of contracting marriage with anyone (absolute impediments), or of contracting marriage with a certain individual (relative impediments).

2811. The absolute diriment impediments are the following: (a) those that are due to a personal defect making one unable to promise with sufficient discretion (impediment of age) or to perform what is promised (impediment of impotency); (b) those that are due to a voluntary act which consecrates one to God with the obligation of perpetual celibacy (the impediments of Orders and vows).

2812. The relative impediments are the following: (a) that one which is due to an obligation to one's present husband or wife (the impediment of bond); (b) that one which is due to too great a difference between two parties (impediment of disparity of cult); those that are due to too close a kinship between two parties, whether natural (impediments of consanguinity and affinity) or like to the natural (impediments of public decency, spiritual kinship, legal kinship); (d) those that are due to a relationship caused by a crime that makes it unsuitable for two parties to marry. If one party is perpetrator and the other the victim, there is the impediment of abduction; if the two parties are accomplices, there is the impediment of crime.

2813. The Impediment of Age.—(a) Nature.—This impediment exists in males who have not completed their sixteenth year, and in females who have not completed their fourteenth year. These ages are set by the general law, because all parts of the world have to be considered and sufficient discretion may be presumed at those ages everywhere. But substantial ignorance even after those years invalidates consent, and moreover, in colder countries where development is slower, marriage is generally inadvisable before the parties are 18 and 16 respectively. The marriageable ages according to the statute law in most of our States are 18 and 16 with parental consent, and 21 and 18 without it.

(b) Effect.—This impediment is of ecclesiastical law in so far as the precise determination of age is concerned, but of natural law in so far as the use of reason is demanded. Hence, the Church may dispense, and hence also the impediment as ecclesiastical does not bind the unbaptized, even when being underaged they marry Christians.

2814. The Impediment of Impotency.—(a) Nature.—Impotency is the inability to exercise the sexual act in a way suitable for procreation. The requisites for this act are *_immissio membri virilis in vaginam mulieris cum seminis effusione_*, and hence those are impotent who lack sexual organs (such as the emasculated or spayed), or who on account of psychical or physical abnormalities are unable to have complete intercourse (e.g., anaphrodisiacs, some hermaphrodites, those who suffer from hypospadias, vaginism, etc.). Sterility, or the mere inability to procreate from sexual intercourse (as in old persons), is not the same thing as impotency, and is not an impediment to marriage. Authorities are not agreed whether or not the operations of male vasectomy and ovariotomy produce impotency or sterility. But many regard the former operation as unlawful except for a most grave cause (such as the saving of life), since it takes away a power given by nature for the benefit of society, exposes the individual to very serious temptations, and opens the way to terrible abuses.

(b) Effect.—Impotency anterior to marriage and perpetual, whether in the man or in the woman, whether known to the other party or not, voids marriage from the law of nature itself, and hence is not dispensable. But impotency that arises after marriage or that is only temporary does not invalidate, and impotency that is relative (i.e., in reference to one person only) does not nullify marriage except in reference to a determinate person. In justice to the other spouse, married persons who have an easily curable impotency should have this defect removed.

2815. The Impediments of Orders and Vows.—(a) Orders.—Those who are in Sacred Orders (priesthood, diaconship and, in the Latin Church, subdiaconship) cannot marry validly. The impediment is decreed by ecclesiastical law alone, and hence the Church has the power to dispense. One who was ordained through compulsion or in ignorance of the duty of celibacy, is permitted to marry, if he does not wish to ratify his ordination; but he then loses all right to exercise his Order (2235).

(b) Vows.—Professed religious with solemn vows or simple vows that annul marriage cannot marry validly. It is more probable that this impediment, in so far as solemn vows are concerned, is of divine right; but the Pope, as the Vicar of Christ, is able to dispense (see 2194, 2234, 2235, 1787 e).

2816. The Impediment of Bond.—(a) A person who is already validly married cannot marry again until the bond of the existing marriage is removed by the death of the other spouse or by dissolution. An exception is the case of the Pauline Privilege; but even then the bond of the first marriage remains till the second is contracted (see 2787 e).

