COMMENTARIA IN QUARTUM LIBRUM SENTENTIARUM

Pars Posterior

Commentary on the Fourth Book of the Sentences

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GUILIELMUS ESTIUS — 1542–1613

English translation, from the Douai 1615 edition

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DISTINCTIO XXIII — ON THE SACRAMENT OF EXTREME UNCTION

§ 1. The origin of this institution is referred to that anointing of which we read (Mark 6), that by the Apostles many sick were anointed with oil and were healed. This, however, is not to be taken as though the Apostles, before they were created priests, had used that anointing as a sacrament for a spiritual effect; but because that anointing, by which bodily health was bestowed miraculously, was a certain proximate and express figure, or rather an image and representation, of this mystical anointing, which, according to the Apostle James, was instituted more for healing souls than for curing bodies. The Venerable Bede likewise, writing on Luke 8, makes mention of oil consecrated for the sick.[1]

§ 2. Bernard likewise makes mention of this anointing as an ecclesiastical sacrament, in the Life of Malachy near the end, where he relates that St. Malachy, when about to depart from this life, wished to be fortified by the anointing of holy oil.[2] And before Bernard's age Peter Damian, Bishop of Ostia, in Sermon 1 on the Dedication of a Church, commends the use of this sacrament.[3] To this sacred anointing there also bear witness the Council of Worms (canon 72), the Council of Chalon (canon 48), and the Council of Meaux, whose words may be seen in Ivo, Part 1, chapter 269, and in Burchard, book 4, chapter 75.[4] Nay rather, in the same Burchard, book 18, chapter 11, there is found a Canon of Pope and Martyr Eusebius, who preceded Innocent by easily a hundred years, whereby the priest is ordered, when the sick man is deprived of the office of the tongue and the witnesses of his penance and the signs are present, to complete all those things which are wont to be done with others, that is, to say the prayers, and to anoint with holy oil, and to give him the Eucharist.[5] Again, in Burchard, of the same book, chapter 14, there are recited words from the Penitential of Theodore of Canterbury, wherein it is prescribed that those sick who are placed in peril of death, being encouraged by ecclesiastical prayers and consolations together with the sacred anointing of oil, according to the statutes of the holy Fathers are to be refreshed by the communion of the Viaticum.[6]

§ 3. Among the works of Augustine there exists a little work On the Visitation of the Sick; which, although it is quite clear that it is not Augustine's, nevertheless has obtained some authority from antiquity. In book 2, chapter 4 of that work the author, whoever he be, instructs the sick man in these words: "Is any of you sick, etc.? I will therefore cause kings to come forth from thee, as the Apostle James said—nay, through the Apostle his Lord."[7] Like to this is the exhortation which is read in the Treatise On the Uprightness of Catholic Conversation among the same works of Augustine: "He who is sick," he says, "let him trust solely in the mercy of God, and let him receive the Eucharist with faith and devotion, and faithfully ask from the Church the blessed oil, that his body may be anointed; and, according to the Apostle, 'the prayer of faith shall save the sick man, and the Lord shall alleviate him'; and he shall receive health not of the body only, but also of the soul."[8] And again, in a sermon under Augustine's title, Sermon 215 On the Season, you have thus: "As often as any infirmity shall have come upon a man, let him who is sick receive the Body and Blood of Christ; and from that let him anoint his little body, that what is written may be fulfilled in him: 'Is any one sick…?' See, brethren, that he who in sickness has run to the Church will merit to receive both the health of the body

and the indulgence of sins." These things there. Which authorities avail at least thus far, that one may understand what of old was in the Church the custom of the faithful concerning the use of this anointing, which James has commended to us.

§ 4. To these there is added the clear doctrine of Hugh of St. Victor, book 2 of On the Sacraments, part 15, where he expressly treats of this sacrament; likewise of the Master in this Distinction, who took many things verbatim from Hugh.[9] Likewise the authority of Callistus II, who in his decretals establishes this matter by Bede's very words, alleged under the authority of Innocent I; likewise of Alexander III, whose decree is found in the Decretals, On the Signification of Words, chapter "Quaesivit"; and finally of Innocent III, who, in a decretal letter written to the Patriarch of Constantinople and found in the Decretals, On Sacred Unction, the sole chapter at the beginning, testifies that this unction is not only a sign but also a sacrament, because, he says, if it is worthily received, it either effects or increases without doubt that which it signifies.[10] And from the Greeks, besides Chrysostom and Origen, whom we have already heard, witnesses of this sacred unction can be adduced: John Damascene in the book On Questions; Theophylact and Euthymius on that same chapter of Mark; Oecumenius on James 5; and Nicholas Cabasilas, chapter 29, on the Liturgy of St. John Chrysostom.[11]

§ 5. To all of whom there is finally added the most manifest and in three Ecumenical Councils defined judgment of the Church. For in the Council of Constance (session 15) Martin V decreed that one who was suspected of heresy should be asked whether he believes that a Christian, by despising the reception of the sacraments of Confirmation or of Extreme Unction, sins mortally.[12] In the decree of Florence given to the Armenians, Eugene IV numbers the unction among the seven sacraments of the Church and confirms its use and effect by the testimony of the Apostle James.[13] Finally, the Synod of Trent—after it had again (session 7, canon 1) enumerated it among the seven sacraments of the new law—afterwards (session 14) learnedly and gravely explains its institution and fruit according to the judgment of the Apostle James, adding an anathema of this kind: "If anyone shall say that Extreme Unction is not truly and properly a sacrament instituted by Christ our Lord, and promulgated by the blessed Apostle James, but only a rite received from the Fathers, or a human invention, let him be anathema. And again: If anyone shall say that the sacred Unction of the sick does not confer grace, etc., let him be anathema."[14]

§ III — That this sacrament was instituted by Christ (A Christo institutum esse hoc sacramentum)

§ 6. From the canon of the Council of Trent just cited and from the doctrine prefixed to the canon, it is evident that the sacrament of Extreme Unction (*sacramentum Extremae unctionis*) was not instituted by James or by any other Apostle whatsoever, nor even by the whole college of the Apostles, but by Christ Himself, the High Priest of the New Testament: adumbrated indeed in Mark, and by the Apostle James, the brother of the Lord, commended and promulgated to the faithful. The same Father (from Session 7, canon 1) condemns universally those who say that not all the sacraments of the new law were instituted by Christ. This very thing is also proved by necessary reason: for the power of instituting a sacrament exceeds apostolic and every human power; because a man cannot promise that God, grace being given with such-and-such a sign employed, will bestow grace, unless the divine will has first been known by revelation and ordinance. Therefore, just as it was not in the power of Peter or of James to establish a new article of faith, so neither did

the institution of a new sacrament pertain to their power, but only the dispensation of those which had been instituted, according to the saying of the Apostle Paul, 1 Cor. 4: "So let a man regard us as ministers of Christ and dispensers of the mysteries of God." Finally, since the sacraments of the old law were instituted by God alone, how much more must this be thought concerning the sacraments of the new law, which both are holier in institution and greater in power? And to bring a special argument proper to this sacrament, when Christ said to the paralytic, "Thy sins are forgiven thee," the Scribes and Pharisees said within themselves, as is had in Luke 5, "Who can forgive sins but God alone?" Which judgment of theirs Christ so far from reproving, rather left it to be concluded that He is God, when, His assumption proved by a miracle, namely, that He forgave sins, He established the consequence. But James confidently says of the user of this sacrament, "If he be in sins, they shall be forgiven him"; therefore this sacrament ought to have its institution from God.

§ 7. Therefore what the Master says after Hugh—that this sacrament was instituted by the Apostles—is not to be taken of that first institution whereby some law or any decree whatsoever is established by the authority and power of a Legislator or Prince, but of the promulgation of the law or decree. In this sense the Fathers of the Council of Trent understood the words of James concerning this sacrament. For James promulgated this sacrament not in any manner whatsoever, but first by handing it down in writing and by commending it to posterity. In which sense he is not absurdly said to have instituted it. For thus also we read that certain things were instituted by the Roman Pontiffs—for example by Linus, that no woman should enter a church except with covered head; by Alexander, that in the Mystery there should be offered only bread and wine mixed with water; by Victor, that the sacred Pasch should be celebrated on the Lord's Day; and by others other things which nevertheless are in part of divine, in part of apostolic institution. But because by these pontiffs they were promulgated by written law, or, when they had been neglected, were recalled into use, they are said to have been instituted by them. Surely, James cannot more properly be said to have instituted this sacrament, because he wrote, as it were, its law in his Epistle, than Peter when, as if giving a command to the people (Acts 2), he said, "Let every one of you be baptized," and the rest. But just as here there was a bare promulgation with exhortation and commendation of the sacrament, so also there.

§ 8. It is, however, improbable what certain of the Scholastic Theologians, and among them Bonaventure, felt: that the Apostles, after Christ's ascension into heaven, instituted this sacrament by a special revelation of the Holy Spirit. For although these in truth refer the institution of this sacrament to Christ as author—namely, as through the Holy Spirit, whom He had promised to the Apostles, He taught them the rationale and the use of this sacrament, just as He taught them many other things—yet it is hardly likely that the institution of any sacrament properly so called was deferred to that time; since, Luke attesting (Acts 1), after His resurrection Christ conversed with His Apostles for forty days, speaking of the Kingdom of God. In which time assuredly it is credible that those things which still remained to be given for constituting the Church were instituted and handed down by Him. Which is said the more probably of this sacrament, because Christ had already before, according to a type and as a certain inception, instituted this sacrament (Mark 6). Wherefore it was fitting also that its perfection should be taught to the Apostles immediately by Himself. But a more exact discussion of this question pertains to the treatise on the sacraments in general (where, among other matters, in Distinction 1, this was disputed by us).

§ 9. Before we proceed to refute the things which are brought against this sacrament by adversaries, we shall explain its effect (*effectus*). This indeed those words of the Apostle do not obscurely signify to us: "The prayer of faith shall save the sick man, and the Lord shall raise him up; and if he be in sins, they shall be

forgiven him." From which words Catholic writers, and by name the Fathers of the Council of Trent in the decree published about this sacrament (ch. 2), and the Catechism written for Pastors by decree of the same Council, gather almost a fourfold effect. The first effect is the remission of sins: not indeed of original sin, for the deletion of which Baptism is instituted; nor of mortal sins, for the remission of which after Baptism the sacrament of Penance is ordained; but of venial sins—of which a Christian man then especially has need of remission when he is just about to depart from this life and must soon stand before the tribunal of the Supreme Judge, to be judged according to the things which he did in the body.

§ 10. That this is the effect of this sacrament, the words of the Apostle confirm first: "If he be in sins, they shall be forgiven him." Which we have already shown must be taken of venial sins. Next the very form of this sacrament confirms this, wherein it is said: "May the Lord forgive thee whatever thou hast done amiss by sight," and so forth. Especially since by the word "offense" in the Scriptures there are for the most part signified lesser sins, such as are those of weakness and of ignorance. Hence that of Psalm 18: "Who understands offenses?" and that of Psalm 24: "The offenses of my youth, and my ignorances, remember not." For also in Leviticus 6–7 and Numbers 15 it is openly taught that there is something lesser and inferior which is called "offense" as distinguished from "sin."

§ 11. To this pertains what Chrysostom, book 3 On the Priesthood, ch. 6, from the judgment of James proves, namely, that priests have power to remit sins not only in Baptism, but also afterwards. Which also is read in Origen (Homily 2 on Leviticus), although the authors in those places do not distinguish the kind of sin. Finally, the Council of Trent (canon 2 on Extreme Unction) condemns with anathema him who shall say that by the sacred unction of the sick sins are not remitted. Nor is it an obstacle that James seems to interpose a condition, saying: "If he be in sins," as though he did not wish this to be a perpetual effect of this sacrament—that it remits sins—and therefore neither proper and primary, but only accessory or secondary. For one must know that that conjunction "if" is often used so as not so much to signify the condition of an uncertain and doubtful thing as the concession of a certain and indubitable thing; just as in Malachi 1 it is said: "If I am Father, where is My honor? if I am Lord, where is My fear?"—that is, since it is certain that I am your Father and Lord, why do you not honor Me as Father and fear Me as Lord? And so Paul says (1 Thess. 1): "If indeed it is just with God to repay," and the same James elsewhere in this Epistle (ch. 1): "If any of you lack wisdom," and so forth. For who does not lack wisdom? But that according to James every man is in sins, this his sentence of the same (ch. 3) shows: "In many things we all offend."

§ 12. Now if it is asked whether here is the primary effect of this sacrament, Scotus after Bonaventure with many others affirms. In favor of which the very form of the sacrament makes, which expresses this sole effect. St. Thomas, however, denies, moved by another reasoning. Yet, in my judgment, one could better reply: that its primary effect is not simple, but aggregated from several, to wit from this one and the two that follow: which both the rationale of its institution sufficiently requires, and the words of the Council of Trent indicate, whereby it is said that the thing of this sacrament is the grace of the Holy Spirit, whose unction wipes away offenses and the remains of sin, and relieves the soul of the sick man, and so forth. Whence also the decree of Florence generally attributes mental healing as an effect to Extreme Unction. To which is added that, whereas the form of this sacrament makes mention only of the remission of sins, the matter nevertheless seems more properly to represent the second and the third effect. Now the second effect is to wipe away and remove the remains of sins which impede the passage to future glory, whether they be left from original sin, or from actual sins. We call the remains of sins the propensity to evil, the languor and torpor for doing good, and the

weakness of the mind for beholding and meditating on heavenly things. Which remains indeed are not sins, but left from the first sin, and by other sins are in turn confirmed. Hence St. Augustine, in the last book of De Trinitate, ch. 27, addressing his soul: "What is the cause," he says, "why, thy sight being fixed, thou canst not see that unchangeable light, unless it be weakness? And what made that weakness for thee except iniquity?" Yet these remains Extreme Unction's grace does not so wipe away that none remain—this too cannot be done in this mortality—but so that, being weakened and repressed, they less impede the sick man from the consideration of those things which pertain to his salvation. This effect the oil with which the sick man is anointed signifies especially: one of whose powers is to cleanse and remove that which is contrary to the health of the members. Then those words of James: "And the Lord shall relieve him." For the remains of sin being either removed or lessened, the soul of the ailing person is raised up, and is made the more cheerful for thinking upon the things which are of his salvation. But whether also by those words, "If he be in sins, they shall be forgiven him," this effect is signified—it is not read anywhere that the remission of sin is taken so as to signify the removal of the remains of sins, but always the relaxation of the punishment owed to sin. Yet the Council of Trent conjoins this effect with the first in such a way as to say that by the unction of the Holy Spirit in this sacrament both the offenses, if any are still to be expiated, and the remains of sin are wiped away.

§ 13. The third effect is to relieve and to strengthen the soul of the sick man, by arousing in him great confidence in the divine mercy; whereby both he bears the inconveniences of sickness more lightly, and, suffused with a certain inward consolation, he is raised up in the hope of a better life, and more easily resists the devil's temptations lying in wait at the heel—as the Fathers of the Council of Trent speak. This effect follows from the preceding, and is more plainly signified by those words of James, "the Lord shall relieve him." For that languor, whereby the soul was pressed as by a weight, being taken away, it follows that the sick man's soul is relieved, and is made the more cheerful both for bearing the sickness more tolerably, and for entering upon the paths of the world to come. The expressed signification of the same thing the nature of oil contains, whose conditions are for the most part these: to soften, to penetrate, to disperse, to cheer and to strengthen—which things all beautifully correspond to the efficacy of this sacrament. But that this is the signification of oil, among others the author is Theophylact, writing (on Mark 6) to that: "They anointed with oil many sick people, and healed them." Indeed the commentary on Mark under Jerome's name acknowledges a similar effect in the Unction then done by the Apostles, when it says that the Apostles, when they anointed the sick with oil, by the power of faith strengthened weakness. Moreover, what we read in the Decree of Florence—that the effect of this sacrament is the healing of the mind, as we have mentioned a little above—is general, and must be referred to all three effects already named. For the soul is healed both by the remission of sins, according to that: "Heal my soul, because I have sinned against Thee"; and by the curing of the languor contracted from sin, according to that: "Who heals all thy infirmities"; and by inward refreshment and strengthening, with the same Psalmist saying: "Who heals the broken of heart."

§ 14. Finally, the fourth effect of this sacrament is the health of the body, not indeed absolutely, but inasmuch as it is expedient for the health of the soul, as in the Councils of Florence and of Trent it has been explained. And this effect the Scholastics rightly call secondary or less principal; for it does not belong to all, nor always does it follow. But under the name of "health" every, even most moderate, bodily alleviation of sickness is to be comprehended, since it is a certain begun health. Whence, although it more rarely happens that a man dangerously ill and anointed with this true oil be restored to pristine health, yet very often it comes to pass that the sick man feels some alleviation of the disease together with the inward consolation of the Holy Spirit, which this sacrament both properly signifies and operates; although also the sign may be a cause of

bodily health, if ever that follows. This effect, according to almost all interpretations, the Apostle signified by these words: "the prayer of faith shall save the sick man." Since he was speaking of sickness of the body, it was consequent that what follows should be understood of the health of the same kind; yet not excluding the understanding by which at the same time that place is also taken of the safety and health of the soul: just as also what follows, "the Lord shall relieve or raise him up," seems to be referred to relief of either kind. To confirm this sense chiefly serves the decree of Eugene in the Council of Florence, where the name of healing is expressly referred to both: "The effect," he says, "is healing of the mind; and, inasmuch as it is expedient, of the body also." Then for this interpretation no small weight adds the pious custom of the faithful, whereby they are wont thus to pray for someone grievously sick, saying: "May the Lord heal him in soul, and, if it be expedient for his salvation, also in body." And the Priest, hastening to the unction of the sick man, likewise prays for him perfect health of soul and body—the former absolutely, the latter under a condition—and that after the example of the Patriarchs, who, while they asked of God the land of Canaan promised, nevertheless confessed that they were rather seeking a better, that is, a heavenly, fatherland (Heb. 11). But if the Apostle were speaking only of bodily health, he ought especially in this place to have spoken under a condition, where the effect is rarer and uncertain. But since he promises surely, it is quite apparent that the health of the soul ought to be understood principally; the more because he uses a word which signifies "to save," not "to heal." For the words "salvation" and "to save" are in the Sacred Scriptures referred more often to the soul than to the body; as in the end of this same chapter, when it is said: "He shall save his soul from death."

§ 15. An explanation of two questions about the last effect. About the last effect of this sacrament there occurs a twofold difficulty; the one of this sort: Since no other sacrament has a promise of temporal good, not even with the condition added, "if it be expedient," it is reasonably asked whence this sacrament has this peculiarity, that it conduces to a temporal good. This question is augmented by the rationale of the sacraments of the new law, which were instituted to heal souls, not bodies; St. Augustine saying (Enchiridion 66): "Whatever is done by saving sacraments pertains more to the hope of future goods than to the retention or acquisition of present goods." The other difficulty is, how from this sacrament the health of the body is obtained by way of sacramental effect, that is, ex opere operato; since even with no obstacle put it frequently happens that no health of the body or alleviation of sickness is obtained, but the sick man is immediately taken away. To the former question we answer that, by a singular benefit of divine providence, it has been contrived that to this sacrament beyond the others there should be annexed some bodily effect. For just as among all the evils of this age there is nothing more terrible than death, so there is nothing in life more desirable. Which appetite indeed exerts itself most of all when a man is destitute of the safeguards of nature for prolonging life, as happens in a grave illness. Then indeed the sick are often wont to be tempted to seek the prolongation of life by means even illicit, as once King Ochozias of Israel is read to have done (4 Kgs 1). Although therefore the primary power of this sacrament is spiritual, as of the other sacraments (nor did St. Augustine feel otherwise in the Enchiridion, namely saying that they pertain rather to future goods than to present), yet Christ, condescending to the infirmity of men, willed that to this sacred seal there should also be adjoined, as secondary, an effect of bodily benefit, lest perhaps, the remedy of the illness being despaired of, the sick should take refuge in illicit and superstitious helps. Which thing has been wisely noted in the Treatise On the Rectitude of Catholic Conduct, among the works of Augustine, in these words: "As often as some infirmity shall have befallen anyone, let not incantators be sought, nor diviners, nor soothsayers; but let him who is ill trust in the mercy of God alone; let him seek the Eucharist with the faithful devotion of the Church; and according to the Apostle 'the prayer of faith shall save the sick man,' and so forth."

§ 16. To the latter question—which Luther also proposes to the Catholics against Roffensis (in the Assertion of the Seven Sacraments), caviling that from this effect of bodily health it would follow that by the power of this sacrament the life of men would be prolonged perpetually—there is not one reply given by all. For some think that the power of this sacrament always confers some bodily remedy for curing the disease; and although often the force of the disease be graver than that the power which the sacrament supplies for dispelling it should suffice, yet other things being equal, one who has received this sacrament is more easily restored to health than one who has not received it. This reply is contradicted by the experience of those who have piously and religiously received this sacrament and have felt no alleviation of the disease. Whom if you say to have in truth not received worthily, there will at once be given a manifest occasion of judging one's neighbors from the frustrated bodily effect of this sacrament. The condition also added both in the Council of Trent and in the Council of Florence is repugnant, which would be superfluous if this effect of relief were perpetual and indubitable. Others think that it happens for the most part, not from the defect of the sacrament, but from this, that a great part of those who either receive or administer this sacrament have little faith; which renders the form less efficacious, and so most often prevents that the sick man receives health. But such a thing cannot be said of a sacramental effect. For even the weak faith of the recipient, conjoined with good will, suffices that an obstacle not be cast to the sacramental effect. Nor can even the unbelief and the being hypocrites of the ministers prohibit the effect of the sacrament; much less can a weaker faith. Yet we do not think this reply, which the Catechism written for Pastors has, should be rejected; but rather, with a third added, to be illustrated and approved. It is this: With respect to this bodily benefit, sacred Unction is not so much a sacrament, inasmuch as it does not work that effect sacramentally, as something sacramental, of the sort that the aspersion of blessed water is: so that by sacred Unction health or alleviation of disease is not otherwise obtained, than by the aspersion of water consecrated by the priest's prayers the corruption of the air or the infestation of the demon is taken away. This reply seems most conformable to the judgment of the Councils, which set the condition: For if therefore in the effect a condition is understood, the sacrament does not work as a sacrament, but in another way, namely in the way in which the other things also, which the Church consecrates by prayers for various uses, work: that is, by way of public prayer; which those words of the Catechism indicate clearly enough: "Because it does not always follow that the sick recover from their diseases; for that reason the form is made a prayer, that we may obtain from God's kindness that which the force of the sacrament is not wont to effect by a constant and perpetual order." So there. And this the Council of Trent seems to intimate when it says: "And the health of the body is obtained sometimes, when it has been expedient for the health of the soul." One must note that "sometimes" and also "when it has been expedient for the health of the soul"; for the sense is: not always, but sometimes the health of the body is conferred; yet never unless it be expedient for the soul's health, that is, unless it be for a saving good. Moreover, just as when the demon does not depart from that place where blessed water has been sprinkled, we do not say the aspersion has been made in vain—especially if it has been made with faith and devotion—because the piety of the work is not deprived of its fruit with God, and God knows why it is not expedient that the demon be driven away from there; so it must be said of the unction of the sick with respect to this bodily effect.

§ 17. As many heretics as denied that this sacrament which the Catholics maintain out of James is Extreme Unction, have tried in various ways to evade the Apostle's words and to overturn their Catholic sense. Of all these, the first were the Waldensians, by another name called the Poor of Lyons, who about four hundred years ago with blasphemous tongue dared to say that this sacrament is not a sacrament of blessing but of cursing. The madness of these was followed by John Wyclif, and after him the Bohemians. Wyclif thus

eludes James's sentence: Because, says he, in Palestine oil was excellent and effective for bodily health, therefore the Apostle, when speaking of refreshing the sick man, makes mention of a kind of unction of that sort. Here first it is clear that Wyclif did not attend to the title of the Apostolic Epistle, which is inscribed not to the Jerusalemites, nor to the Jews dwelling in Palestine, but to the twelve tribes in the dispersion. And indeed, there were distant regions in which the same excellence or natural power of oil could not be had, just as it cannot among us. Likewise, if the discourse were of oil's natural power, it would be fitting to call not the Presbyters of the Church, but the physicians of bodies. For what belongs to physicians physicians promise, not the Presbyters of the Church. Whence also Scripture (Sir. 38) diligently warns, for the curing of the bodies of the sick, that physicians of bodies and ointment-makers be called, not Presbyters.[26] And in fact, according to Wyclif's opinion James plays the part of a quite unskilled physician, who prescribes that one and the same kind of remedy be applied to all diseases—especially since the use of oil is in certain diseases even harmful and pernicious. Moreover, the consequence will be that Mark too speaks of a natural healing. What could be more absurd? For Christ willed to commend His doctrine by miracles, not to send itinerant physicians and ointment-makers, through whom, by skillfully and successfully employing a natural method of curing, He might win a crowd for Himself.'[27]

§ 18. Therefore, that interpretation having been rejected, the heretics of our times have sought other evasions: Luther, offended partly by this testimony, partly by the doctrine that works must be joined to faith, once for all took away all authority from this Epistle, calling it "straw." But this judgment of Luther seemed so rash and absurd even to his own followers that it had no approver among them. For even today all the Lutherans receive this Epistle, and that opinion of Luther, by which he judged so perversely of it, has long since been erased from his writings by his own disciples. Hence it was necessary for them to take refuge in fictitious interpretations of the passage at issue. Among these, Brentius, explaining the Apostle's sentence, says: It is the office of the ministers of the Church to go to the sick man and console him by the preaching of the Gospel. And so by "unction" Brentius wants, tropically, the preaching of the Gospel to be understood. In this matter one can recognize the habit of the heretics, who are keen, in interpreting Scripture, to overthrow the sacraments of the Church by fabricated tropes. Thus also Calvin, when he understands by "water" the Holy Spirit, and by "body and blood" strives to take away the sacrament of the body and blood of Christ, as we have shown elsewhere. But that James spoke not figuratively but properly is shown first because the whole Epistle has a manifest and simple manner of speaking; then because in this place there is no mention of Gospel-preaching, but only of prayer. Finally, this is sufficiently proved by the consenting interpretation of all the Ancients, as many as touched upon the Apostle's sentence either in passing or on occasion—namely Innocent I and Innocent III, Bede, Bernard, and others cited by us at the beginning. To these add St. Augustine (Ep. 119, ch. 7; Contra Donatistas I, ch. 20), where he lists oil among those things which are employed in the sacraments in the place of matter.[28] All these, I say, although they understood in the oil some mystical effect signifying another thing, nevertheless took it in its proper signification; just as in Mark also it is taken—nor is this denied by the heretics themselves, nor indeed can it be denied.'[27]

§ 19. Therefore the last of their interpretations is that which, before the others, both Calvin (in the Institutes) and others later than Luther approve. For they say that James speaks according to those times in which the grace of cures still flourished among the faithful. Manifestly to this pertains what Mark attests, that many sick persons, anointed with oil by the Apostles, received health.[27] But in later ages, miracles having ceased, it is foolish and ridiculous if we think that similar rites also must be observed: just as it would be foolish to carry handkerchiefs about, or to set up a swimming-bath to cure the sick, or to lie upon the dead to

raise them, or to make mud from spittle and dust to restore sight to the blind. For such examples that heretic heaps up, in order to detract from Unction the dignity of a sacrament of the sick. But this interpretation of theirs, besides that it has been condemned with an anathema (canon 2) among those issued by the Fathers of the Council of Trent concerning this sacrament, is shown in many ways to be inept.[29] — First, because the grace of miracles does not extend itself to a spiritual effect. For many received bodily health while remaining in sins—the nine lepers ungrateful to Christ, and others of whom we spoke above at Distinction 15. But this Unction of which James speaks bestows a spiritual effect, namely the remission of sins: it cannot therefore be said to have pertained only to the curing of the body.[30] — Then, whatever precepts James hands down in his Epistle are accommodated to all times. It is therefore not true that this alone, about anointing the sick man, is to be referred to apostolic times only. Rather this precept is general, pertaining to the use of the time of the New Testament. This was the view of St. Augustine in the book which for that reason he entitled the Mirror, because in it he gathered only those testimonies of Scripture which pertain to the exercise of the Christian life —in which, as in a mirror, anyone might easily inspect himself and, by inspecting, understand his defect; as he himself prefaces at the beginning of the book. Now that this work was compiled by Augustine, Possidius in his Life bears witness (ch. 28). Since, therefore, in it the whole sentence of James about which we are now treating is read, it is clearly understood that this was a precept belonging to Christians of all times.[31] — Third: "There are divisions of graces," says the Apostle in 1 Cor. 12; "to one indeed is given the word of wisdom," etc.; "to another the grace of healings. But all these things one and the same Spirit works, distributing to each as He wills." Therefore, if someone is a Presbyter of the Church, does he at once also have the grace of cures? No; the Apostle ought to have said: "Let them call the Presbyters of the Church—but those who have the grace of curing diseases"; since this grace was given by Him who distributes to each as He wills, neither to all Presbyters nor to Presbyters alone. This argument holds even if, as the heretics want, by Presbyters are understood the elders by age or the leaders of the people.[32] — Fourth: The Apostle speaks of a Christian anointing a Christian among Christians. But the use of miracles, as we can learn by the example of Christ and the Apostles, is not among the faithful but among unbelievers, or at least among those weak in faith, that they may be confirmed in it. Paul indicates this when he says, 1 Cor. 14: "Tongues are for a sign, not to believers but to unbelievers." For the same Apostle also cured the father of Publius when he had a fever; yet he did not restore to health Timothy, who was an invalid, nor Epaphroditus, who was grievously sick, nor Trophimus, whom he left at Miletus sick—knowing among whom the grace of miracles ought to be used or not used.[33] From which it follows that James's meaning—who teaches what is to be done among Christians—cannot be understood of the grace of cures. If at any time also now a like bodily health follows the Sacred Unction, that is not at once to be ascribed to a miracle, but rather to divine providence so ordering secondary causes, whether they work naturally or freely, that through them so ordered and directed he who otherwise would have died receives health.

§ 20. As to the place of Mark which they object to us: at the outset we have already warned that what we read to have been done in Mark is not what is prescribed by James, but that what there preceded in a miracle was a figure of that sacrament which afterwards, instituted by Christ, James promulgated among the faithful —just as the water of Siloam was a figure of Baptism, and the Manna of the Body of Christ—in order that what was then done by those signs about the body should afterwards be effected in the sacraments of the Church about the soul.[34] In this way the Fathers of the Council of Trent said that this sacrament of Unction was by Christ indeed insinuated in Mark, but by James the Apostle commended and promulgated among the faithful.[35] And something similar can be understood concerning the imposition of hands which Christ is read

to have used for the healing of the sick. Therefore as often as interpreters—Bede, Theophylact, and Euthymius—compare the one place with the other, they make the comparison in respect of the external unction, and that as commanded by Christ with producing a good effect of healing, not, however, in respect of the whole effect of unction as a sacrament.[36]

§ VII — Reply to other objections brought against this sacrament (Ad alia quae contra hoc Sacramentum objiciuntur responsio)

§ 21. I reply now to some other things which are wont to be objected against this sacrament (*sacramentum*). First, they say: whatever be the effect understood, it is not ascribed by the Apostle to the unction but to the prayer; for he does not say that the anointing of oil, but that the prayer of faith will save the sick man.

§ 22. Second: Origen (Homily 2 on Leviticus) attributes the remission of sins, of which James makes mention when he says, "And if he be in sins, they shall be forgiven him," to the power of the keys, that is, to the absolution of the priest, which is imparted to the penitent after confession. The same Bede also hands down in his commentary on James, writing in these words: "If, therefore, the sick are in sins and have confessed these to the presbyters of the Church and with a perfect heart have endeavored to leave and amend them, they shall be forgiven them."[38]

§ 23. Third: The same Venerable Bede says that by those words of James, "Is any among you sick?" counsel is given to the sick man how he should guard himself from the folly of murmuring. And then he subjoins: "To one sick either in body or in faith the Apostle commands that he who has sustained the greater wound remember to cure himself by the help of many, and that of elders, and not refer the cause of his weakness to younger and less learned men, lest perchance he receive from them some utterance or counsel doing harm." Therefore, according to Bede, the Apostle speaks only of seeking consolation and counsel.

§ 24. Fourth: Epiphanius (Heresy 36) and Augustine (Heresy 16), which is the heresy of the Heracleonites, attribute to them that they anoint their dying with oil and say that in this new way they redeem them.[39]

§ 25. Finally: the New Law is contained in the Old in such wise that all the sacraments of the New Law were foreshadowed by certain sacraments of the Old Law; but there was no sacrament in the Old Law which prefigured this unction; therefore this unction is not a sacrament of the New Law.

§ 26. But the solution of these objections is not difficult. And to the first it is answered that from the words of James it appears sufficiently that the unction effects something; since he wishes the prayer to be conjoined with the unction, when he says: "And let them pray over him, anointing him with oil in the name of the Lord." Therefore he forthwith names prayer alone; because prayer in this sacrament is the very form (*forma*), to which, as to the prior part, the effect is rather ascribed than either to the matter or to its application. If you object that the Apostle requires not just any prayer, but "the prayer of faith," that is, proceeding from faith, and so would ascribe the effect not so much to the words as to the faith of the ministers, I answer that the form is pronounced by whatever minister of the sacrament with the intention of the Church; indeed it is uttered in the person of the Church, which on the part of the ministers lends her faith and devotion.

§ 27. To the second: Origen and Bede interpret James of graver sins, for the remission of which the ministry of the keys is needed; and thus they detach the latter part from the former and refer it to that sacrament, namely of absolution. But it is more probable that the whole sentence belongs to the same thing, and that in the latter part the remission of lighter sins is promised, as the form of the sacrament manifestly signifies.

§ 28. To the third: By those words Bede gives rather a moral exposition than a literal. Yet by the subsequent words he clearly shows, according to the letter, that the Apostle prescribes what is practised by ecclesiastical custom regarding the sick—namely, the sacrament of Extreme Unction (*Extrema unctio*), and he even cites certain words of Innocent I, who without controversy treats of administering this sacrament.[^30]

§ 29. To the fourth: the heretics called Heracleonites practised a certain anointing of dying bodies, full of foolish superstition, as is clear from Epiphanius, who describes it at length; and this the Catholic Church utterly rejects and abhors.[39]

§ 30. To the last: some answer that for this reason there was nothing in the Old Law by which this sacrament might be foreshadowed, namely, that the power of this sacrament is to dispose those going forth from this age for entrance into the Kingdom, which for those then departing was not yet open. Nevertheless, one can reply to the argument that this sacrament was not only insinuated by that anointing which the Apostles employed (Mark 6), as the Council of Trent speaks, but also foretold in the Law by certain unctions, and especially by that by which David is read to have been anointed a third time, so that he might now peacefully possess the whole Kingdom of Israel—he who had been anointed the first time to obtain the Kingdom, and the second time to extend the same. For thus the faithful are anointed first in Baptism, that they may become heirs of the Kingdom; secondly in Confirmation, that by fighting they may advance the Kingdom of Christ; and thirdly in the sacrament of Extreme Unction, that they may pass over to possess the most peaceful Kingdom of Christ in heaven.[40]

§ VIII — What is the matter of this sacrament (Quae sit hujus Sacramenti materia)

§ 31. The matter (*materia*) of this sacrament was expressed by James the Apostle when he said: "Anointing him with oil"; by which, according to the tradition and consent of the whole Church, nothing else is understood than olive oil. For that is what is properly signified by the name "oil," just as by the name "water" elemental water is signified. On the other hand, something expressed otherwise is called oil improperly, just as liquor distilled from flowers is improperly called water. But how rightly the nature of oil fits the signification and the effect of this sacrament was set out by us above, when we were treating of the manifold effect of this sacrament. For just as the water by which the body is washed in Baptism signifies the cleansing of the soul from sin, so oil, the great use of which is wont to be had in healing bodily diseases, most aptly agrees for signifying the healing of the mind—and that for the sake of determinate signification, which is explained by the Scholastics.

§ 32. Moreover, the oil ought to be simple, which is mixed neither with balsam nor with any other liquid. It is indeed called by Innocent I "chrism" and "chrismal oil"; but chrism is a general term signifying any anointing, although now by the Church's usage it signifies only that which is composed of oil and balsam. Furthermore, that the oil be a fit matter for this Sacred Unction, it must be consecrated by a bishop. That

episcopal consecration is most expressly required by Innocent I (in the Epistle to Decentius) and by Bede (on Mark 6, and again on Luke 8 and James 5). In the last passage he also expounds the words, "Anointing him with oil in the name of the Lord," in this sense, writing thus: "For when he says, with oil in the name of the Lord, he signifies oil consecrated in the name of the Lord." Although straightway he subjoins also another exposition—and, as I think, the truer one—by which that phrase "in the name of the Lord" is referred to the act of anointing. This blessing is further required by the Council of Meaux (canon 2, as reported by Burchard and Ivo), and finally by both the Council of Florence and the Council of Trent. Lastly, Basil is witness (chapter 27 of the book On the Holy Spirit) that the consecration of oil is of apostolic tradition. Now the oil is consecrated to signify that it does not, by its own nature, but by the power of the Holy Spirit, heal the diseases of the soul. And this consecration is performed by a bishop, to signify that it is derived from the merit of Christ, whose person the bishop especially bears.

§ IX — Three questions about the matter of this sacrament are briefly explained (Tres quaestiones de materia hujus sacramenti breviter explicantur)

§ 33. Since from the testimonies of the Fathers and of the Councils already cited it is certain that it is necessarily required that the oil of the sick be consecrated by an episcopal blessing (the blessing, that is, of the bishop) (*benedictio*), nevertheless one can ask whether such a blessing is required by necessity of precept only, or indeed also by necessity of the sacrament. To this question it seems one must reply altogether in the same way as more fully above (around Distinctio 7) we answered concerning the consecration of chrism with respect to the sacrament of Confirmation. For, just as the opinion of almost all the Doctors is that not only by precept but also by necessity of the sacrament the blessing of chrism (*chrisma*) is required, in order that the sacrament of Confirmation subsist, so too they think concerning the oil with which the sick man is anointed, since it is apparent that the same formal character obtains in both.

§ 34. And even before the age of the Scholastics that was expressly taught by Hugh of St. Victor, and after Hugh by the Master (of the Sentences): when both use such a distinction as to say that indeed Baptism can be celebrated in water not blessed, but that that Unction cannot be done unless with oil consecrated by a Bishop. Here it is manifestly understood as the necessity of the sacrament. For by necessity of precept, even Baptism cannot be celebrated outside danger of death unless in blessed water. As to the reasons of this diversity among the sacraments, although probable ones are adduced by the Scholastics, nevertheless the chief reason is that which is rendered from the good-pleasure of the Institutor—something that could not but be very reasonable, even if perchance we do not grasp the rationale.

§ 35. However, against this common opinion there seems to tell the authority of Innocent III (in the Decretal Pastoralis, in the title On Sacraments Not To Be Repeated), where the Pontiff holds valid the sacrament of Confirmation done with the unction of oil alone.[48] Now that oil does not appear to have been consecrated—at least not with the consecration which chrism requires; and Dominicus admits this, saying that it was oil of catechumens. Therefore in truth it was just as if it had not been consecrated at all; since a consecration ought to be made for some definite thing, namely for that to whose use it is destined: otherwise both the blessing and the blessed thing are impertinent, just as it comes to the same thing not to have an instrument and to have an impertinent instrument. Wherefore a like judgment will be to be made here about

the blessing required. Moved by this argument some think that in both sacraments this necessity of blessing is only of precept, not, however, of the sacrament. Yet one could reply that that oil, although it had not been mixed with balsam—either through negligence or because balsam could not readily be had—was nevertheless consecrated by the Bishop with that blessing which is wont to be applied to chrism.

§ 36. Next it is asked whether also by necessity of the sacrament it is required that the blessing have been done by a Bishop. To the negative side Cajetan inclines, writing (on III, q. 72, a. 3), who thinks that the blessing would be valid even if it be done by any Presbyter whatsoever, for the reason that the consecration of the Eucharist, which without doubt is greater, can be done by a simple Presbyter.[49] But nearly all hold the contrary. And to this opinion the decrees of Popes and Councils most strongly lend favor, which recognize no other minister of that blessing than the Bishop. The reason of congruity we assigned above. Nay rather, it does not appear that in this matter the Pontiff can dispense—namely, that the blessing of the oil be done by anyone else—if, as has been said, by necessity of the sacrament the blessing itself is required. For then it must be understood to be altogether required that the blessing be done by him to whom from the beginning of the institution of the sacrament it was committed, that is, by the Bishop. Otherwise nothing would seem to stand in the way why it could not also be committed to a Deacon, if, the institution of the sacrament being set aside, we look only to the plenitude of the power of the Supreme Pontiff. The reason which moved Cajetan to a different opinion we dissolved at the time when we were treating of the sacrament of Confirmation.

§ 37. Finally it is asked whether this sacrament is valid if administered in chrism. To which it is answered that in two ways it can happen that, if so administered, it is null: namely, if either the necessary blessing is lacking—for the blessing of chrism is not the same as that of simple oil—or the oil, by the admixture of balsam, has lost its proper nature and has become a mixture of a different species. The same answer is to be given about any other mixture whatsoever: but if the nature of the oil remain, the sacrament exists, although he who mixes in foreign matter sins—just as we said in its proper place about baptismal water.

§ X — What is the form of this Sacrament (Quae sit hujus Sacramenti forma)

§ 38. He sets forth the form (*forma*) of this sacrament in these words of the Roman Church: "Through this holy anointing and His most tender mercy may the Lord grant thee pardon for whatever thou hast done amiss by sight," and so forth. So Eugene IV (in the Decree given to the Armenians).[51] Nor ought it to offend anyone that certain Churches use words somewhat different. For by that diversity of words nothing is taken away from the sense. Therefore the integrity of the form stands, while in place of the word "may He grant pardon" some Churches say "may He forgive," others "may He remit" or "may He spare"; some even "may He heal": and while in place of the word "thou hast done amiss" some Churches say "thou hast sinned," others join both saying: "whatever thou hast sinned or done amiss." This seems likely to be done for greater caution, because of mortal sins forgotten; although there is no need of such an addition and precaution, since even without it the sick man gains nothing less. Again, many Churches, among which the Roman, say: "whatever by the fault of the eyes thou hast done amiss," and so for the other instruments of the senses. This form is also had by the Catechism for Parish Priests, and by Scotus and Richard, and likewise, as they are said, by the Friars Minor. It is clear, moreover, that the sense of this agrees with the form of Eugene.

§ 39. Now the fact that this form is almost everywhere uttered in the mode of a prayer is altogether conformable to the words of the Apostle James, who hints at it when he says: "And let them pray over him,"

and again, "And the prayer of faith shall save the sick man" (Jas. 5). By which words the Council of Trent bears witness that the form is signified, in the place where it sets forth the institution of this sacrament.[52] But why this sacrament before all the others has a precatory form—these reasons can be given. One, because he who receives this sacrament, since he is now destitute of his own powers, not of body only, but also of soul, which for the most part is likewise affected by the illness, has greatest need to be helped by the prayers of both the priest and others. A second, because, when he is departing from this life, now about to be set before the tribunal of the divine justice, he commends himself to the mercy of God. For which reasons not only is the form precatory, but also many other prayers, in the ancient custom of the Church, are employed, whereby the faithful standing by may be stirred up and admonished to help with prayers their sick brother as one about to depart forthwith, and to commend him to God. A third reason is adduced by the Catechism for Parish Priests: that therefore the form is framed as a prayer, in order that we may obtain by beseeching from the kindness of God that effect which the force of this sacrament does not use to bring about by a constant and perpetual order, that is, the health of the body or a lightening of the sickness.[53]

§ 40. If you ask whether the form is valid when uttered in the indicative mode: St. Thomas and St. Bonaventure indeed think it is not valid;[54] yet no certain reason appears by which this is taught, since nothing prevents the form of the same sacrament from being recited now indicatively, now deprecatively, or optatively. For thus it is certain that the form of Baptism varies among the Greeks and Latins. Wherefore Richard judges it probable that such a form would be valid;[55] to which there is added as a great argument that certain Churches, as St. Thomas himself attests, long ago used the indicative form, saying: "I anoint the eyes ... which I consecrate with this holy oil," and so forth.[54] This form by very many is called Ambrosian, because Ambrose is thought to have used it in his Church of Milan. Of which John Eck pronounces (in the Homily on the Sacraments) that it must be firmly believed that wherever the Ambrosian form alone is used, there too the sacrament is conferred, and he even declares this by the examples of the other sacraments.[56] Although there are those who, for caution, think that both forms ought to be joined together, as is done in some Churches; on which matter let the place of Eck be consulted.[56] But that certain Churches add, "in the name of the Father, and of the Son, and of the Holy Spirit": this indeed is done rightly, yet it is not necessary.

§ XI — Who is the minister of this Sacrament (Quis sit hujus Sacramenti minister)

§ 41. The sacrament of anointing, James teaches when he says: "Let him bring in the presbyters of the Church" (Jas. 5). By the name "presbyters" he does not understand him who among the faithful is more advanced in age, as the heretics of today interpret; but a priest (*sacerdos*) ordained according to the rite of the Church. Thus did Innocent I understand and interpret the Apostle (in the Epistle to Decentius),[58] and the Council of Florence (in the Decree given to the Armenians),[51] and lastly the Council of Trent both in the doctrine which it hands down concerning this sacrament (Session 14) and in the same Session (the last canon).[59] The words of that canon are these: "If anyone shall say that the presbyters of the Church whom Blessed James exhorts to be brought to the sick man to anoint him are not priests ordained by a Bishop, but elders in age in any community whatever; and therefore that the proper minister of Extreme Unction is not the priest alone: let him be anathema." That interpretation of the heretics is refuted also by reason itself. For since even those young in age are rightly at times set over the Church—as Timothy the Bishop was constituted by the Apostle—it is absurd to refer this office of Extreme Unction and of prayer to elders alone. Whence

Innocent says: "Moreover, we see that this has been added superfluously, so that one may doubt concerning the Bishop, when it is not doubtful that this is lawful for presbyters." Which yet would not without reason be doubted, if by presbyters the Apostle understood elders in age. Therefore the word "presbyter" is to be taken so that it be a name of dignity or of sacred Order, and not of age; as elsewhere also everywhere, both in the Acts of the Apostles and in the Apostolic Epistles, it is taken.

§ 42. But that the name presbyter here is not to be restricted to the Bishop alone is evident from this, that James, in the plural number, advises that presbyters be called; whereas according to the sacred and apostolic canons it is established that in one city there is a single Bishop. And again from this, that otherwise it would be necessary that very many of the faithful be defrauded of this Sacrament, namely all those to whom the Bishop, on account of distance of place or any other impediment whatever, could not come. Nevertheless one Priest suffices for administering this sacrament; for although the Apostle uses a plural, it is to be understood, however, that to individuals the power of this ministry has been given, just as by those words: "Whose sins you shall forgive," etc., power was given of remitting and retaining.[60] And this has been defined by Alexander III, book 5 of the Decretals, Title On the Signification of Words, chapter "Quaesivit," where he decrees that a sick man can be anointed by a single presbyter.[61] And although every presbyter by reason of Order has this power, yet its exercise is granted to his own proper Pastor alone, who holds jurisdiction over the sick man for exercising this power. But if anyone who is not a priest should attempt to minister this sacrament, it will be as null as Confirmation or Ordination attempted by one who is not a Bishop; otherwise if it be a Priest who attempts it where he has no jurisdiction. For then, since nothing is lacking of those things which are required for its substance, the sacrament truly seems to be conferred, although not without the sin of the minister.

§ 43. But someone will ask, why, when James speaks of anointing one sick man, he makes mention of many presbyters; and again, how many should anoint one sick man or many confer one sacrament. To the former question some give this answer: that the Apostle speaks according to the custom of the primitive Church, when the salvation of the faithful was cared for with such zeal that many Presbyters, and sometimes even the Bishop accompanied by presbyters, would hasten to the sick man. But it is better answered that the sense is: "let him bring in the presbyters of the Church," that is, some one of the presbyters; or that there is an enallage of number. Thus speaks St. Augustine, Sermon 33 On Various Matters, relating that a certain woman who had obtained life for her dead infant "brought him to the presbyters," that is, to some one of the presbyters; for in the fourth book of the Miracles of St. Stephen, the last chapter, where the same thing is narrated, only presbyter in the singular number is mentioned.[62] So in Matt. 2, "they who sought the life of the child are dead," and 27, "the robbers who were crucified with him reproached him." To the latter—many anointing one sick man—this happens when, one anointing, the rest stand by and cooperate with him either by consent and common prayer, as in the Canon of the Mass the people standing round are said to offer together while the priest offers, or because it is not absurd that diverse members be anointed by diverse Presbyters, and thus in the whole the sacrament be completed; something like which can also occur in confecting the sacrament of the Eucharist, when, necessity intervening, one consecrates the bread, another the wine.

§ XII — Reply to the things objected on the contrary (Ad ea quae in contrarium objiciuntur responsio)

§ 44. Against the things we have said concerning the minister, men are accustomed to object first the words of Innocent I (in the Epistle to Decentius), which run thus: "With the oil prepared by the Bishop it is lawful not only for priests, but for all Christians, in their own or their relatives' necessity, to anoint." The same words are repeated by Bede writing on James.[64] Whence it can seem from the opinion of these that every Christian is the minister of this sacrament. And indeed, moved by this argument, Thomas Waldensis (Tome 2 On the Sacraments, the chapter on Penance) thinks that where a priest is lacking, it is permitted to a layman to administer this sacrament to a sick man in the article of death.[65] He cites besides a passage from the book On the Rightness of Catholic Conduct, found among the works of St. Augustine, in these words: "He who is ill should faithfully ask the Church for blessed oil, with which he may anoint his body."[66] Some answer that by Innocent it is permitted to any Christian that, when necessity occurs, both himself and others he may anoint with this oil with a holy devotion of affection toward a sacred thing and consecrated by episcopal blessing, through which he may hope to obtain healing; yet so that he does not confect a sacrament, but uses it as the faithful use blessed water and other consecrated things. To this answer probability is afforded by the ancient custom of the faithful, who are wont in various ways to use this blessed oil for cures, as the Egyptian monks, who sent it to heal the sick; and the Virgin Mother of God and Geneviève are read to have employed it for restoring the sick to health, as St. Thomas, Richard, and others report. Bede also, writing on Mark 6, signifies that the anointing with blessed oil used to be applied to the sick as to the possessed, and he commemorates its example commenting on Luke 8.[67] All which had only the character not of the sacrament but of a rite, and are to be compared more with the anointing of which Mark 6 speaks than with this sacrament.

§ 45. But one can also reply otherwise to the words of Innocent, and that no less probably: namely, that their sense is that it is lawful for any Christians to use this oil, in such wise that they can be anointed with it; nor is this anointing proper to priests, in the way that under the old law only priests, kings, and prophets were anointed; indeed even in the new there are certain anointings proper to priests. Note in fact that Innocent says "to priests," not "to presbyters"; whereas, when speaking of the minister, he names presbyters. Innocent clearly indicates this sense. According to this sense, therefore, the phrase "in anointing" is to be taken passively, not actively. For he does not say, "in anointing them," but absolutely and with no case added, "in anointing," namely to signify a passive anointing. Which also is said by the Poet: "And the woman burns by being seen," that is, when she is seen; "By singing the serpent is burst," that is, when it is enchanted. Moreover, in that which is adduced from the book On the Rightness of Conduct, Thomas Waldensis incorrectly reads actively, "let him anoint," whereas better manuscripts have "let him be anointed," and this is more in keeping with the very passage of James which that author cites.

§ 46. Another argument for the heretics' interpretation can be taken from the words of Bede writing on James, where he advises the sick man to remember to seek healing by the aid of the elders, and not to refer the case of his infirmity to the younger or less learned. Whence he seems by the name of presbyters to understand elders in age. But we have already elsewhere said that Bede in those words is pursuing a moral exposition, according to which it was fitting to take presbyters according to age. For that in the literal sense he understands presbyters according to ecclesiastical dignity, the words that follow clearly show—

§ XIII — To whom this Sacrament is to be conferred (Quibus conferendum fit hoc Sacramentum)

§ 47. From the judgment of the Apostle James it is by no means obscure to whom this sacrament (*sacramentum*) is to be imparted; for he says: "Is any among you sick?" and again: "The prayer of faith shall save the sick." And then too the very matter is called by the Fathers the oil of the sick. Therefore it is to be administered to the sick alone, that is, to the ailing; yet not, however, to just anyone whatever, but only to those whose death is reasonably feared, as the Florentine Decree has it.[69] Concerning the same matter the Synod of Trent likewise decreed thus (ch. 3 of the Doctrine on Extreme Unction): "This unction is to be applied to the sick, and indeed especially to those who are so dangerously ill that they seem to be placed at the end of life." Hence also it is called the sacrament of those going forth. By these words the Synod does not will that this unction can be applied to all the sick, but to those ailing dangerously, and especially, however, to those who already appear to be at the point of departure.

§ 48. This doctrine is confirmed by the definition of the councils and, moreover, by the usage of the universal Church; and it can also be sufficiently understood from the words of James, in whom in the Greek the words in the earlier and the later place are different. Hence, although the earlier place signifies sickness in general, nevertheless that which is set in the later place, κάμνοντα, is referred to one who labors under disease gravely and perilously, and designates one now almost succumbing to disease. Therefore the meaning of the earlier word must be restricted by the latter.

§ 49. Likewise the primary effect or end of this sacrament (*effectus seu finis hujus sacramenti*) requires it, which is to prepare the sick man proximately for the happy state of the life to come. Hence also, after the viaticum of the Body of the Lord, it is by the perpetual custom of the Church conferred as, so to speak, the last of the sacraments. The secondary effect also requires this. For it is not fitting that in whatever slight illness, which seems easily able to be cured by natural and customary remedies, one should have recourse to a supernatural remedy, of which sort this sacrament is; but that state of illness must be awaited in which the sick man is so endangered that from human medicine there is nothing or little hope, and accordingly healing should opportunely be sought from a sacrament divinely instituted.

§ 50. From these things it is clear that this sacrament is not to be administered to those who, although they are of sound body, nevertheless incur a probable or certain danger of life, as those who are about to cross the sea, or are about to engage in battle, or even those who, condemned to death, are led to capital punishment. For although all of this kind need preparation for death, yet from James it is evident that this sacrament was instituted not for them but for the sick alone. And the reason for this can be given: both because in those cases the infirmity of the mind is not signified by the infirmity of the body, whereas this sacrament is exhibited as a medicine of both, so that the healing of the soul is signified through the healing of the body; and because an institution regards that which is ordinary, namely that men endangered by death are sick, not healthy.

§ 51. Moreover neither to infants nor to children wholly not yet using reason, even if they are gravely ill, is it to be administered, because they are neither able to introduce or call for the Presbyter, that is, to ask the sacrament from the Church, nor are they liable to actual sins, not even to slighter ones, whose remission is contained in the principal effect of this sacrament. Wherefore neither can the form of the sacrament, which expresses only the remission of sins, be accommodated to them. Accordingly, it will not be permissible to

confer this sacrament upon children before they have begun to use reason and, according to the custom of the Church, are able to receive the Viaticum. But if someone should attempt to confer this sacrament upon the healthy, or upon those lightly sick, or upon children not yet using reason, not only will he sin gravely against the institution of this sacrament, but also there will be no sacrament; to wit, on account of the defect of a necessary subject or recipient.

§ 52. Now as regards the insane and the possessed, or energumens, to those laboring under a grave illness, if, while they were of sound mind, they showed signs of a sincere conversion to God, just as ecclesiastical reconciliation is not to be denied, so Extreme Unction does not seem to be to be refused, especially if they had previously asked for the sacrament. For present actual devotion for the valid reception of a sacrament is not necessary, as from those things which have been said about Baptism and Absolution can be sufficiently understood. And this also the usage of the Church declares in this sacrament, when it often administers it to those who already, by reason of the magnitude of the disease, are destitute of the use of mind. But that what we say about anointing energumens is sufficiently proved from the words of Bede writing (on Mark 6), where he numbers energumens among the other sick who, by oil consecrated with a pontifical blessing, are anointed according to the Church's custom, does not appear; since the anointing of energumens seems to have been of another kind, namely tending to this, that one possessed by a demon should be freed, and not that he should be cured of a dangerous disease of the body. And this is proved from another passage of the same Author, namely from the Commentary on Luke 8.[67]

§ 53. Finally it must be noted that, just as the sickness must be dangerous in which this holy unction is to be applied, so also the practice of certain persons is to be condemned, who only then summon the Presbyter when already the sick man is in the agony of death, or, to use Calvin's words, who reproaches this to Catholics, "when already the soul labors on the very verge of the lips." For it is certain, as is rightly noted in the Catechism of Parish Priests, that for the more abundant reception of the Grace of the sacrament it avails very much if the sick man, while as yet his mind and reason remain entire in him, and he can bring a present movement of faith and a devout intention of soul, is anointed with the sacred unction.[70]

§ 54. But if someone should ask what preparation is required in the recipient of this sacrament, Innocent I replies first, writing to Decentius, that this oil cannot be poured upon those not doing penance, because it is a kind of sacrament; but since this is common to all the sacraments, namely that they ought not to be conferred upon the impenitent, this sacrament, besides, just like most of the others, requires previous reconciliation, inasmuch as someone has fallen from Grace. For since it is conferred by way of spiritual healing, it presupposes spiritual life, which by the sacrament of Reconciliation is restored to the penitent. This reason is confirmed by the perpetual custom of the Church, which makes participants of this Sacred Unction only those reconciled and, besides, fortified with the Viaticum of the Body of the Lord—if, however, that can be conveniently administered to the sick. For it is to be exhibited in the last place as the sacrament of those who are departing.

§ XIV — By what rite this Sacrament is to be administered (Quo ritu sit administrandum hoc Sacramentum)

§ 55. As regards the rite or mode of anointing (*ritus seu unctionis modum*) of this sacrament (*sacramentum*), not all the members of the body are to be anointed, but certain ones which are enumerated in this order by

the Fathers of Florence in the Decree given to the Armenians: "The sick person, they say, is to be anointed on the eyes on account of sight, on the ears on account of hearing, on the nostrils on account of smell, on the mouth on account of taste or speech, on the hands on account of touch, on the feet on account of walking, on the loins on account of the delectation flourishing in the belly."[69] This rite, received from apostolic tradition, if we attend to the end of this sacrament, is found to be most fitting. For this sacrament is administered as a kind of spiritual medicine (*medicina spiritualis*). Therefore, just as bodily remedies are not applied to the whole body, but only to those members in which the root and cause of the disease lie, so this spiritual medication is performed only on those members in which the chief causes of sin exist. Now every sin is committed by evil desiring, and every appetite draws its origin from sense. For this reason, therefore, the instruments of all the senses are anointed, at least in places near them. For as regards touch, although it is diffused through the whole body, nevertheless the most familiar and principal instruments of touching are the hands. But on the reins, or loins, anointing is done either on account of appetite in general, or, as others prefer, on account of the movement of lust, which especially has its seat in that part, as also Gregory attests ("Homily 13 on the Gospels").[72] Finally, the feet too are anointed as the instruments of executing; for by his feet a man advances to follow that which he has perceived by the senses and desired. One must know, however, that the anointing of the loins has not been everywhere customary; indeed there are many who omit the anointing of the loins. For since the origin of sin is from sense, it suffices, with integrity of mind preserved, that the instruments of the senses be anointed. In the rest, each one's own usage is to be observed.

§ XV — Questions are resolved concerning the rite of this sacrament (Circa ritum hujus Sacramenti quaestiones solvuntur)

§ 56. First, one can ask why the breast is not anointed, since in the heart the chief root of sin is seated, according to the saying of the Savior: "Out of the heart proceed evil thoughts, murders, adulteries, etc.; these are the things that defile a man" (Matt. 15). To this it is answered that in that passage of Scripture, as in almost innumerable others, the "heart" (*cor*) is taken for the will (*voluntas*). But evil thoughts proceed first from the imagination, whose seat is in the head; and therefore the heart, that is, the will, is indeed the principal, yet not the first, cause in sinning.

§ 57. Secondly, it is asked what things are required for the essence (*essentia*) of this sacrament—namely, so that without them the sacrament would be invalid. Some answer that the unctions corresponding to the five senses are required, and that they suffice. But this is objected to on the ground of local custom, according to which, if a sick man seems about to expire before the anointing has been completed, or if he is afflicted with a contagious disease, only the breast is anointed. Likewise, the very instruments of the senses are not anointed, according to universal custom, but only places near them, as is evident. Nor is there room to doubt that one receives the sacrament who is deprived of several of the instruments of the senses. Add that, if some sick person were straightway to wipe away the anointing applied to his eyes, the other unctions not yet having been applied, the remaining unctions would not on that account be omitted. From which it appears that it can not improbably be said that, although for the integrity of this sacrament the customary unctions of the five senses are required, nevertheless they are not required for the essence. For the latter perhaps it suffices that some part of the body be anointed, the minister using these general words: "By this anointing may the Lord forgive you whatever you have done amiss"; just as in Baptism it suffices that any part whatsoever of the body be touched with water.[74] Nor in the Decree of Florence is it prescribed absolutely that all those parts which are named

there must be anointed. Otherwise the anointings of the feet and of the loins could not be omitted. And the Council of Trent makes no mention of the members upon which anointing must be done. Whence it is gathered that the determination about certain parts to be anointed has been left to the custom of the Churches—yet in such a way that the instruments of the senses ought not to be omitted, unless because of some necessity.

§ 58. The third question is how this sacrament is one and not many, since in many members many and distinct unctions are applied; so that in all there are reckoned twelve unctions by Scotus; and unless the very form is repeated for individual, or at least for pairs of, unctions, with only the name changed as the unction is applied to the several members—that is, to each sense or sense-organ. To which it is briefly answered that all those unctions, with the repetition of the words for each member as for integral parts, constitute one whole and entire sacrament. Not that the sick man only then receives the grace of the Holy Spirit from this sacrament, when the last unction has been completed—as is the opinion of some—but that, just as the sacrament of the Eucharist consists of several parts, so also here each unction immediately has its own effect; yet in such wise that, when the last unction has been made, the sacrament is then finally judged whole and perfect, just as the sacrament of the Eucharist is perfect when the consecration of the chalice has been done. Therefore, if the sick person, his eyes having been anointed, should immediately expire, he did indeed receive the sacrament, but imperfectly and only inchoately; and thus, when the other unctions are added, the sacrament is not multiplied, but the same sacrament is increased and perfected by its parts being supplied.

§ XVI — Whether this sacrament is necessary (Utrum Sacramentum hoc sit necessarium)

§ 59. The sacrament of Extreme Unction is not necessary for salvation; both because its effect is not necessary for this, that someone be constituted a friend of God—nay rather, it presupposes friendship and conjunction with God—and because its effect too can be obtained from elsewhere. For although several things concur in the effect of this sacrament, nevertheless that which, as it were the chief one, is expressed in the very form alone—namely, the remission of venial sins—can be obtained in many other ways, either in this life or even in the future. If it were not so, there would not be sufficient provision for the salvation of those who, being sound, are led to death, who cannot be made participants of this sacrament. Likewise one must judge about the other effects, which it is quite certain are often received outside the sacrament.

§ 60. Moreover, the same is proved from Innocent I, who, in the Epistle to Decentius, uses these words: "The faithful who are sick can be anointed with holy oil." And again: "It is permitted to all Christians to use it." These are not words indicating a necessity either of the sacrament or even of a precept, but rather excluding it.[58]

§ 61. Meanwhile this is true and certain, that this sacrament can neither be neglected without fault, nor despised without mortal sin; as we have it expressly in the Bull of Martin V issued at Constance, and repeated in the Council of Trent; although what is said about contempt is common to all the sacraments and ecclesiastical institutes.[76] If you object the precept of the Apostle James, I answer that, in the opinion of some, the Apostle does not command but exhorts. If, however, someone contends that the Apostle's words have the force of a precept, the omission of that precept will be a venial fault, not a mortal, unless contempt be added, or at least such great negligence that it rightly be reckoned as contempt.

§ XVII — How far this sacrament can be repeated (Quatenus repeti possit hoc Sacramentum)

§ 62. Since this sacrament does not imprint a character, nor any perpetual effect, nothing prevents its being able to be repeated, namely, as often as it happens that a sick person, after recovering health, falls back into illness, even if only a short interval of time has intervened. And thus the Council of Trent defines (Session 14). [78] This also accords with reason. For when diseases return, the former remedy must be called back. This, moreover, is proved effectively from Scripture: "Infirmatur quis in vobis," that is, whenever it happens that someone is gravely ill; therefore also when the disease returns.' [79] But in one and the same bout of sickness, when the sick man is placed in the same danger of life, it is to be applied only once. The reason for this is that this sacrament is conferred by way of a medicine sufficient for the curing of the disease; but such a medicine, in the same illness, is not repeated. If, however, the illness does indeed persist, but the danger ceases for some time, this anointing can be repeated, if afterwards the force of the disease grows fierce again. For although the illness is the same, nevertheless the state of the illness is not the same as that which the administration of this sacrament requires.

§ I — That Order is a sacrament of the new law, and of its effect in general (Ordinem esse novae legis Sacramentum, deque ejus effectu in genere)

§ 63. After the treatment of those sacraments (*sacramenta*) which have been instituted for the salvation of individuals, now one must deal with those which have been handed over to the Christian people for the sake of the public good. These are two, Order and Matrimony. But first one must speak of Order as of the more worthy, because Order is necessary for the spiritual multiplication and governance of the faithful, whereas Matrimony is destined for bodily propagation.

§ 64. First, therefore, as regards the name, this sacrament is called Order (*Ordo*), because although the name of order is of a most broad signification, nevertheless rightly by antonomasia it has been attributed to certain ecclesiastical grades which are contained under this sacrament, since by them the Ecclesiastical Hierarchy, disposed with most beautiful order, stands firm. Sometimes indeed, for the sake of distinction, it is called sacred Order, or sacred Ordination; sometimes also among the Ancients, from the ceremony of the ordainer, it is called the Laying-on of Hands (*Manuum impositio*), a name taken from Scripture, as will appear below.

§ 65. Most aptly, moreover, it can be defined in this way: Order is a sacrament of the new law instituted by Christ, by which spiritual power (*potestas spiritualis*) is handed over, and grace (*gratia*) is conferred upon those ordained for the discharging of ecclesiastical ministries.

§ 66. Now that in the Church there is a sacrament of this kind instituted by Christ is proved by the testimony of Scripture, and by apostolic tradition, and by the unanimous consent of the Fathers. Scripture indeed bears witness to this sacrament in those places where it teaches that the Apostles, in establishing and ordaining ministers of the Church, used the imposition of hands—namely as an outward sign by which the inward spiritual effect might be signified—as in Acts 6, where by the imposition of hands they ordained seven deacons; and in Acts 13, where Saul and Barnabas were deputed by the imposition of hands to the work of the Gospel, although about this latter place it might be doubted whether a sacrament was there conferred. [81] But

since in the definition set forth above two general effects of this sacrament are expressly named—namely, power and grace, the former a gratis-given gift, the latter a grace making-pleasing—so that the proof of the institution of this sacrament may at once be fuller and clearer, we shall show that each of these effects is conferred by sacred Ordination.

§ 67. The Lord bestowed spiritual power upon His disciples when, instituting the sacrament and sacrifice of His Body and Blood, He said to them: "Hoc facite in meam commemorationem"—"Do this for a commemoration of me" (1 Cor. 11). By these words—as the Council of Trent rightly teaches—Christ instituted His Apostles priests. And again, when after the Resurrection He breathed on them, saying: "Accipite Spiritum Sanctum. Quorum remiseritis peccata, remittuntur eis; et quorum retinueritis, retenta sunt"—"Receive the Holy Spirit. Whose sins you shall forgive, they are forgiven them; and whose you shall retain, they are retained."[82] For these things were not so said to the Apostles as not also to pertain to their successors; since in the Apostles Christ willed to have regard for His whole Church, to be founded and built up by them, concerning the ministers and their legitimate institution.

§ 68. But that grace also is conferred in this sacrament which commends a man to God, the Apostle Paul bears witness, writing to Timothy ordained by himself (1 Tim. 4): "Noli," he says, "negligere gratiam quae in te est, quae data est tibi per prophetiam cum impositione manuum presbyterii"—"Do not neglect the grace that is in you, which was given to you by prophecy, with the laying on of the hands of the presbytery." And again to the same man (2 Tim. 1): "Admoneo te ut resuscites gratiam Dei, quae in te est per impositionem manuum mearum"—"I admonish you to stir up the grace of God which is in you by the imposition of my hands." What sort of grace this is he indicates by the following words when he says: "Non enim dedit nobis Deus spiritum timoris"—that is, as the Greek word more signifies, of timidity—"sed virtutis," that is, of strength and of power, as is clear from the Greek, "et dilectionis et sobrietatis"—"but of power and of love and of moderation." That these words pertain to the grace conferred in Ordination the Fathers of the Council of Trent understood, who brought them forward for the confirmation of this point (Session 23, in the chapter where the doctrine about this sacrament is set forth).[83]

§ 69. To grace of this kind one must also refer that which the Lord says: "Accipite Spiritum Sanctum"—"Receive the Holy Spirit"; for He willed also to add grace by which that sacred function might be duly and holily administered. And since that grace pertains to the sanctification of man, it is understood to be given in that which was said to the disciples: "Accipite Spiritum Sanctum"—"Receive the Holy Spirit." For the Holy Spirit is the Author of all sanctification.

§ 70. Moreover, among the Ancients St. Augustine wrote most plainly about this sacrament in many places. One passage is in book 2 Against the Letter of Parmenian, chapter 13, where he so compares the sacrament of Ordination with the sacrament of Baptism that he says both are sacraments, and that by a certain consecration a man is given, the one when he is baptized, the other when he is ordained; and therefore that neither is to be repeated, lest injury be done to the sacrament; and again in the same chapter he says that no one doubts that both are sacraments.[84] Whence we understand with what rashness and wickedness there is now at length called into doubt by the sectaries that about which, in Augustine's time, no one thought there was to be any doubting.

§ 71. Another passage is in book 1 On Baptism against the Donatists, chapter 1, where he so compares Order with Baptism that he calls both a sacrament, which neither can be lost nor ought to be repeated—the

one, indeed, the sacrament of Baptism; the other, the sacrament of giving Baptism. He calls Ordination the sacrament of giving Baptism, not because only one ordained can efficaciously baptize, but because only he is the ordinary and legitimate minister of Baptism; since in Ordination he has received the right of giving Baptism, as Augustine himself explains in the place cited (Against the Letter of Parmenian).[85]

§ 72. A third passage is in book On the Good of Marriage, chapter 24, where he asserts that in all the ordained the sacrament of Ordination remains, even if either they do not rule the people or have been removed from office on account of fault.[86]

§ 73. There also exists among the works of Augustine the book Questions on the Old and New Testament, whose author, although he is not Augustine—as is sufficiently established—nevertheless can be gathered to be very ancient and to have preceded the times of Augustine and Jerome from question 44. Whence, for coming to know the view of the ancient Church about this sacrament, no small weight has the testimony of this Author. He, in question 93, treating the words "Accipite Spiritum Sanctum"—"Receive the Holy Spirit," clearly bears witness by these words that not only ecclesiastical right is bestowed, but that grace also is poured into those ordained: "Because," he says, "it is read that the Lord breathed upon the disciples and said, 'Receive the Holy Spirit,' behold thereafter there follows, 'Whose sins you shall forgive, they are forgiven them,' whereby it is shown that with the gift of the Spirit there is conferred both the authority of ministry and the gift of grace."[87]

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1. St. Bede, In Lucam, on Luke 8.
2. St. Bernard, Vita S. Malachiae, at the end.
3. St. Peter Damian, Sermon 1 On the Dedication of a Church.
4. Council of Worms, canon 72; Council of Chalon, canon 48; and Council of Meaux, cited in Ivo of Chartres, Part 1, ch. 269; and Burchard of Worms, book 4, ch. 75.
5. Burchard of Worms, book 18, ch. 11: Canon of Pope St. Eusebius the Martyr, preceding Innocent I by about a hundred years.
6. Burchard of Worms, book 18 (same book), ch. 14: from the Penitential of Theodore of Canterbury.
7. Pseudo-Augustine, De visitatione infirmorum, book 2, ch. 4.
8. Pseudo-Augustine, Tractatus De rectitudine catholicae conversationis; cf. Jas. 5:15: "the prayer of faith shall save the sick man...".
9. Hugh of St. Victor, De sacramentis II, part 15; the Master, In IV Sent., dist. 23.
10. Pope Callistus II, Decreta [abbreviation as in source]; Alexander III, Decretals (Gregory IX), De verborum significatione, c. "Quaesivit"; Innocent III, Epistola decretalis ad Patriarcham Constantinopolitanum, in the Decretals, De sacra unctione, c. unico, at the beginning.
11. St. John Damascene, De quaestionibus; Theophylact and Euthymius, on Mark 6; Oecumenius, on James 5; Nicholas Cabasilas, ch. 29, on the Liturgy of St. John Chrysostom.
12. Council of Constance, session 15 (under Martin V).
13. Council of Florence, Decretum pro Armenis (under Eugene IV).
14. Council of Trent, Session 7, canon 1; and Session 14, De extrema unctione (institution and fruit), with the cited canons.
15. St. Thomas, Summa theologiae, Supplement, q. 29, a. 3.
16. Council of Trent, Session 7, canon 1.
17. St. Thomas, Summa theologiae, Supplement, q. 30 (entire question).

18. St. Augustine, De Trinitate XV, ch. 27.

19. Theophylact, Commentary on Mark 6.

20. Commentary on Mark under the name of St. Jerome [attribution as in source].

21. Council of Florence, Decretum pro Armenis.

22. Roman Catechism (Catechismus ex decreto Concilii Tridentini ad Parochos), on Extreme Unction.

23. Martin Luther, Assertio omnium articulorum per bullam Leonis X. novissimam damnatorum; against Fisher (Roffensis), on the seven sacraments.

24. Council of Trent, Session 14, On Extreme Unction, chap. on the effect.

25. Pseudo-Augustine, Tractatus De rectitudine catholicae conversationis.

26. Sir. 38.

27. Mk. 6:13.

28. St. Augustine, Ep. 119, ch. 7; Contra Donatistas I, ch. 20.

29. Council of Trent, Session 14, can. 2 (On Extreme Unction).

30. Lk. 17:17; see also above, Distinctio 15.

31. St. Augustine, Speculum; Possidius, Vita Augustini, ch. 28.

32. 1 Cor. 12:8–11.

33. 1 Cor. 14:22; Acts 28:8 (the father of Publius); 1 Tim. 5:23 (Timothy's infirmity); Phil. 2:26–27 (Epaphroditus sick); 2 Tim. 4:20 (Trophimus left sick at Miletus).

34. Jn. 9:6–7 (Siloam); Exod. 16; 1 Cor. 10:3–4.

35. Council of Trent, Session 14, On Extreme Unction, chap. 1 (institution and promulgation).

36. Bede, In Marcum; Theophylact, In Marcum; Euthymius Zigabenus, In Marcum (comparisons of Mk. 6 with Jas. 5) [attributions as in source].

37. St. Thomas, Summa theologiae, Supplement, q. 29, a. 1.

38. Origen, Homilies on Leviticus, Homily 2; Bede, Commentary on James, ad loc. (Jas. 5).

39. Epiphanius, Panarion (Against Heresies), heresy 36; St. Augustine, De haeresibus, ch. 16 (Heracleonitae).

40. Council of Trent, Session 14, On Extreme Unction, ch. 1; Mk. 6.

41. St. Thomas, Summa theologiae, Supplement, q. 29, a. 4.

42. Innocent I, Epistola ad Decentium.

43. Bede, In Marcum, on ch. 6; In Lucam, on ch. 8; In Jacobum, on ch. 5.

44. Council of Meaux (Concilium Meldense), can. 2, as reported by Burchard and Ivo.

45. Council of Florence; Council of Trent.

46. St. Basil, De Spiritu Sancto, ch. 27.

47. St. Thomas, Summa theologiae, Supplement, q. 29, a. 5–6; see also III, q. 72, a. 3.

48. Innocent III, Decretal Pastoralis, in the Decretals, title De sacramentis non iterandis.

49. Cajetan, Commentary on the Summa theologiae, III, q. 72, a. 3.

50. St. Thomas, Summa theologiae, Supplement, q. 29, a. 7–9.

51. Eugene IV, Decree for the Armenians (Council of Florence), "Exultate Deo."

52. Council of Trent, Session 14, where it explains the institution of Extreme Unction.

53. Roman Catechism (Catechismus Romanus), Part II, on Extreme Unction.

54. St. Thomas, Summa theologiae, Supplement, q. 29, a. 8; St. Bonaventure, In IV Sent., dist. 23 (on the form of the sacrament).

55. Richard of Middleton, In IV Sent., on Extreme Unction.

56. Johannes Eck, Homily on the Sacraments; on the so-called Ambrosian form.

57. St. Thomas, Summa theologiae, Supplement, q. 31 (entire question).

58. Innocent I, Epistle to Decentius.

59. Council of Trent, Session 14, Doctrine on Extreme Unction, and the last canon of the same Session.

60. Jn. 20:23.

61. Alexander III, Decretals, book 5, title De verborum significatione, cap. "Quaesivit".

62. St. Augustine, Sermon 33, De diversis; cf. Miracles of St. Stephen, book 1, last chapter.

63. St. Thomas, the question just cited (Supplement, q. 31), replies to objections.

64. Bede, Commentary on James.

65. Thomas Waldensis, De sacramentis, tome 2, the chapter on Penance.

66. Pseudo-Augustine, De rectitudine catholicae conversationis (cited among the works of St. Augustine).

67. Bede, Commentary on Mark 6; idem, Commentary on Luke 8.

68. St. Thomas, Summa theologiae, Supplement, q. 32, a. 1–4.

69. Council of Florence, Decree for the Armenians (Eugene IV, "Exultate Deo").

70. Roman Catechism (Catechismus Romanus), Part II, on Extreme Unction; cf. John Calvin's reproach of Catholics, cited by Estius.

71. St. Thomas, Summa theologiae, Supplement, q. 32, a. 5–7.

72. St. Gregory the Great, Homilies on the Gospels, hom. 13.

73. St. Thomas, [abbreviation as in source] "locis proxime alleg." (i.e., the places just cited above).

74. Council of Florence, Decree for the Armenians; cf. the analogy with Baptism adduced by many theologians.

75. St. Thomas, *Summa theologiae*, Supplement, q. 32.

76. Martin V, Bull issued at the Council of Constance; Council of Trent, on Extreme Unction.

77. St. Thomas, Supplement, q. 33 (entire question).

78. Council of Trent, Session 14.

79. Jas. 5:14: "Infirmatur quis in vobis...".

80. St. Thomas, Supplement, q. 34, a. 3; q. 35, a. 1.

81. Acts 6; Acts 13.

82. 1 Cor. 11:24–25; Jn. 20:22–23. For the Tridentine teaching, see Council of Trent [as in source].

83. Council of Trent, Session 23, ch. 3 (doctrine on this sacrament).

84. St. Augustine, Against the Letter of Parmenian II, ch. 13.

85. St. Augustine, On Baptism against the Donatists I, ch. 1; cf. Against the Letter of Parmenian II, ch. 13.

86. St. Augustine, On the Good of Marriage, ch. 24.

87. Pseudo-Augustine, Questions on the Old and New Testament, q. 93; on its antiquity see q. 44.

DISTINCTIO XXIV — ON THE SACRAMENT OF ORDER IN GENERAL: ITS GRACE, MATTER AND FORM, AND THE NUMBER OF ORDERS

§ 1. Since in the Lord's handing-on all things are done through the Holy Spirit, therefore, when the rule and the form of this discipline are handed on to them, it is said to them: "Receive the Holy Spirit." And because this truly pertains to ecclesiastical right, He immediately subjoined, saying: "Whose sins you shall hold fast, they shall be held fast; whose you shall remit, they shall be remitted." Therefore this inspiration is a certain grace which is poured in, through the handing-on, into those ordained, by which they are held in greater commendation. Whence the Apostle says to Timothy: "Do not neglect the grace that is in you, which was given to you by the imposition of the hands of the presbytery." Therefore it had to be done once, so that thereafter this handing-on should be believed not to be without the gift of the Holy Spirit. For as in the Savior the form was given visibly, in order that after Baptism the Holy Spirit should thenceforth be believed to be given invisibly to believers without any doubt; so also in the above-said case the form was given in the beginning, so that from that fact the Holy Spirit should be believed to be poured in, in the ecclesiastical handing-on. So much he, and more that follows.[1]

§ 2. Explaining the same passage of Scripture (Jn. 20), Cyril, book 12 (on John, chapter 56), signifies that by those words "Receive the Holy Spirit" grace was bestowed by Christ upon the Apostles whereby they were sanctified, just as by the following words, "Whose you shall remit," etc., was given the manifold power of remitting and retaining sins. Haymo also, handling the same words of Christ (Homily on the Octave of Easter), says in very truth: "A great grace is given to the Apostles, that they should not only through the Holy Spirit be absolved from their own sins, but also receive the power to forgive the sins of others. The place and order of whom the Bishops and Priests now hold in the Church, who have the power of binding," etc.[2]

§ 3. Moreover such testimonies of the Ancients must be well noted, even against those who, by those words "Receive the Holy Spirit," think that only the grace "freely given," as they call it, that is, the power of sacred ministry, and not also the grace that makes one pleasing, is bestowed. And yet the very words of Christ, laid forth bare and absolute, clearly indicate in what sense they are to be received. For as often as the Holy Spirit is said to be given absolutely, without an added definite effect for which He is given, He is understood to be given for sanctification. To the same point pertains what St. Augustine says (the last chapter of book 2 of De adulterinis coniugiis), that many who had never before resolved to keep continence, when unwilling they were snatched up to ecclesiastical dignity, were suddenly strengthened by the Lord to keep it—namely, the Lord in the very Ordination granting grace for the due and holy execution of so great an office, which they had accepted with such humility.[3]

§ 4. Pope Leo I plainly confirms this doctrine (Ep. 81 to Dioscorus, ch. 1), where, prescribing the manner and time of conferring and receiving Ordination—or, as he himself calls it, the sacrament of benediction—he

refers that custom of the Church to apostolic tradition, nay even to Scripture itself. For thus he subjoins: "For besides the authority of custom, which we know comes from apostolic doctrine, Sacred Scripture also manifests that when the Apostles, by the precept of the Holy Spirit, were sending Paul and Barnabas to preach the Gospel to the Gentiles, fasting and praying they laid hands on them: that we may understand with how great devotion both of the givers and of the receivers it must be cared for, lest the sacrament of so great a benediction seem to be fulfilled negligently." These are Leo's words, wishing the grace of the Holy Spirit to be expected in the bestowal of this sacrament by the singular abstinence and devotion of the ordainers and the ordained, and indeed of the very people.[4]

§ 5. Moreover, grave and illustrious witnesses of the same doctrine can be adduced: St. Jerome (in the book Contra Vigilantium), where he says that the Bishop, ordaining deacons, bestows the sacraments of Christ; St. Ambrose (in the letter which he wrote to the Church of Vercellae); St. Gregory (in the Pastoral Rule, book 1, ch. 10) and the Venerable Bede, book 3 (On the Tabernacle, ch. 11). Likewise the Commentator Paulinus under the title of Ambrose, whom it is clear is quite ancient—written, as it were, in the age of Pope Damasus—(on 1 Corinthians 12 and on 1 Timothy 4). And more ancient than all these: Origen (on 1 Kings, ch. 10), Tertullian (De praescriptione haereticorum), Dionysius the Areopagite (De ecclesiastica hierarchia, ch. 5, first part), Ignatius (in the Epistle to the Antiochenes), and Anacletus (in the second decretal epistle). There also exists among the letters of Jerome a certain very ancient tract On the Seven Grades of the Church, in which that author at length pursues the duties of each order.[5]

§ 6. Besides these, an argument for this matter not to be doubted is taken from the Scripture of the Old Testament, where we read that by the sacrament of royal unction, first, the heart of Saul was changed into another (1 Kgs 10), but afterwards the Spirit of the Lord was directed into David (1 Kgs 16). The same judgment must be made concerning the consecration of the priests of that time: as Augustine clearly teaches (Question 84 on Leviticus), namely that in the consecration of the Levitical priests an invisible grace of sanctification was bestowed through the ministry of Moses; according to that saying which the Lord spoke to Moses (Exod. 28): "You shall sanctify them, that they may minister to me in the priesthood." But also concerning Joshua Scripture expressly testifies that he was "filled with the spirit of wisdom, because Moses had laid his hands upon him" (Deut. 34:9). Since, therefore, the sacraments of the new law are more efficacious in power than those of old, much more must it be believed that something of this sort is effected in the Ordination of the priests and other ministers of the new law; and hence that their very Ordination, performed with a definite rite—of which below—truly and properly is a sacrament.[6]

§ 7. Lest thereafter any place for doubting be left concerning this matter, two Ecumenical Councils, Florence and Trent, defined that Holy Order is one of the seven sacraments of the new law. For the Council of Florence, after it had numbered Order among the sacraments in the sixth place, added that its effect is an increase of grace, that one may be a fit minister; and this most rightly. For those are to be initiated into sacred orders, according to the prescriptions of the canons, whom the Bishop has already previously come to know as in some way fit; yet they receive in the very Ordination, through the Holy Spirit, an increase of that grace which they had. Whence also the author (Questions on the Old and New Testament in the place above cited) says that grace is poured in upon the ordained, by which they are held in greater commendation; and the Master (in the text) teaches that the ordained receive ampler grace in their promotion. But the Council of Trent (session 23) first defines that Order, or Sacred Ordination, is truly and properly a sacrament instituted by Christ the Lord (ch. 3 and can. 3); then that by it the Holy Spirit is given (can. 4); and finally, so that the

use of this sacrament be understood, that there is in the Catholic Church a hierarchy instituted by divine ordering, which consists of bishops, presbyters, and ministers (can. 6). And it strikes with anathema those teaching contrary to these. But the things said suffice to prove that in general there is, in the new law, a sacrament of Order, through which alone, as through a door, the legitimate dispensers of the mysteries of God enter; and in which, besides the power of ministry, they also receive grace, that they may healthfully carry out so sacred and so necessary a ministry. A fuller proof of the same matter can be taken from those points which will have to be said severally about each order, and most of all about the priesthood.

§ II — What in this sacrament is the matter and the form (Quae sit in hoc Sacramento materia & forma)

§ 8. From this doctrine of the Council of Florence we learn that the matter (*materia*) of the sacrament is that by the handing-on of which, into the hands of the one being ordained, each order is conferred. But what that is will afterwards be explained through the several orders. Nevertheless, it ought to be such that by it is signified the proper ministry of each Order. As to how necessary the contact of the thing handed over by the Bishop is, the Scholastics dispute. It is probable that it is not required for the essence of the sacrament, since neither in the decree of Florence nor in the Roman Pontifical is it set down as necessary; although he who is ordained ought to stretch forth his hand to touch that which is handed over, not as though without contact he were not about to receive the sacrament, but so that the rite of the Ordination's ceremony be duly accomplished. Further, the forms also are diverse in the several orders, expressing severally the power of the sacred ministry which is conferred in each order. But what formula of words is prescribed for the several Ordinations, the Catechism written for Parish Priests sets forth plainly and distinctly from the Roman Pontifical, to which we remit the studious. For in the decree of Florence we have an express form for priesthood alone.[8]

§ 9. And why the ancient Fathers of the Church spoke more sparingly in their writings about the things and words by which sacred ordination is performed, is nothing to wonder at, if we consider with how great solicitude they took care that the most holy mysteries of our religion should not come into the knowledge—especially—of the profane crowd of unbelievers, and thereby into contempt. Which would readily have happened, if they everywhere had committed them to letters as they did other matters. And so for the most part by voice alone the Prelates of the Churches entrusted them one to another, as concerning many ministries Basil testifies after Dionysius (De Spiritu Sancto, ch. 27) in the last chapter of the Ecclesiastical Hierarchy. Whence also Innocent I (in the letter to Decentius), when he wrote about Confirmation and Extreme Unction, added of the former: "I cannot set down the words, lest I seem to betray"—but of the latter: "Those things which it was not right to write, when asked in person we shall say;" indicating in both cases that the secret words of the sacraments are not easily to be committed to writing. Concerning which matter we also said something when we treated, in general, of the forms of the sacraments. Although, as regards the matter of this sacrament, its ecclesiastical rite—by which something is handed on by the Bishop into the hands of the one being ordained—receives illustration from the author of the Questions in the place above named, when he says that in the Lord's handing-on all things are done through the Holy Spirit, and that through the handing-on grace is poured in upon those ordained—evidently understanding by the name "handing-on" the very ordination, because through the several orders something is handed on to those ordained.[9]

§ III — How many orders there are, and to what they are ultimately referred (Quot sint ordines, & quo tandem referendi)

§ 10. Since there is a twofold ecclesiastical power, of order (*ordinis*) and of jurisdiction (*jurisdictionis*), the power of Order is referred to the true Body of Christ, which is contained in the most holy Eucharist; but the power of jurisdiction is occupied about the mystical Body of Christ, which is the Church. For to this power it pertains to govern the Christian people in such wise that they be led to eternal salvation. But as regards the power of Order, its primary and most perfect task is to offer the Sacrifice of the Body and Blood of the Lord: which indeed is the office of the priestly Order; which, therefore, among all Orders is first and supreme. But since the ministry of so holy a priesthood is entirely a divine matter—so to use the words of the Council of Trent (session 23, ch. 2)—it was fitting, that it might be exercised more worthily and with greater veneration, that in the most orderly disposition of the Church there should be several and diverse orders of ministers who serve the Priest by office, and through whom, as through certain steps, one might tend unto the priesthood (as in can. 2), so distributed that those already marked with the clerical tonsure should, through the minor orders, advance unto the major; and—since the Holy Spirit is the giver of sevenfold grace—it is consonant to close all the orders with the number seven; the names of which are these: Doorkeeper, Lector, Exorcist, Acolyte, Subdeacon, Deacon, Priest. Of these the last three are called greater and sacred in a special manner; the rest, minor; although it is not to be doubted that these also are sacred in a general manner.[11]

§ 11. Not only priesthood and diaconate—of which Sacred Scripture makes mention—but also the names and ministries of the remaining orders, have been in use from the very beginning of the Church; as the decrees of the Pontiffs and the canons of the Councils, as well as Ecclesiastical Histories and other writings of the Fathers, manifestly show. Of which we shall note down some places. The Apostolic Canons make mention first and chiefly of this variety of Orders—especially canons 2, 9, 17, 18, 25, 26, 27, 50, 62, and 68. Likewise Clement (in the third Epistle to James), Dionysius (Ecclesiastical Hierarchy, ch. 5; and in the Epistle to Demophilus), Ignatius (in the Epistle to the Antiochenes), Anacletus (Epistle 3). But most clearly Gaius, Pope and Martyr, who, as Damasus relates in the Pontifical, both enumerates all the orders in order, and commands that one should not ascend to the honor of presbyterate and episcopate except through them step by step. Which precept after him Pope Zosimus (in the Letter to Hesychius) repeats. That this very thing was diligently observed in the case of Pope Cornelius, Cyprian reports with praise (Epistle 1, book 4). In like manner also in Ambrose—although he was suddenly called to the episcopate—it was observed, as is read in his life. Again, the ecclesiastical grades are recounted in order with the duties of each by the Council of Carthage IV, at which Augustine was present; by Epiphanius (at the end of his work against Heresies); by the author of the Epistle On the Seven Grades of the Church among the letters of Jerome; and by Isidore—both in the letter to Ludisfredus, found in Distinction 25, chapter Perlectis, and in book 2 On the Ecclesiastical Offices, chapter 7 and the following. The Church also, by a very ancient custom, on the day of Parasceve (Good Friday) prayed for all these by name and recounted in their order. To these add the canons of the Council of Laodicea, Eusebius, book 6 (Ecclesiastical History, ch. 33), and certain canons collected by Gratian (Distinctions 60, 61).[12]

§ 12. Whether these orders were instituted by Christ and are properly sacraments will be disputed below in its proper place; as also whether, besides these seven, there is to be recognized an episcopal order as a true sacrament. Meanwhile it must be known that the aforesaid authors do not all agree either in the number or in the things numbered. For some enumerate more, others fewer; and some, others different. The author of the

tract On the Seven Grades of the Church makes the first order that of the Grave-diggers, that is, of those who bury the dead; and he calls it a sacrament, and recognizes a character in it; the second, of the Doorkeepers; the third, of the Lectors; the fourth, of the Subdeacons; the fifth, of the Deacons; the sixth, of the Presbyters; the seventh, of the Bishops. See others, among whom likewise you will find diversity. And these things seem enough to show that the institution of the Minor Orders is ecclesiastical. For that diversity argues as much, since the very institutions of Christ—especially with respect to the sacraments—do not vary through the Church. But about this matter there will be a distinct question below.[13]

§ IV — What the rank of clerics is and whence the name (Clericorum quis gradus & unde dictus)

§ 13. Before anyone is admitted to the Orders by ecclesiastical law, it has been provided and by perpetual custom observed that he receive the distinctive mark of the clerical tonsure (*tonsura clericalis*), whereby, namely, he is enrolled into the number of clerics. Now this grade is not an Order (*Ordo*), but a certain preparation for receiving the Orders. For, as the Catechism of Parish Priests says, just as men are wont to be prepared for Baptism by exorcisms, and for Matrimony by betrothals, so, when the hair is shorn, they are dedicated to God, and, as it were, the entrance to the sacrament of Order is opened to them. There is indeed the opinion of certain Doctors that the clericate, or clerical tonsure, is an order and truly a sacrament, by which grace is conferred on those tonsured by the work worked. And so it can seem from the words of Innocent III which are found in the Decretals (De aetate et qualitate praeficiendorum, cap. Cum contingat), where he says that by the first tonsure, given according to the form of the Church, even Abbots confer the clerical order.[15] In which place the Glossator notes as to be observed: Abbots can confer Orders. Indeed, it can seem the same from the words of the Council of Trent (session 21, ch. 1, De reformatione), when it says that nothing is to be received for the clerical tonsure.'[16] But how improbable that opinion is is sufficiently shown by the consent of the Church, already approved above, which determines the ecclesiastical orders by the number seven—and that, moreover, is defined in the ecumenical Councils of Florence and Trent. Nay rather, the Fathers of Trent manifestly remove the tonsure from the number of orders (ch. 2, session 23), when they say that orders are so distributed that those who are already marked with the clerical tonsure ascend through the minor Orders to the major.'[17] There is added a twofold reason: first, because the tonsure was not instituted by Christ, but introduced by the Church—for nowhere do we read of that institution, not even among the Fathers; and, further, in its conferral there is no mention made of a power that is conferred through it, as there is in the conferral of Orders. Whence also a cleric, as such, has no power to exercise a sacred ministry in the Church, but only an obligation to certain prayers and to the clerical life according to the canons. Yet it is certain that in the formal character of ecclesiastical Order (*ordo ecclesiasticus*), as it is understood here, there is included that by it a spiritual power is given for fulfilling some ecclesiastical ministry. This too we set at the beginning in its definition. To Innocent, however, an easy reply is made: in his words the name of Order is taken generally to signify an ecclesiastical grade; and therefore the Glossator also from those words wrongly inferred that Abbots have the power to confer Orders.

§ 14. Moreover, although the name cleric (*clericus*), even if it is first imposed on those marked with the tonsure, thereafter remains common to all who are ordained, the canons prescribed for clerics pertain to all who have been initiated, even to Priests and Bishops. For in them the rationale of this name ought most especially to be observed. They are called clerics as if men of the lot, from the Greek klēros, that is, from a lot

—namely, to signify that a cleric ought to have the Lord for his lot and inheritance; just as it is said about those who of old in the Israelite people were dedicated to the divine worship—of whom the Lord says: "I am your portion and your inheritance" (Num. 18). Whence St. Jerome, in the Epistle to Nepotian, writes thus: "Let the cleric who serves Christ's Church interpret first his own title; the definition of the name having been pronounced, let him strive to be what he is called. For since 'klēros' in Greek is called 'lot' in Latin, therefore they are called clerics, either because they are of the lot of the Lord, or because the Lord Himself is the lot, that is, the portion, of the clerics. He who has the Lord for his portion ought to show himself such that both he himself possess the Lord and be possessed by the Lord." Thus he.[^18]

§ 15. Although, therefore, in some manner it is common to all the faithful to have the Lord as their portion and inheritance, nevertheless, just as this was in a special way attributed by the voice of the Lord to the Levite, because they were supported from the tithes, firstfruits, and other oblations and sacrifices made to God, and therefore received no part of fields for themselves as other Tribes did, as we have in Num. 18, Deut. 18, Ezek. 44—so those who have been taken up into the clergy are said in a peculiar way to have the Lord for their inheritance by lot, not so much on account of the offerings of the faithful made to God, as on account of God Himself, in whom they ought to place their hope more excellently than other Christians and to fix their heart and every thought, just as they are set apart before others for His ministry. But if someone should contend that clerics are so called because in former times the turns of offices used to be assigned by lots, especially in the time of the Old Testament, as we have in 1 Chronicles 24, 25, and 26; whence also, in Luke 1, Zacharias the priest is said to have gone out by lot, to place incense; or certainly from this, that by divine designation and election, as it were by a lot, each one is called to this sacred ministry—whence it is said about Judas's being called to the apostolate in Acts 1: "And he obtained by lot the lot of this ministry"; and, for a sign of this thing, that the one who was first designated for the ministry of the Gospel after the Lord's ascension into heaven was chosen by lot, namely the Apostle Matthias—if, I say, such a reason should please someone more, one need not be too opposed: provided, however, he remember that the Church has in view the reason which we have said, when it orders that the one who is tonsured recite this verse of the Psalm: "The Lord is the portion of my inheritance," as if he were to say, "The hereditary portion which has fallen to me by lot is the Lord." For "inheritance" among the Greeks has taken its name from "lot."

§ V — That the possession of temporal goods is not forbidden to clerics (Non esse Clericis interdictam bonorum temporalium possessionem)

§ 16. From those passages of Scripture about the Levites, in which the Lord forbids them to receive a possession among the sons of Israel, John Wyclif took the occasion for his error, whereby he denied that it is lawful for ecclesiastics to possess anything as their own. And this error of his was condemned in the Council of Constance among his other articles (no. 10, 32, and several following).[15] Against which error it must briefly be shown that even in the beginning of the Church there were always among the clergy of the Lord those who had possession. First, it is manifest from the Apostle writing to Timothy (1 Tim. 3): that certain ministers of the Church were married and had sons, for whom indeed they, by paternal duty, had to provide some hereditary portion. For it is of natural right that parents should lay up treasure for their children, as the same Apostle indicates (2 Cor. 12). Whence also St. Augustine (Epistle to Erdicium, 199) writes that parents ought not to strip themselves of their goods, since they did not know whether their son, when grown up, would be going to choose the monastic profession.'[16] Nay rather, that this proof against John Wyclif may be the more

evident: the heretics permit marriage to all clerics, even to Bishops and Priests; therefore they must of necessity permit to them possessions which they may leave, after themselves, to their children received from marriage, lest they be disgracefully needy.

§ 17. Moreover, it is clear from Scripture (Matt. 19) that to renounce all possessions is an evangelical counsel; to which, then, no one is bound unless by a voluntary vow he has bound himself to it. Since not all clerics do this, it is evident that not all are bound to that.

§ 18. Third: St. Augustine (in the Epistle to Hilary 98, question 4) clearly affirms that no one at all is bound by precept to leave riches. The same is taught by Chrysostom (Homily 2 to the People of Antioch).[17]

§ 19. Fourth: St. Augustine (Sermons 49 and 50, On Various Topics), which are about the common life of clerics, shows that the common life, in which no one says that anything is his own, is not for all clerics, but only for those who have of their own accord devoted themselves to the state and perfection of that life. Likewise, cap. 12 of De vita contemplativa says that it is lawful for clerics to possess patrimonies, and that this is done by them without sin.[^19]

§ 20. Finally—so that we may omit very many examples from histories—there exists no ecclesiastical law which commands those who are enrolled into the clergy to alienate whatever patrimony they previously had, or to cast away any just possessions whatsoever.

§ VI — Reply to the arguments for the contrary (Responsio ad ea quae in contrarium objiciuntur)

§ 21. Those who deny that it is lawful for clerics to possess anything as their own first bring forward the things which, concerning the Levites in the Old Testament, we indicated above were set down; such as that word of the Lord speaking to Aaron and his sons: "In the land of the sons of Israel you shall possess nothing, nor shall you have any portion among them: I am your portion and inheritance in the midst of the sons of Israel."[^21] They bring forward next what was said to the Apostles (Matt. 10): "Do not possess gold nor silver," and so forth.[19] Now Origen, as Eusebius attests (Book 6, Ecclesiastical History, ch. 3), understood this to be a precept.'[20] Third, they rely on the authority of St. Jerome saying among other things (in the Epistle to Nepotian): "But if a cleric shall have anything besides the Lord, the Lord will not be his portion.",[21] Fourth: clerics, they say, when they are enrolled in the clergy, say: "The Lord is the portion of my inheritance"—namely, by those words renouncing all earthly inheritance and possession, and acknowledging the Lord alone as their hereditary portion. This again they prove from Jerome, in his letter to Nepotian, saying: "He who with the Prophet says, 'The Lord is my portion,' can have nothing outside the Lord.",[21] Finally, the very shearing of the hair, which is the insignia of clerics, seems to signify a renunciation and abdication of all temporal goods. To these things we reply point by point.

§ 22. As to the first: It is certain, to begin with, that there were assigned to the Levites those things which were offered by the people—namely tithes, first-fruits, first-born, the chief parts of the victims, and other oblations that were made to God. And in this sense the Lord says that He is the portion and inheritance and possession of the Levites. Whence (Josh. 13) it is said thus: "But to the tribe of Levi he gave no possession, but the sacrifices and victims of the Lord God of Israel—these are his inheritance," as He spoke there (Num. 18), where almost the same things are said.[22] Next, it is certain that there were assigned to the Levites cities for

dwelling and suburbs for feeding cattle, as is in Num. 35, Lev. 27, and Josh. 21.'[23] Indeed, it is read that Barnabas the Levite had a field, the price of which he laid at the feet of the Apostles (Acts 4); and that Abiathar the Priest was ordered by Solomon to withdraw to his own field (1 Kgs 2). Jeremiah too, a Priest, bought a field from his cousin; where both the seller and the buyer was a Levite (Jer. 32); and he testifies that Levi had an inheritance.'[24] Likewise, Judas Maccabaeus and his brothers, Levites, since they were leaders of war and princes of the people, are by no means to be thought to have had no possessions. And indeed that the Levites could possess not only pastures but also fields fit for sowing is proved from the Law itself (Lev. 27), where it is said that the field which someone had vowed and did not redeem was consecrated to the Lord, and that the consecrated possession pertained to the right of the priests; and below: "Everything that is consecrated to the Lord, whether a field, shall not be sold, nor can it be redeemed." Therefore what the Law forbids, that the Levites should possess anything, must be taken of that portion of the Promised Land which was distinct and separated from the remaining tribes; as in the places cited above Scripture manifestly signifies. For the Lord willed the Levites to dwell mingled among all the tribes, that by their work and ministry true worship of God might be preserved among all. And so, besides the oblations of the people, there fell to the Levites from each of the tribes some cities with suburbs: cities indeed for dwelling, where they might have their own houses; but the suburbs as possessions for feeding cattle, which likewise were the possessions of the Levites.'[23]

§ 23. To the second we answer that, in Matthew, the Lord gives to the disciples the power of receiving the necessities of life from those to whom they were to announce the Gospel—since "the workman is worthy of his hire." And therefore He forbids them to be solicitous about possessing, that is, about procuring gold or silver for the journey. For among the Hebrews "to possess" signifies "to acquire." But He does not forbid simply the possession of gold or silver. Thus, among others, St. Augustine, Book 2 On the Harmony of the Evangelists, ch. 30, interprets that passage. For in place of that subjoined sentence, "For the workman is worthy of his food," there is read in Luke (ch. 10), "The workman is worthy of his hire." Whence it follows that, just as the hire is proper to the workman, so He does not forbid the ministers of the Church, by reason of their ministry, to have stipends as their own and of which they themselves are lords.[25] St. John Chrysostom indeed, in the Homily which he delivered on those words "Salute Prisca and Aquila," acknowledges a precept in the words of Christ, but says that that precept was for the Apostles alone and only for a short time. Moreover, Origen, as reported by Eusebius, just as also Francis in the Rule, accommodated the words of Christ to a severer observance of life.'[26]

§ 24. To what is objected in the third and fourth place, it must be answered that, by the idiom of Sacred Scripture, that is called "a portion" of someone which he holds as the most excellent thing, which he loves especially, and in which he sets his hope. In this sense, of the pleasures of this age the impious said (Wis. 2), "This is our portion and lot"; and David (Ps. 118), "My portion, O Lord, is to keep Thy law." If therefore a cleric should have such a portion outside the Lord, the Lord will not be his portion; because no one can serve two masters. Yet, just as David, who said, "The Lord is the portion of my inheritance," had riches, and the holy Patriarchs, who could say the same, possessed earthly goods—so too a cleric can truly say that verse of the Psalm and nonetheless possess temporal goods, provided that, according to the admonition of that same Psalm (Ps. 61), he does not set his heart upon them. Nay rather, as was said above, it ought to be common to all Christians to have the Lord as their portion; but it ought to belong in a more excellent way to those who are consecrated to sacred offices and ministries—not that they are compelled to leave their resources, but, as is established by sacred canons, that they utterly abstain from secular business and, content with moderate means, seek nothing more. For Jerome inveighs against those who, though they were clerics, were so eager for

heaping up wealth that they seemed to have, not the Lord, but Mammon, as their portion. Otherwise, that Jerome did not mean what Wyclif wanted is clear enough when he thus addresses a cleric: "Do not have more than when you began to be a cleric." He does not therefore will him to cast away what he had, but not to increase what he had, if it suffices for life.[21]

§ 25. To the last point it is answered that the shearing of the hair does not signify that, but rather an abdication of secular cares and a contempt of superfluous things, as we shall presently say. Whence also the Apostle admonishes clerics in these words: "No one serving as a soldier to God entangles himself in secular affairs" (2 Tim. 2). Wherefore those who by profession are bound to exhibit this more, as monks, are wont, for the sake of signifying this, to be marked with a fuller tonsure.[27]

§ VII — On the tonsure of clerics, its manner and its signification (De tonsura clericorum ejusque modo & significatione)

§ 26. The words of the Apostle in 1 Cor. 11 must be noted, wherein, by the testimony of nature itself, he teaches that "if a man nourish long hair, it is a disgrace to him; but if a woman nourish long hair, it is a glory to her," and so forth.[29] Now this precept, about not letting the hair grow long, pertains to the whole male sex; it is therefore with the greater studiousness inculcated by the Apostle, because at that time the Gentiles, by growing their hair, affected a certain lightness and wantonness—partly curling the hanging locks, partly raising them on the forepart of the head after the manner of a crest. This abuse of the hair was also noted by St. Cyprian,[30] and by St. Jerome writing to Nepotian.[31]

§ 27. But the Apostles wished in a special way, and more than others, that the ministers of the Church should be estranged from this example of wantonness and levity, because it behooves them to be for the other faithful an exemplar of modesty and gravity. This same reason is given by Pope Anicetus, writing to the Bishops of Gaul, when he forbids clerics to grow long hair.[32] And the same sanction is repeated in the Fourth Council of Carthage (canon 44), at which St. Augustine was present.[33] On which matter more things are extant in the decretals, in the title On the Life and Honesty of Clerics.[34]

§ 28. Rightly therefore St. Augustine, toward the end of the book On the Work of Monks, notes certain shaggy, and, as he himself speaks, long-haired brothers; of whom, apart from this one thing—that contrary to the Apostle's express precept they grow long hair—he says he venerates many things and almost all things; meanwhile admonishing them to accommodate themselves to the custom of the Church and to obey the precept.[35] But here one must observe that he does not censure those who, in order to ward off harmful cold from the head, allow the hair to grow somewhat; but those who nourish it after the manner of women and wear it hanging down upon the shoulders—which the Apostle affirms to be against manly decorum.

§ 29. Now, to come to the manner or form of the tonsure (*tonsura*), there was of old, between the Easterners and the Westerners, nay even within the same part of the world, a certain diversity of this observance, as Bede records.[36] In that place he inserts a letter under the name of a certain Abbot Ceolfrid, disputing learnedly and copiously about this matter, and he testifies that the kind to be abominated by all the faithful—whose origin is referred to Simon Magus—was also in use; yet he prefers before all others that which the Roman Church observes, whose origin he refers to the Blessed Apostle Peter, who wore it. And then, giving the reason for that tonsure whose author he says Peter was, he writes: "Nor indeed are we shorn into a crown merely because Peter was so shorn; but because Peter was so shorn in memory of the Lord's Passion;

therefore we too, who desire to be saved through the same Passion, bear upon our head, that is, upon the highest part of our body, the sign of His Passion together with him." And a little after he says that monks and clerics ought each to bear upon his own head the form of the crown which the Lord bore upon His head as a crown of thorns, so that, in imitation of their Head, Christ, they may show themselves ready to endure mockeries and reproaches, and may betoken that they always expect the crown of eternal life, and, for the obtaining of it, despise both the adversities and the prosperities of the world.'[36]

§ 30. By these words it is sufficiently evident that the tonsure is described which even to this day is in use among ecclesiastical men, especially among monks, whose tonsure most aptly recalls the figure of the crown of thorns. This also may be understood from the words of Anicetus, writing to the Bishops of Gaul, in which he commands clerics to shave the top of the head after the manner of a sphere.[32] More expressly the figure of the crown is set forth for clerics, and, against the abuses of certain persons, is ordered to be observed, by the Fourth Council of Toledo, when (canon 40) it decrees thus: "Let all clerics, with the upper part of the head shorn wholly, leave below only the ring of the crown."'[37]

§ 31. Furthermore, besides the reasons already indicated from those things which Bede cites, others also bring forward other reasons. For some wish to have signified royal dignity; some, the contemplation of supernal things; some, the profession of a more perfect life; lastly, some, the contempt of superfluous things. Indeed, it is rightly understood that all these are signified together: the first, by the crown which the remaining hairs represent; the second, by the denuding of the crown of the head—whereby the mind is signified as free and lifted to the things above; the third, by the dedication of the summit of the head to God, the highest and, so to speak, most perfect part of our body; the fourth, by the casting off of the hair. Reasons of this sort for the ecclesiastical tonsure, besides the Master in the Text, are handed down by Isidore[38] and by Hugh of St. Victor;'[39] although what they say—that the use of the ecclesiastical tonsure seems to have taken its rise from the Nazirites (on which occasion Calvin charges the Church with Judaizing observance)—is not to be received; nor must it be thought that this custom flowed from that fact that Paul in Cenchreae had his head shorn.'[40] For how different that Jewish rite was from the ecclesiastical manner of shearing is easily understood by one who shall read Numbers, chapter six, where that rite is described. Although what is said by those writers can be taken in this sense: that not so much an origin as a type or a certain likeness of the observance is signified.'[41]

§ VIII — Whether all the Orders have the true formal character of a Sacrament (An omnes ordines veram Sacramenti rationem habeant)

§ 32. Among the Schoolmen there is dispute whether the Orders lower than the priesthood (for about the priestly Order no doubt at all obtains among them) are truly sacraments according to the proper formal character (*ratio*) of a sacrament (*sacramentum*), or rather only certain sacramentals (*sacramentalia*) preparatory to the most holy Order of the priesthood (*sacerdotium*), and subservient to it. For on this point there are various opinions. Durandus thinks that only the priesthood is a sacrament.[43] To this view Cajetan also inclines (in the tractate which he wrote On the Manner of Conferring and of Receiving Sacred Orders),'[44] and Francis de Vitoria speaks doubtfully on the matter (Relectio 2, Proposition 3).'[45] Some others add only the diaconate to the priesthood as a sacrament, thinking this to be the Master's opinion, who in the text says, dist. 1, that only those two orders are read to have existed in the primitive Church, and that concerning these

alone we have the precept of the Apostles: "Subdeacons," he says, "and Acolytes the Church in process of time appointed for herself."[46] Again, others join the subdiaconate to these, and maintain that it is a sacrament, but they deny this of the other four. In this opinion are Domingo Soto on this Distinction,[47] and Navarrus (in the Manual, ch. 22, no. 18).[48] Indeed Francis de Vitoria, in the place already cited, affirms that it is certainly established by divine law concerning the orders. Others finally teach that all seven orders are truly and properly sacraments. And this is the more common doctrine, which St. Thomas, St. Bonaventure, Scotus, Richard, Paludanus, and others hand down.[49]

§ 33. This, moreover, is confirmed by these arguments. First, it appears from the Decree of the Council of Florence that all seven Orders are properly sacraments. For it assigns to each the matter by the delivery of which they are conferred, and the form by which they are perfected, just as to the other sacraments.[50] The same seems consonant with the doctrine of the ancients. For St. Augustine, in the book On the Good of Marriage, ch. 24, bears witness that in all those ordained there remains the sacrament of ordination, even if they do not serve the gathering of the people, or are removed from office on account of fault. It therefore seems consequent that these are not merely certain offices instituted by human authority, but have the force of a sacrament, because, once received, they cannot be lost on account of the perpetual character (*character*) which is conferred through them.[51] Nor does St. Jerome appear to feel otherwise when, in the book Against Vigilantius, he says that the Bishop, ordaining Deacons and other clerics, bestows the sacraments of Christ.[52] There is added that we read everywhere, both under Damasus in the Pontifical and elsewhere, the term ordination whenever they make mention of establishing Deacons and Subdeacons, or even the inferior ministers. Now by that term they are wont to signify the sacrament of Order. This is proved from the fact that, in the Council IV of Carthage, when it had been said concerning each how they are to be ordained, when it came to Psalmists and Consecrated Virgins, there is no further mention of ordination.[53] Next, as regards Deacons, Scripture designates both their consecration by the imposition of hands (Acts 6) and in other places the ordination of presbyters. Whence it does not seem that one should doubt, by equal reason, that each is a sacrament. But concerning Deacons we shall speak more in its own place. Finally, this opinion seems very much in conformity with the definition of the Council of Trent (session 23), where, when Order is defined to be a sacrament of the new law, and the seven orders are enumerated, yet no distinction is indicated among them as to the formal character of a sacrament. Whence also the Catechism of Parish Priests clearly hands on this opinion as consonant with the Tridentine definition.[54]

§ 34. But they who think that the orders lower than the priesthood, whether all or some, are not properly sacraments, rely on almost these reasons. First, because the office of Deacons, which is described in Acts 6, is a secular one, as destined to the ministry of tables. Second, because Pope Anacletus (in an Epistle) says that these orders, of Bishops and Priests, were appointed by the Lord: "moreover," he says, "other than these two neither were they conferred by the Lord upon us, nor did the Apostles teach them." From which Carranza, author of the Summa of the Councils, infers that the remaining orders known as degrees in the Church were neither instituted by the Lord nor by the Apostles. Yet Anacletus is said to have included Deacons and Subdeacons under the priesthood. Third, because the Master, as we said above, affirms that the Church in process of time appointed for herself Subdeacons and Acolytes, although it is agreed that the Church does not have the power to institute a sacrament. Fourth, because the ministries of these orders, at least of the minor ones, can be transferred from the clergy to the laity—indeed, they appear to have been transferred. For in many places the doorkeepers of churches are laymen; and they commonly serve the Mass and light the lamps even boys; and elsewhere it is permitted to laymen to sing the Epistle; and for these things no sacrament is

needed. Fifth, because the minor orders, indeed even the subdiaconate, can be conferred by Cardinals, Abbots, and other simple Presbyters, upon whom the Apostolic See has conferred that privilege. Which could not be done, if the proper formal character of the sacrament of Order inhered to them; since this sacrament can be conferred by none but a Bishop consecrated for that. Lastly, because, if the individual Orders were sacraments, there would be more than seven sacraments of the new law. There are also other arguments of the same kind, which the studious reader may consult in Cajetan, Domingo (Soto), and Navarrus.[55]

§ 35. In reply to the question, then, we say that nothing appears to have been defined by the Church—not even concerning the Deacons; so that Domingo bears witness that he who should uphold Durandus's opinion would not be worthy of great reprehension, although he does impute to him some note of rashness, because it is not so easy to swerve from the common opinion of the ancients.[56]

§ 36. Concerning the Subdiaconate, the opinion is that which is held about the Diaconate. For the argument from the fact that the Subdiaconate is counted among the Major and Sacred Orders does not up to this point agree, since they are thus called not on account of a sacred consecration competent to them, but for some other reason—of which below. As regards the Minor Orders, which scarcely, as the Major ones, approach the holy of holies, the more tolerable and more probable is the opinion that they are not sacraments. For neither do the arguments adduced to the contrary conclude with certainty; and in ecclesiastical institutions—as in the blessing of Abbots, or in the reception of Canons—words can be taken as matter and form. The Tridentine Synod, leaving this controversy about the inferior orders aside, willed to define only those things which among Catholics did not bear controversy; although it must not be denied that both the words of Trent and of the Catechism of the Council tend in such a way as to signify that the seven Orders are truly sacraments, comprehended under the general name of the sacrament of Order. And so we shall indicate in what manner the things objected against this opinion can be dissolved; meanwhile leaving the choice to the studious.

§ 37. To the first, therefore, it is answered that the business of the seven Deacons in the Acts is merely secular, as we shall show more fully below when its turn shall come. To the second it is answered that Anacletus understands completed orders. Now the episcopate is indeed completed with respect to the mystical Body of Christ; the priesthood, however, with respect to the true Body of Christ; otherwise Anacletus would have omitted the others, of whom there is so frequent mention in the Apostolic writings. But he treats against those who were placing Patriarchs above Bishops in a higher Order. To the third it is answered that the Master's clear opinion is, dist. A and K, where he speaks of all seven orders as sacraments; in whose power sacred things, that is, grace, are conferred, and those things are signified which are carried out in them. The Master is little consistent with himself when he is not understood in this way, as will be able to be understood below concerning true Orders, and which are properly such.[57] And it is almost expressly defined by the Council of Trent that there is in the Catholic Church a hierarchy taken from divine ordination, which is clear: "If anyone shall say," he says, "in the Church there is not a hierarchy by ordination instituted, which is taken from Bishops, Presbyters, and Ministers"—with the name of Ministers taken generally for those lower than the Deacon, because their offices are distributed among more and various ministers. For likewise in the primitive Church, where the supply of ministers could not yet be had on account of the paucity of the faithful, he who was ordained Deacon from among the laity, was at the same time counted as ordained to exercise the offices of all the inferior orders. For, just as the rational soul can contain the sentient and vegetative soul in potency, so properly the higher Order contains all the lower.

§ 38. And as time went on, and the number of the faithful increased, the ministries which were formerly inseparable were separated and distributed to various ministers. To the fourth we answer that not all the offices of the Orders are of such a sort that they cannot at all be exercised by laymen or by those who are not clerics. For even Baptism—which to confer belongs properly to the Priest—whensoever it is given is valid, and in certain cases it can also lawfully be conferred by a non-priest, indeed even by a layman. And so here likewise, by reason of a defect or negligence of those who are properly ordained to these lower offices of the Orders, the Church tolerates and sometimes even approves the ministries of laymen. Yet it would be more fitting and more decorous in the Church of God if each one ordained were to minister in his own order, and if the ministries of the Orders were not exercised by others than by those ordained.

§ 39. To the fifth—which presses more vehemently than the others and seems to conclude the case for some—we can nevertheless reply in two ways: either that those to whom, besides Bishops, it is granted to confer the minor orders have received a certain participation of episcopal dignity, as Abbots, Cardinals, and the like—whether they have received it in their own consecration, as some wish; or by the sole commission of the Roman Pontiff, as others think; or certainly that the minor orders conferred by such persons are not truly sacraments, but only certain sacramentals; since nothing forbids those offices which are conferred through the sacraments also to be able extraordinarily to be communicated without sacramental ordination, either by the sole will of a superior, or with an added ceremony. In which case grace can be expected from the devout prayer of the conferrer and of the recipient, albeit not ex opere operato, as also in the consecration of Virgins and in the reception of the monastic habit and profession of religion. And because the conferral of such an office is done with a certain consecration, it follows that an order thus conferred ought not to be repeated, just as neither can the consecrations of other things be repeated, because neither can they be taken away. And in this manner Domingo thinks and replies about the Minor Orders in general.

§ 40. To what is objected lastly, St. Thomas replies that one must consider that all the lower orders are destined to the priesthood as to their end (*finis*), and thus all are in that, in a certain manner, one—just as they are comprehended under the one name of ordination. The formal character of this unity is also confirmed by the fact that the lower orders are always contained virtually in any higher order, even if they have not been actually received before. Yet a clearer and easier reply is that which Scotus indicates—namely, that when it is said that there are only seven sacraments of the new law, species proximately subject to "sacrament" as to a genus are understood, among which is Order; which nevertheless is further divided into lower species, just as the very species are divided into their individuals. Wherefore, to reply logically, it must be said that the seven Orders differ indeed by a difference of Order, because Order is divided proximately into them; but they do not differ by a difference of sacrament, because, namely, they all pertain to the same proximate species of sacrament, that is, to Order. And so it must be granted indeed that they are different orders, but not different sacraments—the diversity, to wit, which is taken from proximate differences; in the way in which the Philosopher says that the equilateral and the nonequilateral are different triangles, but not different figures, because they differ by the difference of triangle, but not by the difference of figure, since they pertain to the same species of figure, namely the triangle.[58]

§ IX — On Ostiaries, their office and ordination (De Ostiariis eorumque officio et ordinatione)

§ 41. The several offices (*officia*) must now be briefly explained one by one, and at the same time it must be indicated by the delivery of which sensible and external things each of the Orders (*ordines*) is conferred. But whoever requires more on these matters should read Isidore, book 2 of On Ecclesiastical Offices, the Letter to Ludefred; likewise Rabanus, and several others who treated expressly of the Divine Offices; and for this reason also the Treatise On the Seven Grades of the Church; and finally Hugh, book 1 of On the Sacraments; the Master of the Sentences in this present Distinction; and the Catechism for Parish Priests.[60]

§ 42. Therefore, that we may proceed in the order of perfection, among the minor Orders the first and likewise the lowest is that of those who are called Ostiaries or doorkeepers, whose duty is to have the keys of the church, to close, open, and guard the doors, and to keep from entry unbelievers, the excommunicated, and mockers of the sacraments of Christ; indeed also to forbid any of the laity to approach too near to the holy altar while the Divine Mysteries are being performed upon it, and not to allow the priest to be disturbed. Accordingly the exercise of this order—if ever at other times, now most of all—would be necessary, in order that due honor and reverence be observed toward churches and sacraments, and most especially toward the dread Mysteries of the altar.

§ 43. It is conferred by the delivery of the keys together with the prescribed form of words, as the Fourth Council of Carthage, held with St. Augustine present and assenting, teaches (canon 9).[61] Certain authors, such as Domingo (Soto), add the delivery of a handbell; for it also pertains to his office to summon the people to the Divine Offices by the ringing of a bell.'[62] Moreover Christ prefigured this order in Himself and in a certain manner inaugurated it when He drove the buyers and sellers out of the temple. Besides others, Damasus makes mention of this Order in the Life of Sixtus II.'[63] Today in the Church the Treasurer or Keeper of the Sacristy holds one part of this office, the doorkeeper of the church the other.

§ X — On the office and ordination of Lectors (De Lectorum officio atque ordinatione)

§ 44. The duty of lectors (*lectores*) formerly in the Church was to recite clearly and distinctly the books of the Old and New Testaments—partly those which are wont to be read during nocturnal psalmody, partly those which the bishop was going to expound before the people. For when the bishop was about to deliver a sermon to the people, the lector stood where he was visible to all the people and from the pulpit read the passage of the Gospel or of Scripture prescribed by the bishops, which the bishop then expounded to the people. This is well known from the Sermons of the ancient Doctors, especially of St. Augustine, who everywhere, when he addresses the people from the Psalms or from any other part whatever of Scripture, makes mention of this office.[65]

§ 45. And Christ fulfilled the office both of lector and of expositor, for having read He immediately expounded the Scripture (Luke 4).[66] Furthermore, Domingo (Soto) and the Catechism add that it was also the office of the lector to teach catechumens (*catechumeni*) the first rudiments of the faith—a point which, whether it is verified among the ancients, let the diligent student inquire.[67]

§ 46. The lector is ordained by the delivery of the book of the divine readings together with the prescribed form of words, as is set forth in the Fourth Council of Carthage.[68] This order is mentioned, among others, by Epiphanius and Damasus, by Tertullian in the book On the Prescription of Heretics, by St. Jerome in the Letter to Nepotian, by the Commentary ascribed to Ambrose on Ephesians 4, by Cyprian in the places cited, and by St. Augustine too (Epistle 235), who sets forth what a lector ought to do and to know; and in On the Harmony of the Gospels, ch. 10, he indicates that boys, provided only that they were skilled in reading, used to be appointed as lectors.[69]

§ XI — Annotation on Psalmists (De Psalmistis annotatio)

§ 47. In the Fourth Council of Carthage it is read in a canon: "The psalmist, that is, the singer, may, without the bishop's knowledge, at the presbyter's command alone undertake the office of singing"; and the presbyter: "See that what you sing with your mouth you believe, and what you believe in your heart you prove by works." Thus there.[70] But since the psalmist (*psalmista*) is acknowledged among the lesser Orders of the Church, the rationale of this must be sought. If by the name "psalmist" you understand generally one who by whatever mode, whether publicly or privately, sings praise to God, that is common to all Christians; for what is said in Eph. 5 ("speaking to yourselves in psalms and hymns and spiritual songs, singing and making melody in your hearts to the Lord") pertains to all. The Council of Carthage, however, does not speak so generally about "psalmists"; indeed, it certainly understands by "psalmist" one whose proper office it is, by the chant of psalms, to stir up the people to devotion and to the praise of God.

§ 48. And this is neighboring to the lector's office (*lector*), differing from it only in this, that the psalmist utters with chant and modulation what the lector pronounces with plain voice, and that the psalmist reads psalms, whereas the lector's office extends to reading the whole of Scripture. Therefore, since the psalmist is included under the lector as regards what is done, and conversely the lector's office adds, not another thing read, but only a manner—namely, chant or modulation—it is evident that there was no need to institute an Order of psalmist as an office diverse from the lector. Indicating this by implication, the same Council of Carthage does not prescribe that he be ordained, but says that he can be appointed by a presbyter without the bishop's knowledge.[70]

§ XII — On Exorcists, and their office and ordination (De Exorcistis eorumque officio & ordinatione)

§ 49. Exorcists (*exorcistae*)—whom Epiphanius calls by a name derived from "to adjure"—are so named from adjuring. Their office is, according to the power given them at ordination, to invoke the name of the Lord upon energumens, and even to impose hands upon those who are vexed by unclean spirits—who in Greek also are called "energoumenoi"—and to adjure the demons by the name of the Lord that they go out or cease from harming. Now that they do not only invoke the name of the Lord over the energumens, but also, according to the ancient custom of the Church, impose hands upon them, is clear from the Fourth Council of Carthage and from St. Augustine, On the Happy Life, in the disputation of the second day.[72]

§ 50. They are ordained when the bishop hands to them the booklet in which the exorcisms are written and, with the prescribed words, confers the power of the said office, as is contained in that same Council of

Carthage. Cyprian makes mention of this Order, book 4 (Epistle 7); Firmilian also, in the Epistle to Cyprian. Likewise the Commentary ascribed to Ambrose on Ephesians 4. Severus too, in the Life of the Blessed Martin at the beginning, where he writes that Martin was ordered by Hilary to become an exorcist, that he did not despise that ordination as though it seemed the more humble, nor did he refuse it; for since all the employment of exorcists was with frantic men, this Order was commonly held in contempt.[73] But lest anyone disdain to undertake this ministry, Christ and the Apostles have gone before us with their examples, exorcising energumens and casting out demons.

§ 51. Moreover, it is established that the Jewish people also had their own exorcists. For in Acts 19 we read of certain itinerant Jewish exorcists who attempted by the invocation of the name of Jesus to cast out evil spirits; and that saying in Matt. 12, "By whom do your sons cast them out?"—although some think it was said of Christ's disciples—is more probably said, according to St. Jerome's interpretation, of exorcists.[74]

§ 52. Whether Solomon handed down a method of adjuring demons, as Josephus mentions in the same place and as the Master reports in the text, is uncertain to us. For what Josephus there writes about certain exorcisms discovered by Solomon seems to signify magical incantations, by which, according to superstition, demons are driven away; as St. Augustine teaches in City of God XXI, ch. 6, and X, ch. 12. For also the example he recounts of Eleazar the exorcist expelling demons is plainly suspect; and those exorcisms which today are in the possession of some and are said to be Solomon's are in truth superstitious.[75]

§ 53. Those, however, which have been handed down by the Church or approved by her, rely neither on a pact with demons (as the adversaries calumniate) nor on natural power, but on the power and grace of Almighty God; of which Christ says to the disciples in Lk. 10: "Behold, I have given you power to tread upon all the power of the enemy"; and at the end of Mark: "In my name they shall cast out demons." This power was also then declared when Tobias, taught by Raphael, with part of the liver of a sea-fish set on fire, drove the demon away (Tob. 6; 8).

§ 54. Properly, however, to the office of the exorcists of whom we are here speaking it pertains to cure the energumens, according to what is said to them in their ordination: "Have the power of imposing hands upon the energumen, whether baptized or catechumen." Whence the exorcisms used for those to be baptized, that by them they may be prepared for Baptism—of which St. Augustine speaks in the book On Faith and Works, ch. 6, saying that the catechumens in the days preceding Baptism are purified by exorcisms—since they do not pertain to curing energumens, but are exorcisms of another kind that pertain to the ceremonies of Baptism, do not seem to be included in the office of the exorcist, although the Master so thought, having read inaccurately the words of the Carthaginian canon; rather, they belong more to the office of the priest (*sacerdos*) who is about to baptize the catechumen. For Gregory says (Hom. 29 on the Gospels), mystically expounding that text "In my name they shall cast out demons," that by the grace of exorcism the priests lay a hand upon believers, lest evil spirits dwell in their mind. For the effect of this exorcism is more spiritual than that of the one applied to those corporally obsessed.[76]

§ XIII — On the ministry and ordination of Acolytes (De Acolytorum ministerio & ordinatione)

§ 55. The ministers of this Order are for the most part called acolytes (*acolythi*), whom, however, others prefer to call "acoluthi." Either term is Greek. The former signifies "admitted," that is, admitted to the ministry of the

altar. For formerly lower clerics were not permitted to approach the altar closely and minister to the one sacrificing; but this was at length granted to acolytes. For it pertains to their office to light the lamps and to carry them and to hold them in their hands when the Sacrifice of the Mass is celebrated, and most especially when the Gospel is read to the people. From which function they are called in Latin "ceroferarii" (torch-bearers). Of this Jerome writes thus against Vigilantius: "For even throughout all the Churches of the East, when the Gospel is to be read, lights are kindled, the sun already shining forth; not, to be sure, to drive away the darkness, but to show a sign of joy."[52]

§ 56. This word is also read in Gellius, book 1, Noctes Atticae, ch. 2, but with a different signification. For he calls "akôlytos" a man who by no bugbears can be turned aside from his purpose—the sort of man he there describes as a Stoic. The latter term signifies an attendant or companion. By which name those established in this Order are therefore thought to be called, because they ought to accompany the greater ministers—namely, subdeacons and deacons—in the ministry of the altar and to assist them. Moreover, Ivo in the Decretum (part 1, cap. 90) testifies that Boniface II decreed that a Lateran acolyte is not to baptize; where, when he calls him "Lateran," he seems to signify that "acoluthus" is said rather than "acolythus," and this either for the reason just stated, or perhaps because those in this grade, as if accompanying from the side, attend the bishop or the presbyter.[78]

§ 57. The ordination of these is performed when the bishop hands to them the candlestick with a candle, and also empty cruets, by which water and wine are furnished for the Sacrifice; and he pronounces those words which signify the power of each ministry, as is in the Fourth Council of Carthage. And Jerome also makes mention of this office in the Epistle to Nepotian.[79]

§ XIV — On Subdeacons, and their office and ordination (De Subdiaconis eorumque officio & ordinatione)

§ 58. The last three Orders are called sacred (*sacri*), for this reason, that they approach the ministry of the altar and what is, as it were, the Holy of Holies, are occupied about the Sacred Body of the Lord, and do something else either by consecrating, or by dispensing, or by supplying. Although indeed ecclesiastical Orders are truly sacred, nevertheless these are in a special way, for this cause, called such as though by excellence. The Master indeed (in the text, § 1) acknowledges the Orders of presbyterate and diaconate; but, in the more common opinion—which also the Council of Trent follows—subdiaconate likewise is reckoned among the sacred Orders.[81]

§ 59. In the lowest degree of these stands the hypodeacon—more usually called the subdeacon (*subdiaconus*), or servant from beneath. For his function is to serve at the altar, preparing the sacred linens and vestments, and especially the bread and wine necessary for the use of the Sacrifice. It also pertains to the subdeacon to recite at Mass the Apostolic Epistle (*epistola apostolica*), or a part of it, and the Prophetic lesson.

§ 60. These subdiaconal duties are signified by the very rite of his ordination. First, from the bishop he receives the sacred chalice empty and the paten empty; then, that it may be understood that, as regards the office of the deacon, he subserves the deacon, there are handed to him into his hands ampullae filled with wine and water together with the hand-cloth with which the hands are wiped; afterwards the book of Epistles is handed to him by the bishop; and to each ceremony are added words by which he is admonished of his office and ministry. Yet it is more probable that the Subdeacon is not given the book of Epistles; because the Council

of Carthage makes no mention of the book of Epistles, nor the Council of Florence; in which also it is expressly said that subdiaconate is conferred by the handing over of the empty chalice with the empty paten placed upon it. And this is the common opinion of the Doctors.[82]

§ 61. Moreover, in that subdeacons serve deacons at the altar, they are rightly understood to have been prefigured by the Nathinaeans, who under the old Law were ministers of the Levites, as we have in 1 Esdras 2 and 3 Esdras 8; which Hugh and the Master also have noted.[83] Furthermore, it was formerly the office of the subdeacon to teach the rudiments of the faith to catechumens; as can be understood from Epistle 22, book 3, among Cyprian's letters, in which, written to the clergy, he testifies that Optatus was made by him a hypodeacon, constituted as a teacher of the "audientes," by which name he signifies the catechumens.[84]

§ 62. Moreover, from the fact that to this Order there is first imposed the law of continence, one may gather how great is its dignity beyond the others already named—a dignity which ought chiefly to be taken and esteemed from the dignity of the most holy Eucharist, to whose ministry subdeacons approach so near that they carry the vessels of the Body and Blood of Christ. Wherefore they ought to think upon that which is in Is. 52: "Be ye clean, you who carry the vessels of the Lord." But concerning this law of continence there will be a more proper treatment far below.[85]

§ XV — Of the Deacons and their ministry concerning the Eucharist (De Diaconis eorumque circa Eucharistiam ministerio)

§ 63. Next follows the Order of Deacons, nearest to the priesthood (*Sacerdotium*); and because the heretics of our time stir up controversy for Catholics about their office, there is need to treat somewhat more fully. That the function of deacons was sacred even in the time of the Apostles is proved not only from Phil. 1, where after the bishops the deacons are greeted next, as ministers of divine things for the Church, and from Acts 6, where they are read to have been ordained by the Apostles with the imposition of hands (a passage which we shall examine more exactly below); but most especially from 1 Tim. 3, where, after the conditions required in a bishop, the Apostle straightway subjoined those which he requires in a deacon — which indeed are neither very dissimilar to those required in a bishop, nor much inferior to them, among which is this, that the deacons be husbands of one wife. Whence it is well understood that the ministry itself of the deacon was not merely profane, but truly sacred to the Apostles. What therefore it was like then, and also how it is now, let us see.

§ 64. A deacon is the minister (*minister*) of the bishop and of the priest, whence also he has received the name; although he is most frequently called "Levite" by the Fathers, namely from the likeness of the Levitical ministry, which was subservient to the priesthood of the Old Testament — in which, too, there was in both a type of the priesthood and of the diaconate of the New Law. Therefore, just as the duties of the Levites in the Old Law, so now the duties of deacons ought to be gathered and known from priestly duties. Now, to summarize, the functions of priestly dignity are these almost: to sacrifice, to baptize, to teach, to reconcile, to have care of the afflicted. In all these the deacon ought to assist and to give aid to the bishop or the priest. In the Sacrifice indeed, when he hands to the priest the bread and wine received from the subdeacon, or places them upon the altar, he carries to the altar the offerings received from the people, he assists with reverence the priest performing the sacred rites, and in a certain manner cooperates. And of old it also pertained to the deacon's office, during the solemnities of Masses, again and again to arouse the minds of the faithful to attention, as the ancient Liturgies attest; finally, even to dispense to the faithful the Body and Blood of the

Lord — yet this in the manner of a minister and helper of the priestly office, to which otherwise the administration of the sacraments is proper.

§ 65. But that of old in the Church the dispensation of the Mysteries was entrusted to deacons, which some now dissemble, let us briefly prove from the writings of the ancients. St. Cyprian, in the Sermon on the Lapsed, narrating what had happened concerning a girl possessed by a demon, to whom, though she resisted, the deacon poured of the sacrament of the chalice, openly signifies that this had then been the custom, that, the solemn rites having been fulfilled, the deacon should offer the chalice to those present.[87] Concerning Lawrence also, deacon of the Church of Rome, St. Ambrose in book 1 On Duties, ch. 41, and after him St. Augustine in Sermon 37 On the Various, and Leo in the Sermon delivered on his solemnity, testify that to him had been committed the dispensation of the Blood of the Lord.[88] Earlier than these, Justin Martyr, at the end of the Second Apology, writes that deacons were accustomed to give to those present, and to carry to the absent, the sacraments of the Eucharist.[89] Likewise Jerome, or whoever is the author of the Epistle on the Paschal Candle, attests that the deacon distributes the Body of Christ to the pious people with devoted service.[90] Moreover the Fourth Council of Carthage, to which Augustine subscribed, in canon 38, decrees that, when a presbyter is present, the deacon, if necessity compels, when ordered, is to dispense to the people the Eucharist of the Body of Christ. Where mention is made of necessity, it is sufficiently signified that this ministry of dispensation pertains primarily to the priest, but, on account of the multitude of communicants or the paucity of priests, is also wont to be committed to deacons.[91]

§ 66. To this ministry of the deacon some refer that which the Apostle says about deacons in 1 Tim. 3: "Holding the mystery of faith in a pure conscience." For they think that the Apostle speaks of that Mystery of Faith of which mention is made in the consecration of the chalice at Mass. Which exposition, though it is not certain, nevertheless cannot be refuted by a certain reason. But about this matter we have also said some things above at Distinction 13, where we were treating of the minister of the Eucharist.[92]

§ XVI — Of certain other offices of deacons (De quibusdam aliis Diaconorum officiis)

§ 67. Besides the ministry at the altar already spoken of, there are also other offices of the deacon, in which he is subservient to the higher Order. And first, the deacon was formerly wont to assist the Bishop or Priest who was baptizing, and in his presence to recite the names of the catechumens. For in the times of the Church it was the custom that the catechumens who were to receive Baptism at Easter should, on the Wednesday before Passion Sunday, give in their names; from which time they were called "the candidates," and then by care, devotion, and abstinence for certain weeks they had to be prepared to receive Baptism, as appears from St. Augustine, Book 4 of the work On the Creed to the Catechumens, chapter 1, and from the book On Faith and Works, and from those who have written on the Divine Offices.[93] Therefore their names having been written down, on Holy Saturday, when the Baptism of the candidates was begun, the deacon used to recite them before the priest who was to baptize, lest anyone not sufficiently prepared should present himself for the sacred Baptism. A vestige of this custom remains in the Ecclesiastical Office both on Holy Saturday and on Wednesday before the Lord's Passion, where frequent and, as it were, continual mention is made of this matter. But the administration of Baptism itself did not pertain to the deacons, except by commission where

there was a scarcity of priests, as is in the Decree of Pope Pelagius cited by Gratian (Distinction 93, chapter Deacons), and as we have shown more fully above at the corresponding Distinction of this book.'[94]

§ 68. Furthermore, in teaching and preaching the deacon stands by the Bishop, so that no one lay snares for him, or deride him as he teaches, or in any way be troublesome to him, but that he carefully guard him while he discharges the office of angelic preaching—just as Pope Evaristus ordains (in the Epistle to All the Bishops), whose decree is attested also by Damasus (in the Pontifical), and after him by Gratian (the said Distinction 93, chapter).[95] And it likewise belongs to deacons to preach the Gospel—not because they are ordained to that office as their proper function, but that by a certain summary exposition of the Gospel they may prepare the people for the fuller and more exact explanation of the word of God which is to be given by a Priest. And this very thing is permitted to them only with the leave of the Priest or Bishop, or at least in their presence; and that indeed from that place where the Catechism of the Parish Priests determines it.'[96] Thus we read that Philip the Deacon by his preaching prepared the minds of the Samaritans, so that they became apt for receiving the greater mysteries of the faith, which they were afterwards to hear from the preaching of the Apostles Peter and John. By a like example it is clear that the Deacon Ephrem held discourses to the people in the church of Edessa, and that St. Vincent, as the Roman Breviary attests, in the preaching of the word of God supplied for his Bishop.'[97] Hence blessed Gregory, Book 4 of the Epistles, chapter 88 (which is Epistle 44), says it is very blameworthy that those constituted in the order of the diaconate should devote themselves to modulation of the voice, whereas it was fitting that they be free for the office of preaching and for zeal in almsgiving; and shortly after, during the solemnities of Mass, he commands them to refrain from such things and to discharge only the office of reading the Gospel.'[98] The same function is also assigned to deacons by St. Augustine (Sermon 4 On blessed Stephen). Which indeed even to the present day is understood to belong to them in such a way that the ordination of deacons is perfected by the delivery of the books of the Gospels; as we have expressly in the Decree of Florence. Whence also, by the words of the Bishop, power is conferred upon him of reading the Gospel for the living and the dead.'[99] Yet whether in this way from the very beginning and by Christ's institution the ordination of deacons was celebrated, or rather by the imposition of hands alone, as seems to be indicated in Acts 6, is a question not yet fully cleared up—especially since it does not appear that a deacon could then be ordained by the delivery of the book of the Gospels, when as yet the Gospels were not written. By this argument, among others, those are supported who think that the order of the diaconate is not a sacrament, since in the matter and form of a sacrament nothing can be changed by the Church's authority. On which point let Cajetan be consulted in the Treatise On the Manner of Conferring Sacred Orders, and also Domingo Soto around this Distinction; see also below, where it is judged by what rite the presbyter is ordained.'[100]

§ 69. Moreover, to the Priest pertains the office of reconciling the sinner, since it is joined with the duty of correcting sinners and bringing back those who wander into the way. In which work the deacons of old were accustomed to cooperate most diligently with the Priests and Bishops. For, as it is in Clement (in the First Epistle to James the Lord's Brother, reported by Gratian, Distinction 93, chapter Deacons), the deacon, as the Bishop's eye, ought sedulously to survey and to examine the deeds and pursuits of the faithful, so that when he has informed the Bishop about them, he may correct offenders either privately or publicly, as he shall have understood himself likely to profit them more.

§ 70. Lastly, to Bishops and Priests belongs the care of the wretched—namely of the poor, orphans, widows, and strangers. In which work of piety it was appointed and observed from the beginning that the

deacon, ministering to the higher order, should render diligent and faithful service, as the Acts of the Apostles bear witness: in which we read that seven deacons were appointed by the Apostles for this purpose, that they should have the care of widows—under which are included also the other afflicted and needy.[101] But that the Apostles did not wholly remove this care of the poor from themselves or from the Bishops, when they had deacons ordained for that matter, is evident first because in Gal. 2 the Apostles testify that they and Barnabas were earnestly admonished by the other Apostles to be mindful of the poor; then because the same Paul both undertook and fulfilled that solicitude, as Luke attests (Acts 11–12); and finally because the same Apostle instructs the Bishop Timothy what widows he ought to honor—that is, to support from the treasury of the Church.[102] Yet since by experience it was discovered that the daily care of the poor not a little disturbed the more sublime and more spiritual function of Bishops, which the words of the Apostles indicate sufficiently when they say (Acts 6): "Non est aequum nos derelinquere verbum Dei, et ministrare mensis," therefore, the authority of this matter remaining with the Bishops, the external administration and occupation were committed to the deacons.

§ 71. Of this diaconal office Clement and Gregory make mention, in the places above cited: the former when he wills that the deacon suggest to the Bishop if some stranger or other person in need is to be received or helped by the largess of alms; the latter when he says it befits the office of the deacon to be devoted to the study of almsgiving.[103]

§ 72. Finally, from the History of the Passion of St. Lawrence it is clear that of old the treasure of the Church, collected from the offerings of the Faithful and, by the Bishop's command and direction, to be distributed to the poor, was in the hands of the Archdeacon. This is attested by the Sermons of Augustine, Leo, and Maximus, and by the Hymn of Prudentius on blessed Lawrence, and likewise by that passage of Ambrose, Book 2 On Duties, chapter 28.[104]

§ XVII — What kind of deacons were established by the Apostles (Quod genus Diaconorum ab Apostolis constitutum)

§ 73. The Sectarians of our time are willing that the deacons of whom there is mention in Acts 6 were not established by the Apostles for anything else than to be a sort of almoners—such as are now called "masters of the table of the Holy Spirit"—that is, those to whom would pertain the office of faithfully and prudently distributing to widows and other poor persons those things that had been offered by the faithful for this use. Against this error we must show that the ministry even of those whom the Apostles are read in the Acts to have ordained was not merely profane or temporal, but truly sacred; nay more, that it was of the sort that is today carried on in the Church by deacons, and has been described by us above.

§ 74. Therefore, first it must be noted that, for this office, the Apostles wished to be sought not only men of good testimony, faithful and industrious (which indeed would have sufficed for the due dispensation of temporal things), but also "full of the Holy Spirit and wisdom," that is, having an outstanding zeal for piety and being learned in the mysteries of the Christian Religion. Such indeed were those seven men elected by the faithful and ordained by the Apostles. For Stephen disputed concerning the chief mysteries with his adversaries with such vehemence of spirit that they were not able to resist him. Philip preached the Gospel to the Samaritans, to the Ethiopian eunuch, and to others; whence also he merited the name of Evangelist (Acts 21). The others also—Nicolas the proselyte being excepted—rendered glorious witness in the Church of

Christ, as the Martyrologies testify concerning them. Men such as these it is in no way credible that the Apostles so solicitously sought merely that they might be set over the bare ministry of tables and the care of widows. Add that the Apostles would not have wished men so excellently instructed in the doctrine of the faith—and therefore fit and necessary for greater tasks—to be placed, even of their own accord offering themselves, over profane matters; for that would have been to the fraud and detriment of the Church, especially at that time when, for spreading the Christian faith everywhere, there was the greatest need of such men; whereas there was no lack of others, indeed less learned but nevertheless faithful and industrious, through whom those temporalities could rightly be administered.

§ 75. But that we not multiply testimonies, the judgment of Ignatius the martyr is manifest, in the Epistle to the Trallians, in which concerning deacons it is read thus: "What are deacons, if not imitators of Christ, ministering to the Bishop as Christ to the Father, co-workers with him for a pure and immaculate work? Thus holy Stephen [ministered] to most blessed James, and Timotheus and Linus to Paul, Anacletus and Clement to Peter." That epistle (lest anyone doubt its authority) Jerome, in the Catalogue of Ecclesiastical Writers, numbers among Ignatius's other epistles. Then Cyprian (Epistle 9; also Epistle 3) assigns the same function to the deacons established by the Apostles as to the deacons of his own time, when he admonishes these that they remember that the Apostles constituted them ministers of their episcopate and of the Church. In addition, the Council of Neocaesarea (the last canon) according to the apostolic rule requires seven deacons in one city, as is hinted in the Acts of the Apostles; which, in his own time, Pope Cornelius testifies to have been observed in the Roman Church, writing to Fabian of Antioch, as Eusebius relates, Book 6 of the Ecclesiastical History, chapter 45. From which it follows that those deacons who, according to the canon of Neocaesarea, are established in each city are to be understood as of one and the same kind with those whom in Acts 6 the Apostles instituted—namely, that both alike are ministers of sacred things.[106]

§ 76. To that same institution Prudentius looked; where, writing of St. Lawrence, he says: "He is first among the seven men who stand nearest the altar." But that matter has been expressed to us much more clearly by Arator, a deacon and poet, who sings thus of the Apostles: "They appointed the laws of a ministry fitted to the sacred altars in seven men chosen from every quarter, whom they are pleased to call Levites, when the Church began to flash with a bright hand which mixes the cups of life and proffers the waters with the blood of the Lamb." Augustine likewise plainly attributes to Stephen, one of the seven deacons, a sacred ministry such as deacons now exercise, when he says (Sermon 4 on blessed Stephen): "He was a deacon; he used to read the Gospels, which you read or hear." It therefore pertained to the office of the deacons—of whom one was Stephen—not only that he should be called a deacon by the ancients and in the Divine Office, but also that he should very often be called a Levite. Indeed, if Arator is to be believed, the seven were even called Levites. Now it is established that the ministry of the Levites in the Old Law had to do with the worship of God and the offering of sacrifices, and therefore was sacred. To these things is added the interpretation of the Venerable Bede (on Acts 6), who both in his first exposition and in the Retraction of the same work most plainly testifies that those seven deacons were ordained by the Apostles in order that they might minister at the sacred altars. For in the former place he writes thus: "Henceforth the Apostles, or the successors of the Apostles, decreed throughout all the Churches seven deacons, who should be of a rank more exalted than the others, and, next to the altar, should assist like columns of the altar—and this not without some mystery of the number seven." But the words of the latter place are these: "Indeed, the common dispensation required that ministers be chosen for the widows; but when men were found who seemed worthy for this ministry, as is wont to happen, the providence of saving counsel gradually increasing, it pleased [the Apostles] that these

same men be ordained ministers of the very Sacred Altar also, and of the Lord's Blood, and likewise of the common repast and table of the multitude of believers. Which was approved by the word where it is said: 'And praying, they laid hands upon them.' For this is proper to those who from the common number of the faithful are promoted to the office of the most holy altar." Thus far the Venerable Bede.[107]

§ XVIII — Reply to the objections raised against this doctrine (Responsio ad ea quae contra objiciuntur)

§ 77. The things which are objected against this doctrine must now be cleared up. They say: the Book of Acts assigns to deacons (*Diaconi*) only a profane or lay ministry of faithfully distributing alms to the widows of both the Greeks and the Hebrews, with no mention made of an altar (*altare*) or sacrifice (*sacrificium*) which they ought to serve. To this we answer that, if we merely skim the surface of the history, it can seem that at that time the office of deacons was no other than that of those who are now set over the distribution of the Church's alms. But if we consider more deeply what in fact was the case, namely, that the things disbursed to the poor and to the widows were not just any alms whatsoever, but collections gathered from the oblations (*oblatio*) of the faithful at the time of the Sacrifice, it will not be difficult to understand what sort of deacons Scripture describes for us in that place: namely, those who, ministering at the altar and assisting the priest, received at the time of the Sacrifice from the faithful the alms presented at the altar, and put them away in the treasury of the Church, and thereafter disbursed them to the poor. This custom of the Church Prudentius elegantly depicted in verse in the Hymn on St. Lawrence. Pope Urban I makes mention of the same in his Epistle written to all the bishops, and likewise St. Gregory in his Epistle to Augustine, bishop of the English.[109]

§ 78. The form of this same practice is still today observed in the churches, when the people at the altar offer not, to be sure, the prices of fields as once under the Apostles, but small coins, the oblation being received by the deacon. A signification of this same practice is found in the Apostle in 1 Corinthians 16, when speaking of the collections which are for the saints he counsels that "on one of the sabbath"—in Greek, κατα μίαν σαββάτων, that is, on each first of the sabbaths, that is, on each Lord's Day (for the Lord's Day is the first day of each week)—"each one set something aside with himself" to be bestowed for the use of the saints, just as he had himself ordained for the Churches of Galatia, understanding by the "saints" the poor who were at Jerusalem. And it was on the Lord's Day for this reason: because then the Sacrifice was offered and there was a synaxis, at which time the devotion of the people to bestow alms is wont to be greater.[110] From these things, therefore, it is sufficiently evident that even the first deacons, who were put in charge of the care of widows, were at the same time ministers of the altar.

§ 79. But you will ask why Luke in the Acts did not make mention of this sacred diaconal ministry. I reply, first, because it was enough for him to narrate the occasion of their ordination, which was the murmuring of the Greeks against the Hebrews regarding the care and sustentation of the widows. Hence he makes mention only of this office, adding nothing even about the care of the other poor, although no one doubts that from the beginning the care of the poor in general, and not of widows only, pertained to the deacons. Then, because Christians of the earliest time were always careful to hide from unbelievers mysteries of this sort, above all those that pertained to the Sacrifice. Wherefore, lest things committed to writing might easily come into their hands, they transmitted them to posterity by word alone as things most secret, as Dionysius, Basil, Origen, and others testify, as was said when we were treating above of the form of this sacrament

(*sacramentum*) of Order and of the forms of the sacraments in general.[111] Nor were the sacraments of the faithful hidden from unbelievers only, but from the catechumens (*catechumeni*) themselves as well, as is evident from St. Augustine (Tractates 13 and 96 on John). Wherefore, even if perhaps there had arisen a necessity of touching upon something of that sort, the Apostles and their disciples did it in such a way that they could not be understood by unbelievers. Thus Paul, when describing to Timothy and to Titus the office of bishops, nowhere expressly makes mention of the offering of the Sacrifice. And Luke in the Acts rightly signified holy communion by the "breaking of bread," as also the mystery of Baptism by ablution, and the sacrament of Consignation by the imposition of hands. But of what sort those things were, or by what rite and by whom they were carried out—all that was handed down without writing by oral tradition.[112]

§ 80. Secondly, they object the Commentary of Chrysostom on that same place of Acts. For he (Homily 14 on the Acts) seems to affirm that those seven men did not receive the ordination which now is of deacons, but a lay function of distributing to the widows the things which were set aside for their sustenance. And Oecumenius, in his Commentaries on that same passage, confirms this more explicitly.[113]

§ 81. I answer that, however the opinion of Oecumenius may stand, whose authority is not of very great weight, Chrysostom certainly (although the passage is so obscure that it deservedly gives rise to the suspicion of some corruption) does not seem to think anything other than that the names of dignities—namely, bishop, presbyter, deacon—had not yet at that time obtained in the Church as they did afterwards. For he even denies that there were then bishops in the Church, although it is not doubtful that the Apostles were already then truly bishops, according to that word: "Let another take his bishopric" (Acts 1). But the names of these functions were not immediately received into use.[114]

§ 82. Thirdly, they object the eighteenth canon of the Sixth Synod, in which it is explicitly defined that the text speaks not of men who minister at the mysteries, but of the ministry that is employed for the use of tables; and that John Chrysostom, writing on that place, held this; and therefore that the Synod of Neocaesarea did not rightly refer that passage, in its own canon, to the deacons who serve at the altar. I answer that those canons are falsely ascribed to the Sixth Synod, which in fact had been celebrated long before—by twenty-seven years—as is easily shown from the Acts of the Synod; rather, they were composed and published by certain schismatical bishops, adversaries of the Apostolic See, assembled in the imperial palace called Trullo at Constantinople. Hence other things also are found in those canons that are contrary to sound doctrine and to the Roman Church.[115]

§ 83. St. Jerome (in the Epistle to Evagrius and elsewhere) calls the deacon the minister of tables and of widows. But in those places Jerome is beating down the pride and insolence of deacons who, by a perverse custom of some churches, used to place themselves before presbyters. He admonishes them to think on the occasion on which deacons were first instituted, yet without asserting that their office is confined to the ministry of the tables—just as, if it were said to a man, "Why are you proud, earth and ashes?", it would not follow from this that man is nothing besides ashes, but by the contemplation of his origin he is admonished to humility.[116]

§ 84. Lastly, someone will here ask whether even today the dispensation of ecclesiastical alms is with the deacons. I answer that it is not necessary. For just as there are in the Church presbyters who offer sacrifice, and yet do not feed the flock (which we shall rightly show a little later), so there are deacons who serve at the altar, not at the tables. And almost always today the dispensation of the collections is entrusted to archdeacons, as

once to Lawrence. Concerning this office of dispensing—how faithfully and diligently it must be administered before God—St. Augustine gives a grave admonition in the Epistle to Bishop Valerius.[117]

§ XIX — On the presbyters' chief office, and that not all Christians are priests (De Presbyterorum officio praecipuo, quodque non omnes Christiani Sacerdotes)

§ 85. The last of the seven orders, and the same most sacred one, is that of presbyters or priests—for by both names does the Church address them. Their proper and chief office, to which the ministries of the remaining orders are destined and as it were subserve, is to offer to God the Sacrifice (*sacrificium*) of the Body and Blood of the Lord. And under this title presbyters are truly and properly priests. Hence St. Augustine, book 12 of the City of God, ch. 10, says: "Bishops and presbyters are called in the Church priests."[119] There is next a certain kind of priesthood (*sacerdotium*) common to all Christians, of which Peter, addressing all the faithful in his Epistle, says: "But you are a chosen race, a royal priesthood."[^123] Of which also is the voice of all the saints in the Apocalypse confessing that Christ "made them kings and priests."[121] St. Jerome too, in the Dialogue against the Luciferians, calls it "the priesthood of the laity."[,122] By this, to wit, each Christian, even a layman, offers to God inward and spiritual victims, as Peter there a little above declares. For by that general name of sacrifice—according to St. Augustine's definition in book 10 of the City of God, ch. 6—"every work of virtue is comprised, inasmuch as by it one is referred to the end that by a holy fellowship one may cleave to God."[,123] But just as these inward sacrifices are called sacrifices only in a general respect, and so improperly; so too that which corresponds to them is called priesthood only improperly and in a certain general respect, and they who discharge it are called priests. Yet besides these, it must be held by indubitable faith that there is in the Church a certain external priesthood, properly so called, which is destined to the offering of a sacrifice of the same formal character, namely, the Body and Blood of the Lord.

§ 86. Nor is it any less certain to be believed that this external priesthood is not common to the multitude of all the faithful, but proper to some—namely, to those who have been lawfully consecrated for offering such a Sacrifice: that is, to the Apostles and their successors in this office, of which kind are all and only those established in the grade of the presbyterate. So much so that not even to deacons, neither by right nor by any commission or dispensation of ecclesiastical power, is it common or can it be made common; and much less to any of the faithful of Christ who are laymen. Now that this is proper to some and not common to all is proved first from the very ordination both of the Apostles and of those who succeeded the Apostles. For just as it was not to all Christians but only to the Apostles that the Lord said: "Do this for a commemoration of me," by which words He created them priests—as it has been rightly defined by the Council of Trent, session 22, ch. 1—so it is not said by a bishop to just anyone: "Receive the power of offering sacrifice," etc. By these words, after Christ, as is had in the Decree of Florence, the ordination of priests in the Church is perfected.[124] Next, this is proved from the priesthood of the old Law. For there is no doubt that the priesthood of the new Law is far more excellent than that. And yet, notwithstanding what had been said to that ancient people, Exodus 19: "You shall be to me a priestly kingdom," that priesthood did not pertain promiscuously to all, but only to one tribe, the Levitical, and to a few from that tribe—namely, to those alone who were of Aaronic stock—who themselves too were most orderly distributed into certain classes. Hence those who attempted to claim that priesthood for themselves when they had not been called by God to it—such as Korah with 250 men (Num.

16), and King Uzziah (2 Chron. 26)—are read to have been most gravely punished by God. Since therefore the Church of Christ, according to Scripture, is as it were "an army set in array," it was much more fitting that it should be so orderly disposed by Christ its Spouse, that although out of every nation and tongue and family priests may be taken up into it, nevertheless not all Christians indiscriminately are priests and have the power of offering the external Sacrifice, but only those who shall have been lawfully ordained for this. And that this would come to pass in the time of the New Testament the Lord foretold through Isaiah, ch. 66, with these words: "I will take of them to be priests and Levites," manifestly signifying that not all the children of the New Testament would be priests and Levites, but that out of them certain persons would be taken up to that office.

§ 87. Whence, to cite on this matter the testimonies of the Fathers and of the whole Church: Clement, book 3 of the Apostolic Constitutions, ch. 15, treating of him who after Baptism is anointed by the bishop, thus writes: "In the imposition of hands the bishop will anoint his head, just as priests and kings were anointed in ancient time—not as though he who is now baptized is ordained a priest, but because from Christ they are called Christians, 'a royal priesthood and a holy nation,'" etc.[125] St. Augustine likewise, Sermon 49 on the Words of the Lord, clearly affirms that it is priests who offer the Sacrifice, which it is not lawful for laymen to do.[126] The same is taught by Chrysostom, On the Priesthood, book 3, ch. 50.[127] The Nicene Synod, can. 14, plainly denies that even deacons have the power of offering the Sacrifice.[128] The same is denied by St. Jerome, in the Epistle to Evagrius and in the Dialogue against the Luciferians.[129] Furthermore, the Lateran Synod under Innocent III, ch. 1, defines that the sacrament of the Body and Blood of Christ cannot be confected by anyone who is not a priest rightly ordained according to the keys of the Church which He Himself granted to the Apostles and to their successors.[130]

§ 88. Lastly, the holy Council of Trent, session 23, ch. 4, argues very gravely to this effect: that if anyone should affirm that all Christians promiscuously are priests of the New Testament, or that all are endowed among themselves with an equal spiritual power, he seems to do nothing else than to confound the ecclesiastical hierarchy, which is like an army set in array—just as if, against the doctrine of Blessed Paul, all were Apostles, all Prophets, all Evangelists, all Pastors, all Doctors. And in session 7, canon 10, it lays down thus: "If anyone shall say that all Christians have power in the word and in administering all the sacraments, let him be anathema."[131] And these enactments are directed against certain articles of John Wyclif condemned already before in the Council of Constance, and against what Luther asserted in the book On the Babylonian Captivity—that all Christians are priests, and that all have power in the word and the sacraments.[132] But on this matter some points also were said above, at Distinction 13.[133]

§ XX — On other offices of presbyters, with an appended question about a double character (De aliis Presbyterorum officiis cum quaestione annexa de duplici charactere)

§ 89. In the second place, he who is ordained a presbyter receives the power (*potestas*) of remitting and retaining sins, when the Bishop pronounces these words: "Receive the Holy Spirit; whose sins you remit, they are remitted," etc. For with these very words the Lord, after the resurrection, bestowed the same power upon His Apostles (Jn. 20). But since this power has been treated more fully above when we discussed the sacrament of Penance, let it suffice to have merely touched upon it here.

§ 90. Moreover, the Doctors here raise a question, when, for him who is ordained a priest, grace is conferred and the character (*character*) imprinted: whether it is then when the earlier words are spoken which signify that the power of offering the Sacrifice (*offerendi Sacrificii*) is being given; or rather when these later words are spoken; and whether the one power can be separated from the other. To which it seems briefly to be answered, that in both cases that power is given together with the grace corresponding to it, which is signified by the very words. The reason for this is that, in an ordination, that is bestowed which the words of the ordainer signify; and indeed it is bestowed through the words that signify this very thing, as through the form of the sacrament. And this is plainly evident not only in the Priesthood but also in the lower orders, from the Fourth Council of Carthage. This is altogether clear in that council, wherein it is contained that the Bishop, after the power of sacrificing has been handed over by the earlier words, afterwards, by saying "Whose sins you shall remit," etc., bestows the power of retaining and remitting sins. Nor is it absurd here to acknowledge two characters, since there are two powers, yet concurrent toward the perfection of the same Order. As a matter of fact, it is also certain that one of these powers was separate from the other in the Apostles: for to them the Lord gave one before His Passion, the other after the resurrection. Judas, however, had only the former. Although, by right, in the Church of Christ they are not wont to be separated in such a way, but always the one is given after the other, as it were in one continuous ordination.

§ 91. Furthermore, the third office of the priest is to administer and dispense to the faithful the sacraments of Christ, but especially Baptism, the Eucharist, Penance, and Extreme Unction. For the sacraments of Confirmation and Orders are conferred by the Bishop alone; but as to the sacrament of Matrimony, by what minister it is conferred has not yet been sufficiently agreed among the learned. As regards how the administration of those four sacraments which we have mentioned pertains to priests, let it be consulted in the proper places where each of them has been treated. Finally, it pertains to the priest's office to feed the people of God by the ministry of teaching and preaching (*doctrina* and the ministry of the word). Yet this task falls principally upon Bishops, as those who, properly speaking, according to the Apostle (Eph. 4), have been appointed in the Church as Pastors and Doctors; secondarily, however, upon parish priests, who lend their service to the Bishops as helpers in this matter—whom, according to the interpretation of some, the Apostle in 1 Cor. 12 calls "helps and governments."

§ XXI — That the presbyterate can subsist without the ministry of the word (Presbyterium consistere sine ministerio verbi)

§ 92. In the Church of God it has been doubted whether the order of the presbyterate (*Presbyterium*) can subsist without the office of preaching the word of God (*ministerium verbi Dei*). For since the Church has and acknowledges very many presbyters to whom neither ordinarily nor extraordinarily, whether by delegation, has the governance of souls been committed, it is evident that the ministry of the word, which is a certain part of that governance, does not pertain to all presbyters; and hence it is false what most heretics of our time hand down—that presbyters who are ordained according to the Church's rite, if they do not exercise in the Church the task of teaching and preaching, are in truth neither presbyters nor priests. For neither, as they want, does the office of the presbyterate consist in the ministry of the word alone, but rather most of all in these two: namely, in the power of offering the Sacrifice, and of absolving from sins. And this is clearly established both from the things just said and from others we have noted about the ministers of the sacraments of the Eucharist and of Penance. Since therefore a priest can rightly occupy himself in the office of

sacrificing, and indeed also in the office of reconciling, without the task of preaching being committed to him, it is clear that the first and even the second of those can be separated from the third. But fuller proof of this matter will be had, if we briefly show that both Scripture and the ancient Church acknowledge presbyters without the office of preaching. First, the well-known and clear statement of the Apostle Paul in 1 Tim. 5 is that presbyters who rule well are to be held worthy of double honor, especially those who labor in the word and in doctrine. The Apostle therefore acknowledges some presbyters who do not labor in the word of doctrine and yet are worthy of double honor, if namely they labor holily and wholesomely in the Church either by sacrificing or by reconciling penitents.

§ 93. The same is proved also by Jerome's disputation against the Luciferians, in which he teaches that the Order of the priesthood remains entire even in heretics; and by Augustine against the Donatists, showing that the sacrament of Ordination is not lost by any impiety—to wit, as is seen in book 2 Against the Epistle of Parmenian, ch. 13, and book 1 On Baptism against the Donatists, ch. 24—where he says as follows: "If an ordination of the clergy is made for gathering the people, even if the gathering of the people does not follow, nevertheless in those ordained there remains the sacrament of Ordination; and if by some fault someone is removed from office, he will not be without the sacrament of the Lord once imposed." Therefore, according to Augustine, he who has once been ordained presbyter remains always such, whether he govern the people and labor in doctrine or not: because, forsooth, the character (*character*) of Order is indelible, as will be taught below.

§ 94. Add that many in Monasteries, burdened with no care of governing a people, were nevertheless presbyters even in those earliest times of the Church, as we shall presently make clear by examples.

§ XXII — That the presbyterate and the governance of souls are compatible with monastic life; against Calvin and others of our time (Presbyterium & regimen animarum cum monachatu consistere. Contra Calvinum aliosque nostri temporis haereticos)

§ 95. Against Calvin and others of our time, who deny that one who is a Monk can at the same time be a presbyter and have charge over souls, but say that by the very fact that he governs a people he falls from the monastic state, it must be proved that these two by no means clash with one another, and that indeed the ancient Church had Monks who were at once Bishops or Presbyters and presided over a people to be governed. And indeed that there is no repugnance between the state of a Monk and of a Presbyter is shown from the proper notion of each. For a Monk is called one who, having embraced by vow the evangelical counsels, professes a state of perfection; but a presbyter is he to whom has been handed over the power (*potestas*) of offering the Sacrifice and likewise the power of binding and loosing. Between these notions nothing at all appears that is repugnant; rather the one is most harmonious with the other. For it befits him to whom such a divine power is entrusted, also by the perfection of life to become near to God, and to aim and strive to attain it through the evangelical counsels. The same consideration holds if to the presbyterate we add the governance of souls; since the Lord requires singular charity, in which man's perfection consists, from him to whom He commits His sheep to be fed (Jn. 21).

§ 96. But now, to prove the matter by examples of antiquity, first the Apostles—although they did not live in solitude nor in Monasteries—yet embraced the evangelical counsels under Christ their Master, saying with

the mouth of Peter alone: "Behold, we have left all things"; and nonetheless, indeed all the more, they were apt Pastors and Rulers of Churches. And the same must be judged of their immediate successors, who were similarly formed. Next, to bring forward more familiar instances, Basil, Martin, Augustine, Gregory the Great, and that other Augustine, Bishop of the English, were without doubt monks, who—as appears partly from their own writings, partly from Sulpicius, Possidius, John the Deacon, and other Writers—living in their Monasteries and cultivating the monastic life, at the same time presided over their Churches and taught the people. To these add Eusebius of Vercelli, Bishop, of whom Ambrose, writing to the Church of Vercelli, bears witness (Ep. 82) that he first in the regions of the West joined these two together, so as both to keep the institutes of the Monks and to govern the Church. And how beautifully those two agree, Jerome testifies (in the Epistle to Nepotian), when, speaking about Monks who are also clerics, he subjoins thus: "Whose priesthood is ordered to their purpose, and their purpose is ordered to the priesthood." It is evident, therefore, by the example and testimony of these men, not only that the presbyterate can consist together with monastic life, but also that from the one there accrues to the other dignity and ornament.

§ 97. But further, that which is connected with the foregoing must also be shown—that formerly in the Church there were Monks who indeed did not govern a people, yet were presbyters, and offered the Sacrifice of the altar and from time to time administered the other sacraments. From which fact also what we have just said will shine forth more fully, that the presbyterate can subsist without the ministry of the word. Jerome (in the Epistle to Pammachius written against the errors of John of Jerusalem) records that in his own Monastery there were five presbyters, and that, although they could by right baptize those in peril, they chose rather to present them to others to be baptized. In that same place (ch. 15) he complains that by Bishop John he had been mutilated of the title "presbyter," since by him he was called nothing else than "Jerome," and afterward he congratulates himself that in turn the title of presbyter, of which he had been a little while before deprived, had been restored. Finally (ch. 16) he affirms that thus he was made a presbyter that nevertheless he did not cease to be a Monk. Thus indeed did that holy man defend both his titles, so as to acknowledge in himself no loss of the one name from the other.

§ 98. Likewise in the Epistle written by Theophilus against the errors of that same John, when speaking of his brother Paulinian, he bestows on him clerical rank, indeed the degree of the presbyterate, although he was resting in a monastic cell. Furthermore, Epiphanius, writing to that same John of Jerusalem, in the Epistle which, translated by Jerome, is counted among Jerome's letters, says that in Jerome's Monastery he ordained Paulinian first deacon and then presbyter, because the multitude of brethren dwelling in the Monastery complained that they had no one there to confect the sacraments of the Lord; inasmuch as the holy presbyters Jerome and Vincent, out of reverence and humility, shrank from offering the sacrifices and from laboring in that part of the ministry which is the chief salvation of Christians. And again in that same place he calls a certain Gregory at once presbyter and Abbot of the monks. From which it is manifest that already long ago there were presbyters living in Monasteries, ordained for this alone: that they might confect the sacraments of the Lord and celebrate the Sacrifices. And this matter also is plainly confirmed by the testimony of Gregory I and of Bede. For Gregory, Dialogues book 4, ch. 55, orders the prepositus of his Monastery that for thirty consecutive days the Sacrifice of the Mass be offered for a certain deceased man; and, in his Response to the first question of Augustine, Bishop of the English, he advises him to lead a monastic life with his clergy. Bede also—who, it is not doubtful, was a presbyter—at the end of his Ecclesiastical History writes that he remained perpetually in a Monastery; and elsewhere he often indicates the same, as in book 4, ch. 22, and book 5, ch. 11.

Moreover, this matter can be proved from various rescripts of the Popes which are gathered in Gratian's Decretum (Cause 16, Question 1), the citation of which we omit here for brevity's sake.

§ XXIII — Reply to certain arguments of the heretics (Responsio ad quaedam haereticorum Argumenta)

§ 99. Although this whole position which we have just stated is confirmed by truth and especially by the testimonies of Jerome and Gregory, nevertheless from these same Authors the Adversaries try to assail the same truth. From Jerome indeed, who, writing against Vigilantius, says thus: "A monk has the office not of a teacher but of one who weeps." Which sentence in the very same words is repeated by Bernard (Epistle 323 to Henry, Archbishop of Mainz). From Gregory, moreover, who (Epistle 11, book 3) forbids that presbyters and clerics of any order be made Abbots in Monasteries, saying that the ecclesiastical Order and the monastic life are a hindrance to each other. To both we answer thus. According to Jerome, the Monk does not have the office of a teacher, inasmuch as he is a Monk; but nothing prevents a learned Monk from teaching others either by writing—as Jerome himself did, who is deservedly to be counted among the chief Doctors of the Church—or by the offices of speech, as others above mentioned did, who do not dwell in the Monastery but, placed outside the Monastery, rule a people; whom certainly it is not expedient to make Prefects of Monasteries, unless the Monastery be situated in the place of the same Church; in which way Augustine, dwelling in his own Monastery, was made presbyter, and then Bishop, of the Church of Hippo. They object also the words of Leo I (from Epistle 62), forbidding that anyone beside those who are the Lord's priests should dare to claim for himself the right of preaching, whether he be a Monk or a Layman who glories in the reputation of some knowledge. But the reply is easy from the words themselves: Leo is speaking of the Monk who is only a Monk and has not yet been called to the office of preaching. For neither monastic profession nor learning without a call suffices. Other objections, with their solutions, can be seen in Gratian at the place already cited, where he treats this question at length and determines it well.

§ XXIV — By what rite a Presbyter is to be ordained, and concerning the imposition of hands (Quo ritu Presbyter ordinetur, deque manus impositione.)

§ 100. That a Presbyter is ordained by the imposition of hands (*manus impositio*) is clear from Sacred Scripture. For in each Epistle to Timothy his ordination is designated as by the imposition of hands (1 Tim. 4; 2 Tim. 1); and to the same Timothy, when he is about to ordain presbyters, it is said: "Lay hands hastily upon no one" (1 Tim. 5). This same thing is confirmed by the testimonies of the Fathers. For Dionysius the Areopagite, describing the ordination of the priest, teaches that the hand of the Pontiff is to be imposed upon his head, and explains the mystery signified by the imposition of hands, namely the protection of God, who cherishes the one consecrated and defends him against the Adversary Powers.[139] Likewise St. Jerome, writing on Is. 58, bears witness that the Ordination which among the Greeks is called χειροτονία is accomplished not only by the imprecation of the voice but by the imposition of the hand.[140] Likewise the Fourth Council of Carthage, at which St. Augustine was present, says that the Presbyter is to be ordained when the Bishop blesses him and holds his hand upon his head.[141] And if we have recourse to the deeds of the Ancient People,

we shall find that a similar thing obtained. For we read that, at the Lord's command, Moses imposed hands upon Joshua when he designated him leader of the People (Num. 27; Deut., last chapter).

§ 101. But against these things an objection is readily at hand from the Decree of Florence, where it is said that the presbyterate is conferred by the presentation of a chalice with wine and a paten with bread, no mention at all being made of the imposition of hands.[142] And this is conformable to the ordination of the Apostles made in the Supper, to whom, after the Body and Blood had been presented, the Lord said: "Do this," etc.

§ 102. Reply must be made that what the Fathers of Florence established is to be held altogether. Nor, however, do the things that have been said about the imposition of hands stand in opposition to that decree; rather, the one is contained in the other. For the term "imposition of hands," whether it designates the sacrament of Ordination, or of Chrism, or of Reconciliation—for to all these the vocabulary of the Ancient Church extends that name—does not signify the bare action whereby someone places his hand upon another's head, but the whole rite and order of acting which he who confers the sacrament has learned from tradition to be observed. Otherwise one would also have to understand prayer to be excluded, since the Apostle makes no mention of it—yet it is not to be doubted that in the ordination of presbyters prayer was employed by the Apostles, since we read that it was employed in the ordination of deacons (Acts 6). But in order to hide the Christian sacraments from unbelievers, Scripture wished, under the name of a single ceremony that was commonly known and received, to have the rest—more hidden and less to be published—understood implicitly. This matter is explicitly explained by the Commentary ascribed to Ambrose on 1 Tim. 4, which teaches that by this general name the mystical words also are included.[143] The Council of Milevum likewise uses this term for the prayers and other rites of the sacraments, when it forbids that impositions of hands other than those which had been approved in Council should be celebrated.'[144] But if you were to understand "imposition of hands" in the sense of that alone, with the three other things excluded, then—just as in Confirmation and in the Absolution of penitents—so also in Ordination that alone neither constitutes the sacrament nor is necessary for the substance of the sacrament. This can be learned not only from the Florentine Decree but also from the Rescript of Gregory IX, who forbids the sacrament of Ordination to be repeated if the imposition of hands has been omitted, but orders it to be supplied at a set time.'[145]

§ 103. Whether the Apostles immediately, when ordaining presbyters, used the very same words as the Church now uses, is not altogether certain; and it can be that, by a divine dispensation, they omitted something of those which are spoken in the sacrament of Confirmation—of which the same thing can also be said about the ordination of deacons. Yet St. Augustine bears witness that Stephen, as a deacon, read the Gospel.[146] This being posited, it does not seem improbable that he who by tradition read the Gospel-book in the Church should be deemed rightly ordained. But on the contrary: the Gospels had not yet been written; hence there is no room for doubting that the rites of this sacrament, which the Church observes, were handed down by the Apostles from Christ the Author of the sacraments—albeit the Apostles perhaps did not always use them.