(b) This impediment is of natural and divine law, and it binds all men, the unbaptized as well as the baptized. No dispensation can be granted from the impediment as long as it continues; and moreover those who would contract a second marriage must offer proof that the bond of the first marriage was non-existent, or that it has ceased. Nullity of a previous marriage must be established by canonical process (Canons 1986 sqq.); dissolution of an unconsummated marriage through vow or Papal dispensation is proved sufficiently by an authentic document; cessation of bond through death of consort must be demonstrated with moral certainty, if it is not manifest (see 2803). The procedure to be observed in cases of the Pauline Privilege is explained by commentaries on Canons 1120 sqq. of the Code.

2817. The Impediment of Disparity of Cult.—(a) A marriage of a Catholic (i.e., of a person baptized in or converted to the Catholic Church) with an unbaptized person is null and void. This impediment bars the marriage of a professed ex-Catholic with an infidel, but not the marriage of a non-Catholic with an infidel; and by infidel is understood here not only a non-Christian (such as a Jew), but also a Christian unbaptized or invalidly baptized. A person accidentally baptized by a Catholic is not considered a Catholic if born of heretical or schismatical parents and reared by them in their sect.

(b) This impediment as prohibitive is of divine ordinance, for the same reasons as in the case of mixed marriages (see 2806 c): “Bear not the yoke with unbelievers” (II Cor., vi. 14). But neither natural nor divine law nullifies such a marriage with unbelievers; for the substantial ends of marriage (i.e., procreation and education of children) can be had even in

such unions, and very holy personages have contracted marriage even with pagans (e.g., Jacob with the daughters of Laban, Joseph with the daughter of Putiphar, Moses with the daughter of Jethro, Esther with Assuerus, St. Cecilia with Valerian, St. Monica with Patricius, St. Clotilda with Clovis, etc.). The Church, however, has made disparity of cult a diriment impediment on account of the special danger, and it grants no dispensation unless the precautions decreed for mixed marriages be observed (see 824, 2807).

2818. The Impediments of Kinship.—(a) Consanguinity.—Marriage is null when contracted between blood relatives, that is, persons descended from one another or from one common ancestor within certain limits. In the direct line consanguinity invalidates marriage between all ascendants and descendants, legitimate or natural, that is, between a man and all his female ancestry (mother, grandmother, etc.) and posterity (daughter, etc.), and between a woman and all her male ancestors and posterity. In the collateral line it invalidates to the third degree inclusively, that is, between a man and a woman whose parents are related as first cousins or even more closely. The degree of consanguinity between this man and woman is first, second or third, according as one, two or three generations separate them (i.e., both or the one farthest removed) from the nearest ancestor of both (see Canons 96 and 1076). Consanguinity is multiplied when two parties are descended from several common stocks. This impediment is of the natural law as regards the first, and probably all the other degrees of the direct line; for reverence due to parents forbids one to marry them. Marriage between brother and sister is not opposed to the absolute or primary law of nature, but to the relative or secondary law (see 303); for natural inclination teaches that it is unbecoming for members of the same family to intermarry, and further the children of their unions are very apt to be weakly or defective. In other degrees consanguinity is an impediment of church law only, and may be dispensed for a good reason, but a more serious reason is necessary for nearer relationship.

(b) Affinity.—Marriage is null when contracted between relatives-in-law, or those who are kin by valid, even though unconsummated, marriage. But the impediment exists only between the husband and his wife's blood relatives, and vice versa. In the direct line it includes all degrees; in the collateral line it extends to the second degree inclusive. Hence, a widower

is impeded from marrying all the lineal relatives of his deceased wife (her mother, grandmother, daughter, granddaughter, etc.), and the following of her collateral relatives: her sisters, her aunts, her nieces, her first cousins. Affinity is multiplied by multiplication of the consanguinity on which it is based (e.g., when a woman is doubly related to one's deceased wife), and by successive marriages (e.g., when a woman is the sister of a man's two deceased wives). The impediment of affinity is justified by moral reasons—by the mutual reverence that should exist between those who are closely related by marriage, by the dangers to which their relationship would be exposed if they were able to marry, and by the good of society, which is promoted when marriage is not confined within to narrow a circle. But the impediment is entirely ecclesiastical, for the Church can dispense in all degrees, and the relationship is only an imperfect copy of consanguinity.