§ 104. Moreover, why does the Bishop alone lay on hands upon the deacon, but upon the presbyter the Bishop together with the other presbyters? This the Fourth Council of Carthage indicates: because indeed the deacon is consecrated not to the priesthood but to the ministry; whereas the presbyter is to the priesthood; and right from then he is taken, as it were, into the consort of the presbyters, of equal rank with them.[147]

§ 105. Besides the aforesaid there is also another solemn ceremony which is employed in this sacrament. For the hands (and in some Churches also the head), or rather the tips of the fingers, of the one who is initiated are anointed with sacred chrism. We have the signification of this from Dionysius the Areopagite, where he treats of the sacred unguent and its use; and more expressly Radulfus and Innocent III make mention of it.[148] Its type was explicitly set forth in the consecration of the Levitical priests, as Innocent in the same place declares. But as to what Pope Nicholas says in Gratian, namely, that in the Roman Church the hands of a priest are not anointed with the liquor of chrism, some understand this as meaning that indeed it is not chrism but sacred oil that is used; others that the whole hands are not anointed, but only the first joints of the fingers.'[149]

§ 106. Now as regards the other part of the Ordination, whereby to presbyters the power is given of retaining and remitting sins, and that by the words pronounced by the Bishop to them, "Receive the Holy Spirit; whose sins you remit," etc., the following passages of the Fathers must be noted. Chrysostom and Cyril, on the said passage of John; St. Gregory, Homily 26 on the Gospels; the Commentary ascribed to Ambrose on 1 Tim. 4—whose concordant teaching is that those words were so said by Christ to the Apostles as to have force in their successors, the bishops and priests.[150] Lastly, the author of the Questions on the Old and New Testament, in St. Augustine, clearly declares the custom of the ancient Church, whereby the Bishop, when ordaining a presbyter, pronounced those same words which were said by Christ to the Apostles; and by the virtue of those words there is conferred upon those ordained, together with spiritual power, sanctifying Grace. From all which it becomes most probable, as we said above, namely that the power of the keys is not conferred upon priests except when the words mentioned have been spoken to them by the Bishop.

§ 8. Note. What pertains to the matter and form of the presbyterate, which ought to be noted here, has been amply discussed in the preceding Annotation where we treated of the matter and form of the diaconate; and we remit the reader to the same authors there cited. Yet this must not be passed over in silence: that there are not a few authors who ascribe all to the imposition of hands alone, excluding from that account both the tradition of the instruments and also the words which the Bishop uses after Communion and the words which denote the faculty of remitting sins, namely "Receive the Holy Spirit," holding these to be merely accidental ceremonies, and not to constitute the essential and true form of the Order of the presbyterate. The true, or at least the proximately essential, form of the same Order they say is the imposition of hands which is done by the Bishop in silence after the Litanies, the presbyters standing by; and they hold that the earlier imposition of hands, which is done after the Litanies by all the priests who are present together with the Bishop, is the matter of the same Order; while they judge that the ultimate imposition of hands, which the Bishop performs after Communion together with the accompanying words that explain the power of remitting sins, is an accidental ceremony. And the form of the presbyteral Order they place rather in those prayers which accompany that said second imposition of hands and invoke the Divine Omnipotence. See John Morin in the place already cited (Quaest. 3, chs. 2 and 3), as well as Natalis Alexander in the place just now referred to; likewise the praiseworthy authors rehearsed above.[151] The aforesaid authors warn, however, that although they esteem their own opinion so probable as to be all but demonstrated, nevertheless the safer course is not to depart from the usage of the Church and from the tradition of instruments with explicating words, and from the imposition of hands together with the words whereby the power of remitting sins is prescribed. For the opinion which teaches that the matters and forms of certain sacraments were not determined by Christ the Lord in their species, but, circumstances occurring, pertain to the determination of the Church—this opinion is held by many and supported by the authority of distinguished authors, yet must

be reduced to a pious and highly probable one; and even if someone should sustain the contrary, namely that both the imposition of hands and the two sets of words corresponding to such ceremonies are essential, that opinion is also supported by probability and by the authority of eminent authors. For they maintain that the matters and forms of the sacraments were not set down specifically but in general; and that the faculty of determining them in species was left to the Church; and, since she establishes them as altogether pertaining to the substance of the sacrament, those sacraments are to be numbered among those whose matter and form seem to have been constituted by Christ through the Church as His instrument—among which sacraments they count the sacrament of Order.

§ XXVI — Reply to the heretics' objections (Ad Haereticorum obiecta responsio)

§ 107. It remains that we reply to the arguments of the adversaries, the first of whom is Aerius, who, as reported by Epiphanius (heresy 75), speaks by reasoning in this way: "What is a Bishop in comparison to a Presbyter? This man differs in nothing from that one. For there is one Order and one Dignity. The Bishop imposes hands; so too the Presbyter. The Bishop gives the laver; similarly the Presbyter. The Bishop carries out the dispensation of divine worship; and likewise the Presbyter. The Bishop sits on a throne; the Presbyter also sits." But Epiphanius answers that many things indeed are common to Presbyters with Bishops, but not all. For, he says, the Order of Bishops is the begetting of fathers. For it is fathers that he begets for the Church, namely Presbyters. But the order of Presbyters, not able to beget fathers through the laver of regeneration, begets for itself sons of the Church, yet not fathers or doctors. Therefore Aerius's argument was imperfect and faulty.

§ 108. Moreover Aerius objected the Apostle's passage (1 Tim. 3), where, when he spoke about the Bishop, he passed over any mention of the Presbyter. Whence he wanted it to follow that the Apostle had taken Bishop and Presbyter for the same. To this Chrysostom, commenting upon that place, replies that it is for this reason that silence is kept about the Presbyter, because there is scarcely any difference between a Bishop and a Presbyter; since Bishops are superior to Presbyters only by Ordination, which includes Confirmation. Almost the same account is given by the Commentary ascribed to Ambrose and by another Commentary ascribed to Jerome. Yet Epiphanius refutes this objection of Aerius in another way, saying that the Apostles, at the beginning, on account of the scarcity of ministers, assigned to individual Churches only a Bishop with deacons, and that by these alone, without Presbyters, the ecclesiastical ministries could be fulfilled. For whatever the Presbyter does, the Bishop too can do; not conversely. The Bishop, however, in no way could do without the ministry of the deacon.

§ 109. Thirdly, later heretics oppose us and urge vehemently the authority of Jerome, who (in the Epistle to Evagrius and in the Commentary on Titus 2) seems altogether to refer to ecclesiastical institution the pre-eminence which the Bishop has over Presbyters. For in the former place he says that it is most clearly proved from Scripture that the Presbyter is the same as the Bishop, citing for that purpose several passages of Scripture; and then he subjoins: "But that afterwards one was chosen who should be set over the rest was made as a remedy for schism, lest each one, drawing to himself, should rend the Church of Christ." And straightway he compares the creation of a Bishop from the number of Presbyters with the election of an Archdeacon from the number of Deacons, adducing also several other things for the proof of his opinion. In

the latter place, upon the Apostle's words in which he says, "A Bishop must be without crime," he continues in this tenor: "Therefore the same is a Presbyter who also is a Bishop, and, before by the Devil's instigation parties arose in Religion, and it was said among the peoples, 'I am of Paul,' 'I of Apollo,' 'but I of Cephas,' the Churches were governed by the common counsel of the Presbyters. But after each one began to reckon as his own, not Christ's, those whom he had baptized, it was decreed throughout the whole world that one from among the Presbyters should be elected and set over the rest, to whom the whole care of the Church should pertain, that the seeds of schisms might be removed." Finally he concludes this his opinion—that the Bishop and the Presbyter are one—in this way: "For this reason, that we might show that among the Ancients the same men were Presbyters whom also they called Bishops, but that gradually, in order that the shoots of dissensions might be torn up, all solicitude was handed over to one. Therefore, as Presbyters know that by the custom of the Church they are subject to him who shall have been placed over them, so let Bishops know that by custom rather than by the truth of the Lord's disposition they are greater than Presbyters, and that they ought to rule the Church in common." So far the words of Jerome, on account of which many simply think this to have been Jerome's opinion—that Bishops are superior to Presbyters not by divine but by human right of the Church. Nor is this to be wondered at, since that matter had not yet been determined by the Church's judgment.

§ 110. Nevertheless, if these his words be compared with those which above we cited from him on behalf of the prerogative of Bishops, it can not without reason seem that Jerome indeed thought that the power of jurisdiction which the Bishop has over Presbyters is from human constitution, but the power of Order from divine right—since he expressly excepts ordination in the Epistle to Evagrius, saying: "What does a Bishop do, except for Ordination, which a Presbyter does not do?"

§ 111. Fourthly, there is objected that Epistle of the same Jerome (to Rusticus of Narbonne, On the Seven Ranks of the Church), where without exception he says that a Presbyter does whatever a Bishop does, although some things are reserved to Bishops. Likewise, that the Presbyterate is the Episcopate, and that in the Presbyter the height of the priesthood, that is, of the Episcopate, is placed. But it must be answered that that Epistle is not Jerome's, and indeed that the Author himself at the end tones down some things he has said and submits them to the judgment of him to whom he writes, and frankly acknowledges that "the Bishop is the law of the Presbyter." That that Epistle is not Jerome's is clear even from this, that it extols the Deacon beyond measure, whereas Jerome everywhere depresses his arrogance. Likewise, of no great weight is the authority of the (pseudo-)Commentator (on the Pauline Epistles under the name of Ambrose), who in Eph. 4 left written some similar words.

§ 112. Fifthly, one can object from Augustine, that in the Epistle to Jerome (no. 19) he says that, according to the titles of honor which usage has now obtained, the Bishop is greater than the Presbyter. But one answers that Augustine signifies nothing else than that formerly, according to the names, there was no distinction between Bishop and Presbyter; for the name of Presbyter was common to both. Yet Augustine does not deny the distinction of realities, which he openly confirms (in the work On the Arian Heresy and elsewhere).

§ 113. Lastly, one could be moved by what Ignatius says (in the Epistle to the Smyrnaeans): "The priesthood is the sum of all goods which consist in men." But it is easily answered that under the name of priesthood there the Episcopate is included. For thus the ancients not rarely spoke, naming the Episcopal Dignity the priesthood, and signifying Bishops by the name of priests; concerning which we shall presently say

something further. But whether the Presbyterate and the Episcopate are one and the same Order, or diverse, will be treated below in a special question. Meanwhile this must be held: that by divine right a distinction between the two obtains, even if—what pleases many—they do not constitute diverse orders. But about this matter below.

§ XXVII — An explanation of the three terms, Bishop, Presbyter, and Priest (Explicatio trium vocabulorum, Episcopi, Presbyteri, & Sacerdotis)

§ 114. There are three terms, Bishop (*Episcopus*), Presbyter (*Presbyter*), Priest (*Sacerdos*); from which, as though they were indistinct, the heretics take an argument by which they confound the Bishop with the Presbyter and the Priest. These, therefore, must be distinguished by us here, and it must be explained what use either they now have or formerly had. And first, if we weigh the etymology of the words, Bishop signifies an inspector, but Presbyter a senior: of which the former is a name of office, the latter of age. And that name of office is read both in Cicero, book 7 of the Letters to Atticus, and also in Sacred Scripture (2 Esdras 11; Ps. 108, in the version of the Seventy Interpreters). But that name of age occurs everywhere in Ecclesiasticus. However, by the usage of the Christian Church the name Bishop has been accommodated to signify those who are first in the ecclesiastical hierarchy, but the name Presbyter to signify those who are next after them. Yet this distinction did not obtain immediately from the inception of the nascent Church, as is clear enough from Scripture itself. For Paul (Phil. 1) writes "to the Bishops and Deacons" of the Church of the Philippians, whereas one city has but one Bishop. Wherefore under the name of Bishops he includes the Presbyters, as being such men as those also upon whom care of inspecting the flock under the Bishops devolved. And in this way the Apostle's place is interpreted by Chrysostom, Theophylact, Oecumenius, and most others, not only Greeks but also Latins.

§ 115. There are, moreover, those who think that also in 1 Tim. 3 and Tit. 1, where it is taught what sort the Bishop ought to be, and in Acts 20, where it is said: "in which the Holy Spirit has placed you Bishops, to rule the Church of God," the name "Bishop" is general, comprehending Presbyters, as Jerome (on Tit. 1) and the Master (in the text) hold. But it is more probable that it is taken specially, as the Church now uses the word; and that according to almost everyone's interpretation, expressly those of Chrysostom (on 1 Tim. 3 and in the Commentary ascribed to Ambrose) and of Epiphanius writing against the Aerians. The ecclesiastical canons too follow this sense, and reason proves it. For the Apostle wills the Bishop to be a Doctor, and one who is able to exhort in sound doctrine; which conditions it is not necessary to be found in every Presbyter, for example, not in one who, though he rules well, yet, according to the same Apostle (1 Tim. 5), does not labor in word and doctrine. And that in Acts 20 likewise the name Bishop is taken in this same way, that is, specially, although Bede writing upon that place and some others disagree, seems to be confirmed by the Council of Trent (session 23, ch. 4), where it attributes the meaning of that place peculiarly to those Bishops who are superior to Presbyters. Oecumenius does the same in his Commentary. Nor will it follow on that account that in the same city of Ephesus there were at that time several Bishops. For Scripture does not say that those were the Bishops, that is, the Presbyters, of the Ephesians, but that the Apostle sent to Ephesus to summon them—namely, to the chief city, whence they could more easily be summoned from their own cities. Finally, in this proper signification the Scriptures of the time next to the Apostles, Clement, Ignatius, Dionysius, Anacletus, whom we cited above, employ this name. Subsequent ages then more and more confirmed that usage of the term.

§ 116. Next comes the name Presbyter, which in civil writings is taken for a magistrate of the people, because such a prefecture is for the most part conferred upon men advanced in age. But in the Acts and Epistles of the Apostles it signifies an ecclesiastical prefecture; yet in such a way that a twofold acceptation of it is found, one general, the other special. The general acceptation includes Bishops, indeed even the Apostles themselves, as in 2 and 3 John and in 1 Peter toward the end, in which places Peter and John call themselves elders, that is, Presbyters. Likewise (Tit. 1) that the name Presbyter is general is evident when Titus is ordered to constitute Presbyters in the cities, because it follows: "For a Bishop must be without crime." Then in Acts 20 the Apostle is said to have convoked the Elders, that is, Presbyters; whom a little later he calls Bishops. The same signification of Presbyter seems to be in Acts 14, where Paul and Barnabas are said to have appointed Presbyters in every Church; and in Acts 15, where the Apostles and Elders are said to have assembled for the Council of Jerusalem. Paul also (1 Tim. 4), according to the express interpretation of Oecumenius, by "the imposition of the hands of the presbyterate" understands an ordination done by Bishops. "For," he says, "Presbyters did not ordain a Bishop." It must, however, be noted that in the places cited above, although the interpreter sometimes renders it elders, sometimes men of greater age, sometimes Presbyters, yet in the Greek there is but one word, "Presbyters."

§ 117. The special acceptation of the same term is in 1 Tim. 5, where it is said: "Let the Presbyters who rule well be held worthy of double honor," and again, "Against a Presbyter do not receive an accusation," and so on. For it is a question of Presbyters subject to the Bishop's judgment. And Presbyters are acknowledged as worthy of honor, yet not laboring in doctrine—which cannot be said of the Bishop, as we have shown above. And James too admonishes that Presbyters of the Church be brought in to the infirm man, whereas one Church does not have several Bishops. In this special signification we read that the term Presbyter was employed everywhere among the very ancient writers—namely, in the writings of those whom just now we cited, and also of Tertullian, Cyprian, Origen, and others.

§ 118. Further, the word Priest (*Sacerdos*), by which the power or function of offering sacrifice is properly signified, is not read in the New Testament Scripture as attributed to the priests of the New Law, but to Christ alone. The reason is that the whole New Instrument was written at the time when the priests of the Old Law were still instituted and were engaged in their function; and since they were unwilling to communicate with the Apostles, that old priesthood might not be thought to have been abrogated. But a little later, when the temple of Jerusalem had been overthrown and consequently the old priesthood had ceased, immediately the Bishops and Presbyters began to be called Pontiffs and Priests. And although frequently by excellence the Bishop is signified by the name "Priest" among the Ancients—for example, among Augustine (in his Epistles and Sermons), and among other not less ancient writers—yet it is no less frequent that the same term is attributed to any Presbyter whatsoever, as is to be seen in Ignatius (in the Epistle to the Philadelphians and in another to the deacon Heron), as well as commonly among Dionysius in the book On the Ecclesiastical Hierarchy, among Cyprian (book 1, ep. 9; in book 3; and very frequently among others). Augustine also (De Civitate Dei, book 20, ch. 10) says that properly Bishops and Presbyters are called Priests. And although nowhere in the New Testament are Presbyters called priests, it was brought about by divine providence that in the Old [Testament] they were foreshadowed (Is. at the end), where the Lord says: "I will take from them Priests and Levites." Since this cannot be understood about the priesthood of all Christians, because certainly not all the faithful are said to be assumed to this, it follows that it must be understood of the special and proper priesthood of Christians; which also Jerome interpreted in that place.

§ XXVIII — Whether the episcopate is an order (Utrum Episcopatus sit ordo)

§ 119. The question is disputed problematically, whether the Episcopate is an order (*ordo*) in the sense of the signification of Order when it signifies a sacrament—such as we defined at the beginning. The negative side is taken by St. Thomas Aquinas, and Waldensis, St. Bonaventure, and very many other Schoolmen following the doctrine of the Master and of Hugh of St. Victor treating of this sacred matter. They are moved, for the most part, by these reasons.

§ 120. First: because, if the Episcopate were an order, then there would be eight Orders, whereas the Church has recognized only seven Orders, and this number had already been approved even before the Council of Trent. Secondly: because the most noble act—consecration—which is that of consecrating, belongs to the Priest by his, that is, by priestly, ordination; therefore, since the Episcopate has no proper act about the Eucharist, it is not an Order. Thirdly: because Orders have an order among themselves, so that it should be possible to receive a later one with the prior omitted, for example, the Presbyterate with the Diaconate omitted, as is clear (from the chapter Sollicitudo, Distinction 52; the chapter Tuae litterae, Decretals, On a cleric ordained per saltum). But it cannot be that someone is promoted to be a Bishop with the Presbyterate omitted; as the chapter Ex literis (Decretals, On the Excesses of Prelates) teaches: therefore the Episcopate ought not to be counted among the orders. Fourthly: because the sacrament of Order is conferred only on the Ember days; but a Bishop is consecrated only on Sundays. A fifth argument misses material and form in episcopal ordination. Sixth, the authority of Ignatius is objected; who says (in the Epistle to the Smyrnaeans): "The priesthood is the sum of all goods which consist in men." Seventh, the authority of Augustine, who says (Question 101 in the Questions on the Old and New Testament): "What is a Bishop, if not the first Presbyter, that is, the highest Priest?" Whence it appears that a Bishop does not differ from a Presbyter or Priest in the ratio of Order.

§ 121. Now those who are of this opinion grant indeed that the Episcopate is an Order—that is, a grade more eminent than the priesthood—because certain offices are annexed to it over and above those that belong to the priestly Order; yet not an Order as it is a sacrament. Thus Catholics of this opinion say that the Episcopate does not imprint a distinct character, nor confer grace from the work worked, but extends the same priestly character which previously was present to certain offices, such as to confirm and to ordain, to which it was not at first extended.

§ 122. But the affirmative side seems much more probable, if both the Scriptures and the testimonies of the Ancients be weighed; wherefore many more recent authors embrace it—such as John Mair (on IV), Eck (Homilies 67, 68 on the sacraments), Cajetan, vol. 1 (in the Opusculum 11), Peter Soto (IV, On the Sacrament of Order), where he thinks this is to be held by faith; Navarrus (in the Manual, ch. 22, no. 18; ch. 27, no. 163), and certain others; and Scotus too is not alien to this opinion.

§ 123. The Scriptures which prove it are 1 Tim. 4 and 2 Tim. 1, in which Timothy is admonished not to neglect the grace received in episcopal ordination but to stir it up. For almost all the Interpreters expound both passages of episcopal Ordination, expressly Theophylact, Oecumenius, and Anselm. And Chrysostom too interprets the former passage in the same way; concerning the latter he adduces nothing that pertains hither. Since therefore those two places of Scripture are especially wont to be brought forward by Catholics to establish the Sacrament of Order, and indeed the latter place is also adduced by the Synod of Trent (session 23,

ch. 3) to prove the same, it manifestly seems to follow that the Episcopate is a sacramental Order in the proper sense.

§ 124. To these are added even the most ancient testimonies of the Fathers. For Dionysius (chapter 5 of the Ecclesiastical Hierarchy) describes three Orders and distinguishes them by their proper hierarchical acts: the Orders of Deacons, of Presbyters, and of Bishops. And those acts are: to purge—which belongs to Deacons; to illumine—which to Presbyters; and to perfect—which to Bishops.

§ 125. Anacletus (in Epistle 3) teaches that by Christ two orders were instituted, of Bishops and of Priests. Leo (Epistle 84, ch. 4) says that the first Order is the Episcopal, the second the Presbyteral, the third the Levitical, the fourth that of Subdeacons. Gelasius, in Gratian (Distinction 32), hands down the same distinction of Orders as Leo. Gregory, book 4 (on 1 Kings 4), speaking of the summit of ecclesiastical dignity, that is, of the Episcopate: "He who is set on the summit," he says, "receives the sacraments of anointing. And because this very anointing is a sacrament, he who is promoted is well anointed outwardly, if inwardly he be strengthened by the power of the sacrament." Thus he. Likewise with Epiphanius (heresy 75) there is the voice of the heretic Aerius: "One is the Order of Bishops and of Presbyters, one the Dignity." In answering whom Epiphanius distinguishes the Orders themselves. Likewise with Jerome there is a tract on the Seven Orders of the Church in which likewise and manifestly he distinguishes these two as diverse Orders. For he makes the Presbyterate the sixth Order, but the Episcopate the seventh. And although the Author is not Jerome, he is yet either equal to Jerome in age or more ancient. Therefore noteworthy is the place in Augustine, book 1 (Against the Acts with the Manichean Felix, ch. 12), where Felix says to Augustine the Bishop: "I cannot do as much against your virtue, because marvelous is the virtue of the episcopal grade." Therefore at that time it was a persuasion not only among heretics but also among Catholics that a remarkable grace is conferred by episcopal Ordination. And one can also bring forward the authority of Augustine himself from the Fourth Council of Carthage, in which he was present and subscribed. In which, when it is treated expressly of the rite for conferring the Sacred Orders, first is described the Ordination of a Bishop, then of a Presbyter, third of a Deacon, and of the others thereafter down to the Ostiary.

Proof of the same from Ecclesiastical History.

§ 126. For Theodoret relates, in book 4 (ch. 23), and Nicephorus, in book 11 (ch. 46), that a certain holy man by the name of Moses could by no means be induced to be consecrated a Bishop by Lucius the Arian bishop, because he thought that the Holy Spirit would never descend at that man's invocation—namely, on account of the contagion of communion; therefore he also believed that it is conferred by Episcopal Ordination, if only no obstacle be set up.[198] Sozomen, moreover, in book 7 (ch. 10) and Nicephorus in book 12 (ch. 14), recount these words of a certain martyr to Bishop Nectarius: "Both the sacred Laver and the Episcopal Gift we know from the sacred Constitutions to be a remedy and expiation of sins." The same Nicephorus reports, in book 14 (ch. 55) and book 16 (ch. 28), certain examples that bear on the same point.'[199] Finally, everywhere in the writings of the ancients and in the canons we read the words "to be ordained" and "ordination" where there is discussion of the consecration of bishops—namely, in the same phrase in which priests or deacons are said to be ordained. Nowhere, however, do we read the contrary, that the episcopate is not an Order, or that bishops are not properly ordained, or anything of the like. Nor, from the emended copy of Distinction 32 in Gratian, is there found anything against the assertion of Leo which Anacletus here recites, and of Gelasius to the bishops throughout Lucania (cap. 3, Dist. 77). But statements much more consonant with our position are read in documents taken from the Epistle of Pope Caius to the Church.'[200] No small

favor is brought to this view by the words of the Council of Trent (Session 23, ch. 4), by which the Synod declares that, besides the other ecclesiastical grades, bishops especially pertain to the hierarchical Order, and that they can do many things for which the power of order is not had by the others of inferior Order—where it also names the ordination of bishops, priests, and the other Orders. The two canons of the same Session, 6 and 7, also favor it.[201] The reasons too on behalf of this opinion are not to be despised. First, because this ordination confers Grace by Christ's institution, as has already been proved from Scripture and the Fathers; and this can be further proved from reason: for if a presbyter, deacon, and the others below need a special Grace for exercising the sacred actions to which they are deputed, much more does a bishop need it, because of both the excellence and the difficulty, and that in a higher degree, of his dignity and office. Second, because by it there is given not only the power of jurisdiction, but also, and properly, the power of Order, by which the ordained may exercise certain spiritual works that exceed every human virtue, which are to ordain and to confirm. For this power is not had from the priestly Order. Wherefore it is necessary that it be had by reason of some higher Order, that is, the episcopate: which the words of the Council of Trent (ch. 4 just cited) not obscurely judge. Third, because in the episcopate a character is imprinted, on account of which it comes about that that power of Order can be taken away neither by deposition, nor by degradation, nor by the privation of jurisdiction. Whence episcopal consecration can be repeated never. Fourth, because in the pontificates of the Old Law Grace of sanctification was conferred. For no less Aaron than his sons were sanctified through the ministry of Moses (Exod. 29). On which matter there is a place in Augustine (q. 84 on Leviticus).[202] From all these things it appears how much more probably those think who judge the episcopate to be truly and properly a Sacred Order, and how not without reason some embrace this opinion even as certain. Wherefore one must now reply to the arguments of the opposing side. To the first we reply that neither the Florentine Decree nor the Synod of Trent makes mention of the septenary number, nor determines that there are only seven ecclesiastical Orders, but rather it appears from the canons that there are eight, as from the Fourth Council of Carthage and others cited above. Yet the seven Orders are rightly commonly reckoned, because to the true Body of Christ, that is, to the Sacrament of the Eucharist, only seven are directly destined; the episcopate indeed is destined to govern the Mystical Body of Christ, and to create other soldiers of the Church and ministers of the sacraments. Whence the solution of the second argument also is evident. To the third it is answered that the formal character is different: for in the Orders beneath the priesthood there is not conferred the power of any work that exceeds every human virtue. Whence also the actions of those Orders are sometimes committed to the unordained. But in the priesthood such a power is without doubt conferred; and since the same is not conferred in the episcopate, and yet that power ought not to be wanting to a bishop, it comes about that no one can be ordained a bishop who has not previously been ordained a priest—just as no one can be confirmed unless first baptized. To the fourth one must say that, just as the minor and major Orders are not conferred on the same weekdays, so it is most fittingly observed that the highest Order have also its own special day, and that the chief one, that is, Sunday, on which it is conferred. To the fifth it is replied that to this sacrament of episcopal ordination its own matter and form are not lacking; but what matter and form ought to be required, one may see in the Pontificals (to which, when treating in general of Orders, Scotus refers the reader), and in those who wrote on the Divine Offices and rites of the sacraments; although the Fourth Council of Carthage (ch. 2) seems to make mention of both.[203] To the sixth we have elsewhere replied that in Ignatius "priesthood" is the dignity or grade of the episcopate, as is clearly evident from the context of the place. For Ignatius is treating in that passage so as to extol the episcopal grade above the other Orders, and by name above the very presbyterate and every human dignity.[204] To the last it is

replied that Augustine is not the author of that work; nevertheless the words, rightly understood, have a most true sense, because without doubt the bishop is the first presbyter and the first priest, since he is a priest in such a way that he surpasses the other priests not only in the power of jurisdiction but also in the power of Order. Whence also he is honored with the title of "High Priest" (in the Epistle On the Seven Grades of the Church among others) and is called by Epiphanius "Father of fathers."[205]

§ 127. Therefore it is answered to the first argument that neither the Florentine Decree nor the Council of Trent remembered or defined the septenary number, nor that there are only seven ecclesiastical Orders; rather, from the canons it appears that there are eight, as from the Fourth Council of Carthage and others cited above. Yet the seven Orders are rightly commonly reckoned, because to the true Body of Christ, that is, to the Sacrament of the Eucharist, only seven are directly destined; but the episcopate is for governing the Mystical Body of Christ and for creating other soldiers of the Church and ministers of the sacraments. Whence also the solution of the second argument is evident. To the third it is replied that the case is different; for in the Orders beneath the priesthood there is not conferred the power of any work that exceeds every human virtue; whence also the actions of those Orders are sometimes entrusted to men not ordained. But in the priesthood such power is without doubt conferred; and since the same is not conferred in the episcopate, and yet it ought not to be lacking to the bishop, it comes about that no one can be ordained bishop who has not previously been ordained priest, just as no one can be confirmed unless first baptized. To the fourth it must be said that, just as the minor and the major Orders are not conferred on the same weekdays, so it is most fittingly observed that the highest Order have also its own special day, and that the chief one, namely Sunday, on which it is conferred. To the fifth it is replied that to the sacrament of episcopal ordination its own matter and form are not lacking; but what things ought to be required, one may seek in the Pontificals (to which, when treating in general of Orders, Scotus remits the reader) and in those who have written on the Divine Offices and the rites of the sacraments; though the Fourth Council of Carthage (ch. 2) seems to make mention of both. To the sixth we have already elsewhere replied that for Ignatius "priesthood" is the dignity or grade of the episcopate, as is plainly clear from the circumstance of the place; for in that passage Ignatius aims to exalt the episcopal grade above the other Orders, and by name above the very presbyterate and every human dignity. To the last it is replied that Augustine is not the author of that work; yet the words, rightly understood, have a most true sense, because without doubt the bishop is the first presbyter and the first priest, since he is a priest in such a way that, over and above the other priests, he surpasses them not only in the power of jurisdiction but also in the power of Order. Whence too he is honored with the title of "High Priest" (in the Epistle On the Seven Grades of the Church among others), and by Epiphanius he is called the "Father of fathers."[205]

§ XXIX — What the offices of bishops are (Quae sint Episcoporum officia)

§ 128. The chief office of the bishop is to preach the word of God. It is clear (from Acts 6) and from the Apostle (to Timothy, to Titus) and from the Council of Trent.[207]

§ 129. Likewise he alone confers Orders, and he confirms, and he blesses the chrism and the sacred oil, and he consecrates virgins and churches and altars. But because many of these are of ecclesiastical institution, therefore by the authority of the Church they could be communicated to a presbyter. See St. Jerome,[208] where all things, except ordination, are said to be able to be done by presbyters at least in necessity.

§ 130. Likewise it belongs to the bishop to visit the parishes subject to him. Likewise to have a special care of the poor, of orphans, of widows.

§ XXX — What the ranks of bishops are, and who among them is supreme (Episcoporum gradus qui sint, et quis inter eos summus)

§ 131. Not only is there diversity of Orders, of which up to now we have spoken, but also, within one and the same Order—especially the episcopal—there is a certain distinction of ranks (*gradus*). For there are various ranks of bishops, not indeed of Order, but of the power of jurisdiction, and they are distinguished among themselves by a greater or lesser amplitude of power. For the power of Order is one and the same in all. These ranks have been constituted partly by Christ's ordinance, partly by the authority of the Church. By Christ's ordinance, one was set over the rest of the Apostles and their successors the bishops with the fullness of power, namely Peter, the Prince of the Apostles and Pastor of the whole Church—and whosoever is his successor in the Chair. Christ promised this supreme power on earth to Peter (Matt. 16) when, upon hearing before the rest of the Apostles his confession, as he said to Him, "Thou art the Christ, the Son of the living God," to requite such a noteworthy confession He said, "Thou art Peter, and upon this rock I will build my Church," etc. "And I will give to thee the keys of the kingdom of heaven," etc.[210] By these words two things are promised to Peter and to his successors: one, that he is to be such a firm foundation of the Church that "the gates of hell" will never prevail against her so well founded. Nor are those to be listened to who twist that phrase "upon this rock" to others, either understanding Christ or the very confession of Peter. For it is certain that when Christ said these things He was not speaking in Latin, nor in Greek (in which languages there is a difference between Petrus and petra, and between πέτρος and πέτρα), but He used the language of the Hebrews or Syrians, among whom there is absolutely no difference between the earlier and the later word. Therefore Christ, as it were, said thus: "Thou art rock; upon this rock," or thus, "Thou art cliff, and upon this cliff I will build," etc. Where if you refer the same word set in the latter place to Christ—which in the former place had been attributed to Simon Peter and with authority imposed—plainly the interpretation will seem forced and violent, and the very discourse little coherent and almost sophistical. Therefore the clear and plain sense is this: "Thou art rock, or Peter"—that is, this name which signifies rock I impose upon thee—"because upon this rock, which I said thee to be, as upon a most firm and immovable cliff, I will build my Church." The other thing there promised is ecclesiastical power, which is signified by "the keys of the kingdom of heaven." But Christ handed over to Peter the power here promised after the Resurrection, when again, the other Apostles being present, after a triple interrogation about love—the first of which was, "Lovest thou me more than these?"—it was said to him in a special manner: "Feed my sheep; feed my lambs," that is, "my whole Church," in which, as if in a sheepfold, there are sheep with lambs, that is, the greater with the lesser.[211] And let this brief proof of the Primacy of the Roman and Apostolic See for the present suffice. For a fuller explanation of this matter, both from other places of Scripture and from the most ample testimonies of the Fathers and of Councils, rightly and deservedly calls for its own proper treatise.

§ 132. Furthermore, in order that all things might be carried on in the best order in the Church, in the progress of time certain further ranks of bishops were introduced and instituted by the authority of the Church, in order that some might be above others in ecclesiastical power, and thus they might preserve the ecclesiastical Hierarchy as an exceedingly well-ordered battle line. There are archbishops, who are the same as metropolitans, although Isidore in book 7 of the Etymologies, chapter 12, seems to distinguish between an

archbishop and a metropolitan, whom, however, the Master excuses and interprets suitably.[212] Yet this one thing both state not correctly, that they think "metropolitan" is said from "measure" (*mensura*); whereas the truer etymology is that "metropolis" signifies a mother or matricial city, which indeed was so called because from it, as from a mother, other Churches in the same province were generated, over which accordingly that one presides by a certain right, and surpasses them by some degree of dignity. Above these are patriarchs, whom, after the Roman Pontiff, the Fathers of the Council of Constantinople recognized to be four in this order: the Constantinopolitan, Alexandrian, Antiochene, and Jerusalemite. Nearly the same dignity as these have those who today are called Primates.[213] Moreover, in the Order of bishops, chorepiscopi are not to be reckoned, whether those who of old were in the Church, or those who even now today in certain cathedral Churches are so named. For those men, just as these, were by ordination presbyters only, although, by the connivance of bishops and by their own presumption, many episcopal functions were usurped by them. For which cause they were in part condemned, in part repressed by decrees of the Pontiffs; as is to be seen in Damasus, and in Leo (ep. 88) and John III (in his single Epistle), in which he makes mention of the prohibition made by Damasus and by Leo, his predecessors; and before all these the Council of Neocaesarea (cap. 23) calls them vicars of bishops, constituted after the example of the seventy elders. And the Parisian Council held under the Emperors Louis and Lothair (cap. 7) decreed that chorepiscopi are not to exceed the measure assigned to them in the sacred canons. They have been called chorepiscopi not from "choir" (*chorus*), but from χώρα (a Greek word which signifies a region or field), as being the overseers, as it were, of the other little regions in any diocese; which office seems today most of all to fit those who are called archdeacons, archpresbyters, and rural deans.[214]

§ 133. That lawful ordination does not depend upon laic election. See what St. Thomas has on this in Supplement, question 36, article 4, ad 3.[215] Especially two errors of the heretics of our time exist concerning the election of ministers of the Church. One, by which they want both the election of them and their deposition to be in the power of the people or the civil magistrate, and that by a divine and perpetual right, which it is not permissible to change. Another, by which, furthermore, they teach that ordination depends so upon such an election that without it ordination is empty and null; and that the same ordination, once conferred, is altogether taken away by the abrogation of the same either by the people or by the magistrate. For these men want the judgment whether someone is fit to be a minister of the word to pertain to all, to the civil magistrate or even to the people. And if indeed he has been judged such, they then say he must be commended by them to some other minister, to one or to more, by whom hands should be imposed on him; or even that, without a ceremony of such imposition of hands and the approval of a minister, the mere calling by the secular power suffices. In this matter they show themselves imitators of paganism. For the priesthood, or any sacred ministry whatsoever, among the Gentiles was held in no other place than profane and political functions and offices whatsoever, the conferral of which was in the hands of the prince or magistrate or the people; on whose will they so depended that, that office being abrogated by him, there remained in the one who had ministered no power.

§ 134. Both these errors the Synod of Trent condemned in one sentence, when (Session 23, ch. 4) it defines in this way: "The most holy Synod teaches that in the ordination of bishops, priests, and of the other Orders, neither the consent of the people, nor of any secular power and magistrate, nor their calling, nor their authority is so required that without it the ordination is invalid. Nay rather, it decrees that those who ascend to the exercise of these ministries only by the people or by the secular power and magistrate being called and instituted, and who, by their own rashness, take these for themselves, must all be held not as ministers of the

Church but as thieves and robbers, not having entered by the door." And in can. 7: "If anyone shall say that the Orders conferred by bishops without the consent or calling of the people or of the secular power are invalid; or that those who neither have been rightly ordained by an ecclesiastical and canonical power, nor have been sent, are yet lawful ministers of the word and of the sacraments: let him be anathema." These things are there.[216] But we, in this place, will refute the former error by the authority of Scripture and of the Fathers. For the confutation of the latter most of all depends upon those things which in the next Distinction are to be said about the minister of this sacrament and about not repeating ordination.

§ 135. First, then, to begin from the very example of Christ, it is clear that the twelve Apostles, and then the seventy disciples, were ministers of the word, not by an election of the people or of the magistrate, but by the will of Christ alone. The form of this election received from Christ the Apostles afterwards also kept in designating Apostolic bishops and presbyters. For they themselves, by their own choice, appointed two equal in merits, of whom the one upon whom the lot had fallen would fulfill the Apostolate.[217] Then (Acts 13), not by the suffrages of the people, but by the hidden indication of the Holy Spirit, who directed the election of those who presided over the Church, Saul and Barnabas were set apart for the Apostolic office. And Paul himself, with no mention made of the suffrages of the people, gave to Timothy and Titus the power of imposing hands and of instituting presbyters: "Impose hands hastily on no man" (1 Tim. 5); "Appoint presbyters in every city, as I appointed thee" (Tit. 1). That is, prescribing to them no other form than the one which he himself had observed in ordaining those very men. For he appointed Timothy bishop of the Ephesians, Titus of the Cretans, because he himself had recognized and judged each to be fit, not having awaited the suffrages of the people for that matter. For if the suffrages of the people or of the political magistrate had to be necessarily heard and approved, "Impose hands hastily" would be said to the bishop in vain—since ordination would depend not on his own judgment but on the suffrage of another, and the ordination of the ministers of the Church would be lost to him. Add that when the Apostle lists the conditions required in a bishop and deacon (1 Tim. 3; Tit. 1), he does not command that they be set forth to the people or to the whole congregation of the faithful, that it may know whom it ought to elect. For if he had willed this, he would rather have written an epistle to the whole Church of the Ephesians or of the Cretans about the matter—especially since almost all the other epistles he wrote to Churches. Wherefore, since elsewhere he addresses those conditions to bishops alone, it is established that the principal care of election pertains to them.

§ 136. Peter the Apostle followed this same custom in designating Clement his successor, as the words of Clement himself sufficiently indicate (in Epistle 1 to James), if indeed that Epistle is Clement's—about which we are not here treating.[218] Thus Gregory I made Augustine of the English a bishop, without the consent of that people having been awaited. And afterwards Pope Vitalian sent to that same people Theodore of Tarsus as bishop, without the people being heard, as is clear from Bede in the Ecclesiastical History of the English Nation. Again, the same Gregory in book 7 (Ep. 87 and the three following) gave orders to the clergy of certain cities to ask or to request a bishop from him to be ordained. About the people, however, he makes no mention at all. Of this sort and others of the like kind are found everywhere in the Register of Gregory's Letters. Indeed, the Roman Pontiffs, both those earlier than Gregory and those later, were often accustomed to send bishops approved by themselves to regions and provinces, the petition of the people not being heard. We have an example of this also in Augustine, who, the people not electing, but only congratulating and acclaiming, as the custom of the Churches then had it, himself was made bishop, as Possidius is witness in his Life of him (ch. 8), and he designated Eradius his successor; as he himself testifies (Ep. 110). Finally, examples

enough of this sort are supplied to us by the histories of the Church, with which therefore we will not burden the page by reciting them.'[219] It must, however, be noted that sometimes the election of ministers of the Church has been simply denied to the people. For thus we read decreed in the Council of Laodicea (can. 13), that it is not to be conceded to peoples to make the election of those who are to be applied to the ministry of the altar. Nor do we, however, deny that sometimes for that matter the suffrages of the people and of the secular magistrate are rightly asked. For we read that the Apostles also did this (Acts 6), when they ordained by the imposition of hands seven deacons elected by the multitude of the faithful. But this was done by them neither that the ordination itself might subsist and be valid—valid as it is without the will of the people, as Augustine expressly testifies in book De bono coniugali, ch. 24—nor as though from any divine or apostolic precept; but because that for the time was judged by the Church to be good. That this be understood, one must know that concerning the mode of electing ministers of the Church nothing has been prescribed by Christ or by the Apostles. Accordingly, that mode is to be followed which the law of nature commends, which dictates that ministers be designated who are understood to be most useful for the Church to be edified, according to the diversity of times and places. For if the people abounds in faith and piety (unless something else hinders), it must not be denied that by their suffrages a bishop or pastor is rightly designated. But if the people is infirm in faith, especially when in the body there are many heresies or vices predominant, it is not expedient. Thus, to the first infancy of the faith it was entrusted to those whose was the care both of bodies and of souls in the Lord, that they should permit the people to elect deacons, especially since the case at hand had to do with widows and the poor to be aided from the goods contributed by the whole multitude. But to the Cretans, who were hard and disobedient, it was not sent by the people but by the bishop. Thus about Bishop Victorinus (in the Roman Martyrology, Sept. 5) it is read that he obtained the episcopate by the election of the whole people. Which, however, in many others was done otherwise. Ecclesiastical histories and the decrees teach that by various ways the Pontiffs, bishops, and other ministers were of old elected; namely either by the will of the ordainer alone, or by the consent of more prelates, or by the election of the clergy, or of the people, or of the emperor, or of the prince, or of the secular magistrate; and even among the same peoples the same mode was not perpetually kept, but then varied, as is clear about the election of the Roman Pontiff. And therefore it must not be judged either rash or temerarious. For as the dispositions of men and other causes concur in various ways, so it is expedient sometimes to change the manner of election. On this see Gratian (Distinction 63, the first chapter). Moreover, sometimes someone has been designated also by a miracle manifested from above: as Gregory, Ambrose, Nicholas, and others. But also often the mode either of election or of approbation was omitted altogether, and that for weighty reasons; yet on that account the ordination does not at all cease to subsist.

§ 137. A reply to the things which the adversaries object. See St. Thomas in the place cited. Since the question is here set up whether the judgment about religion, and consequently about fit ministers of religion and of the word, belongs to the people and to the civil magistrate—which is a point peculiar to the controversy of Catholics with the heretics—we will bring forward here and resolve only the arguments which touch more upon the election of a bishop and are adduced in order to show that the election of ministers of the Church necessarily pertains to laymen, or princes, or private persons. They are as follows.

- First: Moses, the leader of the people (Exod. 28 and Lev. 8), designated Aaron and his sons to be priests and consecrated them. Likewise (Num. 8) for this very thing the consent and suffrage of the whole multitude is required. For it is said: "Thou shalt present the Levites, the whole multitude of the

children of Israel being convened. And when the Levites are before the Lord, the children of Israel shall put their hands upon them." Now this ceremony is wont to be that of one giving suffrage.

- Second: David the king (1 Paralip. 23 and the three following chapters) designated to priests, Levites, cantors, and porters offices and distributed turns; and not only he, but also the magistrates, the army, and the singers segregated to their ministry, as is had in chapter 25.
- Third: Solomon (3 Reg. 2) repelled Abiathar the priest from the pontificate and placed Sadoc in his room.
- Fourth: Jehoshaphat, king of Judah (2 Paralip. 19), appointed Amariah over the things which pertain to God.
- Fifth: Alexander and Demetrius, kings of Syria (1 Mach. 10, 11), appointed Jonathan the high priest of the Jews. And the same is also recorded by Josephus, book 13 of the Antiquities, chapters 5 and 8.
- Sixth: In the Acts of the Apostles we read that not only the deacons were elected by the multitude (Acts 6), but also that Paul and Barnabas in each Church appointed presbyters by the suffrages of the people (Acts 14). For this, they want signified by the Greek word χειροτονήσαντες, which Luke used, because of old, in creating a magistrate, the people, lifting hands aloft, was wont to bear suffrages.
- Seventh: Cyprian, book 1 (Ep. 4; in Pamelius's edition, ep. 68), says that the people has especially the power either of choosing worthy persons or of rejecting the unworthy. "For we see this," he says, "descend from divine authority, that the priest be chosen in the presence of the people under the eyes of all, and that the worthy and fit be proved by public judgment and testimony, as in Numbers the Lord commanded Moses. And again: God commands the priest to be appointed 'before all the synagogue,' that is, He instructs that priestly ordinations ought to be done not except with the consciousness of the assisting people: that, the people being present, either the crimes of the wicked may be uncovered or the merits of the good be proclaimed, and that ordination be just and legitimate which shall have been examined by the suffrage and judgment of all." Then, examples of Scripture having been interposed (Acts 1 and 6) about Matthias and the deacons having been ordained in this manner, afterwards he subjoins that this very thing is to be retained from divine tradition and apostolic observance.
- Eighth: Leo (Ep. 84, ch. 5): "When it shall be treated of the election of the high priest, that is, of the bishop, let him be set over all whom by the consent of the clergy and of the people they shall have concordantly asked; so that if perchance the votes have divided themselves for another person, by the judgment of the metropolitan he be preferred to another who is aided by greater supports both of zeal and of merits: only let no one be ordained against the will and not petitioning, lest a city either despise or hate a bishop not desired, and become less religious than is fitting, to which it has not been permitted to have whom it willed." So he.
- Ninth: Nicephorus, book 11 (Ecclesiastical History, ch. 28), writes that a bishop is to be chosen by the ballots of the clergy and by the demand of the people, as the ecclesiastical sanctions hand down.
- Tenth: The rule of law is (no. 29, in the Sext): "What touches all, ought to be approved by all." Therefore, since a bishop is ordained for the sake of the people, his ordination ought to be approved by the suffrages of the people.

- Last: The bishop is the bridegroom of the Church, that is, of the people; and for this reason a ring is given to him in his consecration. Therefore, that the people be to him for a bride, the consent of the very people ought to come together; because bridegroom and bride are not made except by mutual consent.

§ 138. To these objections we reply in detail; and to the first, indeed, in this way: Moses not only designated Aaron and his sons as priests but also anointed and consecrated them; yet not as leader of the people, but by a special command of God. Accordingly neither could he afterwards remove the one instituted by God as high priest, nor transfer the priesthood to another tribe or family. Add that Moses himself also was a priest, according to that of the Psalm: "Moses and Aaron among his priests," and therefore he himself first offered sacrifices before he consecrated other priests.[220]

§ 139. As to the other part of the objection, what ought to be replied, see the annotations on Numbers 8. To the second: David also did not do that by royal authority, but by prophetic revelation and divine command. For, as is read (ch. 28 of the same book), he had received divinely revealed to him the plan of building the whole Temple, as Moses had of the tabernacle. And (ch. 9) Scripture also attests that David and "Samuel the seer," that is, the prophet, constituted the offices; namely, both moved by the divine and prophetic Spirit. And that David did this not by royal authority but by a power committed to him by God peculiarly and extraordinarily, is clear from this, that neither to the later kings, nor even to the pontiffs themselves, would it have been permitted to abolish or change that order of divine worship once instituted by David. For they understood that that ordination was divine; whence it was retained until the times of Christ, as is clear (Lk. 1), and most likely even until the last overthrow of the Temple.[221]

§ XXX

§ 140. To the third: Solomon, insofar as he was king, did not so much remove Abiathar from the priesthood as drive him into exile as guilty of lèse-majesté. Whence it followed that he could not minister in the priesthood, because the Temple was not outside Jerusalem. And besides it must be noted that in that deed Solomon was subservient to the divine will, so that, as is said in that place, the word which had been spoken by the Prophet to Heli might be fulfilled—namely, that the High Priesthood was to be transferred from his posterity to another family, to which by divine promise it belonged, of which family Sadoc was. Therefore by Solomon's ministry the right of the priesthood was not transferred, but only the ancient right was restored to the lawful heir. For even today the secular prince gives judgment concerning possession in matters of benefices.

§ 141. To the fourth: Jehoshaphat did not appoint Amariah as High Priest, but declared that questions of the Mosaic law were to be referred to him as to the High Priest. For Amariah was already previously High Priest, namely by a right of succession divinely established.[223]

§ 142. But the deeds of those who by their power usurped to themselves among the Jewish People the right of establishing High Priests are not to be imitated by Christians; nothing less than that which is indicated in 2 Macc. 4 and is narrated more fully by Josephus—namely, that first the kings of Egypt, Asia, and Syria, and then also the Romans, not without grievous crime, held that same priesthood to be venal for a price.[224] Nor indeed did Jonathan take up the High Priesthood as conferred on him by those kings, but as

permitted as to the use; in reality, however, it was bestowed by the People of the Jews, as is clear about his brother Simon (from 1 Macc. 14), although afterwards there also accrued the authority of King Demetrius.'[225]

§ 143. To the sixth: The Greek word cheironomia has, both among profane and among sacred authors, a general signification. For they use that word to signify suffrage, whether it be done by a multitude, or by a few, or even by one; whether it be by extension of hands or erection of fingers, or in some other way. Thus also the verb cheironein generally signifies to choose, designate, ordain, establish. For the etymologies of words do not always correspond to their signification. In this general manner the word is certainly taken in Acts 10, where it is said by Peter that God granted Christ "to become manifest, not to all the people, but to witnesses preordained by God."[226] Which passage can in no way be understood of an election that is made by the suffrages of many, indicated by the lifting up of hands. The same word occurs in 2 Cor. 8, where of a certain man it is said: "He has also been ordained by the churches as our companion in travel."'[227] Which passage the Greeks prefer to understand of Barnabas rather than of Luke. But Barnabas was not chosen by the people's suffrages to be Paul's companion for preaching the Gospel, but by the special calling of the Holy Spirit (Acts 13).'[228] Next, one must know that the Greeks, interpreters of the canons, by that word—where the ordination of the Ministers of the Church is treated—understand something far different from the suffragation of the People; for they understand the very ordination which is done by the imposition of hands of one bishop or of several. On which matter let Martin of Braga be consulted (on can. 13 of the Council of Laodicea), and Zonaras and Balsamon on the Apostolic Canons, the first and the second; likewise St. Jerome (on Is. 58), St. John Chrysostom (Hom. 14 on Acts), Dionysius (in the Epistle to "Hieronem" [as in the source]), and Josephus, Antiquities 18, ch. 2, where he discusses the Essenes.'[229] And indeed this interpretation is far more congruent to the place in Acts 14, for there cheironomia is attributed to the Apostles themselves as the ordainers, not to the brethren or to the multitude. According to this, therefore, most probable interpretation of that place, Paul and Barnabas are said to have appointed presbyters, not because they either chose them or approved others choosing; but by the imposition of hands they ordained them presbyters—whether some election of the faithful People had preceded, or not. For neither is it to be denied, as we lately reminded, that ministers of the Church can be created by the suffrages of the People; but the Catholic doctrine is that such an election is neither necessary nor sufficient for Sacred Ordination. Why the election of deacons (Acts 6) was entrusted to the multitude was said above. Nevertheless that election also was followed by the Apostolic imposition of hands; indeed, it is read in the Sacrifice of the Mass for St. Stephen that the Apostles chose him. Therefore an election made by the multitude was not canonical, so as to give a right; about which we shall speak a little below.'[230]

§ 144. To the seventh: Cyprian wills that a bishop be chosen in the presence of the People and under the eyes of all because of a good testimony, without which no one ought to be ordained in any rank—just as the Apostle Paul wants him "to have a good testimony" even "from those who are outside"; namely, so that in this way the life of him who is to be taken up may become known, and the ordainers may not be deceived concerning the qualities necessary in him whom they are about to ordain.[231] A form of this thing is even today observed when a proclamation is made to the People before the conferral of Orders, and a diligent questioning of witnesses is had before the confirmation and ordination by the bishops. Cyprian calls a "divine authority" not some general precept pertaining to every election, but one that was peculiar concerning Eleazar to be made High Priest in the presence of the people (Num. 20); or certainly he understands a divine authority in that whereby the Apostle wants those to be ordained to have a good testimony from those who are outside and therefore much more from those who are inside, as Leo indicates (Ep. 89). For which reason this custom

is called by that same Cyprian a divine tradition and an Apostolic observance. For that the custom which Cyprian hands down in that place was not altogether universal in the Church is evident from this, that he says it is held "almost throughout all the Provinces," namely, with exceptions.'[232]

§ 145. But, in order that it may be understood how far the People can claim for itself the election of the Ministers of the Church, it is fitting to distinguish a twofold election. For there is another, the canonical election, which gives a right to the elect; another, not canonical, which has only the force of testimony and of desire or wish. The former belongs to the Clergy alone, because the People cannot give a right in the affairs of the Church. But the latter can also belong to the People, and of it Cyprian speaks, and the Apostles (Acts 6), and the Council of Chalon-sur-Saône (ch. 10).[233] Leo indicates this distinction (in the aforesaid Epistle) when he thus says: "The votes of the citizens, the testimonies of the populace, should certainly be awaited; the judgment of the honored should be sought; the election of the clerics—which in ordinations of priests is wont to be observed by those who know the rules of the Fathers—should be preserved according to the norm of Apostolic authority," and so forth. And again: "Let the subscription of the Clergy be held, the testimony of the honored, the consent of the Order and of the People." Then he adds, speaking generally of election: "He who is to preside over all, let him be chosen by all." To the same point tend the things which the same Pontiff writes (Ep. 84, chs. 5–6). Finally, in the letter of the Council of Nicaea in Socrates, book 1, ch. 6, there is a manifest distinction, so that the people is said to desire or ask, the clergy to cast votes, but the ordainers to impose hands. Which distinction can be perceived also in the very Greek terms which the Fathers use in that letter. Whence too canon 13 of the Council of Laodicea seems to deny to the People only the canonical election.'[234] But that Cyprian and Leo seem to require the election of the People, at least generally so called, as if necessary, is to be understood thus: insofar as, for the knowing of the life and fitness of him who is to be ordained, there is need of the testimonies, votes, or suffrages of many, and insofar as it is expedient to allow such an election to the People. From which considerations the reply to the eighth argument also is evident.

§ 146. To the ninth it is answered that those sanctions—which, however, confirm the distinction just stated—were not perpetual nor universal. Indeed, from the fact that they are called ecclesiastical sanctions, it is sufficiently understood that what is there prescribed is not of divine law nor of Apostolic constitution; otherwise, the author, whose words Nicephorus there cites, would rather have alleged the authority of Scripture or of the Apostles.[235]

§ 147. To the tenth: besides the fact that that rule admits of its exceptions, as is shown in the Gloss—what is approved by those who in that which is to be approved bear the care of the whole multitude, as are the bishops and the clergy of the Church, is rightly held to be approved by the multitude. For otherwise, in a General Council nothing could be decided unless after every single person of the Christian People had been heard and had approved—which is absurd and impossible. It would also follow that an ordination could not be made when the suffrages of the electors were at variance, because, namely, one person would not be approved by all.

§ 148. To the last: it is enough that the people is bound to consent to him whom the Church—that is, the prelates of the Church, their superiors—gives to them as bishop, and it is presumed to consent. And in this the present spiritual marriage differs from the carnal: because the daughter is not subject to her parents as to consent in marriage or to a husband; but the people of the Church is subject as to accepting a pastor, just as also in other matters that pertain to the salvation of souls. Likewise, the bishop is the spouse of his whole Church, and not only of the lay people.

§ 149. Who is the minister of the Sacrament of Order (*Quis Minister Sacramenti Ordinis*).[236] The power of conferring Sacred Orders belongs to the bishop, as the prefect and hierarch of the Christian commonwealth, that is, the prince of sacred things, to whom therefore it pertains in an orderly way to distribute the ministries and offices of inferior rank—just as it belongs to the secular prince in the civil commonwealth to make arrangements concerning the inferior public offices and to set over them suitable men. The proof of this doctrine can be sought first and foremost from Holy Scripture. For, to omit the Old Law, in which we read that the consecration of Aaron and of his sons was not made by any other than by Moses, whom on that account God had already before willed to be priest and pontiff—as is clear from Exodus and Numbers and Ps. 98(99)—even in the time of the New Law we read in Scripture of ordinations being made in no other way. For first Christ the High Priest ordained His Apostles as presbyters, partly in the Supper and partly after the Resurrection. Then in Acts 6 the deacons chosen by the multitude are ordained only by the Apostles; in Acts 13 Paul and Barnabas are sent forth by the Church of Antioch; again, in Acts 14 Paul and Barnabas appoint presbyters in each Church. Paul bears witness that Timothy was ordained by the imposition of hands (2 Tim. 1); nor is it different when in 1 Tim. 4 he names expressly "the imposition of the hands of the presbytery"; for by presbytery St. John Chrysostom and Theophylact interpret bishops. And to Peter and to Timothy and to Titus, as bishops, it is commanded whom they should impose hands upon and whom they should appoint either as bishops or as presbyters (1 Tim. 3; 5; Tit. 1).'[237]

§ 150. But to descend to ecclesiastical tradition and the authority of the Fathers: Apostolic Canons 1 and 2 prescribe that a bishop is to be ordained by two or three bishops, but a presbyter and a deacon and the remaining clerics by one bishop. Dionysius (Ecclesiastical Hierarchy, ch. 5) says that a priest cannot be initiated except by episcopal invocations, nor does he at all acknowledge anyone other than the bishop as ordainer. Witness of the same matter is Ignatius in his epistles, and especially in that which is to the Antiochenes. Pope Cornelius also writes (in a letter to Fabius), as Eusebius relates, book 6, ch. 43, that the heretic Novatus, when he aspired to the Roman episcopate, labored at this one thing: to circumvent some bishops by whom a bishop might be created—so much at that time it was held, even among heretics, that a bishop could not otherwise be created than by the ordination done by bishops.[238] A weightier testimony, however, is that of the whole Church, which by a certain tacit consent condemned Aerius because he made common to a presbyter those other offices that belong to a bishop, and above all Ordination, as Epiphanius bears witness (Heresy 75). St. Jerome also, comparing the presbyter with the bishop (in the Epistle to Evagrius, and in the Dialogue against the Luciferians), expressly excepts Ordination as a function proper to the bishop. Add St. John Chrysostom (on 1 Tim. 3, and the commentary on the same place attributed to Ambrose), and likewise Leo (Ep. 88). To these, finally, has been added the definition of the Ecumenical Councils: of Florence, in the Decree delivered to the Armenians, and of Trent (Session 23, ch. 3, and canon 7).'[239] Which doctrine must be so altogether accepted that an ordination presumed or attempted by any other is to be held null and invalid.

§ 151. And what Damasus, Leo, and John, pontiffs, declared about chorepiscopi, cited in the foregoing Distinction—namely, that those were not truly bishops—so much the more, concerning all others who are not bishops, must it be held for certain. And this is its manifest reason: because the power of ordaining is not a power of jurisdiction but of order, which the bishop received in his own consecration; although we admit that jurisdiction is required in order that he may licitly and lawfully exercise that power of order. Finally, from what has been said it is clear, and alien both from Scripture and from the sense of the whole Church and from right reason, that new dogma of certain sectarians: that the power is with the political magistrate not only of

choosing but also of establishing and instituting whomever as ministers of the Church or of the word of God. For, since this ministry is sacred and not profane, and, moreover, in priests requires a supernatural power—namely, of consecrating the Eucharist and of remitting sins—it is exceedingly absurd that a thing of such dignity and power should either be undertaken or conferred by a lower power and one of an entirely different genus, such as is secular and lay power. And the Council of Trent condemned this dogma in the place a little before cited.[240]

§ II — Reply to certain objections made on the contrary (Ad quasdam in contrarium objectiones responsio)

§ 152. Thus, against the foregoing doctrine they are wont to set up arguments, which are for the most part of this sort. First: The things which depend upon the power of Order (*potestas Ordinis*) cannot be entrusted to others; yet by commission of the Pope Cardinal-Priests and Abbots are able to confer the minor Orders; and indeed the Council of Trent acknowledges this concerning Abbots and certain others (Session 23, ch. 10, On Reform).[242] Therefore the conferral of those Orders does not depend upon the power of the episcopal Order. Second: It is the custom of the Church that (according to the chapter "Presbyter," Distinction 23) the priests standing by, together with the Bishop, lay hands upon him who is ordained priest.'[243] There is also the practice of certain Churches that the Archdeacon hand over the matter to the Subdeacon, the Acolyte, and the lower orders while they are being ordained; therefore these at least on the part of the matter minister the sacrament of Order (*sacramentum Ordinis*). Third: The Decree of Florence bears witness—[244]

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1. [Auctor] "Questions on the Old and New Testament" (locus supra citatus) — [abbreviation as in source]; Jn. 20:22–23; 1 Tim. 4:14.
2. St. Cyril of Alexandria, In Joannem, book 12, ch. 56; Haymo, Homilia in Octava Paschae; "Whose you shall remit..." Jn. 20:23.
3. St. Augustine, De adulterinis coniugiis II, last chapter.
4. St. Leo the Great, Ep. 81 to Dioscorus, ch. 1.
5. St. Jerome, Contra Vigilantium; St. Ambrose, Letter to the Church of Vercellae; St. Gregory the Great, Regula pastoralis, book 1, ch. 10 [abbreviation as in source]; Venerable Bede, De tabernaculo, book 3, ch. 11; Paulinus, Commentator under the name of Ambrose, on 1 Cor. 12 and on 1 Tim. 4; Origen, on 1 Kings, ch. 10; Tertullian, De praescriptione haereticorum; (Pseudo-)Dionysius, De ecclesiastica hierarchia, ch. 5, pars prima; Ignatius of Antioch, Epistola ad Antiochenos; Anacletus, Epistola II decretalis.
6. 1 Kgs 10:9; 1 Kgs 16:13; St. Augustine, Quaestiones in Leviticum, q. 84; Exod. 28:41; Deut. 34:9.
7. St. Thomas, Supplementum, q. 34, a. 4–5.
8. Roman Catechism (Catechismus ad Parochos), from the Roman Pontifical; Council of Florence, decree for the Armenians (form for priesthood).
9. (Pseudo-)Dionysius, Ecclesiastica hierarchia, cap. ult.; St. Basil, De Spiritu Sancto, ch. 27; Pope Innocent I, Epistle to Decentius; [Auctor] "Questions on the Old and New Testament" (locus supra citatus) — [abbreviation as in source].
10. St. Thomas, Supplementum, q. 37, a. 1–4.
11. Council of Trent, session 23, ch. 2; can. 2.
12. Apostolic Canons 2, 9, 17, 18, 25, 26, 27, 50, 62, 68; Clement, Epist. III ad Jacobum; (Pseudo-)Dionysius, Ecclesiastica hierarchia, ch. 5; Epistola ad Demophilam; Ignatius, Epistola ad Antiochenos; Anacletus, Epistola III; Gaius, Pope and Martyr, cited by Damasus in the Pontifical; Pope Zosimus, Epistle to Hesychius; St. Cyprian, Epist. 1, book 4 (on Cornelius); Life of St.

Ambrose [abbreviation as in source]; Council of Carthage IV; St. Epiphanius, end of Panarion (Contra haereses); Epistle De septem gradibus Ecclesiae among St. Jerome's letters; St. Isidore, Epistle to Ludisfredus (Dist. 25, cap. Perlectis) and De officiis ecclesiasticis II, ch. 7 and following; Roman Liturgy, Good Friday intercessions (in die Parasceves); Council of Laodicea, canons; Eusebius, Ecclesiastical History, VI, ch. 33; Gratian, Decretum, Dist. 60–61.

13. Tractatus De septem gradibus Ecclesiae (author among the letters of St. Jerome).

14. St. Thomas, Supplementum, q. 40, a. 1–2.

15. Pope Innocent III, Decretals, De aetate et qualitate praeficiendorum, cap. Cum contingat.

16. Council of Trent, session 21, ch. 1, De reformatione.

17. Council of Trent, session 23, ch. 2; St. Jerome, Epistola ad Nepotianum.

18. St. Thomas, the places cited above [abbreviation as in source].

19. Matt. 10: "Do not possess gold nor silver..."

20. Eusebius, Ecclesiastical History VI, ch. 3, reporting Origen.

21. St. Jerome, Epistle to Nepotian; Wyclif's opinion condemned at Constance; cf. Jerome, Epistle to Nepotian: "ne plus habeas quam quando clericus esse coepisti" [as in the source].

22. Num. 18; Josh. 13.

23. Num. 35; Lev. 27; Josh. 21.

24. Acts 4 (Barnabas the Levite's field); 1 Kgs 2 (Abiathar sent to his fields); Jer. 32 (Jeremiah buys the field; testimony that Levi had an inheritance).

25. St. Augustine, De consensu evangelistarum II, ch. 30; cf. Luke 10: "The workman is worthy of his hire."

26. St. John Chrysostom, Homily on "Salute Prisca and Aquila" [abbreviation as in source]; Origen as cited by Eusebius, Ecclesiastical History VI, ch. 3; St. Francis, Rule.

27. 2 Tim. 2:4.

28. St. Thomas, Summa theologiae, Supplement, q. 40, a. 1.

29. 1 Cor. 11.

30. St. Cyprian, Ad Quirinum, book 3, sententia 83.

31. St. Jerome, Epistle to Nepotian.

32. Pope Anicetus, Letter to the Bishops of Gaul.

33. Council of Carthage IV, canon 44.

34. Decretals, title De vita et honestate clericorum.

35. St. Augustine, De opere monachorum, at the end.

36. Bede, Historia Anglorum IV, ch. 1; more fully V, ch. 22; including the letter under the name of Abbot Ceolfrid, which also repudiates the tonsure whose origin is referred to Simon Magus.

37. Council of Toledo IV, canon 40.

38. St. Isidore, De officiis ecclesiasticis II, ch. 4.

39. Hugh of St. Victor, De sacramentis II, part 3, chs. 1–2.

40. Acts 18 (Paul had his head shorn at Cenchrae); Calvin's insinuation of Judaizing observance.

41. Num. 6.

42. St. Thomas, Summa theologiae, Supplement, q. 37, a. 2.

43. Durandus of Saint-Pourçain, various places; see e.g., In IV Sent.

44. Cajetan, De modo tradendi seu suscipiendi sacros ordines.

45. Francisco de Vitoria, Relectio II, prop. 3.

46. Peter Lombard, Sentences, Book IV, dist. 1 (as in the text cited by Estius).

47. Soto (Domingo de), In IV Sent., dist. 24 (on this Distinction).

48. Martín de Azpilcueta (Navarrus), Enchiridion (Manuale), ch. 22, no. 18.

49. St. Thomas, St. Bonaventure, Scotus, Richard of St. Victor (or of Middleton), Peter of Palude, et al., on the Sentences and on the sacraments.

50. Council of Florence, Decree for the Armenians (or related decree on Orders), assigning matter and form to the seven orders.

51. St. Augustine, De bono coniugali, ch. 24.

52. St. Jerome, Contra Vigilantium.

53. Council of Carthage IV, on the manner of ordaining the several ministers; when it comes to Psalmists and Consecrated Virgins there is no further mention of "ordination."

54. Council of Trent, Session 23 (On the Sacrament of Order); Roman Catechism (Catechismus Romanus seu Catechismus ex Decreto Concilii Tridentini), on Order.

55. Cajetan, Soto, and Navarrus, in the loci cited above, marshal further arguments of this kind.

56. Soto, loc. cit., on the tolerability of Durandus's opinion though he deems it somewhat rash against the more common mind of the ancients.

57. The reference is to the Master (Peter Lombard), Book IV, in passages labeled A and K in some editions; Estius notes the inconsistency if not thus understood.

58. Cf. Aristotle, on differences of figure and of triangle (e.g., Topics or Analytics), in the logical example employed by the Schoolmen.

59. St. Thomas, Supplement to the *Summa theologiae*, q. 37, a. 2, in corp.; also a. 4, ad 9.

60. St. Isidore, *De officiis ecclesiasticis* II (Letter to Ludefred); Rabanus (Maurus), works on the Divine Offices; anonymous treatise, *De 7 gradibus Ecclesiae*; Hugh of St. Victor, *De sacramentis* I; the Master (Peter Lombard), in this present Distinction; Roman Catechism (Catechism for Parish Priests).

61. Council of Carthage IV, can. 9 (held with St. Augustine present and assenting).

62. Domingo de Soto, In IV Sent., dist. 24, on the delivery of a handbell to the Ostiary.

63. Damasus, in the Life of Pope Sixtus II [abbreviation as in source].

64. St. Thomas, the places just cited: Supplement, q. 37, a. 2, in corp.; a. 4, ad 3.

65. See, e.g., St. Augustine's Sermons passim, when he addresses the people from the Psalms or other Scripture, making mention of the lector's office.

66. Luke 4 (Christ reads and expounds in the synagogue).

67. Domingo de Soto, loc. cit.; Roman Catechism (Catechism for Parish Priests), on the lector's instructing catechumens.

68. Council of Carthage IV, on the ordination of a lector by handing over the book of readings.

69. Epiphanius; Damasus; Tertullian, *De praescriptione haereticorum*; St. Jerome, Epistle to Nepotian; Ambrosiaster (Commentary ascribed to Ambrose) on Ephesians 4; St. Cyprian, epistolary passages [abbreviation as in source: "5. lib. 2. Epist. 22. lib. 3. 5. 1. 6. 4."]; St. Augustine, Ep. 235; idem, *De consensu evangelistarum* X.

70. Council of Carthage IV, canon on the psalmist.

71. St. Thomas, at the places just cited [abbreviation as in source].

72. Council of Carthage IV, on exorcists imposing hands; St. Augustine, De vita beata, disputation of day 2.

73. St. Cyprian, Ep. 7 (book 4); Firmilian, Epistle to St. Cyprian; Ambrosiaster (commentary ascribed to St. Ambrose), on Ephesians 4; Sulpicius Severus, Vita Sancti Martini, at the beginning.

74. Acts 19; Matt. 12; St. Jerome, Commentary on Matthew, ad loc.

75. Josephus, Antiquitates Judaicae VIII, ch. 2; the Master [Peter Lombard], in the text of this Distinction; St. Augustine, De civitate Dei XXI, ch. 6; X, ch. 12; The Master [Peter Lombard], in the text of this Distinction.

76. St. Augustine, De fide et operibus, ch. 6; St. Gregory the Great, Homiliae in Evangelia, hom. 29.

77. St. Thomas, Summa theologiae, Supplement, q. 37, a. 2, in corp.

78. Aulus Gellius, Noctes Atticae I, ch. 2; Ivo of Chartres, Decretum, part 1, cap. 90; Boniface II, constitution that a Lateran acolyte is not to baptize.

79. Council of Carthage IV, rite for ordaining an acolyte by handing a candlestick and cruets; The same, words signifying the power of each ministry; St. Jerome, Epistle to Nepotian.

80. St. Thomas, Summa theologiae, Supplement, q. 37, a. 4.

81. Council of Trent, Session 23, canon 9.

82. Council of Carthage IV; Council of Florence, Decree for the Armenians (on the conferral of subdiaconate by the handing over of the empty chalice with the empty paten).

83. 1 Esdr. 2; 3 Esdr. 8 (on the Nathinaeans as ministers of the Levites); Hugh of St. Victor; Peter Lombard, the Master (notations on the Levites' ministers as figures of subdeacons).

84. St. Cyprian, Ep. 22, book 3, to the clergy (on Optatus made hypodeacon, teacher of the "audientes").

85. Is. 52: "Be ye clean, you who carry the vessels of the Lord."

86. St. Thomas, Summa theologiae, Supplement, q. 37, a. 2, in corp., and ad 3.

87. St. Cyprian, Sermo de Lapsis.

88. St. Ambrose, De officiis I, ch. 41; St. Augustine, Sermo 37 De diversis; Pope Leo the Great, Sermo on St. Lawrence's solemnity.

89. Justin Martyr, Apologia II, at the end.

90. Jerome (or the author under his name), Epistola de Cereo Paschali.

91. Council of Carthage IV, can. 38.

92. Above, Distinctio 13, on the minister of the Eucharist.

93. St. Augustine, De symbolo ad catechumenos IV, ch. 1; Id., De fide et operibus, ch. 6; authors on the Divine Offices.

94. Decree of Pope Pelagius, cited by Gratian, Dist. 93, "Diaconi"; see above in this book, at the corresponding Distinction, on the minister of Baptism.

95. Pope Evaristus, Epistle to All the Bishops; Pope Damasus, in the Pontifical; Gratian, Dist. 93, "Diaconi" [abbreviation as in source].

96. Catechismus Romanus (Catechism of the Council of Trent), on preaching by ministers [abbreviation as in source].

97. Philip the Deacon preparing the Samaritans: Acts 8; on deacon Ephrem preaching at Edessa, and St. Vincent supplying for his Bishop in preaching: Roman Breviary, proper of saints.

98. St. Gregory the Great, Epistles IV, ch. 88 (Ep. 44), on deacons not serving "modulationi vocis" but to preaching and almsgiving, and commanding at Mass that they discharge only the office of reading the Gospel.

99. Decree of the Council of Florence on the conferral of Orders; the Bishop's formula conferring on the deacon the faculty of reading the Gospel for the living and the dead.

100. Acts 6, on the imposition of hands; Cajetan, Tractatus De modo tradendi Sacros Ordines; Domingo Soto, on this Distinction; see also below, where the rite of presbyteral ordination is treated. For a fuller discussion of the matter and form of the diaconate, and of the words accompanying them, see the authors gathered by Morinus, Arcudius, Cabassutius, Haller, González, Natalis Alexander, and Juenin: Joannes Morinus, De sacris ordinationibus, P. 3, Exercit. IX, chs. 1–2; Petrus Arcudius, De concordia Ecclesiae Occidentalis et Orientalis in septem sacramentorum administratione, ch. 8–9; Joannes Cabassutius, Notitia ecclesiastica, on Orders; Franciscus Haller, De sacris ordinationibus; Emanuel González, Notae and Commentaria; Natalis Alexander, Theologia moralis, De sacramento ordinis; Gaspar Juenin, Commentarius in Pontificale Romanum; and others cited in the same places.

101. Acts 6.

102. Gal. 2:10, "ut pauperum memores essemus"; Acts 11:29–30; 1 Tim. 5: "Viduas honora quae vere viduae sunt."

103. Clement (Pseudo-), First Epistle to James, cited by Gratian, Dist. 93, "Diaconi"; St. Gregory the Great, Epistles IV, ch. 88 (Ep. 44).

104. St. Augustine, Sermons on St. Lawrence; St. Leo the Great, Sermon on the solemnity of St. Lawrence; St. Maximus, Sermons on St. Lawrence; Prudentius, Hymnus in S. Laurentium; St. Ambrose, De officiis II, ch. 28.

105. St. Thomas, Summa theologiae, Supplement, q. 37, a. 2, in corp. and ad 2; and a. 4, ad 3.

106. St. Ignatius of Antioch, Epistle to the Trallians; St. Jerome, De viris illustribus (Catalogue of Ecclesiastical Writers), s.v. Ignatius; St. Cyprian, Epistles 9 and 3 [abbreviation as in source]; Council of Neocaesarea, last canon; Eusebius, Ecclesiastical History VI, ch. 45 (on Pope Cornelius's letter to Fabian of Antioch).

107. Prudentius, Peristephanon, Hymn on St. Lawrence; Arator, De actibus Apostolorum (poem), on the seven deacons; St. Augustine, Sermon 4, De S. Stephano; the Venerable Bede, In Acta Apostolorum, on Acts 6, both in the first exposition and in the author's Retractation, quoted in full in the text.

108. S. Thom. ubi sup. [abbreviation as in source].

109. Prudentius, Hymnus in S. Laurentium; Pope Urban I, Epistle to all bishops [abbreviation as in source]; St. Gregory the Great, Epistle to Augustine, bishop of the English [abbreviation as in source].

110. 1 Cor. 16; cf. the Greek phrase *κατα μίαν σαββάτων*.

111. (Pseudo-)Dionysius; St. Basil; Origen — testimonies as cited above when treating of the form of this sacrament of Order and of the forms of the sacraments in general [abbreviation as in source].

112. St. Augustine, Tractates 13 and 96 on the Gospel of John.

113. St. John Chrysostom, Homily 14 on the Acts of the Apostles; Oecumenius, Commentary on Acts, on the same place.

114. Acts 1: "Let another take his bishopric."

115. Council in Trullo (Quinisext), canon 18; falsely attributed to the Sixth Synod [abbreviation as in source]; Council of Neocaesarea, canon cited [abbreviation as in source].

116. St. Jerome, Epistle to Evagrius, and elsewhere [abbreviation as in source].

117. St. Augustine, Epistle 148 to Bishop Valerius [abbreviation as in source].

118. St. Thomas, Summa theologiae, Supplement, q. 37, a. 2; likewise a. 4–5.

119. St. Augustine, De civitate Dei XII, ch. 10.

120. 1 Pet. 2:9.

121. Rev. 1:6; cf. Rev. 5:10.

122. St. Jerome, Dialogus adversus Luciferianos.

123. St. Augustine, De civitate Dei X, ch. 6.

124. Council of Trent, Session 22, ch. 1; Council of Florence, Decree on Orders [abbreviation as in source].

125. Clement, Apostolic Constitutions III, ch. 15.

126. St. Augustine, Sermon 49 on the Words of the Lord; cf. alternative numbering: Sermon CXXXVII among the sermons De diversis [abbreviation as in source].

127. St. John Chrysostom, De sacerdotio, book 3, ch. 50.

128. Council of Nicaea, canon 14 [abbreviation as in source].

129. St. Jerome, Epistle to Evagrius; Dialogue against the Luciferians.

130. Fourth Lateran Council (under Innocent III), ch. 1.

131. Council of Trent, Session 23, ch. 4; Session 7, canon 10.

132. Council of Constance, condemnation of Wyclif's articles; Martin Luther, De captivitate Babylonica ecclesiae.

133. Above, Distinctio 13.

134. St. Thomas, Supplement to the Summa theologiae, q. 37, a. 5, ad 2; see also the same, Supplement, qq. 17–18, on the power of the keys.

135. St. Thomas, Supplement to the Summa theologiae, q. 36, a. 2, in corp., ad 1.

136. St. Thomas, *Summa theologiae* II-II, q. 187, a. 1; q. 188, a. 4; q. 189, a. 7.

137. St. Thomas, at the places just cited. Jerome, *Contra Vigilantium*. St. Bernard, Ep. 323 to Henry of Mainz. St. Gregory the Great, Ep. 11, bk. 3. St. Leo the Great, Ep. 62. Gratian, *Decretum*, Causa 16, quaestio 1.

138. St. Thomas, Supplement to the Summa, q. 34, a. 5, in corp.; q. 37.

139. (Pseudo-)Dionysius, *De ecclesiastica hierarchia* V, pars 2; and ibid., pars 3, where he explains the symbolism of the imposition of hands as divine protection and defense against hostile powers.

140. St. Jerome, Commentary on Isaiah, ch. 58.

141. Fourth Council of Carthage, canon 3.

142. Council of Florence, Decree for the Armenians, on the presbyterate being conferred by the presentation of the chalice with wine and the paten with bread.

143. The Commentary ascribed to Ambrose, on 1 Tim. 4.

144. Council of Milevum, canon 12.

145. Gregory IX, Decretals, book I, title De sacramentis non iterandis, cap. Presbyter.

146. St. Augustine, Sermon 4, *De Beato Stephano*.

147. Fourth Council of Carthage, canon 4: the deacon is consecrated to ministry, not to the priesthood; the presbyter to the priesthood, and thence is assumed into the fellowship of presbyters.

148. (Pseudo-)Dionysius, *De ecclesiastica hierarchia* IV, pars 3; Radulfus, on Leviticus 6 (at Lev. 6:20–23); Innocent III, Decretals, book I, title Quam (De sacra unctione).

149. Gratian, *Decretum*, Distinction 23, "Praeterea": Pope Nicholas; various interpretations by later authors.

150. St. John Chrysostom and St. Cyril of Alexandria on John 20: "Receive the Holy Spirit"; St. Gregory the Great, Homily 26 on the Gospels; the Commentary ascribed to Ambrose on 1 Tim. 4.

151. John Morin, *De sacris ordinationibus*, esp. Quaest. 3, chs. 2–3 (book VI); Natalis Alexander, as cited earlier (Art. 9, § 2, no. ...).

152. St. Thomas, places cited above [abbreviation as in source].

153. St. Thomas, *Supplementum*, q. 40, a. 4; see also the same Angelic Doctor, *Summa theologiae* II-II, q. 185, a. 1 and a. 3; and I-II, q. 22, a. 1, in the body.

154. St. Thomas, *Supplementum*, q. 40, a. 1.

155. Epiphanius, *Panarion*, her. 75, against Aerius.

156. St. John Chrysostom, Homilies on 1 Tim. 3.

157. Commentary ascribed to Ambrose on the Pauline Epistles; Commentary ascribed to Jerome on Titus 2.

158. St. Jerome, Epistle to Evagrius; Commentary on Titus 2.

159. 1 Cor. 1:12–13 (alluded to by Jerome).

160. St. Jerome, Epistle to Evagrius: "What does a Bishop do, except for Ordination, which a Presbyter does not do?"

161. Pseudo-Jerome, Epistle to Rusticus of Narbonne, On the Seven Ranks of the Church.

162. Pseudo-Ambrose, Commentary on Ephesians 4.

163. St. Augustine, Epistle 19 to Jerome; cf. Augustine, On the Arian Heresy and elsewhere.

164. St. Ignatius of Antioch, Epistle to the Smyrnaeans.

165. Cicero, *Ad Atticum* VII.

166. 2 Esdras 11; Ps. 108 (LXX numbering) in the version of the Seventy.

167. Ecclesiasticus (Sirach), passim.

168. Phil. 1:1.

169. St. John Chrysostom, Homilies on Phil. 1; Theophylact; Oecumenius; various Latin commentators.

170. 1 Tim. 3; Tit. 1; Acts 20:28; St. Jerome, Commentary on Titus 1; the Master [Peter Lombard], text on those places.

171. St. John Chrysostom, Homilies on 1 Tim. 3; Commentary ascribed to Ambrose on 1 Tim. 3; Epiphanius, against the Aerians.

172. Council of Trent, Session 23, ch. 4; Oecumenius, Commentary on Acts 20.

173. 2 John 1; 3 John 1; 1 Pet. 5:1.

174. Tit. 1:5–7.

175. Acts 20:17, 28.

176. Acts 14:23; Acts 15:2, 4, 6.

177. 1 Tim. 4:14; Oecumenius, Commentary on 1 Tim. 4.

178. 1 Tim. 5:17, 19.

179. Jas. 5:14.

180. St. Augustine, Letters and Sermons; St. Ignatius of Antioch, Epistle to the Philadelphians; Epistle to Heron the Deacon; (Pseudo-)Dionysius, *De ecclesiastica hierarchia* V (pars 1); St. Cyprian, book 1, ep. 9; book 3; and many others.

181. St. Augustine, *De civitate Dei* XX, ch. 10.

182. Is. 66:21; St. Jerome, Commentary on Isaiah ad loc.

183. Waldensis; St. Bonaventure; the Master of the Sentences; Hugh of St. Victor, on Orders.

184. Decretals: cap. Sollicitudo (Dist. 52); cap. Tuae litterae (Extra, De clerico per saltum ordinato); cap. Ex literis (Extra, De excessibus praelatorum).

185. Pseudo-Augustine, *Quaestiones Vet. et Novi Testamenti*, q. 101.

186. John Mair, on IV Sentences; Johann Eck, Homilies 67–68 on the Sacraments; Cajetan, vol. 1, Opusc. 11; Peter Soto, IV, On the Sacrament of Order; Navarrus, *Manuale*, ch. 22, no. 18; ch. 27, no. 163; Scotus, on I Sentences, dist. 8.

187. 1 Tim. 4:14; 2 Tim. 1:6; Theophylact; Oecumenius; Anselm; St. John Chrysostom on 1 Tim. 4.

188. Council of Trent, Session 23, ch. 3.

189. (Pseudo-)Dionysius, *De ecclesiastica hierarchia* V.

190. Pope Anacletus, Epistle 3.

191. St. Leo the Great, Epistle 84, ch. 4.

192. Gelasius, in Gratian's *Decretum*, Dist. 32; note on the citation's transmission in Gratian [abbreviation as in source].

193. St. Gregory the Great, Moralia or Homilies on 1 Kings (1 Sam.) 4.

194. Epiphanius, *Panarion*, her. 75.

195. Pseudo-Jerome, tract On the Seven Orders of the Church.

196. St. Augustine, *Contra Felicem Manichaeum* I, ch. 12.

197. Fourth Council of Carthage, on the rite of conferring Sacred Orders: first the Bishop's ordination, then the Presbyter's, then the Deacon's, and then down to the Ostiary.

198. Theodoret, Ecclesiastical History IV, ch. 23; Nicephorus, Ecclesiastical History XI, ch. 46.

199. Sozomen, Ecclesiastical History VII, ch. 10; Nicephorus, Ecclesiastical History XII, ch. 14; XIV, ch. 55; XVI, ch. 28.

200. Pope Anacletus, Epistle 3; St. Leo the Great, Epistle 84, ch. 4; Gelasius, in Gratian's Decretum, Dist. 32; cf. also Gratian, Dist. 77, cap. 3 (Gelasius to the bishops throughout Lucania). On documents attributed to Pope Caius, see the collections of papal letters [abbreviation as in source].

201. Council of Trent, Session 23, ch. 4; canons 6–7.

202. Exod. 29; pseudo-Augustine, Questions on Leviticus, q. 84.

203. Fourth Council of Carthage, ch. 2; cf. also medieval Pontificals and liturgical writers; see Scotus, when treating generally of Orders [abbreviation as in source].

204. St. Ignatius of Antioch; for the passage in view, see the epistolary texts cited above.

205. Pseudo-Jerome, tract On the Seven Orders of the Church; Epiphanius, Panarion, her. 75.

206. St. Thomas, Summa theologiae, Supplement, q. 40, a. 2, in corp. See also "Cummistas verbo, Episcopus" [abbreviation as in source]; Molanus, Theologia practica, tract. 5, ch. 25.

207. Council of Trent, Session 23.

208. Pseudo-Jerome, Epistle On the Seven Grades of the Church.

209. St. Thomas, Summa theologiae, Supplement, q. 40, a. 6.

210. Matt. 16:16–19.

211. Jn. 21:15–17.

212. Isidore of Seville, Etymologiae VII, ch. 12; the Master (of the Sentences), on this place, excuses and suitably interprets Isidore.

213. On the patriarchal order after the Roman Pontiff, see the Council of Constantinople (the Fathers recognizing the sees of Constantinople, Alexandria, Antioch, and Jerusalem).

214. Damasus, Decree [p. 4; abbreviation as in source]; St. Leo the Great, Ep. 88; Pope John III, Epistola unica; Council of Neocaesarea, can. 23; Parisian Council under Louis and Lothair, cap. 7.

215. St. Thomas, Summa theologiae, Supplement, q. 36, a. 4, ad 3.

216. Council of Trent, Session 23, ch. 4; Session 23, canon 7.

217. Acts 1.

218. Pseudo-Clement, Ep. 1 ad Jacobum (attributed).

219. St. Bede, Historia ecclesiastica gentis Anglorum; Possidius, Vita S. Augustini, ch. 8; St. Augustine, Ep. 110; Council of Laodicea, can. 13.

220. Ps. 98[99]:6 (Vulgate numbering).

221. 1 Chron. 28; 1 Chron. 9; Lk. 1.

222. Section title illegible in the source.

223. 2 Chron. 19:11.

224. 2 Macc. 4:7–14; Josephus, Jewish Antiquities, on the selling of the High Priesthood.

225. 1 Macc. 14; cf. the grant of Demetrius to Simon.

226. Acts 10:41 (Greek: "to witnesses preordained by God").

227. 2 Cor. 8:19.

228. Acts 13:2.

229. St. Jerome, Commentary on Isaiah 58; St. John Chrysostom, Homily 14 on Acts; Pseudo-Dionysius, Epistle "to Hieronem" [abbreviation as in source]; Josephus, Jewish Antiquities XVIII, ch. 2; Martin of Braga, on can. 13 of the Council of Laodicea; Zonaras and Balsamon, Commentaries on the Apostolic Canons 1–2.

230. Acts 6:5–6; Roman Missal, Mass of St. Stephen, Lesson.

231. 1 Tim. 3:7.

232. St. Leo the Great, Ep. 89; Num. 20 (Eleazar made High Priest before the people).

233. Acts 6; Council of Chalon-sur-Saône, ch. 10.

234. Socrates, Ecclesiastical History I, ch. 6 (Letter of the Council of Nicaea); Council of Laodicea, can. 13; St. Leo the Great, Ep. 84, chs. 5–6.

235. Nicephorus, Ecclesiastical History [abbreviation as in source].

236. St. Thomas, Summa theologiae, Supplement, q. 38 (entire question).

237. Exod. 28–29; Num. 3–4; Ps. 98(99):6; Acts 6; Acts 13:2–3; Acts 14:23; 2 Tim. 1:6; 1 Tim. 4:14; 1 Tim. 3; 1 Tim. 5:22; Tit. 1:5; St. John Chrysostom and Theophylact, on 1 Tim. 4:14.

238. Apostolic Canons 1–2; Pseudo-Dionysius, Ecclesiastical Hierarchy V; St. Ignatius of Antioch, Epistles (esp. to the Antiochenes [attributed]); Pope Cornelius to Fabius of Antioch, cited in Eusebius, Ecclesiastical History VI, ch. 43.

239. St. Epiphanius, Panarion (Heresy 75, Aerians); St. Jerome, Epistle to Evagrius; Dialogue against the Luciferians; St. John Chrysostom, Homilies on 1 Tim. 3; Ambrosiaster (or the commentary attributed to Ambrose) on 1 Tim. 3; St. Leo the Great, Ep. 88; Council of Florence, Decree for the Armenians; Council of Trent, Session 23, ch. 3; Session 23, canon 7.

240. Damasus, St. Leo the Great, and Pope John II (or III) on chorepiscopi [as cited above]; Council of Trent, Session 23, ch. 3; canon 7.

241. St. Thomas, Summa theologiae, Supplement, q. 38, a. 1.

242. Council of Trent, Session 23, ch. 10, On Reform.

243. Gratian, Decretum, Dist. 23, c. Presbyter.

244. Council of Florence, Decree for the Armenians.

DISTINCTIO XXV — ON THE MINISTER OF ORDER (*DE MINISTRO ORDINIS*)

§ 1. ...to be the Bishop (the ordinary minister of this sacrament of Order), therefore also signifies that to another at least extraordinarily this ministry can be committed. Fourth: the Antiochene Synod under Pope Julius (can. 10) permits Chorepiscopi to ordain Lectors, Exorcists, and Subdeacons; and only forbids them to dare to ordain a Presbyter or a Deacon.[1] Likewise Leo (Epistle 88), while he only inhibits Chorepiscopi from the ordination of those two, seems to permit them the power of conferring the Subdeaconate and the remaining lower Orders.'[2] And even today some Abbots of the Cistercian Order are said, by privilege, to confer the Subdeaconate. Fifth: Augustine (Questions 101 on the Old and New Testament) affirms that in Egypt, if a Bishop is lacking, a Presbyter consecrates.'[3] Which cannot be understood of the consecration of the Body of the Lord; because not in Egypt only, but through the whole Church the Body of the Lord is consecrated by a Presbyter: wherefore this seems to be understood of the sacrament of Ordination. Sixth: Jerome (in the Letter On the Seven Grades of the Church) says that Presbyters complete all the sacraments of God; although he admits that ordination and the consecration of virgins are reserved to Bishops in the Church on account of authority.'[4] He also proves his opinion by this argument, that to consecrate the Body of the Lord is more than to ordain a cleric. Therefore, since a Presbyter can do that, he can also do this. Seventh: Nicephorus, book 8 (of his Ecclesiastical History, chs. 19 and 24), writes that in the Council of Nicaea it was indicated that the ordination done by Meletius and his heretical followers was not to be repeated; and yet that same Meletius is there said to have taken to himself and claimed the episcopal office.'[5] Last: the same Nicephorus, book 11 (ch. 20), writes that Amphilochius was consecrated Bishop by Angels, and when this had been recognized, other Bishops, without any further consecration, having given him the customary salutation and kiss, admitted him to the episcopal function.'[6]

§ 2. But to these objections let us briefly reply. To the first indeed various answers can be given. In one way, if we say that the Bishop is so minister of this sacrament (*sacramentum*), yet that ministry can in some part be committed to Presbyters (*Presbyteri*), at least by the authority of the Roman Pontiff, who has supreme power in the whole ecclesiastical hierarchy. Those who think in this way say that all the Orders lower than the Subdeacon, and which are referred only indirectly and mediately to the sacrament of the Eucharist, and therefore have an imperfect formal character of Orders, can be committed to others, but not the three major Orders, for the reason that those are exercised about the Eucharist or its matter proximally.

§ 3. But against these there still stands the argument drawn from the power of Order (*potestas Ordinis*), and from the commission sometimes given of ordaining Subdeacons. Accordingly others reply that there is nothing to wonder at in a commission of this kind; inasmuch as they think the minor orders are not truly and properly sacraments; and some hold the same of the Subdeaconate, as we said in its proper place. A third answer is: even if it be granted—a position held by many—that all seven Orders are truly sacraments, nevertheless it can be committed to Presbyters at least to confer the minor orders and the Subdeaconate itself, not as sacraments, but as sacramentals, or rather as certain sacred offices which can be communicated and

exercised without sacramental ordination; for they require no supernatural power such as is required in the priestly office. What of these three is most probable may be conjectured from the things which were said both concerning the minister of the sacrament of Confirmation and, in the above Distinction, concerning the minor Orders.

§ 4. To the second: the imposition of hands which is done by other Presbyters when a Presbyter is ordained, is not the sacrament nor a part of it, but a bare ceremony. The signification of which we indicated elsewhere, when we were treating of the rite of ordaining a Presbyter. But to the other part of the second objection the reply is easy, according to those who think those lower orders are not sacraments. Otherwise it will have to be said that the Bishop alone is the minister, because he alone utters the form and perfects the sacrament; although another hands over the matter, or rather he himself does so through another. Although that custom does not agree with the Roman Pontifical today.

§ 5. To the third: the Florentine Decree says "ordinary" for this reason, that about an extraordinary minister there is controversy among Catholic Doctors, which the authors of that decree thought should be left undecided, defining only what was certain—just as we also noted in its place about the minister of Confirmation.[7]

§ 6. The fourth argument proves nothing—especially since some think that all the orders lower than the Subdeaconate, and even the Subdeaconate taken along with them, are not sacraments. But if we admit that they are properly sacraments, then the third solution of the first argument will have to be applied. It must, however, be noted that the Antiochene canon speaks perplexedly, because it says that the Chorepiscopi received the imposition of the hands of Bishops and were consecrated after the manner of Bishops. Which is contrary to those things which in the above Distinction we produced from the decrees of the Roman Pontiffs. And if that were true, the Chorepiscopi could without doubt, by the power of Order, also create Presbyters and Deacons—which nevertheless is there denied to them. Therefore the authority of that synod seems to be rejected, as having been held by Arians against Eustathius of Antioch and Athanasius of Alexandria, Catholic Bishops—of which Socrates makes mention in book 2 of the Ecclesiastical History, ch. 35.[8]

§ 7. To the fifth: that author, whom it is agreed is not Augustine, seems to understand by consecration the sealing of those baptized. For, using almost the same words, in Ambrose, the Commentator on Paul (on Eph. 4), in place of "to consecrate" he has "to seal"; which term without doubt pertains to the sacrament of Confirmation; and to that argument our reply has been given when we treated of that sacrament.[9]

§ 8. To the sixth: the doctrine of that Letter, whose author is obscure (for that it is not Jerome is likewise agreed), does not seem very different from the condemned opinion of Aerius, who made no distinction between Bishop and Presbyter; although the author toward the end in a certain manner corrects himself and submits himself to the judgment of the one to whom he writes. But to the argument which he brings we reply that he who can do the greater does not always on that account have power to do the lesser. For that rule fails when the lesser presupposes the power of the greater; as in the present case, where the power of ordaining presupposes the power of consecrating. And it is well known from the Apostle, 1 Cor. 12, that the Holy Spirit distributes His various gifts as He wills, and grants to some the greater, to whom He does not grant the lesser. Hence Angels can do many things which nevertheless a Priest cannot, although the latter before them has the power of consecrating the Body of the Lord. It is also manifest that a man, who can understand, reason, and speak, cannot do many things which beasts can.

§ 9. About Meletius, which was objected in the seventh place, we reply that he was indeed truly a Bishop; and in this sense it is said that he had taken to himself the episcopal office.

§ 10. To the last it is answered with St. Thomas (III, q. 64, a. 7), that God has not bound His power to the sacraments; and therefore in an extraordinary way He can, either through Angels, or even without any ministry of a creature, make someone a Bishop or a Priest—just as He made Christ a Priest according to the order of Melchizedek.[10]

§ II — That an ordination performed by heretics and the excommunicate is valid (Ordinationem ab haereticis & Excommunicatis factam validam esse)

§ 11. What was said, that every Bishop is the minister of the sacrament of Order (*sacramentum Ordinis*), obtains to such a degree that no crime, however enormous—such as heresy (*haeresis*), schism (*schisma*), apostasy—nor any censure, however grave—such as excommunication (*excommunicatio*)—can bring it about that an ordination (*ordinatio*) done by him is not ratified and valid, even with respect to those who are not subject to his jurisdiction (*jurisdictio*), provided only that he keep the legitimate rite of ordination as regards the essence of the sacrament.

§ 12. This is proved, both by reason and by the authority of the holy Fathers. The reason is manifest: for ordination, just as the consecration of the Eucharist, is an act pertaining to the power of Order (*potestas Ordinis*), which power, once received, cannot be lost. Wherefore, just as the Body of the Lord is truly consecrated by a Priest however criminal, so a true ordination is effected by a Bishop entangled in whatever sins or censures. And as a Presbyter ordained by a schismatic (*schismaticus*) Bishop truly consecrates, so also a Bishop ordained outside the Church—yet with the Church's form observed—truly ordains.

§ 13. By contrast, the things that belong to jurisdiction, such as to absolve and to excommunicate, are done fruitlessly and vainly by him who either has no jurisdiction at all, or does not have it over the one whom he attempts to loose or to bind.

§ 14. St. Augustine explains this opinion about the ordination of heretics at length in many words, in book 2 of Against the Letter of Parmenian, ch. 13, showing that just as a heretic cut off from the Church does not lose Baptism, so neither does he lose the right of giving Baptism.[12] Now he calls the right of giving Baptism the very ordination, or the power received in ordination; which in a Bishop extends not only to the conferral of Baptism or the consecration of the Eucharist, but also to the conferring of sacred Orders.

§ 15. In the same sense he writes in book 1 of On Baptism against the Donatists, ch. 1; likewise in book 3, ch. 10; and in his Tractates on John. And everywhere the constant doctrine of Augustine is that true sacraments are ministered by heretics, albeit not unto salvation, as in book 3, the last chapter, of On Baptism against the Donatists; likewise, that they are the sacraments of Christ, but do not profit where faith is resisted, as in Tractate 53 on John; again, that heretics, though differing in doctrine, celebrate sacraments equal to ours, as in On True Religion, ch. 5; finally, Augustine's general judgment, writing on Ps. 21 and on Ps. 54, is that in all the sacraments heretics are with Christ, but not in charity.[13]

§ 16. St. Jerome likewise, in the Dialogue against the Luciferians, holds that among heretics the case stands alike with respect to Baptism and to the priesthood.[14] To this, moreover, there can be added several sentences of the Fathers cited by Gratian, which are found in the Decretum in I, q. 1, where he discusses this question,

and in Distinction 68, and again in De consecratione, Distinction 4.[15] But, not to pursue each point severally, the perpetual practice of the Church sufficiently confirms this doctrine, which never at any time re-ordained those coming over from whatever heresy or schism in which they had been ordained; but, just as Baptism, so also Ordination, wherever conferred, it recognized and approved as the signet of the emperor Christ. Hence also the Fathers of Nicaea (as one may see in the acts of that Council) permitted the Novatians and the Meletians, when they returned to the Church, to exercise their own honors, without their ordination being repeated—a practice that was afterwards maintained by Catholics in receiving the Arians.[16] But the Paulianists and the Cataphrygians, because they had not been ordained according to the Church's form, were commanded to be ordained again by a Catholic Bishop. And the same, for the same reason, was established concerning Baptism, as Augustine attests in De haeresibus to Quodvultdeus, heresy 44. The remaining matters pertinent here may be sought from the treatise on the sacraments in general (dist. 1).[17]

§ IV — The dissolution of the things adduced for the contrary opinion (Dissolutio eorum quae pro diversa opinione adferuntur)

§ 17. It has been said above what things are to be received concerning those who are involved in this question, which plainly shows that this is not the question either of the Master or of Gratian, but finally seems to tend to this, that they think those heretics who in the Church were Bishops before they were separated from it have the power of Orders; but that those who, situated in schism or heresy, were ordained by them lack that power. The falsity, I say, of this opinion the foregoing considerations easily refute. Wherefore, to the authorities of the Fathers on which they rely—although most of them are general—an answer must be given.

§ 18. First, as regards St. Cyprian, in whom there are found several statements of this sort, by which he maintains absolutely that the sacraments of heretics are void: it must not be denied that Cyprian was of this opinion; but what then pleased almost only a few Bishops in Africa, while other Catholics and especially the Bishops of the Roman See protested—as is clear from Cyprian himself. Whence not long after, by the consensus of the whole Church in a plenary Council, that opinion was condemned.[19]

§ 19. Secondly, the words of Innocent I are produced (from his Epistle 18, ch. 3), where he denies that Clerics of the Arians are to be received with the dignity of the priesthood or of any ministry, but he allows only their Baptism to be held as valid. To this we reply that Innocent, in this sense, wills only Baptism to remain valid for Arian clerics; because heretics returning to the Church enjoy the privileges of the baptized—that is, that they be reckoned in the place of the faithful as regards the Church's communion and the reception of the sacraments, and whatever else is common to all the faithful. But he says that the priesthood is not valid for them—not because they are not to be thought truly priests, but because the Church is unwilling to receive them into the honor and position of Priestly Dignity, prescribing that lay communion be given to them: that is, that they ought to receive holy communion not among those who have been enrolled, or clerics, but among the laity—namely, outside the choir-rails—just as St. Ambrose willed that the Emperor Theodosius communicate, as Theodoret relates, Book 5, chapter 18.[20] For only the ministers of the altar were permitted to advance up to the altar and there to communicate; as the Synod of Laodicea expressly attests (canon 19).[21] That this is the sense of the words of Innocent is understood from this, that he does not take away from those returning from heresy the power or the Order of the priesthood, but only the dignity and honor, although the Church even restores to them the very honor of the priesthood where it judges that to be

of benefit to the Christian people—as the Council of Nicaea decreed concerning certain persons (canon 8).[22] On which matter one may also see Innocent himself (Epistle 22, ch. [as in source]).[23] Wherefore, that which is said, that "he who is thus ordained has received nothing, since in the one giving there was nothing which he could receive," is to be taken similarly not of Order, but of honor, or of sanctifying grace.

§ 20. Thirdly, it is brought forward what is said by St. Jerome (on Haggai, ch. 2), writing that everything which seems to be done by heretics for the honor of God—namely, vows, sacrifices, alms, fasts—is contaminated in the sight of God.[24] But Jerome does not deny that among heretics there is a true Ordination or a true priesthood; rather, he teaches that whatever things are done by them in God's worship are polluted: because by those things they serve not so much God as their heresy and their own faction. And in what sense the sacraments conferred by heretics are said to be polluted, St. Augustine beautifully explains, Book 2 (Against the Epistle of Parmenian, ch. 13): namely in this sense, that evil and perverse men, as far as lies in them, pollute the sacraments of Christ, handling them in a polluted way and with a guilty conscience; although otherwise those sacraments remain in themselves holy and unpolluted; just as it is written in 1 Thess. 5: "Do not extinguish the Spirit," that is, as far as is in you—for He cannot be extinguished in Himself.[25] And in like manner the same Augustine explains certain words of Cyprian (Epistle 23 to Boniface).[26] Similar to the foregoing is that sentence of Jerome (on Amos 5), writing, where he says that God hates and casts away from Himself the sacrifices of heretics.[27] But from the things that follow it is sufficiently clear that he is not speaking of the external sacrifice properly so called, such as is the Sacrifice of the altar, but of the doctrine of heretics, and of works which, though apparently holy, are contaminated by a perverse intention. Of which sense you have also a third sentence of the same Jerome which is found (on Hosea, ch. 8).[28] Although even sentences of this kind, understood also of the sacraments, take on a suitable sense. For God hates the sacrifices and sacraments of heretics—not as they are by their proper institution, but considered according to the affection and merits of the offerers, that is, insofar as they are the actions of heretics vitiated by an evil end.

§ 21. Fourthly, there are objected the words of Leo (from Epistle 40 to Anatolius, ch. 2), in which he affirms that otherwise in the Church of God neither are priesthoods valid nor sacrifices true, "unless in the property of our nature our true High Priest reconcile us, and the very blood of the immaculate Lamb be present in the Church's sacramental rites."[29] But the context itself requires this sense: unless Christ be the true man, having the property of our flesh, there is not in the Church a true priesthood or sacrifice. For it cannot be that the true flesh of Christ be offered on the altar, if Christ does not have in heaven the true substance of flesh. This was the heresy of the Eutychians, who asserted that the human nature of Christ had been swallowed up by the power of the divinity. There are other words of the same Leo (in Epistle 75 to the Emperor Leo), where, exaggerating the tyranny of Dioscorus, Bishop of Alexandria, he says that through it in the Church of Alexandria all the light of the heavenly sacraments had been extinguished; the offering of the sacrifice had been cut off; the sanctification of chrism had failed; and by the parricidal hands of the impious all the mysteries had been withdrawn. These words have a sense similar to the former. For Dioscorus, defender of Eutyches, denied the truth of the human nature in Christ. Therefore, by his heresy—Christ's being man being extinguished—the whole light of the Sacraments is likewise extinguished, and the offering of the Sacrifice is intercepted, and the other instruments of sanctification are withdrawn: because if Christ is not true man, neither can the sacraments be true, nor the sacrifices true—inasmuch as they either truly contain the flesh and blood of Christ, or, from the passion and merit of Christ the man, have received the power of sanctifying.

§ 22. Fifthly, the authority of Gregory is objected who (Dialogues, Book 3, ch. 31) calls "the communion of sacrilegious consecration" that which had been offered by the hands of a perfidious Arian Bishop.[30] We reply that by those words nothing else is signified than that the action of that Bishop was sacrilegious, by which—though he was a heretic—he had presumed to consecrate the Body of the Lord; especially with this intention, that through his communion he might make the son of the Catholic king a companion of his perfidy. For Gregory calls sacrilegious not the thing consecrated, but the very consecration. But to what he says in the same Gregory, Book 7 (Epistle 110), and which is cited by Gratian (I, Question 1, chapter Quicumque), namely, that whoever strives to buy for a price that which is sacred, while he looks not to the office but to the name, does not desire to be a priest but only in vain to be called one; it is replied that by these words it is not denied that he who is ordained is truly a priest, but that those who climb to the priesthood by simony seek not so much the priestly Order itself and its office as its empty name with outward honor. And the same Doctor, Book 4 (Epistle 23), does not deny that he is a priest, but pronounces him an unworthy priest who shall have bought God's gift for a price. And Book 3 (Epistle 13) he orders one so not-ordained canonically to be deprived of his Order, that is, of the position and office of the presbyterate—plainly signifying that he had truly received the presbyterate.

§ 23. Sixthly, there is objected the decree of Urban II which is reported by Gratian (I, Question 7, chapter Daibertum), and another of Pope Damasus which is reported in the same place (chapter Per illicitam): in the former the Pontiff constitutes one Daibert a Deacon from the beginning, who had been ordained a Deacon by heretics—"which," he says, "we judge not to be a repetition, but only the complete giving of the diaconate; because he who had nothing could give nothing."[31] But in the latter he says thus: "It is necessary to repeat what has not been done lawfully, or is proved not to have been conferred. For how can he retain an honor who has received it from him who did not have power to give it lawfully?" But the Gloss, dissenting from Gratian's own opinion, interprets both of those decrees concerning those who had been ordained by heretics beyond the Church's form; although perhaps Damasus is to be understood of those who had been ordained by heretics not lawfully, that is, not by the Church's rite—such as were once the Paulianists, of whom there was a decree in the Council of Nicaea. For of them the saying is properly true: "He who had nothing could give nothing.",[32]

§ 24. Seventhly: Theodoret, Book 1 (Ecclesiastical History, ch. 9), gives the Epistle of the Nicene Fathers, in which those who had been ordained by the heretic Meletius are ordered to be confirmed by a more holy ordination. It is replied that from the same epistle it is clear that they had truly been ordained, as we said above. But that Synod seems to understand by that confirmation something else than the power of Order, namely the authorization whereby those who had received Orders in heresy or schism were admitted to exercise Orders.

§ 25. Eighthly: Nicephorus, Book 12 (Ecclesiastical History, ch. 13), relates that the Fathers of the Council of Constantinople decreed concerning a certain Maximus the Cynic (ch. 11) that he had not been, nor was, a Bishop, and that those whom he had consecrated as clerics, and whatever he had done, were null and, as all else, void. It must be replied that "all things null" were decreed as regards the actual execution of the Order received. Or, it is said as regards place and honor in the Church, so that all things be held as if they were not.

§ 26. Lastly: Rupert, Book 12 (on Matt. 26), denies that anything is valid which is done by a Bishop or other minister of the sacraments cut off or condemned by the Church. It is replied that Rupert seems to have been in the same opinion as certain others. Although what he says can be understood either of the effect of

grace—for he who receives Order or any other sacrament from such persons sins gravely—or of the lawful use of power. For often we call valid only what is done lawfully.

He further wonders that Cabassutius—a man most learned and, above all others, most devoted to antiquity—in his Treatise on Sacred Ordinations (Part 3, chapter 5), after recounting numerous testimonies of Pontifical decrees and of Synods, by which places Morinus demonstrates most clearly and with highest authority his opinion, has omitted these testimonies, and has brought forward from himself as if for the first time what had already been adduced there. Indeed, the same Morinus, after various chapters of the already-recounted Exercise 5 (chapter 8), proposes three axioms—very weighty and most perspicuous—for settling a question that cannot with certainty be decided. The first and the second: that by Apostolic tradition a sacrament lawfully conferred is never to be repeated; and that it is a dogma of faith, defined, that sacred Ordination imprints an indelible character, not to be iterated. The third: that for four hundred years there has been the unanimous agreement of the Doctors that Orders conferred by heretics and schismatics, if they were ordained according to the form of the Church, are valid second conferrals—although illicit—and that he sins gravely, both he who gives and he who receives Orders from schismatics and heretics without necessity; and the same must be said about Orders conferred by the Excommunicated, the Degraded, and others. This opinion—although, as he says—has not hitherto been defined by any common and so long-standing consent of the Church and of the Doctors; nevertheless the most pious author confesses that he neither wishes nor ought to disturb it by his own dissent.

In chapter 9 of the same Exercise, in order to reconcile the ancient with the more recent opinions, he employs these distinctions. In the rite of Sacred Ordination certain things are of Divine Institution and are everywhere and always befitting—such as the imposition of hands and the sacred prayer—which holy Scripture has delivered to us, and the practice of the Church has always and everywhere employed. Other things are of Ecclesiastical Institution, which, though they can be changed and may be variously observed according to the variety of times and regions, are nonetheless of such moment that, so long as they are prescribed by the Church, their omission renders an ordination not only unlawful and unseemly, but even null, and the matter unsuited to Ordination; and those actions can then be declared void, and so as not to produce effect, and to be repeated. For the Church, by her judgment, can define by what conditions the ordaining Bishop ought to use his authority; and with what gifts and qualities the one to be ordained ought to be endowed, in order that he receive the Order validly and efficaciously: so that, if they have neglected this determination and have acted contrary to it, the action is null and must be repeated. The same most skilled author thinks that, by an analogous reasoning to that which is said about Matrimony and Penance—whose matters, as he himself says, the Church, for the necessity of time, tightened and expanded, and defined—this must be said concerning this Sacrament also. The proof of this matter is to be sought from the same Morinus (from chapter 5 of the fourth Exercise, Part 3 of the same work).

He also subjoins that certain Ordinations, insofar as they were then made while certain canons were in force, were declared not only unlawful but even invalid and null, and therefore to be repeated; of which sort he judges to have been those under Constantine, Formosus, Photius, Ebbo, and others—namely, that Popes and Councils, by their decrees concerning the above-mentioned Bishops and Pontiffs, ordered those Ordinations to be repeated; and the reason why they so ruled, according to Morinus's judgment, is that they held those Ordinations to have been celebrated contrary to the canons then in force; which assertion of his he confirms there by many things. The distinction which Morinus employs is this: In the character there is to be

distinguished substance and the power of acting. With this distinction granted, he says that the substance itself of the character no longer depends on the Church's judgment; nevertheless the power of acting can be suspended by her, so that he does nothing, or can do nothing, so long as the suspension lasts; and therefore, during the time of suspension, as long as it lasts, he cannot exercise the ceremonies of Ordination. In support of this, Morinus stipulates Innocent I, the Cardinal of Ostia, and others; and he endeavors by many authorities of the Fathers and by reasons to confirm it, such that a deposed Bishop can, indeed, ordain, but with no effect and fruit. To this assertion of his he adds Panormitanus (on the chapter Quanto, De consuetudine), and confirms it by many authorities of the Fathers and by reasons.

He adds also a reason drawn from the nature of an indefinite and doubtful question—namely, he says—so long as the matter is still in doubt and agitated by the disputations of Doctors on both sides, the Popes could leave the judgment in the middle; and only, having ceased from pronouncing a certain sentence, accommodate themselves now to this, now to that opinion; likewise also admonish the Minister in his place. Next he contends for a certain practice of Sacrament administration: he contends, indeed, that a practice has prevailed in the Church, that where about the validity of a sacrament, out of some uncertain suspicion, a doubt had arisen, that there, without any expression of condition, that sacrament was to be repeated: whence that axiom, sufficiently worn among the Ancients, "It is not to be repeated, what is certain to have been done." Which practice the most learned man thinks still prevails; and by the addition of a condition he thinks the whole matter is accomplished; and that statutes or the opinions of the Fathers contrary to these can easily be recalled into harmony with this, that the sacrament of Order impresses a character and cannot be lost, nor can it be found to be repeated.

We, however, for the novices in theology, are satisfied to set forth the judgment of so great an author; for we give no judgment concerning it, but suspend it altogether. Certainly Morinus has many supporters, especially the Parisians, who, as regards the first distinction, hold in general that certain sacraments are only instituted by Christ as to matter and signification; chiefly indeed as to the general signification: while the determination of their matters or rites is left to the Church to represent the grace or power separately from the same; and that thus for sacraments according to species the ancient usage has in some respects varied; which view that great ornament of Gaul, the Paris Faculty of Theology, defends (in Treatises on Sacred Ordinations, Part 2, sect. a, ch. 3, n. 21); although with other words, the same is strenuously maintained by John Cabassutius in the place already praised, who attacks Morinus expressly (ch. 2–3). Let readers consult the authors already praised.[35]

§ V — That the sacrament of orders imprints a character, and can neither be lost nor repeated (Sacramentum ordinis characterem imprimere, & nec amitti, nec iterari posse)

§ 27. Since, with respect to the sacraments connected with us, we have shown in general that there are three things to be maintained—namely, that some sacrament imprint a character, that it cannot be lost, and that it neither ought nor can be repeated—these three things are common to Baptism and Confirmation and likewise to Sacred Ordination. The reason for this, which Augustine gives while treating of the two sacraments, Baptism and Order (Book 2 Against the Epistle of Parmenian, ch. 17), he renders in these words: "Each is a sacrament, and by a certain consecration each is given to a man; the former when he is baptized, the

latter when he is ordained: and therefore in the Catholic Church neither is permitted to be repeated"; and several other things that follow.[37] There he also compares to the military character that sacred sign which after ordination remains impressed in a man; and therefore he denies that it can be repeated, lest an injury be done to the very sacrament—that is, to the sacrament which has been given to a man by a certain consecration—by "consecration" understanding an absolute and perpetual deputation to something sacred, such as exists in Sacred Ordination no less than in Baptism and Confirmation. For just as in Baptism a man is consecrated to the Religion or Household of Christ, and in Confirmation to the soldiery of Christ, so in Ordination he is consecrated to the ecclesiastical ministry, that is, to a public function in the Church of Christ. And since that consecration leaves a perpetual effect, whether absolute or relative, which we call "character" (about which there is dispute among the Schoolmen), for that reason it cannot be lost...'[38]

§ 28. ...whoever shall attempt it effects nothing; and nonetheless he does an injury to the sacrament along with such a consecration having been performed. Concerning the same matter St. Augustine likewise speaks thus, in the fourth book Against the Donatists, ch. 1: "For just as those returning, who before they went over had been baptized, are not, when they return, rebaptized; so also those who before they went over had been ordained are not, to be sure, ordained again; but either they administer what they were administering, if the utility of the Church requires this; or, if they do not minister, they nevertheless bear the sacrament of their Ordination; and therefore hands are not imposed upon them among the laity," and what follows.[39] The same, in the book On the Good of Marriage, ch. 24, says that in those ordained the sacrament of Ordination remains even if they are not placed over the people: "Even if," he says, "someone is removed from office for some fault, he will not lack the sacrament of the Lord once imparted, although it remain unto judgment."'[40] So too the author of the Sermon On the Washing of Feet, under the title of Cyprian: "Upon those once sanctified," he says, "those same hands do not afterwards take upon themselves again to consecrate; no one renews again Sacred Orders once conferred," and so forth; he also subjoins this reason: "Because it is an affront to the Holy Spirit, if that could be made void which He sanctifies, or if an alien sanctification could overmaster that which He once has established and confirmed."'[41] By the name of sanctification he understands consecration. Likewise St. Gregory, book 2, ep. 52, denies that one who has been once consecrated can be consecrated in the same order; just as one who has been once baptized cannot be baptized again.'[42] There exists about the same matter a canon of the Eighth Council of Toledo, the seventh in number, in these words: "Just as the holy chrism, once conferred, and the consecration of the altar, remain ..."; and the like things are there decreed.'[43]

§ 29. As to report what the new theologians have said is enough for us; we pronounce no judgment on them, but rather suspend it. Certainly Morinus has his supporters—among whom, at least for the first distinction to be drawn, are to be numbered those who teach that the matters and forms of certain sacraments were instituted by Christ only in a general way, namely, so far as in general they signify; and that, therefore, the determination of such matters and of the forms, even as to species, might at different times be introduced by the Church, and in fact was so introduced—which opinion, beyond the rest, Francis Haller has defended in the Treatise On Sacred Ordinations with great spirit.[44] But it also has its dissentients: as, for instance, Iveninus in his Commentaries (Dissertations 8, 9, 6), who judges it would savor of rashness. In very truth, however, what has become known is this, namely, that at whatever time Ordinations were performed within the Church—even when administered by heretics, and the rest—if they were in the form handed down, they were not in reality repeated; and the sacred dignity of honors (understand: Orders), which is accounted of this sort, once it has been assumed, will remain altogether indelible. Finally he proves that this is the sense of the whole

Church, which is never read to have reordained one truly ordained. Whence this dogma was defined first in the Nicene Council, then also in the Council of Trent, Session 7, canon 9 On the Sacraments, and Session 23, ch. 4 and canon 4, where the opinion of our heretics is condemned—namely, that the Priests and Deacons of the New Testament have only a temporary power, and that those once duly ordained can be made such again, if they cease to exercise the ministry of the word of God.[45] And this doctrine, as Tertullian recounts in the book On Prescriptions, agrees with the customs of the ancient heretics, whom he there reprehends.[46]

§ 30. A solution of the things objected against the authority of St. Thomas in the passages just now alleged. Against this doctrine there is an obvious objection about those who are degraded through ecclesiastical censure. For it is not only the case that those who have been ordained are sometimes suspended and deposed on account of crimes, but also degraded. But degradation (*degradatio*) denotes the taking away of grade or Order. Whence the Gloss on the Decree (on the chapter "Accedens," Dist. 50) says that a degraded presbyter does not consecrate the Body of the Lord, on the ground that he has lost all power. And many others hold the same, as Sylvester testifies in the Summa.[47] Moreover the Master, in the text, says that a degraded Bishop does not have the power of bestowing Sacred Orders, although he has not lost the faculty of baptizing.[48] To this is added that the Fathers, both in the canons and elsewhere, often speak thus, that they say that some, on account of crimes, are to be deprived of, or are deprived of, the Orders they have received; as St. Gregory, book 3, ep. 13, concerning him who was ordained by simony; and others, whose sentences Gratian records both in the aforesaid Distinction by several chapters, and elsewhere, as cited there by the Glossator.[49] Besides, the same St. Gregory (Homily 26 on the Gospels) thus says: "He deprives himself of the power of binding and loosing, who exercises it according to his own wills, and not according to the morals of his subjects."[50]

§ 31. But to these things the reply is not difficult. For Bishops or Presbyters are sometimes degraded by ecclesiastical severity on account of certain very grave crimes: not because the power of Order is taken away from them—which altogether cannot be done—but because the grade, that is, the honor, dignity, and place befitting the order, is abrogated to them, so that henceforth they are to be held in no other rank than that of the laity. And nonetheless, between suspension, deposition, and degradation—although they are neighboring censures—there is a difference, namely, that by suspension and deposition the honor or the place due to the order is not taken away, which we said is done by degradation, but only the execution of the ministry is inhibited; and that either with hope of restoration, and those who suffer this are properly called suspended; or with all hope of restoration taken away, and that is by deposition. On this matter Sylvester treats more fully in the Summa under the word "Degradation," who also rightly rejects the Gloss alleged and others agreeing with it. As to the Master, we can answer that he spoke thus not so much by asserting as by disputing and recounting opinions. As for those sentences of the Fathers in which some are said to be deprived of Orders, one must answer that they do not speak of an absolute privation of power, whereby, to wit, they would be made mere laymen such as they were before Ordination, but of a privation of honor or of clerical privilege, which we said is called degradation; or at least of the execution of clerical office, which is called deposition. This matter St. Augustine explains clearly and distinctly enough in the places cited above, and especially in ch. 24 of On the Good of Marriage, when he says that those who are removed from office on account of some fault do not lack the sacrament of the Lord once imparted.[40]

§ 32. To the final words of St. Gregory we reply that a priest of that sort "deprives himself of the power of binding and loosing" either because, by using it badly, he deserves that the exercise of the power be interdicted

to him; or because he uses it without effect, when he absolves the unworthy or binds the undeserving. For by doing this he renders that power for himself, as it were, useless and inefficacious.[50]

§ VII — Those who are to be barred from sacred Orders (Qui a Sacris Ordinibus arceantur)

§ 33. By a threefold difference of condition there are those to whom the sacrament of Order (*Ordo sacramentum*) ought not to be conferred. For some are absolutely incapable of sacred Ordination. Some indeed are capable, but are not to be ordained on account of certain impediments either internal or external to the body. Finally, some, although they have no impediment of that sort, nevertheless must not be admitted on account of a defect of doctrine or of uprightness. In the first class is the female sex.

§ 34. That a woman is incapable of sacred Ordination is shown from this, that Order is a hierarchical sacrament, that is, of those who, set in certain grades, bear and administer ecclesiastical government. But by nature women are not meant to be in charge, but to be subject, as Scripture teaches (Gen. 3; 1 Cor. 11). Next, there is the express precept of the Apostle (1 Tim. 2): "Let the woman learn in silence with all subjection. But I do not permit a woman to teach." And (1 Cor. 14): "Let women keep silence in the churches. For it is not permitted to them to speak, but to be subject, as also the Law says. But if they wish to learn anything, let them ask their husbands at home. For it is shameful for a woman to speak in the church." In both places the Apostle, under the name of doctrine and word, includes even the other ecclesiastical functions, above all the offering of sacrifice. For the confirmation of this there is added that Christ, when instructing the priests at the Supper and, after the Resurrection, bestowing on them the power of remitting and retaining sins, did not will that any woman should be present at all, so as to show that that sex is altogether unfit for ecclesiastical pre-eminence and functions. Whence we read (Extra, De Poenitentia et Remissionibus, cap. "Nova quaedam") that the female sex is so far from being able to be admitted to those things that pertain to sacred Order, that not even to the Blessed Virgin Mother of God were the keys of the kingdom of heaven committed.[52]

§ 35. Add that in the Old Law, where priests came to be such only by succession of blood, never were women assumed to the office of the priesthood. Much less, therefore, is it fitting that this be done in the New Law, which is by far more perfect than the Old. Another argument for this matter is taken from the tonsure of those initiated; for it, as we set forth in the previous Distinction, is of apostolic institution. But, as the Apostle attests (1 Cor. 11), "it is shameful for a woman to be shorn"; wherefore by apostolic doctrine and tradition the female sex is altogether to be repelled from sacred Orders. Again, another argument occurs from the episcopate. For he who receives sacred Orders thereby becomes suitable to be made a bishop; but the bishop is the spouse of the Church, representing Christ. Which surely does not at all befit the female sex.

§ 36. Another likewise is taken from the power of binding and loosing, which power entails a power of knowing sins and of hearing confessions. How unseemly that is for that sex, and how perilously it would be entrusted to it—both on account of a certain natural lack of rational steadiness in that sex and lightness and inconstancy of spirit, and on account of intemperance of tongue and garrulity—is well known by experience.

§ 37. Lastly, and this is an argument of the greatest weight: Never did the Church, in so great a series of years and in whatever necessity (although in every age there have not been lacking most excellent and most prudent women), ever attempt to assume any of them to ecclesiastical Order or ministry; therefore she judged that this could in no wise be done by her. Nay rather, Epiphanius bears witness (in Heresy 79, which is that of

the Collyridians, among whom women offered sacrifice to the Blessed Mary) that from the beginning of the world it is not read that a woman offered sacrifice to God. "For if," he says, "it had been granted to women, it was chiefly fitting that Mary herself should perfect the sacrifice in the New Testament. Yet God did not will that this be done." And he adds other things to the same purpose.[^51] But Chrysostom, in Book 2 of On the Priesthood, writes in this way: "When the matter in hand is the presidency of the Church, the whole female nature must needs yield to the burden and greatness of that function," and so forth.[53] To these join the chapter "Mulieres" (Dist. 32) in Gratian, by which it is forbidden that women who are called "presbyterae," as if ordained, be established in the Church.[54] But if you ask what then in former times in the Church were called "deaconesses" and "presbyterae," of whom there exists the canon "Diaconissa," 27, quaest. 1, and the chapter "Mulieres" just mentioned, of whom also Nicephorus makes mention (book 9, ch. 47; book 12, ch. 28), where he even assigns to them the name of order: I reply that these names were only of an office or ministry which women carried out either by governing or by assisting among themselves, and not, however, in the Church; as Epiphanius in the place just named declares.[55] And "orders" are sometimes called so in a general signification, insofar as they were certain offices not indiscriminately for all, but enjoined upon certain persons. Finally, if someone objects that a woman can be placed over a political kingdom, and hence that the sex does not hinder but that she also be admitted in the Church to some pre-eminence, we reply first, with the Philosopher in Politics I, that it is a corruption of the commonwealth that the principate and administration of the realm come to women; next, that it is not rightly inferred that something similar could at least be tolerated in the Church. For since the Church was instituted immediately by Christ, it is a kingdom much more perfect and more orderly than any earthly kingdom whatsoever. Whence it was proper that the female sex be simply removed from its governance.[56]

§ 38. Furthermore, another impediment of Order in the same class is, if someone is not baptized. For since Baptism is the gate of the sacraments, no one can receive another sacrament without first having received it. Whence, in the Council held at Compendium, it is read as follows: "If any Presbyter who has been ordained shall discover that he is not baptized, let him be baptized and be ordained again."[57] And Innocent III both follows and approves the sentence of that Council. Both are contained in the Decretals (title: De presbytero non baptizato, cap. "Si quis" and cap. "Veniens").[58] Nor is it an obstacle what Socrates reports (book V, ch. 21), that it had been received in the Church of Alexandria that readers and interpreters should be made either from the catechumens or from the baptized. For he does not speak of ecclesiastical Order, but that such a custom was tolerable, namely that one who is not yet in the Church should perform in it the office of reader or interpreter.[59]

§ 39. It must, moreover, be noted what difference there is between this impediment and the former: that the unbaptized man can become capable of Order if he be baptized, as has just been said; but the woman, because she cannot change sex, will never be able to become capable of sacred Ordination. In the second class of impediment are boys, the insane, madmen, slaves, and even homicides (involuntary or reconciled); likewise bastards or those illegitimately born; finally, those who are markedly deformed or mutilated: because these partly lack the use of reason, partly have something that either ill befits the dignity of Order or presents an impediment to its administration. For even in the Old Law certain bodily defects excluded the Levites themselves from the ministry of the altar; although those are chiefly to be transferred, in the time of the New Priesthood, to vices of the soul, for the signifying of which those prescriptions in the Old Law were set down so accurately and in such detail.

§ 40. In the same class must also be placed bigamists, who, by the Apostolic Law prescribed concerning those to be ordained bishops and deacons—through what is said, "the husband of one wife" (1 Tim. 3)—are forbidden to be initiated, either on account of a suspicion of incontinence, as some would have it, or, as others more rightly, for the sake of signifying a certain mystery in Christ and the Church. On which matter there will be a more exact treatment below at Distinction 27.

§ 41. But all those who are of the second class receive the true sacrament, if it should come to pass that they are in fact ordained; even those who are destitute of the use of reason either on account of age or sickness; as St. Thomas, St. Bonaventure, Richard, Paludanus, and others hold with probability, although Durandus gainsays. And they give this reason, that the sacraments which imprint a character require no act of reason on the part of the recipient in order that through them the character, or spiritual power, be conferred. Whence just as Baptism and Confirmation are given efficaciously before the use of reason, so too the sacrament of Order; although without doubt this would be done illicitly, because there is no necessity or utility of such an ordination, so far as pertains to the public good of the Church, for the sake of which this sacrament of Order was instituted. As for the grace sanctifying the soul of the recipient, whether it is conferred upon those ordained in this manner—this perhaps requires a separate answer; for a sacrament conferred thus does not of itself remove an obstacle on the part of the subject, just as also in the sacrament of Confirmation.

§ 42. The aforesaid opinion is further proved both by the canonical chapter De clerico per saltum promoto, in which Innocent III seems to approve all Orders below the presbyterate received before the years of discretion, if it were legitimately established that they had been received in fact; and by the canon of the Fourth Council of Toledo, which Gratian cites (Dist. 77, cap. "In veteri lege"), where it is stated that certain persons even ordained infants and boys as Levites, that is, as deacons. Nor, nevertheless, is it denied that the ordination is valid; only the deed is censured, and it is forbidden that it be done thereafter.[60]

§ 43. Moreover, the same judgment, as regards the true reception of Order, must be held with greatest certainty concerning those who pertain to the third class of impediment. In which class—besides the bigamists already excepted—first are those whom the Apostle bars from the episcopate and diaconate in 1 Tim. 3, when he prescribes certain conditions for each; and then whoever are not such, by learning and by honesty of life, as the holiness and administration of each order requires according to the sacred canons, and especially according to the reform decrees of the Council of Trent, Session 23, chs. 5, 11, 12, 13, 14. To this there can finally be referred the impediment or defect of age, inasmuch as for the most part it has conjoined with it a defect either of learning or at least of gravity and maturity of morals and judgment. Whence it comes about that, with most just reason, the ecclesiastical laws require a certain and sufficiently mature age for undertaking Orders. In which matter, however, there has been no small variation. For according to the ancient canons, which are in Gratian (Dist. 77, 8), to the subdiaconate there was required the age of twenty years, to the diaconate twenty-five, to the presbyterate thirty; although in those canons too, especially as regards the age of the subdeacon, not a little diversity is found; nor does the Master say quite accurately, since they do not agree with the canons. Afterwards, however, as the zeal for piety grew cool, and as men did not bear so long a delay in the lower grade, Clement V, in the Council of Vienne, changed the ancient laws and shortened the times, as is contained in the Clementines (title: De aetate et qualitate praeficiendorum, cap. "Generalem"), where he assigned to subdeacons eighteen years, to deacons twenty, to presbyters twenty-five. The same law the Council of Trent retained indeed for the presbyter; but in the other two Orders—either on account of the continence annexed to them or for some other reason—it reduced [the requirement] to a more mature age,

establishing that no one be promoted to the order of subdiaconate before the twenty-second year of his age, to the diaconate before the twenty-third, to the presbyterate before the twenty-fifth (Session 23, ch. 12, Reform).[61]

§ VIII — Who the simoniacs are and in what sense they are called heretics (Qui simoniaci & qua ratione dicantur haeretici)

§ 44. What we said above about those who are ordained outside the Church, that they receive the true sacrament of ordination (*ordinationis sacramentum*), the very same must altogether be held about those who are ordained by simoniacs (*Simoniaci*): whether not knowing they receive the sacrament from them, or knowing and consenting. For the reasons and authorities set above conclude no less about these than about the others, although here the Master teaches differently, saying that the consecration of those who knowingly have allowed themselves to be consecrated by simoniacs is altogether void. Which sentence of the Master is rightly rejected and is counted among his selected errors. Nor does the Decree of Urban, which is found in Gratian and from which the Master draws his words, lend support to his opinion.[63] For the sense of the decree is that the consecration of such is altogether void as regards the honors and privileges of the Order, and as regards its lawful and legitimate exercise. For even in that case it is plain that the Order is truly conferred from the chapter immediately preceding and the two following, in which those ordained in whatever manner simoniacally are not denied to have received the sacrament of Order, but on the contrary are ordered, as truly ordained, to be cast down from the grade received and deposed. Which canons serve in place of an interpretation of Urban's decree.'[64]

§ 45. Moreover, on the occasion of this doctrine, it is fitting to add in this place who are called simoniacs, and what simony (*Simonia*) is, and by what modes it is committed. Therefore, in general those are called simoniacs who are followers of Simon Magus, whose wickedness was of a twofold kind: one, that for a price he wished to procure for himself the grace of giving the Holy Spirit visibly, as we have in Acts 8; the other, that he handed down certain teachings of his own contrary to the Catholic faith, against which Irenaeus and Epiphanius argue learnedly.[65]

§ 46. In this latter part, those who follow him are properly heretics (*haeretici*), not so those in the former; for those whom we today call simoniacs labor not under a doctrinal error but under the vice of a depraved disposition—disposition is a vice. Yet even those former are sometimes called heretics, and the very vice is called the "simoniacal heresy," both by St. Gregory (in the Register of Letters: book 3, epistle 3; book 4, epistle 51; book 9, epistles 51, 53, and the two following; again of the same book, epistle 64; and book 11, epistle 46; and frequently elsewhere), and also in some other decrees of Pontiffs in Gratian. Whence also the Master in the text "On the Simoniacs" says, "it must not be doubted that they are heretics"; and the same is confirmed by Hugh of St. Victor, book 2 of the De sacramentis, part 10, in the tract on simoniacs.[66] They are, however, so called in this way improperly: because, namely, they are bargainers with a man who was a heretic—not in that wherein he was a heretic, but in that he was impious and sacrilegious; just as the Roman Pope is called "Apostolic," because he is the successor of the Apostle Peter, not indeed in the Apostolate but in the Primacy of the Church. They can also on this account be called heretics, because they deal irreligiously with the sacraments of Christ and with other spiritual things, just as if they were heretics and did not hold a sound opinion about them.

§ 47. For in truth those are heretics who teach that the buying and selling of ecclesiastical benefices is lawful, as the Greek bishops today—assuredly in that matter too imitating Simon Magus, to whom the Apostle says: "Let your money perish with you, because you have thought that the gift of God is to be possessed by money." For "thought" seems to signify "opinion." In the same way those who practice usury, if they think that they do so lawfully, are heretics, as the decree of the Council of Vienne states.[65]

§ 48. Furthermore, the simoniacs are also called Gieziites from Giezi, the minister of Elisha, who exacted and received a price from Naaman the Syrian because through his master Elisha he had been miraculously delivered; 4 Kgs 5. They are also called Balaamites from the soothsayer Balaam, who for a price was hired to curse the sons of Israel in the name of God as a prophet, Num. 22. But there were also others in the Sacred Scriptures noted for this crime, such as Jeroboam, who sold the priesthood for a price, appointing priests of the high places from the lowest of the people, 3 Kgs 13; such as Jason, Menelaus, and Lysimachus, who are read to have bought the high priesthood from the impious king Antiochus for very many talents of gold, 2 Macc. 4; such as Annas and Caiaphas and the other pontiffs of that time who bought back that same dignity annually for a price from the Romans, as Josephus testifies (Antiquities, book 18)—who held the pontificate and the priesthood of the Jews for sale, as the same Josephus testifies (book 17 of the Antiquities), and Nicephorus (book 1, chapter 9).[67]

§ 49. Finally, as the worst of all, Judas, who sold the Son of God for thirty denarii to the chief priests who were buying him to destroy him; about whom, however, one can doubt whether he properly sold Christ, or rather only hired out his service, to lead the Jews to the place where they could easily and without a tumult of the people seize Christ.

§ 50. Nevertheless, those who stain themselves with this crime are peculiarly—and some most expressly—already of old called simoniacs from Simon Magus, in whom there was the will not only of selling, as in Giezi and Balaam and Jeroboam and Judas, nor only of buying, as in others, but of buying and selling together. For he wished to buy the power of giving the Holy Spirit, so that he might afterwards sell the use and exercise of that power; and on this account he would not give freely what he had not freely received. Augustine bears witness to this in Psalm 130, speaking about Simon: "He wished to buy what he planned to sell." And again: "Simon wished to buy the dove, to sell the dove"; and Gregory, Homily 4 on the Gospels: "He wished to receive the gift of the Holy Spirit for money, so that he might sell the worse what he had ill acquired."[68]

§ IX — The definition of simony and an explanation of the same (Simoniae definitio eiusdemque explicatio)

§ 51. Simony (*simonia*) is commonly defined as a deliberate will (*studiosa voluntas*) of buying or selling a spiritual thing, or one annexed to a spiritual thing. Now it is called a deliberate will, which by another name we can call a consenting one, such as when someone, knowing a thing to be spiritual or annexed to a spiritual thing, nevertheless subjects it to a price. And with good reason it is called a will, not an act, because this crime can be committed by will alone, as also other sins; whether that will is expressed in words, as happened with Simon Magus, who did not buy but only wished to buy, and expressed that will in words; or whether it has given itself away outwardly by no sign at all, of which sort is purely mental simony. Under the words "buying" and "selling" in the definition one must understand every contract that is not gratuitous; such as lease, hire, exchange, composition, and the like.

§ 52. Next, just as other non-gratuitous bargains are contracted not only with money intervening, but with everything that is appraisable by a price, such as service, deference, and labors—indeed even prayers, praises, flatteries (*adulationes*), whenever he who either offers or receives them counts them in place of a price—otherwise, just as an alms given to a poor man who urgently begs is gratuitous, so an ecclesiastical benefice procured by prayers or flattery is nevertheless reckoned to have been given gratis. Moreover, they too incur the crime of simony who, on this pretext, confer benefices upon their relatives, or procure that they be conferred, in order to free themselves from the obligation of their support; but otherwise, if they do it with an eye only to kinship. For then, although they incur the sin of an unjust dispensation, they are not implicated in the crime of simony. And the same holds for the one who generously bestows a benefice on his own servant, considering only that he is his servant, not that he will be of use to the Church.

§ 53. Further, by "spiritual thing" (*res spiritualis*) in the definition is understood that which the Holy Spirit works gratuitously for the salvation of men. Now things of this sort are not of one kind only. For some are so spiritual that they cannot be handed over by man upon the bargain of some price intervening, such as faith, hope, charity (*caritas*), and whatever commends a man to God. In the handing over and receiving of things of this sort simony cannot be committed, even if they are such that they can be acquired by the sacraments by someone who thinks to purchase them for himself by a price.

§ 54. But other spiritual things are handed over by the ministry of men, and are indeed things spiritual, yet even to the wicked and unworthy recipients; such are the power of ordaining, consecrating, absolving, and the other effects of the sacraments, by which, however, a man is not made pleasing to God. About spiritual things of this sort simony is committed whenever they are handed over or received not gratis but for a price. To the same head belong prophecy, the gift of tongues, the working of miracles, and other graces that are called "gratuitously given" (*gratiae gratis datae*). In this class was that which Simon Magus wished to purchase for himself at a price.

§ 55. Finally, the sacraments themselves and the acts by which they are administered are referred to this class: to baptize, to absolve, to offer sacrifice; and likewise other acts of any spiritual power: to consecrate churches, altars, chalices; likewise to confer benefices and to nominate to them, present to them, or institute in them; to give dimissorial letters for Orders; and whatever things are of this kind.

§ 56. Lastly, in the definition of simony there is added "or a thing annexed to a spiritual thing." For there are certain temporal things annexed to spiritual things, with respect to which the vice of simony must be guarded against. On which point it must be noted that things annexed to spiritual things are of a twofold kind. Some, namely, are related antecedently to that which is spiritual; others, consequently.

§ 57. They are said to be related antecedently to a spiritual thing, on which, as upon things prior by nature or in time, the spiritual thing depends; for example, a consecrated chalice is annexed to a spiritual thing in this way, because it both exists prior to the consecration itself, and upon it, in a certain manner, the consecration itself is founded. Of this sort likewise are sacred vestments and other ornaments and vessels of the Church, hallowed by consecration for the divine service; likewise a consecrated cemetery, and a field or estate having the right of patronage annexed. All these things therefore can indeed be sold, but it is not permitted to increase their price on account of the spiritual reality that adheres to them. Hence a consecrated chalice ought not to be sold for more by reason of its consecration than an unconsecrated one, and so with the others. And that to sell such things is likewise not unlawful is clearly proved by the examples of the Saints: of Ambrose, who

writes this of himself in book 2 of On Duties, chapter 28; of Exuperius, Bishop of Toulouse, in St. Jerome's letter to Rusticus; of Augustine, in Possidius's Life of him, chapter 24; of Gregory, approving the same, book 6 of the Letters, epistle 13; and of others who laudably, for the use of the poor or the redemption of captives, under pressing necessity sold sacred vessels broken up or melted down and sold the lands of the Church.[69]

§ 58. Of the same kind, moreover, are those things that are taken up for the matter of the sacraments, such as bread, water, wine, oil whether simple or mixed with balsam. For all these things are related antecedently to the sacraments themselves; wherefore it is not repugnant that they be sold at that price at which they would be sold outside the use of the sacraments as profane goods. But because the price of such things is very small, and those things are hardly valued except by reason of that which is spiritual, for this reason it is provided by the canons that nothing be exacted for chrism. Which must be judged much more to be forbidden regarding those things that are of lesser and scarcely any price in themselves; and this lest the sacraments themselves appear for sale and by this be exposed to contempt.

§ 59. Moreover, a temporal thing is related consequently to a spiritual thing when what is temporal is acquired by means of what is spiritual, namely so that, both being given, the spiritual, by nature, is first, and the temporal, given and received afterwards, is compelled to follow. Temporal things that are of this kind depend on spiritual things, not conversely. In which class it is certainly true that ecclesiastical benefices must be placed. For an ecclesiastical benefice is a certain right of receiving the necessities of life, or temporal goods, on account of a spiritual office, which is the right of serving God in the clerical state; namely, in such wise that the temporal element befits no one unless he has first received this spiritual one.

§ 60. In this kind therefore of temporal things, buying and selling is altogether illicit. And it is of these that one must understand what Pope Paschal says, cited by the Master, and whose opinion Gratian reports more fully in I, quaest. 3, in these words: "If anyone should object that it is not consecrations that are bought, but things that result from consecration, he is proved to be utterly senseless. For since the corporeal Church, or a Bishop, or an Abbot, or something of this sort, without corporeal goods profits in nothing, just as neither does the soul live corporally without the body, whoever sells either of these, that is, what is temporal, without which the other, that is, what is spiritual, does not ensue, leaves neither unsold. Let no one, therefore, buy a prebend, or a church, or anything else that is ecclesiastical, nor pay either a 'pastellum' or 'pastus' for such a thing, either before or after."[70]

§ 61. So much for him; where what is said, "without which the other does not ensue," understand thus: namely, so that the other be necessarily presupposed.

§ 62. Therefore, the rationale of this teaching is: because a temporal right of this sort cannot be transferred unless the transfer of that which is spiritual be presupposed. Wherefore he who is judged to transfer for a price what is prior is held in law to be a simoniac.

§ 63. Which we judge to be so true that not even the Roman Pontiff himself would be to be excused from the vice of simony if—far be it—he were to confer, not gratis but with a price intervening, those temporal things which, in this latter way, are annexed to spiritual things; and much more if he were to sell the spiritual things themselves.

§ 64. But if, for example, he were to make some field from ecclesiastical into profane, namely by separating the obligation or debt of the spiritual office from the right of receiving the fruits of that field—which indeed

from the plenitude of power he can without doubt do—then he will be able, without unlawfulness, to subject it to a price.

§ 65. And this doctrine, concerning the intrinsically illicit buying and selling of ecclesiastical benefices, is more in conformity with the sacred canons: inasmuch as by them such bargains are signified to be prohibited as in themselves vicious and base, and as contrary to the divine law; although there are not lacking those who refer this matter merely to ecclesiastical law, thinking contracts of this sort to be evil only because they are prohibited by the laws of the Church, not prohibited because they are evil in themselves. This is, for the most part, the opinion of the Canonists.

§ X — Whether the labor of ecclesiastical ministry is assessable at a price (Utrum labor ministerii Ecclesiastici pretio sit aestimabilis)

§ 66. Among those temporal things which are so connected with spiritual things that they precede them in nature, there is to be counted the bodily labor which the Ministers of the Church undertake either by celebrating Masses, or by administering the sacraments (*sacramenta*), or by preaching; about which, therefore, there is a controverted question among the Doctors, whether it is assessable at a price. For some think that that labor which is internal to the sacraments and other sacred actions, and of necessity concurs with them, ought not to be appraised at a price; as being in itself of no value or of very slight value, and sought only for the sake of the spiritual effect—such as are: to wash, to sit, to listen, to speak, to stand at the altar, and to do other like things.

§ 67. But that labor which is extrinsic to the sacrament or to another sacred action, and either precedes or follows in time its administration—of which sort is the journey to the place where the sacred rite is to be celebrated, or to anoint the sick, or to deliver a sermon—they say is assessable at a price and can be made the matter of a contract. Others, however, are of the opinion that even that internal labor necessarily concurring can be appraised at a price, as also the obligation of time and of place; provided nevertheless that, by reason of its conjunction with the sacrament or with holiness, these be not valued at more than they would be worth if considered apart. And they strengthen their opinion by the authority of St. Thomas, who in II-II, question 100, article 3, to the third reply, says that he who has knowledge, and yet is not obliged by office to impart to others the use of his knowledge, can lawfully receive a price for his teaching or counsel—not as though he were selling knowledge or truth, but as one who receives a recompense for labor. The same is taught by St. Bonaventure.[72] They think this is shown also by the following indication: that with a view to labor alone a greater stipend is given to one preaching three hours than one, and to one who sings the Sacred rite than to one who reads it. And although the Sacrifice of the Mass (*Missa*) is far more worthy than a sermon, yet on account of the greater labor which is expended both in preparing and in the very work itself, more is given to the preacher than to the sacrificer. This opinion is held by Altisiodorensis and Adrianus (Quodlibet 9), and by many Canonists.[73] The former opinion, however, is held by Durandus, and after him by Silvester in his Summa.[74]

§ 68. The words of Durandus in the present Distinction (art. 3) are these: "Those concomitants, especially those which are inseparable in the administration of the sacraments, such as the bodily labor that is in administering the sacraments or in consecrating churches, can in no way be sold without the vice of simony (*Simonia*): because the labor of the worker never falls under sale, but only the work, even in things purely

corporeal; for if, without the work, a man could exercise his works without any labor whatsoever, nevertheless he could sell them, because even if they were done without labor, equal advantages would accrue to the buyer. Hence, labor as such is never bought from the buyer's intention, but only the work to which the labor is annexed; and therefore, if the work of administering the sacraments and other spiritual things cannot fall under sale without the vice of simony, neither consequently can the labor which is in such a work. And to say the opposite is ridiculous, and furnishes a shabby color of excuse for simoniacs, who can say: We do not sell the sacraments, but the labor we have in baptizing and in celebrating Masses, and the like." So he. Which opinion, as without doubt the safer, so also appears the truer.

§ 69. This view is followed by Cajetan and by Dominic, accepting the aforesaid distinction between labor that is antecedent or accessory—which he thinks can be set at a price—and that which is necessarily concomitant, that is, that which is intrinsic to the sacrament and belongs to its substance, as is the very sacramental action itself, namely the act of baptizing, of celebrating Mass, of absolving the penitent, and the like. About these they assert it is manifest that they cannot be appraised at a price.[75]

§ 70. Yet this distinction, as regards the former member, is to be taken only of those actions which, although they are undertaken for the sake of accomplishing a sacred thing, nevertheless in themselves are not sacred or spiritual actions, as is a long journey to the place where the sacred rite is to be celebrated. For if they themselves also are spiritual, as is previous prayer, or something similar, it is not to be believed that works of this sort can be set out for hire, either by reason of the labor or by reason of the work—just as the words of Durandus alleged prove.

§ 71. But to that which is objected from St. Thomas, Silvester replies that the "hiring-out of works" in spiritual matters is taken improperly. For St. Thomas means nothing else than this: that he who is endowed with spiritual knowledge, and yet is not obliged by office to impart to others the use of it, can hire out his services—that is, can make a compact for just and honest sustentation in consideration of his services.[^75]

§ 72. But to the other argument there is an easy reply: namely, that in such cases regard is had both to the magnitude of the work and to the magnitude of the labor; because, other things being equal, it is fitting that he receive a greater honor-stipend who renders more work and expends more labor, than he who renders and expends less—even if neither the work nor the labor is assessable at a price. For thus the Apostle prescribes, 1 Tim. 5: "Qui bene praesunt Presbyteri, duplici honore digni habeantur, maxime qui laborant in verbo et doctrina."

§ XI — How far something may be received by reason of sacred ministry (Quatenus ratione sacri ministerii aliquid accipi possit)

§ 73. Although, as has been sufficiently approved, it is by no means a sin to sell sacred ministry, nevertheless those are to be reprehended who, whether by the ordinance of Superiors or by the approved custom of places, receive something temporal while they administer a sacrament or some other sacred function. For it is to be understood that that temporal thing is given and received, not as the price of a sacred thing, but as something appointed for the support and sustenance of the life of those who minister sacred things. For, the Apostle being witness, "Dominus ordinavit iis qui Evangelium annuntiant, de Evangelio vivere"[77]. Moreover, the Lord appointed that right when He sent His disciples to preach and gave them the power of eating and drinking at the houses of those to whom they would announce the Gospel.'[78]

§ 74. Nor is this divine ordinance expressed only under the Old as well as the New Law; but the law of nature likewise demands the same thing, namely, that to him who works the necessaries of life be supplied by him for whom the work is rendered—which is so true that even to beasts by this law their fodder is in a certain manner owed: "Thou shalt not muzzle the ox that treads out the grain."[79] This sentiment the Apostle alleges to prove the right of living by the Gospel; and again he uses arguments taken from the law of nature: "Who ever serves as a soldier at his own charges? Who plants a vineyard and does not eat of its fruit? Who feeds a flock and does not drink of the milk of the flock?",[77] Nor differently does the Lord in the Gospel, when at one time He says that "the workman is worthy of his hire," at another that he is worthy "of his food"; and by that example He shows that the preachers of the Gospel ought to live at the expense of those to whom they preach. Which example is also repeated by the Apostle.[80] To both laws, divine as well as natural, that which the same Apostle subjoins can be referred: "Do you not know that they who work in the sanctuary eat the things that are of the sanctuary; and they who serve the altar, partake with the altar? So also hath the Lord ordained," and so forth.[77] To the same end looks the argument of that same place: "If we have sown unto you spiritual things, is it a great matter if we reap your carnal things?" And in Romans: "For if the Gentiles have been made partakers of their spiritual things, they ought also to minister unto them in carnal things.",[81]

§ 75. Moreover, what in general the divine and the natural law command, that the law of the Church determines, when it establishes something fixed to be received by the Ministers of the Church from the people —such as tithes, the dues of exequies and burial, and whatever other things, both for the administration of the sacraments and for other sacred functions, have been assigned to their Ministers either by express law or by custom. Yet all these things have the character not of hire and price, but of due sustentation. For where in Luke and in 1 Timothy the name of "hire" is read, it is not said of the sustenance of the Ministers of the Church, but of the hire of workmen, from whom both the Apostle and Christ take the example, as we have said. The likeness of which example consists in this: that just as a workman lives by his work, receiving the hire owed to him, so the Minister of the Church has a right to live by his ministry, receiving for himself the supports of life. And on this account what is given to the Ministers of the Church can also be called "hire." And it can be properly called "hire" as it is opposed to "merit"; because he who ministers the Gospel merits sustentation—yet this is not the full nor the entire nor the chief hire of his work, and therefore not a price, because that is not contained under the formal character of hire.[80]

§ XII — What is supplied to the Ministers of the Church is not pure alms (Quae praebentur Ecclesiae Ministris; non esse puras eleemosynas)

§ 76. Among the articles of John Wyclif condemned in the Synod of Constance, one is number 18, in which he asserted that tithes are pure alms, and that parishioners can, on account of the sins of their Prelates, withdraw them at will. Although what has just now been said refutes this error sufficiently, nevertheless a more ample proof is to be made, both from Scripture and from the Fathers and from reason itself considered naturally, that both tithes and the other revenues of the Ministers of the Church are not pure alms but stipends due to their ministries. First, the comparisons which the Apostle uses show this—comparisons not taken from alms for beggars or from other gifts that are merely gratuitous and undue, but from things which by every right are owed, as are the stipends of soldiers, the hire of a shepherd, a planter or farmer, and, finally, of whatever workman.[77]

§ 77. In the same place he calls it "a power and right of eating and drinking and not working," where he commends himself in that he had not used that power—that is, a right owed to him. In another Epistle, he says thus: "I despoiled other Churches, receiving stipend unto your ministry." Therefore, according to the Apostle, stipends were owed by right, which were given to the Ministers of the word.[83] So in Romans he calls it "a debt": "It hath pleased them, and their debtors they are; for if the Gentiles have been made partakers of their spiritual things, they ought also to minister unto them in carnal things." And in 1 Timothy: "The Presbyters who rule well be counted worthy of double honor"—that is, of generous stipends.[81] To the same pertains what a little above was said about the word "hire," which undoubtedly includes both merit and debt, and is by diametrical opposition against pure alms. In a similar manner also does the Lord speak in the Gospel, where to priests, for the priestly office, He declares that things of this sort are owed by right perpetually, and lastly He adds these words: "For it is a price for the ministry which you serve in the tabernacle of testimony"—under the name of "price" understanding generally that which is owed by right, even if it is not adequate to the work for which it is given.[84]

§ 78. But let us come to the Fathers. St. Augustine, in the book On the Work of Monks, chapter 15, speaking of Timothy, says: "Because through weakness of body he could not work with his hands, the Apostle thus exhorts and consoles him: 'As a good soldier of Christ,' and so forth. Lest he should suffer straits, saying, 'To dig I am not able, to beg I am ashamed,' he added: 'The laboring husbandman ought first to partake of the fruits,' and so forth. He therefore made safe that Evangelist, not that he should sell the Gospel, but that he should receive only the things necessary for life from those by whom he could not labor; that he might understand that what he took was not begging but a power, from those to whom he, as it were, served as a provincial soldier, and in whom he, as it were, cultivated a whole vineyard, or, as it were, fed a whole flock. Therefore it is not begging but a power." Thus he.[85] If therefore, according to Augustine, it is not begging but a power when it is received, neither therefore is it alms but a debt when it is given. That it is a debt the same Augustine testifies yet more clearly in the Tractate On Pastors, chapter 11, writing thus: "The Apostle, although he chose to work with his own hands, nor to be suckled by the sheep, nevertheless said that he had the power of receiving milk, and that the Lord had so ordained, that those who announce the Gospel should live by the Gospel; and he says that other Apostles made use of this power, not usury, but a given power. He did more, so that he would not even receive what was owed. He therefore himself forgave the debt; but another did not exact an undue thing, and the like follow." The same, in Sermon 3 on Psalm 103, using similar words, teaches that what is given to the preachers of the Gospel is a debt, not a donation, and he says that the people ought not to wait until it be asked, but ought to forestall the petitioner.[86] In like manner St. Jerome, on Malachi 3, says in sum that we ought to "pay a debt" to the priests; whence also the Apostle says that "a Presbyter is to be honored with double honor, especially he who labors in the word and doctrine of God." He who will not do this is convicted of defrauding and supplanting God.[87]

§ 79. Most clearly of all, however, St. John Chrysostom speaks on this matter, Homily 33 on Matthew, treating that passage of chapter 10, "The workman is worthy of his food": "Whence it is manifest," he says, "that they are to be supported by the disciples themselves. Lest either they should rise up against those whom they taught, as if giving all things and receiving nothing in turn; or those who heard should depart as if neglected and despised. And lest they be ashamed whom He willed to live, as it were, by begging, He called them 'workmen,' and called what was given to them 'hire,' that He might show that a thing owed was being given to them. For although he seemed only in words to be a 'workman,' yet the matter was of no small labor, and the benefits conferred were not small. Wherefore what was given to the Apostles was not offered as a

favor, but was repaid as a requital of benefits: 'For the workman is worthy of his food'—not because those Apostolic labors were worth only so much (far from it—by no means is this to be thought), but for this reason was it so ordained, lest the Apostles seek more, lest they who supplied to them the necessaries should swell with no vaunting of liberality if they were paying a debt." So far there Chrysostom. And in Homily 21 on 1 Corinthians 9, at "If we have sown to you spiritual things," he says: "Behold he shows another cause most reasonable why he deserves to receive the necessaries of life—because they bestowed much greater things than they received."[88] To these is added the canon 26 of the Council of Agde, which Gratian cites with these words: "Let all clerics who faithfully and willingly serve the Church obtain, according to the merit of their service, the stipends owed to holy labors by the ordinance of the canons from the priests."[89] To this, too, refers what we showed above, that supports of life are owed to the Ministers of the Church by divine and natural right, to which ecclesiastical right has been added by way of determination; in which the chief thing is that regarding the paying of tithes. Concerning which Augustine speaks at length to the people in Homily 49 among those On the Time; and from that very phrase, most usual in the canons and in the writings of the Fathers, "to pay tithes," it is shown anew that these are not donatives or gratuitous things but things owed, honor-stipends of their labors. For nothing is said to be "paid" except what is owed by right. St. Thomas treats of this right, II-II, q. 87.[82]

§ 80. Finally, that things given in this way are not alms is proved by this evident reason: alms is founded upon mercy which is bestowed with a view to the poverty of him on whom it is expended, without an obligation to any work or office—except that by the law of nature the poor person receiving alms ought to be grateful and to pray to God for him who has given. But the things that are given to the Ministers of the Church are neither properly given with a view to poverty, nor, if sometimes some regard be had to poverty, are they therefore for that sole cause and purely rendered, but by reason of sacred ministry, of the work and office which is rendered by them. Whence let no one say that he has received pure alms, if anything has been given or bequeathed with the obligation of some work—especially if that work be worth much more than that which has been given or bequeathed—even if he who gave or bequeathed perhaps had some regard to poverty. In this matter, however, the aforesaid example of the Apostle Paul must always be held before the eyes by all the Ministers of the Church, who, although he had a right to exact the necessaries of life from the Corinthians, nevertheless, lest he give any scandal to the Gospel of Christ, did not use this power, but among them passed his time by his own hands, as he declares.[90] Again, where there was no danger of scandal, as in the Churches of Macedonia, he made use of this evangelical right, as he himself testifies.[83] Thus also today ought the Ministers of the Churches to act, that, if anywhere by the infirmity of men scandal seems likely to arise, or an impediment to spiritual fruit, they provide rather for another's salvation than for their own advantage. Nor indeed from this is there a peril of perjury, which many allege, as though they satisfied less the oath about conserving rights, as they speak. For an oath ought not to be a bond of iniquity; and therefore whatever oaths are of this sort, they must always be understood under the reservation of the law of charity, which both the Pastor owes to his sheep and the other Ministers of the Church to the faithful people. For that law requires in certain cases that, for the sake of ministry, each one avoid the scandal of the weak. Whence the Apostle says: "But we have not used this power; but we bear all things, lest we should give any hindrance to the Gospel of Christ." And below: "I became weak to the weak, that I might gain the weak." And in Acts: "I have showed you all things, how that so laboring you ought to support the weak." Which words, spoken by the Apostle to the bishops and presbyters of Asia, all parish-priests ought to take as spoken to themselves, that they may understand what in a like case they too ought to do.[90]

§ XIII — Certain arguments to the contrary are resolved (Diluuntur Argumenta quaedam in contrarium)

§ 81. Against the foregoing doctrine these things are wont often to be objected. First: Christ (Matt. 10) when sending His disciples to preach the Gospel says, "Gratis accepistis, gratis date"; but he does not give gratis who receives a stipend of labor, as is clear in 2 Corinthians 11, where the Apostle says that from this he preached the Gospel gratis to the Corinthians, because he had received from them nothing of stipend; therefore, if anything is given to those who evangelize, it is not given as a stipend, but into gratuitous and pure alms.[92] Second: Prosper, book 2 On the Contemplative Life, chapter 9, says that the goods of the Church are nothing else than the vows of the faithful, the prices of sins, and the patrimonies of the poor; and therefore that to clerics who have enough from their own, nothing of it ought to be disbursed; and, chapter 10: "Nor do they who, possessing their own, wish that anything be given to them, without great sin take that from which a poor man was to live. Of clerics indeed the Holy Spirit says: 'They eat the sins of my people'; but as those who have their own possession, they seem to receive not sins but alms; thus, as possessors, they receive not alms of which they abound, but other men's sins." And, a little after: "But they who serve the Church and believe that what is owed on account of their labor ought to be repaid to them, if they receive things of which they have no need, either receive gladly or exact—if they think that those who serve the Church faithfully receive earthly stipends and not rather eternal rewards, they savor too carnally," and other things which follow to the same sense.[93] Third: It is not lawful for the Ministers of the Church to receive from the goods of the Church beyond the necessaries of life, according to that: "The workman is worthy of his food" (Matt. 10), and: "Having food and with what we may be covered, with these let us be content" (1 Tim. 6). Whence Hilary, on the Psalm, writes that the custom of contribution, from the Apostles, of daily or everyday alms for those who have renounced the world was instituted on account of the want and poverty of the needy; and he gravely reprehends those who seek after the contributions of the people and their gifts. The same author has similar things elsewhere; and Jerome, on Mark, at "Women ministering unto Him," says that, lest He should offend teachers, it was to be a type that the disciples ought to be content with food and clothing. The same, in the Epistle to Damasus, which Gratian relates, writes thus: "It is fitting that those clerics be supported by Church stipends, whom no supports of parents or of their own assist; but those who are supported by the goods and wealth of parents, if they take what belongs to the poor, incur sacrilege." Likewise the Antiochene Council, as Gratian reports, forbids that a bishop partake of the goods of the Church except as he has need. Bernard also, in Epistle 42, affirms it to be theft and robbery, whatever is taken from the altar beyond simple food and clothing. Similar things are read in Augustine, Sermons 17 and 219 De tempore.[94] From all which it seems to follow that what the Ministers of the Church receive does not have the character of stipend, but only of alms. For if it were stipend, it would be lawful to receive something more, as is evident in the stipends of soldiers and the wages of workmen. Fourth: The Council of Trent (session 25, chapter 4, On Reform) calls those things which are left from foundations for celebrating Masses "alms." And in the same way the Council of Aachen also speaks, saying that canons live from alms (cap. 122). And elsewhere this way of speaking is common, that pious legacies are called "alms," even if the recipients are bound by the foundation to the celebration of Masses or something else of that kind; nay, sometimes even such things are said to be left "into pure alms." Lastly: the annual supports of students which are called bursae are alms even with respect to the recipients, although they themselves, by reason of such supports, are obliged by pact or statute to many things—namely to diligent

study, to pray for the founder, to a certain state of life, and so on. Therefore ecclesiastical prebends likewise are alms with respect to the recipients, although on account of them they are bound to ecclesiastical ministry.

§ 82. To these arguments let us reply in order. To the first, one way it is answered that when the Lord said "gratis accepistis," He did not look to the work of evangelical preaching, which is laborious and almost requires the whole man, but to the working of miracles, of which He had just spoken, and in which much work and labor is not employed; wherefore, if anything were received, the very miracles would seem to be sold and the grace of miracles to be exposed for sale. In another way, the word "gratis" is taken one way by Matthew, another by the Apostle. For in Matthew it is opposed to "price," not to "stipend": if also it is to be referred to the preaching of the Gospel. For that stipend is not denied is clear from what presently follows concerning the work of preaching: "The workman is worthy of his food." But with Paul it is taken more strictly, so as to exclude any reception as of debt. For Paul commends himself, that he "preached the Gospel gratis" among the Corinthians—that is, that he received nothing of stipend from them, which nevertheless he could, as by right, have received, just as the other Apostles received, and even he himself...[92]

§ 83. In the same place he expressly bears witness, saying: "I robbed other churches, taking wages for your service."[83] To what, in the second place, is objected out of Prosper, we answer that those writings were composed at a time when as yet no partition of the Church's goods had been made, but they were still possessed in common. For then it belonged to the Bishop's office to distribute from those goods to the clergy, to the fabric, and to the poor, according to each one's need or merit, and also to take from them for himself as much as he had need. Moreover, he was bound to a distribution of this sort by the law of justice, and would be liable to restitution if he distributed otherwise—just as, after St. Thomas,[95] Domingo Soto rightly shows.[96] But afterwards, when the number of clerics increased, and that common life could no longer be retained for long among so great a multitude, and grave complaints were stirred up about the ill administration of common goods, it seemed good to divide the Church's goods into four portions, of which the first should fall to the Bishop, the second to the Clergy, the third to the Fabric, the fourth to the Poor. This began to be done about the year of the Lord 470, in the time of Pope Simplicius, and then was brought to completion in the times of Gelasius and Gregory the First; canons of these three are extant in Gratian's Decretum, XII, q. 2; and of Gregory the Second there is extant a Letter on the matter to the Bishops and Princes of Germany.[97] Therefore, for so long as the Church's goods remained undivided, provision ought to have been made from them for the Bishop and for the Clerics according to each one's need—yet not under the bare title of poverty, but by reason of the ministry which they rendered to the Church. By this same reason more was owed to the Bishop than to the inferior Clerics, and among them more to a Presbyter than to a Deacon; and, in general, more to those who labored more and more profitably—according to that saying: "Presbyters who rule well are worthy of double honor, especially those who labor in the word and in teaching." From this it is clear that precise account was not taken only of indigence. Hence also, in the division that afterwards followed, the portion of the clergy was different from the portion of the poor. This is the most certain argument that the Clerics had not previously lived off the Church's goods as poor; for otherwise their portion ought to have remained undistinguished from the portion of the poor; or at least two portions of the poor ought to have been constituted—one of the clerics, the other of the rest of the poor—which was not done; rather that portion was assigned to the Clerics, and this to the poor. Wherefore it is clear that those indeed received a share as a stipend, but these as pure alms.

§ 84. Nevertheless Prosper rightly excludes from participation in the common goods those Clerics who were sufficient for themselves out of their own means: both because they were not living a common life with the others, and because that would have been taken from the poor which would have been spent upon them beyond what they needed—since they could live comfortably from their own property. But now, with the distribution of goods made and the portion of the poor separated from the rest, nothing of the sort occurs. Nor does Prosper deny that earthly stipends are owed to clerics; rather he admonishes what they ought to look to in their ministry as preferable and principal—namely, eternal rewards; about which he adds again that it is quite unworthy if the faithful and industrious devotion of clerics should despise everlasting rewards on account of temporal stipend. Otherwise, indeed, he acknowledges the debt not obscurely, in that he says that clerics who possess their own goods "in a certain manner leave their own," when, content with their own resources, they receive none of those things which they judge to be owed to their labor or to their order—as if to say that things are owed to clerics even when they possess their own property, but that they are not owed out of those indistinct goods destined for a common life, so that what remains over may be the portion of the poor.[98]

§ 85. To the third it is answered that the ministers of the Church ought indeed to be content with what is necessary when no more is provided; nay, nothing beyond this is to be sought by them, much less exacted; and this is signified by the words of the Lord and of the Apostle. But if by the liberality of the pious more has been given or left to them, this is not prohibited—so as to prevent their receiving a more ample stipend and "double honorarium," as the Apostle speaks. As for the opinions of Hilary and Jerome, they must be referred to that time when as yet no partition of the Church's goods had been made, and understood in the manner in which we have explained Prosper's words; although the things which are cited by Gratian under Jerome's name are found nowhere in him—though certain not dissimilar things are read in his Letter to Nepotian.[99] Bernard, however, uses exaggeration against avaricious Clerics—so that the sense is that they grievously offend against the law of charity because they do not distribute their superfluities to the needy, under which heading, however, other pious uses are also included. For Bernard's later remark cannot be taken in the proper sense; and Augustine's saying also—"He who takes another's property does not commit robbery unless violence is joined"—must be understood of the debt of charity; because he is not speaking of Clerics, but generally of the rich.'[100]

§ 86. To the fourth the Council of Trent, and others everywhere, call bequests of this sort "alms" on the side of the givers, not on the side of the recipients: inasmuch, namely, as they are bequeathed freely by pious persons, since otherwise they might have disposed of those things differently; not, however, inasmuch as they are received with the obligation of a certain ministry or divine office.[101] Or certainly they are called alms inasmuch as they are left mercifully for the refreshment of the dead. Sometimes, moreover, those who bequeath call them "pure alms" to distinguish them from restitution, which is sometimes cloaked under the name of alms—but in no way to deny the character of stipend. To the last it is answered that subsidies of this sort, with respect to the recipients, are not mere alms. For they are not given nakedly for the relief of want, as bread or a gift is given to a beggar; but they are given in such wise that a certain return of work is required from the recipients, as was made clear in the argument. Yet they are in a still stronger sense alms than the prebends of Clerics—inasmuch as the latter are given without any regard to poverty, only that ecclesiastical ministry may be performed by them; but the former are certain aids for studies, without which, because of the slenderness of their means, men devoted to study either could not at all, or only with difficulty could, give their attention to the disciplines as is fitting.

§ XIV — Whether it is permissible to give something for entrance into religion (Utrum pro religionis ingressu dare aliquid liceat)

§ 87. Just as in the case of those who possess ecclesiastical benefices (*beneficia ecclesiastica*), so too in the case of those who have professed religion or wish to profess it, two things must be considered: one spiritual, the other temporal. The spiritual is the right and obligation of serving God in common life, that is, in the Monastery of some religion according to the prescribed rule. The temporal is the right of receiving the necessities of life from the same Monastery's goods, which is fitting for someone on account of that spiritual [right], as a thing by nature prior; and therefore it stands in a consequent relation to that [spiritual right], just as there a benefice stands to an office.

§ 88. Wherefore, since that spiritual right is not to be valued by a price, neither will it be permissible to set a price upon that temporal [right] which depends upon that spiritual one: therefore any exaction which is made for entrance into religion is simoniacal, just as in ecclesiastical benefices. On this matter there exist canons in the Decretals (Title De Simonia), and among Regulars (Cap. Quoniam), the last of which was enacted in the Lateran Council under Innocent III, and has this: "Because the simoniacal plague has stained even nuns, so that scarcely anywhere do they receive sisters, those who wish to embrace poverty, without this vice being colored over; we strictly forbid that this be done hereafter, utterly prohibiting it," to which it adds: "and finally we decree that this is also to be observed with regard to monks or others."[103] There is also a general prohibition of Alexander III in the Council of Tours, to the same effect (Cap. Non satis): "We forbid that any money be required from those who wish to go over to religion"; and the same is strictly prohibited by Urban [IV] (in the Extravagant which begins "Ne in vinea Domini"), with very grave penalties added there, and in the Lateran Council and others, for transgressors.[104]

§ 89. Meanwhile, it must be known that by the canons no one is forbidden to confer something for the help of a Monastery by way of alms, a pure donation, and even to offer it; and likewise it is permitted to receive what is offered, just as in the said Extravagant the Supreme Pontiff grants in these words: "Those only which the persons themselves, purely and freely, with full liberty, every bargain ceasing, shall wish to give to Churches, Monasteries, and places of this kind, with thanksgiving ought to be received." These are there.[105]

§ 90. However, if there truly is poverty of the Monastery, so that from its revenues they cannot support more persons, it must be explained to those who desire to be admitted, lest anything be received by pact, and lest it seem to be for admission or entrance into the Monastery. For in such cases not only the danger, but even the appearance of simony is most of all to be avoided. And that in this manner it is lawful to receive something, St. Thomas teaches (II-II, q. 100, a. 3, ad 4), replying as follows: "It must be answered that for entrance into a monastery it is not lawful to demand anything as if it were a price; yet it is lawful, if the monastery is poor so that it does not suffice for supporting persons, for the monastery indeed to provide its expenses gratis, but to receive something for the food of the person who is to be received into the monastery, if he is not sufficient for this"—according to the Rule of Benedict, which permits that something be accepted for his food and clothing. Whence also the Council of Oxford, under Archbishop Stephen, determined that something could be taken for clothing, if the revenues of the Monastery are less sufficient for those burdens.[106] This also seems to be confirmed by the example of the Apostles, who did not indeed exact [payment] for entrance, but nevertheless accepted the prices of goods sold from those who wished to lead a common and apostolic life with them, as we have it in Acts 2 and 4.[107]

§ 91. Moreover, as to what may be received by novices before profession (*professio*), the Council of Trent determined in these words (Session 25, ch. 16, De reformatione): that neither before profession, except for the clothing of the novice of that time in which he is under probation, under any pretext may anything be transferred from parents or relatives or guardians; nor may anything from the goods of the same person be granted to the Monastery, lest on this occasion he be unable to depart—namely, because the Monastery possesses all or the greater part of his estate, and if he should depart, he could not easily recover it, and so on. Which the Synod does not prohibit as though, under any pretext beyond liberal food and clothing, it were not allowed to give anything; but [it prohibits] on account of the reason expressed in the decree.

§ XV — Whether it is permissible to receive anything for reception to an ecclesiastical benefice (Pro receptione ad beneficium ecclesiasticum aliquid liceat)

§ 92. For reception or introduction to a canonry, or any other ecclesiastical benefice whatsoever, it is not permissible to demand anything, notwithstanding any custom whatsoever which the canons call corruption; whether what is demanded be a banquet or a "pastus" as they call it, or money, or anything else whatsoever. And the same judgment holds for election, nomination, presentation, collation, institution, and similar [acts].[109]

§ 93. On this matter there is an instruction of Gregory IX in the Decretals (De simonia, Cap. Jacobus canonicus), by which the Pontiff commands the canons that, notwithstanding the custom of a dinner to be provided by the new canon not being observed, nonetheless they themselves provide for him, as for one of the others, in revenues and prebend.[110] To the same pertains the decree of Pope Paschal preserved by Gratian (Qu. 3, Cap. Si quis objecerit), where he forbids that the "pasture," as they call it, be paid; and of Innocent II in the same place (Cap. Si quis praebendas), likewise forbidding that neither for "pastus" nor under the pretext of any custom, before or after, anything at all be exacted, nor may he who is received presume to give it; "for it is simoniacal; but let him freely, without any diminution, enjoy the dignity and benefice collated to him." From which it is understood that these prohibitions also have place when someone is admitted as if gratis and afterwards is compelled to observe the custom. For when the Pontiffs forbid that something of this sort be paid or given, it is not to be understood of a spontaneous and free donation or oblation, but of that which is made at the demand of others and which corresponds to an exaction. For this is what the word "payment" signifies.'[111]

§ 94. Furthermore, the Council of Trent renewed these almost obsolete canons and wished them to be recalled into use (Session 24, ch. 14), establishing in this manner: that "in many Churches, from their constitutions or from express custom, it is understood to be observed that, in election, admission, and so on, certain conditions or deductions from fruits, payments, promises, etc., are interposed. These things the Holy Synod detesting, commands Bishops that, whatsoever things of this sort are not converted to pious uses, and those entrances which have a suspicion of the simoniacal taint or of sordid avarice, they do not permit to be made," adding that transgressors are held to the penalties promulgated against simoniacs.[112] To these there has moreover been added the diploma of Pius V, whose beginning is "Durum nimis," by which he forbids that, for the entrance into benefices, anything be asked or exacted, or be retained from the fruits of the benefice, unless where the custom is that the things thus given or retained be converted to pious uses.'[113]

§ 95. With regard, however, to the collation of benefices, St. Thomas says (II-II, q. 100, a. 4, ad 3): "It must be known that if a Bishop, before he confers a benefice upon someone, has determined, for some cause, that something be subtracted from the fruits of the benefice about to be conferred, to be expended on pious uses, it is not unlawful. But if he requires from the one upon whom he confers the benefice that something be presented to himself out of the fruits of that benefice, this is the same as if he were to demand some gift from him, which does not lack the vice of simony."