(c) Public Decency.—This impediment, also known as quasi-affinity, arises from an invalid, even though unconsummated, marriage, and from public or notorious concubinage; and it annuls marriage in the first and second degrees of the direct line between the man and the blood relatives of the woman, and vice versa. The reason for the impediment is the unbecomingness of marriage with the near relatives (i.e., the mother, daughter, grandmother, granddaughter of the woman, and the father, son, grandfather, grandson of the man) of a person with whom one has lived in putative marriage or concubinage. The impediment is less strict than that of affinity, and is of ecclesiastical law only.

(d) Spiritual Relationship.—This impediment nullifies marriage between a baptized person and the person who baptized him or her or who stood for him or her in Baptism. The minister and the sponsor contract a relationship of spiritual parenthood to the baptized person, since Baptism is a supernatural birth and the godparents are charged with the religious welfare of the godchild. Reasons of respect and of intimate relationship make marriage between such persons unbecoming, and hence the Church from early times has ruled against it.

(e) Legal Relationship.—Persons who in civil law are unable to marry one another on account of the relationship arising from legal adoption are also barred from marriage in Canon Law. The relations between an adopted person and the members of the family into which he is adopted are so close

that human lawmakers have often felt it necessary to declare adoption an impediment to marriage.

2819. Matrimonial Impediments Produced through Misdeeds.—(a) Abduction.—There can be no valid marriage between a man who holds a woman under restraint in order to compel her to marry him, if she has been abducted by him or is violently detained by him in her residence or elsewhere. If the woman who has been carried away or who is held against her will marries unwillingly, the marriage is invalid according to natural law; if she marries willingly, the marriage is invalid from church law. Hence the impediment of abduction is of positive law only and does not oblige infidels (see Canon 1064).

(b) Crime.—There can be no valid marriage between the following: those who during a legitimate marriage have consummated adultery together and have mutually promised future marriage or have attempted marriage, even though only civilly (Canon 1075); those who during the same lawful marriage have consummated adultery together, and of whom one has committed conjugicide; those who have cooperated physically or morally, even though they are not adulterers, to murder the spouse of one of them. The purpose of this impediment is to safeguard the fidelity and rights of married persons, and to punish those who resort to adultery or murder in the hope of a new marriage. The impediment is ecclesiastical and does not affect infidels.

2820. Duties of the Pastor After the Inquiry about Impediments.—(a) Dispensation.—If the pastor finds an impediment of natural or divine law (e.g., the bond of an existing marriage), or an impediment which is never dispensed (e.g., consanguinity in the first degree of the collateral line, notorious conjugicide, when there is no danger of death), he cannot proceed with the marriage. If he discovers another impediment, he must inquire whether or not there is sufficient reason for dispensation. For the impediments of occult crime, disparity of cult outside of mission countries, age, Sacred Orders and religious profession (also for neglecting the form of marriage), a grave reason is necessary to permit marriage; but for the remaining impediments, a less grave reason is required. The usual or grave reasons for dispensation include the public good (e.g., peace between peoples, prevention of serious litigations), a great private good (e.g., a suitable marriage offered to a woman who on account of age or locality can

hardly find another such chance), great spiritual good (e.g., prevention of a mixed or civil marriage or great scandal, termination of open concubinage), great temporal good (e.g., means to support the family of a poor widow); but other and lesser reasons sometimes suffice, as when the woman is illegitimate, an orphan, deflowered, sickly, or homely, or the man needs someone to take care of him or of his small children from a previous marriage, or when the marriage has already been announced or will be of great advantage to the parents of one of the parties. In case of urgent necessity or of danger of death, the pastor and also the confessor or priest who assists at the marriage are empowered to grant certain dispensations; in other cases dispensation can be granted only by the local Ordinary or by the Holy See. The petition for a dispensation must state the facts truthfully, but must conceal the identity of the petitioner when the impediment is occult. In executing a dispensation one must observe the conditions laid down by the superior who granted it (see commentaries on Canons 1043 sqq.).

(b) Publication.—Even though it is morally certain that there is no impediment, the banns of marriage should be proclaimed beforehand and in the place where the parties have their domicile or quasi-domicile (or residence, if they are *_vagi_*), and also, if necessary, in other places where they have lived. This is a grave duty, since its purpose is to ensure the validity and lawfulness of marriages. If it is morally certain that there is no impediment, the Ordinary may dispense for a good reason (see commentaries on Canons 1022 sqq.).

2821. After the Examination and Proclamation.—(a) If it is certain that there is an impediment, the procedure will be that given in 2820 a; (b) if it is doubtful whether there is a diriment impediment, the matter should be investigated more fully, but without defamation of the parties, and if the doubt remains, the question should be submitted to the Ordinary (see above, 2805 b); (c) if no impediment, certain or doubtful, has been discovered, the pastor should approve the parties for marriage.

2822. Duties of the Pastor as Regards the Religious Instruction of the Engaged Couple.—(a) The pastor should require those who are not confirmed to receive Confirmation before their marriage, if they can do this without serious inconvenience.

(b) He should instruct the parties in the essentials of Christian doctrine, if they are ignorant in these matters (see 920 sqq.), and he should point out to them the nature of marriage as a contract and as a Sacrament, its purposes and properties, the grace it confers and the conjugal and parental duties it imposes, the necessity of preparing for the Sacrament and of receiving it in the state of grace. He should also speak about the impediments, so that the couple may understand the disqualifications for a valid and lawful marriage; but this should be done prudently, so as not to shock the innocent or to help others to evade the law. But ignorance of the Catechism is not strictly an impediment; and if the parties are unwilling to take instruction, they should be married without it. In a mixed marriage it is often very useful to give the non-Catholic a short course in Catholic teaching, and all couples who are preparing for marriage would do well to read some of the good works prepared especially for the use of engaged or newly married people. The Code requires of pastors that in their sermons they instruct the people on marriage and exhort them to avoid mixed marriages and marriages with the unworthy (Canons 1018, 1064, 1065).

2823. The Pastor and the Duties of Engaged Couple.—The pastor should also inquire about duties owed by the couple to others.

(a) Duties to Parents.—He should seriously admonish minors subject to parental authority not to marry without the knowledge or against the reasonable wishes of their parents. If the parents are opposed to the marriage, the pastor should decide from the circumstances whether the opposition is justified or not; if one parent only is unwilling, the wishes of the father *_per se_* have preference over those of the mother, as he is the head of the family. If the engaged couple will not heed the pastor, he is seriously bound to refuse to marry them until the case has been presented to the Ordinary for decision (Canon 1034).

(b) Duties to Civil Law.—The State has no power over the Sacrament of Matrimony, its bond, or its inseparable temporal effects (such as the rights and duties of spouses, legitimacy of children and the like), but it is competent in reference to merely civil effects and conditions, which are temporal circumstances separable from the substance of marriage. Hence, those who are getting married should comply with civil formalities that do not trespass on church rights, such as registration or marriage license.

2824. Opposition of Parents to Marriage.—In deciding whether the parental opposition to a marriage is reasonable or not, the pastor should take into consideration both the motives for the opposition and the reasons in favor of the marriage.

(a) The motives for the opposition are reasonable, if the parents object because of the undesirability of one of the couple, or their incompatibility, or the evil consequences that will follow the marriage. A person is undesirable on account of defects of soul (e.g., an atheist, a drunkard, a libertine, a man or woman of ill-fame, a cruel man, an ill-tempered woman), or of body (e.g., a person who is deformed, or malodorous, or afflicted with syphilis or other serious disease), or of mind (e.g., a half-witted person), or of economical ability (e.g., a man who is a gambler or spendthrift, or who is unable to earn a living; a woman who is loaded with debts or who cannot take care of a home). There is incompatibility when the ages of the couple or their rank in life, their race, their education, their tastes, or their dispositions are utterly different. There are evil consequences when scandals, hatreds, disgrace, or loss of temporal goods will ensue.