§ XVI — Why simony has the formal character of sin (Simonia quare peccati rationem habeat)

§ 96. The gravity of the sin of simony (*simonia*) was sufficiently signified by Peter, when he rebuked Simon Magus, who wished to purchase the gift of the Holy Spirit for a price, in such a way that he said: "Pecunia tua tecum sit in perditionem."[^115] Whence it is understood that this sin is by its genus mortal. Now the gravity of this sin can be estimated from three points. First, that a spiritual thing cannot be compensated by a worldly price. Whence, concerning wisdom it is said in Prov. 3: "Pretiosior est cunctis opibus, et omnia, quae desiderantur, ei non valent comparari"; and in Job 28 it is said that neither gold nor anything else precious can be equated to wisdom.[^116] This reason Peter considered when he added the cause of his rebuke: because you thought the gift of God could be possessed, or purchased, by money. For he who so thinks, or acts as though he so thought, inflicts great injury upon the Holy Spirit, whose gifts he esteems so cheaply. The second is that he who administers sacred things is not their lord but a dispenser, according to the Apostle: "Thus let a man account of us as of the ministers of Christ, and the dispensers of the mysteries of God."[^117] And therefore, even if the gifts of the Holy Spirit by their nature were saleable, nevertheless they ought not to be sold by the Minister, who has not their ownership but only their dispensation. The third is that selling is at odds with the origin of spiritual things. For all the gifts of the Holy Spirit come to us gratuitously. Wherefore it is very unbecoming and unfree-handed to wish to communicate those very things to others for a price. And Christ expressed this reason when, concerning the use and bestowal of the spiritual gifts with which He had adorned His disciples, He said to them: "Gratis accepistis, gratis date."[^118] The same was insinuated by Peter,[^119] saying: because you wished to purchase the gift of God, that is, the gratuitous benefaction of God, by a price.

§ 97. Moreover, St. Augustine specified the first of the aforesaid reasons in particular when he says: "Whence therefore is one to live? Of necessity it is to receive; of charity it is to give: not as though the Gospel were for sale, that what those who proclaim it take, in order to live from it, should be its price. If they thus sell, let them receive the sustenance of necessity from the people, the reward of dispensation from the Lord. For the people are not fit to render the reward to those who serve them in the charity of the Gospel. Let them expect no reward except whence these [same people] also look for salvation." These are his words.[^120] The same reason is urged by St. Ambrose, saying: "The grace of God is not to be rated by a price."[^121] There, too, exaggerating the gravity of this crime by the example of Gehazi, who was struck with leprosy, and laying down that it is to be passed on to posterity, he subjoins: "For the guilt of a mystery sold is irreparable; the heavenly vengeance passes on to descendants." St. Jerome likewise, writing on Mark, plainly pronounces that the Holy Spirit can neither be put up for sale nor bought—by the Holy Spirit understanding His gifts, concerning which Simon Magus wished to bargain with the Apostles for a price.[^122] St. John Chrysostom also affirms that for those benefactions of which Christ was speaking to the Apostles when He said, "Gratis

accepistis, gratis date," no price worthy of them can be found; and further below, speaking of the apostolic labors of evangelical preaching, he denies that they are worth only so much as the faithful render by giving a stipend of sustenance.[^123] Here too the Master, in the text, calls the grace of the Holy Spirit "unpriceable."[^124]

§ 98. From these things, therefore, one may clearly see to what species of sin simony pertains: namely, not only to irreverence toward God and divine things—which is a sin contrary to Religion—but also to special injustice; because one sins by an unequal exchange of things, when that which is not estimable by a price is estimated by a price. Finally, it follows that simony is illicit not only by positive divine and human law, but also by natural law—of which indeed the first two reasons are a proof. Nor is this true only of spiritual things, which by the consent of all cannot be exchanged for a temporal price. (Whence Balaam, who was outside the people of Israel, and Simon, who was a neophyte in the religion of Christ, for wishing to buy and sell things of this sort, are condemned, not by any positive law, but by the law of nature alone.)

§ 99. But the same must, it seems, be said also of temporal things that are consequentially annexed to spiritual things—of which sort are ecclesiastical benefices—namely, by reason of the spiritual things to which these are so annexed, as appears from the decree of Pope Paschal cited above.[^125] An argument of this is that purchases and sales of such things likewise are forbidden by the canons, not as though in themselves indifferent, but as base, unjust, and detestable in themselves, and therefore as having intrinsic deformity; so that, forestalling every ecclesiastical law, pacts of this kind are held to be illicit, and always have been held so. And perhaps those pacts of the Greek and Roman princes with the priests of the Jews about the high priesthood of the Jewish people were similar to these. For they were looking not so much to spiritual dignity as to the right to temporal goods which depended upon that spiritual [office]. Whence it is apparent that every simony properly so called—even that which is committed about temporals annexed to spirituals—is not evil because it is prohibited, as most canonists judge concerning simony in temporals, but is prohibited because it is evil, that is, contrary to the natural law.

§ XVII — Reply to the things objected against (Responsio ad ea, quae contra objiciuntur)

§ 100. It now remains that we resolve those arguments which seem to prove that the purchase and sale (*emptio ac venditio*) contained in the definition of simony (*simonia*) are either simply lawful, or unlawful only by positive law. They are taken partly from divine authority, partly from reason. First, then, the example of the Patriarch Jacob (Gen. 25) is objected, who bought the birthright from his brother and induced him to sell, saying: "Sell me thy birthright." But among the ancients the right of primogeniture had something spiritual annexed to it, namely the right of the priesthood, or rather it contained that spiritual thing in itself as a part of itself. Second, the example is brought forward of Saul while still pleasing to God, when (1 Sam. 9) he offered silver to Samuel, that by the prophetic Spirit he might point out to him what he sought. Third, (1 Kgs 14) gifts are brought to Ahijah the Prophet by the wife of the king of Israel, that he might indicate what would befall the king's sick son. Fourth: (Tob. 12) Tobias father and son offer the Angel a reward for benefits, among which were certain spiritual and miraculous ones, such as the checking of the demon and the enlightening of the blind man. Fifth: Abraham bought a burial place even from him who was prepared to give it gratis, as we have it (Gen. 23). Now the right and the place of burial are certain spiritual things. Sixth: Again Jacob (Gen.

28) thus makes a pact with the Lord: "If the Lord shall be with me, and shall give me bread to eat and raiment to put on, the Lord shall be my God," etc.; in which words there seems to be a pact about a spiritual thing for a temporal. Seventh: The kingdom of heaven is most spi[...]—that saying of Gregory (Homily 5 on the Gospels): "The kingdom of heaven is worth as much as thou hast," and he declares it of temporals; for, he says, to Zacchaeus it was worth half his goods, to the widow two mites, etc. Eighth: A man is bidden to redeem his sins by alms, in which there seems to be a commutation of a temporal thing, namely alms, for a spiritual thing, that is, the remission of sin or of punishment. Ninth: Christ by the price of His Blood redeemed sinful man, according to that (1 Cor. 6): "You were bought with a great price." Tenth: Marriage is rightly contracted with a pecuniary pact intervening; therefore a sacrament can be sold. Eleventh: A man rightly gives another money that he may pray for him, as the princes of Israel did (Num. 31), and as Christ also advises to be done (Lk. 16), saying: "Make to yourselves friends of the mammon of iniquity." Twelfth: It is lawful to sell the fruits of an ecclesiastical benefice; therefore the benefice itself [may be sold], because both seem by equal reason to depend on a spiritual thing. Thirteenth: It is lawful to sell civil offices, as St. Thomas attests (in the Epistle to the Duchess of Brabant, or Opusc. 21, in the Answer to the Fifth Question); yet these are spiritual, insofar as they are offices of administering justice in God's stead, as it is said (2 Chron. 19): "For you exercise not the judgment of men, but of the Lord"; therefore to sell spiritual things is not unlawful. Fourteenth: It is lawful to buy the relics of the Saints; which is proved from this, that it is lawful to redeem at a price a living man detained by enemies, therefore also his dead body, or the parts of the body, even if it be the body of a holy man. Nay, it is read that the Emperor Heraclius redeemed the Lord's Cross, taken away by unbelievers, by the restitution of the kingdom of the Persians, as is in the Roman Breviary; and that Luitprand, king of the Lombards, redeemed the body of St. Augustine for a great price, as is read in the same Breviary; and that St. Louis, as is had in the History of the Franks, redeemed the Lord's crown of thorns with twenty thousand pounds of silver. Fifteenth: Some object that they did not receive spiritual things gratis, but bought them at a price, and therefore can thereafter sell them to others—as if they were now no longer bound by that sentence of the Lord: "Freely you have received, freely give."[128] Moreover, since those who by Christ's power recovered the use and firmness of their limbs could lawfully agree upon a price for the use of the art or craft which they exercised by those same limbs, therefore the Apostles also—unless prohibited by Christ's positive law—could lawfully have received a price for the cure of the sick, although they had received that power supernaturally. Lastly: And even if it be granted that a spiritual thing cannot be exchanged for an earthly price, yet it can be appraised by another spiritual thing. Therefore he will not incur the vice of simony who shall have exchanged what is annexed to a spiritual thing, as an ecclesiastical benefice, for a like thing, even if the authority of a superior be not added, as doing nothing to take away the *ratio* of simony; and the same judgment seems to hold of prayers and other sacred actions, as if someone should say, "I will pray for you if you in turn pray for me"; likewise, "I will baptize you on condition that you in turn baptize me." Let us reply to these arguments in order.

§ 101. To the first St. Thomas answers that the right of primogeniture was due to Jacob by divine election; and therefore Esau indeed sinned by selling the birthright, but Jacob did not sin by buying; because, he says, he is understood to have redeemed his own vexation.[129] But this solution is not a little involved in difficulty: both because the divine election did not give him the right of primogeniture except to be received in its own time, as is clear in the election to the inheritance of the heavenly kingdom; and because Esau possessed that right in good faith, whence in reality there was no vexation; and most of all because one who wishes to redeem vexation about an ecclesiastical benefice would not be allowed, upon a price being offered, to say: "Sell me the

benefice," just as one who wishes to be baptized, even in necessity, would not be allowed to say: "Sell me Baptism." Dominic Soto indeed tries to remove these objections (book nine On Justice and Law, q. 7, art. 1),'[130] but he does not seem to satisfy. Wherefore a more probable and easier reply will be had if we say that the right of primogeniture was of the kind of those temporal things which antecedently are related to spiritual things, not, however, consequently. For as the chalice is prior to consecration, so the right of primogeniture was prior to the priesthood and could consist without it, as in reality it did consist in the time of the law of Moses, and now consists in the time of grace. Nay, that conjunction of the priesthood with the primogeniture does not seem able to be proved from Sacred Scripture; rather the contrary appears from this, that at the very beginning of the human race not only Cain, but also Abel the second-born, are read to have offered sacrifices. And indeed among the ancients, in the right of the first-born there was chiefly regarded the primacy among the brothers and the prerogative of the father's blessing, as is indicated also in Heb. 12.

§ 102. To the second Jerome answers (in the Commentary upon Mic. 3) that Saul indeed said to the boy that he could not go to Samuel without a price which he would offer for the prophecies; nevertheless it is not written that Samuel accepted, or that they offered to him. Nay rather, he says, "they are fed by the prophet and are invited to a meal." And thereafter he says: "But grant that he accepted; the tables of the tabernacle are rather to be esteemed than the gifts of prophecy," and the rest.[131] In the same place also Jerome subjoins a reply to the third: "For it is said," he says, "what that woman carried with her; and yet the Prophet is not read to have received; since he rebuked her and foretold the coming grief. It is lawful indeed that those who were wont to go to idols (since there were many soothsayers in Israel) should by an evil custom have judged the same also concerning the Prophets and have wished to offer to holy men what they were wont to offer to divinities; but Scripture only relates what they wished, nor does it add that they either dared to offer, or that the Prophets accepted." Thus Jerome.

§ 103. To the fourth it is answered that what was offered to the Angel as to a man was offered not as a wage, but as a certain honorarium for benefits which the offerers themselves confessed could not worthily be compensated. For thus the son says to the father: "What reward shall we give him, or what can be worthy of his benefits?" and again: "What worthy thing shall we be able to give him?"—as if he should say, nothing.[132]

§ 104. To the fifth St. Thomas rightly responds that it does not appear that the double cave which Abraham bought for a sepulchre was land consecrated for burial; and therefore Abraham could lawfully buy that land for the use of burial; just as also now it would be lawful to buy some common or profane field in order to establish a cemetery, or even a church, in it. Moreover it would be lawful to buy and to sell a cemetery in a case of necessity, as also sacred vessels, provided only that the consecration itself should not come into any part of the price. And as to what St. Thomas adds, that it can also be said that Abraham redeemed his own vexation, that does not pertain to the present case.

§ 105. To the sixth it is answered, first, that a pact is one thing, and the contract of buying or selling another, as is clear in the pacts which God has made with men. For there exchange of things and equality are not required, but it suffices that what is agreed be made good on both sides, however unequal. Then, what Jacob did was not so much a pact as a vow about setting up a place of sacrifice and offering tithes, if he should return safe to his own.

§ 106. To the seventh, eighth, and ninth it is answered that those "purchases" are not proper but metaphorical, because in them there is not, nor can there be, a delivery of things hither and thither; since

nothing at all accrues to God from our works. Then, in those examples spiritual things are compared with spiritual: as the works of righteousness with the kingdom of heaven; the works of satisfaction with the remission of guilt or of punishment; and the passion of Christ with the salvation of man. Whence Peter says (1 Pet. 1): "You were not redeemed with gold or silver, but with the precious Blood of Christ"; although neither among all these is equality to be recognized, as is clear between Christ and us.[133]

§ 107. To the tenth St. Thomas answers that Matrimony is not only a sacrament of the Church, but also an office of nature; and in this respect it is lawful that money be given for it, not however in that respect in which it is a sacrament; and therefore, he says, according to the laws it is prohibited that anything be exacted for the blessing of Nuptials.[134]

§ 108. To the eleventh: Those who give alms to the poor that they may pray for them do not intend to buy prayers, which would indeed be simoniacal. Nor thus would the character of alms stand, which sounds of gratuitous mercy; but by gratuitous beneficence they incline the minds of the poor to this, that, as gratitude requires, they may of their own accord pray for them. But when something of this sort is given to the ministers of the Church, neither then is it given as the price of prayer or of divine praise, but as a stipend for sustenance, as has already been said above.

§ 109. To the twelfth it is answered that it is not the same with the fruits and with the benefice; because a benefice cannot be handed over to another without a spiritual right, but the fruits can, as daily experience shows. Nevertheless, about letting out the fruits of benefices that must be held which the Council of Trent prescribes (Session 25, ch. 11, On Reformation).[135]

§ 110. To the thirteenth it is answered that every legitimate power is in some way spiritual, namely by reason of origin, because it is from God, for which reason also the laws that proceed from it bind in conscience; but by reason of object and proper end civil power is not spiritual, because it is properly ordered to the temporal tranquility of the commonwealth, although a Christian judge, insofar as he is Christian, ought further to order political peace to ecclesiastical peace and to eternal salvation. But ecclesiastical power of this sort is also the power of judging in a bishop's court; by its object and end it is spiritual, because it is properly ordered to the salvation of souls; and therefore this cannot be sold without the vice of simony; that [civil power] can, although it is for the most part not without the vice of sordid avarice such as is condemned everywhere, both in the Scriptures and elsewhere, in selling the administration of justice when gifts are accepted.

§ 111. To the fourteenth: To buy and sell the relics of the Saints, by reason of that which is sacred in them, is in no way lawful. Yet the redemption of unjust vexation can have place in their regard. On which ground the examples adduced in the argument are excused.

§ 112. To the fifteenth it is answered that it is against justice that someone should derive gain from his own malice; and hence it must be said that, if someone did not receive an ecclesiastical benefice gratis, he did not in reality receive it, but is bound to restore it as ill-gotten. If he did not receive gratis some spiritual power, as in the sacraments, he received it unjustly and holds it unjustly; and yet on God's part, who meanwhile does not withdraw the effect of His sacraments even from the impious, the conferral of that power is liberal and gratuitous. Wherefore, although notwithstanding the contract which he has made with man he received that power gratis from God, he will not be able licitly to exercise it except gratis; especially since there always remains the first and chief reason why he cannot sell it: because what he wishes to sell is not priceable.

§ 113. To the next-to-last it is answered that it is manifestly unlike in those two. The cure of the sick which the Apostles performed was miraculous, as being to be attributed to God's peculiar operation; and therefore it ought not in the gravest way to be subjected to an earthly price. For the nature of buying is such that, the price once paid, nothing further is owed by the seller in justice. This cannot be said about man with respect to the gifts received from God. But the operations which are done by members made whole in a miraculous way are not themselves miraculous but natural, and consequently can be set for a price, as nothing prevents other natural operations from being so.

§ 114. To the last some reply that he who makes such a commutation does not in reality subject the spiritual thing to an earthly price; because, they say, to be bound by a civil contract, such as buying and selling are, is something temporal, and that very obligation is appraisable at a price. Accordingly, he who by the contract of purchase exchanges a spiritual for a spiritual thing, thus appraises the spiritual, as if it were able to fall under a temporal obligation. Others think nothing absurd results in reality, if a spiritual be exchanged with a spiritual, and the one be received as a recompense for the other. Yet it seems more correct to say that in the permutations of benefices which the Church approves, nothing else is done but that each of the beneficiaries in favor of the other resigns his benefice into the hands of the collator; which, by neither divine nor human law, is prohibited, nor has any appearance of purchase. But in the other examples adduced, as Dominic says (book nine On Justice and Law, q. 5, art. 2, at the end), nothing of sale or of price is admitted, if only vicarious services are brought into the pact.[136]

§ XVIII — Whether things acquired by simony are to be restored, and to whom (Simoniace acquisita an, & cui restituenda)

§ 115. By not only ecclesiastical law—which many canons of the saints approve—but also by divine and natural law, everyone is bound to restore whatever temporal thing he has acquired by simony (*simoniace acquisit*), whether it be money or an ecclesiastical benefice. This is founded upon that sentence of the Lord: "Gratis accepistis, gratis date."[119] The reason is this: he who has received a thing in such a manner is not made the owner of that thing. For in that case there is no transfer of ownership in the manner in which it can and ought to be transferred. For since an ecclesiastical benefice is not saleable, it cannot be brought under another's power through sale, but only through gratuitous donation or collation. Hence it follows that not even boys may licitly retain benefices acquired for them by their parents in a simoniacal way, even if they themselves were entirely without fault in the acquisition of the benefice. For restitution (*restitutio*) is not so much a punishment of sin as a certain act of justice, which—whether no sin preceded (as when another's property is retained in ignorance), or the sin has been perfectly remitted, even as to temporal penalties—nonetheless remains necessary, in order that each may have what is his and the inequality of unjust possession be taken away. From the reason already stated it also seems to follow that so-called mental simony (*simonia mentalis*), when followed by the deed, is subject to restitution—for example, if someone does not expressly make a bargain about the price, but offers a gift as if freely, yet with a simoniacal intention whereby he purchases for himself the benefice with the gift as if it were a price—such a one is subject to restitution, because in such a way he cannot become possessor of the benefice any more than if an express bargain had intervened. And this can be confirmed by a like case. For he who lends with the mind to hope for something beyond the principal commits usury in his intention, and is bound to restitution of that which he has received with such an intention, even if no express agreement preceded; as we have from the decree of Urban II (Extra,

De usuris, c. "Consuluit").[138] Therefore entirely the same judgment seems to be held concerning mental simony. And thus think Adrian VI and Dominicus (Soto), although very many doctors of the canons protest. Nor does the rescript of Gregory IX, which is found (Extra, De simonia, c. "Mandato"),[139] stand in the way of this position—a rescript which sounds as if the Pontiff were admitting that those who, not by a pact but by affection alone of the mind preceding, have acquired spiritual or temporal things are not bound to resignation of those things; for it is enough, he says, that by penance alone they satisfy their Creator. For in that place the Pontiff teaches nothing other than that the penalties expressed by the canons, and established by positive law alone, are not extended to those who have sinned secretly; because of secret things the Church does not judge; and the Pontiff speaks canonically, that is, of canonical penalties. For we too have said that they are not bound to restitution by ecclesiastical law, but by divine and natural law; by both of which we are taught that sin is not remitted unless what has been taken away is restored, and, generally, what has been unjustly acquired. Therefore restitution is included in that penance by which the Pontiff wills that those who in the said manner have committed mental simony satisfy their Creator. By the same reason Innocent III (of the same title, c. "Tua")[140] pronounces that such are to be judged guilty before the strict Judge, God; nor does he himself add any other penalty, because, he says, it has been given to us to judge only about manifest things. But Gregory the First, from whose opinion it is not likely that Gregory the Ninth wished to depart, says clearly, in Gratian (I, q. 1, c. "Si quis"), that he who by a fraudulent little gift has received some ecclesiastical dignity, and whom sudden death has not found penitent, will without doubt perish eternally.[141] In which place "fraudulent little gift" is understood as that which, without express pact, is given as if freely; as the Gloss rightly interprets it. Therefore Gregory wills that mental simony, when followed by the deed, be subject to restitution under the penalty of eternal damnation. Nor is it clearly apparent that St. Thomas is of a different opinion (II-II, q. 100, a. 6, ad 6).[142] For although Cajetan so understood him, Dominicus nonetheless interprets him as having spoken of the mental simoniac who indeed intends to give or receive something, yet has not given or received.

§ 116. Whether, however, the distinction of the words of the aforesaid chapter "Mandato," which Adrian and Dominicus adduce so as to solve the argument drawn from it, is probable, we leave to be discussed by the studious. But someone will ask: To whom ought restitution to be made? I reply: If we consider only natural law, restitution of the thing received by simony ought to be made to the one from whom it was received, just as Judas did by returning the thirty pieces of silver to the chief priests and elders (Matt. 27). But by pontifical and ecclesiastical law it has been most rightly established that not even he who gave something by simony is to receive back what was his; but restitution is to be made to the Church, as to the one to whom from both sides —both from the giver and the receiver—a grave injury has been inflicted. Thus we have it decreed (c. "De hoc autem," Extra, De simonia, Galib.).[143] Where, however, it must be noted that by the name "Church" are also understood the poor, for whose support a part of the Church's goods was once assigned. And this which we say is to be understood of restitution of the price with which a spiritual thing, or one annexed to a spiritual thing, was bought, and likewise of restitution of the fruits received from the benefice. For the ecclesiastical benefice itself received by simony returns to the right of the collator or of the superior, if the simony was real; otherwise it ought to revert to the prior possessor.

§ XIX — What penalties are established for simoniacs (Quae poenae simoniacis constitutae)

§ 117. Among the penalties established for simoniacs, the first is restitution—not indeed insofar as it is restitution (as we have noted above), but insofar as it ought to be made to the Church, and not to him who gave something by simony. For we have already said that this has been decreed by ecclesiastical law as a penalty for him who sinned by giving. And Paul the Second decrees that this penalty is incurred ipso facto in the Extravagant which begins "Dum detestabile scelus."[144] But besides this there are also other penalties which, according to the mode and gravity of the offense, the canons have established against simoniacs. The first is suspension from the execution of the Order, or of the office acquired by simony. The second is deposition together with the annexed infamy. This penalty is inflicted when the crime has been established by public judgment, as we have (Causa 15, q. 3, c. "Sane quisquis").[145] The third is the penalty of excommunication to be incurred ipso facto, and, outside the danger of death, to be relaxed by the Roman Pontiff alone; as is evident from the Extravagant which begins "Sane ne in vinea," and from other constitutions of the Popes repeatedly issued.[146] The fourth penalty is inability for the same benefice; which Pius V extends to all benefices to be acquired in the future. The fifth is of those who have committed simony in the entrance or reception to religion. For such (according to the sixty-fourth Lateran canon) must, without hope of restitution, be expelled from their monastery and thrust into a place of a stricter rule to perform perpetual penance.[147] Other penalties likewise for the same are contained in the two chapters "Veniens" and "Dilectus," Extra, De simonia.[148] However, one must know that all the aforesaid penalties involve only those who have committed real simony. For those who have committed mental simony, or conventional, besides the restitution to be made if anything has been received, incur only the penalty of hell. But against those who have admitted what they call "confidence" (benefices "de confidentia") grave penalties have been decreed by Pius IV and V, by bulls issued particularly against them.[149] Finally it must be noted that certain penalties of simoniacs, in hatred of so detestable a crime, are extended also to those who are not properly simoniacs, but commit certain things akin to that vice; as is quite clear from penal decrees on simony. Whence also the Council of Trent (session 24, ch. 14) orders that those who enter upon benefices and have the suspicion of simoniacal stain or of sordid avarice be punished with those penalties which have been issued against simoniacs; and (ch. 18) it declares that synodal examiners who receive anything on the occasion of an examination incur, together with the givers, the vice of simony—which is to be understood as to the penalties; which the words that immediately follow manifestly signify.[150]

§ I — That Matrimony is instituted by natural and by divine law (Matrimonium naturali, ac divina lege institutum esse)

§ 118. Matrimony, which holds the last place among the Sacraments of the Church, demands a twofold consideration: one, insofar as it is an office of nature (*officium naturae*); the other, insofar as it is a Sacrament of the Church. And because, as the Apostle is witness (1 Cor. 15), "that which is animal is first, and afterwards that which is spiritual," in the former place we shall treat of matrimony as it pertains to the office of nature; in the latter, insofar as the character of a Sacrament has been added to it. Matrimony, as it is an office of nature (*officium naturae*), takes its origin from the very law of nature, which law of God positive then confirmed. By the name of matrimony we understand, not just any commixture of male and female undertaken for the sake

of generation—which work of nature is common also to beasts, and in men can exist outside of matrimony—but that union of male and female whereby, for the sake of begetting and fostering offspring, they are coupled by an indissoluble bond.

§ 119. Now that matrimony is instituted by the law of nature is shown thus: Nature, even with sin excluded, inclines man to the begetting of offspring; and to that end the diversity of the sexes is by nature ordered, so that outside of wedlock it has no other use. But offspring, just as once conceived it ought to be brought forth into the light, so, once brought forth into the light, must be led on by nourishment and education unto perfection, the same nature dictating this, which intends not only the generation of the thing but also its advancement and perfection. The necessities of this nourishment and education require definite parents, and those too bound together in a certain manner inseparably, so that the offspring may be reared and taught without defect. Whence, nature dictating, the rationale of Matrimony was established. Moreover between brute animals and men there is a manifest difference: for some, as soon as they are born, have no need of the help of their parents but are sufficient to seek their food and to avoid harms; some, after they are born, are content with the assistance of the female alone; some indeed require the help of both parents, but not for long: yet for this very reason nature has so provided that, for the nurturing of such, male and female should remain together for some time. But man, as an animal endowed with mind, requires both nourishment according to the body and education according to the soul; and for both offices a long time is necessary. Therefore due provision would not be made for human perfection unless the parents were bound to each other by the bond of a perpetual society.

§ 120. Furthermore this law of nature the divine institution itself confirmed. For there is no doubt that the Author of nature is God; therefore whatever has been orderly established by nature must be referred to God as Author and Institutor; and God also both did and said those things which have positive force in Matrimony. For whereas among beasts He made males and females separately, so as to show that the bond of conjugal union among men is more closely knit than that which, for the sake of procreation, is among beasts; in the human race He did not form the one apart from the other, but formed the woman from the man himself and from no other source than the side, as in Gen. 2; thereby signifying, by the very manner of the deed, that between the two a society most closely knit was to exist by reason of generation. Then, the first man, understanding this very thing with a prophetic spirit, after he had taken sleep and had received his spouse from his sleeping side, broke forth into these words: "This now is bone of my bones, and flesh of my flesh"; and he forthwith added—or Adam himself continuing the discourse with a certain solemn form of speech, or, according to others, Moses the Writer of the book: "For this cause a man shall leave his father and mother, and shall cleave to his wife, and they shall be two in one flesh." In which words, as by a kind of periphrasis, there is signified the tightest society which, according to the body, can exist among men; so much so that men thus joined now seem not to be two bound by a tie, but to have been made one thing. And since in this matter Adam himself, the first of all men, neither had a father nor a mother, it is manifest that these words have the force of a perpetual institution; so that it might be signified not only what bond there was between Adam and Eve, but also what bond henceforth was to be between spouses.

§ 121. Moreover Christ in the Gospel (Matt. 19) seems to have regarded both institutions of matrimony—both that which is from nature and that which is from the word of God—when He says: "Have you not read, that he who made man from the beginning, made them male and female? And he said: For this cause shall a man leave father and mother," etc. For the former saying, "Male and female he made them," namely

men, signifies the law of nature arisen together with nature itself in creation. But the latter, "For this cause shall a man leave," is a restatement of the law of God pronounced by Adam, or by Moses. This He then more strongly confirms by adding: "What God hath joined together, let not man put asunder," most aptly signifying that that conjugal conjunction is from God. And that in this divine law indissolubility is contained He declares by the very complete sentence of the institution: "What therefore God hath joined together, let not man separate." Hence it follows that the whole rationale of Matrimony, insofar as it is an office of nature, is also derived from the divine law and has God for its institutor.

§ 122. Whether Matrimony is a matter of precept? A twofold distinction must be employed: one, of times; the other, of persons. For at the very beginning of the human race all were held by the law of nature to enter upon marriage until the human race had been brought to a just multitude. The reason of which is that, just as it is a precept of nature that each one preserve himself in the individual by taking food, so it is a precept of the same nature that the species be preserved by the propagation of offspring. This is now maintained, which cannot licitly be done except in Matrimony. This precept constrained individuals, and not only those who were charged with the commonwealth of men, so long as there was such a paucity of men that due provision had not yet been made for the perpetuity of the human race.[152]

§ 123. Yet no expressed precept of God on this matter stands. For what was said to the first men, "Increase and multiply," was not so much a precept of the conjugal work as a donation of fecundity and a blessing of the creature unto its own propagation; as the Roman Catechism written for Parish Priests has likewise understood. This is further proved by the fact that it is read to have been said not to men only but also to beasts. Therefore that saying was nothing else than to impart to the living creatures, to whom it was said, that fecundity by a hidden mode of operation by which they might increase and multiply. And that those words do not have the force of a precept can also be understood from what follows, when it is said: "And have dominion over the fishes of the sea, and the birds of the heaven," in which man is not bidden to exercise dominion, but a power of dominion is handed over, that when there was need he might be able to dominate. And, after the flood, it was said to Noah and his sons, "Increase and multiply" (Gen. 9), although it is agreed that Noah himself afterwards begot no offspring. Therefore no special precept was contained in those words, but a fecundity continuing in his posterity was signified—which the Scripture also designates by the name of blessing, saying in the same place: "And God blessed Noah and his sons."

§ 124. Again, Matrimony was in precept at that time when the People of God, as yet existing in small number, was to be multiplied by carnal generation; as St. Augustine teaches: "For at that time the multitude of the faithful People was not to be procured by the conversion of unbelievers, as in the time of the New Testament, but by the procreation of sons." But once that people had been sufficiently multiplied, individuals were no longer held to contract marriages—and the less so the more that people had grown in multitude. Which is sufficiently shown by the examples of Joshua, Elijah, Elisha, Jeremiah, who without injury to the divine and to the natural law lived celibate and chaste. And although that time of the Old Testament was a time of embracing, nevertheless even then chastity ignorant of the marriage-bed was praised (Is. 56; Wis. 3); nor were wanting emulators of it.[153]

§ 125. Therefore what we read (Deut. 7; Exod. 23), that no one in the Israelite land would be barren, is not the language of a precept but of a promise, whereby the blessing of fecundity is promised to spouses keeping the commandments of God. For "barren" is not said of one who does not take a husband or wife, but of one who, though using wedlock, cannot raise up children; and such barrenness was held in opprobrium

and as a curse, as is evident in the example of Elizabeth (Lk. 1). Nor was it in the power of men not to be barren, so that a precept should be given concerning the matter; but it was the defect of nature. Although the place of Exod. 23, according to the Hebrew truth and more corrected Latin codices, ought rather to be read thus: "Your land shall not be miscarrying nor barren"; so that in those words there be a promise of the fertility of the land, not of men.

§ 126. Likewise, what is read in St. Augustine (De bono viduitatis, ch. 7)—namely, that in prophetic times holy women were compelled to marry by obedience, not by concupiscence, in order that the People of God might be propagated; and that for the same reason he was held accursed by the sentence of the law who would not raise up seed in Israel—is to be understood thus: that, whether men or women, who contributed nothing otherwise to the commonwealth, at least by the begetting of children ought to have multiplied it; and that according to the custom of that time, which indeed otherwise did not yet altogether have the force of a precept. Whence neither do we read that any penalty was established for those who wished to abstain from marriage. And surely, if Matrimony had been a precept pertaining to individuals throughout the whole time of the ancient people, the Jews would not have neglected this occasion for accusation against Christ and John the Baptist—whom they knew to lead a celibate life—and against the disciples of Christ, who either had no wives or had dismissed them. But we nowhere read that the Jews ever calumniated this matter; so honorable among them also was the state of celibacy.[154]

§ 127. Moreover, in the time of the New Testament—although Matrimony is most necessary to the human race for the propagation of posterity—yet, as regards individual men, by no means is Matrimony enjoined; rather, to those who are able, perpetual continence is recommended, the Lord saying (Matt. 19), when He was speaking of those who have made themselves eunuchs for the kingdom of heaven: "He that can take it, let him take it." Whence also (1 Cor. 7) He gives a counsel to the unmarried and to widows, that they so remain; and Isaiah (Is. 56), saying that a certain time would be far from embraces, mystically foretells the time of the Testament. But since among the Fathers there are everywhere praises of perpetual virginity and of chastity, it is superfluous to heap up their testimonies here. Wherefore it will suffice to have noted these few sayings of St. Augustine by which he denies that now marriage is a matter of precept (De bono viduitatis, ch. 18; De Genesi ad litteram, IX, ch. 7; De nuptiis et concupiscentia, I, ch. 17). Therefore what he also says (Sermon 20 on the Words of the Lord), that a woman conceiving and bearing does what God commanded, is not to be taken of a precept properly so called, but "commanded" is used for "instituted." For neither did God command the woman to conceive and to bear—since that is not in her power—but He assigned to her the natural law of conceiving and of bearing; although that Sermon is not Augustine's.[155]

§ 128. Nevertheless one must know that, although the general and perpetual precept concerning the conservation of the species remains even in the time of the New Testament, yet there now exists a twofold kind of men upon whom by a peculiar law of nature it follows that they contract marriage: one, of those who, although they still have it in their power, cannot take up the counsel of perpetual continence. Such men, insofar as they are such, ought to embrace matrimony because of the peril of their incontinence. For if that remedy of continence has been made impossible for themselves through a vow of continence, they must necessarily betake themselves to other holier remedies by which, the grace of God helping, they may be able to attain even to this great good and actually attain it. In the other kind are kings and princes and their sons and daughters, upon whom there sometimes falls a necessity of contracting matrimony for the sake of conserving peace or religion in the realm; as, for instance, if from the celibacy of a prince there were danger lest, after his

death, the succession of the kingdom should devolve to heretics or to unbelievers, or otherwise should offer a certain cause of grave disturbances in the commonwealth.[156]

§ 129. That Matrimony is a good and lawful thing. Although from Sacred Scripture, as we showed above, it is clear that Matrimony was instituted by God, nevertheless there were formerly heretics who so far detracted from its dignity as either to ascribe marriages to an evil god as their author, or to compare them with fornication, or simply to condemn them as unlawful and to reject them. Such things Marcion taught, and Manichaeus, the Tatiani and the Encratites, the Apostolici and the Hieracitae; concerning whom see Tertullian writing against Marcion, Jerome in the fourth book against Jovinian, Epiphanius, Philastrius, and Augustine against heresies. That heresy was later revived by the Armenians, and by a certain Almaricus in the time of Innocent III; by which Pontiff this error is condemned (Decretals, Extra, De summa Trinitate et fide catholica, c. Damnamus). To this pertains also the opinion of those who in the state of integrity denied that the human race was to be propagated by the commixtion of the sexes; which erroneous opinion we refuted in the second book of the Sentences, Distinction 20. Moreover, against errors of this kind—condemnable as they are—over and above the things adduced above concerning the divine and natural institution of Matrimony among men, from which it is clearly evident, ...[157]

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1. Antiochene Synod under Pope Julius, canon 10.
2. St. Leo the Great, Epistle 88.
3. Pseudo-Augustine, Quaestiones Veteris et Novi Testamenti, q. 101.
4. Jerome, Epistola De VII Gradibus Ecclesiae [attribution as in source].
5. Nicephorus, Ecclesiastical History, book 8, chs. 19, 24.
6. Nicephorus, Ecclesiastical History, book 11, ch. 20.
7. "Florentine Decree" [abbreviation as in source], i.e., the decree issued at the Council of Florence; cf. above on the minister of Confirmation.
8. Socrates, Ecclesiastical History, book 2, ch. 35.
9. Ambrose (the Commentator on Paul), In Ephesios 4 ["Ambrosius Commentator Pauli (in Eph. 4)" in the source].
10. St. Thomas, Summa theologiae III, q. 64, a. 7.
11. St. Thomas, Summa theologiae, Supplement, q. 38.
12. St. Augustine, Contra epistulam Parmeniani II, ch. 13.
13. St. Augustine, De baptismo contra Donatistas I, ch. 1; St. Augustine, De baptismo contra Donatistas III, ch. 10; St. Augustine, Tractates on John [abbreviation as in source]; St. Augustine, De baptismo contra Donatistas III, last chapter; St. Augustine, Tractate 53 on John; St. Augustine, De vera religione, ch. 5; St. Augustine, Enarrationes in Psalmos, on Ps. 21 and on Ps. 54.
14. St. Jerome, Dialogus contra Luciferianos.
15. Gratian, Decretum, I, q. 1; Gratian, Decretum, Dist. 68; Gratian, Decretum, De consecratione, Dist. 4.
16. Council of Nicaea, acts, on Novatians and Meletians [as in source].
17. St. Augustine, De haeresibus ad Quodvultdeum, her. 44.
18. St. Thomas, Summa theologiae, place just cited [abbreviation as in source].
19. On St. Cyprian's position and its rejection by the Church, see especially the Roman responses to the African councils; cf. also the plenary council's condemnation alluded to by Estius.

20. St. John Chrysostom (as preserved by) Theodoret, Ecclesiastical History V, ch. 18, narrating St. Ambrose's discipline toward Theodosius.

21. Council of Laodicea, canon 19.

22. Council of Nicaea I, canon 8.

23. Pope Innocent I, Epistle 22, ch. [as in source].

24. St. Jerome, Commentary on Haggai, ch. 2.

25. St. Augustine, Contra epistulam Parmeniani II, ch. 13; cf. 1 Thess. 5:19.

26. St. Augustine, Epistle 23 to Boniface.

27. St. Jerome, Commentary on Amos 5.

28. St. Jerome, Commentary on Hosea, ch. 8.

29. St. Leo the Great, Epistle 40 to Anatolius, ch. 2.

30. St. Gregory the Great, Dialogues III, ch. 31.

31. Gratian, Decretum, I, q. 7, c. Daibertum.

32. Gratian, Decretum, I, q. 7, c. Per illicitam; cf. Council of Nicaea I on the Paulianists.

33. A question once perplexing and long agitated—indeed diverse—namely, this Question concerning Orders conferred by heretical Bishops in whatever way contrary to the prescripts of the Canons, the most diligent Investigator of the Republic of Letters, John Morinus, in his never-sufficiently-praised work On Sacred Ordinations, treats most excellently (Exercise 5). There, in fact, the most learned man, by collecting testimonies and examples of the ancients, as well as the determinations of the Schoolmen, and by the statutes of the Councils and the decrees of the Popes, shows that before four hundred years the matter had not been sufficiently elucidated; and that certain Councils seemed to approve Ordinations performed by heretics, schismatics, and simoniacs, and by degraded persons; yet other Councils, and also Popes and Fathers, rejected those and declared them altogether void and null. Among the testimonies, by which he chiefly strengthens and most authoritatively illustrates his opinion, one is what is recounted in the Second General Council (canon 6), whereby the Holy Synod pronounces that a Patriarch ordained contrary to the Canons was neither Bishop of Constantinople, nor were those who had been ordained by him to hold any degree of clerical rank.[34] Another testimony which Morinus brings forward for his opinion is in Theodoret, Book I (Ecclesiastical History, ch. 9), who gives the Epistle of the Nicene Fathers, in which those who had been ordained by the heretic Meletius are ordered to be confirmed by a more holy ordination. A seventh: Nicephorus, Book I (Ecclesiastical History, ch. 9 [as in source]), sets down the Epistle of that Nicene Council, in which those who had been ordained by Meletius the heretic are ordered to be confirmed by a more holy ordination. The reply is that from the same document it is clear that they had truly been ordained, as we said. But the Synod seems to understand by that confirmation something other than the power of Order, namely the authorization for exercising Orders that was needed by those who had received them in heresy or schism. An eighth: Nicephorus, Book 12 (Ecclesiastical History, ch. 13), reports that the Fathers of the Constantinopolitan Council decreed concerning a certain Maximus the Cynic that he had neither been, nor was, a Bishop; and that those whom he had consecrated as clerics, and whatever things he had done, were, like all else, null. It must be replied that all things were decreed null as regards the very exercise of the Order received; or, as regards place and honor in the Church, so that all things be held as if they were not. Lastly: Rupert, Book 12 (on Matt. 26), says that nothing is valid which is done by a Bishop or other minister of the sacraments who has been cut off or condemned by the Church. A reply: Rupert seems to have been in the same opinion with certain others. Yet what he says can be understood either of the effect of grace (for he who receives Order, or any other sacrament, from such men sins gravely) or of the lawful use of power. For often we call valid only what is done lawfully. Likewise, the same John Morinus adduces very many things (in Part 3, Exercise 5, all the way to chapter 8), and brings forward a great many testimonies to demonstrate and prove that the question in this way had been decided by the variety of times—concerning Schismatics, Degraded, Simoniacs, and by many others—so that some Councils seemed to approve Ordinations performed by heretics, schismatics, and simoniacs; but other Councils, as well as Popes and Fathers, reprobated them and declared them null and vain.

34. Council of Constantinople I (Second General Council), canon 6; cf. also Theodoret, Ecclesiastical History I, ch. 9; Nicephorus, Ecclesiastical History XII, ch. 13.

35. John Morinus, De sacris ordinationibus, esp. Part 3; Jean Cabassut, Notitia Conciliorum, and his treatise on Sacred Ordinations.

36. St. Thomas, Summa theologiae, Supplement, q. 35, a. 2; See also St. Thomas, Summa theologiae III, q. 63, a. 5.

37. St. Augustine, Contra epistulam Parmeniani II, ch. 17.

38. The sentence continues in the following section.

39. St. Augustine, Contra Donatistas I, ch. 1 [abbreviation as in source].

40. St. Augustine, De bono coniugali, ch. 24.

41. Sermon On the Washing of Feet, under the name of St. Cyprian.

42. St. Gregory the Great, Epistles II, ep. 52.

43. Council of Toledo VIII, canon 7.

44. Morinus, De sacris ordinationibus; Francis Haller, Tractatus de Sacris Ordinationibus; Iveninus, Comment., Dissertations 8, 9, 6 [abbreviation as in source].

45. Council of Florence, decree on ordinations; Council of Trent, Session 7, canon 9 (On the Sacraments); Session 23, ch. 4 and canon 4.

46. Tertullian, De praescriptionibus.

47. Gloss on Gratian's Decree, on c. "Accedens," Dist. 50; Sylvester (Prierias), Summa, s.v. Degradatio.

48. The Master (of the Sentences), in the text [abbreviation as in source].

49. St. Gregory the Great, Epistles III, ep. 13; Gratian, Decretum (the places collected by the Glossator).

50. St. Gregory the Great, Homilies on the Gospels, hom. 26.

51. St. Thomas, Summa theologiae, Supplement, q. 39, entire question.

52. Decretals, Extra, De poenitentia et remissionibus, cap. "Nova quaedam".

53. St. John Chrysostom, De sacerdotio, II.

54. Gratian, Decretum, Dist. 32, cap. "Mulieres".

55. Canon "Diaconissa", 27, quaest. 1; Nicephorus, Historia ecclesiastica, IX, ch. 47; XII, ch. 28; Epiphanius, Panarion (Against Heresies) 79, on the Collyridians.

56. Aristotle, Politics I.

57. Council of Compendium (as in the source): "Si quis Presbyter ordinatus deprehenderit se non esse baptizatum, baptizetur, et iterum ordinetur."

58. Innocent III, Decretals, title De presbytero non baptizato, cap. "Si quis" and cap. "Veniens".

59. Socrates, Historia ecclesiastica, book V, ch. 21 [abbreviation as in source].

60. Decretals, cap. De clerico per saltum promoto (Innocent III); Fourth Council of Toledo, canon cited by Gratian, Decretum, Dist. 77, cap. "In veteri lege".

61. Clement V, Council of Vienne; Clementines, title De aetate et qualitate praeficiendorum, cap. "Generalem"; Council of Trent, Session 23, ch. 12 (Reform); and compare Session 23, chs. 5, 11–14 (Reform).

62. St. Thomas, Summa theologiae II-II, q. 100, a. 1.

63. Gratian, Decretum, I, quaest. 1, cap. "Si qui" (Urban's Decree).

64. Gratian, Decretum, I, quaest. 1, the chapter immediately preceding and the two following "Si qui" [abbreviation as in source].

65. Acts 8; Irenaeus and Epiphanius on Simon Magus [abbreviation as in source]; Council of Vienne, decree on usurers.

66. St. Gregory the Great, Registrum epistolarum III, ep. 3; IV, ep. 51; IX, ep. 51, 53, and the two following; IX, ep. 64; XI, ep. 46; The Master (Peter Lombard), text "De Simoniacis" [abbreviation as in source]; Hugh of St. Victor, De sacramentis II, part 10, tract on simoniacs.

67. 4 Kgs 5 (Vulgate numbering); Num. 22; 3 Kgs 13 (Vulgate numbering); 2 Macc. 4; Josephus, Antiquities XVII; XVIII; and Nicephorus, Historia ecclesiastica I, ch. 9.

68. St. Augustine, Enarrationes in Psalmos, on Ps. 130; St. Gregory the Great, Homiliae in Evangelia, hom. 4.

69. St. Ambrose, De officiis II, ch. 28; St. Jerome, Epistola ad Rusticum, on Bishop Exuperius of Toulouse; Possidius, Vita Augustini, ch. 24; St. Gregory the Great, Registrum epistolarum VI, ep. 13.

70. Pope Paschal [Paschalis], cited by the Master (of the Sentences) [abbreviation as in source]; Gratian, Decretum, I, quaest. 3, reporting the same sentence.

71. St. Thomas, Summa theologiae II-II, q. 100, a. 2–4.

72. St. Bonaventure [as in source].

73. Altisiodorensis; Adrianus, Quodlib. 9 [as in source].

74. Durandus, in the present Distinction, art. 3; Silvester, Summa [as in source].

75. Cajetan; Dominic [as in source].

76. St. Thomas, Summa theologiae, loci previously cited by Estius [abbreviation as in source].

77. 1 Cor. 9.

78. Matt. 10; Lk. 10.

79. Deut. 25:4; cited by 1 Cor. 9:9.

80. 1 Tim. 5:17–18; cf. Lk. 10:7.

81. Rom. 15:27.

82. St. Thomas, Summa theologiae II-II, q. 87.

83. 2 Cor. 11:8.

84. Cf. Num. 18:31; Heb. 13:10; Estius's paraphrase of the sacrificial "price" language.

85. St. Augustine, De opere monachorum, ch. 15.

86. St. Augustine, Tractatus de Pastoribus, ch. 11 [as in source]; idem, Concio 3 super Psalmum 103.

87. St. Jerome, In Malachiam 3.

88. St. John Chrysostom, Hom. 33 in Matth.; idem, Hom. 21 in 1 Cor. 9.

89. Council of Agde, can. 26; cited in Gratian, Decretum, I, q. 2.

90. 2 Cor. 9; Acts 20:35; cf. 1 Cor. 9:12, 22; 2 Cor. 11:9.

91. St. Thomas, Summa theologiae II-II, q. 87, ad loc. ("ibidem").

92. Matt. 10:8; 2 Cor. 11:7–9; Cf. 1 Cor. 9:4–6; 2 Cor. 11:8–9.

93. Prosper of Aquitaine, De vita contemplativa II, chs. 9–10; Hos. 4:8.

94. St. Hilary, In Psalmum 118 (119) [as in source]; St. Jerome, In Marcum, ad "Mulieres ministrantes ei" [as in source]; Epist. ad Damasum; cited by Gratian, Decretum, XVI, q. 1, c. Quoniam; Council of Antioch; cited by Gratian, Decretum, XII, q. 1, c. Episcopus; St. Bernard, Epistola 42; St. Augustine, Sermons 17 and 219 De tempore [as in source; Benedictine editors note these among the spuria]; Council of Trent, Session 25, ch. 4, De reformatione; Council of Aachen, cap. 122.

95. St. Thomas, Summa theologiae II-II, q. 185, a. 7.

96. Domingo de Soto, De iustitia et iure, lib. 10, q. 4, a. 3.

97. Gratian, Decretum, XII, q. 2 (canons of Popes Simplicius, Gelasius, Gregory I); Gregory II, Epistle to the Bishops and Princes of Germany.

98. Prosper of Aquitaine, De vita contemplativa II, chs. 9–10.

99. St. Jerome, Epistula ad Nepotianum; Gratian, Decretum, XVI, q. 1, c. Quoniam.

100. St. Bernard, Epistola 42; St. Augustine, Sermons 17 and 219 De tempore [as in source].

101. Council of Trent, Session 25, ch. 4, De reformatione; cf. Council of Aachen, cap. 122.

102. St. Thomas, Summa theologiae II-II, q. 100, a. 3, ad 4.

103. [Abbreviation as in source] Cap. Quoniam, on Regulars; Lateran Council under Innocent III.

104. Alexander III, Council of Tours, cap. Non satis; Urban [IV], Extravagant beginning "Ne in vinea Domini," with penalties appended also in the Lateran Council and elsewhere.

105. Urban [IV], Extravagant beginning "Ne in vinea Domini": "Illa dumtaxat quae personae ipsae, pure et sponte, plena libertate, omni pactione cessante, dare Ecclesiis, Monasteriis et locis huiusmodi voluerint, cum gratiarum actione sunt recipere."

106. Council of Oxford under Archbishop Stephen [as in source], statute permitting that something be received for clothing if the monastery's revenues are less sufficient for those burdens.

107. Acts 2; Acts 4.

108. St. Thomas, Summa theologiae II-II, q. 100, a. 4, ad 3.

109. On long-standing customs of "convivia" or "pastus" etc. condemned as corrupt practices: see canons cited below.

110. Gregory IX, Decretals, De simonia, cap. Jacobus canonicus.

111. Paschal II, in Gratian, Decretum, Quaest. 3, cap. Si quis objecerit; Innocent II, ibid., cap. Si quis praebendas.

112. Council of Trent, Session 24, ch. 14, De reformatione.

113. Pius V, Bull beginning "Durum nimis," prohibiting demands or exactions for entrance into benefices, and retention from fruits unless converted to pious uses.

114. St. Thomas, Summa theologiae II-II, q. 100, a. 1, corpus.

115. Acts 8: "Pecunia tua tecum sit in perditionem."

116. Prov. 3: "Pretiosior est cunctis opibus, et omnia, quae desiderantur, ei non valent comparari."

117. Job 28, on the incommensurability of wisdom with gold or any precious thing.

118. 1 Cor. 4: "Sic nos existimet homo ut ministros Christi, et dispensatores mysteriorum Dei."

119. Matt. 10: "Gratis accepistis, gratis date."

120. Acts 8, Peter's words explaining the attempt to purchase "the gift of God," that is, a gratuitous benefaction of God.

121. St. Augustine, Sermo de Pastoribus, ch. 2.

122. St. Ambrose, In Lucam, book 4, on Luke 4.

123. St. Jerome, In Marcum, book 3.

124. St. John Chrysostom, Homilia 33 in Matthaeum.

125. The Master (of the Sentences), [as in source] "in textu," calling the grace of the Holy Spirit "impretiabilis" (unpriceable).

126. Paschal II, as cited above: in Gratian, Decretum, Quaest. 3, cap. Si quis objecerit.

127. St. Thomas, Summa theologiae II-II, q. 100, a. 1 and following.

128. Matt. 10: "Freely you have received, freely give." Cf. Num. 31 for the offerings of the princes of Israel; Lk. 16: "Make to yourselves friends of the mammon of iniquity."

129. St. Thomas, Summa theologiae II-II, q. 100, a. 1, ad 4 (on Jacob and Esau).

130. Soto (Domingo de), De iustitia et iure, book 9, q. 7, a. 1.

131. St. Jerome, Commentary on Micah 3.

132. Tob. 12; see the exchanges between Tobit and Raphael concerning reward.

133. 1 Pet. 1: "You were not redeemed with gold or silver, but with the precious Blood of Christ."

134. St. Thomas, Summa theologiae II-II, q. 100, a. 1, ad 6.

135. Council of Trent, Session 25, ch. 11, On Reformation.

136. Soto (Domingo de), De iustitia et iure, book 9, q. 5, a. 2, at the end. — Note also the condemned laxist theses on simony: "Here those propositions condemned by Alexander VII must be kept in view; the second and the third under thesis XI read in

substance as follows: 'To give a temporal thing for a spiritual in the collation of an ecclesiastical benefice is not simony, when the temporal is given not as a price but only as a motive for conferring;' and, 'It is not contrary to justice that a collator, in conferring ecclesiastical benefices, should receive some temporal advantage as if for the trouble, as a kind of compensation for the spiritual—even if the temporal is the principal motive for the grant.'" [abbreviation as in source: "Sunt hic prae oculis habendae hae propositiones Alexandro VII. confixas... Secunda & tertia sunt ..."]

137. St. Thomas, Summa theologiae II-II, q. 100, a. 6.

138. Urban II, Decretals, Extra, De usuris, c. "Consuluit".

139. Gregory IX, Decretals, Extra, De simonia, c. "Mandato".

140. Innocent III, Decretals, Extra, De simonia, c. "Tua".

141. Gratian, Decretum, I, q. 1, c. "Si quis".

142. St. Thomas, Summa theologiae II-II, q. 100, a. 6, ad 6.

143. Decretals, Extra, De simonia, c. "De hoc autem" [abbreviation as in source: "Galibi"].

144. Pope Paul II, Extravagantes, "Dum detestabile scelus".

145. Gratian, Decretum, Causa 15, q. 3, c. "Sane quisquis".

146. Extravagantes, "Sane ne in vinea", with other constitutions of the Roman Pontiffs to the same effect.

147. Fourth Lateran Council, canon 64.

148. Decretals, Extra, De simonia, cc. "Veniens" and "Dilectus".

149. Bulls of Pius IV and Pius V against the abuse of benefices "de confidentia".

150. Council of Trent, Session 24, ch. 14 (On Reformation); Council of Trent, Session 24, ch. 18 (On Reformation).

151. St. Thomas, Summa theologiae, Supplement, q. 41, a. 1.

152. St. Thomas, Summa theologiae, Supplement, q. 41, a. 2.

153. Is. 56; Wis. 3; Parenthetical editorial note in the source concerning the work De bono viduitatis and its placement among Augustine's writings, with remarks on Erasmus and Dupin, and a reference to Josephus, De bello Iudaico II, ch. 2 [note as in source].

154. On the promise "There shall not be a barren one in thy land": Deut. 7; Exod. 23.

155. St. Augustine, De bono viduitatis, chs. 7, 18; De Genesi ad litteram, IX, ch. 7; De nuptiis et concupiscentia, I, ch. 17; and the spurious Sermon 20 De verbis Domini. For the sermon's numbering, see the note in the edition: "or LXXV among the Sermones; the same to which others prefix the notation XXXIX, no. 28" [note as in source].

156. Hugo (of St. Victor), De sacramentis, II, part 2; the Master (of the Sentences), on the text [abbreviations as in source]. Cf. also Domingo de Soto, in the cited place [abbreviation as in source].

157. Tertullian, Adversus Marcionem; St. Jerome, Contra Jovinianum, I; Epiphanius; Philastrius; St. Augustine, Contra haereses; Innocent III, Decretals, Extra, De summa Trinitate et fide catholica, c. "Damnamus"; Estius, In II Sent., dist. 20.

DISTINCTIO XXVI — ON THE GOODNESS AND LAWFULNESS OF MARRIAGE (*DE BONO AC LICITO MATRIMONII*)

§ 1. That marriage is good and lawful—since marriage could not be good unless its use also were good—can be proved by other most clear testimonies of Scripture to the same effect. The words of the Apostle are (1 Cor. 7): "Art thou bound to a wife? do not seek a release; and if thou shalt have taken a wife, thou hast not sinned; and if a virgin shall have married, she has not sinned." And again: "What he wills, let him do; he does not sin, if she marries." And finally that saying which contains an open commendation of nuptials: "He who joins his own virgin in marriage does well."[1] And this (Heb. 13): "Honorable marriage in all, and the bed undefiled."[2] The same Apostle (Eph. 5) exalts nuptials to such a degree that in them he recognizes "a Great Sacrament, which is in Christ and the Church"—of which there will be discussion below.[3] And (1 Tim. 2) he says of the woman that "she shall be saved through the generation of children," namely, in the conjugal state.[4]

§ 2. To this pertain the passages of the Gospel in which the Lord forbids a wife to be dismissed except for the cause of fornication, as in Matt. 5, Matt. 19, Mk. 10, Lk. 16;[5] which also Paul attests (1 Cor. 7), saying that it is a command of the Lord that the wife not depart from her husband.[1] Likewise the passage (Jn. 2) where by his deed the Lord plainly declared that the institution of Nuptials is good and lawful, when he honored them by his own presence and that of his Mother and his disciples, an illustrious miracle also being exhibited—just as St. Augustine ably treats that passage against the Manichees.[6] But what the Lord then did in person, he had long before done by the Angel Raphael, by whom, as by a kind of paranymph, nuptials were arranged between Tobias and Sarah; and his most holy precepts also are read concerning the legitimate use of marriage (Tob. 6).[7]

§ 3. To this is added that by divine and natural law marriage was commanded to certain persons, as we taught above. For the surviving brother was bound by the prescription of the law to take to wife the wife of a brother deceased without children (Deut. 25);[8] and the Prophet Hosea is ordered to take to wife a woman of fornication;[9] nay, even the Priests, in order that they might preserve, according to the law, the succession of the Priesthood, had to take wives. And it is established that it cannot be, that God should command something illicit. Therefore, since these things are so, with good reason the doctrine of those is condemned who damn nuptials and forbid to marry—men whom the Apostle, with a prophetic spirit, foresaw would one day arise, and he called it "the doctrine of demons" (1 Tim. 4).[10] Chiefly Epiphanius in his work On Heresies wrote against this error; and St. Augustine in many places against the Manichees; and there exist likewise many decrees of Popes and Councils to the same effect—for example, of Leo I; of the Council of Braga; of the Council of Gangra; of the First Council of Toledo; and of the Lateran under Innocent III; and of others.[11] Moreover, concerning the conjugal act—when it is lawful and when unlawful, and likewise when venial and when damnable—explanation will be given below at Distinction 31.

§ IV — Reply to certain arguments on the contrary (Ad quaedam in contrarium argumenta responsio)[^12]

§ 4. Passing over, in general, those arguments concerning the conjugal act which seem to show it liable to fault, about which in their own place; now we shall refute those by which Matrimony itself, as if it were unlawful, is attacked. The first is this: Matrimony is granted by the Apostle according to indulgence, or pardon (1 Cor. 7).[^13] "This," he says, "I speak according to indulgence, not according to command." Which the Fathers understood as said not only of the act of marriage, but also of marriage itself. Whence St. Martin (in Sulpicius, book 3 of the Dialogues) says that marriage pertains to pardon, virginity to glory, fornication to punishment.[^14] But pardon is only of sin, as St. Augustine says about this very saying of the Apostle (De peccato originali, ch. 38): "Evidently, while he grants pardon, he denotes fault."[^15] And elsewhere he similarly argues (as in the Enchiridion, ch. 78, and in De bono coniugali, ch. 10).[^16] The second: Matrimony after the fall was instituted as a remedy for incontinence. But if those who use marriage sin, at least venially, according to the plain sentence of the Apostle by which it is granted "according to pardon"; therefore Matrimony, at least according to that institution which it has after sin, is unlawful, inasmuch as its proper use is sin. The third: Matrimony impedes and holds back a man from the supper of the heavenly householder, according to that text (Lk. 14): "I have taken a wife, and therefore I cannot come."[^17] The fourth: Matrimony is dishonorable at least both from the shamefulness which is necessarily joined to its act, and from the Apostle who (1 Cor. 7), exhorting to continence, says that he exhorts to that "which is honorable." From which it appears that Matrimony is not honorable to the Apostle.[^18] The fifth: The same Apostle says (Rom. 8): "They who are in the flesh cannot please God." Which St. Jerome understands of those who are bound by the carnal bond of marriage (book 1 against Jovinian).[^19] The sixth: Euthymius, writing on Psalm 50 at the words "Behold, I was conceived in iniquities," says that Nuptials are from sin, not from the first institution.[^20] To these arguments we reply.

§ 5. To the first: If anywhere among the Ancients marriage itself is read to be granted "according to indulgence," this can be taken in this sense: that, now that the human race has been sufficiently multiplied, Matrimony is neither commanded nor counseled, but only permitted. Not, I say, is it commanded as a necessary good, as at the beginning of the human race; nor is it counseled as a greater good, like virginity; but it is permitted as a lesser good. Moreover, the Apostle Paul does not grant marriage itself "according to indulgence," or pardon, but the conjugal intercourse which is had on account of incontinence. Whence Augustine (De bono coniugali, ch. 10): "Wherefore," he says, "at this time it seems that only those who do not contain themselves ought to marry, according to that sentence of the same Apostle: 'But if they do not contain themselves, let them marry; for it is better to marry than to burn.' Yet even to them nuptials are not sin—which, if chosen in comparison with fornication, would be a lesser sin than fornication, yet still would be sin. But now what shall we say in the face of the most evident word of the Apostle saying: 'What he will, let him do; he does not sin, if he marries'? From this certainly now it is not permitted to doubt that nuptials are not sin. Therefore the Apostle does not grant nuptials according to pardon. For who can doubt that it would be said most absurdly that they have not sinned to whom pardon is given? But he grants according to pardon that intercourse which is had on account of incontinence—not with the sole cause of procreating, sometimes with no cause of procreating—which nuptials do not compel to be done, but obtain to be forgiven." These are Augustine's words; he teaches similar things elsewhere also—for example (book 1 On Marriage and Concupiscence, ch. 16; and in De bono viduitatis, ch. 9).[^21] It must, however, be noted that in sentences of

this sort Augustine considers nuptials or Matrimony under the circumstance of the end. In this respect it is certain that Nuptials are not sin—and that suffices for the present purpose. For otherwise nothing prevents one who contracts marriage from vitiating in some respect that contract of his, which is good in its kind, if he does not contract with that end with which it ought to be contracted. Which matter has place not here only, but also in other kinds of good works. And in that sense perhaps it is more properly taken when the Ancients sometimes say that marriage is granted "according to indulgence," or pertains to pardon; because most men assume the state of marriage on account of incontinence, not purely on account of generation; who therefore seem to sin venially not only by using marriage, but even by contracting it.

§ 6. To the second it is answered that the proper end of Matrimony, as well after the fall as before, is the generation of offspring. However, it is improperly said to be instituted after the fall as a remedy for incontinence—namely, because the carnal libido which crept in through sin is so excused by Matrimony that a union for the sake of incontinence is only venial, which outside the limits of Matrimony would have been damnable. Therefore the remedy of incontinence is to be called not so much the end of marriage as a certain effect of it following upon the occasion of sin; whereas the end is that of the persons themselves who contract for the sake of avoiding fornication.

§ 7. To the third it is answered that that was said on account of the impediments by which the married are often drawn away from thought of divine things. For, as the Apostle says (1 Cor. 7): "He who is with a wife is solicitous for the things of the world, how he may please his wife, and is divided."[^22] Which, however, does not happen by the fault of marriage, which is holy in itself, but by the fault of men who love each other carnally—a carnal love which the transgression of the first parents introduced. Whence St. Ambrose (book 7 on Luke) writes that this is not said in order that marriage be reproved, but because integrity is called to the greater honor, since the unmarried woman and the widow think on the things that are the Lord's, etc.[^23]

§ 8. To the fourth: Matrimony by its substance and institution and by its proper end is always honorable and holy, even after the fall. But it happens from sin that there is always joined to its use the shamefulness of lust, which, however, does not redound upon Matrimony itself, unless perhaps from the evil intention of the one contracting. The Apostle's meaning is that he exhorts to that which is more honorable and better, and which affords the ability to beseech the Lord without impediment—that is, to the state of continence. For, as is subjoined a little after: "He that does not join his virgin in marriage does better."

§ 9. To the fifth: The Apostle speaks of those who live according to the flesh, not according to the spirit. St. Jerome, however, accommodating the Apostle's sentence to his own purpose, means nothing else than that spouses, while they are engaged in carnal work, cannot at the same time be engaged in prayer and divine things. Which the Apostle also signifies (1 Cor. 7), admonishing spouses not to defraud one another unless by consent for a time, that they may be free for prayer.[^22]

§ 10. To the last it is answered that Euthymius, together with some other Greeks, is gravely mistaken when he thinks that Nuptials are not from the first institution of nature before sin, but have their origin from sin. Against whom we took action above at Distinction 20, § 2.

§ V — Matrimony is a sign of a sacred reality (Matrimonium esse signum rei Sacrae)

§ 11. Matrimony has not only its institution from God, but also from the same author, and from His institution, it obtains the character of a sacrament (*sacramenti ratio*). In this matter two things chiefly occur for consideration: the one, that Matrimony is a sign or symbol (*signum seu symbolum*) of some sacred reality; the other, that there is joined to it the promise of grace, as to the other Sacraments of the New Law. Since our Adversaries deny each of these, it must be confirmed by us by the authority of Scripture and the testimonies of the Fathers. As to the former, there is a manifest passage especially in the Apostle (Eph. 5), where, commending the mutual love of spouses by the example of Christ and the Church, among other things he adds that the wife is the body and flesh of the man, just as the Church is of Christ; for, says he, "we are members of His body, of His flesh and of His bones." And the Apostle does not only compare these things with one another by way of likeness—namely, the man with Christ, the woman with the Church, and the one conjunction with the other—in that way in which the kingdom of heaven is said to be like a king or a householder or a grain of mustard, without any institution of signification, as the heretics would have it; but moreover he wills that in the one there has been placed by God the signification of the other: so that through the man Christ, and through the woman the Church, and through their conjunction with one another, the conjunction of Christ with the Church is signified by divine institution.

§ 12. For his words that follow prove this, where, after the repetition of those words from Genesis, "For this cause a man shall leave...," he infers: "This sacrament or mystery is great," that is, that most close conjunction of spouses, of which it is said, "A man shall leave his father and mother and shall cleave to his wife, and the two shall be in one flesh," is the sign of some great sacred and hidden reality; which mystery he then unfolds and interprets when he says: "But I speak in Christ and in the Church." As if he were to say: although the marital conjunction, if it be considered in itself, may not seem a great thing, nevertheless in the genus of signs it is a great thing, because it signifies something great—namely, Christ and the Church, and their conjunction with one another. For by this fact that a man, having left his parents, cleaves to his wife and is made with her one flesh, there is mystically signified that the Son of God, as it were leaving the bosom of the Father and the Father, descended to earth so that He might be joined to the Church and be made with her one body through the Incarnation.

§ 13. Nor indeed is it to be conceded to the Adversaries, who contend that by the Apostle there is called a great sacrament not the human marriage of a man and a woman, but the very conjunction of Christ and the Church; for not only did all the ancients who treated this passage of the Apostle understand that marriage is called the sacrament of that conjunction which is between Christ and the Church—as, in their Commentaries, St. Jerome, St. John Chrysostom, and the Ambrosian Commentator, and, cited by St. Jerome, St. Gregory Nazianzen; and following St. Chrysostom, Theophylact and Oecumenius, and, besides these, St. Augustine (De Nuptiis et Concupiscentia I, ch. 10)—but the apostolic text itself requires this sense. First, because the demonstrative pronoun "this" cannot be referred to anything other than to that which had immediately preceded about human marriage, about which the Apostle was also chiefly treating. Then, because in Greek it is not "in Christ and the Church" but "into Christ and the Church," as Tertullian also reads (De Anima, chs. 11 and 21; Contra Marcionem V, ch. 18) and St. Augustine (on Ps. 138), as Bede cites (on Eph. 5). But those words clearly signify that Christ and the Church are the terminus of that mystical

signification, and therefore that marriage itself is the mystery or a certain hidden symbol, whose signification is referred to Christ and the Church.

§ 14. Nor can it be said that this signification existed in the marriage of the first parents alone, to which, writing in Eph. 5, the Apostle may seem to have looked back. For those words, "For this cause a man shall leave, etc.," in which the mystery is contained, are general, and more properly pertain to posterity than to Adam himself, who had no parents to leave, being himself the first parent of all. And it is manifest that both here the Apostle in this place, and in Matt. 19, refers these words to every legitimate marriage, at least to one contracted according to right; for what is to be thought concerning the marriage of unbelievers we shall say afterwards. To this is added that elsewhere too Scripture compares Christ to a bridegroom or husband, and the Church to a bride or wife: notably in the whole book of the Song of Songs; then in Ps. 44, in which a mystical epithalamium is contained; likewise in Rev. 21, where the nuptials of the Lamb are described, and the Church is called the wife and bride of the same Lamb. But also the Baptist says of Christ: "He that has the bride is the bridegroom" (Jn. 3). And the Lord calls Himself the bridegroom when He says that, "The days will come when the bridegroom shall be taken away from them" (Matt. 9). Finally, in Hos. 2 the Lord Himself calls Himself the spouse of the Church, sending word that He will espouse her to Himself forever. If you consult reason, no one will surely wonder that the sacrament—that is, the sign—of so great a reality has been placed in Matrimony, if he is willing to consider, with the disturbance of lust, which crept in through sin and of itself does not pertain to marriage, set aside, that reality which is wont to be most ardent between spouses, and therefore most apt for representing the mutual love of Christ and the Church, and then that benefit because of carnal propagation which follows from marriage for the whole human race: so that deservedly in marriage God has willed from the beginning that there be the perpetual propagation of that spiritual offspring of His conjunction, Christ being about to be joined to the Church.

§ 15. Moreover, that sacramental character which we have said is recognized in Matrimony is acknowledged everywhere by the ancients: St. Jerome, St. Augustine, St. John Chrysostom, Theophylact, and Oecumenius, in the places cited; Tertullian (Contra Marcionem III, ch. 5; V, ch. 18), likewise (Exhortatio ad castitatem, ch. 5) and (De Monogamia, ch. 5); St. Gregory Nazianzen, Oration 31, which he delivered ...; as also many others whom St. Jerome cites; and others who, interpreting together the aforesaid passage of the Apostle, hand on the same doctrine.[13] To these add Salvian, who in De Providentia VII calls "the sacraments of the venerable marriage," and Cassiodorus, who in Variae II, epist. 10, calls marriage "the procreable sacrament of the human race."[14] Although they do not add of what it is the sacrament, without doubt they mean that it is the sign of some sacred reality, and indeed of that same reality about whose conjunction the Apostle writes to the Ephesians.

§ 16. Now from the foregoing it follows that Matrimony in the state of innocence was a sacrament, so far as regards the signification of a sacred reality, although the reality signified, according to the truer opinion, was going to have its occasion only from sin. St. Jerome attests this (on Eph. 5), and St. Augustine in De Nuptiis et Concupiscentia I, ch. 21, and in De Bono Conjugali, chs. 5 and 18. Nor is it a wonder, since in that state there was another sacrament also, namely the tree of life, as St. Augustine teaches in De Genesi ad litteram (VI, chs. 4–5) and in De Civitate Dei (XIII, ch. 20).

§ 17. And the same sacramental character, after the fall, lasted through the whole time of the Law of Nature, as the same St. Augustine attests (De Bono Conjugali, ch. 19); and he likewise recognizes a sacrament in that same marriage which intervened between Joseph and the Blessed Virgin (De Nuptiis et Concupiscentia

I, ch. 11; Contra Julianum V, ch. 12). Hence it is certain that marriage was contracted under the Old Law. The same is hinted by the Council of Trent, when, in teaching about this Sacrament, not without good reason it calls Christ the perfecter of the venerable Sacraments—namely, by the addition of Grace.[15]

§ VI — Whether, and to what extent, marriage among unbelievers was a sacrament (An, & quatenus conjugium apud infideles fuerit sacramentum)

§ 18. But whether even among unbelievers marriage once retained, and today retains, the same formal character of a sacrament (*ratio sacramenti*), is a matter of doubt. For the negative side there is this, that the marriage of unbelievers, even when consummated, can in some case be dissolved, as will be shown in its proper place; whereas the consummated marriage of the faithful cannot. The reason for this seems to be that the marriage of unbelievers lacks the dignity of a sacrament, even taken in a general sense. For, as St. Augustine says in book 1 of On Marriage and Concupiscence, ch. 11, in marriage a sacrament is therefore acknowledged, because there is no divorce; therefore where there is divorce, there is no sacrament.[16] Another argument can be taken from the polygamy of unbelievers. For there that saying has no place: "They shall be two in one flesh"; and hence neither does the mystery of the union of Christ and the Church.

§ 19. It is proved also from St. Augustine, who, in On the Good of Marriage, ch. 7, refers the indissoluble firmness of marriage to the formal character of a sacrament. "Nor, however," he says, "in the City of our God, upon His holy mountain, is there such a cause with a wife"; and in ch. 15 he says: "But once a marriage has been entered upon in the City of our God, where even from the first union of two human beings nuptials bear a certain sacrament, it can in no way be dissolved except by the death of one of them." And in ch. 18: "In our marriages the holiness of the sacrament prevails more than the fertility of the womb." And most plainly in ch. 24: "The good of marriage," he says, "among all nations and all human beings lies in the cause of procreation and in the fidelity of chastity; but what pertains to the people of God lies also in the holiness of the sacrament, by which it is a wickedness that even one who departs with a bill of divorce should marry another," and so on.[17] Another passage of the same author is book On Faith and Works, ch. 7.[18] And this is the opinion of St. Thomas writing on this Distinction (q. 2, a. 2, "However..."), and Ruardus, among others, in a fuller explanation of the article, approves the affirmative part chiefly for this reason: because that marriage is a sign of the union of Christ and the Church it has from the first institution made in Paradise, as is clear from what was said above. Wherefore the unbelief of the contracting parties cannot take away that signification—just as it cannot take away the signification of the rainbow instituted after the flood. Therefore that signification remains, and hence the general formal character of a sacrament remains, both in the marriages of unbelievers and of the faithful, although unknown among unbelievers, as also among many of the faithful.[19]

§ 20. It seems too to be proved from the Apostle. For what he says (Eph. 5), "This sacrament is great," was said by him generally of all marriages, at least of those of the people to whom he was writing. But very many of them had contracted marriages while in unbelief, although afterwards they were converted to the faith. Nor can it be taught that that formal character of a sacrament accrued to such marriages by Baptism. Therefore it belonged to them from the beginning when they were contracted.

§ 21. This opinion receives much support from the authority of Innocent III, who in the chapter Gaudemus, in the Decretals, On Divorces, affirms that the sacrament of marriage exists among the faithful and among unbelievers; and in the same place, in the chapter Quanto, he says that Baptism, which is the

sacrament of faith, makes the sacrament of marriage ratified, so that it may endure in the spouses while that [Baptism] lasts. Likewise, in the chapter Veniens, On a Priest Not Baptized, he says that the sacrament of marriage can be received by those not baptized.[20] This opinion is held by Domingo de Soto on the present Distinction (q. 2, a. 3), at the end, saying that it is clear that the marriage of unbelievers is a sacrament, if by the name "sacrament" a mystery is understood by which the union of Christ and the Church is signified. Nor does Adrian, in IV, q. 1, On Marriage, seem to dissent.[21]

§ 22. Nor do the things alleged to the contrary altogether prove the point. For the marriage of unbelievers also has firmness from the formal character of a sacrament, although not so great as the marriages of the faithful have, because in these there accrues another certain ground of firmness. This will be explained more fully in its proper place. Polygamy also of unbelievers does nothing against this opinion—both because it was illicit and contrary to the first institution, and because certain marriages even of the faithful, such as those of the holy Patriarchs, admitted polygamy. But as to Augustine, one can answer from Augustine himself. For he expressly opposes, to the firmness of marriage which is among the faithful, the repudiation and dissolution of the marriages of the Gentiles, which their marriages allowed, not however the divine law. Whence, just as by divine law the marriages of unbelievers were indissoluble, although the laws of the Gentiles dispute the contrary (albeit he sufficiently hints it), so too they contained the formal character of a sacrament.

§ 23. This solution one may gather from chs. 8, 18, and 24 of that same book On the Good of Marriage, and also from the passage cited of On Faith and Works. For since the Gentiles acknowledged two goods of marriage and by enacted laws maintained them—offspring and conjugal fidelity—whereas the third good, that is, the sacrament, as they did not acknowledge it, so they did not maintain its effect, that is, the indissoluble bond of marriage; whereas otherwise by divine law even their marriages were in truth indissoluble, and therefore by that same law they would reject divorce even on account of the cause of fornication; in their case too has place that saying of Augustine: "the sacrament, whereby there is no divorce," although not in the same degree as with the marriages of the faithful.[22]

§ VII — That by the sacrament of marriage grace is conferred (Matrimonii sacramento gratiam conferri)

§ 24. The principal doubt here is whether marriage be truly and properly a sacrament of the New Law (*sacramentum novae legis*), that is, a sign of a sacred thing (*sacrae rei signum*), such that, by Christ's institution, it also confers grace (*gratia*) upon those who receive it. For this is not only denied by all heretics of this age, but also by some Catholics, before the Church's explicit definition on this matter, there was doubt.

§ 25. For Durandus, writing on this Distinction (question 3), although he admits that marriage is a sacrament in the general sense explained above, nevertheless holds as probable that it does not confer grace, and therefore is not a sacrament univocally with the other sacraments of the New Law.[24] He brings forward, moreover, for this opinion several canonists as allies, and besides the Gloss (cap. Honorantur, Causa 32, quaest. 2), which says that for this reason money can intervene in the sacrament of marriage rather than in the others, because in this sacrament "the grace of the Holy Spirit is not conferred as in the others";[25] likewise the Master, who says that it is instituted as a sacrament only as a remedy, but does not confer a helping grace.[26] The same thing, too, is taught by Durandus's contemporary, William Peraldus, in the Summa of Vices, saying that all the sacraments of the Church, except marriage, confer grace;[27] and earlier than he, James of Vitry,

Cardinal of the Roman Church, in the Western History (ch. 36).'[28] And indeed because this question had not yet been defined by the authority of the Church, Bonaventure, Scotus, and others, who taught the true and Catholic doctrine, nevertheless set it down only as more probable, so that it is not to be wondered at if certain Catholic Doctors felt differently from them.'[29]

§ 26. We, therefore, must prove that by the sacrament of marriage grace is conferred, and that this is to be held now so certainly that it is not permitted to dissent without prejudice to the faith. And, first, to prove this we do not judge sufficient those words of the Apostle (Eph. 5): "Sacramentum hoc magnum est." For in that passage the word "sacramentum," or, as it is in Greek, "mysterion," signifies only the sign of a secret and sacred thing, whether or not it has an annexed promise of grace. For both in the state of integrity, and after sin down to Christ, it was such a sacrament, as we showed above; yet it did not yet have the promise of grace; and the name of sacrament or mystery is often read elsewhere in Scripture where nevertheless the promise of grace is not understood to be annexed: as in Dan. 2; Tob. 12; Col. 1; 1 Tim. 3; Rev. 1 and 17; and in this very Epistle to the Ephesians, chs. 1 and 3.

§ 27. Then, neither do those words of the Lord (Matt. 19), "What God has joined together, let man not separate," seem sufficiently strong to prove this, although some have used that argument. For that bond of marriage, although by God's institution rather than by the law of nature it be indissoluble, and have something like to the character of Baptism or of Orders, as St. Augustine indicates in book 1 of On Marriage and Concupiscence, ch. 10, and in On the Good of Marriage, ch. 24,[30] nevertheless exists without the bestowal of grace. For in the first state such a bond existed between spouses, and thereafter down to Christ, at which time marriage did not yet confer grace; nay, even among unbelievers there was such a bond, of which it could truly be said, "What God has joined together." Likewise the obligation of a solemn vow has from God that it is indissoluble, so that one may also say there: "What God has joined together let man not separate," and yet it does not confer grace.

§ 28. There are those who, for proof, use those words of the Apostle (1 Tim. 2): "But she shall be saved by childbearing, if she remain in faith and charity and sanctification with sobriety." Yet this does not seem to us a sufficiently solid proof; not only because the Apostle speaks generally of spouses joined in marriage either after or before receiving the faith, but also for these reasons: first, because what is said here, that the woman will be saved through childbearing, is something general, and can similarly be said of each one's own office. For the farmer also is saved through his work well and piously done, and the teacher through teaching, and the rich man through alms; then, because this very thing could truly be said of spouses before the law of grace; finally, because in the Greek manuscripts, and in most Latin manuscripts, "shall remain" is not read; so that what is subjoined about faith and charity and sanctification is referred not to the woman but to the children, whose holy upbringing obtains for the parents the merit of eternal salvation.

§ 29. Similarly, neither are those places very apt for proving this matter (1 Cor. 7: "Each one has his own gift from God; one indeed thus, another thus"; and 1 Thess. 4, where the Apostle exhorts men to abstain from fornication and to possess their vessel in sanctification). For as virginity, so also conjugal chastity has always been a gift of God even before Christ's advent, and spouses have always been bound to abstain from fornication and to possess their vessel in sanctification; and yet marriage did not always confer the grace of sanctification. Although we do not deny that it can happen that in such places the Apostle had regard to the grace of the sacrament; nevertheless this cannot be established from the very words. Hence neither does the Catechism for Parish Priests use proofs of this kind, nor the Council of Trent itself. For as to the grace which,

by definition of that same Council, this sacrament confers, thus it is read (Session 24) in the doctrine on the Sacrament of Marriage: "But the grace which would perfect that natural love of spouses and confirm the indissoluble unity and sanctify the spouses, Christ Himself, the venerable institutor and perfecter of the sacraments, merited for us by His passion."[31] Which Paul the Apostle hints at, saying: "Husbands, love your wives as Christ also loved the Church and delivered Himself up for her," and presently subjoining: "This is a great sacrament; but I speak in Christ and in the Church." By which words the Council does not affirm that the Apostle hints that the sacrament of marriage confers grace, but only this, that Christ, the author of the sacraments, merited for us by His passion the grace whereby spouses are sanctified. And this has no controversy.

§ 30. Whence neither does it seem that from the Apostle's words a sufficiently evident and certain proof can be drawn for sacramental grace; especially because many of those to whom the Apostle writes had contracted marriage while still unbelievers, and all the same things which the Apostle there says about marriage and its signification, and about the mutual love of Christ and the Church, can truly be said even if we suppose that marriage does not have an annexed promise of grace. Since therefore for this doctrine no proof can be had at least manifest and evident from the Scriptures, and nevertheless this doctrine, as will appear below, is certain and Catholic, the consequence is that this article—that by the sacrament of marriage grace is conferred—is one of the unwritten traditions of the Church and pertains to the Word of God not written but handed down. Which it now remains for us to prove from Councils and from the writings of the holy Fathers, in which we have apostolic traditions consigned.

§ 31. First, then, it is the constant doctrine of the Fathers that Christ—when invited to a wedding and deigning to honor it with the remarkable miracle of the water changed into wine (Jn. 2)—blessed the nuptials themselves, that is, prayed well: namely, as man, and therefore as God did well and brought grace. Thus taught two hundred bishops gathered in the Council of Ephesus, over which there presided, in the name of the Roman and Apostolic See, Cyril of Alexandria; the passage is found before the anathemas.[32] So too Cyril himself, book 2 on John, ch. 22, where he expounds the history of that miracle, saying, among other things, that Christ "sanctified marriage and prepared grace for nuptials, that the entrance of men into this life might be blessed"; he repeats like things in the same book, ch. 16.[33] And before him St. Ambrose, in the Epistle to Pope Siricius—which indeed is not the Epistle of Ambrose alone, but of the whole Council of Toledo—likewise asserts that marriage was sanctified by Christ, although he looked to another passage of Scripture; for he adds: by the divine voice saying, "They shall be two in one flesh, in one spirit."[34] Likewise Epiphanius (in Heresy 51 and 67);[35] and after him Augustine (Tractate 9 on John), where, explaining the Gospel history of the wedding, he says that conjugal chastity was thereby strengthened; elsewhere, in Sermon 41 on the Seasons, recalling the same history, he makes mention of the blessing of the nuptials; and Maximus (Homily 1 on the Epiphany of the Lord) thus says: "The Son goes to a wedding, that what He had formerly established by power He might now sanctify by the blessing of His presence."[36] Again, Damascene remembers the same blessing (On the Orthodox Faith, book 4, ch. 24), and Euthymius, writing on John, ch. 2.[37] To these was added most recently the Censure of those men, albeit schismatics, who, in ch. 7 where they treat of the seven sacraments of the Church, have thus among other things: "Therefore Christ blessed the nuptials, that the beginnings of our birth might not be without blessing."[38]

§ 32. Moreover, the sense of all these is that although Christ once blessed nuptials, nevertheless the power of that blessing, by a perpetual ordinance, would thenceforth remain in the nuptials of the faithful, just as the

blessing of fecundity, given in those words, "Increase and multiply," endures by a perpetual law in the human race down to the end of the world. Now indeed it is not to be thought that that blessing was nothing else than an approbation or some confirmation of the fecundity given from the beginning. For the benefits of Christ the Redeemer are not temporal but spiritual, by which, not is nature instituted or what has been instituted preserved, but, where there is something vitiated in nature, it is healed by grace. Nor was there need of a confirmation, since for perpetuity the first institution and blessing, as in other things, sufficed.

§ 33. This doctrine of the ancient Church, that nuptials were blessed by Christ, was retained and handed down by the Scholastic Doctors; and later Popes and Councils declared that marriage is to be reckoned among the sacraments of the Church properly so called, that is, among those which confer sanctifying grace. And, to begin with the Scholastics—since that is very well known—Pope Lucius of that name, more than four hundred years ago, in the Decree that begins "Ad abolendam," and is reported in the Decretals (De Haereticis) ch. 9, says: "All who presume to think or to teach otherwise concerning the sacrament of the Body and Blood of Christ, or of Baptism, or of the remission of sins, of marriage, or of the other sacraments of the Church, than the Roman Church preaches, we bind by the bond of perpetual anathema," and so forth. This decree was published in a council held at Verona.[39] And in the Lateran Council, in a canon which is reported in the Decretals, De Simonia, ch. Cum in Ecclesiae corpore, it is manifestly signified that marriage is one of the sacraments of the Church, when it is forbidden that anything be exacted either for blessing those about to be married, or for conferring or having conferred other sacraments.'[40] The same doctrine was signified by the Council of Constance in session 15, and by that very Council in the condemnation of the eighth article of John Hus, because he asserted that priests living criminally hold faithlessly concerning the seven sacraments of the Church; and by Martin V in the Bull given at Constance, in which, among other things, he orders that those suspected of heresy be asked whether they believe that a Christian, despising the reception of the sacraments of Confirmation, Extreme Unction, or the solemnizing of marriage, sins mortally. For in such decrees the expression is wont to signify only the sacraments properly so called of the New Law, that is, those which confer grace.'[41]

§ 34. But more plainly is the same set forth in the Decree for the Armenians at Florence, delivered with the Greeks present; marriage is counted in the last place among the seven sacraments of the New Law; of all which it is there defined that they both contain grace and also confer it on those who receive them worthily.[42] And most expressly has the same been defined concerning the sacrament of marriage by the Council of Trent in Session 24, in the doctrine, where marriage under the Gospel is said to have been endowed with grace by Christ; and in canon 1, where anathema is pronounced on him who shall say that marriage is not truly and properly one of the seven sacraments of the Gospel-law instituted by Christ the Lord, or does not confer grace.'[43] But if you ask where Christ instituted this, we reply that although in Matt. 19 and Mark 10 He recalled marriage to its first institution, nevertheless from the foregoing it can be sufficiently understood that He instituted it as a sanctifying sacrament and conferring grace in John 2, when He blessed the nuptials.