(b) The reason for the marriage, however, may suffice to prevail over the parental objections. Thus, if the strong disapproval of relatives is the only reason against a marriage and its abandonment will make the couple unhappy for life, charity does not oblige to such a sacrifice. And the temporal advantage of a family should not be preferred to the spiritual benefit, if their son who is wild wishes to marry a poor girl who has a good influence over him rather than a wealthy girl whom he does not admire.

2825. Religious Duties before Marriage.—(a) Confession.—A public sinner (e.g., one who has been living in concubinage) is obliged to go to confession before marriage in order to repair his scandal. A sinner whose guilt is not public must repent before receiving the Sacrament of Matrimony, since it is a Sacrament of the Living and supposes the state of grace; but an act of contrition strictly suffices. It is recommended, however, that all persons go to confession as a preparation and that they make a general confession. The confessor should be told of any occult or incriminating impediment that was not disclosed to the pastor, and it is therefore advisable that the confession precede the ceremony by several days, so as to allow time for possible dispensations.

(b) Communion.—It is better that Communion be received on the day of one's marriage, but, if this is not convenient, it may be received several days before or several days after. There is no command as to this, but the Church's counsel is most earnest.

2826. The Celebration of Marriage.—(a) Requisites for Validity.—In order to be valid, a Catholic's marriage must be celebrated in the presence of the parish-priest or Ordinary, or of a priest delegated by either, and of at least two witnesses. There are two exceptions to this law, namely, in danger of death when the priest cannot be had and in the case of inability to appear before a priest within a month. This law is most suitable, since marriage is not a mere profane contract, but a Sacrament subject to the Church; the law is also necessary, since secret or clandestine marriages would be impossible of proof, and society and the family would be seriously harmed if they were permitted except in very extraordinary cases.

(b) Requisites for Lawfulness.—The pastor assists lawfully at a marriage if he has assured himself of the freedom of the parties to marry and of his own right to assist officially at their marriage. The pastor has the right to witness a marriage when the parties are his subjects by reason of their location in his parish, or when he has permission from their pastor or Ordinary to assist at the nuptials. When the bride is from one parish and the groom from another, the rule is that the marriage should be held before the bride's pastor (Canons 1094 sqq.)

2827. The Rite of Marriage.—(a) The essential rite consists in the words of consent spoken by the bride and groom. The assisting priest asks for this consent, and then (except in a mixed marriage) blesses the newly married pair and the ring. Marriage by sign language or through an interpreter or proxy is not lawful without special permission, and marriage by letter is not recognized (Canons 1088 sqq.).

(b) The accidental rite is the nuptial blessing bestowed during the Nuptial Mass that follows on the marriage. This is omitted in mixed marriages, and also as a rule during Advent and Lent. The place for marriage is regularly in the parish church, if it is a Catholic marriage, but outside the church if it is a mixed marriage (see Canons 1100 sqq.). The Ordinary may dispense from the requirements of place (Canon 1109).

2828. Cooperation in an Unworthy Marriage.—(a) The Priest.—The clergyman acts as the official representative of the Church, and hence only a serious reason will permit his assistance when the unworthiness of one of the parties is known to him in an extra-confessional way. A serious reason would be a threat of bodily harm to the priest or great spiritual detriment to the parties, such as their continuance in the state of sin. A more serious reason is required if one of the parties is an *excommunicatus vitandus*. Finally, at times only passive assistance is permitted, as in certain mixed marriages in which the non-Catholic refuses to give guarantees, but there is greater danger of perversion without than with the assistance (see 2677 sqq.).

(b) The Spouses.—The bride and groom are the ministers as well as the recipients of Matrimony, and hence, if one of the parties knows that the other is not in the state of grace, there is an administration of a Sacrament to an unworthy recipient. But only charity would bid one to deny the Sacrament to that other party, if one could not induce him to dispose himself, and charity does not oblige with great inconvenience. Hence the worthy party, if he or she has a suitable reason for marrying, does not sin by reason of the other party's unworthiness.

(c) The Witnesses.—The cooperation of the witnesses is less than that of the priest and of the worthy party, and hence only in an extraordinary case do the witnesses sin by assisting at a marriage contracted before the Church. They may presume that all is well, if the pastor has agreed to the marriage; and even though they are certain that the bride or groom is in mortal sin, the fear of incurring displeasure or harm will ordinarily excuse the best man or bridesmaid from all sin, or at least from grave sin.

2829. Registration of Marriages.—The Code requires that marriages be recorded in the matrimonial and baptismal registers, and that notification be sent to the pastors of the parishes where the bride and the groom were baptized. This duty seems to be grave, since its end is to provide for stable conditions and secure proof of freedom to marry. The entries should be made without delay (i.e., within three days at least), lest they be overlooked or be made incorrectly (Canon 1103).

2830. When an Impediment Is Discovered after Marriage.—A diriment impediment or other invalidating defect is sometimes discovered after the

celebration of marriage. There are various solutions of this difficulty.

(a) If the marriage can be validated (or made valid), this should be done. The manner of simple validation of marriages null on account of diriment impediment, defective consent or lack of form, is declared in Canons 1133-1137.

(b) If the marriage cannot be validated simply, it may be made valid in certain cases by the special validation known as a *sanatio in radice*. This supposes that a consent naturally sufficient, but juridically insufficient, was given, and that a renewal of consent cannot be obtained (see Canons 1138-1141).

(c) If marriage cannot be validated in any way (as in the case of an indispensable impediment), the parties should be separated, or permitted to live together as brother and sister, or left in good faith. Thus, if the nullity of the marriage is public, the parties should be separated after a declaration of nullity; if the nullity is secret and unprovable, the parties may be permitted to live together as brother and sister, if they know the marriage is null, but are not exposed to the danger of incontinence; if the parties are in good faith about their marriage and it is foreseen that serious evils would result were they told the truth (such as bad faith, or misfortunes for the children), they may be left as they are.

2831. The Lawfulness of Divorce and Separation.—(a) Complete divorce, or dissolution of the bond with the right to remarry during the lifetime of the other spouse, is never lawful, except in the cases mentioned in 2787 e. Moreover, the civil lawgiver has no right ever to dissolve the marriage tie, for the marriage bond of Christians is sacramental and not subject to the State, while the marriage bond of non-Christians is indissoluble by human authority. On the death of one spouse, however, the survivor is free to marry again, though chaste widowhood is more honorable.

(b) Incomplete divorce, or separation from bed and board, is allowed permanently to the innocent spouse in case of adultery, and temporarily when there are other good reasons. Thus, if one of the parties becomes an apostate, or gives non-Catholic education to the children, or leads a criminal or disgraceful life, or makes common life too hard by his cruelty, or endangers the other party in soul or body, the innocent spouse may separate

after appealing to the Ordinary, or may depart on his or her own authority, if the facts are certain and there is danger in delay (Canons 1118 sqq.). With permission one may even seek a civil divorce, if it is a separation only, in order to be free as regards civil effects of marriage (1950).

APPENDIX I

SUMMARY OF COMMON LAW ON PROHIBITION OF BOOKS
(Holy Office, 17 Apr., 1943) [placed at end of Volume I, after section 1625,
in print edition]

Seeing that delays and omissions in denouncing the books frequently occur, and that many of the faithful are in a state of deplorable ignorance regarding the denunciation and prohibition of harmful books, the Supreme Sacred Congregation of the Holy Office deems it appropriate to call to mind the principal provisions of the sacred canons on this subject; for it is beyond doubt that bad or harmful writings expose purity of faith, integrity of morals, and the very salvation of souls to the greatest dangers.