§ 35. However, for a fuller proof of this sacrament, we shall subjoin some passages of the Fathers in which they expressly teach it, or at least give indication of it. From which it will also be clear how falsely Calvin boasts that before Gregory's times none of the Fathers saw that marriage is a sacrament of the New Law.[44] Tertullian, besides that in several places already cited above he calls wedlock a sacrament, also in book 2 To His Wife, at the end, proclaims the happiness of that marriage which the Church brings together and the oblation confirms and the sign is sealed, and Angels announce.'[45] Lactantius, in the Epitome of the Divine Institutions,

ch. 6: "Let him who has a spouse keep the sacraments of a bed inviolate."[46] In the same sense speak Salvian and Cassiodorus whom we cited above; and Leo, in Epistle 93 to Rusticus, ch. 4, honors marriage with the title "sacrament."[47] Athanasius, in the Epistle to Ammon the Monk, says that he who takes a wife, although he does not obtain the same grace as he who embraces virginity, nevertheless obtains some grace, inasmuch as he bears thirtyfold fruit.[48] Pope Siricius, Epistle 1, ch. 4, writes that sacrilege is committed when one of the spouses, while the other lives, passes over to another marriage. Therefore marriage is a sacred thing and pertains to Religion.[49] But Innocent I said more, affirming (in Epistle 9, which is to Probus) that marriage is founded by divine grace when it is celebrated.[50] Similarly Ambrose, book 1 On Abraham, ch. 7, speaking of one who asks in marriage another's wedded wife: "He who acts thus," he says, "sins against God, whose law he violates; he dissolves grace; and therefore, because he sins against God, he loses the fellowship of the heavenly sacrament."[51] As to Augustine, he attributes the name "sacrament" to marriage in many places, as in the book On the Good of Marriage, and in book 1 On Marriage and Concupiscence across several chapters; likewise in Tractate 10 on John; in the book On Faith and Works, ch. 7; book 8 On Genesis Literally, ch. 5; book 9, ch. 7; the book On Holy Virginity, ch. 12; book 5 Against Julian, chs. 9 and 12; the book On Original Sin, ch. 34. Augustine is not wont so frequently and ordinarily to call "sacrament" anything unless it has the proper character of a sacrament. And that character consists in sanctifying grace; to which point Augustine, book 1 On Marriage and Concupiscence, ch. 10, and On the Good of Marriage, ch. 24, compares marriage with Baptism and Ordination as with sacraments of the same kind.[52] Finally, that the extent of this Catholic doctrine may be understood, what the Greeks decreed with equal consent with the Latins in the Council of Florence, the same men—even though now schismatic—retain down to this day, as is clear from the Censure of Jeremiah, Patriarch of Constantinople, published fourteen years ago, where in ch. 7 it is read: that marriage is a divine sacrament and one of those seven which Christ and the Apostles handed over to the Church.[53]

§ 36. Moreover, although by reason alone the institution of this sacrament cannot be established with certainty, nevertheless, to show how fitting it was that it be instituted, reasons are adduced by the Doctors. Of this sort are: First, because it is a very serious and burdensome matter that one spouse be bound to one spouse, such that by no cause and by no dispensation can the bond be loosed, nor can another spouse be superinduced while the former lives: for which matter, therefore, a peculiar grace was necessary. Second, because it belongs to marriage not only to beget children, but also to rear and instruct them, both in morals and in holy Religion, and to give care that, well trained, as the Apostle says, they "remain in faith and charity," etc. (1 Tim. 2). Which cannot be effected by them without the singular help of God's grace. Third, because although marriage after sin is a remedy against fornication, nevertheless it does not suffice without the grace of God: both because concupiscence is rather inflamed and increased by the carnal act than repressed, and because it often happens that, on account of sickness or absence, spouses are forced to abstain for a long time. Which indeed is for the married for the most part more difficult than to live continently for those who have professed perpetual celibacy. Wherefore it was fitting that grace be annexed to this remedy. Truly, these reasons are probable and apt for persuasion. That, however, they do not necessarily convince, is clear enough from this: because even for fulfilling the vow of monastic Religion great help of God is necessary; and yet that vow does not have an annexed promise of grace; for the grace of God can be obtained by other means, and especially by prayers. Add that these reasons also had place before Christ's advent, especially during the law of nature; at which time, nevertheless, it is established that marriage did not confer grace.

§ VIII — Which effects of grace the sacrament of marriage confers (Quos gratiae effectus conferat Matrimonii Sacramentum)

§ 37. That we may rightly and distinctly know with what benefits of grace Christ by His blessing has endowed the nuptials of the faithful, we must first see what evils by the sin of the first parents crept into nuptials. The first indeed and chief is this, that from nuptials there is born offspring liable to sin, no less than from fornication, according to that: "Behold, I was conceived in iniquities, and in sins," etc. The second, that besides original guilt, parents often in other ways harm their offspring: namely, when they either hinder it from being conceived, or, when conceived, destroy it, or when born expose it or even kill it (all which things among unbelievers are both frequent and done with impunity), or finally by depraved education, or by a perverse affection, they corrupt their inclinations. The third is the evil of lust, by which very often men—even married men—are impelled to various shameless deeds. The fourth is discord between spouses, whereby it happens that the husband abuses the power received, and the wife refuses to be subject to her husband. To these evils pertaining to fault there is added the manifold evil of misery. First, that even in chaste and honorable nuptials offspring cannot be procreated without shameful concupiscence. Second, the nausea of the pregnant mother and the pain of the one giving birth. Third, the anxious solicitude of both parents, but chiefly in rearing the offspring. And finally, the mutual servitude of bodies between spouses on account of mutual incontinence.

§ 38. To all these evils grace of Christ by the sacrament of marriage in a certain way provides and gives remedy; so that either they are entirely taken away, or at least are lessened and become more tolerable. For by this grace it comes about that those who embrace the state of marriage seek offspring which, by the sacrament of regeneration, cleansed from sin, shall be reared in the fear of God and in holy conduct, and shall grow and make progress. This good of marriage is commended by Augustine, book 1 On Marriage and Concupiscence, ch. 17, and by Fulgentius in Epistle 1, which is On the Conjugal Debt, chs. 3 and 10.[55]

§ 39. Then by it it comes about that Christian spouses do not follow the impulse of lust, but check it by the honesty of nuptials, and so keep the mutual pledge given that they violate it by no defilement of adultery; as Fulgentius in the same Epistle, and Augustine in many places, and expressly in Tractate 9 on John, testify, where he says that Christ was present at the nuptials in order that conjugal chastity might be strengthened. And Bonaventure too, writing on this Distinction, and William of Paris in the Treatise On Marriage, weightily explain what power this sacrament has to heal and restrain the concupiscence of the flesh.[56]

§ 40. Likewise by it it comes about that, according to the apostolic

§ 41. Further, there is the admonition of Eph. 5, that husbands love their wives as Christ the Church, but women be subject to their own husbands as the Church to Christ; and let neither the husband exceed the bounds of his own power, nor the wife refuse due obedience; and, being joined by holy love (*sancto amore*) let them remain together mutually even to life's end, even if perchance the hope of offspring has failed. Finally, by the same blessing of Christ it comes about that, as regards morals and preservation, they bear one another's weaknesses, and that each may win the other for Christ, if he is either a heretic, or a drunkard, or churlish, or otherwise criminal—both by bearing with him moderately and by correcting him gently. Lastly, that "tribulation of the flesh" which the Apostle testifies is inherent in wedlock (1 Cor. 7), they both alike bear more lightly as a common yoke. Now Christ wished to intimate to us this manifold blessing of Nuptials by this, that at the wedding which He deigned to honor with His presence He changed water into wine—plainly

signifying that for this He had come, that the curse brought into Nuptials by the fault of the first man He, the second man, might blot out and turn into blessing. For by waters, in the Scriptures, tribulations are wont to be understood. Whence that: "For the waters have come in even unto my soul" (Ps. 68). And in Ps. 123: "Perhaps the water had swallowed us up." And again Ps. 143: "Deliver me from many waters." But that wine was created by God "to make glad the heart of man," elsewhere the same Psalmist testifies (Ps. 143). Moreover, there is added another point by which the Lord wished to declare Himself the restorer of Matrimony: for whereas the Law permitted divorce for any cause whatsoever, and gave one man the power to have several wives at once, and likewise allowed the jealous husband with impunity to accuse and to put his wife to the test —while allowing nothing of the sort to the woman against the man, not even when he was guilty—Christ removed all these evils from Matrimony, and restored its state to its primeval origin, so that, divorce being abolished, repudiation might be made for the cause of adultery alone, and "they should be no more than two in one flesh," and, according to the Apostle, the wife should have no less power over the husband's body than conversely he over hers. Since Christ by His coming brought these goods to Nuptials, it is very consonant to attribute to the same Nuptials also sanctifying Grace (*gratia sanctificans*), whereby these same goods might be made firm between the spouses—lest otherwise, by this reformation of Matrimony, He should seem to have brought to human weakness more burden than help. We touched on this line of reasoning above.

§ IX — Reply to the objections pressed against the foregoing (Ad ea, quae contra praedicta objiciuntur responsio)

§ 42. The arguments which are objected against Matrimony as a proper sacrament (*sacramentum*) of the new law are in part those of Catholics, who, before the Church's definition was manifest, thought differently; in part those of heretics, who even today attack the Church's certain and defined judgment. First, there is objected the authority of the Master and the doctrine of the Canonists before the times of Durandus, and the Gloss on the chapter Honorantur, cited by us above, and certain other Writers of the same or later century; whose opinion was that Matrimony does not confer Grace (*gratia*).[58] Second, there is produced the reason on which above all the interpreters of the Canons rely: namely, that it is lawful to make an agreement about the dowry for the contracting of marriage, which would not be lawful if Matrimony conferred grace. You have this reason in the Gloss just alleged.[59] The third argument is: Three things, in every sacrament of the new law, are so required, according to the Decree of Florence, that if any one of them be lacking the sacrament is not perfected. These are, matter (*materia*), form (*forma*), and the person of the Minister (*minister*) conferring the sacrament with the intention of doing what the Church does. But in Matrimony neither is matter required, nor is any form of words necessary, since without words by other signs a valid contract can be made; nor was any fixed minister, at least before the Council of Trent, necessary; and finally, without the intention of doing what the Church does, and by a merely carnal purpose, very many before the said [Council]—

§ 43. Fourth: Matrimony can be contracted between absentees; but Grace cannot be conferred through a sacrament upon absentees; therefore Matrimony is not a sacrament. Fifth: The sacraments signify the Grace which they contain, and they contain the Grace which they signify; but Matrimony was instituted to signify the conjunction of Christ with the Church, which, however, it does not effect. Sixth: Wedlock impedes the Grace of God, according to that: "I have married a wife, and therefore I cannot come" (Lk. 14); and, as the Apostle bears witness, it provides an impediment to beseeching the Lord—that is, to having leisure for divine things (1 Cor. 7), whence also at times it must be abstained from in use, that there may be leisure for prayer

(ibid.); therefore it does not confer Grace. Seventh: About the essentials of the sacraments the Church can change nothing. But it can change the persons receiving marriage—namely, when it extends or contracts the degrees of kindred. Nor is there any doubt that the recipient is one of those things which are necessary in order that the sacrament subsist.

§ 44. Eighth: No sacrament properly so called can be received before Baptism. But Matrimony, according to Innocent III in the places cited above, is also received by unbelievers before Baptism, even as a sacrament, so that afterwards it ought not to be repeated; therefore it is not a sacrament properly so called.[60] Ninth: The Apostle, Eph. 5, wills the conjugal union to be a sacrament of the conjunction of Christ and the Church. But it is absurd to say that in that union, or commingling of bodies, which is never without turpitude, and scarcely ever without sin, Grace is conferred; therefore Matrimony, as a sacrament, does not confer Grace. Tenth: The Church repels many of the faithful from Matrimony, as priests and monks and consecrated virgins; but no one ought to be repelled from Grace; therefore this sacrament does not confer Grace. Finally: Christ instituted no sign that can be called the sacrament of Matrimony, because whatever is done in the contracting of marriage belongs to the law of nature, and was wont to be done before the coming of Christ; therefore He did not institute any sacrament of Matrimony. But to these we answer. And first—

§ 45. —as to the Master, although very many so understand him, as if he absolutely denied that this sacrament avails to confer Grace, and therefore that same point is wont to be numbered among his selected errors; yet others think that he did not hold this, and they prove it either from Distinction 1, where, distinguishing between the sacraments of the old and of the new law in such a way that these confer Grace and those do not, he defines a sacrament—as common to the seven sacraments of the new law—to be a sign of Grace and its cause; or from the present Distinction, in which near the end he says that wedlock is a sign of the spiritual conjunction and affection of souls, whereby the spouses ought to be united among themselves. But the Master understands an efficacious sign, as in the other sacraments of the Christian Religion. As to that, however, which in Distinction 2 he says, that wedlock is for remedy only, a not improbable reply can be given from St. Thomas, who explains that place, that there the Master is speaking of the principal end or effect of the sacrament of Matrimony. For although all the sacraments both avail against sin and furnish help to live well, yet they are rightly divided threewise, thus, according to the Master: some are instituted principally to help man in what is good, as Confirmation, the Eucharist, and Orders; some to blot out or avoid sins, as Penance, Extreme Unction, and Matrimony; some to both effects, as Baptism, whereby both the old man dies and the new is born.

§ 46. Further, the Gloss on the chapter Honorantur, to which another Gloss (cap. Quicquid, I, q. 1) is consonant, is to be rejected, together with the interpreters of the Canons who think the same. Indeed they are few, and in a question which properly pertains to the Theologian they could easily go astray. For otherwise, as Navarrus reports in the Enchiridion, ch. 22, no. 20, the common opinion of the Doctors, under the rubric On Betrothals and Marriages, is to the contrary.[61]

§ 47. To the reason adduced in the second place we replied when we treated of simony. For since Matrimony can be considered in a twofold way: in one way, as it is a civil contract, having been instituted by nature itself; in another, as it is a sacrament; that contract can be entered with a fixed agreement about the dowry without injury to the sacrament, in the way in which a consecrated chalice is rightly sold for a price without injury to the consecration. For as the chalice stands antecedently to consecration, so the matrimonial contract stands antecedently to the formal character (*ratio*) of the sacrament. Another consideration there is

besides, on account of which the argument would have place even if Matrimony did not confer Grace—namely, on account of the general formal character of a sacrament, which those same Doctors acknowledge in Matrimony, as also the two cited Glosses confess. Whence it is a wonder that those Authors were led by that argument to take Grace away from this sacrament.

§ 48. The solution of the third argument can be had from the things which will be said below about the matter, form, and Minister of this sacrament. To the fourth it is answered: if, as some think, Matrimony contracted between absentees by letters or by intermediaries is not a sacrament properly so called, it does not thence follow that Matrimony universally must be excluded from the number of the sacraments which confer Grace. But what ought to be said about Matrimony contracted between absentees will be examined below at Dist. 29.

§ 49. To the fifth it is answered that there is no sacrament in which there is not found something peculiar and diverse from the law of the other sacraments. Now to this sacrament it is peculiar that it does not signify the grace which it contains so expressly nor so immediately as the other sacraments signify. For since the primary end of Matrimony itself is the procreation of offspring, the Grace which is contained by this sacrament of Matrimony brings it about that the spouses, receiving offspring, offer it with pious solicitude to be regenerated unto Christ. And in this way that same matrimonial and, at once, sacramental conjunction of the parents is a cause of that conjunction whereby the offspring, made a member of the Church, is joined to Christ, and it brings it about that, in a certain manner, Christ and the Church are mutually joined for the regeneration of the child begotten. Others reply more briefly and clearly that the sacraments do not effect everything which they signify. For there is a multiple signification of the sacraments, as was said when we treated of the sacraments in general. Therefore the sacrament of Matrimony, besides the conjunction of Christ and the Church—which it so signifies as not properly to effect—also signifies the friendly and Christian conjunction of the spouses themselves with each other. In which bond is contained all that Grace which we said above is conferred by this sacrament: namely, fidelity, concord, mutual support, the regeneration of offspring and its holy education, and others of this kind.

§ 50. To the sixth: wedlock, considered in itself, is not an impediment of Grace; rather, the impediment of Grace comes from disordered concupiscence which has crept into human nature, and peculiarly into the conjugal act, at the first transgression; but the conferral of Grace pertains to wedlock inasmuch as it is a sacrament instituted by Christ for this: that it might be a remedy of that carnal concupiscence.

§ 51. To the seventh: the Church, as in the other sacraments, so also in this one, cannot change what is essential to the sacrament. Whence, just as the other sacraments cannot be conferred by the Church except upon those who according to God's institution are capable of them, so neither can this one be conferred except upon legitimate persons; so that legitimate persons, according to Christ's ordinance, are solely those upon whom this sacrament can be conferred. But which persons are legitimate, He did not Himself define, but left it in great part to be determined by the Church—for the reason that Matrimony is not only a sacrament but also a contract, which accordingly it is fitting to regulate by certain human laws.

§ 52. To the eighth, the reply is clear from what has been said above. For Matrimony contracted before Baptism, although it be granted to be a sacrament in a general sense on account of the signification of a sacred reality, is not, however, a sacrament in the special sense in which it has been instituted by Christ for the sanctification of spouses. And it is for this reason that after Baptism it is not repeated, because before Baptism

it was a true marriage, to which, however, greater firmness is added by Baptism, as will be said in its place. But whether by Baptism it becomes a sacrament in the special sense, that is, as regards the effect of Grace, is disputable, and is not of the present place.

§ 53. To the ninth it is answered that the conjugal conjunction of bodies, while the Apostle acknowledges in it a great sacrament, is not to be considered as it has annexed the turpitude of lust—which, as we have already said, crept into Nuptials through sin—but as it was instituted by God. For whoever will consider that conjugal intercourse, in the state of innocence, would have had nothing of shame and nothing at all of fault, but would always have been conjoined with the highest tranquillity of soul and of the members, will not wonder that God willed in it to constitute the signification of something choice. Yet one must know that Catholics do not place the formal reason of this sacrament, in so far as it confers Grace, in the carnal union itself, but in the matrimonial contract (*contractus matrimonialis*), or—what we more truly judge—in the contracting of marriage in the face of the Church.

§ 54. To the tenth: there are two reasons why priests and those who give themselves to the profession of a holier life are kept from Matrimony. One is that to Matrimony, although a thing honorable and sacred, there is joined a thing base and dishonorable, namely carnal lust; and it is so joined that it cannot be separated from its proper act. But it is better and more praiseworthy utterly to abstain, by a purpose of continence, from the use of such a thing—that is, of lust—than to restrain it by the Grace of this sacrament by using it within the bounds of wedlock. For, as the Apostle says (1 Cor. 7): "He who joins his virgin in marriage does well; and he who does not join, does better." The other reason is the solicitude of the flesh and the entanglements of secular affairs; for, as he says in the same place: "He who is with a wife is solicitous for the things that are of the world, how he may please his wife, and is divided. But he who is without a wife is solicitous for the things that are of the Lord, how he may please God."

§ 55. To the last it is answered that nothing hinders something pre-existing from being assumed into the sign of some reality which previously it did not signify, or at least did not so signify as also to effect; in the way that God raised and instituted the rainbow—which before the flood existed, but was not a sign—into a sign after the flood (Gen. 9). And in this way it is rightly understood that Christ instituted the sacrament of Matrimony: because, namely, that reality which previously existed, and indeed was a sign of a sacred reality, He willed thenceforward also to be the bearer and cause of Grace.

§ X — Who is the minister of this sacrament (Quis sit hujus Sacramenti minister)

§ 56. Concerning the minister (*minister*), and likewise concerning the matter of the sacrament and the form —which, in fact, the Council of Florence teaches are to be found in every sacrament—there is no small difficulty among Catholic writers as to what they are, or how they are to be assigned in this sacrament; especially since the Master and other earlier authors are read to have handed down nothing, or next to nothing, on this matter explicitly. The common opinion of the more recent Schoolmen, however, is that the man and the woman contracting marriage are the proper ministers of this sacrament. And they prove this from the fact that it belongs to the minister of a sacrament to pronounce the words of the form and by them to confect the sacrament. But the man and the woman do this when, by set words, they give each other their troth.

§ 57. The same is confirmed from the Decree of the Council of Florence on the sacraments, where one reads as follows: "The efficient cause of Matrimony is, regularly, the mutual consent expressed by words of the present."[63] Therefore, since those very persons who are joined in marriage express that mutual consent by words, it follows that they are the ones who make the marriage and hence are the ministers of Matrimony, that is, of the perfecting of this sacrament. Again, it is confirmed from the fact that Matrimony between Christians can be contracted (at least before the positive law of the Council of Trent) by those alone who are joined in marriage, with no one else present; and yet, since it is a sacrament of the New Law, it cannot be perfected without a minister: therefore the contracting parties themselves, and no others, discharge the office of ministers.

§ 58. Moreover, Scotus, writing on this Distinction, seems to hold that this is not perpetual. For thus he says: "For the most part the contracting parties themselves minister this sacrament to themselves, either mutually or each to himself. But neither is this necessarily required, since in every matrimonial contract there is not a sacrament; for sometimes parents contract for their sons or daughters, they being present, but not expressing proper signs. If therefore there is a sacrament there, one must say that the minister of this sacrament can indifferently be whoever can be a minister in the matrimonial contract." Thus he.

§ 59. But it is easy to answer Scotus: although others for the most part take part with the contracting parties, nevertheless those who are joined in wedlock always principally contract by their own consent, whether they do this by words or by other signs of equal value; among which even silence itself is sometimes, according to law, reckoned, because in such a case the one who is silent is presumed to consent. Hence, for the reasons which Scotus alleges, it is not necessary for us to acknowledge that anyone other than the spouses are at any time the ministers of this sacrament.

§ 60. The opinion of others is that in this sacrament, as in the other sacraments of the Church, no other minister is to be sought than one who is a minister of the Church itself, that is, a priest, joining the man and the woman by certain prescribed words. This opinion is taught and defended with many arguments by Melchior Cano, Book 8 of the Loci Theologici, ch. 5, where he contends that Matrimony without a minister of the Church is not truly and properly a sacrament—because the proper minister, by whom the sacraments are dispensed, is a minister of the Church.[64]

§ 61. Now the arguments which either are brought forward by him for this opinion, or besides could be added, partly aim to prove it directly, and partly to disprove and weaken the former, namely the common, opinion. They are, for the most part, of this sort. First: There is no sacrament of the Church without a Minister of the Church. This is proved by an induction from the other sacraments, in which, although at times on account of necessity a layman may act in the place of the minister—as in Baptism—nevertheless it is clear that the ordinary minister is the priest alone: therefore also the Sacrament of Matrimony is dispensed by a minister of the Church. Second: Penance is one thing, the sacrament of Penance another. For Penance exists without a minister of the Church, not so the sacrament of Penance; therefore, similarly, Matrimony is one thing, the Sacrament of Matrimony properly so called another: since the former could be done without a minister of the Church, as it was done before the advent of Christ, but the latter cannot. Third: The Council of Florence defines that all the sacraments are perfected by three things, of which the third is the person of the minister conferring the sacrament; and it understands a minister of the Church, because it adds, "With the intention of doing what the Church does." For how does the Church do what the minister of the Church never does nor can do? Whence from these latter words the following argument is formed: Every sacrament is

so instituted that the Church ought to do it (but the Church acts through her ministers), unless on account of necessity, as in Baptism, another should do it, supplying the place of the ministers of the Church, who nevertheless must also have the intention of doing what the Church does; therefore this sacrament of Matrimony also is so instituted that it ought to be done by a minister of the Church. Nor can it be said that the man and the woman supply the place of the minister of the Church, because such supplying is acknowledged in Baptism alone; and if this were supplying, it would follow that much more could the minister of the Church, whose place they are supplying, do that thing; because a principal administrator can do a given thing more than a vicar.

§ 62. Fourth: Sacraments properly so called are sacred ceremonies of religion, and so their celebration pertains to the ministers of the Church. Fifth: To the ministers of the Church alone are they ordained that they be dispensers of the sacraments; therefore by them the sacraments ought to be administered. Sixth: The persons contracting receive this sacrament; therefore they do not confer it. For no one can confer upon himself any of those sacraments which are brought about in an action—for example, to baptize oneself, ordain oneself, absolve oneself, and so forth. Nor is it to be said that the one confers it upon the other; because if both are ministers, together they constitute one total minister, since neither can do it without the other. Seventh: The contracting persons do not have the intention of conferring the sacrament, but rather of receiving it. Nor has the Church ever taught that they ought to have the intention of administering a sacrament; and yet without the intention of doing what the Church does there is no sacrament, as the Council of Florence expressly hands down, and as the Council of Trent sufficiently indicates, Session 7, canon 11 (on the Sacraments), and as we have shown more fully above at Distinction 1 of this book.[65] Eighth: In clandestine marriages, very many of which were contracted before the Tridentine Synod, ordinarily there intervened no intention of doing what the Church does, but almost only a thought of carnal union contracted civilly, as among the Gentiles. Nor is it enough to say that they intended to contract marriage, for unbelievers also intend this who nevertheless in contracting marriages do not intend to do what the Church does; and otherwise, according to this evasion, it would be impossible for the intention to be absent from any matrimonial contract at least among Christians, and the same even among heretics. Whence thus it is argued: The faithful contracting can be without the intention of doing what the Church does—which is certain. For even a priest baptizing can be without intention, and so forth: therefore indubitably there have been and can be marriages among the faithful which would not be sacraments. This argument is most forceful against certain persons who contend that every marriage of Christians is a sacrament of the New Law.

§ 63. Ninth: It is absurd that from the administration of some sacrament in general a Bishop or a Priest be excluded, and that of necessity he be its minister who is not a minister of the Church but a layman or, as it were, a layman; indeed, a woman—which is more absurd—since the sacraments of the Church ought either of necessity, or at least fittingly and becomingly, to be administered by men, and those ministers of the Church. Tenth: The Apostle does not permit women to speak in the Church (1 Cor. 14). Which is to be understood not only of the word of God, but also of the administration of the sacraments: therefore it is not to be thought that any sacrament of the Church is so instituted that in it a woman is necessarily the minister. Eleventh: In every sacrament one minister suffices. Which also the Council of Florence indicates, when it names the person of the minister, not of the ministers. But if the contracting persons administer this sacrament, then in this sacrament there will always of necessity be several ministers. Twelfth: Christ, as the Supreme Priest, blessed the wedding in Cana of Galilee, where also He instituted this sacrament of the New Law, as was shown at length above: therefore the Priest, the vicar of Christ, ought to administer this

sacrament, so that through him the Grace of blessing may be conferred. And so, not the man and woman contracting, but the blessing Priest is the minister of this sacrament. Thirteenth: It seems absurd to say that the Priest is the minister of what is accessory, namely, of the blessing, which they say is only something sacramental, not, however, of the sacrament itself, but to make the administration of this [sacrament] proper and perpetual to layfolk. Fourteenth: The faithful did not suppose themselves to be sacrilegious when, in the state of mortal sin, they were contracting marriage privately or clandestinely before the Council of Trent; which, however, they would have had to suppose if they were administering the sacrament there. That persuasion of the faithful is approved by Paludanus, IV, Dist. 5, q. 2.[66] Fifteenth: The Council of Trent, Session 24, ch. 1, on the Reform of Matrimony, wills that the Pastor, as the minister of the Church, should say to the contracting parties: "I join you in matrimony," and so forth. And that he says this "as a minister of the Church," ecclesiastical custom bears witness. For, as the Mechlin Pastoral prescribes, the Priest says: "And I, as the minister of God, join you in matrimony," and so forth. But in the business of the sacraments "minister of God" and "minister of the Church" are the same. Indeed that by that decree of the Synod the Priest or Pastor is designated as the minister of this sacrament, Matthew Galenus, a Doctor of this school, expressly testifies in his Catechism, no. 216.'[67] To all these there is added a probability from the authority of the Fathers, who seem to have thought not that the contracting parties themselves were the ministers of this sacrament, but that the Priest was.

§ 64. For Pope Evaristus in Epistle 1 so requires the priestly blessing in marriages that otherwise what has been presumed are not marriages but adulteries. Which thing surely the Pontiff would not say of a true sacrament of the Church.[68] Nor is it an obstacle that one reads in the Roman Breviary that Evaristus instituted that the blessing of a Priest be applied in marriage; as if it followed therefrom that the priestly blessing of marriage was not instituted by Christ, and hence that the Priest by Christ's institution is not the minister of this sacrament. For this is said in the way in which in the same Breviary Pope Alexander is said to have decreed that in the mystery only bread and wine be offered; and Victor, that with any water, provided it be natural, if necessity constrained, anyone might be baptized; and Innocent, that he who was born of a Christian woman ought to be reborn by Baptism; and Sylvester, that chrism be made by the Bishop; and some other things which, although they are of divine institution, were confirmed by the decrees of these Pontiffs when perchance they were being neglected by some of the faithful, or were being attacked by heretics.

§ 65. Tertullian, Book 2 Ad Uxorem, at the end, signifies that that Matrimony is a sacrament of the Church which the Church brings together, namely, by her minister.[69] St. Ambrose (Epistle 70, On Marriage) says that it ought to be sanctified by a priestly blessing.'[70] Innocent I, in Epistle 1 to Probus, says that Matrimony "is founded by divine Grace, when it is celebrated." But it is not said to be "celebrated" unless when it is contracted solemnly according to the custom of the Church.'[71] William of Paris, a contemporary of Albert the Great, in his Book On the Sacraments, Treatise on Matrimony, ch. 9, q. 1, denies that marriage is a sacrament in the true sense and that it has sacramental power unless it has been consecrated by priestly ministry. He indicates the same in ch. 1 On Baptism.'[72]

§ 66. St. Thomas, Book 4 of the Contra Gentiles, ch. 78: "Matrimony, inasmuch as it is ordered to the good of the Church, ought to be subject to the government of the Church. But those things which are dispensed to the people through the ministers of the Church are called sacraments. Hence a certain blessing is applied to those contracting marriage by the ministers of the Church." The same author, writing In IV Sentences, Dist. 1, art. 3, adds that, since each is a sacrament insofar as it consists in the dispensation of the

ministers of the Church, it must have some words by which it is perfected. And in II-II, q. 100, a. 3, he says that to give money for marriage, inasmuch as it is a sacrament of the Church, is unlawful: "And therefore," he says, "the laws forbid that anything be exacted for the blessing of Nuptials." Where he indicates that the character of the sacrament lies in the blessing of Nuptials which is done by the Priest.[73] Moreover, some other things in favor of this opinion are cited by Cano from the Decretum of Gratian, but which are less forceful. The chief argument, however, is taken from the words of the General Lateran Council under Innocent III, which is found in the Decretals, Extra, On Simony, "Cum in Ecclesiae corpore," where the Synod deplores as a horrible thing that something is required for the blessings of those marrying, or for the other sacraments; and afterwards subjoins: "Lest, therefore, henceforth these things happen, we strictly forbid that anything be exacted either for blessing those marrying, or for conferring other sacraments, or for those conferred." Where manifestly, once and again, the blessing of those marrying—which without doubt is done by a minister of the Church—the Synod counts together with the other sacraments. Whence the Gloss on the same place: "For the blessings," it says, "of those marrying, it is prohibited to receive anything, because by them Grace is conferred." And in the same place, on the chapter "Suam," it notes that the blessings of those marrying are sacraments.'[74] And Cano thinks this to be the opinion of the Canonists, that although the contract of marriage, with the priest's blessing set aside, does not confer Grace, yet this is besides supplied by the priestly blessing as the sacrament properly so called. In addition there comes the chapter "Religionis" (in the Clementines) from the Council of Vienne; where in the same order are put "to minister the sacraments of Extreme Unction or of the Eucharist," and "to solemnize Marriages." But this without doubt pertains to a minister of the Church. Whence in the Bull of Martin V, published at Constance, the very solemnization of Matrimony is called a sacrament. For he wills that one be asked whether he believes that a Christian, contemning the reception of the sacraments of Confirmation or of Extreme Unction, or of the solemnization of Matrimony, sins mortally.'[75] Moreover, in the Council of Cologne, part 7, ch. 40, it is said that the sacrament of Matrimony, the priestly prayer being added, confers the gift of the Spirit, by which you may love your wife with a chaste love, as the Apostle says, and certain other words of the Council of Cologne, but, as appears, taken from the Enchiridion of Christian Instruction, which had been published in the name of that Council.'[76] Finally, not without reason did two General Councils, Florence and Trent, when they treated of this sacrament, judge that nothing was to be defined expressly concerning its Minister, just as not even concerning its matter and form. For clearly they understood that there are diverse opinions about these things among the Doctors in the Church, about which things they judged that nothing should as yet be defined, although Matthew Galenus thinks that the form was defined in the Council of Trent.'[77]

§ 67. I am not unaware that this opinion of Cano is rejected and refuted not only by Dominicus and others, but is also censured with the name of novelty and rashness; let students see and weigh their reasons in those authors themselves. Certainly the reasons and authorities sufficiently show that this opinion is neither new nor rash, nor alien from the mind of the Fathers—besides that it most greatly accords with the sanctity of the sacraments. Whence also Dominicus Bañez, writing on I, q. 1, a. 8, says that the common opinion is now by many disapproved not only after the celebration of the Council of Trent, but even before; and that many others follow the opinion of Cano without any rashness. "For," he says, "what at one time is hidden, afterwards by the diligence and study of those who come along later is many times brought to light," and much besides. He replies, he says, that the opinion about marriage was not the common opinion of all the theologians, since certain set the opposite. Moreover, although it had been common, nevertheless it was not a firm opinion, as is evident from the Master, St. Thomas, Scotus, and all the others in IV, who all leave it in

doubt and define nothing certain. Thus he, and what follows. Finally, many paradoxes are avoided by this opinion: that the minister of this sacrament is not one but two; not ordained, but layfolk, a man and a woman; that the same persons are recipients and givers; that the form consists without words; that it contains no peculiar ceremony, and the like. (Hyacinthus Serry, Doctor of the Sorbonne, in the Vindiciae, recently printed at Padua, Book 7, ch. VII, vigorously defends this opinion, often propounded by our Author here and by others, and sufficiently frees it from the censures which writers who oppose it brand upon it, and he commends our Author in this place.)[78]

— What is the form of this sacrament (*Quae sit hujus Sacramenti forma*)[12]

§ 68. If, as the more common opinion has it, the ministers of this sacrament are those very persons who are joined in matrimony, doubtless the form of the words by which the same sacrament is perfected will be that which they offer in contracting, saying to each other: "I take you as mine," or "as my own." For it is evident that the true form of a sacrament ought to be pronounced by the minister of the sacrament. In favor of this opinion there is adduced what is read in the Florentine Decree, namely that the efficient cause of Matrimony is, regularly, mutual consent expressed by words of the present; although from this in truth nothing else is had than that the contract of Matrimony itself is regularly made by words of that sort, not, however, the sacrament of Matrimony insofar as it also confers [Grace]. Hence neither do the Fathers say "the efficient cause of this sacrament," but "the efficient cause of matrimony regularly," and so forth. They add "regularly," because consent, which makes matrimony, can also be expressed by other signs, as will be taught in the next distinction.

§ 69. But from this there arises a question: whether words alone are the form of the sacrament, or also any signs different from words which avail to indicate consent. Many hold that not only words pertain to the form of this sacrament, but that the consent of the contracting parties is expressed by other signs of equivalent value; and they say that this is peculiar to this sacrament, namely that in it other signs can often take the place of words. But Scotus, writing on this Distinction and treating the present question, inclines to the view that words alone are the form of this sacrament, as in the other sacraments; and hence that at times the contract of Matrimony comes to be without a sacrament, namely when it is without words. From which opinion Adrian, writing in IV (Question on Baptism) at the end, seems to dissent.[79] In support of this there is that the Council of Florence in all seven sacraments requires words as the form, so that if they be lacking the sacrament is not effected. To this, however, others reply that in that passage are meant not only words properly so called, but also signs which carry the place of words.

§ 70. Furthermore, universally against that opinion which establishes the form of this sacrament in the words of the contracting parties or in other signs of equivalent value, all the arguments set above can be urged which seem to prove that the contracting parties are not the ministers of the sacrament. For, this being granted, it necessarily follows that neither are the words nor the other signs of the contracting parties its form, because it is an admitted point that the form of a sacrament ought to be pronounced by the minister of the sacrament.

§ 71. It is objected, moreover, that there is no reason for that prerogative which they attribute to this sacrament, namely that it can be perfected not only by words but also by other signs—since this above all should belong to Baptism on account of its supreme necessity; to which, however, it has not been granted. Whence neither does that response, which has just now been brought forward to the words of the Council of

Florence, seem to suffice; since in all the other sacraments there is understood to be necessarily and indispensably required words properly so called.

§ 72. Then too, the form of a sacrament ought to signify the effect of the sacrament as it is a sacrament, not, however, as it is something human, or natural, or civil; as is clear in all the other sacraments, and can be proved from the very notion of form, whose function it is to determine the matter in order to constitute the species of the whole: all of which in the present case is Matrimony as a Sacrament, not however as it is a civil contract. But those words: "I take you as mine," do not signify the effect of the sacrament, nor anything sacred at all, but only the conjugal obligation, which they would signify even if marriage had not been instituted as a Sacrament. Hence they are common to the faithful and to unbelievers.

§ 73. Besides, on this opinion one must admit that the very carnal copulation is sometimes the form of the sacrament—namely, before the Tridentine Synod, or even in these times in those places in which the decree of the Synod has not yet been published—specifically when and where by subsequent copulation betrothal used to pass over, or still passes over, into marriage. For then the copulation is a sufficient sign of the consent required for marriage. This, however, Christian ears by no means accept. For although that act can be meritorious, nevertheless it seems absurd to say that it is sometimes an essential part of the sacrament.

§ X — Who is the minister of this sacrament, and what is its form (Quis sit minister hujus sacramenti, et quae sit forma)

§ 74. ...speaking of the sacraments of the new law (*sacramenta novae legis*), which St. Augustine says are "most chaste." Add that the forms (*formae*) of the sacraments are mystical and hidden words, which were by no means easily divulged to the crowd, as is clear from what we have said above about the forms of the sacraments in general. But these words are known to all nations, and so far are they from being kept from the common people that their pronunciation belongs to laymen alone, however common and of the lowest condition they may be. Therefore the opinion of others is preferable, who, just as they wish the minister (*minister*) of this sacrament (*sacramentum*) to be the minister of the Church—that is, of the sacraments—so (which is a necessary consequence) they say that the form (*forma*) of the sacrament is the words uttered by him while he administers the sacrament. But which words are they? Some seem to speak of the form as if the words of blessing (*benedictio*), which the priest uses over the newlyweds, saying: "The God of Abraham, the God of Isaac, the God of Jacob—may He bless you in Christ," and other such like, were what constituted the very form of the sacrament. But the obstacle is that, according to the canons and the custom of the Church, this blessing ought not to be employed in second and subsequent marriages, where nevertheless the sacrament is also true and properly so called. Wherefore those think better who recognize the form in those words which the Council of Trent prescribed (Session 24, ch. 1, On the Reformation of Matrimony). For thus it says: If no lawful impediment be opposed to the celebration of Matrimony, let them proceed in the face of the Church, where, the pastor having questioned the man and the woman and understood their mutual consent, he shall either say: "I join you in matrimony in the name of the Father and of the Son and of the Holy Spirit," or let him use other words according to the rite received in each province.[80] What is added at the end is because in this matter there is some diversity of custom among the churches. For, as Dominic Soto reports, some say: "I join you as spouses and confirm the sacrament"; others use these words of Christ: "What God has joined, let man not put asunder"; others say something else; but most utter the same, or almost the same, words that the

Synod expressed, namely, after the spouses' words, saying: "And I, as God's minister, join you in Matrimony in the name of the Father and of the Son and of the Holy Spirit."[81] But whatever the words may be by which the churches use them, since they are uttered by the minister of the Church in the celebration of the sacrament, they seem to be taken in such a way that they have the signification of a supernatural and divine... to wit, this is their sense: "I bless your union," or, which comes to the same thing, the sense is: "I confirm your union by a blessing." Hence it comes about that those same words are not ill comprehended at times by authors under the name of "blessing." Moreover, it can be said that by them there is both signified and brought about that union of love and of subjection of which the Apostle speaks (Eph. 5). The Council of Cologne, in the place indicated above, seems to hint at this as well.[82] And to these or similar words Tertullian can be thought to have alluded when he said that the Church "conciliates" the marriage of the faithful—because, namely, the Church through the minister says that it joins them in Matrimony.[83] And note that these words are repeated also in second and later marriages—both by the ancient custom of the churches and by the precept and prescription of the Council of Trent. This is an argument that in them is contained the true form of the sacrament, insofar as it is administered by the minister of the Church. Matthew Galenus also thinks this in the place cited above.[84]

§ XII — Which is the matter of the sacrament of Matrimony (Quaenam sit materia Sacramenti matrimonii)

§ 75. The doctors assign in various ways the matter (*materia*) of this sacrament (*sacramentum*)—a thing doubtful and perplexed—as may be seen in Paludanus, and in Dominic [Soto] on the first Distinction of this book, and in Capreolus on the present Distinction.[86] For some have constituted as matter the internal consent of each spouse—not rightly; because those things by which, as by matter, each sacrament consists ought to be subject to the senses, which the internal consent is not.

§ 76. Others think that both the matter and the form (*forma*) of this sacrament are the words of the contracting parties, or gestures, or other signs that supply the place of words. This is the opinion of Dominic [Soto], who also attributes the same opinion to St. Thomas. He does not, however, understand it so that the words of the spouse who first declares his consent have only the character of matter, but the words of the one who later expresses his consent have only the character of form; rather, thus, that the words of both are mutually matter and form to one another. For, as he says, the words of each are informed by the words of the other, so as to receive a force of binding the spouses to each other. But this opinion, however it be explained, has little probability—not only because it seems unfitting that in the same sacrament there should be matter and form, but especially because, although the name of "things" is taken more generally when the Council of Florence says that all the sacraments consist of "things" as matter and "words" as form—so that under the name of "things" actions also can be comprehended which are, as it were, matter, as in the sacrament of Penance—yet it is not taken so generally as to comprehend even words; since expressly the Council's sentence distinguishes "things" from "words."[87]

§ 77. Therefore others determine the very persons contracting to be the matter of this sacrament. To this opinion there is not such great objection from the fact that the same persons receive the sacrament and thus are the matter "in which," and therefore do not seem able at the same time to be matter "out of which"; for by reason these two can be distinguished in them, especially if we consider that the contracting parties, by the

words by which they mutually accept each other as spouses, also mutually hand themselves over as spouses, and make themselves, that is, their bodies, to be under another's power by such a spontaneous handing-over and contract—"I give that you may give." But the things which are handed over in the sacraments hold the place of matter; as is seen most clearly in the sacrament of Orders. And so, according to this opinion, the spouses, as they are certain persons, receive the sacrament; but in respect of the bodies which are mutually handed over, they will have the character of matter; or at least the bodies themselves will be in the place of matter. And this opinion seems more probable than the others, if we suppose the words of the contracting parties to be the form of this sacrament.

§ 78. However, according to those who say that this sacrament is administered by a minister of the Church by words uttered by him, it will be easier to assign matter to this sacrament. For, just as in the sacrament of Penance the matter—or, as the Councils speak, the quasi-matter—are the acts of the penitent, which are, as it were, informed by the absolution of the priest; so it is rightly said that the acts of the contracting parties, by which they mutually give matrimonial faith to one another, whether by words or by other signs, are the matter, or quasi-matter, of this sacrament—which is then informed unto the obtaining of grace by those words of the priest in which the form of the sacrament consists. For just as God raised the acts of the penitent to be a sacrament of the new law by adding the priest's absolution as form, so it is said very fittingly that He raised the acts of the contracting parties to be a sacrament of the new law by adding the priest's blessing.

§ 79. St. Thomas, on the present Distinction, says: "The sacrament of Matrimony is perfected by the act of the one who is subjected to the sacrament, as Penance is; and therefore, just as Penance has no other matter except the very acts subject to sense, which are in the place of an element, so it is in Matrimony." From which sentence he by no means departs in the Summa Theologiae, although he did not reach, there, the sacrament of Matrimony. For in the third part (q. 84, a. 1, ad 1) he says that in the sacrament of Penance, as also of Matrimony, the human acts themselves are in the place of matter.[88]

§ XIII — Whether Matrimony is true and perfect without carnal intercourse (Sitne verum, & perfectum absque carnali copula Matrimonium)

§ 80. Against the error of certain heretics, and namely of John Wyclif, whom Thomas of Walden opposes,[90] it must be held as certain and indubitable that there is true Matrimony (*Matrimonium*)—whether you look to the contract and the bond thence born, or to the sacramental character—between those who have legitimately contracted by words of the present, even before carnal intercourse (*copula carnalis*).

§ 81. Proof, simply.

§ 82. First, from the definition of Matrimony, of which no part is lacking in Matrimony not yet consummated by intercourse, as will be evident from the next Distinction.

§ 83. Second, because the use and operation of a thing—as intercourse is with respect to Matrimony—is not of the essence of the thing itself, as is plainly evident in other matters.

§ 84. Third, because among the first human beings before the fall there was true Matrimony. Then, in fact, it was said to them as to true spouses: "Increase and multiply"; and likewise Adam himself, on the

occasion of his wife formed from his side, said: "A man shall cleave to his wife," and immediately afterwards Scripture calls Eve the wife of Adam (Gen. 2), when they had not yet been joined carnally.[91]

§ 85. Fourth: between Joseph and the Virgin Mother of God a true marriage intervened, as Scripture attests, and as St. Augustine teaches in many places; and this is shown more fully below at Distinction 30.[92]

§ 86. Fifth: the sanctification of the spouses, which is the effect of this sacrament (*sacramentum*), precedes intercourse; therefore much more does the sacrament itself.

§ 87. Finally, this is proved by the authority of the Fathers. Thus St. Ambrose writes (De institutione virginis, ch. 6): "Nor let that move you which is written: because Joseph took his wife and departed into Egypt. For the betrothed woman received the name of wife. For when marriage is initiated, then up to that point the name of marriage is assumed. For it is not the defloration of virginity that makes marriage, but the conjugal pact. Finally, when a girl is joined in marriage, then it is marriage; it is not recognized by the admission of the man to carnal knowledge."[93] Likewise St. Augustine (Serm. 63 de Diversis, ch. 13) shows from this that there was a true marriage without carnal intercourse between Mary and Joseph, because there was between them conjugal charity, which makes spouses, not lust. And then he proves this by examples of Christian spouses, among whom many by mutual consent abstain from the carnal act.[94] The same (De nuptiis et concupiscentia I, ch. 11): "Mary, he says, is called wife from the first faith of betrothal, whom Joseph had not known by intercourse, nor was to know. Nor was the title of wife thereby falsified nor untruthful, where there had been, nor was to be, any carnal commingling," and the rest.[16] Almost the same things are found (De consensu evangelistarum II, ch. 1).[95] There is also a clear sentence in the work under the title of Chrysostom on Matthew (Hom. 32): "Marriage, he says, is not concubitus but will; therefore separation of the body does not dissolve it."[96] Gratian also cites other testimonies from Isidore, from Pope Nicholas, and from others (27, q. 2); and the Master, both in the present Distinction and in the one immediately following, where the question will be discussed concerning the efficient cause of Matrimony.[97]

§ 88. Now if you ask whether a Matrimony perfected from the mere consent of souls, without commingling of bodies, is perfect: by making a distinction it is answered that in Matrimony, as in other things, a twofold perfection can be considered; one, primary, that is, essential, without which the thing does not subsist; the other, secondary or accessory, without which the thing indeed exists, but does not attain its end. One must therefore grant that Matrimony not consummated is perfect with primary perfection, because it has the true character of Matrimony; but not with secondary perfection, until carnal intercourse has been added, without which it cannot attain its end, that is, offspring. Whence also Matrimony is said to be consummated by intercourse; and without it indeed it exists, but is called not consummated. And yet neither by intercourse is Matrimony altogether perfect. For it attains its complete perfection only when offspring, which is the proper and principal end of Matrimony, has been received. But on this matter there will be more both in the next and again at Distinction 30.

§ XIV — A solution to the objections urged to the contrary (Solutio eorum, quae contra objiciuntur)

§ 89. The adversaries argue first in this way: The carnal conjunction of male and female is either the sacrament, or certainly a part of the sacrament. For in it the Apostle constitutes the formal character (*ratio*) of the sacrament (Eph. 5), saying: "And they shall be two in one flesh. This is a great sacrament: but I speak in

Christ and in the Church." Therefore, where that is lacking, Matrimony fails, at least according to the formal character of a sacrament: because it is not fit to signify the conjunction of Christ with the Church, by which alone reason it is called by the Apostle a great sacrament.

§ 90. It is answered that there is a twofold conjunction between spouses, to which likewise a twofold conjunction of Christ with the Church corresponds, as the Master rightly explains in the text. The prior is the conjunction of souls, which is seen most of all in their mutual life together and in the offices of friendship, which ought to be greatest between spouses. To this conjunction pertains what is said about the man: "A man shall cleave to his wife," which is to be understood similarly of the woman; namely, that she ought to cleave to her husband. The posterior is the conjunction of bodies, to which that saying is referred: "And they shall be two in one flesh." The prior conjunction of spouses, therefore, signifies that conjunction of Christ with the Church whereby He loves her as His spouse; but the posterior signifies that whereby the same Christ was, as it were, according to the flesh, joined to His spouse the Church in the Virgin's womb by the mystery of the Incarnation. Hence the Master calls the former a conjunction of will, the latter of nature. Although therefore the carnal intercourse signifies the conjunction of Christ with the Church by a conformity of nature, and in this respect it can be called a sacrament, nevertheless Matrimony is not for that reason, without it, no sacrament: because not only the signification makes a sacrament, but also the signification of the conjunction of Christ with the Church by love. Wherefore we must not make intercourse itself to be the sacrament or a part of the sacrament, in so far as Matrimony is a sacrament of the Church—if we speak of an essential part; though to call it an integral part, on account of the signification just mentioned, is not absurd. Nor indeed is it necessary that in every integral part of any sacrament whatever there be recognized the power of sanctifying: as is evident in the sacrament of Penance.

§ 91. Again they object: Matrimony before intercourse can be dissolved; therefore it is not true Matrimony, inasmuch as indissolubility is posited in its definition. I reply that both kinds of Matrimony are indissoluble, but not in an equal degree, as will be said below in its place; and otherwise, by this same argument it would be shown that among unbelievers there are not true marriages even after consummation—which is plainly against the Canons and Holy Scripture.

§ 92. Third objection is taken from the authority of Gratian, who (27, q. 2, cap. Institutum; cap. Potes et iterum; cap. Sic quippe; cap. Ex his omnibus) teaches, from the sentences of certain Fathers, that only when they have been carnally united does a true marriage come to be and can they truly be called spouses.[98] But we reply that Gratian, deceived partly by obscure, and partly by mis-cited testimonies, thus judged; and that from him the Master, notwithstanding those same sentences of the Fathers which he cites in the text, rightly dissents.

§ 93. Fourth, then, they object what Gratian and the Master cite under the name of Augustine in these words: "It is not doubtful that that woman does not pertain to marriage with whom it is taught there was no commingling of sex." But we answer that no such sentence is found anywhere in Augustine; and above we have sufficiently shown that Augustine thinks otherwise—namely from the place in the fourth book of De nuptiis et concupiscentia, ch. 11, where he recognizes that there was perfect Matrimony, in its three goods, between the Blessed Virgin and Joseph; about which we shall speak below at Distinction 30.[16]

§ 94. Fifth, in the same authors there are read, from Leo (Epistle, ch. 4), these words: "Since the fellowship of Nuptials was thus instituted from the beginning; on account of the commingling of sexes it does not have

in itself the sacrament of Christ and the Church, it is not doubtful that that woman does not pertain to marriage in whom it is taught that there was no Nuptial Mystery." But it is answered that in both places the words of Leo are ill cited; to wit, with a negation added which is not found in the Author. For in that place the Pontiff attests that the nuptial society was so divinely instituted that, besides the commingling of sexes, it would have in itself the sacrament of Christ and the Church. Whence he shows that that woman does not pertain to marriage, in whom it is taught that there was not the Nuptial Mystery—understanding by Nuptial Mystery the sign of the conjunction of Christ with the Church, which is not found among fornicators and adulterers, since they can and ought to be separated; whereas the conjunction of Christ with the Church is inseparable. Which Mystery indeed is found in the married, not only after conjugal commingling, but even before—because the conjunction of Christ with the Church is indissoluble not only by nature but also by love.[99]

§ 95. Lastly, the same Gratian and the Master cite from Augustine another sentence of a sort similar to the former ones, but which neither itself is found in Augustine. There is, however, something like it in him (Soliloquia I, ch. 10), where he says that without the touching of bodies a wife cannot be "had"; but by "to have a wife" he understands "in use"—as the Apostle says (1 Cor. 7): "Because of fornication, let each one have his own wife, and each woman her own husband."[100]

§ XV — Whence Matrimony is named and what it is (Matrimonium unde dictum & quid sit)

§ 96. The name "Matrimony" is variously explained by various authors; although among almost all it agrees that Matrimony is said to be from "mother" (*mater*), as patrimony from "father" (*pater*). The reason for this appellation can be given thus: because the procreation of offspring, for the sake of which Matrimony was instituted, is more evidently recognized in the mother—on account of the bearing, and birth, and nourishment of the offspring—than in the father; just as conversely the hereditary portion which is called patrimony is to be reckoned more as received from the father than from the mother, both because of the diligence of the man by which he is wont for the most part not only to preserve but even to increase the household goods, and because in the government of the house and the dispensation of the goods nature assigns the principal parts to the man. Moreover, that nuptials (*nuptiae*) are said to be from nubere, that is, "to veil," because among the ancients the brides, when handed over to their husbands, were wont to "veil," that is, to cover their heads; and that "conjugium" is compounded from the yoke (*jugum*) which the man and the woman equally draw—this is rightly handed down among the Grammarians.

§ 97. But to come to the definition of Matrimony: since in Matrimony many things can be considered—first, the internal consent; second, the external contract; third, the obligation or bond (*vinculum*) thence arisen; fourth, the mutual power over the bodies; fifth, the carnal intercourse—it must be known that none of these is properly called Matrimony except that which was placed in the third position, namely, the bond by which the spouses are tied to one another. For the internal consent, together with the words and the external contract, are the efficient cause of Matrimony, as will be said below. But the power over the bodies which is here and there given is twofold, the Apostle saying, "The husband does not have power over his own body, but the wife; and conversely" (1 Cor. 7)—since Matrimony between two is one.

§ 98. But carnal intercourse, as we showed above, does not pertain to the essence (*essentia*) of Matrimony, but is the use of the power, and of Matrimony itself; and consequently is posterior to both, by nature and for the most part in time. Therefore rightly is Matrimony defined by the Master and other Doctors in about this way: that it is the lawful conjunction of a man and a woman, divinely instituted for the maintaining of an undivided companionship of life. In which definition, by the name of conjunction is not understood that act by which at first the man and the woman, by mutual consent expressed in words, are joined, but the obligation, the bond, and the mutual tie which results between man and woman from internal consent and external pact. For that act is transitory and momentary; but Matrimony remains as long as both spouses survive. Wherefore its formal character is not to be placed in that which passes, but in that which remains—of which sort is that tie we mentioned. Accordingly those who define Matrimony either by consent, as Hugh (book 2 of De sacramentis, part 11, ch. 4), or by contract, as Scotus on the preceding Distinction, define the essence by its cause; and such definitions are true only in a causal sense.[102] A similar judgment is to be made of that definition which is found in the Digest (De ritu nuptiarum, law 1): "Matrimony is the partnership of a common life and the communication of divine and human right." For here the cause is defined by the effect.[103] Moreover, by lawful conjunction we mean that which is between lawful persons—that is, such as according to law are free to give and to receive mutually power over one another's bodies.

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1. 1 Cor. 7.
2. Heb. 13.
3. Eph. 5.
4. 1 Tim. 2:15.
5. Matt. 5; Matt. 19; Mk. 10; Lk. 16.
6. Jn. 2; cf. St. Augustine, against the Manichees, various places.
7. Tob. 6.
8. Deut. 25.
9. Hos. 1:2.
10. 1 Tim. 4.
11. Epiphanius, Panarion (De haeresibus); St. Augustine, against the Manichees, in many places (Tomo sexto) [abbreviation as in source; cf. note (a) below]; decrees of Popes and Councils: Pope Leo I; Council of Braga; Council of Gangra; First Council of Toledo; Lateran Council under Innocent III; and others. (a) "In Editione vero Novissima PP. Benedict., Tomo Octavo." [editorial note as in source].
12. St. Thomas, Summa theologiae, Supplement, q. 42, a. 1.
13. St. Jerome, Commentarius in Eph. 5; St. John Chrysostom, Homilies on Ephesians (on Eph. 5); Ambrosian Commentator (Ambrosiaster), Commentarius in Paulum (on Eph. 5); St. Gregory Nazianzen, Oratio 31; Theophylact, Enarratio in Eph. 5; Oecumenius, Commentarius in Eph. 5; St. Augustine, De nuptiis et concupiscentia I, ch. 10; cf. also Hilary, In Matth. 19; St. Augustine, De bono coniugali, ch. 5 and following; Tractatus 9–10 in Ioannem; De Genesi contra Manichaeos II, ch. 23; Leo the Great, Ep. 23 (to the clergy and people of Constantinople) and Ep. 92 (to Rusticus); Bede, In Eph. 5, collecting many passages of Augustine [abbreviations as in source].
14. Salvian, De providentia VII; Cassiodorus, Variae II, ep. 10.
15. Council of Trent, Session 24, Doctrine on the Sacrament of Matrimony [abbreviation as in source]. Tertullian's readings: De anima, chs. 11 and 21; Contra Marcionem V, ch. 18. St. Augustine's citation: Enarrationes in Psalmos, on Ps. 138; Bede, In Eph. 5. Scriptural places cited: Eph. 5; Gen. 2:24; Matt. 19; Song of Songs; Ps. 44(45); Rev. 21; Jn. 3:29; Matt. 9:15; Hos. 2:19–20.

16. St. Augustine, De nuptiis et concupiscentia I, ch. 11.

17. St. Augustine, De bono coniugali, chs. 7, 15, 18, 24.

18. St. Augustine, De fide et operibus, ch. 7.

19. Ruardus [abbreviation as in source: "Ruardi aliis in magis explicatione art."]. On the first institution in Paradise, see above in this Distinction.

20. Innocent III, Decretals, Extra, De divortiis, c. Gaudemus; ibid., c. Quanto; De presbytero non baptizato, c. Veniens.

21. Domingo de Soto, In I Sent., Distinctio 26 (on the present Distinction), q. 2, a. 3, ad fin.; Adrianus, In IV Sent., q. 1, De matrimonio.

22. The Augustinian phrase alluded to is from De nuptiis et concupiscentia I, ch. 11.

23. St. Thomas, Summa theologiae, Supplement, q. 42, a. 3.

24. Durandus of Saint-Pourçain, In IV Sent., dist. 26, q. 3.

25. Gratian, Decretum, C. 32, q. 2, c. Honorantur (Gloss).

26. The Master (Peter Lombard), In IV Sent., dist. 26.

27. William Peraldus, Summa de vitiis.

28. James of Vitry, Historia Occidentalis, ch. 36.

29. St. Bonaventure, In IV Sent., dist. 26; Scotus, In IV Sent., dist. 26.

30. St. Augustine, De nuptiis et concupiscentia I, ch. 10; idem, De bono coniugali, ch. 24.

31. Council of Trent, Session 24, Doctrine on the Sacrament of Matrimony.

32. Council of Ephesus (431), Acta; passage before the anathemas [abbreviation as in source].

33. St. Cyril of Alexandria, In Joannem, II, chs. 22 and 16.

34. St. Ambrose, Epistle to Pope Siricius; attributed also to a Council of Toledo [as in source].

35. St. Epiphanius, Panarion, heresies 51 and 67.

36. St. Augustine, Tractates on John, Tract. 9; Pseudo-Augustine, Serm. 41 de tempore; Maximus of Turin, Hom. 1 in Epiphania Domini.

37. St. John Damascene, De fide orthodoxa IV, ch. 24 [abbreviation as in source]; Euthymius Zigabenus, Commentary on John, ch. 2.

38. Censura [abbreviation as in source], ch. 7, on the seven sacraments of the Church.

39. Pope Lucius III, Decree Ad abolendam; Decretals, Extra, De haereticis, c. 9.

40. Fourth Lateran Council, canon reported in Decretals, De simonia, c. Cum in Ecclesiae corpore.

41. Council of Constance, session 15; condemnation of article 8 of John Hus; Martin V, Bull given at Constance.

42. Council of Florence, Decree for the Armenians.

43. Council of Trent, Session 24, Doctrine and canon 1 on Matrimony.

44. Calvin's assertion as reported by Estius.

45. Tertullian, Ad uxorem II, in fine.

46. Lactantius, Epitome Divinarum Institutionum, ch. 6.

47. Salvian, De gubernatione Dei; Cassiodorus, Variae (places cited above); Pope Leo the Great, Ep. 93 to Rusticus, ch. 4.

48. St. Athanasius, Epistola ad Ammonem Monachum.

49. Pope Siricius, Epist. 1, ch. 4.

50. Pope Innocent I, Epist. 9, to Probus.

51. St. Ambrose, De Abraham I, ch. 7.

52. St. Augustine, De bono coniugali; De nuptiis et concupiscentia I, ch. 10; Tract. 10 in Joann.; De fide et operibus, ch. 7; De Genesi ad litteram VIII, ch. 5; IX, ch. 7; De sancta virginitate, ch. 12; Contra Julianum V, chs. 9, 12; De peccato originali, ch. 34.

53. Jeremiah II, Patriarch of Constantinople, Censure (published c. fourteen years before Estius), ch. 7.

54. St. Thomas, Summa theologiae, Supplement, q. 41, a. 3.

55. St. Augustine, De nuptiis et concupiscentia I, ch. 17; St. Fulgentius of Ruspe, Epist. 1 De coniugali debito, chs. 3, 10.

56. St. Bonaventure, In IV Sent., dist. 26; William of Paris (William of Auvergne), De matrimonio.

57. St. Thomas, Summa theologiae, Supplement, [ubi supra; abbreviation as in source].

58. The Master of the Sentences (Peter Lombard); the canonists before Durandus; the Gloss on Decretals, cap. Honorantur [abbreviation as in source], and others.

59. Gloss on Decretals, cap. Honorantur [abbreviation as in source].

60. Innocent III, in the places cited above by Estius [abbreviation as in source].

61. Martín de Azpilcueta (Navarrus), Enchiridion, ch. 22, no. 20.

62. St. Thomas, Summa theologiae, Supplement, q. 42, a. 2.

63. Council of Florence, Decree for the Armenians (on the sacraments): "Causa efficiens Matrimonii regulariter est mutuus consensus per verba de praesenti expressus."

64. Melchior Cano, Loci theologici VIII, ch. 5.

65. Council of Florence, Decree for the Armenians (on the sacraments); Council of Trent, Session 7, canon 11 (On the Sacraments).

66. Paludanus (Peter of Palude), In IV Sent., dist. 5, q. 2.

67. Council of Trent, Session 24, ch. 1 (De reformatione matrimonii); Mechlin Pastoral [Pastorale Mechliniense]; Matthew Galenus, Catechismus, no. 216.

68. Pope Evaristus, Epistle 1.

69. Tertullian, Ad Uxorem, II, at the end.

70. St. Ambrose, Epistle 70, De conjugio.

71. Pope Innocent I, Epistle 1 (to Probus).

72. William of Paris (William of Auvergne), De sacramentis, Treatise on Matrimony, ch. 9, q. 1; cf. ch. 1 De Baptismo.

73. St. Thomas, Contra Gentiles IV, ch. 78; In IV Sent., dist. 1, art. 3; Summa theologiae II-II, q. 100, a. 3.

74. Fourth Lateran Council (Innocent III), Decretals, Extra, De Simonia, "Cum in Ecclesiae corpore"; Gloss and note on cap. "Suam".

75. Council of Vienne, Clementines, cap. "Religionis"; Martin V, Bull at the Council of Constance (on the sacraments), mentioning the "solemnization of Matrimony."

76. Council of Cologne, part 7, ch. 40; Enchiridion Christianae Institutionis (published under the name of the same Council).

77. Council of Florence, Decree for the Armenians; Council of Trent; Matthew Galenus, on the form defined at Trent.

78. Hyacinthus Serry, Vindiciae [Vindiciae contra novatores], Book 7, ch. VII (Padua edition), defending this opinion and commending Estius.

79. Adrian (Adrian of Utrecht), In IV Sentences, Question on Baptism, at the end [abbreviation as in source].

80. Council of Trent, Session 24, ch. 1, De reformatione matrimonii.

81. Soto (Domingo de), report of customary formulas; cf. his discussion on Matrimony [abbreviation as in source].

82. Council of Cologne, part 7, ch. 40.

83. Tertullian, Ad Uxorem II.

84. Matthew Galenus, Catechismus, no. 216 (on the Tridentine form).

85. St. Thomas, "ubi sup." [abbreviation as in source].

86. Peter of Palude, on this Distinction; Soto (Domingo de), on the first Distinction of this book; Capreolus, on the present Distinction [abbreviations as in source].

87. Council of Florence, Decree for the Armenians (on the matter and form of the sacraments).

88. St. Thomas, In IV Sent. (on the present Distinction) [abbreviation as in source]; idem, *Summa theologiae* III, q. 84, a. 1, ad 1.

89. St. Thomas, Summa theologiae, Supplement, q. 42, a. 4.

90. Thomas of Walden, De sacramentis, tom. 2, ch. 130, against John Wyclif.

91. Gen. 2; "A man shall leave father and mother, and shall cleave to his wife."

92. St. Augustine, various places; see below at Distinction 30.

93. St. Ambrose, De institutione virginis, ch. 6.

94. St. Augustine, Serm. 63 de Diversis, ch. 13 [abbreviation as in source].

95. St. Augustine, De consensu evangelistarum II, ch. 1.

96. Pseudo-Chrysostom, Opus imperfectum in Matthaeum, hom. 32.

97. Gratian, Decretum, C. 27, q. 2; the Master (Peter Lombard), in the present Distinction and in the one immediately following [abbreviations as in source].

98. Gratian, Decretum, C. 27, q. 2, cc. Institutum; Potes et iterum; Sic quippe; Ex his omnibus.

99. Pope Leo the Great, Epistle, ch. 4.

100. St. Augustine, Soliloquia I, ch. 10; cf. 1 Cor. 7.

101. St. Thomas, Summa theologiae, Supplement, q. 44, a. 1–3.

102. Hugh of St. Victor, De sacramentis II, part 11, ch. 4; Scotus, In IV Sent., on the preceding Distinction [abbreviation as in source].

103. Digest, De ritu nuptiarum, law 1.

DISTINCTIO XXVII — ON THE EFFICIENT CAUSE OF MATRIMONY AND ON BETROTHALS (*DE CAUSA EFFICIENTE MATRIMONII ET DE SPONSALIBUS*)

§ 1. ...be impeded by positive law. For nature excludes from marriage the impotent and childish age, nor does it admit marriage in the first degree of consanguinity. But the remaining degrees are excluded by laws, at least by positive ones; as will be said more exactly in its proper place. As to the last point—that this conjunction was divinely instituted for preserving a perpetual and individual companionship of life between those conjoined—it is manifest from the things said above about the origin and institution of Matrimony, and it will be more fully known from the things which will be said below about the indissolubility of Matrimony. But if anyone shall wish to define Matrimony in so far as it is a Sacrament of the Church, he will add to the foregoing definition these or similar words: signifying the conjunction of Christ with the Church, and at the same time having the promise of grace uniting the minds of those thus conjoined as befits that state—provided it has been made according to Christ's institution.

§ II — What the efficient cause of Matrimony is (Quae sit efficiens causa Matrimonii)

§ 2. For the bringing-about of Matrimony, the mutual consent of the contracting parties in the present (*mutuus de praesenti consensus*) is altogether necessary, as the necessary cause (*causa efficiens necessaria*) from which that indissoluble bond (*indissolubile vinculum*), which we call Matrimony, is born. The reason of which is that the goods of anyone cannot pass into the power of another unless either by a law compelling, or by the consent of the owner himself. Since therefore, with no law compelling, a mature power over bodies, such as is in Matrimony, is transferred, it follows that this is done in no other way than through the mutual consent of those who contract. But it is necessary that this consent be in the present, as they say, whereby assuredly each consents to the present transfer of the power over his body to the other. For if it be of the future, betrothals are made, not marriage. Likewise this consent must be mutual, because Matrimony is between two, and it requires a mutual power of the bodies, just as also in its act there is a mutual use of bodies. Whence it follows that the consent of one alone is by no means sufficient to bring about this bond. Moreover, because it is necessary that the will of each become known to the other, hence the consent of each must be declared, either by words, or by nods, or by some other sign. But if mere internal consents, declared by no sign, would suffice (as John Wycliffe contended, as Thomas Waldensis reports, saying: "Since God, who sees hearts, can approve those consents"), now it would follow that between persons most closely associated, and entirely ignorant of the mutual consent, marriages would intervene, and Matrimony itself would therefore be confused and could have no certainty—a thing which would be exceedingly absurd both in every commonwealth and most of all in the Church of God. Nor is John Wycliffe's argument of any moment,

because although God both sees hearts and can approve those consents, nevertheless He does not so approve as to make them Matrimony. The reason of which is that He has established that Matrimony among men be effected only in a manner suitable to men, that is, by consents mutually known and signified—which cannot be done except by certain outward signs. Wherefore, besides internal consents, some outward expression, such as is congruent to human nature, is required, whereby namely they mutually make known to each other what they carry shut up in mind. When this is done, then at length that bond arises between them which is called Matrimony.[2]

§ 3. Now the things which we have said about the consent necessary for Matrimony can easily be proved both from Sacred Scripture and from Ecclesiastical Decrees. For in Genesis 24 those who were betrothing Rebecca to Isaac in marriage say: "Let us call the girl and ask her will"; and when, having been called, she had come, they asked: "Will you go with this man?" and she said: "I will go." And although St. Ambrose (book 1 On Abraham, the last chapter) refers this consent of the girl not to the Nuptials but to the setting-out, and this is also from the text more likely to be true, because there was question of the journey—for previously also that servant had asked of Abraham: "What if the woman be unwilling to come into this land? Must I then lead back your son?"—nevertheless the one depended on the other, because consent to the journey included consent to marriage, since the journey was to be undertaken for no other cause. Another place is Numbers, the last chapter, where it is said to the daughters of Zelophehad: "Let them marry whom they will." Again, another place is 1 Cor. 7, where the Apostle says: "Let her marry whom she wills." These Scriptures indicate that a free assent of the will is required for marriages in women, and much more in men, since the male sex is freer than the female. Concerning which liberty of consent the disputation will revert to the next Distinction, where there will be treatment of marriages contracted without the consent of parents.[3]

§ 4. Now to come to the canons, Pope Nicholas most fully expressed the necessity of consent in Gratian: "Let the sole consent, according to the laws, of those be sufficient concerning whose consent unions are treated; which consent alone, if it be lacking, renders the rest—even if celebrated with the very intercourse—of no effect: since therefore between these the consent has intervened which alone makes marriage, it is evident that these were spouses." The reason for this, besides that which we gave above, may be taken from another decree of the same Pontiff. For thus he says: "For what a man does not choose, nor desire, assuredly he does not love; but what he does not love, he easily despises." Which reason, as in other things, so must it have most place in undertaking that state from which afterward it is not permitted to draw back, and in undergoing that bond which afterward cannot be dissolved. For if nothing violent is perpetual, therefore the yoke of marriage, in order that it be perpetual, must not be imposed by force or compulsion, but be undertaken voluntarily and freely. Nor indeed otherwise would provision be well made for the education and formation of offspring, if men were compelled against their will to that state of procreation, or even to receive certain spouses. Wherefore both the perpetuity and the end of Matrimony altogether require that not without mutual consent the man and the woman be joined in Matrimony.[4]

§ 5. The nature of the Sacrament also requires it, since Matrimony was instituted to signify the conjunction of Christ with the Church, which conjunction is not without the consent of minds: it was fitting that this consent also be found between those who bear the sacrament of so great a thing. It must here, moreover, be noted by the way that when the Pontiff says that consent alone suffices for Matrimony, he does not exclude an external contract, but understands consent expressed by words or other signs; then too he presupposes legitimate persons. Nay, he expressed this very thing sufficiently in that which he added,

"according to the laws." He wills, therefore, that the consent of the contracting parties alone suffice for Matrimony on the part of the efficient cause, so that neither the consent of parents nor of any others whatsoever, nor any other circumstance, be necessary for that effect. Furthermore, the words of Pope Nicholas are repeated and confirmed by Innocent III (in "Tuas" and in "Cum apud," On Betrothals); Alexander III likewise affirms that Matrimony is contracted by consent alone. To this also pertains that sentence from the work called the Opus imperfectum: "It is not intercourse that makes Matrimony but will"; likewise those things which from St. Ambrose and St. Isidore are recited by the Master in this Distinction and by Gratian in the same cause.[5]

§ 6. Finally, in the Florentine Decree on this matter it is read thus: "The efficient cause of Matrimony, regularly, is the mutual consent expressed by words of the present." Now "regularly" was added, not on account of betrothals of the future, which should or are wont to suffice with the copula supervening, as Soto asserts; since neither there is nor ever was made a marriage without a consent of the present expressed by some sign; but because sometimes this consent is signified not by words but by nods or other signs, and sometimes even by mere silence; and such an expression together with internal consent suffices for Matrimony. There are, however, some who think that internal consent is not so necessary but that without it through an external contract there truly arises between certain persons the conjugal bond: as, for instance, if someone, not consenting in mind but wishing to deceive, should merely pledge faith by words to another; it would seem harsh, they say, if one should assert that there is Matrimony; because, they say, since he voluntarily has uttered those words which indicate a concept of mind, this voluntary seems to suffice for entering into a pact. The Master seems to feel thus in the text, saying: "If by words they explain that which nevertheless they do not will in heart, if there be no coercion or fraud, that obligation of the words by which they consent, saying, 'I take you for husband,' and, 'I [take] you for wife,' makes Matrimony." For here it appears that the Master intends this, that consent to the utterance of the words suffices, even if there be not present consent to the thing signified. The same question Gaspar Contarini leaves in doubt (book 4 On the Sacraments). Nevertheless it must be held without doubt that the expression of words or consent to that expression, unless there be likewise present consent to the thing which is expressed and signified by the words, by no means suffices—just as the things said above clearly prove, which cannot be expounded of a mere consent to the expression of words without absurdity and violence. Therefore, in the proposed case it must be confessed that before God and in conscience there is no Matrimony; although the Church, which does not judge of occult things, in the external forum sometimes bids such a Matrimony to stand. And in this sense some interpret the Master.[6]

§ 7. But now it is asked, to what thing the consent necessary for Matrimony ought to tend. For neither did the Fathers of Florence explain this, nor do the Canons seem to hand it on openly. Wherefore Gratian handles this question ambiguously. We answer first that it is not necessary that this consent be expressly, and, as they say, formally directed to carnal copula; for otherwise there would not have been a true marriage between the Blessed Virgin and Joseph, since it is certain that the most holy Virgin never consented to carnal act. Which same can be proved more fully, both from that which we have shown in the previous Distinction, that a true marriage can stand without carnal copula, and from those things which we are going to say about the Marriage of the Virgin Mother of God at Distinction 30. Then, a consent to cohabitation, even perpetual and individual, does not suffice, as Gratian rightly proves in the said place. For nothing forbids, for some cause, a brother and a sister, even by contract, to live together perpetually. It is therefore required, and it suffices, that there be consent to a conjugal society of life. For in such consent, either expressly, as some will, or at least tacitly and virtually, there is understood to be handed over on each side the power of the bodies for the

conjugal act. For it is that conjugal society in which each has power over the other's body. Thus teach Hugh (book 2, On the Sacraments, part 11) and the Master in the following Distinction, at the last section, whom all the Schoolmen follow. From this consent, moreover, there follows consent to cohabitation, inasmuch as without it that conjugal society cannot be maintained—unless, either by repudiation, or for the cause of Religion, or for some other reason, the spouses, at least as to dwelling, happen to be separated, as the Master teaches in the said place. Finally, from the said consent there follows a consent to carnal copula, implicit and conditional, which assuredly is directed to copula under this condition: if the conjugal debt is asked. Whence, if someone had certitude from God that the spouse would never ask the debt, nothing repugns but that such a one, the vow of continence being safe, can be joined in Matrimony, as we will show below at Distinction 30 concerning the Blessed Virgin.[7]

§ 8. After these things, if you ask whether it is necessary that the concurrent consents meet at the same time and be expressed by words: I reply, first, that it is not required, and therefore not fitting, that the words on each side be pronounced at the same moment; next, that it is not necessary that the actual consents concur in the same instant. For it suffices that both contracting parties actually consent, whether at precisely the same time, or at a different time; provided that the consent of the prior at least virtually remains until the consent of the later, as happens when Matrimony is contracted by letters or by intermediaries. Understand this, however, if the matter was legitimate—that is, if there was between them no diriment impediment. For if the matter was illegitimate, upon a dispensation supervening afterward, there is required a repeated actual consent of each spouse, in the same manner as in the first contract; as Soto rightly teaches at the present Distinction (Question 1, article 3), and at Distinction 29, Question 2.[8]

§ II — Little questions about consent are resolved (Quaestiunculae de consensu solvuntur)

§ 9. Finally some raise a little question, whether God can join in Matrimony (*Matrimonium*) those to be joined without their consent (*consensus*), and whether He has ever done this; and whether He can communicate that power to the Church, and whether He has communicated it. To these we reply briefly. To the first: that God can doubtless do this, because consent, since it is the efficient cause (*causa efficiens*) of Matrimony, lies outside its essence. But whatever God can do by means of a medial efficient cause, He can also do without it, as to illuminate the air without the sun. To the second: that God most likely never did this. For, as to what can be doubted concerning the Matrimony of the first parents, we say it is more probable that they were not joined by God without their own mutual consents, and therefore not without words or other signs indicating mutual consent. To the third also we answer: that He could doubtless have done so; and to the fourth: that He has not communicated it, because assuredly He saw this not to be expedient on account of the reasons said above. On these matters Domingo de Soto treats more fully at the present Distinction (Question 1, article 2), and Francisco de Vitoria in the Relection On Matrimony, part 1.[10]

§ IV — Whether an unconsummated Matrimony is dissolved by entrance into Religion (An Matrimonium inconsummatum per ingressum Religionis dissolvatur)

§ 10. Since Matrimony (*Matrimonium*) is ratified and valid for the contracting parties by consent (*consensus*) even before they come together carnally, it is rightly asked whether a Matrimony of this sort, which above we said is called unconsummated (*inconsummatum*), can be dissolved by entrance into Religion—seeing that by Matrimony the spouses are bound to a companionship of life that is individual and indissoluble. For this consideration, taken from the definition of Matrimony, moved the Master (of the Sentences) to think that an unconsummated Matrimony could no more be dissolved than a consummated one; and consequently that in neither case was it lawful for one spouse to pass over into Religion with the other unwilling. But truer is the opinion of others, who teach that by monastic profession unconsummated Matrimonies are dissolved, so that it is free for the spouse left behind to enter into another marriage. For this the canons hand down, and the Church has now defined it, and moreover it is confirmed by many examples of Saints, and finally it is proved by reason.

§ 11. First, the canons in which this is handed down are these: in the Decretals (Title On the Conversion of the Married, chapters "Ex publico," "Ex parte tua," and "Verum"), taken from Alexander III and Innocent III;[12] likewise (Title On Betrothals, chapter "Commissum" from the same Alexander, and chapter "Ad Apostolicam" from the same Innocent);[13] who again (Title On the Impotent, chapter "Fraternitatis tuae") affirms and presupposes the same.[14] And it must be noted that these Pontiffs testify that in decrees of this kind they follow the footsteps of their predecessors: which indeed we have in Gratian (27, question 2, chapter "Desponsatam" from Pope Eusebius, and chapter "Decreta" from Gregory), and there likewise certain other things from the Fathers looking to the same point.[15] For those who in those places are called "betrothed" are thus called not from betrothals of the future, but from the pact or pledge of the present, when the marital union has not yet followed. And lest the present question, after so many rescripts of the Supreme Pontiffs, should thereafter have any doubt, it seemed good to the Fathers of the Council of Trent to define the matter and to establish a canon about it (no. 6, session 24) in these words: "If anyone shall say that a ratified but not consummated Matrimony is not dissolved by the solemn profession of Religion of one of the spouses—let him be anathema."[16]

§ 12. Now in the histories not a few examples of this matter occur, although not all of equal weight and certainty. For what is read about John the Apostle—that, after marrying a wife, he was called back by Christ from the wedding—among some Authors, such as St. Jerome (Against Jovinian), the Venerable Bede in the Homily on St. John and in the Preface to his Commentaries on his Gospel, and Simeon Metaphrastes in his Life, and it is also read in the Prologue commonly set before John's Gospel, which you may see in Nicholas of Lyra, and in the Prologue placed before the Tractates of St. Augustine on John—this is not received by others; both because it is not likely that Christ wished immediately to dissolve those nuptials which He therefore honored by His presence, that by blessing them He might institute the sacrament of Christian Marriage; and because this would not a little derogate from the perfect virginity of the Apostle John, if at some time he had consented to a marriage to be consummated in customary fashion. Whence neither would he seem worthy to whom, himself a virgin, Christ entrusted the Virgin Mother. And also because, according to the more probable opinion, John was not related to Christ by blood; which, however, they think was the reason why the

Lord with His Mother was called to his wedding.[17] Let us therefore produce other examples. First, the virgin Thecla was called back by Paul from nuptials before the consummation of the marriage, as Epiphanius (Heresy 78) and St. Ambrose (book 2 On Virgins) testify; which also is read in St. Augustine (book 30 Against Faustus, ch. 4), indeed in Faustus's words, but by Augustine not at all rejected but rather approved.[18] Second: St. Cecilia on the first night of the Nuptials refused the embraces of her spouse Valerian; because doubtless she had determined to consecrate her virginity to Christ, as is in the acts and in Metaphrastes; although it is not altogether certain whether she had already vowed beforehand.[19] Third, Alexius, on the first night of the Nuptials, leaving his spouse untouched, set out abroad and led a chaste life perpetually, as is in the Roman Breviary and in Metaphrastes. The Master too in the text recounts this example; nor is it unbelievable that he bound himself by a solemn vow according to the custom of that time.[20] Fourth, Macarius, chief among Christ's hermits, says the same Master, after the nuptial banquet had been celebrated, with evening at hand left for lands beyond the sea and chose for himself the solitude of the desert. The same words are found in Gratian (27, question 2, chapter "Scripsit"); and each seems to have taken it from the Lives of the Fathers, part 1, on Macarius.[21] Fifth, about St. Euphrosyne Metaphrastes relates something similar.[22] Sixth, St. Augustine (book 8 of the Confessions, ch. 6) writes that two soldiers, having read the Life of Anthony, forthwith undertook monastic vows, their betrothed whom they had having been left; those women too, when they had learned this, did likewise. In which place they are called "betrothed," as often among the Ancients, who have been betrothed by words of the present and retain that name until the consummation of Matrimony. In which manner also the Canons speak, Title On the Conversion of the Married; and St. Augustine himself of the same book (chapter 3) saying that of old it was instituted that betrothed already pledged should not quickly be handed over to husbands, and so on.[23] Seventh, St. Gregory (book 3 of the Dialogues, chapter 14) reports that the virgin Gregoria, with nuptials already arranged, fled to the Church and received the habit of a life of sanctity.[24] Eighth, Gregory of Tours, in the book On the Holy Fathers, last chapter, reports that St. Leobard, the nuptial bonds contracted with an honorable maiden having been broken, became a monk.[25] Ninth, St. Oditha, a queen among the English, against her husband's will, while she was still untouched by him, having summoned Bishops, took care that the veil should be imposed on her, as is in her Life with Surius.[26] And finally there is a not dissimilar example in Bede (book 4 of the Ecclesiastical History of the English, ch. 19) about St. Æthelthryth the Queen, who refused the marital debt to a husband seeking it, because she wished to enter Religion, which in the end she also accomplished.[27]

§ 13. But now let us come to the reasons, of which three very probable ones are brought forward for the confirmation of this doctrine. First: It is always lawful to pass over from a less perfect state to a more perfect, when that can be done without anyone's detriment; therefore a passing from the state of spouse to the state of Religion will be able to be made, if the Marriage is unconsummated. For then it will be done without harm to the other. For, once the Matrimony has been consummated, a twofold detriment arises if it be dissolved: one to the offspring already born or conceived, who will be able to be educated less well if deprived of one parent; the other to the other spouse, who will be hindered from marrying another—and even if she could, yet not so fittingly after virginity has been lost—none of which happens in an unconsummated Matrimony.

Second reason: A twofold bond is found in Matrimony; one spiritual, which is born from consent alone; the other carnal, which is born from the marital union. But the carnal bond is dissolved only by bodily death, according to the Apostle (Rom. 7 and 1 Cor. 7); therefore the spiritual ought to be dissolved by a spiritual and civil death, such as is monastic profession, as will be explained below.

Third reason is taken from what is said (Gen. 2) and is repeated by the Apostle (Eph. 5): "They shall be two in one flesh." Which sentence the Pontiffs Benedict, Gregory, Alexander III, and Innocent III—partly in Gratian (27, question 2, chapters "Lex" and "Sunt"), partly in the Decretals, Title On the Conversion of the Married, chapters "Verum" and "Ad Apostolicam"—interpret of carnal commixture. Which also becomes probable from the Apostle, who (1 Cor. 6), alleging the same sentence, says that he who adheres to a harlot "is made one body with her." But from that sentence the Lord (Matt. 19) concludes the absolute firmness of Matrimony, saying: "Therefore now they are no more two, but one flesh. What therefore God has joined together, let not man separate." Therefore, before such a carnal conjunction, according to Christ and His Apostle Paul, the Matrimony can in some way be dissolved, which after that cannot be dissolved. Now this mode the Catholic Church hands down, when one of the spouses passes over to the profession of monastic life.[28]

§ V — Objections for the contrary are resolved (Solvuntur objectiones in contrarium)

§ 14. Against this doctrine of the Church, set forth as defined, objections are brought; the first and chief of which is taken from the very formal character (*ratio*) of Matrimony (*Matrimonium*). For Matrimony is a certain bond and tie by which man and woman are mutually bound to one another unto an individual and indissoluble society of life. Which definition of Matrimony is common to consummated and to unconsummated marriage alike; therefore, just as consummated marriage is loosed by death alone, so also must it be said of the unconsummated. The second: To every marriage pertains that saying (Matt. 19), "What God hath joined together, let not man separate." Nor indeed is there any doubt but that God joined together even those who had not yet consummated their marriage, as Mary and Joseph. Therefore they cannot be separated as to the bond. The third: It is said in general, "Whosoever shall put away his wife, except the cause of fornication, maketh her to commit adultery; and he that shall marry her that is put away committeth adultery" (Matt. 5); therefore it is not permissible to dismiss her on account of entrance into Religion. The fourth: In like manner it is said in general (Rom. 7; 1 Cor. 7), that "a woman is bound by the law to her husband," from which she is loosed if the husband shall have died. The fifth: The conjunction of Christ and the Church by charity, which is signified by unconsummated Matrimony, is indissoluble, no less than the conjunction by nature, which is signified by consummated Matrimony; therefore by reason of signification each marriage is indissoluble. The sixth: If unconsummated Matrimony is not altogether indissoluble by reason of signification, then not only by entrance into Religion, but also in other cases, especially with the Superior's dispensation supervening, will it be able to be dissolved. The seventh: By the contract of Matrimony, even before consummation, each of the spouses gives to the other power over the other's body; therefore, while he lives, he cannot in any case take it away from the other who is living—especially if unwilling and contradicting—for thus he would seem to do manifest injury. The eighth: If by entrance into Religion unconsummated Matrimony is dissolved, it would seem similarly able to be dissolved by the reception of Sacred Orders, and especially of the Episcopal Order, since to Sacred Orders as well there is annexed the solemn vow of continence, and the state of Bishops is more perfect than the state of Religious. Yet in this manner it is not dissolved, as John XXII defined in the Extravagans which begins, Antiqua. The ninth: Among the first men marriage was indissoluble even before intercourse. For they were without doubt joined by God, and by no means could they have dissolved their Matrimony, even if they had most earnestly wished;

and this one of them also attests, saying, "Wherefore a man shall leave father and mother, and shall cleave to his wife, and they two shall be in one flesh"; therefore even now it is indissoluble before intercourse under the Gospel, just as it was under the law of nature. The tenth: St. Augustine (De Nuptiis et Concupiscentia I, ch. 11) says that there could have been no divorce between Mary and Joseph. The eleventh: The same Augustine in that book (ch. 10–11) teaches that the Matrimony of those who keep continence from the conjugal work is firmer than that of those who do not; therefore it can be less easily dissolved. The twelfth: Profession of Religion does not free from a pecuniary debt; therefore neither from the conjugal debt, whose obligation is the stronger. The thirteenth: Approved Religions require, at least, a whole year of probation, which the spouse cannot complete without injury to the other spouse who in the meantime seeks the debt to be paid; therefore it has not rightly been decided that by a subsequent profession an unconsummated marriage is dissolved, since this cannot be done at least without a previous injury to the other spouse who is equally a party. Finally, it is objected that if this doctrine is contained in the decrees of later Pontiffs, it is nevertheless not found among the more ancient Fathers and Doctors of the Church; nay rather, the contrary is read among them, as in Gregory and others, whose Decrees and Sentences are cited by Gratian (27, q. 2, and Extra, De Conversione Conjugatorum).[30]

§ 15. To these objections, and especially to those which urge most strongly the indissolubility of the matrimonial bond, we shall reply. First we admit with Augustine (Retractationes I, ch. 19; II, ch. 57) that the question of the indissolubility of Matrimony is most difficult, and that not all the knots of this question have as yet been sufficiently untied. Meanwhile, however, as regards the resolution of the difficulty proposed, we say that the Doctors rightly distinguish a twofold unity whereby, through Matrimony, man and woman are united to one another: one civil, or domestic, which consists in the mutual converse of life; the other of nature, or of the flesh, which is born of carnal commixture. By the former the one adheres familiarly to the other; by the latter both are made "one flesh." Therefore this latter unity can be dissolved only by natural death (*mors naturalis*), so that to the unity of nature there correspond a dissolution which is by nature. But the former is dissolved not only in that manner; it is dissolved also by civil death (*mors civilis*), that is, by such a change whereby a person in the flesh becomes alien from every civil converse, and as it were dies to the world. Now this civil death follows necessarily upon solemn Profession in an approved Religion (*Religio approbata*). Since therefore between spouses before carnal copulation there intervenes only a civil unity, it is consonant that this also be dissolved by civil death—namely, by which one is so removed from civil converse that he no longer has hope or power of returning to it, just as by natural death or death of the flesh one is unable to return. But that a monastic profession is necessarily followed by civil death is evident from this: because he who has professed Religion now has neither his body nor his will as his own, nor is he thenceforth capable of any ownership, but wholly and perpetually is of another's jurisdiction. Whence the civil laws also declare that by entrance into Religion a testament previously made is confirmed as by death: so that it is granted neither to revoke, nor to add to, nor to interpret his testament, as is contained in the Authentics (Code, De Sacrosanctis Ecclesiis, Authenticum "Si qua mulier").[31] Moreover, that this civil death occurs in no other case than by entrance into Religion is clear from this, that unless someone shall have delivered himself and his goods into the power of another for the service of God, and that in an approved Religion, he will still be able to have a return to his own right and will. Wherefore neither by a simple vow of continence, nor by the reception of Sacred Order, nor by profession in a Religion not approved, nor by an eremitical or anachoretical life is an unconsummated marriage dissolved; because by these a civil death does not as yet intervene. This to the first objection—although it can be answered a little otherwise too: namely, that every Matrimony is indissoluble,

but not equally; in the way that one thing is said to be impregnable more, another less. For a consummated marriage is more indissoluble than an unconsummated, just as also the marriage of the faithful is more so than that of the unbelievers. Whence, just as in a certain case the consummated marriage of unbelievers is dissolved, notwithstanding that it is indissoluble (in which case the consummated marriage of the faithful is not dissolved), because, to be sure, some firmness accrues to marriage from this, that it is or becomes in the City of our God, in His Holy Mountain, as Augustine says (De Bono Conjugali, ch. 7), that is, in the Church, or among the baptized; so in a certain mode the unconsummated marriage even of the faithful is dissolved, not contrary to its indissolubility, in a case in which the consummated is not dissolved; and for this cause firmness is added to marriage by consummation. This consideration is helped by the declaration given above about the two kinds of death, civil and natural.

§ 16. To the second, some answer that it is God, not man, who separates, when by entrance into Religion unconsummated marriages are dissolved. For thus also of consummated marriages Pope Nicholas answers (in the chapter "Scripsit," 7, q. 2), saying that God, and not man, separates, when for the sake of divine love, by the consent of both spouses, marriages are separated. But this solution does not please others; both because it is certain that the Pontiff is dealing only with separation as regards bed and cohabitation; and because, as a learned man has noted upon this response, it begs the question: since this very point is in question, whether it is God's will that in such a case the bond of an unconsummated marriage be dissolved. Whence also Christ, in answering the Pharisees' question, did not only will that no one, without divine authority, should make separation between spouses (for the Pharisees contended, according to the law of Moses, which was from God, that separation could be made for many causes), but He absolutely denied that those whom God had joined could be separated—so that the sense is: What God has joined, let no man, by whatever authority, presume to separate in any case; since power to dissolve it has not been divinely given to man. Therefore it seems one must say—as in part we said at the end of the preceding chapter—that the Lord is not speaking of just any marriage whatsoever, but only of the consummated marriage of the faithful; of the faithful indeed, because He alleges the positive constitution of God in Paradise, which binds only the faithful; consummated indeed, because He says, "They shall be two in one flesh," which we showed above from Scripture and Pontifical decrees must be understood of consummated marriage; and hence the objection ceases, as well concerning the marriage of unbelievers as concerning the unconsummated. And it is indeed true that Mary and Joseph were joined by God; but not by that conjunction of which the Lord speaks here; since also other conjunctions made by God through men can be dissolved. To the third Alexander III replies (in the chapter "Ex publico," Extra, De Conversione Conjugatorum), saying that it must be understood of those whose marriage has been consummated by the copula, without which it is not confirmed.[32]

§ 17. What is objected in the fourth place must likewise be taken as said of consummated marriage; or certainly "life" must be understood generally, so as also to include civil life, according to the things that were said for the solution of the first. To the fifth, some answer that by unconsummated Matrimony there is signified only the conjunction of Christ with the faithful soul, which conjunction can be dissolved, and is often dissolved. Whence they also admit that an unconsummated marriage can in many other cases be dissolved by Pontifical dispensation: whose opinion, as new and unlikely, Dominicus here impugns. Therefore it seems rather to be said that a sign ought not always to correspond exactly to the thing signified; and so there is a greater formal character of firmness in consummated marriage than in unconsummated even from signification: because in consummated Matrimony the signification is of both conjunctions of Christ with the Church—both by charity and by nature; in unconsummated, of one only, namely, that which is by charity.

The answer to the sixth is now evident. For it would not be rightly called indissoluble if it could be dissolved in many ways; which is the case with those who, outside the present case—this alone having been acknowledged and approved by the Church—think that it can be dissolved in other ways by the authority of the Supreme Pontiff. From which opinion it would further follow that by the authority of inferior Bishops too, for like causes, the same marriage could be dissolved, as Dominicus rightly infers from that opinion. But we call it indissoluble because in one way only—one that is rare and difficult—it is dissolved; nay rather, because it cannot be dissolved except by civil death, just as a consummated marriage cannot be dissolved except by natural death.

§ 18. To the seventh we reply that, just as for a just cause a spouse can, without the consent of the other spouse, enter into the danger of natural death—for instance in Martyrdom, or in the defense of the Church or of the fatherland—and, if it were lawful to kill oneself, he would do this without injury to the spouse, by bringing upon himself natural death, by which a consummated marriage would be dissolved, and consequently the power which the one had in the other's body would perish; so also for a just cause, namely, that he may serve God more perfectly and avoid the manifold occasions of sins, a spouse can, without the consent of the other spouse, of his own accord assume civil death, by which, by divine ordination, an unconsummated marriage is dissolved, and at the same time therefore that mutual power over bodies is extinguished. One can also reply more briefly from that tradition of the matrimonial contract, whose condition from God's institution is this: that if it be consummated by copula, it cannot be dissolved save by the death of one party; if, however, it be not consummated, it is dissolved by entrance into Religion. The solution to the eighth is evident from the solution of the first; for civil death is not incurred by Sacred Order, not even by the Episcopal Order, although in the Episcopal state there be greater perfection. And so, just as ownership in itself and by the nature of the thing is repugnant to monastic profession, so also is marriage; but to Sacred Order of whatsoever grade ownership is not of itself repugnant, although marriage is repugnant not of itself, but by decree of the Church.

§ 19. To the ninth I reply: first, that it was in no way lawful for the first two human beings to keep perpetual continence, because, as they were the first and only ones, it was fitting that the human race should be propagated from them; then, that Religion had not yet been instituted, and perhaps could not then have been instituted, by whose profession unconsummated Matrimony would be dissolved. But to the proof itself it is answered that they were joined by God before consummation indeed, but not by that conjunction of which the Lord speaks in the Gospel, as we said above also of the conjunction of the Blessed Mary and Joseph. And the words too, "And they shall be two in one flesh," are to be referred to the time of consummated marriage. To the tenth it can be answered thus: Just as in a consummated marriage the bond remains until natural death, so in an unconsummated until civil death; and consequently, just as there there is no divorce, because during natural life the bond cannot be broken, so neither here; because likewise it cannot be broken during civil life. Others answer that that union was altogether indissoluble on account of the offspring, which was the good of that marriage, as Augustine there attests; whose offspring's care and education pertained to both spouses. And this too seems to us right. For the marriage between the Blessed Mary and Joseph, although it was not consummated as to copula, was nevertheless consummated as to the generation of offspring, which in that marriage itself was born without injury to it; and Joseph was no less bound to feed, educate, and so forth, that offspring than if he had begotten him of himself; and so there could be no divorce on account of the offspring, just as in a consummated marriage; and, were now a married virgin to bear a son of the Holy Spirit, her husband could not enter Religion for the same reason of the offspring. Before the birth, it has the

condition of an unconsummated marriage; afterwards indeed that of a consummated. And so beforehand it could be dissolved by entrance into Religion; afterwards, not. See below at Distinction thirty, where this is treated expressly.[33]

§ 20. To the eleventh: a marriage is firmer, according to Augustine, when consummated, than when unconsummated—not as regards the obligation of the contract, but as regards mutual charity and the consent of souls, by which there is signified the mutual charity of Christ and the Church. For where there is greater perfection of life, there too is greater charity. For St. Augustine is speaking of spouses who, out of love of God and by mutual consent, keep continence, whether they have consummated the marriage beforehand or not. To the twelfth it is answered that monastic profession, as a civil death, frees from a pecuniary debt no less than natural death. In both cases, indeed, he who has died is freed; but as there the heirs are bound to pay in the name of the deceased, so here the Community is bound to pay in the name of the professed. Yet there is not an equal reason for the conjugal debt. For this is simply extinguished by death, whether natural or civil, because its obligation, that is, the matrimonial bond itself, does not extend beyond that point. To the thirteenth we reply that Alexander III (in the chapter "Ex publico," Extra, De Conversione Conjugatorum) prescribes a space of two months in which the spouses, before consummation of marriage, can deliberate about entrance into Religion; which space having elapsed, it is no longer lawful to defer the rendering of the exacted debt. Nor does he do injury to the other who, in refusing the debt, uses the right granted to him by the laws. And the same must be said about the time of Probation. For neither, as some think, is that time to be shortened in favor of the spouse remaining in the world; but it is free for the spouse entering Religion to fulfill the whole year of probation, unless perhaps charity should persuade otherwise. Thus think Durandus, Paludanus, Hostiensis, and Dominicus. But if in the meantime one should perchance by force oppress the other, although wrong would be done to the oppressed, nevertheless the marriage would become consummated, and consequently dissoluble only by natural death, as the same Dominicus rightly teaches; and this too is the opinion of many. To the last we reply that the mind of the ancients can be sufficiently understood, both from the decrees of Eusebius and Gregory which we have adduced; and, furthermore, it must be known that in St. Ambrose, writing on Luke, at that of the first chapter, "Espoused to Joseph," and again, treating on chapter 23 that saying (John 19), "Behold thy mother," although he does not make special mention of entrance into Religion, he nevertheless signifies that before carnal copulation spouses can be separated, and he thinks that Joseph too was separated from the Blessed Virgin. Something similar indeed is also read in him (in the book De Institutione Virginis, ch. 6 and 7, and Epistle 79). John Chrysostom moreover (Homily 5 on Matthew) shows from this that Joseph did not live with the Blessed Virgin, because the Lord commended her not to him, but to John. By which he signifies that this marriage was sundered, as being unconsummated—which, although it is improbable (for St. Augustine, in the book De Nuptiis et Concupiscentia, ch. 11, says there was no divorce between Joseph and Mary; and Epiphanius, Heresy 78, attests that Joseph lived only up to the twelfth year of Christ), nevertheless let it suffice from the said Authors to have shown that the condition of a consummated and of an unconsummated marriage is not the same as regards the firmness of the bond; and that that Scripture, "Whosoever shall put away, etc.," is to be understood of a consummated marriage. But those testimonies which are brought from Gratian and from the Decretals of the Pontiffs, and from the Fathers, as though they proved the contrary—which sort also the Master cites in the text—must all be understood about consummated marriage, and about those spouses who by intercourse have been made "one flesh and one body," as is manifest from the very words and context of the decrees.[34]

§ VI — Consummated marriage is not dissolved by entry into religion (Consummatum Matrimonium non solvi per religionis ingressum)

§ 21. What we have already shown about marriage not yet consummated has been lacking to those who would transfer this even to a consummated marriage; thinking that this too is dissolved by entry into religion. For this opinion there tells, first of all, the final law of Justinian (Code, De Episcopis et Clericis), and another law which is found in the Authentic Collections (in the Code, De Nuptiis), where without exception faculty is granted to married persons of migrating to a better life and of living under chastity.[36] Next, Basil (Question 12), among those which he explained, says that a husband can enter religion, even if the wife should stubbornly refuse.'[37] Thirdly, the example is put forward of Abbot Theonas; about whom it is read in Cassian (Conference 21, ch. 9) that, when he could not obtain leave from his wife, he dissolved the marriage with her unwilling and was made a monk. Which deed Cassian in the same place (ch. 10) teaches is not to be reproved, both from the holiness and miracles of that man, and from the approval of other saints.'[38] Fourthly, there can seem to favor this opinion the passage of the Gospel (Matt. 19) where the wife is numbered among those things which he who shall have left for Christ's sake will possess life eternal. For no Interpreter has restricted those words of the Lord to a wife not yet carnally known.'[39] Yet notwithstanding these things, it must indubitably be held that a marriage consummated between the Faithful cannot be dissolved, as to the bond, either in this case of monastic profession or in any other—just as we shall teach more fully below (at Distinction 33), where there will be a more proper place for treating of the indissolubility of marriage; and (at Distinction 35), where we shall show that marriage is not dissolved even by adultery; and (at Distinction 32), where it will be taught that it is not permissible for spouses by mutual consent to vow continence to God, whether for a time or perpetually. Which certainly would not be illicit, if monastic profession dissolved the bond of consummated marriage.'[40] But for the present place let these general Scriptures suffice: "Whoever shall have dismissed his wife, makes her to commit adultery" (Matt. 5). "What God has joined together, let not man separate" (Matt. 19). "The woman who is under a husband, while the husband lives, is bound to the law" (Rom. 7). Which sentence the Apostle repeats (1 Cor. 7), where also he says: "To those who are joined in marriage I command—not I but the Lord—that a wife not depart from her husband. And let not a husband dismiss his wife." Which general sentences ought to have their place at least in a consummated marriage. To this there further belongs what in the same place the Apostle forbids, namely that spouses should not defraud one another of the conjugal debt, not even for the sake of giving time to prayer, unless perhaps by consent for a time: wherefore much less will one be able to defraud the other perpetually, which would be done by entry into religion.'[41]

§ 22. It is likewise proved from the things said above about marriage not yet consummated. For for that very reason the Pontiffs, whom we cited there, restricted their decrees to consummated marriages, because they were speaking about these, as is evident from their very words and context.[42] To these add the very many decrees of the Fathers, of Councils, of Pontiffs—which are recited partly by Gratian (27, q. 2), partly in the Decretals (Title, On the Conversion of Married Persons)—by which it is expressly provided that spouses are not to pass into religion without mutual consent, because—as it is asserted not once in those very decrees—by a transition of this sort marriages (understand consummated ones, of which there is speech there) are not dissolved.'[42] Since these things are so, it remains that we briefly answer the objections.

§ 23. Therefore, as regards the civil law, even if someone could conveniently interpret it as to be understood of marriage not consummated, or as presupposing the consent of the other spouse; yet Gregory,

book 9, Epistle 39 (to Theoctistus)—cited also by Gratian, 27, q. 2, cap. "Sunt qui", and again cap. "Agathosa"—freely reproves that law, saying that although a human or worldly law permits separation to be made on the ground of a cause of conversion to religion, nevertheless the divine law does not permit it; because, he says, after husband and wife are made one body by the coupling of marriage, it cannot be that on one side there is conversion and on the other side there is remaining in the world.[43]

§ 24. But Basil does not declare that he is speaking of a consummated marriage. If, however—as appears—he is to be understood of it, we reply that Basil wills nothing other than that, if a married man wishes to become a monk, he ought first to seek the wife's consent: which if he cannot obtain at once, he must persist with prayers to God, with tears and fastings, that her consent be obtained, and that renunciation of the world be persuaded also to her; and then at length the man can be received into a monastery. Of this thing there are examples in the brother and sister of St. Bernard, who by the urgency of prayers obtained the consent of their spouses, which formerly they could not obtain, as is in book 1 of the Life of St. Bernard, chs. 4, 6.[44]

§ 25. Furthermore, the deed of Abbot Theonas which is recounted by Cassian—if the narration is true—is to be numbered among those deeds of Saints which are more to be admired than imitated: for perhaps that deed was done by a holy man at the peculiar prompting of the Holy Spirit, by whom also he wrought miracles.[38]

§ 26. To the passage of the Gospel we reply: those words of the Lord are not repugnant to other words of His set down in the same chapter, which forbid the separation and dismissal of a wife. But they would be repugnant if they had to be taken of a wife to be left either simply as to the bond, or unwilling as to the bed, except in the case of adultery. Wherefore, lest they be repugnant, they must be understood of remission of her as to the bed, unless with her herself consenting. For neither are those, to whom those words were then being said—namely Peter and the other Apostles, in whose name Peter said: "Behold, we have left all things"—read to have left their wives unwilling. Yet it pleases some that what is said about a wife to be left is to be understood in that case in which the wife would be an impediment to salvation for the husband, as if, being a heretic, she strove to pervert her husband. Then indeed she ought to be left, even unwilling: not, to be sure, by a perpetual separation of the bed, but by a right of self-defense; at least for so long a time as such danger should continue; as we shall say below in its own place. But the former sense is more congruent to the matter which was being treated.

§ VII — Who are called betrothed and "spouses" (Qui Sponsi, & quæ Sponsa dicantur)

§ 27. Now the words "betrothed man" and "betrothed woman" (*sponsus* and *sponsa*) are not taken in one way among writers, both Sacred and profane. For, as St. Thomas, writing upon this Distinction, has noted (art. 1, ad 6), since in marriage two things are considered, namely the joining together or the marital bond, and the use of the marriage itself, in a twofold way the man and the woman are called *sponsus* and *sponsa*. In one way, by reason of the future marriage, namely when they have contracted only the betrothals (*sponsalia*). From that very time they are called betrothed (*sponsi*). In another way, by reason of the future intercourse, in which way spouses before intercourse are called betrothed (*sponsi*), because, namely, they have promised that intercourse to one another at least implicitly, when they entered into the marriage contract. Upon the making of which promise the name *sponsus* and *sponsa* already expires.

§ 28. Whence in the present matter three grades are to be noted: the first, in which the man and the woman are called only betrothed; the second, in which they are called both betrothed and spouses; the third, in which they are only spouses.

§ 29. But this distinction of a twofold acceptation avails greatly for understanding the Scriptures and reconciling the canons in which some are called *sponsi* and *sponsae* or "betrothed." Moreover, betrothals (*sponsalia*), as defined by Pope Nicholas in the Rescript in reply to the Consultation of the Bulgarians and found in Gratian (30, q. 5, cap. "Nostrates"), are "the promise of future nuptials, if it be made by the mutual consent of those who are to be joined." For just as if by the mutual consent of the contracting parties there is no marriage if the consent be not given, so neither are the betrothals valid unless both consent to the promise. Hence betrothals which parents sometimes contract for their children before their lawful age—which is seven years—cannot be valid unless by the consent of the children when they shall have come to that age; just as neither are those valid which parents contract for children having lawful age, unless the children have tacitly or expressly consented.[46]

§ 30. Although, however, betrothals neither suffice to bring about marriage (because a promise does not have the force of delivery or donation), nor are they necessary to the substance of marriage (for marriage can be, and often has been, contracted without prior betrothals), nevertheless they are rightly and laudably premised to marriage—both so that it may be able the more correctly to be ascertained that each party freely consents to the marriage; and lest they seem rashly and precipitately to give themselves into that state of an indissoluble society, but rather that they proceed to it, as it were, by certain steps; and that they may also make for a certain solemnity of this state and for commending its dignity; and finally on account of the conditions which often are interposed in betrothals to be fulfilled before the contract of marriage: and, in general, betrothals before marriage can have that use which a promise made before a donation has before the donation.

§ 31. Besides this manifold use of betrothals, there is wont to be noted a twofold effect of them. First, from betrothals there arises for each an obligation of contracting the marriage; for what someone has promised, unless there is a just exception, he is bound to keep—and the more so, the greater is the moment of the matter in which faith has been pledged, which kind of matter is the contract of marriage. Whence Innocent III, in the Decretals (De Sponfalibus), in the chapter "Praeterea": "Those," he says, "who have given their word about contracting marriage purely and without any condition, are to be admonished and by all warnings induced to observe the pledged faith." So he. But the betrothed are bound to contract marriage either at the fixed time if any was set; or, if none is set, at the first suitable time according to the judgment of prudent persons; or at least he is to be held in delay who ought not to be so.

§ 32. Secondly, from betrothals there arises public propriety (*publica honestas*), something akin to affinity. Which propriety dictates that it is unbecoming and contrary to public propriety that he who has contracted betrothals, and for whatever cause does not complete them, should afterwards contract marriage with a near relative of his former betrothed. Whence also an impediment of marriage was long ago established; but by the Council of Trent it was restricted (Session 24, ch. 3, On the Reformation of Marriage), of which we shall treat below (at Distinction 41).[47]

§ 33. But against the things said someone will object that every promise—if only it be just and honest—has the force of binding: therefore, even if one party alone should make a promise to the other about a future marriage, the promise is valid even without a reciprocal promise; and therefore betrothals do not necessarily

consist in mutual promise. To this we reply: without doubt a promise or suchlike undertaking is binding on the part of him who promises; yet it cannot be called betrothals, so long as the other party has not yet promised in turn, but it has only the nature and force of a simple promise: whence also it follows that it does not bind as strongly as betrothals. For if the other party should deliberate long, and put off his or her promise for a long time, he or she will deservedly be judged either to despise or not to accept the promise made to him or her. But a promise despised or not accepted does not bind the promiser. And even if it is accepted, if there is no reciprocal promise, it cannot have the power of binding like betrothals.

§ 34. Moreover, for a fuller explanation of the definition of betrothals, it must be known that, just as marriage itself is not contracted unless the mutual consent of the contracting parties be expressed by words of the present or by equivalent signs, so in contracting betrothals it is necessary that mutual consent be expressed by words signifying the future time, or by other signs of equal value. And the reason in both cases is the same, because otherwise on each side the consent cannot be ascertained, unless it be manifested by some signs.

§ 35. Now indeed, inasmuch as these signs are multiple, so in multiple ways it happens that betrothals are contracted. For either they are contracted by words, or by other signs—such as a writing, a nod, a ring, or the delivery of some other earnest having a signification. Likewise, either absolutely, or with a condition added; and again, either by a simple promise, or confirmed by an oath. And, as regards obscure words or signs, since it is often ambiguous in them whether they contain a promise only, or indeed the donation itself, their signification in the forum of conscience is to be taken from the intention of the one speaking or signifying: so that, if he spoke or gave a sign with the will of promising, a promise alone is to be understood; but if with the will of giving, a donation. But in the external forum, where the intention cannot be proved, the signification of signs is taken from the more frequent and more received usage, the circumstances also of the very contract being brought into consideration. But if thus too the signification remains ambiguous, nothing is proved, and therefore judgment must be pronounced for the defendant, since, as the axiom of law has it, "with the plaintiff not proving, the defendant is acquitted." But a more exact treatment of these matters is to be found among the Summists.

§ VIII — To what extent conditional betrothals bind (Sponsalia conditionata quatenus obligent)

§ 36. Betrothals (*sponsalia*), which on account of an appended condition are wont to be called conditional, are not of one kind; for just as it happens that various conditions are appended, so must a various judgment be made about the betrothals themselves. For if the condition already subsists, or is even necessary, the betrothals subsist and are understood to have been made absolutely, just as if no condition had been added; as if someone were to say: "I will take you as wife if God wills," "if the sun shines," "if you do not have a husband." In the same class are all the conditions that are of necessity required specifically for the contract of marriage; as if a Christian man were to say to a Muslim woman, "I will take you, if you are willing to become a Christian." For unless the condition be first fulfilled, a marriage can never be made valid between those persons. But if the condition is impossible or immoral, as if someone should say, "I will take you, if you make the sun stand still," "if you draw the moon down from heaven," or "if you are willing to join me in thefts and robberies": if indeed it has been added with the intention of excluding consent, in reality there is no promise. Yet in the external forum, where intention is not proved, such conditions are taken as not having been added; and Gregory IX so

pronounces and establishes in the Decretals, De Conditionibus appositis, in the final chapter, speaking thus: "If conditions are introduced that run counter to the substance of marriage, as if one should say to the other, 'I will contract with you, if you avoid the begetting of offspring,' or 'until I find another richer in honor or in resources,' or 'if he hand you over to commit adultery for profit': the marriage contract, however much it is to be favored, lacks effect; although other conditions added in marriage, if they are base or impossible, ought, on account of its favor, to be held as not having been added."[49]

§ 37. This the Pontiff says while speaking indeed of the marriage contract, but leaving the same judgment to be made about betrothals which are ordered to marriage. From whose words too it is understood which conditions ought to be reckoned to be contrary to marriage; namely, those which take away something of these three: either perpetuity, or offspring, or fidelity, which are the three goods of marriage. For the Pontiff has set examples of these severally. It is clear from his words that the Church does not therefore pronounce in favor of betrothals to which other conditions that are base or impossible have been added, because those conditions have some force of ratifying the betrothals—since rather they seem to bring about the contrary; but that where by other conjectures consent to future nuptials is presumed, then conditions of this sort must be held as not added, because no one is bound to what is impossible or immoral. And this likewise holds in the legacies of testaments, that an impossible or immoral condition appended should not defraud the legatee, even if he do not fulfill such a condition, which indeed either he cannot fulfill or ought not to fulfill.

§ 38. But if the circumstances sufficiently argue that the impossible condition was added for this purpose, that by it it might be signified that consent is excluded—as sometimes is done in jesting or in mockery, or in any way of quasi-figuratively signifying that one does not consent—then even in the external forum it must be judged that the promise is void.

§ 39. Moreover, immoral, or base, conditions which are repugnant to marriage, according to the general rule handed down by Gregory IX in the aforesaid decree, lack effect, whether with respect to the promise or with respect to the marriage contract; and to whichever they have been appended. The reason for this is that he who adds such a condition, and consents to it, either simply does not consent to marriage—whether to a present marriage, or to one "until the death of my father," or "until seven years," which conditions are repugnant to the bond of marriage, which is perpetual and indissoluble—or he does not consent to marriage as such, as vitiated either on the side of its own end, or on the side of the power to be handed over by each party. For if someone should say, "I will take you on this law, that you hinder the conception and birth of children," he excludes offspring, which is the end of marriage; but if he should say, "I will take you on this condition, that you prostitute your body for gain," he excludes conjugal fidelity. There are, however, also certain honest conditions that yet clash with marriage; as if some promise, or even contract marriage between themselves, on this law, that they never render to each other the conjugal debt: in which case, although Paludanus thinks that the betrothals are valid, or that the marriage is ratified by this moral condition—since, marriage once contracted, spouses can without injury to marriage, by mutual consent, observe perpetual continence—yet more probable is the opinion of St. Thomas, St. Bonaventure, Richard, Adrian, and almost all others, to which also Dominic subscribes; namely, that those who so promise, or contract, do not in very truth consent to a future present marriage. And the reason is that by such a condition not only is the carnal union excluded (which is rightly by mutual consent of the spouses after the contract of marriage without doubt), but also the transfer of the bodies into one another's power is excluded, which nevertheless is necessary to the substance of marriage. And this opinion seems to conform to the decree of Gregory IX cited

above, where generally and without restriction he says that conditions inserted against the substance of marriage lack effect, indicating that even honest ones of such a sort can be found. And this too is shown by this reasoning: the condition of procuring sterility is judged contrary to marriage, because by its observance it comes about that offspring is not born; therefore the condition of perpetual continence ought to be judged such for the same reason: with this only difference, that this condition is honest, that one dishonest.

§ 40. But about honest conditions which are not repugnant to marriage, this must be briefly established: If the condition concerns a present matter, then, if the condition subsists, the betrothals subsist; but if the condition does not exist, there is no obligation. If, however, the condition concerns a future matter, as if someone should say, "I will take you, if my father assents," or "if you give a thousand gold pieces as a dowry," then, when the condition comes about, the betrothals are valid; if it does not come about, they are void. Thus Alexander III, Urban III, and Innocent III wrote in the Decretals, De Conditionibus appositis.[50]

§ 41. Furthermore, it happens that by words indeed of the present tense consent is expressed, but a condition concerning a future matter is joined; as if he should say, "I give you my troth, if you bring to me so many gold pieces": in which case there will be only betrothals when the condition comes about, not marriage —not even before the decree of the Council of Trent annulling marriages which are made otherwise than in the presence of the parish priest, etc. The chief reason for which seems to be this, that marriage cannot be contracted save through consent of the present; which is plainly left manifest from those things which were said above about the efficient cause of marriage; since in the first contract true consent by itself is evidently expressed as of the present, which does not consist in a thing held at another's discretion, but in a thing had. Whence it is also understood that, because of the condition of the future that is appended, the word of the present tense in a certain manner takes on the signification of the future, just as St. Thomas rightly noted, writing in Distinction 29. Nor is there force in the canonists' argument, which they take from the likeness of other contracts, in which, the condition having been fulfilled, the contract is ratified, so that there is no need of a new contract or consent. There, consent is presumed to endure by its efficacy until the condition is fulfilled; and when it is fulfilled, to transfer into the present, or rather rights supply what is perhaps lacking on the part of consent, so that there is no need of a new present contract. But in marriage, to whose substance a consent of the present is altogether necessary, the laws cannot supply the defect of this consent.

§ 42. Moreover, about conditional betrothals, and universally about the variety of betrothals to be contracted, let whoever wishes read Adrian in the Tractate on Marriage, and Dominic after others upon Distinction 27, through many articles.[51]

§ 43. Finally it must be noted that almost all the things which have been said about conditional betrothals can equally be referred to conditional marriages, and likewise canonists and their interpreters judge about both. Although, after the decree of Trent, conditions in marriages to be contracted do not have the place they once had, because the parish priest and witnesses, outside whose presence marriage is not made, ought not easily to admit conditions, but, to forestall the difficulties which conditional contracts are wont to bring with them, ought entirely to see to it that marriages be contracted absolutely.[51]

§ X — What betrothals with subsequent intercourse avail (Sponsalia cum copula subsequente quid valeant)

§ 44. It is often asked whether betrothals (*sponsalia*) pass into marriage by carnal intercourse (*copula carnalis*) afterwards ensuing. To which we briefly answer thus: first, that carnal intercourse of itself does not suffice to constitute marriage, however much betrothals may have preceded, even sworn ones. The reason for this is, that marriage is never made without consent in the present (*consensus de praesenti*), as is clear from the things said above. Wherefore by intercourse, without such consent, betrothals can never pass into marriage; and in this way without doubt judgment is to be made in the forum of conscience (*forum conscientiae*). But if, betrothals having been contracted, both betrothed meet carnally with a conjugal disposition, then, even if neither by words nor by any other sign they should explicitly express consent, nevertheless, unless something else stands in the way, marriage is made: for in that case the conjugal disposition, upon whose intervention they are mutually joined in intercourse, includes and presupposes an interpretative consent in the present (*consensus interpretativus de praesenti*), on account of the words in the future (*de futuro*) which had preceded. And this also holds before the event of a condition, if perchance one had been adjoined to the betrothals; because, as Innocent III teaches in the Decretals, De conditionibus appositis, cap. Per tuas, he seems to have withdrawn from the condition adjoined, who, it not yet having been fulfilled, was carnally joined to his betrothed.[53]

§ 45. But since the Church does not judge of hidden things, it comes about that in the external forum (*forum externum*) those are wont to be judged to have contracted a marriage, and to be true spouses, who after betrothals have been carnally commingled, even if perchance the internal consent were lacking; for consent is presumed, and consequently marriage, on account of the intercourse following upon the betrothals in which there was consent in the future. For just as other signs take the place of words, as signifying consent in the present, so too intercourse, if it shall have followed upon the betrothal, is deemed to be of the same force as words in the present. Thus defined the Pontiffs Gregory IX in the Decretals, De sponsalibus, cap. Is qui fidem; Alexander III in De conditionibus appositis, cap. De illis; and there likewise Innocent III, cap. Per tuas.[54] However, we said: unless something else stands in the way, marriage is made. For since the Church in the Council of Trent decreed that for the future marriages contracted otherwise than in the presence of the parish priest and witnesses are absolutely null, it follows that by intercourse following upon the betrothals, even with express consent in the present, marriage is no more made than by the very words in the present, whereby, contrary to the manner prescribed by the Council, a man and woman would declare mutual consent. Whence, by the benefit of this constitution, very many perplexities are suppressed which are wont to arise from such betrothals and to burden the consciences of the contracting parties — of which matters much among the Summists and the Sententiaries. And in this manner judged, and more than once declared, the Congregation of Cardinals under Gregory XIII, deputed for the explanation of doubts which arise concerning the practice of the Council of Trent. The same also Navarrus noted in the latest revision of his Enchiridion.'[55]

§ XI — The ways in which betrothals are dissolved (Sponsalia quibus modis dissolvuntur)

§ 46. Although from betrothals (*sponsalia*) there springs, as we have already said, an obligation of contracting marriage, nevertheless in many ways it happens that they are dissolved, so that their obligation is loosed, either

on both sides, or at least on one side; and we are speaking now of betrothals ratified and valid. For betrothals attempted between persons not legitimate, as between blood-relatives or affines, or those who have not yet completed their seventh year (for that age is rightly established by the canons for contracting betrothals, because at that time human beings for the most part begin to have some judgment of things to be done and some prudence about the future), are absolutely invalid, and beget no obligation; and therefore they have no need to be loosed. Of this kind also are those which are made with a condition, if the condition does not come about; of which above there has been fuller treatment. In the same class are betrothals made after any vow of continence whatever, and likewise after betrothals previously contracted validly with another, even if these latter are confirmed by an oath. The reason is manifest, because a promise has no strength which is made contrary to an obligation previously contracted, unless the promise be made about those matters which in the prior promise are understood to be excepted. Therefore here the ways must be enumerated by which true and ratified betrothals are loosed.

§ 47. First, then, they are loosed by entrance into Religion or by profession. This mode is common to betrothals with marriage not consummated, and from that it is clearly proved by an argument from the greater; because without doubt the bond of marriage, even non-consummated, is stronger than that of betrothals, and therefore less soluble. But it must be noted that even before profession, by the mere reception of the habit, he who is left in the world is freed from his betrothal, so that it is free to him to pass to other vows; not, however, he who has received the habit — otherwise one could in fraud receive the habit in order to be freed from the betrothal, and afterwards depart and marry another. It is very likely, however, that this extends also to sworn betrothals. For the exception which in betrothals is understood by the law itself — namely, unless one of the betrothed should wish to profess Religion — seems to be understood likewise in the oath by which the betrothals are confirmed. A Pontiff, however, gives the counsel that he first be released from the oath, and afterwards enter Religion, marriage not having been consummated, lest, to wit, in popular opinion he be thought perjured who has withdrawn from a sworn betrothal in this way. The same thing Scotus holds simply (In IV Sent., dist. 30, q. 2), although the former opinion is more probable; on which matter see Dominicus. Moreover, what has been said about entrance into Religion must be understood likewise about the reception of Sacred Orders, on account of the vow of chastity annexed; indeed, the same judgment seems to hold also about a simple vow of chastity, if it is emitted after the betrothals. The reason for which is, because there is always, even in sworn betrothals, this exception understood: unless some great and very notable change shall have intervened; which exception has place not only in betrothals but also in other promises. Yet, in order that sworn betrothals may with a securer conscience be loosed for the causes set forth above, it will be advisable, out of reverence for the Divine Name, that they be dissolved by the authority of a Superior dispensing in the oath; especially if it is a question of loosing them on account of a simple vow of chastity, because about this cause in particular there is controversy among the Doctors, as may be seen in Silvester, Dominicus, and Navarrus.[57]

§ 48. Second, betrothals are loosed by the subsequent marriage of one party with another. And the reason for this is most evident, because marriage is indissoluble; and therefore by it the preceding promise becomes impossible to be observed, and hence no obligation remains, except perhaps for that time in which by the death of his wife he could marry the former betrothed. Yet there is no doubt that he sins gravely who, contracting marriage with another, breaks faith with her with whom he had contracted betrothals. And this mode holds universally, even if either the betrothals were sworn, or the subsequent marriage not yet consummated. Of this case the canons speak: Si inter virum and De illis, in the Decretals, De sponsalibus; yet

it ought not to be extended to betrothals with intercourse following, because these now do not constitute marriage, as we have shown above, and therefore cannot remove the obligation of the earlier promise — unless perchance some other impediment should concur, as consanguinity or affinity; on which see Navarrus.[58]

§ 49. Third, betrothals contracted before nubile age are loosed, if either party, as soon as he or she reaches it, revokes the will of the one revoking; as is had in the Decretals, De desponsatione impuberum, cap. De illis and cap. A nobis.[59]

§ 50. Fourth, whenever one party refuses to contract marriage, the other is freed from his or her betrothal. The reason is that the promise was mutual, although he or she sins gravely who rashly departs from the betrothal, and thus remains bound in conscience to keep it; yet since forced marriages very often suffer unhappy outcomes, it comes about that the Church, consulting the welfare of those who wed, judges that such persons are not to be purely and absolutely compelled, but only to be admonished, and by all means induced, to keep the faith that was given — as above we taught from Innocent III, Decretals, De sponsalibus, cap. Praeterea. And this, of sworn betrothals too, Lucius III explicitly establishes in the same place, cap. Requisivit: "Since marriages ought to be free, the woman who, neglecting the obligation of the oath, refuses to wed him to whom she bound herself by the interposition of an oath of nuptials, is to be admonished rather than compelled, because coerced marriages are wont frequently to have difficult outcomes." By this decree this Pontiff seems here to correct what before him Alexander III had answered in a like case, as is had there, cap. Ex literis Silvani. For there he wishes that him who has sworn to contract with some woman, unless a reasonable cause stands in the way, be coerced by ecclesiastical censure to contract — unless someone should say that the reasonable cause which the Pontiff excepts is always present, when there is fear lest a forced marriage suffer a bad outcome. And it must be noted, for the aforesaid cause, namely lest in any way the freedom of marriage be diminished, that it is forbidden that a penalty or fine be adjoined to betrothals: cap. Gemma, De sponsalibus.[60]

§ 51. Fifth, betrothals, even sworn ones, are loosed by the subsequent fornication of one party. For that directly repugns to the faith given. They are, however, loosed in this case, as also in the former, only on the side of the innocent party, to whom it is free to withdraw from the betrothal, if he or she wishes: cap. Quemadmodum, Decretals, De iureiurando. But the fornicator is not permitted, with the other party unwilling, to rescind the pact; inasmuch as his malice ought not to find a patron. This has place also in a girl oppressed by force, as the Gloss of the same place rightly teaches; indeed, also in the case of her who was believed to be corrupted. For to marry such a one, on account of the notable change wrought or known to have been wrought in the betrothed, pertains to the fate of marriage to be entered into. Under this heading spiritual fornication also can be understood, as heresy, apostasy, and whatsoever grievous and infamous crime; for all these induce a notable change.[61]

§ 52. Sixth, they are loosed by consanguinity or affinity supervening, or by an impediment similar to affinity, as if one party should lift the other's son from the font; or if the betrothed man should fornicate with the sister of the betrothed woman; or if he should labor under public defamation of such a deed (in which case he will be able to marry neither); or if some other like impediment of law or scandal should intervene; on which matter see cap. Si quis, quaest. 2; and cap. Cum in tua, Decretals, De sponsalibus.[62]

§ 53. Seventh, on account of a grave, long-lasting, or perpetual disease supervening; as leprosy or paralysis; or on account of notable deformity or mutilation; from which, if they should supervene after the betrothals, or afterwards be discovered, it easily happens that one begins to displease the other; and therefore by the

canons the one who remains healthy and whole is loosed from obligation. Thus teaches Urban III, cap. Literas, Decretals, De coniugio leprosorum; and Innocent III, cap. Quemadmodum, Decretals, De iureiurando. Whence it is clear that this case extends also to sworn betrothals.[63]

§ 54. Eighth, by a long pilgrimage or absence of one party, the other is freed from the betrothal. In which case, although the civil law prescribes that the whole space of two years be awaited, by pontifical law, after the departure of the betrothed into remote lands is known, no time is prescribed for waiting; because he, by such a departure, is deemed to renounce his right. Thus the Pontiff declares in cap. De illis, Decretals, De sponsalibus.[64]

§ 55. Ninth, they can be loosed if grave enmity has intervened between the betrothed, or between their parents; likewise, if cruelty or roughness of morals in the betrothed man, previously unknown, afterwards has been discovered: for in each there is a just reason of withdrawing from that which had been agreed. Tenth, they are loosed through this, that the conditions promised are not fulfilled, whether that happen voluntarily or involuntarily; as if the dowry promised is not furnished; the reason is that the promise was dependent upon a condition. Eleventh, through the reputation of a canonical impediment between the betrothed. The reason is, that scandal be avoided, as the Pontiff teaches in cap. Cum in tua, Decretals, De sponsalibus.[65]

§ 56. Furthermore — since marriages, as is established, are not dissoluble by mutual consent of those who contracted among themselves — thus there is no doubt that betrothals of whatever sort are dissolved by mutual consent and will of the betrothed, while they remit the promise to one another, even if perchance it had been sworn; because the oath was added only to confirm the promise, but the promise simply ceases to oblige when he to whom it was made remits it. Thus the interpreters of the canons on cap. Praeterea, De sponsalibus. Finally, they can be dissolved by any other thing unexpectedly supervening which, if it had preceded or had been foreseen, it is likely and reasonable that the betrothals would not have been contracted. Thus St. Thomas thinks writing in this Distinction, and others after him; and the reason is clear from the general nature of a promise. But it must universally be noted, concerning the dissolution of betrothals, that if they shall have been publicly contracted, and the cause of dissolving is not manifest and publicly known, then, for dissolving them, public authority of the Church ought to intervene — namely, that scandal be avoided. Otherwise it is not necessary.[66]

§ XII — Annotation on clandestine betrothals (De clandestinis Sponsalibus annotatio)

§ 57. Whatever things have so far been said about betrothals apply also to clandestine betrothals (*sponsalia*). For these too can be contracted and dissolved in just as many ways as public betrothals are contracted and dissolved. Although betrothals ought to be made publicly, nevertheless they are not invalidated by the Council of Trent if they are contracted clandestinely, in the way marriages are; and therefore Navarrus judges rightly, near the end of chapter 25 of his Enchiridion, that they still remain in force, and that their validity has been left in those terms in which it stood immediately before the Council; and the same was the judgment of the Congregation of Cardinals delegated under Gregory XIII.[68] Moreover this is without doubt true, whether you take "clandestine betrothals" in the sense of the Interpreter, namely those which are done entirely in secret and without arbiters between two persons, or those which are not done before the Pastor and the witnesses whom the Tridentine decree set down, as the Synod directs.[69] The reason is that all of this sort have the true

nature of betrothals, and therefore truly bind, so long as they are not invalidated by any law of a superior. As regards their dissolution, inasmuch as they are not public, so far they do not need authority; but if a just cause be at hand, they can be dissolved privately, because, since they are clandestine, the consideration of scandal ceases.

§ 58. But someone will here ask, whether a clandestine contract made by words of the present, which indeed, according to the Tridentine decree, is admitted not to bring about a marriage, at least has the force of clandestine betrothals, and in this way obliges to a future marriage—just as the betrothal of minors by words of the present, by an interpretation of law, is resolved into betrothals of the future, as is had in the Final chapter, in the Decretals (On the Betrothal of Minors).[69] To which it is answered: there is no ground for saying that that contract which the Tridentine Synod strictly forbids and declares to be invalid and null has any force for constituting betrothals—especially since betrothals are proximate to marriage. This is proved by the general account of donation. For if someone in fact should give or deliver something contrary to the law of God or of superiors, by which such a donation is declared null and void, no one will judge that donation to have the force of a promise; rather each man will rightly judge it to be altogether and totally invalid. In like manner one must determine about the betrothal of minors: if it has been made by words of the present otherwise than in the presence of the Pastor and witnesses, it has no force of betrothals; but if it has been made in that manner, then by an interpretation of law, according to the said chapter, it is resolved into betrothals of the future.

§ XIII — By what rationale digamists are repelled from sacred orders (Digami qua ratione a Sacris ordinibus repellantur)

§ 59. First, therefore, it must be shown what is the origin, and what the rationale, of that irregularity (*irregularitas*) which is contracted by digamy (*digamia*). Now its origin is from the apostolic precept (1 Tim. 3), by which it is ordained that bishops and deacons be chosen who are "of one wife."[71] That precept pertains to bishops, presbyters, and deacons. For however the name "presbyter" be taken in the Epistle to Titus—whether for one who is inferior to and next after the bishop, or for the bishop himself, as some think is proved from what straightway follows there, "For a bishop must be without crime"—this is outside controversy, that the quality which is required in a deacon ought not to be absent from a presbyter, who is acknowledged to be more worthy than a deacon.[72] Moreover the Apostle understands by "the husband of one wife" a man who has not had several wives, whether at the same time, or one after another, but either one only, or none. For that phrase of the Apostle must be expounded negatively, as the thing itself clearly declares and as examples teach—both of the Apostles and of others who were ordained by them and after them. In this manner all the ancients have interpreted that passage. And yet, in this matter the perpetual practice of the Church ought to suffice as the best interpreter of Scripture, to which indeed long since testimony was borne by St. Jerome in the book Against Jovinian, and by St. Epiphanius in Heresy 59, as they teach what manner of continence the Church requires of those whom she sets in the grade of sacred orders, of which more below at Distinction 37.[73] Now what the Apostle decreed concerning bishop, presbyter, and deacon, the Council of Nicaea—St. Ambrose also reporting this in his Epistle to the People of Vercellae—extended to the whole clergy.[74]

§ 60. Furthermore, in assigning the rationale (*ratio*) of this apostolic precept not all agree. For St. Jerome, in the Commentary on the Epistle to Titus, book 1, and more fully in the Epistle to Oceanus, and likewise St.

John Chrysostom on 1 Tim. 3, wish this to be the rationale of the precept: because digamy—that is, to have had several wives—is an argument of incontinence. And those who labor under suspicion of incontinence are rightly barred from sacred orders. But others teach more rightly that the digamist (*digamus*) is repelled from orders on account of a defect of the sacrament, that is, of the sacred signification; because such a man is not suitable to represent, when constituted in the priesthood, the person of Christ, inasmuch as, when he was in marriage, he represented the same person of Christ only imperfectly. For Christ joined to Himself one only spouse by the mystery of the Incarnation, and the Church likewise is joined to one spouse. Wherefore, although the several marriages of a digamist man, considered severally, do perfectly represent the conjunction of Christ and the Church, nevertheless, if the two marriages to which one and the same man, although at different times, has been bound be considered together, namely as they are several of one, there is not found in them the signification of the aforesaid conjunction, but rather something that is repugnant to that signification. This rationale is followed by St. Augustine in the book On the Good of Marriage, ch. 19; by St. Ambrose in the Epistle just cited; by Pope Innocent I in Epistles 2 and 22; and by Pope Leo in Epistle 87 to the African bishops, where he also says that in the marriages of the priests of the Old Law, about which the Lord commanded (Lev. 21), the same mystery was signified. Finally, all later Popes and canons follow the sentence of these: as is to be seen in the Decretals, Title On Not Ordaining Digamists, throughout.[75]

§ XIV — Who are to be accounted in the same place as digamists (Qui sint eodem loco cum digamis habendi)

§ 61. Strictly speaking, digamists (*digami*) are only those who have had two wives; yet, as regards the aforesaid irregularity (*irregularitas*), certain others also must be held to be in the same case with them: as the Gloss rightly hands down on the chapter "Super eo," title On Digamists, where it distinguishes a twofold kind of bigamy—one true, the other interpretative; the true is what we have already said; the interpretative, however, is when by interpretation or extension of law one is held as a digamist who is not truly and properly a digamist.[77] Now of this interpretative kind there are, again, several modes.

§ 62. First, when someone has taken a widow to wife. For such a marriage, on the part of the woman, is not apt perfectly to represent the spiritual marriage (*connubium*) of Christ with the Church: since the Church, besides Christ, has never acknowledged another spouse, nor ought it to be understood that Christ took the Church as a widow, but as a virgin. Whence Leo, in the Epistle cited above, says that the apostolic prescription has always been held so sacred that the same condition was understood to be observed even with respect to the woman to be chosen as the wife of a priest.[78]

§ 63. The second is when someone has taken two wives, one by law and the other in fact—whether he had them at the same time or successively. For such a one, so far as lay in him, joined two wives to himself by marriage, not by will alone but by deed; and therefore, although in truth he be not a digamist, nevertheless he incurs the irregularity as a digamist—not because he has been matrimonially joined to several by law, but because of the affect of intention with the deed following, since, so far as lay in him acting, he joined the second woman to himself matrimonially; as also Innocent III teaches, in the chapter "Nuper," in the title On Digamists.[79] However, he is understood to be joined in fact with them; otherwise, the irregularity is not contracted, as Richard and Dominicus have well noted on this Distinction; we shall teach this below.[80]

§ 64. The third is when someone has had two wives in fact, either at the same time or successively, neither of them by law—whether on account of the impediment of consanguinity or of affinity, or some other similar impediment; which is most likely to be referred to him who, after the decree of Trent, in fact contracted clandestinely with two. This third mode is handed down by Paludanus and Dominicus, and rightly so. For what is interpretative bigamy is twice contracted in fact.[81]

§ 65. The fourth is when someone in fact, though not by right, has taken a widow to wife; thus Innocent III, in the place cited above, in the chapter "A nobis," teaches that one who had in fact contracted marriage with a widow incurred the irregularity.[79]

§ 66. The fifth is when someone takes to wife a virgin—though not a widow, of whom it has just been said—who, however, has been corrupted outside of marriage. The rationale is that by her there is not represented that one of whom the Apostle says (2 Cor. 11): "I have espoused you to one husband, to present you as a chaste virgin to Christ." The same is handed down by the canons in Gratian, Distinction 51, the chapter "Quod" and the chapter "Et," and in the Decretals, in the chapter "Qui clerici vel," chapter 1.[82] Nor does it make a difference for the irregularity whether the husband knew beforehand of the bride's corruption or not, because—as St. Thomas says in this Distinction, and as was shown to us above—this irregularity in the Church is not inflicted as a penalty for fault, but rather on account of a defect of the sacrament or mystery. If, however, someone should take as wife the very woman with whom he previously had intercourse, then according to the more probable judgment of St. Thomas he is not irregular—both because neither he nor his wife has been divided among several, and also because offspring conceived before marriage is legitimated by the subsequent marriage. If a woman who had been violated by someone before marriage be taken to wife by that same man, that marriage is honorable, and it is to be held as though she had been taken anew.

§ 67. The sixth mode is when someone again has intercourse with his own wife after she has committed adultery with another. Thus St. Thomas teaches probably, although others think otherwise. The canons "Si Uxorem," "Cujus," and "Si Laici," in Distinction 34 in Gratian, support the sentence of St. Thomas.[83]

§ 68. The seventh is when someone, after a solemn vow of continence, in fact contracts marriage with any woman whatsoever; such a one is taught to become irregular from the chapter "Presbyterum," 28, q. 1; and more explicitly from the chapter "Quorquot," 27, q. 1; and from the chapter "Nuper," in the title On Digamists. The rationale of this, moreover, is that such a one violates by the carnal marriage—which he later contracted in fact—the spiritual marriage contracted earlier by the solemnity of a vow; and this is metaphorical bigamy.[84]

§ XV — What of him who had a former spouse before Baptism (Quid de eo qui priorem conjugem ante Baptismum habuit)

§ 69. As to the apostolic precept "the husband of one wife," some, who attend only to a moral rationale—namely, that it writes suspicion of incontinence upon the digamist—think that he is not to be barred from Sacred Orders who had either both wives or one before Baptism, and after Baptism had either none or had the second alone and was content with her as his only wife; on the ground that every stain of incontinence is thought to be purged by Baptism, and to the baptized man as a new man nothing of his former incontinence ought to be imputed. Thus thinks St. Jerome in the Epistle to Oceanus, where he fights vehemently for this

his opinion. So also in the Commentary on the Epistle to Titus; and after him St. John Chrysostom on 1 Timothy 3.[86]

§ 70. But since it has been shown above that the rationale is rather of the sacrament (*sacramentum*) than of ecclesiastical discipline, the canons judge that not even he is to be admitted to ecclesiastical Orders who had a former spouse before Baptism; for even such a one, by various carnal marriages, has divided his flesh among several, and he does not retain the signification of that mystery (*mysterium*) which the Apostle requires to be in those to be ordained as Ministers of the Church. Whence St. Augustine, in the book On the Good of Marriage, ch. 18, says: "What he says, 'the husband of one wife,' was more keenly understood by those who judged that not even he who, while a catechumen or a pagan, had had another, ought to be ordained. For it is a question of sacrament, not of sin. For in Baptism all sins are forgiven." And below: "But on account of the sanctity of the sacrament, just as a woman—although she had been a catechumen—if she were violated, cannot after Baptism be consecrated among the virgins of God, so it has not unreasonably seemed that he who has exceeded the singular number of wives has not committed some sin, but has lost a certain norm of the sacrament—not to the merit of a good life, but to the seal necessary for ecclesiastical Ordination," and what follows.[87]

§ 71. In like manner does Innocent—contemporary with Jerome and Augustine—teach and establish this in Epistle 2 to Victricius, where he also explicitly declares this law to extend to the husband of a widow, saying thus in ch. 5: "If anyone, though a layman, has taken a widow to wife, whether before Baptism or after, let him not be admitted to the Clergy; because he seems to be excluded by the same fault. For in Baptism crimes are forgiven; the share of an accepted wife is not relaxed." And in ch. 6, refuting a different opinion, he says: "And if by some it is thought that, if perchance someone accepted a wife before Baptism, and, she departing this world, took another, it is forgiven in Baptism, they stray far from the rule; because in Baptism sins are remitted, not the number of wives accepted is abolished," and so on. And again, in Epistle 22 to the bishops of Macedonia, ch. 2, he pursues the same matter more at length.[88]

§ 72. With these agrees St. Ambrose, who, in book 1 On Duties, at the last chapter, treating on occasion of the Apostle's passages, subjoins thus: "What seems marvellous to most, that even marriages repeated before Baptism generate impediments to the exercise of the office, to the prerogative of Ordination—whereas even crimes are not wont to be a hindrance, if they have been forgiven by the sacrament of the laver. But we must understand that in Baptism guilt can be remitted; a law, however, cannot be abolished. In marriage, what belongs to law in marriage is not dissolved." These are his words; whose testimonies of the Fathers have been brought into decree by Gratian, Dist. 26; Causa 28, q. 3.[89]

§ 73. To these is added that Innocent III, in the Decretals, in the title On Digamists, in the chapters "Nuper," "Debitum," and "A nobis," always urges in this matter the defect of the sacrament as the principal cause of this apostolic constitution; although other causes also can be alleged as accessory, which may be seen in the Glossator upon the Decree, Dist. 26, at the beginning.[90]

§ 74. Finally, that the Apostle altogether willed by his precept to comprehend those who had had both wives or one before Baptism is clear enough from this: because in the time of the primitive Church those were almost always ordained who had come to the faith as adults and had taken wives before receiving the faith. This the Apostle does not wish to stand in their way so that they not be ordained, provided they had not exceeded the singular number of marriage.[91]

§ XVI — What of him who married a widow who was a virgin (Quid de eo qui viduam virginem duxit)

§ 75. Rightly indeed does the Master in the next-to-last section of this Distinction teach that a bride who is only betrothed for the future (*in futuro*) does not, upon the death of the bridegroom, remain a widow, because he had not been her husband. Whence, he says, if someone has taken her, he is not prohibited from ascending to the Sacred Orders (*Sacri Ordines*), because he has not married a widow. But less rightly is that which he finally subjoins: if however such a bride had been one between whom and her bridegroom a consent in the present (*consensus de praesenti*) had intervened, she, on his death, would have remained a widow; one joined to her thereafter in marriage would not further accede to the Sacred Orders, since he has married a widow.

§ 76. This, I say, the Master's opinion is not received by the Doctors; and that with good reason. For although it is true that a bride of that sort remains a widow when the bridegroom is dead, and accordingly that he who has taken her has married a widow, nevertheless he who has married a virgin is not, according to the canons, prohibited from being ordained. And the same judgment is given of him who, his former wife having died before he consummated the marriage with her, afterwards took another wife. Thus Pope Pelagius replied, as found in Gratian, Distinction 34, chapter "Valentino," saying that "for such a man nothing in the canonical institutes stands in the way whereby he might be less able to be promoted to the Sacred Orders"; for the Pontiff is not speaking there, as the Master supposes, about a bride made such by words—.[93]

§ 77. The same expressed opinion is that of Innocent III in the chapter "Debitum," in the Decretals, title On Digamists (*De bigamis*); where he also adds this reason: because an unconsummated marriage (*matrimonium inconsummatum*) does not pertain to designating that marriage which between Christ and the Church was contracted by the mystery of the Incarnation. "Since then," he says, "on account of a defect of the sacrament it has been forbidden that a digamist (*digamus*) or a husband of a widow presume to be promoted to the Sacred Orders, because neither is she the only one of the Only One, nor is he one of one; assuredly, where between spouses of this sort the carnal commingling (*commistio corporum*) is lacking, there is not lacking this kind of sacramental seal (*signaculum sacramenti*). Whence he who has taken to wife a woman married by another man but by no means known, because neither she nor he has divided his flesh among several, ought not for this reason to be impeded from being able to be promoted to the priesthood." So he.

§ 78. From these things moreover it is easy to understand what must be said of him who, being impotent (*frigidus*) and therefore unfit for marriage, has once and again attempted to take a wife. For if he who marries a widow who was a virgin—or he himself, a widower, his first wife not known, marries another and has intercourse with her—does not become irregular (*irregularis*), although there are there two marriages yet one unconsummated, it is quite clear that much less does the impotent man become irregular on account of two attempted marriages: since on his part there can be no marriage at all, and he has neither divided his flesh among several nor can he divide it.

§ 79. That the same man is not properly a digamist is most certain; since neither is he nor can he be a monogamist. But as for the fact that above, among those who as regards irregularity are reckoned together with digamists, we in the third place numbered him who has taken two wives in fact, although in law neither —this is to be understood only of one who has consummated such a contract of his by carnal commingling, as

also the other modes there enumerated are to be understood; which, however, does not obtain in the case proposed.

§ XVII — Whether a dispensation can be granted with digamists that they be ordained (An cum digamis ut ordinentur dispensari possit)

§ 80. The last question of this place is whether the Church can dispense (*dispensare*) with digamists (*digami*), that they may be initiated into Sacred Orders (*Sacri Ordines*). Most interpreters of the Canons deny that it can be done. Their chief reason is that they think this irregularity (*irregularitas*) is contracted by divine law, since it stands in Sacred Scripture; that indeed there can be dispensation in the Subdiaconate (*Subdiaconatus*) and the lower grades, but not in the Diaconate and above. In favor of this opinion the decrees of the Pontiffs themselves seem to make. For Lucius III, in the chapter "Super co" in the Decretals (title De bigamis), openly says that it is not permitted to dispense in the case of digamists against the Apostle, so that they ought to be promoted to Sacred Orders, or, if they have been promoted, to remain in them. Moreover Innocent III in the same place, in the chapter "Nuper" and in the chapter "A nobis," seems to extend this impossibility of dispensing to the husband of a widow, and to him who only de facto has taken a second wife. The Gloss on the said canons teaches the same, and also cites its authors.[95]

§ 81. But the truer opinion is that of others: that the Church can dispense with digamists so that they may be ordained, even up to the Episcopate. The reason is that this constitution, that a digamist is not to be ordained, is not divine but ecclesiastical, not deriving from Christ but from the Apostles. Now the Church can dispense in her own laws.

§ 82. Then it is proved from the practice of the Church. For very often the Supreme Pontiffs have dispensed for the reception of all the orders. And with respect to the Subdiaconate indeed we have an example in Gratian, Distinction 34, the chapter "Lector." For there, when a Lector had taken a widow to wife, Pope Martin dispenses in general that he remain in the readership, or, if necessity requires, even be made a Subdeacon. In the same place the Glossator recounts the example of Pope Lucius, who, with the Bishop of Panormus, although a digamist, dispensed. To this practice the marginal annotation there bears witness. St. Thomas also, upon this Distinction, and others allege the example of Pope Lucius.[96]

§ 83. To the argument brought in the contrary it is answered that not everything which the Apostles and other holy men commanded—even while they were handing down Sacred Scripture to us—is of divine law. For some things were established by them by that power which they had as Pastors and Rulers of the Church: which power, as even the Apostle commands, endures today in the Church. Thus to the Corinthians, "Let two or three prophets speak" (1 Cor. 14). Thus too the Apostles when gathered together (Acts 15) decreed that the faithful must abstain from what is strangled and from blood; which precept now altogether ceases. Therefore, as that may be omitted, so also one must think about that apostolic precept which demands that a Bishop and a Deacon be the husband of one wife. For there too it is read: "Not a striker" (1 Tim. 3); notwithstanding which the Pope can dispense with homicides that they be ordained. It is read also: "Not a neophyte" (1 Tim. 3); and yet Ambrose, Nectarius, and some others, while still neophytes, by the Church dispensing or conniving, were raised to the Episcopate.

§ 84. To what is objected from the decrees of Lucius and Innocent we answer briefly, that those Pontiffs are not speaking of dispensation properly so called, but of common permission. For, since there is an apostolic

prohibition that a digamist be ordained, it ought not to be granted that it be done except for a very grave cause.[97]

§ I — That marriages contracted without the consent of parents are valid (Rata esse Matrimonia sine parentum consensu contracta)

§ 85. That decree of Pope Evaristus concerning the marriages of Christians, which is cited by the Master in the Text, gave the commentators an occasion to treat two questions touching the present Distinction: the one about marriages which are made without the consent (*consensus*) of parents (*parentes*); the other about clandestine ones. For although these two often concur, yet they differ very much. For even clandestine marriages have often been made with the parents consenting, and sometimes, the same not consenting, marriages are contracted publicly and solemnly.

§ 86. Therefore, as to those which are done with the parents either not knowing, or unwilling, or altogether not consenting, it is certain that the substance of matrimony (*Matrimonium*) does not depend upon the consent of parents, as is clear from the definition of matrimony. Whence it follows—standing on the law of nature (*lex naturae*), forestalling a human law (which, however, up to now has set up none in the Church of God)—that marriages contracted without the consent of parents are ratified and valid. This very thing the freedom of marriage requires. And although it is said of a widow, yet by equal reasoning it is to be understood of all others of either sex who marry.

§ 87. Whence also the parents of Rebecca were saying (Gen. 24), "Let us call the girl and ask her will"; and of the daughters of Salphaad (Num., last chapter), "Let them marry whom they will, only to men of their own tribe."

§ 88. The rationale of this freedom required for contracting matrimony is that, in arranging and establishing those things which pertain to the state of one's whole life—of which sort are matrimony and perpetual continence and the monastic life—it is fitting that each be free and subject to God alone. Which freedom indeed would be much diminished, if the marriages of children depended on the consent of parents: as we also showed above at the earlier Distinction, when we were treating of the consent which effects matrimony.

§ 89. Whence Sacred Scripture not only requires, as we have said, the free will of the contracting parties, but also acknowledges true marriages entered into by children apart from the consent of parents: such as was that of the younger Tobias, which, unknown to his parents and by an angelic counsel—whom indeed he took to be a man—he contracted (Tob. 7); such also the marriage of Judah the Patriarch (Gen. 38), and of Esau himself (Gen. 26). Which two examples, although they are not to be imitated, yet show that the marriages are true, and therefore not to be dissolved, which have been contracted unknown to, or even against the will of, parents. Add that the Patriarch Jacob took only one wife by the counsel of his parents, the remaining three without their knowledge.

§ 90. This moreover is the opinion of Ambrose (Epistle 43), where, although he blames the deed of the son who had taken a wife without consulting his father, yet he declares sufficiently that the marriage is firm. Finally, that the certainty of this doctrine may appear the more, the Council of Trent (Session 24, chapter 1, on the reformation of matrimony) condemns with anathema those who affirm that marriages contracted by

sons of families without the consent of parents are null, and that parents can make them valid or invalid. There exists also about this matter a decree of Clement III in the Decretals (title De regularibus), the chapter "Suum virum," where it is said that a girl who is of marriageable age, because she has free choice, is not compelled in the choice of her state of life to follow the will of her parents.[99]

§ 91. In the same sense Augustine writes (On Virgins), and St. Thomas in II-II, question 104, article 5. His words are these: "In those things which pertain to the nature of the body, a man is not bound to obey a man, but only God, because all men are by nature equal: for instance, in those things which pertain to the sustentation of the body and the generation of offspring. Whence neither are servants bound to obey masters, nor children parents, about contracting marriage or observing virginity, or any other thing of this sort," and so forth.[100]

§ 92. In which words yet another argument for this matter is suggested. For that the marriage of servants is valid against the will of masters is, among the learned, an admitted point—Alexander III also bearing witness to it in the Decretals (title De conjugio servorum, chapter "F"). For the law of nations, by which servitude was introduced, could not take away what the law of nature granted. Wherefore much more will the marriage of children be valid against the will of parents, since the subjection of servants to masters is greater than that of children to parents.[101]

§ II — Whether such marriages are lawful (Utrum licita sint hujusmodi Matrimonia)

§ 93. Although marriages (*matrimonia*) contracted without consulting the parents are valid, yet for the most part they are unlawful. For unless a just and reasonable cause persuade the contrary, children are bound to listen to the counsel of their parents and to await their consent in contracting marriage; and that for many reasons. First, on account of the honor owed to parents above all other relatives and friends. This assuredly requires that sons not undertake anything great—of which marriage is above all the type—without their counsel and consent. Second, because it concerns the parents whom they are to have for a son-in-law or a daughter-in-law, to whom also they assign a dowry, and on whom they bestow a parent's office as though upon a son or a daughter. For since by marriage the man and the woman become one body, the son-in-law and the daughter-in-law ought to be held by the parents-in-law as it were in the place of sons. Third, because parents for the most part both can rightly give counsel to their children—since prudence by reason of age and experience is of greater weight—and also wish to do so, because they love them exceedingly. Finally, because children already married in many things still need the help and counsel of their parents. In this matter they will find them more ready and well-disposed towards themselves, if they have not entered into marriage without their counsel and consent.

§ 94. Hence it is that those whom Scripture commends to us are scarcely ever read to have taken wives without consulting their parents. For concerning Isaac and Jacob Scripture clearly bears witness that in taking wives they complied with the counsels and will of their parents (Gen. 24; 28). Likewise Samson would not take to wife the woman whom he loved greatly without the consent of his parents (Judg. 14). Rebecca too, although asked about her own will, nevertheless followed without delay the counsel of her father (Gen. 24). On this matter, speaking differently, St. Ambrose in book 1 of On Abraham, the last chapter, among other things praises the verses of the poet Euripides, who introduces a maiden speaking thus: "My father will take

care of my betrothal; for this is not mine."[103] Add that in Exodus 34 and Deuteronomy 7 the precept about the marriage of children is given rather to the parents than to the children—namely, that they be not joined with the inhabitants of the promised Land: "Your daughter," says the Lord, "you shall not give to his son, nor shall you take his daughter for your son." Moreover, we read (Gen. 28) that Isaac plainly commanded his son Jacob that he should not take a wife from the race of Canaan but from the daughters of Laban his uncle. And this was done by him, and most rightly. But on the contrary Esau sinned gravely and provoked against himself the just indignation of his parents because, against their will, he had taken wives (Gen. 26; 27; 28). St. Ambrose, in Epistle 43 to Syagrius—whose son had taken a wife without his knowledge—acknowledges that his indignation is just.[104]

§ 95. Nor is it an objection that the same Jacob, besides the two wives—the daughters of Laban—taken by his father's command or counsel, also took two handmaids with that same father not knowing; for since he had a just reason for doing this, as Scripture clearly declares, and since his parents were not present whom he could consult, it is easily excused that he did this without consulting them. By the same reasoning Tobias too comes to be excused, who did this far distant from his parents, and meanwhile used the counsel of him to whom, as to a guide and director, he had been entrusted by his father, not doubting that his father would hold as ratified what had been done by him on that man's counsel.

§ 96. But someone asks, how parents can command their children anything about marriage, when in the establishing of those things which pertain to the state of the whole life—just as was said in the chapter above—children are not subject to parents? To which it seems one must answer that whenever such a thing is rightly done by parents—as it is not doubted was rightly done by Isaac—it is not a precept properly so called on the part of the parents, as though they could command it by their own authority which they have over the son; but it is a precept on the part of God or of the law of nature, which the parents, with authority, announce to the son, because it is such that, according to right reason, the son cannot dissent: as if they should command that he not marry a heretic or one suspected about the faith, or otherwise ill-mannered. In this way it is permitted the father to command, and the son is bound to obey; just as, when it is expedient for the son to eat certain foods or to abstain from certain foods, the father can in the same mode and sense command the son about these things, and he too is bound to obey.

§ III — The objections against the foregoing are solved (Objectiones contra praedicta solvuntur)

§ 97. It is almost the universal doctrine of the sectaries of our time that the marriages of children are so in the power of parents that without their consent they cannot stand. And to prove this they use arguments of this sort. First, the Scriptures almost everywhere place the marriages of sons and the choice of a bridegroom or bride in the power of the father or of both parents. For in Exodus 22 marriage with a virgin whom a man has seduced is denied to the man, if the father of the virgin is unwilling to give her; and in chapter 34 the parents are forbidden to take wives for their sons from the daughters of the land of Canaan. The same prohibition is in Deuteronomy 7. Likewise in 1 Corinthians 7 the father's decision is left, whether he should place his daughter in marriage or keep her a virgin; for he says: "What he will, let him do," that is, the father concerning the marriage of his daughter; and again: "He who has determined in his heart, being steadfast, having no necessity, but having power over his own will, and has judged this in his heart, to keep his virgin, does well,"

and so forth. Similarly Sirach warns (ch. 7): "Give a daughter, and you will have done a great work, and give her to a prudent man."

§ 98. Second, if a daughter vows something to God, the father can annul that vow; therefore he will be able likewise to annul her promise made to a man concerning marriage.

§ 99. Third, God joins the man to the woman in marriage, according to that saying: "What God has joined together, let man not separate" (Matt. 19). But He does not now join immediately as the first human beings, just as He does not now produce human beings immediately as He did those first; therefore, just as He produces human beings by the work of parents, so too He joins by some medium in marriage. But this medium is none other than the parents themselves, whom the children are commanded to obey "in all things," as the Apostle testifies (Col. 3). Therefore the marriage which has not been brought about by the parents, or at least by those who supply the place of parents, is null and invalid.

§ 100. Fourth, Pope Evaristus in Epistle 2 to the African Bishops, and it is recited by Gratian, Distinction 30, Question 5, chapter "Aliter": "Otherwise"—he says—"a legitimate marriage is not made (as we have received from the Fathers, and have found handed down by the holy Apostles and their successors), unless the wife be asked from those who seem to have dominion over the woman herself and by whom she is guarded; let her be asked in marriage by the parents or the nearer relatives." And below: "For thus they will please the Lord, and they will beget not spurious but legitimate and inheritable sons." And a little after: "What is presumed otherwise is not a marriage but either adulteries, or concubinages, or seductions, or fornications rather than legitimate marriages." From which words it appears that marriages contracted without the consent of the parents are not only unlawful but also void.

§ 101. Fifth, St. Ambrose in book 1 of On Abraham, last chapter, and he is cited by Gratian (32, Question 1, the chapter "Honorantur"), has thus: "The girl is consulted, not about the betrothal—for she awaits the judgment of her parents, for it is not of virginal modesty to choose a husband—but now betrothed to a man she is consulted about the day of departure." For he treats that text (Gen. 24): "Let us call the girl, and let us inquire of her mouth." St. Ambrose wishes this to have been said not about the betrothal but about the departure. And then, having cited the verses of Euripides which we set out above, he warns maidens and widows who are going to marry to leave the choice of a husband to the parents, and not to claim for themselves the choice about their own marriages.[106]

§ 102. Sixth, the Third Council of Toledo (can. 10) prescribes that no virgin be forced, contrary to the will of her parents or her own, to take a husband: that of the parents, as the Adversaries wish, if she has parents; but her own, if she has none. It is read in the same place.

§ 103. Seventh, in Seventh, Question 5, chapter "Nostrates," among other things pertaining to marriage it is required that they be done with the consent of the parents.

§ 104. Eighth, the Fourth Council of Orleans (can. 15), and it is found in 36, Question 1, chapter "De raptoribus," prescribes that a girl who has been carried off be restored to her father, even if she has consented to the ravisher.

§ 105. Ninth, Gregory, in Gratian (36, Question 2) chapter "Apud Omnipotentem": "When the woman who has been carried off has been restored to her father, if the will of both parents has come together into one, the ravisher and the ravished are not forbidden to be joined with one another."

§ 106. Tenth, St. Basil, in the Epistle to Amphilochius, calls marriages contracted against the will of the parents fornications, just as does Pope Evaristus (cap. 42 of that epistle); and he affirms the same about the marriages of servants without the consent of their masters (can. 40 and 41), adding this reason: because the pacts agreed to by those who are in another's power have nothing firm. But in canon 22 he wishes a girl who has been carried off and is betrothed to no one to be restored to her relatives in such wise that he altogether permits the girl, by their sentence and judgment, either to be joined to the ravisher or not to be joined. All these things Balsamon, the interpreter of the same epistle, approves and confirms, adducing also the laws of the Emperors by which similar things are established.

§ 107. Finally, one can object the Council of Trent, which (Session 24, ch. 1 on the Reformation of marriage) says that the Church, both clandestine marriages and also those which are contracted by sons of families without the consent of parents, has always for most just causes detested and forbidden.

§ 108. We answer these arguments in order as follows. To the first: the Scriptures intend nothing other than that the marriages of children pertain as much as possible to the care and providence of parents; likewise, that the decency and reverence owed to parents require this, that children, and especially daughters, who are by nature more bashful, make use in undertaking marriage not so much of their own choice as of the counsels and will of their parents, to which they willingly acquiesce. For this is the reason why precepts about the marriages of sons and daughters are given to the parents. But the passage Exodus 22 does not treat of a marriage already contracted, as the Adversaries wish—as though the father could retract it if he wished—but of contracting a marriage on account of the preceding seduction, if only the father should be willing, to whose will the girl who has suffered seduction must submit.

§ 109. The passage 1 Corinthians 7, if it were to make anything on behalf of the Adversaries, would also prove that the perpetual virginity of daughters is in the power of the parents; which, however, does not please the Sectaries. Whence it is manifest that at least in these things the consent of the girls is tacitly required.

§ 110. To the second it is answered that the law speaks of vows which pertain to domestic living and manner of life, as of fasting or of using certain foods or of abstaining from certain foods, in which, while they are in their father's household, the children are subject to the governance of the parents; but not of those things which pertain to the state of the whole life, such as marriage and perpetual continence, in which children are not subject to parents. Others answer that the law deals with daughters who have not yet reached the age fit for marriage. For the text makes mention of the age of girlhood. And they wish this law to be similar to that which Gratian reports from the Council of Tribur (20, Question 2) in these words: "If a girl before the age of twelve, of her own accord, has taken the sacred veil, her parents or guardians can at once make that act void, if they wish. But if for a year and a day by dissembling they have consented, thereafter neither they nor she will be able to change it. But if at a stronger age a young girl or a youth has chosen to serve God, there is no power for the parents to forbid." These are there. The reason for a law of this sort they bring forward, because before the years of puberty human beings for the most part do not have the judgment of reason, and therefore are not yet masters of themselves, as afterwards they are, so that they may by their own decision dispose of themselves and of their acts which are naturally free.

§ 111. To the third: just as the first human beings were joined, indeed with God inspiring, yet by the mutual consent of both, expressed by suitable signs; so all other human beings who are joined in marriage are joined through a similar medium. And such conjunction will be pleasing to God if, according to divine

inspiration, they deliberate in due season, and follow the sound counsels of parents and friends. But that the Apostle prescribes that parents are to be obeyed "in all things" is to be understood only of all those things to the commanding of which the power of parents extends. But neither marriage nor perpetual continence is such a thing.

§ 112. To the fourth it is answered that Evaristus, in order that marriages be legitimate, requires not only the consent of the parents, but moreover many other conditions besides—such as...[107]

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1. St. Thomas, Summa theologiae, Supplement, q. 45, a. 1.
2. John Wycliffe's view is reported by Thomas Waldensis, De Sacramentis, vol. 2, chs. 32–33.
3. Gen. 24; St. Ambrose, De Abraham I, last chapter; Num. 36; 1 Cor. 7.
4. Pope Nicholas I, in Gratian, Decretum, 27, q. 2, c. Sufficiat; idem, c. Praesens, 20, q. 3.
5. Innocent III, c. Tuas and c. Cum apud, De sponsalibus; Alexander III, c. Cum locum, De sponsalibus; Opus imperfectum (attributed to St. John Chrysostom), on Matt.: "Matrimonium non coitus facit sed voluntas"; testimonies of St. Ambrose and St. Isidore as cited by the Master in this Distinction and by Gratian, 27, q. 2.
6. Council of Florence, Decree on the Sacrament of Matrimony: "Causa efficiens Matrimonii regulariter est mutuus consensus per verba de praesenti expressus"; Soto (Domingo de), on the present Distinction, q. 1, a. 3; the Master of the Sentences, in this Distinction [abbreviation as in source]; Gaspar Contarini, De Sacramentis, book 4.
7. Gratian, Decretum, 27, q. 2, c. Sufficiat, § Sed quaeritur; Hugh of St. Victor, De sacramentis II, part 11; the Master, In IV Sent., Dist. following, last section.
8. Soto (Domingo de), on the present Distinction, q. 1, a. 3; and on Distinction 29, q. 2.
9. St. Thomas, Summa theologiae, Supplement, q. 45.
10. Soto (Domingo de), on the present Distinction, q. 1, a. 2; Francisco de Vitoria, Relectio De Matrimonio, part 1.
11. St. Thomas, Summa theologiae, Supplement, q. 53, a. 3; q. 61, a. 2–3.
12. Decretals of Gregory IX, Title De conversione conjugatorum, c. "Ex publico" (from Alexander III); Decretals of Gregory IX, Title De conversione conjugatorum, c. "Ex parte tua" (from Alexander III); Decretals of Gregory IX, Title De conversione conjugatorum, c. "Verum" (from Innocent III).
13. Decretals of Gregory IX, Title De sponsalibus, c. "Commissum" (from Alexander III); Decretals of Gregory IX, Title De sponsalibus, c. "Ad Apostolicam" (from Innocent III).
14. Decretals of Gregory IX, Title De frigidis et maleficiatis, c. "Fraternitatis tuae" (from Innocent III).
15. Gratian, Decretum, 27, q. 2, c. "Desponsatam" (from Pope Eusebius) [abbreviation as in source]; Gratian, Decretum, 27, q. 2, c. "Decreta" (from Gregory) [abbreviation as in source].
16. Council of Trent, Session 24, canon 6.
17. St. Jerome, Adversus Jovinianum; The Venerable Bede, Homilia on St. John; and Preface to his Commentaries on the Gospel of John; Simeon Metaphrastes, Vita S. Joannis; Prologue customarily set before the Gospel of John; cf. Nicholas of Lyra, Prologue to John; Prologue placed before St. Augustine's Tractates on John.
18. Epiphanius, Panarion (Haer. 78); St. Ambrose, De virginibus, II; St. Augustine, Contra Faustum, XXX, ch. 4.
19. Acts of St. Cecilia; cf. Simeon Metaphrastes, Vita S. Caeciliae; Simeon Metaphrastes, Vita S. Caeciliae.
20. Roman Breviary, Office of St. Alexius; Simeon Metaphrastes, Vita S. Alexii.
21. Gratian, Decretum, 27, q. 2, c. "Scripsit"; Vitae Patrum, part 1, Life of St. Macarius.
22. Simeon Metaphrastes, Vita S. Euphrosynae.

23. St. Augustine, Confessiones, VIII, ch. 6; St. Augustine, Confessiones, VIII, ch. 3; cf. Decretals, Title De conversione conjugatorum.

24. St. Gregory the Great, Dialogi, III, ch. 14.

25. Gregory of Tours, Liber de Vitis Patrum, last chapter.

26. Life of St. Oditha (Osyth) in Laurentius Surius, Vitae Sanctorum.

27. The Venerable Bede, Historia Ecclesiastica gentis Anglorum, IV, ch. 19.

28. Gratian, Decretum, 27, q. 2, c. "Lex"; c. "Sunt" [abbreviation as in source]; Decretals of Gregory IX, Title De conversione conjugatorum, c. "Verum"; Decretals of Gregory IX, Title De conversione conjugatorum, c. "Ad Apostolicam"; Scripture citations: Gen. 2; Eph. 5; 1 Cor. 6; Matt. 19.

29. St. Thomas, the places cited above [abbreviation as in source].

30. Scripture citations in this paragraph: Matt. 19; Matt. 5; Rom. 7; 1 Cor. 7. For Gratian: Gratian, Decretum, 27, q. 2; and the Decretals, title De conversione conjugatorum.

31. Justinian, Code, De sacrosanctis ecclesiis, Authenticum "Si qua mulier".

32. Gratian, Decretum, 7, q. 2, c. "Scripsit" [abbreviation as in source]. Alexander III, Decretals, Extra, De conversione conjugatorum, c. "Ex publico".

33. See below, Distinctio 30.

34. St. Augustine, Retractationes I, ch. 19; II, ch. 57. St. Augustine, De bono conjugali, ch. 7. St. Ambrose, In Lucam, on Luke 1 and 23; idem, De institutione virginis, ch. 6–7; Epistle 79. St. John Chrysostom, Hom. 5 in Matt. St. Augustine, De nuptiis et concupiscentia I, ch. 11. Epiphanius, Panarion (Haer. 78). Gratian, Decretum, 27, q. 2; Decretals, title De conversione conjugatorum. The Master (Peter Lombard), Sentences, text cited. John XXII, Extravagantes, "Antiqua". Durandus (of Saint-Pourçain); Paludanus (Peter of Palude); Hostiensis (Henricus de Segusio); Dominicus [as in source]. Decrees of Eusebius and Gregory [as in source].

35. St. Thomas, Summa theologiae, Supplement, q. 61, a. 1.

36. Justinian, Code, De Episcopis et Clericis (final law); and the Authentic Collections in the Code, De Nuptiis, where faculty is granted to the married to migrate to a better life and to live in chastity [abbreviation as in source].

37. St. Basil, Quaestiones, q. 12.

38. John Cassian, Collationes 21, chs. 9–10.

39. Matt. 19.

40. See below, Distinction 33; Distinction 35; Distinction 32.

41. Scripture citations in this paragraph: Matt. 5; Matt. 19; Rom. 7; 1 Cor. 7.

42. Gratian, Decretum, 27, q. 2; Decretals, title De conversione conjugatorum.

43. St. Gregory the Great, Epistles, book 9, ep. 39, to Theoctistus; cited also by Gratian, Decretum, 27, q. 2, c. "Sunt qui", and c. "Agathosa" [abbreviation as in source].

44. Life of St. Bernard, book 1, chs. 4, 6.

45. St. Thomas, Summa theologiae, Supplement, q. 43, a. 1, ad 6.

46. Pope Nicholas I, Rescript in reply to the Consultation of the Bulgarians; cited in Gratian, Decretum, 30, q. 5, c. "Nostrates".

47. Council of Trent, Session 24, ch. 3, De reformatione matrimonii; see below, Distinction 41.

48. St. Thomas, Summa theologiae, Supplement, q. 43, a. 1, corpus; and ad 4.

49. Gregory IX, Decretals, De conditionibus appositis, cap. final.

50. Alexander III; Urban III; Innocent III, Decretals, De conditionibus appositis.

51. Council of Trent, Session 24 (Tametsi), De reformatione matrimonii; see also Adrianus, Tractatus de Matrimonio [abbreviation as in source]; and Dominicus [abbreviation as in source], on Distinction 27, various articles.

52. "S. Thom. quest. jam citata." [abbreviation as in source] — i.e., St. Thomas, Summa theologiae, Supplement, q. 43 (as cited above).

53. Innocent III, Decretals, De conditionibus appositis, cap. Per tuas.

54. Gregory IX, Decretals, De sponsalibus, cap. Is qui fidem; Alexander III, Decretals, De conditionibus appositis, cap. De illis; Innocent III, ibid., cap. Per tuas.

55. Council of Trent, Session 24 (Tametsi), De reformatione matrimonii; Decrees and responses of the Congregation of Cardinals under Gregory XIII for interpreting the Council of Trent; Martin de Azpilcueta (Navarrus), Enchiridion (latest recension).

56. St. Thomas, Summa theologiae, Supplement, q. 43, a. 3.

57. John Duns Scotus, In IV Sent., dist. 30, q. 2; Silvester [Prierias], s.v. "Sponsalia" [abbreviation as in source]; Dominicus [Soto or another, as in source]; Navarrus, Enchiridion — all on dispensation from oaths in this matter.

58. Decretals, De sponsalibus, cap. Si inter virum; ibid., cap. De illis; on non-extension to "sponsalia cum copula subsequente," see Navarrus, Enchiridion [abbreviation as in source].

59. Decretals, De desponsatione impuberum, cap. De illis; cap. A nobis.

60. Innocent III, Decretals, De sponsalibus, cap. Praeterea; Lucius III, ibid., cap. Requisivit; Alexander III, ibid., cap. Ex literis Silvani; Decretals, De sponsalibus, cap. Gemma.

61. Decretals, De iureiurando, cap. Quemadmodum; Gloss on the same.

62. Gratian, Decretum, Causa 27, quaest. 2, cap. Si quis; Decretals, De sponsalibus, cap. Cum in tua.

63. Urban III, Decretals, De coniugio leprosorum, cap. Literas; Innocent III, Decretals, De iureiurando, cap. Quemadmodum.

64. Decretals, De sponsalibus, cap. De illis.

65. Decretals, De sponsalibus, cap. Cum in tua.

66. "Sanctus Thomas scribens in hac Distinct." [as in source] — i.e., St. Thomas, on this Distinction; Canon interpreters on cap. Praeterea, De sponsalibus.

67. St. Thomas, Summa theologiae, Supplement, q. 43 (as cited above).

68. Navarrus, Enchiridion, cap. 25 (sub fine); The Congregation of delegated Cardinals under Pope Gregory XIII (decision cited by Estius).

69. Council of Trent, Session 24 (Decree on the Reformation of Marriage, "Tametsi"), on the invalidity of clandestine marriages and the required presence of the pastor and witnesses; Decretals, De desponsatione impuberum, cap. Finalis.

70. St. Thomas, Summa theologiae, Supplement, q. 66, a. 1.

71. 1 Tim. 3.

72. Titus 1: "For a bishop must be without crime."

73. St. Jerome, Contra Jovinianum; St. Epiphanius, Panarion (Heresy 59).

74. Council of Nicaea; St. Ambrose, Epistle to the People of Vercellae.

75. St. Augustine, De bono coniugali, ch. 19; St. Ambrose, Epistle cited; Pope Innocent I, Ep. 2 and Ep. 22; Pope Leo I, Ep. 87 to the African bishops; Lev. 21; Decretals, Title "De bigamis non ordinandis," passim.