Certainly the Holy See cannot by itself, with adequate care and in due time, prohibit the numberless writings against faith and morals which, especially in our time, are being published almost daily in various languages all over the world. Hence it is necessary that the Ordinaries of places, whose business it is to preserve sound and orthodox doctrine and to protect good morals (C, 343, Sec.1), should, either personally or through suitable priests, be watchful as to the books which are published or sold in their territory (C. 1397, Sec.4), and forbid to their subjects those which they judge should be condemned (C. 1395, ASec.1). The right and duty to forbid books for just cause belongs also to an Abbot of an independent monastery and to the Superior General of a clerical exempt Institute acting with his Chapter or Council; nay, in case of urgency, it belongs also to the other Major Superiors with their proper Council, it being understood, however, that these must as soon as possible report the matter to the Superior General (C. 1395, Sec.3). Nevertheless, books which require a more expert scrutiny, or in regard to which, for salutary results, the judgment of the supreme authority seems to be required, should be referred by the Ordinaries to the judgment of the Holy See (C. 1397, Sec.5).

It is, of course, the duty of all the faithful, and especially of clerics, to denounce pernicious books to the proper authority; but this duty is especially incumbent on clerics who have some ecclesiastical dignity, such

as the Legates of the Holy See and the Ordinaries of places, and on those who are eminent in doctrine, as for example the Rectors and Professors of Catholic Universities.

The denunciation is to be made either to this Congregation of the Holy Office or to the Ordinary of the place, giving by all means the reason why it is thought the book should be forbidden. The persons to whom such a report is made have a strict duty to keep secret the names of those who make it (C. 1397, Sec.1, 2, 3).

Finally, Ordinaries of places and others who have the care of souls should duly inform the faithful of the following:

a) The prohibition of books has the effect that, unless due permission is obtained, the forbidden book may not be published, nor republished (without making the corrections and obtaining due approbation), nor read, nor retained, nor sold, nor translated into another language, nor in any way communicated to other persons (C. 1398, Sec.1, 2);

b) Books condemned by the Holy See are considered as forbidden everywhere and in whatever language they may be translated (C. 1396);

c) The positive ecclesiastical law forbids not only those books which are individually condemned by a special decree of the Holy See and placed on the Index of Forbidden Books, or which are proscribed by particular Councils or Ordinaries for their subjects, but also the books which are forbidden by the common law itself, that is, in virtue of the rules contained in Canon 1399, which forbids in a general manner nearly all books which are bad and harmful in themselves;

d) The natural law forbids the reading of any book which occasions proximate spiritual danger, since it forbids anyone to place himself in danger of losing the true faith or good morals; accordingly, permission to use forbidden books, from whomsoever it be obtained, in no way exempts from this prohibition of the natural law (C. 1405, Sec.1).

APPENDIX II

The “Ecumenical Movement” [placed at end of Volume I, after the preceding Appendix, in print edition]

On December 20, 1949 the Holy Office issued an instruction on the “Ecumenical Movement” addressed to all local Ordinaries. In its prefatory remarks the Instruction insisted upon the Church’s intense interest to attain to the full and perfect unity of the Church. It noted as an occasion of joy the desire of many separated from the Church to return to the unity of Christ’s fold, a good intention, indeed, which, however, in being put into practice has not been regulated by right principles. Accordingly the Holy Office prescribed that local Ordinaries maintain due vigilance over the associations seeking Church Unity, that they designate well-qualified priests to pay close attention to everything which concerns the “Movement,” and that they supervise publications on this matter by Catholics or by non-Catholics, in as far as these are published, or read, or sold by Catholics. The manner and method of proceeding in this work is to be regulated by the Ordinaries, who are cautioned to prevent the growth of indifference to Catholic truth and fallacious hopes of unity based upon false or impossible foundations. With regard to mixed assemblies of Catholics and non-Catholics, when there seems to be hope of spreading knowledge of Catholic doctrine, the Ordinary is instructed to designate well-qualified priests, to explain and defend the Church’s teaching. Special permission, however, must be obtained from Ecclesiastical Authority if Catholic laymen are to attend. Where no hope of good results exists, the meetings are to be ended or gradually suppressed.

The following specific instructions are given for the conduct of “Ecumenical meetings.”

All the aforesaid conferences and meetings, public and non-public, large and small, which are called for the purpose of affording an opportunity for the Catholic and the non-Catholic party, for the sake of discussion, to treat of matters of faith and morals, each presenting on even terms the doctrine of his own faith, are subject to the prescriptions of the Church which were

recalled to mind in the Monitum, “Cum compertum” of this Congregation under date of 5 June, 1948. Hence, mixed congresses are not absolutely forbidden; but they are not to be held without the previous permission of the competent Ecclesiastical Authority. The Monitum, however, does not apply to catechetical instructions, even when given to many together, nor to conferences in which Catholic doctrine is explained to non-Catholics who are prospective converts, even though the opportunity is afforded for the non-Catholics to explain also the doctrine of their church so that they may understand clearly and thoroughly in what respect it agrees with the Catholic doctrine and in what it differs therefrom.

Neither does the said Monitum apply to those mixed meetings of Catholics and non-Catholics in which the discussion does not turn upon faith and morals, but upon ways and means of defending the fundamental principles of the natural law or of the Christian religion against the enemies of God who are now leagued together, or where the question is how to restore social order, or other topics of that nature. Even in these meetings, as is evident, Catholics may not approve or concede anything which is in conflict with divine revelation or with the doctrine of the Church even on social questions.

As to local conferences and conventions which are within the scope of the Monitum as above explained, the Ordinaries of places are given, for three years from the publication of this Instruction, the faculty of granting the required previous permission of the Holy See on the following conditions:

1. That communicatio in sacris be entirely avoided;
- 2, That the presentations of the matter be duly inspected and directed;
3. That at the close of each year a report be made to this Supreme Sacred Congregation, stating where such meetings were held and what experience was gathered from them.
4. As regards the colloquies of theologians above mentioned, the same faculty for the same length of time is granted to the Ordinary of the place where such colloquies are held, or to the Ordinary delegated for this work by the common consent of the other Ordinaries, under the same conditions as above, but with the further requirement that the report to this Sacred

Congregation state also what questions were treated, who were present, and who the speakers were for either side.

As for the interdiocesan conferences and congresses, either national or international, the previous permission of the Holy See, special for each case, is always required; and, in the petition asking for it, must also be stated what are the questions to be treated and who the speakers are to be. And it is not allowed, before this permission has been obtained, to begin the external preparation of such meetings or to collaborate with non-Catholics who begin such preparation.

5. Although in all these meetings and conferences any communication whatsoever in worship must be avoided, yet the recitation in common of the Lord's Prayer or of some prayer approved by the Catholic Church, is not forbidden for opening or closing the said meetings.

6. Although each Ordinary has the right and duty to conduct, promote, and preside over this work in his own diocese, yet the cooperation of several Bishops will be appropriate or even necessary in establishing offices and works to observe, study, and control this work as a whole. Accordingly it will rest with the Ordinaries themselves to confer together and consider how a proper uniformity of action and coordination can be obtained.

7. Religious Superiors are bound to watch and to see to it that their subjects adhere strictly and faithfully to the prescriptions laid down by the Holy See or by the local Ordinaries in this matter.

In order that so noble a work as the "union" of all Christians in one true faith and Church may daily grow into a more conspicuous part of the entire care of souls, and that the whole Catholic people may more earnestly implore this "union" from Almighty God, it will certainly be of assistance that in some appropriate way, for example through Pastoral Letters, the faithful be instructed regarding these questions and projects, the prescriptions of the Church in the matter, and the reasons on which they are based. All, especially priests and religious, should be exhorted and warmly encouraged to be zealous by their prayers and sacrifices to ripen and promote this work, and all should be reminded that nothing more effectively paves the way for the erring to find the truth and to embrace the Church than the faith of Catholics, when it is confirmed by the example of upright living.

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