76. St. Thomas, Summa theologiae, Supplement, q. 66, a. 2–3.

77. Gloss on cap. "Super eo," title De bigamis [abbreviation as in source].

78. Pope Leo I, Ep. 87 to the African bishops.

79. Innocent III, Decretals, title De bigamis, cap. "Nuper"; likewise cap. "A nobis".

80. Richardus and Dominicus, ad hanc Distinctionem [abbreviations as in source].

81. Paludanus and Dominicus, ad hanc rem [abbreviations as in source].

82. 2 Cor. 11; Gratian, Decretum, Dist. 51, cap. "Quod" and cap. "Et"; Decretals, cap. 1 "Qui clerici vel ..." [as in source].

83. Gratian, Decretum, Dist. 34, canons "Si Uxorem," "Cujus," and "Si Laici."

84. Gratian, Decretum, 28, q. 1, cap. "Presbyterum"; 27, q. 1, cap. "Quorquot"; Decretals, title De bigamis, cap. "Nuper."

85. St. Thomas, Summa theologiae, Supplement, q. 66, a. 1 and a. 4.

86. St. Jerome, Epistle to Oceanus; St. Jerome, Commentary on Titus; St. John Chrysostom, Homilies on 1 Tim. 3.

87. St. Augustine, De bono coniugali, ch. 18.

88. Pope Innocent I, Ep. 2 to Victricius, chs. 5–6; Ep. 22 to the bishops of Macedonia, ch. 2.

89. St. Ambrose, De officiis I, last chapter; Gratian, Decretum, Dist. 26; Causa 28, q. 3.

90. Innocent III, Decretals, title De bigamis, caps. "Nuper," "Debitum," and "A nobis"; Glossator on Gratian's Decree, Dist. 26, at the beginning.

91. Cf. 1 Tim. 3.

92. St. Thomas, Summa theologiae, Supplement, q. 66.

93. Pelagius I, in Gratian, Decretum, Dist. 34, cap. "Valentino." See also Innocent III, Decretals, Extra, title De bigamis, cap. "Debitum."

94. St. Thomas, Summa theologiae, Supplement, q. 66, a. 5.

95. Lucius III, Decretals, Extra, title De bigamis, cap. "Super co" [abbreviation as in source]; Innocent III, Decretals, Extra, title De bigamis, cap. "Nuper" and cap. "A nobis"; The Ordinary Gloss on the said canons, loc. cit.

96. Gratian, Decretum, Dist. 34, cap. "Lector"; The Gloss ad loc., recounting an example of Pope Lucius dispensing with the Bishop of Panormus although a digamist; St. Thomas, In IV Sent., in hanc Distinctionem [abbreviation as in source].

97. Council of Gangra, as reported by Gratian, Dist. 50, cap. "Presbyter".

98. St. Thomas, Summa theologiae, Supplement, q. 47, a. 6.

99. Council of Trent, Session 24, ch. 1, De reformatione matrimonii; Clement III, Decretals, Extra, title De regularibus, cap. "Suum virum".

100. St. Augustine, De virginibus [abbreviation as in source]; St. Thomas, Summa theologiae, II-II, q. 104, a. 5.

101. Alexander III, Decretals, Extra, title De conjugio servorum, cap. "F" [abbreviation as in source].

102. St. Thomas, Supplement to the Summa theologiae, at the place previously cited [abbreviation as in source].

103. St. Ambrose, De Abraham I, last chapter; cf. the verses of Euripides cited there.

104. St. Ambrose, Ep. 43, to Syagrius. Editor's note in the Benedictine edition: Sec. CCLIV in Edit. PP. Benedictinorum.

105. St. Thomas, at the place cited above [abbreviation as in source]; see also Bellarmine [as in source].

106. St. Ambrose, De Abraham I, last chapter; Gratian, Decretum, C. 32, q. 1, c. Honorantur.

107. Pope Evaristus, Ep. 2 to the African Bishops; cited in Gratian, Decretum, C. 30, q. 5, c. Aliter. — Exod. 22; Exod. 34; Deut. 7; 1 Cor. 7; Sir. 7. — On ravishment and parental consent: Fourth Council of Orleans, can. 15; Gratian, Decretum, C. 36, q. 1, c. De raptoribus; Pope Gregory the Great, ibid., C. 36, q. 2, c. Apud Omnipotentem. — St. Basil, Epistle to Amphilochius, can. 40–42; and can. 22 on a ravished girl restored to her relatives; Balsamon, Commentary on the same epistle; imperial constitutions adduced there. — Council of Trent, Session 24, ch. 1, De reformatione matrimonii. — On the dispensation/annulment of vows of minors: Council of Tribur, in Gratian, Decretum, C. 20, q. 2. — On the chapter "Nostrates": Gratian, Decretum, [Septim. Quest. 5] c. Nostrates [abbreviation as in source].

DISTINCTIO XXVIII — ON PARENTAL CONSENT AND CLANDESTINE MARRIAGES (*DE CONSENSU PARENTUM ET DE CLANDESTINIS MATRIMONIIS*)

§ 1. Moreover, he adds that two or three days before, together with the bridegroom and the bride, one should devote oneself to prayers and to oblations with the priest's blessing; which conditions not even our Adversaries confess to be necessary for the substance (*substantia*) of marriage; therefore the Pontiff wishes these to be added so that a marriage be legitimate where all those things come together, but, on the contrary, if none of them is observed, but it is contracted secretly without witnesses, a legitimate marriage cannot be had — not indeed in conscience, but in the Church's external forum: inasmuch as she does not judge about hidden things.

§ 2. Others think the Pontiff does not deny marriages of that sort to be true, but [denies them to be] legitimate, that is, contracted according to the laws; namely because in them the prescriptions of laws and canons are not observed. For what is done against the laws, even if it subsists, is nevertheless denied to be legitimate; just as those born outside marriage are denied to be legitimate, even if they are truly sons. And the same are called adulteries and fornications by a certain exaggeration. For it is plain that properly they are not adulteries. Yet they have the appearance of adultery and of fornication, because they are stealthy and clandestine, and are entered upon with a courtesan's rather than a conjugal disposition. In favor of this sense is what the Pontiff presently calls those same unions "evils and unlawful marriages," and he does not bid them to be dissolved, but to be corrected with due severity.

§ 3. To the fifth: St. Ambrose is not speaking of the consent of parents; but of the choice which honorable virgins are wont and ought to leave to their parents. And to the same pertains the example of Rebecca (Gen. 24), of which place we spoke in the preceding Distinction when we were treating of consent.

§ 4. To the sixth: the Toletan canon includes under the express will of the parents the tacit consent of the virgin: so that the sense is, that a virgin is not to be compelled to take a husband unless it be one whom she herself has chosen, or at least her father has chosen with her consenting.

§ 5. To the seventh: the Pontiff in that place enumerates various nuptial rites, and finally subjoins in the canon that there is no sin if not all are observed. Therefore it is far from to be thought that all those rites pertain to the substance of marriage.

§ 6. To the eighth: the Aurelian canon speaks of a girl who consented to rape or seduction, but not to marriage.

§ 7. What are objected in the second-to-last place are not the words of Gregory but of Gratian himself, which he subjoins after Gregory's opinion. However, they have a similar sense to the things set above. For therefore the consent of parents is required, because it is presumed that the girl acquiesces in her parents' will.

§ 8. To the tenth it is answered that it is not clear who is the author of that Epistle which not long ago, one knows not whence, has been published under the name of the Canonical Epistles of St. Basil the Great to Amphilochius; yet almost all the learned adjudge them to the same Basil; at least of those we have seen; Cardinal Bellarmine in the book On Ecclesiastical Writers also makes mention of them, and does not explicitly wrest them from Basil. Certain others, however, do not expressly admit them as Basil's. Therefore it is not to be held that the canons which he cites from those Epistles are Basil's genuine acts; nor will I say that he writes them. Therefore the authority of Basil must not be retained as decisive for the objection; those canons which he cites from those Epistles are otherwise to be sought: namely, the ninth canon is from the first Epistle to Amphilochius, the forty-sixth from the second.[1] Hence in another way the conclusion must be sought: to wit, that in the Eastern Church at that time marriages of children contracted against the will of their parents both were in force and are in force — a law which, he contends, was also approved by the Latin Church in some place.'[1]

§ 9. And he contends that for the most part he proves this from the same praiseworthy Canon 43 of the Epistle alleged of Basil. Moreover, that by custom marriages can be rendered null which otherwise would have been valid by right, he proves at length; and it seems clearly to be proved in the part Extra (De Cognatione Spirituali). Peter Arcudius in the Concordia judges that one must reply in this fashion to Basil's authority; whom certain Churches, especially the Gallican, are accustomed around these matters both to have contracted and in what manner they are to be understood either about marriages of this kind, as far as it pertains to the contract itself, only, consult John Cabassutius, Theoria and Praxis of Canon Law.[2]

§ 10. Certainly what usage obtains among princes is wont and ought to be left to parents. And to the same pertains the example of Rebecca (Gen. 24), of which place we spoke in the preceding Distinction when we were treating of consent.

§ 11. To the sixth, the Toletan canon under the express will of the parents includes the tacit consent of the virgin: so that the sense is, that a virgin is not compelled to accept a man unless it be one whom she herself has chosen, or at least her father, with herself consenting.

§ 12. To the seventh, in that place the Pontiff enumerates various rites of espousals, and finally subjoins in the canon that there is no sin if not all are observed. Therefore it is far from to be thought that all those [rites] pertain to the substance of marriage.

§ 13. To the eighth, the Aurelian canon speaks of a girl who had consented to a rape or a seduction, not however to marriage.

§ 14. What are objected in the second-to-last place are not the words of Gregory but of Gratian himself, which he subjoins after Gregory's opinion. However, they have a similar sense to the things set above. For therefore the consent of parents is required, because the girl is presumed to acquiesce in her parents' will.

§ 15. To the tenth it is answered: it is not established who is the author of that Epistle; nor is it to be held, as the Author hinted above in the praiseworthy place, that the power of invalidating such marriages is with the Church.[3] In civil laws some other things are likewise read which seem sufficiently to argue that in the same Epistle not a few errors are contained. But what of that Epistle, as also today's Sectaries argue from civil laws which they adduce into the civil corpus? There is not great weight with those who know that matrimonial causes pertain not to secular but to ecclesiastical prefects and judges. And although perhaps at some time laws of this sort obtained among the pagans, that without parents' consent there was no marriage of children; the

Church, however, never received them. To the last, brief and plain is the reply: the demonstrative pronoun "those," where the Synod says "the Church at all times prohibited them," is not referred to marriages contracted without the parents' consent, but to clandestine ones only; which will be manifest to one who considers the text of the decree. For those words immediately following, which speak of the remedy to be applied, treat of clandestine ones only.

§ V — Whether the Church can invalidate marriages contracted without consulting the parents (An possit Ecclesia irritare matrimonia inconsultis parentibus contracta)

§ 16. Some have opined that the Church does not have the power of issuing a canon by which it would decree that in the future marriages contracted without consulting the parents be invalid; being moved with this reason, namely, because that would be against the liberty of marriage (*Matrimonii*).

§ 17. But this reason does not convince. For even if such a canon were to establish something of this sort, it would much restrain and lessen the liberty of those contracting, it would not, however, altogether destroy it; because liberty would still remain to the son or daughter of accepting a person in marriage to whom the parents consented; it would, however, not remain that the whole marriage of children should depend on the parents alone, namely so that that be reputed to be ratified only which the parents had consented to, and that [be void] which they had not consented to.

§ 18. Therefore it must be admitted that the Church can issue a canon of this kind; which is proved thus. Marriage (*Matrimonium*) is a civil contract, which principally is beholden to the civil laws; yet on account of the reason of the sacrament conjoined with it, and because it is a business of the salvation of souls, it is subject to the disposition of the Church. Wherefore just as many other contracts can be rendered null by civil law, if they are made without the consent of parents, in which, however, the liberty of those contracting is still retained with the consent of parents supposed; so too this contract, entered without the consent of parents, can be rendered null by the Church's law. Whence also the reply of the Fathers of the Council of Trent about this matter was not so much sought as what could be established, as what would be expedient. For few at that time doubted whether the power of establishing that thing was with the Church.

§ 19. To this is added that, about clandestine marriages there was no less a question before the Tridentine Synod — whether they could be invalidated by the Church's decree — than about those which are done against the will of parents. Since, therefore, that Synod already in very deed invalidated them, and by that deed showed that it can do that; there is no reason why about these, any the less, it could not establish the same, if it judged it expedient; let it no further be doubted.

§ VI — Whether it is expedient that unions of this sort be invalidated (Utrum expediat eiusmodi connubia irritari)

§ 20. What the Fathers of the Council of Trent thought concerning clandestine marriages they thought expedient for the salvation of the faithful, namely that they be invalidated; as to marriages contracted without

their parents' consent, although, from the report of those who were present, I heard that some vehemently urged that it be done, still it did not similarly seem so. And this for many reasons.

§ 21. First, because sometimes children are more prudent than their parents.

§ 22. Secondly, because it happens that parents are of a perverse or suspect religion, who therefore very likely would seek for the son a wife, and for the daughters a husband, such that through them the children would be drawn away from the Catholic faith, from right religion.

§ 23. Thirdly, because it happens that parents are sordidly avaricious, who, lest they be obliged to pay the dowry, are not easily wont to consent to the marriages of sons or daughters, but defer them to the great detriment of their salvation; or at least they seek wives for sons more dowered than well-mannered.

§ 24. Fourthly, it happens out of a certain preposterous piety, or some other worse cause, that they wish to thrust even unwilling children into a monastery, and never to consent to their marriages.

§ 25. Fifthly, it happens that besides the parents there are other relatives or friends, not a little more sensible and more prudent than the parents, whose counsel, after the counsel of the parents has been held, it is sometimes expedient to follow, especially in their absence; as Tobias is read to have done, who, by the counsel of Raphael the Angel, whom he thought to be a man, used prudently and successfully, taking a wife with his parents unaware and after the thing had been done approving it.

§ 26. Sixthly, many are children constituted outside the power of their parents, as the illegitimate; likewise widowers and widows, or in whatever other way emancipated. To whom add those who are advanced much in age and in experience of affairs, with the parents themselves either long dead, or through old age less wise. All whom it would surely be unfair to bind with this law, that without the consent of parents or relatives they could not make their marriage to be valid.

§ 27. Hence to the daughters of Zelophehad, because they did not have a surviving father, it is said (Num. 36): "Let them marry to whom they will." And to the widow (1 Cor. 7): "To whom she will let her marry."

§ 28. Lastly, lest children everywhere enter marriages without consulting their parents, it has already been provided for the most part by the Church, through the decree by which she abolished clandestine marriages and established that no marriages at all are to be made unless they be those which would be done in the presence of the parish priest and two witnesses. For it pertains to the office and prudence of the parish priest, present at the contract, not to exhibit himself for the conjugal act, unless it be clear to him either that the parents consent, or that there is a just reason why their consent ought not to be awaited. But about clandestine marriages, let us now henceforth treat.

§ V — What clandestine marriages are, and why they are unlawful (Clandestina conjugia quae sint, & quare illicita)

§ 29. Clandestine marriages (*clandestina conjugia*) are of a twofold kind. Some are called clandestine in the stricter sense, because they are done so stealthily and secretly that absolutely no arbiters or witnesses are present through whom the marriages themselves can be proved in the forum of the Church. Others indeed are done with arbiters or witnesses present, but with the solemnities omitted which by the right or custom of the Church ought to be employed: of which sort are the so-called banns (*banna*), that is, proclamations and

denunciations which are wont and ought to precede the contract, and the priestly blessing which accompanies the contract itself. But these marriages are less properly called clandestine, since often they are not without some notoriety.

§ 30. Moreover marriages of each kind have been unlawful at all times in the Church, but more those which were contracted without arbiters. The reason for which has already been indicated, because those which were contracted thus could not be proved in the forum of the Church. Whence it happened that just as they had often been contracted rashly and imprudently, so not rarely either both parties, by mutual consent remitting their pledged faith, would pass on to other nuptials; or the one would withdraw from the contract against the will of the other, however much protesting, would deceive the pledged faith, and pass on to another marriage, and that with impunity: since the other lacked the legitimate documents by which he or she might prove the marriage contracted between them.

§ 31. And in this way it came about that they who, the faith of the prior marriage violated, had entered other unions de facto, would thenceforth live in perpetual adultery, and would beget children illegitimate and adulterine, with indeed great injury to the children, but with far greater peril to their own salvation.

§ 32. There was added also another most grave inconvenience, namely, if one of the spouses of those who had contracted so clandestinely had married another spouse, and afterwards, impelled by the sting of conscience, had wished through the judgment of the Church to reclaim the former and true spouse, with the later one left — as whom he certainly knew not to be his spouse — he was compelled by the Church (which does not judge about hidden things, but proceeds only from things alleged and proved) to retain her whom he had married later, and to render to her the debt; which, however, the man could truly not do without the crime of adultery.

§ 33. From such a source, then, there arose three greatest and almost unavoidable evils: perpetual adultery in the spouses; a spreading error in the Church, that is, in the ecclesiastical judge; and illegitimate births of sons. For the Church's error in judicial proceedings was unavoidable and invincible, and therefore was without sin. Adultery, however, and the begetting of children could indeed and ought to have been avoided, because those to whom this was prescribed by the Church were not bound to obey: rather they were bound not to obey; yet, entangled in a bond which had the appearance of stability, they were scarcely able to avoid so great an evil.

§ 34. Of marriages of this sort the decree of the Council of Trent is chiefly to be understood (Session 24, ch. 1, On the Reformation of Marriage), where the Holy Synod bears witness that it has always prohibited clandestine marriages for just causes, and always will prohibit them. And the principal cause it subjoins: namely, the most grave sin of those who, leaving the first wife with whom they had secretly contracted, live openly with another, and live with her in perpetual adultery. To which evil, unless a more efficacious remedy were applied, the Church professes that she cannot bring help.

§ 35. Those marriages truly which were clandestine in which arbiters were nonetheless present contained less danger; they were to be blamed, however, and (unless a just cause excused) to be censured for many reasons. First, because witnesses can either die, or be corrupted by favors or promises, and so bear testimony adverse to the truth, and thus the same inconveniences would follow which we have just seen.

§ 36. Secondly, because since marriage is a sacrament of the Church, religion demands that it be celebrated not except through the minister of the Church with the ceremonies prescribed by her being observed. For

although without the blessing of the priest marriage is ratified, namely if it be duly or legitimately contracted — a very probable opinion — yet it is not properly said to be a sacrament of the New Law.

§ 37. Thirdly, because while without just cause the customary proclamations are omitted, those evils are less guarded against for the preventing of which the practice of proclamations has been instituted: namely, lest those be joined who perchance cannot be joined on account of some impediment.

§ 38. Lastly, because one sins against the Church when the solemnity of marriage is violated: which are of this kind as are had in Pope Evaristus (in Epistle 1), canon 51; of the Lateran Council under Innocent III, with grave penalties attached, as it is seen in the Decretals (tit. De clandestina desponsatione, cap. 3), which canon the Synod of Trent confirmed anew in the place cited above. Ambrose also makes mention of an ecclesiastical law (Epistle 9). Moreover, in what cases, notwithstanding the Church's interdict, clandestine marriages of either kind were at some time lawful, and even now sometimes clandestine marriages of the latter kind are lawful, Cajetan teaches,[6] and Domingo in the present Distinction,[7] and Navarrus.[8]

§ VII — That clandestine marriages were valid before the decree of the Council (Rata fuisse clandestina conjugia ante Concilii decretum)

§ 39. What we showed above about marriages contracted without the consent of parents, that although for the most part unlawful, nevertheless they are valid, and therefore ought not to be dissolved: the same must be held about clandestine ones as far as regards the law of nature and of the divine. As to the law of nature, nothing is more natural than that a person be able by his will and free consent to deliver himself similarly consenting to another as a spouse, provided only the persons be legitimate. Which same is evident from the definition of marriage, which is aptly accommodated to such unions, if we stand within the law of nature alone.

§ 40. But neither is the divine law read anywhere to have taken away firmness from unions of this sort. Therefore in the Church of Christ clandestine marriages were always valid, even of the first kind, so long as they were not taken away by any ecclesiastical canon making them null. Hence with good reason the Fathers of Trent (ch. 1, On the Reformation of Marriage) affirmed that it is not to be doubted that clandestine marriages made by the free consent of the contracting parties are valid and true marriages, so long as the Church has not made them invalid; and that therefore by right those are to be condemned (whom the Holy Synod anathematizes) who deny them to be true and valid.

§ 41. The same doctrine is easy to prove from more ancient canons which Gratian recites (27, q. 2), the chapters Sufficiat, Matrimonium, and Omnes; and again from those, where clandestine marriages are prohibited in such a way that nevertheless they are not decreed invalid; but the most certain proof is from the Church's opinion and practice, which before the decree of Trent was published never held clandestine marriages as invalid so as to dissolve them.

§ 42. But what must be replied to the decree of Evaristus, calling unions of this sort rapes and adulteries, and the sons born from them spurious, we said above. And as to what is read in Hugh of St. Victor (De Sacramentis II, part 11, ch. 6), that those furtive consents which are proved by no testimony ought to be invalid, he does not signify what is, but what ought deservedly to be established; or certainly what is in the forum of the Church which does not judge about hidden things. For that Hugh does not think that secret

unions were already invalid is proved by his following words by which he says that whether such consent be in secret or in the open, "a perfect sacrament of marriage is judged"; namely, in the forum of conscience.

§ VIII — That clandestine marriages are invalid after the Council's decree (Clandestina conjugia irrita esse post Concilii decretum)

Tridentine Council Fathers...

§ 43. Since the Church had shown above that the harms which arise from clandestine marriages (*clandestina conjugia*) do not otherwise occur, finally it determined in general that all those unions of either the former or the latter kind—provided they are not included under the form of the following decree—must be altogether taken away and rendered null (Session 24, ch. 1, On the Reformation of Matrimony).[10] The words of the decree are these: "Those who shall attempt to contract marriage otherwise than in the presence of the parish priest (*Parochus*), or of another priest by license of the same parish priest or of the Ordinary (*Ordinarius*), and in the presence of two or three witnesses (*testes*), the holy synod declares such persons altogether incapable of contracting in this manner, and decrees that contracts of this kind are invalid and of no effect; in such wise as by the present decree it makes and annuls them invalid." Thus far the decree. But lest anyone suspect it could have happened that the Fathers of the Council, in framing this decree, exceeded the limits of their power and therefore erred—as though, namely, in a matter which pertains not to faith but only to the governance of the Church—one must listen to the dogmatic canon 4 of the same session, wherein anathema is pronounced upon him who shall say that the Church has erred in establishing impediments to marriage. Therefore it is to be held by faith that the Church could render altogether null all those unions which were entered otherwise than the form of the decree prescribes, and that the same, once this decree of the Church has been promulgated, are in fact null.

§ 44. And indeed most Doctors, both before the Council and in the Council itself, did not so much doubt the Church's power with regard to the nullification of clandestine marriages, as also of those which were contracted without the consent of parents—as we said above—as they did whether it was expedient to nullify them. Yet that it was expedient in the case of clandestine unions was at length judged. Hence Peter a Soto, in his fourteenth Lecture On Matrimony, writes that many prudent and God-fearing men for many years had desired that the Church should declare clandestine marriages null: "Which indeed is certain," he says, "that the Church can do." Thus he wrote before the decree of the Council. Similar things writes Domingo de Soto on the present Distinction. But since this decree is engaged with in the very frequent practice of the faithful, it must be explained by us somewhat more fully, by noting certain points which pertain to its understanding and elucidation. The first of these is as follows.

§ 45. Since the decree speaks in the singular number of "the parish priest present (*praesente parocho*)," it is clear that the presence of one parish priest suffices, even if perhaps the contracting parties are from different parishes. For it is true that neither is the consent of the other parish priest necessary: since the decree requires nothing of that sort.

§ 46. Second: if it be asked what kind of presence of the parish priest is required, one must say that not just any presence suffices, but such a presence is required as by which the parish priest represents the person of the Church (*Personam Ecclesiae*)—not indeed as administering the sacrament, but as cognizant of the affair that is transacted; whether he approve the fact or not. Wherefore, if he be present sleeping or out of his mind,

or—God forbid—drunk, that is to say with his mind asleep or alienated, the matter is not counted as done with him present.

§ 47. Third: it is asked whose parish priest of the contracting parties is required, of the man or of the woman. One must say: in the parish of the man the parish priest of the man suffices, and in the parish of the woman the parish priest of the woman suffices, just as this was declared by the Congregation of Deputies under Pius V and Gregory XIII, as Navarrus testifies (at the end of ch. 25 of the Enchiridion).[11] But if the contract is made indeed in the presence of the parish priest of either or both of the contracting parties, yet outside the limits of his parish, although the parish priest sins by being present in such a place, nevertheless the marriage does not on that account appear to be invalid; because it is not done otherwise than the decree prescribes. Navarrus dissents in his Consilia, but without just reason: for just as absolution given by a parish priest outside the limits of his parish is valid, so ought a marriage contracted before the parish priest to be valid, although contracted outside his parish. For the parish priest, as the parish priest of this person, can by a certain authority represent the person of the Church.

§ 48. Fourth: It does not suffice that the parish priest of the place in which the marriage is contracted be the parish priest of the other contracting party, holding license; this is clear both from the words of the decree and from what was declared in the Fifth Provincial Council of Milan under St. Charles [Borromeo] (under the Title On Matrimony).[12]

§ 49. Fifth: from the decree it is evident that a marriage is not valid if it be contracted merely in the presence of any presbyter whatsoever who is not a parish priest, nor has license from the parish priest himself or from the Ordinary; still less is that valid which anywhere is contracted before a minister or a lay magistrate, whenever the decree has been promulgated in their places.[13]

§ 50. Sixth: by the name "Ordinary" a bishop is understood. And concerning his license it is determined that he grant it either by himself or through his officials.[14]

§ 51. Seventh: although the Synod grants to the bishop the power of relaxing the denunciations to be made before marriage, nevertheless it does not grant him power to remit the presence of the parish priest and of witnesses, nor of the parish priest alone, nor of one or more witnesses.[15]

§ 52. Eighth: yet the consent of those who, after having made the public denunciations, contracted marriage validly on account of some occult impediment, and, once that was removed, contract again, is not necessary for contracting anew. For that this is not necessary was declared by Pius V, as Navarrus testifies.[16] Thomas Sanchez, however, contends that a marriage is to be judged invalid in those places where a parish priest cannot be had, unless it be contracted before a parish priest and witnesses: he supports this on most solid reason, namely that wherever a form is introduced by a decree annulling, there the Tridentine decree renders invalid everything done otherwise than in the presence of the parish priest and two witnesses; and that what is contracted otherwise is in no event valid without that solemnity. But this appears to be against the words of the Council, carefully weighed; for those persons did not attempt to contract otherwise than in the presence of the parish priest and witnesses, although the contract was not at once valid on account of the impediment; unless someone prefer to say that this is indulged by the Supreme Pontiff by the plenitude of power, and that only in that case while the impediment of the prior contract is still occult; namely, in order to avoid the infamy which would be incurred by a repeated public marriage with the reason for repetition hidden. One could also say that the Pontiff thus interprets the mind of the Council. For the Council's mind

was not that those joined in this way should be driven to produce before the parish priest and witnesses the occult impediment, or, by not producing it, to create more serious suspicion of themselves; which seems in some way to be against the law which the Synod did not wish to derogate, and a similar response is to be made about other cases in which neither a pastor, nor a bishop, nor a vicar can be had, nor is there safe access to them; in which case it has already been declared that a marriage is valid not by a new constitution or dispensation or derogation from the decree, but solely by interpretation of the Council.[17]

§ 53. Ninth: Concerning heretics dwelling in parishes in which the decree of the Council has been promulgated, the aforesaid Congregation replied that a marriage contracted by them otherwise than in the presence of the parish priest is null. The same is much more to be held concerning those contracting when one is Catholic and the other heretical, or the contrary. The reason is that the decree of the Council obliges them all as subject to the jurisdiction and laws of the Church. For ecclesiastical jurisdiction does not extend only to Catholics, but to all those who by the sacrament of Baptism have once been enrolled in the number of the faithful, however much afterwards by schism or heresy, or in any other way, they may have been separated from the body and communion of the Church. For the Church judges all those as by right subject to her.

§ 54. Tenth: If two have contracted marriage before a foreign parish priest because their own proper parish priest was either an open heretic, or a fugitive, or expelled, or dead, or because altogether the parish church lacked its rector, nevertheless the contract is null, as Gregory XIII declared by the sentence of the aforesaid Congregation. The reason is evident from the words of the decree.

§ 55. Eleventh: If two—whether heretics or Catholics, from whatsoever quarter they have come—yet having their residence or fixed domicile in a city or parish, whether Catholic or heretical, in which the decree of the Synod had not yet been promulgated, have contracted before sectarian ministers, or altogether otherwise than in the presence of the parish priest, the decree does not prevent it from being a true marriage; because, as is said at the end of the decree, it does not begin to have force in each parish before the thirtieth day to be counted from the day of the first promulgation made in the same parish. Thus also judged the aforesaid Congregation of Deputies.

§ 56. Twelfth: If those contracting in the said way had not fixed their residence in that city or parish, but had their habitations in a parish in which the publication of the decree had been made, the contract is null by force of the decree.

§ 57. Thirteenth: Marriages in those provinces which heretics occupy, contracted by those who are natives of some place where the decree of the Council had been promulgated, unless they were contracted in the presence of some priest having special power for this, are pronounced altogether null and void by the most recent Synod of Cambrai (under the Title On the Sacrament of Matrimony, ch. 1).[18]

§ 58. Fourteenth: The same Synod (ch. 2 of the same Title) declares that no one is to be considered as belonging to any parish or diocese for the purpose of contracting marriage, unless he shall have fixed a domicile there with the intention of residing there, and not at once of returning to his own or migrating elsewhere; so that students who pursue studies in some university or in another town, and others who have no fixed domicile, are not to be counted of that parish or diocese for contracting marriage.[19]

§ 59. Lastly: Whether in those places where, through heresy, the parishes and dioceses in which at some time the decree of the Council had been promulgated are subverted, all marriages whatever ought to be judged null which are contracted by anyone contrary to the form of the Tridentine decree—as now throughout all

Holland and similar places—some doubt. And although from the ninth article they seem to be judged null, nevertheless it will be safer to seek explanation about this matter and await the sentence of the Apostolic See.

§ XI — Solution of the objections (Solutio eorum quae contra objiciantur)

§ 60. St. Thomas, in the place cited above, says that those who thought, or even now think, that the power is not with the Church to invalidate clandestine marriages (*matrimonia*) were moved by considerations of this sort.[20] First: because consent (*consensus*) alone between legitimate persons (*legitimae personae*) always makes marriage. For in the case proposed legitimate persons are called those whose consent can make marriage; therefore it makes no difference whether they contract secretly or openly, or before arbiters, provided that they express mutual consent by suitable signs.

§ 61. Second: In instituting impediments (*impedimenta*) of marriage, the Church has been wont always to look to some preceding quality of the person on account of which he is held illegitimate: as is a certain degree of consanguinity or affinity, or something similar. But in the case proposed this cannot be shown, because here an impediment is established only on account of the mode of contracting, of which sort no other has hitherto existed. Whence it appears that the Church could not know by any certain argument that she had the power to render persons otherwise legitimate unfit (*inhabiles*) for contracting in this way.

§ 62. Third: Whatever pertains to faith is drawn from Scripture or apostolic tradition as from certain principles of the dogmas of the Christian Religion; and yet from these it does not seem able to be proved that the power to invalidate clandestine marriages belongs to the Church. Therefore it is not to be held by faith, and the Church has not erred in this matter.

§ 63. Fourth: Around the object of a sacrament (*sacramentum*) the Church can change nothing; for instance, she cannot make that wheaten bread is not the matter of the Eucharist, or that an infant is not capable of receiving Baptism; therefore from that it follows that persons who are otherwise legitimate and capable of contracting marriage cannot be rendered illegitimate or unfit for contracting.

§ 64. Fifth: What is accidental (*accidentale*) to some sacrament, the Church cannot make to be essential (*essentiale*) to the same. For she could not make invalid a Baptism celebrated without the solemn ceremonies, or celebrated secretly and without witnesses, or conferred by someone other than the parish priest; therefore she cannot make it so that a marriage contracted secretly is invalid, since that it be done before the parish priest has not hitherto pertained to its substance but was accidental to it, and therefore even now remains such.

§ 65. Sixth: The contract of a clandestine marriage before the decree of the Council was valid by divine law; therefore the Church could not make it invalid.

§ 66. Finally they object that the Church issued such a decree in vain, because while she wished to remedy certain inconveniences which arose from clandestine unions, she furnished an occasion for other evils and inconveniences no whit smaller. For those who before the decree contracted a clandestine union used to live together as true spouses; but now those who attempt such a union live together as fornicators. Next, it comes about that in places which are occupied by heretics hardly any true marriages are now contracted, but almost all that are in fact contracted are certain perpetual acts of fornication, since they are not contracted according to the form of the decree. And this evil is most grave and very widespread, and, the decree standing, incurable.

§ 67. Yet to these objections we answer; and, to the first indeed, from the very words of the decree, which declares that those who attempt to contract otherwise than in the presence of the parish priest, etc., are rendered unfit to contract in this way, and accordingly are not legitimate persons, inasmuch as they attempt to contract marriage in such a mode. For although the persons considered in themselves and according to the qualities inhering in them are legitimate, nevertheless not on the part of the mode in which they attempt to contract, because the mode itself is not legitimate. Something similar exists in the vow of Religion, as Dominicus admonishes in this Distinction (question 1).[21] For thus the Church can render marriages contracted in such a mode invalid, just as she does not recognize solemn vows—those too having the force of civil death—unless they are of the certain rite and mode which she herself prescribes.

§ 68. To the second some answer that even those who contract contrary to the form of the decree are illegitimate persons on account of something preceding found in them, namely on account of the will to contract thus; while that lasts, they remain illegitimate to one another. But about this, they say, the Church cannot judge except when in fact they attempt to contract; for then from the fact itself the preceding will is evident. And because such a will is only a transitory quality, with the will changed they become legitimate again. But since it is not necessary for such a will to precede the contract, and that it always precede, nevertheless one could still object that the Church is not wont to constitute an impediment from a transitory quality, but only from a permanent one; therefore, conformably to the very words of the decree, one must rather answer that it is not necessary that in the persons something precede on account of which they be held illegitimate—unless perhaps for this, that they be held illegitimate simply; which very thing, however, is rightly doubted. But those who attempt to contract contrary to the form of the decree are declared not illegitimate simply, but only unfit to contract in this way, and illegitimate with regard to this. Nor is it necessary that some earlier example of this thing exist. For it is enough that by a certain reason it be shown that the Church can place an impediment to a matrimonial contract of this sort. For in the marriage of Christians there is found not only the formal character (*ratio*) of a sacrament, but also of a civil contract (*contractus civilis*), in which contract it pleased God to institute some sacrament. But marriage also in so far as it is a contract is thus subject to the disposition of the Church, just as it pertains to the political magistrate to dispose concerning contracts that are purely civil; and as pagan princes outside the Church could, and still can, grant laws about contracts of marriages to be held valid or invalid. Wherefore, as they can and could, for just causes, object impediments to the said contracts, so can the Church do concerning the contract of marriage. And indeed, as regards this, it consists in the common law, according to which by human authority various impediments can for a reasonable cause be placed to contracts, not only from a permanent quality of persons, but also from the mode of contracting, as is evident of itself and can easily be declared by examples. Whence it is not necessary that the Church have this specifically in particular before: for herein she acts according to the common law and right concerning political and ecclesiastical prefects.

§ 69. And from these there follows that the Church can still place many other impediments regarding the mode of acting, if it should seem expedient, as that a marriage would be invalid if contracted against the will of parents, or outside a sacred place, or in the time of Lent.

§ 70. To the third the answer is now evident. For it is enough for us to be certain from Scripture or tradition that matrimonial causes pertain to ecclesiastical judges, as according to certain canons is defined in the Council of Trent (session 24, canon 12); and that the Church cannot err in defining those things which pertain to the faith.[22]

§ 71. The fourth argument is general, for abolishing universally all the Church's power regarding the constituting of impediments of marriage. To which therefore we briefly answer that the subject of this sacrament is legitimate persons. But that is not changed by the Church. For legitimate persons always remain the subject capable of receiving this sacrament. What persons are, or are not, legitimate depends partly on the law of nature, partly on positive ecclesiastical law. Nor is it a wonder that the Church can do this regarding the object of this sacrament, since marriage inasmuch as it is a certain contract is subject to the disposition of the Church. And although in the other sacraments men can by art or by nature make from the subject of a sacrament a non-subject, or from the matter a non-matter, and conversely, yet they are not thought to change the subject or the matter of the sacrament.

§ 72. To the fifth it is answered that for marriage it is accidental to be done before the parish priest (*parochus*), even today; but it is essential to it, and always has been, that it be between legitimate persons. But the Church, for the reason just stated, can make certain persons legitimate who in truth were not legitimate, and conversely; as is clearly evident in extending or contracting the degrees of consanguinity and affinity, or even by dispensing in these.

§ 73. The sixth argument also is general against all diriment impediments constituted by the Church, such as from affinity and consanguinity, etc. Wherefore we answer also generally that the conjugal contract of legitimate persons is always valid by divine and natural law, just as the law of sale among men who are prohibited by no law from buying or selling, whether simply or in a certain mode. But as here political law prohibits some and by prohibiting impedes from such a contract, so there ecclesiastical law [impedes] from the matrimonial contract. But those who are thus prohibited are now not legitimate persons nor capable of contracting, or at least, as the Synod speaks, of contracting in this way.

§ 74. To the last, with respect to the former part, it is answered that since throughout the whole Church it is known that clandestine unions are invalid, it comes about that they no longer are much frequented; and if perchance by crass ignorance they have been attempted by some, straightway by the prefects the error is corrected. And it is a more tolerable evil that fornication be committed once, which, the truth having been made manifest, can immediately be impeded, than to continue in the state of fornication, nay of adultery, because the truth of the matter cannot be proved before the Church, as used to happen in clandestine [marriages] not yet invalidated.

§ 75. As to the latter [part], the Church wished before all to consult for her own children, who namely are contained within her bosom. For as regards heretics, who are children of transgression and despise the laws of the Church, we can take that saying of the Apocalypse at the end: "He that is filthy, let him be filthy still."[23] Nevertheless, even that evil which arises from the mere disobedience of heretics the Church will still be able, by riper counsel—which we hope will come sometime—to remedy, and that either by explaining the meaning of her decree, or by establishing some new decree.

§ I — What coercion or fear repugns the matrimonial contract (Quae coactio, seu quis Metus repugnet contractui Matrimoniali)

§ 76. Since the bond of two spouses with one another is perpetual and indissoluble, it follows that the consent (*consensus*) by which that bond is perfected must proceed from the full freedom of the will of each, lest both the spouses and the conjugal state itself—burdensome in itself—be weighed down by a graver servitude. For,

as Pope Nicholas says, in Decretum, question 3, chapter "Praesens": "What a man does not choose nor desire, he surely does not love; but what he does not love he easily despises."[25] And the Philosopher hands down (Ethics III) that to free consent there is repugnant that which is violent.'[26] Therefore—beyond what has been said (in Distinctions 26 and 27) about consent as the efficient cause of marriage—one must now consider what force and what ignorance exclude such consent, which is necessary for the bringing-about of marriage. And first one must treat of violence or coercion, with the Master.

§ 77. But, that a clearer and more exact answer be given to this question, some divisions necessary for the explication of the question must be premised. Therefore, first, violence or coercion is to be distinguished. This indeed is twofold. One kind infers absolute necessity and utterly excludes the voluntary. And this by the Philosopher is called violent simply, because namely it is done entirely from an extrinsic principle, nor does that which suffers contribute anything to the motion or action: as when someone drives another resisting from a place, that movement of expulsion is to the one expelled simply violent and in no wise voluntary; likewise if a virgin, resisting with all her strength, be overpowered by a stronger ravisher.

§ 78. Such coercion therefore, which is more rightly called violence (*violentia*), can in no way bring about marriage, because it utterly excludes consent. But it is manifest that without consent the formal character of marriage does not stand. The other coercion is that by which through some fear the will is in a certain way driven to choose something which, placed outside fear, it would not choose. This is called "mixed violent," because it does not utterly exclude the consent of the will: as when a merchant, in the danger of the ship's being sunk, that he may save his life, throws his goods overboard; he indeed does not simply choose the jettison, but he chooses it in comparison to a greater evil, namely shipwreck and his own death. So he who, compelled by fear, gives someone his conjugal troth—and that not with simulation but truly—does indeed consent, but with a consent extorted by force and fear. Such a consent sometimes makes, sometimes does not make, a marriage. And that it may be understood, a twofold distinction must be employed. The prior: there is a fear which falls upon a constant man (*in virum constantem*), and another which [falls] upon an inconstant man. The later: fear is sometimes inflicted justly, sometimes unjustly.

§ 79. By a "constant man" we mean one who, distinguishing with knowledge between greater and lesser evils, does not from immoderate weakness, or because of peril nearer at hand, cast himself into a greater evil. But he is judged inconstant and weak either who does not rightly judge between lesser and greater evils, or who is of such excessive feebleness that for fear of a lesser evil he rushes into that which is greater. Therefore the fear falling upon a constant man is that by which someone, to escape a greater evil which is likely (*verisimiliter*) to threaten, is forced to embrace a lesser evil: as if, by fear of death, mutilation, servitude, sharp tortures, likewise of perpetual prison, exile, infamy, or of the loss of virginity, he consents to a spouse whom otherwise he would not accept. For those are by sound judgment estimated greater evils than to have a wife who otherwise displeases. But if someone, for fear of losing a cloak or some coins, or lest he fall from the favor of his master, or be expelled from the household, should take a wife, that fear is of an inconstant man; likewise also if someone indeed fear death and torments, but such as are not likely to be inflicted.

§ 80. To the question therefore proposed it must be answered that every fear, and only the fear, which falls upon a constant man and is unjustly inflicted, makes the marriage invalid. But if fear be justly inflicted upon a constant man: as if one by fear of death be forced by a judge to take her whom he swore he would take, or if in the hope of escaping the extreme punishment to which he had been justly condemned he consents to that woman who offers herself for his liberation—such fear does not make the marriage invalid. And the same

judgment holds if someone, accustomed to fornication and a dissolute life, by fear of eternal death, which God most justly inflicts upon sinners, should embrace the conjugal life otherwise hateful to him.

§ 81. Moreover, whoever wishes may see more on these matters in Dominicus on this Distinction (question 1, article 3), where nevertheless he thinks somewhat differently about fear justly inflicted; likewise Navarrus (chapter 22 of the Enchiridion, number 51), where also he in many ways attacks the definition of just fear handed down by St. Thomas; and indeed he seems to conclude well.[27]

§ II — What the rationale of the foregoing is (Quae sit ratio dictorum)

§ 82. Since both fears (*metus*), both that which befalls an inconstant man and that which befalls a constant one, seem equally to aim at taking away, or at least at diminishing, the freedom of consenting, it is asked what account is to be given of the foregoing.

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1. On the so-called Canonical Epistles of St. Basil to Amphilochius: see Cardinal Bellarmine, De scriptoribus ecclesiasticis; St. Basil does not expressly mention them elsewhere. Cardinal Baronius, Annales, year 378, also cites them. The canons cited (ninth from the first epistle, forty-sixth from the second) are often attributed to Basil; for doubts and discussion, see the scholarly debates referenced by Estius [abbreviations as in source].
2. Peter Arcudius, Concordia Ecclesiae Orientalis et Occidentalis in septem sacramenta, esp. on spiritual kinship (Extra, De cognatione spirituali); John Cabassutius, Theoria et Praxis Juris Canonici, book 3, ch. 36.
3. On the royal or secular power touching marriages and the Church's authority, see Joannes Launoy, Regia in matrimonia potestas; cf. what Estius notes below in the praiseworthy place about the Synod of Trent; and Cardinal Pallavicino, Historia Concilii Tridentini, book 23, chs. 4 and 6.
4. St. Thomas, Summa theologiae, Suppl., q. 47, a. 6.
5. St. Thomas, Summa theologiae, Suppl., q. 45, a. 5.
6. Cajetan, Opuscula, 12th question (tom. 1), on cases in which clandestine marriages may be licit notwithstanding ecclesiastical interdicts.
7. Domingo de Soto, in the present Distinction, question 1, article 2.
8. Martin de Azpilcueta (Navarrus), Enchiridion, ch. 16, nn. 36–37; ch. 22, n. 85.
9. St. Thomas, Summa theologiae, Suppl., q. 54, a. 5, ad 3 and ad 4; Council of Trent, Session 24, ch. 1 (De reformatione matrimonii). Also see Gratian, Decretum, 27, q. 2, cap. Sufficiat; cap. Matrimonium; cap. Omnes. Hugh of St. Victor, De sacramentis, book 2, [pars XI], ch. 6 [abbreviation as in source].
10. Council of Trent, Session 24, ch. 1 (De reformatione matrimonii).
11. Martin de Azpilcueta (Navarrus), Enchiridion, ch. 25, at the end.
12. Fifth Provincial Council of Milan under St. Charles Borromeo, Title De matrimonio.
13. On the invalidity of marriages contracted only before a presbyter who is not a parish priest, or before a lay magistrate, once the Tridentine decree has been promulgated locally.
14. On "Ordinary" meaning the diocesan bishop and on the licentia granted either personally or through officials.
15. Council of Trent, Session 24, ch. 1 (De reformatione matrimonii): the bishop may relax the banns, but not the requirement of the presence of the parish priest and witnesses.
16. Pius V's practice on not requiring a new consent in the case described; cf. Navarrus, Enchiridion, ch. 23 [abbreviation as in source], n. 75; and see the explicit mention adduced by Estius below.

17. Thomas Sanchez, De matrimonio, book 3, disp. VII, n. 4, arguing that it is to be held as certain that marriage contracted, even in articulo mortis and in any necessity whatsoever, and even in places where a parish priest cannot be had nor is there access to a bishop, if contracted without the parish priest and witnesses, is invalid; he relies on the most solid reason, namely that where a derogative form is introduced by an annulling decree, the Tridentine form makes invalid everything done otherwise than in the presence of the parish priest and two witnesses; and that otherwise-contracted marriage is in no event valid without that solemnity. Estius notes, however, that this seems against the carefully weighed words of the Council; he suggests that, unless one say the Supreme Pontiff by the plenitude of power indulges in that sole case while the impediment of the first contract is occult, lest infamy arise from the repeated public marriage with the reason for repetition concealed, or that the Pontiff thus interprets the mind of the Council: namely, that the Council did not intend those so joined to be compelled to disclose the occult impediment before the parish priest and witnesses, or by not disclosing it to incur heavier suspicion; and he adds a similar response for other cases in which neither a pastor, nor a bishop, nor a vicar can be had, nor is safe access to them; in which case, he says, it has already been declared that marriage is valid, not by a new constitution or dispensation or by derogation from the decree, but solely by interpretation of the Council. Estius cites also Navarrus, Enchiridion, ch. 23 [abbreviation as in source], nn. 75, 76, and reports similar opinions.

18. Synod of Cambrai, Title De sacramento matrimonii, ch. 1.

19. Synod of Cambrai, cap. 2 of the same Title (on domicile for purposes of contracting marriage).

20. "Sanctus Thomas ubi sup." [abbreviation as in source].

21. "Dominicus ad hanc Distinctionem (quest. 1.)" [abbreviation as in source].

22. Council of Trent, Session 24, canon 12.

23. Rev. 22:11: "Qui in sordibus est, sordescat adhuc."

24. St. Thomas, Supplement to the Summa theologiae, q. 47, aa. 1–4.

25. Pope Nicholas, Decretum Gratiani, q. 3, c. Praesens [abbreviation as in source].

26. Aristotle, Nicomachean Ethics III.

27. Dominicus [Soto], on this Distinction, q. 1, a. 3; Navarrus, Enchiridion, cap. 22, n. 51.

DISTINCTIO XXIX — ON COERCED CONSENT, OATHS, PARENTAL PRECEPTS, AND MARRIAGE BETWEEN ABSENTEES

§ 1. Certain men, such as Richard, Paludanus, and several others, are of opinion that the diversity of this matter arises from positive ecclesiastical law: as though the Church had willed to come to the aid of him who, having unjustly suffered fear, has not swerved from the office of a constant man; a remedy for which he who either has been affected by just fear, or has sinned through faintheartedness of soul, is not held worthy; otherwise, standing in the law of nature and of God, each marriage alike would be valid. Some arguments gathered for this opinion can be seen in Dominic.[1]

§ 2. But in truth, if we weigh the sacred Canons diligently, it is quite clear that no new right is established by them, but rather that what the law of nature has is declared. This is shown first of all by the Rescript of Alexander III, in the Decretals, in the title On Betrothals and Marriages, in this chapter: "Since consent has no place where fear or coercion intervenes, it is necessary that, where the assent of anyone is required, matter for coercion be repelled."[2] In which decree one must understand "consent" sufficient for marriage. Accordingly, the opinion of Scotus and of some others is more probable, teaching that such diversity arises from the very law of nature and from the formal character of marriage.

§ 3. Omitting, however, the many, though good, reasons which Dominic enumerates in order, seven in number, and which he endeavors to solve — for the understanding of this matter one must lay down, as a foundation, that marriage, once contracted, is altogether indissoluble; whence it follows that whatever of itself is repugnant to its perpetuity and indissolubility hinders the contract of marriage from becoming ratified. Now the fear unjustly inflicted upon a constant man is repugnant. Therefore consent extorted by such fear will not be able to render a marriage ratified. But that such fear is repugnant to the perpetuity of marriage is shown thus: because such fear can most justly stir up a complaint about the extorted consent, and, by the law of nature, most justly demand to be restored to one's former liberty. If, therefore, marriage were a dissoluble contract, it would indeed be ratified by consent thus extorted, but when a complaint is moved before the judge by him who had unjustly suffered violence, it ought to be dissolved by restitution in full. Whence the same Pontiff, in the chapter Abbas, in the Decretals, in the title On those things which have been done through force or fear, says that such things ought to be revoked into nullity.[3] But now, since the contract of marriage is indissoluble, the law of nature requires that it altogether cannot be made ratified and valid by that consent on account of which otherwise it would have to be dissolved.

§ 4. Moreover, he who either had no just cause for fear, or has justly suffered fear, cannot lodge a just complaint about extorted consent. And hence a marriage contracted from consent extorted by such fear is ratified. Add that the fear of an inconstant man is taken on not so much by violence as by cowardice, since in truth a cause for such great fear does not exist. Wherefore also consent arising from that fear is less coerced and more voluntary than in the case of that fear which befalls a constant man; whence it is clear that, even on the

part of the voluntary, the formal character of the two consents is not the same. Now what we have said of the constant and the inconstant man must in like manner be accommodated to the woman; yet in such a way that account be taken of the womanly sex itself, which is of itself weaker and more inconstant. Whence it is not straightway the case that whatever fear and whatever coercion sets a woman free from marriage will also set a man free, since the male sex is of itself more apt to resist force and fear than the female sex, just as manly age is more so than boyish. Whence it comes about that fear that excuses a girl or a woman from the vice of inconstancy does not forthwith excuse a man.

§ III — Whether consent coerced with an oath makes marriage valid (Consensus coactus cum juramento an faciat matrimonium)

§ 5. The question adhering to the preceding is, whether consent extorted by force, when strengthened by an oath (*juramentum*), effects marriage; and, further, whether betrothals (*sponsalia*) extorted by force, and strengthened by oath, are ratified. It seems that these two are not to be answered in one and the same way. For betrothals are a dissoluble contract; marriage an indissoluble contract. Whence it comes about that in betrothals, as we have said above, there can have place restitution in full; not so in marriage. For restitution in full dissolves what had been ratified, whereas marriage, once ratified, can no longer be dissolved. Wherefore, if someone by just fear — that is, fear falling upon a constant man unjustly — has sworn, the promise indeed is held as binding on account of the honor of the divine testimony alleged through the oath; yet for him who swore, relaxation of the oath runs by way of restitution in full and through a dispensation of the oath, as for one who has suffered force and injury. And in this way the obligation will be loosed.[5]

§ 6. But if someone, impelled by like fear, gives consent to marriage with an added oath, neither does he make the marriage ratified, nor, if he does not retain the woman, does he seem to incur perjury. The reason for the former is that, to the formal character of marriage inasmuch as it is an indissoluble contract, it is repugnant that it be able to coalesce by such consent, as has been shown above. But the oath adjoined, just as it does not change the formal character of the consent, nor make it fuller or freer, so also cannot make from a non-marriage a marriage. The reason for the latter is explained thus: because that oath is either about the consent, or about the contract. If about the consent, it is manifest that there is no perjury; for in that case we cause the swearer to be telling the truth, although with coerced consent. If about the contract, not even thus does there seem to be perjury; because such a man truly contracts, and, in the very act of contracting, is placed in such fear; for he truly posits to consent to the contract, just as he does not lie when he affirms that he contracts and takes the woman as his own; so too he will not be perjured if he confirm this very thing by an oath. For in everyday speech it is accepted that those also are said to contract, sell, and buy whose contracts are not ratified. He would be perjured only if, the fear unjustly inflicted and falling upon a constant man standing, one consenting should swear that he was consenting freely, or truly contracting marriage; especially if in the meantime he knew that on account of such an impediment what he is doing is not ratified.[6]

§ 7. But against these things there is objected the chapter Inter cetera (22, Question 4), from a letter alleged from Augustine writing to Severus, Bishop of Milevis. To one asking what should be done in the case of a certain Hubaldus, who, captured and impelled by fear of necessity, had by oath pledged himself to receive his concubine as wife, he replies thus: "Because indeed to receive in marriage her whom he had previously had as concubine is no sin, let there be marriage firm and stable in God."[7] To this objection the Gloss brings

forward various solutions. But it must be noted first that those words are read nowhere in Augustine, and in truth (which is sufficiently gathered from the diction) they are not Augustine's. Next, with Dominic one can say that there was not there a contract of the present, but a promise of the future, which, although extorted by fear and with an oath added, nevertheless obliges, as we have said. Whence the Author says that "marriage was thenceforth firm," but in this way — that is, because he swore that he would do a lawful and holy thing, namely, that he would receive his concubine as his wife; let that sponsion be confirmed by a contract of the present so that it be marriage.[8] To almost the same point comes what the Gloss says, that the word "let there be" is set not preceptively but hortatively; to signify that he who, being compelled, swore to do a good thing — although he cannot be lawfully coerced as far as retaining the woman — is yet to be exhorted to confirm the marriage by free consent. Moreover, one must know that the Council of Trent in great part diminished and cut off the occasions for cases arising from coercion, when it abolished clandestine marriages: "Whoever attempt to contract marriage otherwise than in the presence of the Parish Priest," etc.[9] For when this mode is necessarily observed, it happens that cases of suchlike coercion very rarely occur.[10]

§ IV — Whether parents can command their children about contracting marriage (An parentes liberis suis praecipere possint de matrimonio contrahendo)

§ 8. From the things which are disputed above, in this Distinction, about coerced consent (*consensus coactus*), there is wont also to be raised a question about commanded consent (*consensus praecepto*): namely, whether parents can prescribe anything to their children about contracting marriage — either in general, that they contract marriage, or that they contract with certain persons.

§ 9. To which indeed one must respond that paternal power does not extend to prescribing those things in which the son is equal to the father: of which kind are all the things that pertain to the whole state of each one's life, such as most of all is marriage. Then, since in marriage there is a certain perpetual servitude, the father cannot by his command compel his son, as being of free condition, into that servitude, as St. Thomas rightly reasons on this Distinction.[12] The same is confirmed by two decrees of Pope Urban, cited by the Master in the Text, which are had in Gratian (31, Question 2).[13] And again by others which are had in the Decretals, in the title On the Betrothal of Minors.[14] To this also pertain the things we said above, in the previous Distinction, about marriages contracted without the consent of parents. Nor do the law of the Decalogue about honoring parents — which without doubt includes obedience — nor the Apostolic precept: "Children, obey your parents in all things" (Col. 3), stand in the way. For obedience in both kinds is not necessarily extended to other things than those to which the power of commanding extends. Therefore what is said, "in all things," must be understood with accommodation, namely, all the things which parents can command their children. Whence, just as unlawful and dishonest things are not contained under that generality, so neither are those things in which nature teaches that sons must be left to their own power and liberty.

§ 10. But if again you object that, pressed by necessity, a father can sell his children into servitude — at least according to the ancient laws — therefore much more can he compel them to take a wife, since this evil, in true estimate, is less than servitude: we answer that this does not follow. First, because servitude is not of its nature perpetual as marriage is; for servants can sometimes obtain freedom. Then, because the servile state of

itself does not require love, whereas the conjugal state by its nature requires goodwill and friendship, and that in the highest degree. Which state, therefore, ought less to be subject to an alien command.

§ 11. Nevertheless, although a father cannot command a son in the matter of marriage, yet, inasmuch as just and reasonable causes occur — whether on the parent's side, or on the son's side, or also from elsewhere — a father can induce, and sometimes by precept, that he take a wife, and even that he take this woman or that. And this is confirmed by the example of Holy Scripture. For in Gen. 28 the Patriarch Isaac forbade his son Jacob to take a wife from the stock of Canaan, while at the same time commanding that he take someone from the daughters of Laban his uncle. Now if this must be granted about sons, it will be truer still about daughters, whom nature itself willed to depend more on direction.

§ 12. Moreover, to such a precept or prohibition the son is bound to obey in so far as the cause of the precept pertains to him: so that, if the cause binds him altogether, then he ought altogether and absolutely to obey the father's precept — for example, if the father commands the son to take a wife because he sees him fornicate and live incontinent, nor can any other remedy of that evil be hoped except marriage; the son is bound to obey a father thus commanding, because he is bound to abstain from fornication. The same judgment holds if the father, placed in danger of life, cannot otherwise escape except by the son's taking this or that wife; or if the father, pressed by want, cannot be helped otherwise than through the son's marriage. The reason is that the son is bound to succor his father who is in danger and in need. As to prohibition, the same too must be said: namely, if a son is about to take to wife a heretical woman, a sorceress, or one otherwise criminal or of bad morals, he must absolutely obey the father forbidding him to do this. For each one is bound by the law of nature to avoid his own peril.

§ 13. But if the cause of the precept does not altogether bind the son, but is only honest and reasonable, then the son is not simply bound to obey a father commanding, because not everything that is honest and reasonable obliges by precept, as is clear concerning counsels. Therefore, if the marriage be upright and honest and useful both to the son and to the whole family, or if the betrothals had been sworn to by the parents, it is honorable for the son to acquiesce in the father's precept, yet not necessary. And the same again as to prohibition.

§ V — Whether marriage can be contracted between absentees (Utrum inter absentes contrahi possit matrimonium)

§ 14. Since in the other Decree of Urban, which is recited by the Master, mention is made of envoys, it is wont here to be asked whether by envoys or messengers, or by letters, marriage can be contracted between absentees. To which we answer that nothing hinders but that they may be valid and ratified, within the bounds of the natural and divine law. For if, among those present, by an interpreter, or by writing, or by some similar declaration of will and testimony of consent on both sides, they can be contracted; so by messengers or procurators, or by letters, among absentees they can likewise be done — provided that those who have thus declared their consent, or one of them, do not change their will before they meet, or before the letters are delivered. For the consents themselves must, actually or virtually permanent, concur on both sides at the same time. On which matter consult Dominic, in Distinction 27, question 1, article 3; and Navarre.[16]

§ 15. But we have said "standing in the law of God and of nature," because by human law marriages of this kind are today rendered invalid in those places in which the decree of the Council has been published: namely,

by the decree of the Council of Trent, "Whoever attempt to contract marriage otherwise than in the presence of the Parish Priest," etc., by which those who contract otherwise are rendered incapable of contracting a valid marriage, inasmuch as the Parish Priest cannot be present to the contracting parties unless the contracting parties themselves are mutually present.[17] Yet this does not seem truly to follow. For certain ways can be devised by which between absentees marriage is contracted without prejudice to the decree of the Council. First: if we say that the Parish Priest ought to be understood as being present where the contracting parties are, either themselves contracting, or by their own procurators. For what is said, "Whoever otherwise than in the presence of the Parish Priest," is most rightly understood thus: whether in person, or by procurators. For marriage is a human contract, and human contracts can be effected by procurators having sufficient mandate; and here has place the rule of law: What one does through another, he is considered to do through himself. Nor was it the will of the Fathers of the Council of Trent simply to abolish marriages by procurators, since sometimes necessity occurs, especially among the sons and daughters of kings and princes. Whence they left the decree to be understood as I have said. Secondly: because the Parish Priest and witnesses can go to the contracting parties, placed in different locations, and carry the consent of one to the other; nor does it stand in the way that the Parish Priest and witnesses approach at different times, and signify to them their consent, or even leave with them a written instrument of consent and ratification. Finally, by the ways in which other contracts can be made between absentees, with the required number of witnesses added, by the same ways also can this contract between absentees be made. For, as regards the Parish Priest, such presence of his suffices as suffices also that of the witnesses.

§ 16. But further someone will ask whether a marriage contracted between absentees is a sacrament of the new law, by which, namely, grace is conferred. Durandus indeed, at Distinction twenty-six (question 3), in order to prove that marriage is not a sacrament univocally with the other sacraments, uses this argument — because it is contracted also between absentees; and perhaps in the other sacraments by no means can it be brought about that, namely, while persons are absent, they be conferred. Cajetan, however, in Tome I, Treatise 12, question 1, handling this question expressly, does not doubt that marriage is one of the seven sacraments of the new law; yet about that which is contracted by procurators, between absentees, he judges that it is not the sacrament of the Church, for these reasons:

- First: because no sacrament is received by a procurator, since the reception of a sacrament is a personal undergoing (*passio personalis*), just as the conferring of a sacrament is a personal action. Which he also proves by the example of the sacrament of Penance. For, just as the sacrament of Marriage consists together with contracts, so the sacrament of Penance consists in judicial acts, in which in both many things can be done by a procurator. Yet that which is properly the sacrament, namely the priestly absolution, can neither be transacted by a procurator nor received by him: therefore neither in the contract of Marriage will someone absent, through a procurator, receive the sacrament.
- Then: because it would follow that a man and woman asleep, or otherwise occupied, when nothing at all either by themselves or by the minister of the sacrament is being done with respect to them, would simply receive the sacrament at that time when others, in their name, contract — which Cajetan judges not only absurd, but even not intelligible; especially if it be conceded that that sacrament consists of matter and form, which must needs be applied to the recipients.

- Lastly: because it would follow that a man asleep would sin mortally with the sin of sacrilege, as then receiving the sacrament.

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1. "Richardus" and "Paludanus" [as in source]. "Dominicus" [as in source].
2. Alexander III, Decretals, title De sponsalibus et matrimoniis, cap. "Cum locum non habeat consensus" [abbreviation as in source].
3. Decretals, cap. "Abbas," title De his quae per vim vel metum facta fuerint.
4. St. Thomas, Summa theologiae, Supplement, q. 56, a. 1; see also Supplement, q. 47, a. 2.
5. On how one who, under grave fear unjustly inflicted on a constant man, attempts marriage by simulating the sacrament might be excused from sacrilege, see Basilio Ponce, De Matrimonio IV, ch. 16; and Thomas Sanchez, De Matrimonio IV, disp. XIV, ch. 6. That the condemnation by Innocent XI of the proposition "Urgent fear is a just cause for administering the sacraments by simulation" does not stand in the way is clearly and learnedly shown by Joannes Cardenas, Crisis Theologica, part IV, dissert. XX, ch. VII, n. 79.
6. See on this question Thomas Sanchez, De Matrimonio IV, disp. XX, n. 79 [abbreviation as in source].
7. Gratian, Decretum, 22, q. 4, cap. "Inter cetera," attributed to Augustine's letter to Severus of Milevis [as in source].
8. The Glossa ordinaria ad loc. offers various solutions and takes "let there be" (sit) hortatively, not preceptively.
9. Council of Trent, decree on the form of contracting marriage ("Tametsi"): "Quicumque aliter quam praesente Parocho," etc.
10. On this diminution of clandestine cases, see again Sanchez, De Matrimonio IV, dissert. XIX–XX [abbreviation as in source].
11. St. Thomas, Summa theologiae, Supplement, q. 47, a. 6.
12. St. Thomas, In IV Sent., dist. 29 (on this Distinction) [abbreviation as in source].
13. Gratian, Decretum, 31, q. 2, decrees of Pope Urban [as in source].
14. Decretals, title De desponsatione impuberum.
15. St. Thomas, Summa theologiae, q. 42; Supplement, q. 45 [abbreviation as in source].
16. Dominic (Soto), In IV Sent., dist. 27, q. 1, a. 3 [as in source]; Navarrus, Enchiridion, ch. 22, n. 80.
17. Council of Trent, decree "Quicumque aliter quam praesente Parocho ..." (on the reformation of marriage).

DISTINCTIO XXX — ON ERROR IN MARRIAGE AND ITS EFFECT ON THE CONTRACT (*DE ERRORE IN MATRIMONIO, EIUSQUE EFFECTU IN CONTRACTUM*)

He therefore concludes that a marriage of this sort is not a sacrament until the spouses themselves ratify the contract in one another's presence.

This opinion of Cajetan is held by Soto, who, although he does not deny it to be probable, nevertheless embraces a different view as more probable, moved by these reasons.[1] First: because Christ instituted Matrimony simply and without any exception to be a sacrament. Next: because even that which is contracted between absent parties, by the principle and truth of the new law, becomes indissoluble.

Third: because grace is just as necessary in such a marriage as in others. Lastly: because if it were not a sacrament, it ought not to be permitted by the Church. Yet these arguments of Soto do not seem to press so strongly as those which Cajetan alleges on his own behalf. And if true is the opinion of those who do not think that this sacrament is conferred except through the ministry of the Church—which we, for our part, hold to be most true—then much more probability will accrue to Cajetan's opinion. For a priest cannot confer any sacrament upon those who are absent, that is, upon those who are absent from the priest; although it can still stand that it be conferred by the priest successively upon those who, being mutually remote and absent, contract by means of messengers.

§ I — What error impedes marriage, and why (Quis error matrimonium impediat, & quare)

§ 1. Another of the things which we said stand in the way of the freedom of matrimonial consent is error or ignorance. Now about marriage a fourfold error occurs: namely, of the person, of the condition, of the quality, and of the fortune. An error of the person is that by which a mistake is made about the person—for example, if the one who is Antony is thought to be Paul, or conversely; not indeed so that the error is in the name, but in the man so named. An error of the condition is that by which a mistake is made about the free or servile condition, as if one who is a slave is thought to be free, or conversely. An error of the quality happens with respect to some inherent quality, as if one who is prodigal is thought to be thrifty, if one who is drunken is thought to be sober, if one who is ignoble is thought to be noble, if one who is corrupted is thought to be a virgin, if one who is deformed is thought to be beautiful, or conversely. An error of fortune is that by which a mistake is made about external goods or possessions.

§ 2. But among these errors there is a great difference as regards impeding, or not impeding, marriage. For an error of the person altogether and always prevents the marriage from being valid. An error of the condition sometimes prevents, sometimes does not prevent; but an error of the quality or of fortune, unless something

else should concur, never prevents. And of the error of the condition there will be express treatment, with the Master, at Distinction 36. Why, however, an error of the person excludes marriage, and not an error of the quality or of fortune, the reason is manifest: because an error of the person is opposed to the substance (*substantia*) of marriage, which consists in the mutual translation of bodies between two persons.

§ 3. Now, where there is a mistake about the person, two persons consenting to one another about the mutual translation of bodies cannot be designated. For, for example, Peter consents to Mary, not to Catherine, who is presented to him in place of Catherine. Although therefore Catherine should consent to that same Peter, there is not a marriage, because there is not between them mutual consent.

§ 4. The Canons found in Gratian agree with this doctrine.[3] Likewise it is confirmed by a like case. For if, to one buying gold, orichalcum were supplied in its stead, or vinegar in place of wine, since the substance is different, there is no contract; and this not only by civil law but even by natural law. From these things, therefore, the consequence is that an error of the person prevents the matrimonial contract, not so much by some positive law as by the very nature of the thing.

§ II — Dissolution of certain objections (Objectionum quarumdam dissolutio)

§ 5. Against what has already been said, the first objection is set out from the example of the Patriarch Jacob, to whom, although Rachel had been promised in marriage, Leah was introduced to him, as we have in Gen. 26. But that there was a true marriage between Jacob and Leah appears from this, because otherwise one would have to admit that the holy Patriarch by that intercourse committed adultery or at least fornication. Then, because even after the mistake had been recognized he nevertheless kept her as a wife. We reply that Jacob and Leah, on that wedding night on which they came together, were not spouses on account of the mistake about the person, because Jacob had given his consent not to Leah, but to Rachel, for whom he had served seven years. Afterwards, however, with a new consent intervening, they became spouses. Nor must it be denied that that intercourse of the first night was fornication, so far indeed as regards the nature of the act, and, as they say, materially, because in very truth it was the congress of an unmarried man with an unmarried woman. Yet, as regards the intention and will of Jacob himself, it was not fornication, because he was excused by ignorance of the fact; inasmuch as he thought that the promised Rachel had been brought to him. But that he did not immediately recognize Leah had this cause: because in former times brides were accustomed, out of modesty, to be led with veiled face to the marriage bed. Whence also nuptials are said among the Latins to be from "veiling" (*a nubendo, id est, velando*), a practice in itself honorable and laudable, of which Laban, Leah's father, abused to deceive his son-in-law. Leah herself, however, there is no need to excuse from sin. For she was the daughter of an idolater, and she was yielding to her father in an evil matter. But what the Master replies, that it was done "in mystery," that Leah was substituted to the holy man in place of Rachel (the explanation of which mystery can be seen in St. Augustine, Against Faustus, book 22, chapter 51 and the following), is not sufficient for the excuse of this deed, since many things in the people of Israel were prefigured in a mystical way not only by those who were ignorant but also by those who sinned—such as also that the Divine Spirit delivered an oracle by the mouth of Caiaphas, who was ignorant and at the same time sinning most gravely.

§ 6. Secondly, the example of the Patriarch Isaac is objected, whose blessing was valid, although he was erring about the person; for he blessed Jacob in place of Esau, and that what he had done was valid he himself afterwards confirms, saying: "Benedixi ei, et erit benedictus" (Gen. 27). I reply: that blessing was either valid

from the beginning, because Isaac intended to bless his son, whether that was Esau or Jacob, and thus properly there was not an error of the person, because the will of the one blessing was borne toward this man, provided he was his son. Or it was invalid at the beginning on account of the error of the person, later—when the will of God had been understood—ratified by Isaac himself, which is signified by those words, "Benedixi ei, et erit benedictus;" otherwise surely the father's blessing would have profited him nothing. Add that Isaac's deed was prophetic. Whence, as through Balaam unwilling, so also through Isaac erring, God could pour forth the blessing on Jacob and his posterity.

§ 7. The third objection is that in the other sacraments: If someone, intending to baptize Peter, baptizes John, he would truly confer the sacrament, and John would truly be baptized—baptized through error in place of Peter. And thus in the other sacraments also; therefore in the sacrament of matrimony it is fitting that the matter should be similarly so. To this it can be answered that the intention of the baptizer is about this man to be baptized, although it is not known that he is John, or it is thought that he is Peter—which is not so in Matrimony. For Matrimony is not only a sacrament but also a contract, which is made between determinate persons precisely with the exclusion of others. Whence, if an error of the person should occur there, what is done is invalid. For the contract of matrimony is not only between persons, but also about the persons; because the persons are the very "things" to be handed over hither and thither. Therefore, just as in contracts the very thing about which agreement has been made by the consent of the contracting parties ought to be handed over, and it is not permitted to substitute one thing for another unless by presumed consent, so in matrimony. Nevertheless a priest joining two people in marriage, even if perchance he should err about the person, will truly bless, indeed and will truly confer the sacrament of matrimony, according to those who hold that the priest is the minister of this sacrament. Otherwise to this argument Dominicus replies: for he says that in baptism and the other sacraments the intention of the minister is not the proximate cause of the sacramental effect—namely, of character and grace—but the element and the word; and therefore the error of the baptizer substituting one for another does not take away the effect: but that consent is the proximate cause of the matrimonial bond, which, if it is borne to Peter, is not borne to John; and so it is not similar. According to which reply, one would have to admit that he truly is baptized whom a priest by mistake would baptize, even if by his actual intention, indeed even by verbal protestation, he wished altogether to exclude him from Baptism, and, the mistake removed, would by no means baptize him. Whether this is so can rightly be doubted, and it requires more diligent examination.[5]

§ 8. The fourth objection is: if a king's daughter or rather of some prince consents to some man whom she believes to be the son of some other king or prince, when in fact he is a commoner, there will be no marriage on account of an error of quality, namely, that he is the son of a king or prince. Likewise, if a woman consents to him whom, by false narration or deceitful persuasion, she believes to be the firstborn, and therefore about to succeed before the others to the paternal goods, when in fact he is not such; similarly there will be no marriage: therefore not only an error of the person and of condition, but also of quality and of fortune, seems to impede the contracting of marriage. To these and similar cases it must be answered that it can happen that an error of quality or of fortune redounds into an error of the person. Whenever this happens, the marriage is invalid—not on account of the error of quality or of fortune, but on account of the error of the person conjoined. But that this may be rightly judged, it must be diligently examined whether the consent of the one erring is borne to this particular person directly, or rather to the person to whom such a quality adheres—namely, to be the firstborn, or the son of a king. For in the former way, the error is only in the quality; in the latter way, in the person; and in the former case indeed the marriage is valid, but in the latter it is invalid.

Wherefore about the cases proposed and others like them one will have to pronounce according to the said rule, as St. Thomas on this Distinction declares (article 2, reply to the fifth), and Dominicus (Question 1, article 1), and likewise Silvester under the word "Matrimonium" (number 3, question 1), and Navarrus in the Enchiridion (chapter 22, number 32).[6]

§ 9. Finally it is objected: If some woman by mistake contracts with a man who is impotent from frigidity or bewitched, even if she consents directly to the person, there is no marriage; where nevertheless there is only an error of quality. But the reply is easy: in such a case the contract of matrimony is frustrated, not on account of any error. For whether it is known or unknown that the man is affected in such a way, a marriage cannot stand with him, on account of the impediment of frigidity or of malefice; and the same judgment is to be made about the other diriment impediments—such as consanguinity, solemn vow, infidelity, and the like. For in all these it is irrelevant whether they were unknown or previously known, because of themselves they impede matrimony.

§ III — For what causes marriages ought, or can, to be contracted (Ob quas causas debeant, aut possint contrahi Matrimonia)

§ 10. Having completed the consideration of those things which pertain to consent as the efficient cause of matrimony, something must be added about its final cause. Therefore the end of matrimony, and its proper and primary matrimonial act, is the procreation and education of children. For for this end matrimony was from the beginning instituted by God. For the sake of which also the diversity of sexes was established in the human race, as Scripture says (Gen. 1): "Masculum et feminam creavit eos. Benedixitque illis Deus et ait: Crescite et multiplicamini et replete terram."

§ 11. But there is also another end of matrimony, yet secondary and accessory, and also posterior in time. For because by the sin of our first parents the vice of foul lust crept into human nature, it came about that those who, being conscious of their own weakness, either are unwilling or are not able to sustain the combat of the flesh, are permitted to be fired by matrimony as by a remedy for their incontinence, to avoid fornication and the other damnable sins of lust: whence the Apostle (1 Cor. 7): "Propter fornicationes, unusquisque uxorem suam habeat, et unaquaeque suum virum." And a little after: "Revertimini in idipsum, ne tentet vos Satanas, propter incontinentiam vestram." And again: "Qui non se continent, nubant." And this end, namely the use of lust within the bounds of matrimony, the Apostle there grants "secundum indulgentiam, non secundum imperium." From which Apostle's words a question arises, whether this end of conjugal life is good and licit; especially since he afterwards says, "Quod non se continent, nubant." How this question is to be answered will be clear from those things which will be said in the next Distinction.

§ 12. Moreover, besides these two ends which are properly of matrimony itself and of its act, there are also other causes by which men are induced to undertake marriages, or with a definite choice to take spouses. But these causes belong not so much to matrimony itself as to those who contract matrimony, nor can they be comprehended by a fixed number. Some of them, however, are honorable and licit, others dishonorable and illicit. Honorable, or at least not to be condemned, are these causes: the desire to leave an heir, riches, beauty, favor, splendor of lineage, similarity of character, and other like things; yet to all these are to be preferred religion, piety, and uprightness of morals, as goods in themselves. But dishonorable are whatever things are in any way opposed to piety—such as heresy, avarice, ambition, lust, and the like.

§ 13. We have reckoned among honorable causes beauty or comeliness. For it ought no less than utility to be counted among honorable causes, since the beautiful is by its very nature lovable. Whence (Deut. 21) that beauty is a cause of honorable love is signified in these words: "Si videris in medio captivorum mulierem pulchram, et adamaveris eam, et volueris eam habere uxorem," and so forth. Although, besides this cause taken from natural inclination, there can also be another just reason why someone should choose a beautiful woman rather than an ugly one: namely, that he may receive offspring conspicuous for no apparent defect of deformity.

§ 14. Since these things are so, Faustus the Manichee once of old, in St. Augustine, and in our age Calvin, have unjustly charged the Patriarch Jacob with inordinate love from the fact that he loved Rachel, who was beautiful, before Leah her sister, who had bleary eyes, as if by this he had injured Leah, the elder by birth and commendable, as they claim, in probity. To whom it must be answered that no injury was done to the firstborn, since marriages ought altogether to be free. For that Leah surpassed her sister in probity Scripture indicates nowhere. Surely the chaste and very temperate love of the holy man toward Rachel is clear even from this, that he abstained from her those whole seven years in which he served for her, although he lived daily within the same walls with her; and that he did not cast off her sister, fraudulently introduced to him, although he could do so by right, but, consulting for her honor, immediately took her as wife.

§ 15. Now what has been said about beauty is to be said likewise about a dowry and riches. For these can be sought for just causes: namely, that one may have with his spouse and household an honorable maintenance; that provision may be conveniently made for the education and instruction of children; that one may leave them an honorable patrimony; that he may have whence to give liberally to the needy. And there is a similar rationale about all causes that are in themselves indifferent. Yet these same causes, if they are sought either with an evil end or in an inordinate manner, are to be referred to dishonorable causes; and according to the disposition of affection with which they are sought, they will now constitute venial fault, now mortal sin.

§ 16. Finally it must be known that marriage—no matter for what end it is contracted—provided there is present consent about the present, by which legitimate persons hand over to one another the power of their bodies, is always valid and sound. And again, for whatever end it is undertaken by those who contract with one another, it is always good in its kind and by its proper end, inasmuch as it is, in its own way, a sacrament. For although it happens that that act by which the spouses contract with one another is vitiated either by the perversity of the end or by another circumstance, so that that act is truly a sin, nevertheless the kind itself and the proper end of matrimony are never changed, and therefore it does not lose that character of good which it has of itself.

§ IV — That the Blessed Mary vowed to God perpetual virginity (Beatam Mariam vovisse Deo perpetuam virginitatem)

§ 17. For a fuller understanding of those things which have been said about the consent that effects matrimony (*matrimonium*) and about its proper end, it is of very great help to unfold the question which in this Distinction the Master interposes, concerning the marriage of the most holy Virgin Mary with Joseph. For since in that marriage two things concurred which to appearance are at variance, namely the truth of marriage and the resolve of perpetual virginity—of which both we have testimony from Scripture, the former

indeed when the Angel says to Joseph: "Fear not to take Mary thy wife" (Matt. 1), the latter when the Virgin says to the Angel: "How shall this be done, because I know not man?" (Lk. 1)—one must consider whether, and in what way, these two could, or even now can, stand together both at once and inviolate; most especially if that resolve of perpetual virginity was also established by a vow, as that it was so established by the Blessed Virgin must not be doubted. Now the opinion of the Master and of certain others is that the Blessed Virgin vowed under this or a similar condition: unless God should command otherwise, or reveal otherwise, or inspire otherwise. They were led into this opinion by the fact that they thought the truth of that marriage could not be otherwise defended; as one may see in the Master in the present Distinction, and also in the preceding, the twenty-eighth.[9] But he uses no testimony sufficiently apt to prove this. For those words which (Distinction 28, F. C.) are found: "For Mary had proposed to remain in virginity, unless God should command to do otherwise, according as she seems to have said to the Angel: How shall this be done, etc."—which seem to be either taken from St. Augustine, in the book On Holy Virginity (ch. 4), or from Gratian (27, q. 2), the chapter Sufficiat, or the chapter Queritur—are not found thus at all in these Authors as they are written by the Master. For in place of the word "had proposed" (*proposuerat*), with them it is "had vowed" (*voverat*); but as for the exception, "unless God should command to do otherwise," it is ascribed to Augustine in that place by Gratian, in the chapter Beata Maria, where he recites in the same words that the Blessed Mary proposed that she would keep the vow of virginity in her heart, but did not express the vow itself with her mouth; and that she subjected herself to the divine disposition, and proposed that she would persevere in virginity unless God should reveal otherwise to her, etc.; yet this is found nowhere in Augustine, nor is it truly his, as it will be sufficiently clear that he thought otherwise, from the places which we shall bring forward below. Therefore, more rightly, with illustrious writers of the Church both ancient and more recent, one must say that the Blessed Virgin absolutely and without any condition vowed and consecrated her virginity to God.

§ 18. This is taught first from the Virgin's own words. For when it had been said to her by the Angel, "Behold thou shalt conceive and shalt bear a son," she answered: "How shall this be done, because I know not man?" Which answer would first of all have been inept, if the sense were: up to now I have not known a man. For who does not see that it could have been replied to her: But now you shall know a man, in order that you may bring forth a son; especially since she was already betrothed to a man. Therefore it was said, "I know not," as if "I shall never know," that is, it is decreed for me never to know man—just as one is said "not to drink wine" because either by the condition of nature or by resolve he never drinks wine. At the least, therefore, the resolve of perpetual virginity is declared in those words. But neither is this sufficient. For again, it could easily have been answered her: in order that you may bring forth the Son of God, you will change your resolve. For he does not sin who, for a just reason, changes a resolve however pious. Whence it is read in the Extravagants (On Vows), the chapter Literam, that he who has only proposed to enter religion is not a transgressor if he does not fulfill it; and Navarrus testifies in the Enchiridion (ch. 12, no. 7026) that such a one does not even sin venially.[10] Wherefore something more must be understood in those words, most prudently uttered by the most prudent Virgin. And that is the vow of perpetual virginity, even with every condition removed. For if that condition, "unless God should command otherwise," had been added, again the Virgin's question would have had no place. For from the angelic—and therefore divine—message by which the future birth was announced to her, she could have understood that God was commanding otherwise, and through this that now she was released from her vow.

§ 19. Besides, other reasons sufficiently exclude the condition of that vow. First, because that condition, "unless God should reveal otherwise," does not seem sufficiently to fit the humility of the Virgin, as if she were expecting a revelation from God concerning the state of her life. Second, because that condition would have been superfluous, inasmuch as it ought to be understood as included of itself in every resolve, promise, and vow—just as Scotus rightly admonishes in this place.[11] Third, because a vow without a condition is more perfect than if it have a condition or a kind of exception annexed; but the Blessed Virgin's vow was most perfect, that it might be an exemplar for all virgins thereafter in vowing chastity to God. Therefore the consequence is, both from the Virgin's question well weighed and understood, and from the adjunct reasons, that she vowed without condition and absolutely; and hence this is the sense of her words: What will be the manner of this conception and birth, which you announce to me, since it is not open to me to have intercourse with a man, because by a vow I have consecrated my virginity to God?

§ 20. This sense and this doctrine about the Virgin's vow is confirmed by the authority of the Fathers. For St. Augustine writes most openly of it in the book On Holy Virginity (ch. 4), in these words: "Her very virginity is therefore more grateful and more acceptable because Christ did not take from a husband that which He would preserve, but before she was conceived He chose that she should be born of one already dedicated to God. This the words indicate which Mary gave in answer to the Angel announcing to her the sign: 'How,' she says, 'shall this be done, because I know not man?'—which assuredly she would not have said, unless she had previously vowed herself a virgin to God. But because at that time the manners of the Israelites disapproved this, she was betrothed to a just man, who would not roughly take it away, but rather, against the violent, guard that which she had already vowed." And below: "Also a virgin could have been commanded to remain, in whom, by a fitting miracle, the Son of God might receive the form of a servant; but He consecrated Virginity to God for holy virgins by example, when as yet she who was to conceive did not know it, so that the imitation of heavenly life might be made by a vow, not by a precept; by the love of choosing, not by the necessity of serving." Thus Augustine.[12] He also (in Sermon 20 de Tempore, ch. 2) openly mentions the same vow, and at the end of the Treatise De Cataclysmo—whether Augustine himself or Eradius his successor—"the virgin," he says, "fulfilled what she knew."[13] Likewise Gregory of Nyssa (in the Oration on the Nativity of the Lord): "If marriage," he says, "had been assumed by Joseph, why, when the Angel foretold the birth, was she struck with astonishment at a new and unheard-of thing, when she altogether hoped that she should in some time according to the law of nature become a mother? For since her flesh was dedicated to God as a holy gift, it had to be kept untouched. Therefore even if you are an Angel," she says, "who speak, even if above what appears to men, nevertheless that I should know man cannot be; for the reason I am given to a husband is, that Joseph is a betrothed guardian, but I do not know a man."[14] Bede also, writing on those first words: "How shall this be done," etc., says: "In accordance with the reverence of her mind she declared that she had resolved to lead a virginal life; which, because she first among women took care to dedicate to virtue, by right she merited before other women to be called blessed by beatitude." And in the Sermon on the Annunciation of the Lord: "Truly 'full of grace,' to whom it was granted by divine gift, that she first among women should most gloriously offer virginity to God."[15] Likewise Rupert (On the Canticle, book 4, on that word at ch. 4, "In one of thy hairs"): "And truly," he says, "the friends say well that she vowed first to the Lord that excellent vow of chastity."[16] But Anselm, in the book On the Excellence of the Virgin (ch. 4), testifies of her that she "directed her whole intention, her whole love, and her whole zeal to this, that she might consecrate her body and her soul to God by perpetual virginity." He likewise again, in the same sense, expounds the Virgin's question in the Homily on the Gospel, "Jesus entered into a certain little town," saying that the Blessed Virgin

most certainly knew—namely, in this manner: because, although she was betrothed, nevertheless she knew with certainty, by a vow, that she would never be married nor know man.'[17] To these there is added the most illustrious testimony of Bernard, who (Sermon 2 on "Missus est") affirms that God had already inspired the vow of Virginity into the Blessed Virgin; and (Sermon 4), weighing the Virgin's very words, he says thus: "She does not doubt of the fact, but asks about the manner and order. For she does not ask whether it shall be done, but how; as though she should say: since I know that my Lord—witness of my conscience and the confession of His handmaid's vow—is pleased that I should not know man, by what law, by what order, will it be pleasing to Him that this be done? If it shall be necessary for me to break my vow, that I may bring forth such a Son, I rejoice for the Son, and grieve for the resolve." Likewise, in the Sermon on the Sunday within the Octave of the Assumption of the Blessed Virgin Mary, on those words (Rev. 14), "A great sign," no. 9, from the same words of Luke Bernard concludes that she vowed to God the inviolate holiness of body and spirit.'[18] Arnold, moreover, of Chartres, the Abbot of Bonneval, who, close and familiar with Bernard, consents with him, expressly affirms in the Treatise on the Praises of the Blessed Mary that she vowed virginity to God, although the Law seemed to require marriage of all; distinguishing with singular praise.'[19]

§ 21. To these there is finally added the concordant sentence of the Schoolmen in the present Distinction, who all acknowledge the vow, although with the Master none annex a condition, but improbably, as we have already shown. It is also read in the Life of Catherine of Siena that it was revealed to her that holy Mary was the first of all to pronounce for God the vow of perpetual virginity, in conformity with the doctrine of Augustine, Bede, Rupert, and others.

When the Blessed Virgin vowed—since the Virgin's vow is established, nevertheless it is doubted by the learned whether that vow preceded her betrothal, or followed it.

§ V — When the Blessed Virgin vowed (Quando voverit Beata Virgo)

§ 22. Of the Schoolmen the opinion of some is that she vowed after the betrothal or after entering upon marriage, and that from the consent of the spouse, and with the spouse himself likewise vowing. Thus holds St. Thomas (III, q. 28, a. 4); and after him Dominicus and other followers of St. Thomas. Although indeed they grant that she either vowed under a condition, or conceived the resolve of virginity in her mind, before she married, nevertheless they do not think that she vowed absolutely, save after she had married.

§ VI — That between the Blessed Mary and Joseph there truly was a marriage (Inter beatam Mariam & Joseph verum fuisse conjugium)

§ 23. The truth of the marriage between the Blessed Virgin and Joseph is asserted first of all by the Angel's words spoken to Joseph (Matt. 1): "Son of David, fear not to take Mary thy wife." The same is confirmed by the Virgin's words, by which she calls Joseph the father of Christ (Lk. 2), thus addressing her Son: "Thy father and I sorrowing have sought thee." And by the words of that same Evangelist in the same chapter, when he says, "His father and mother were wondering," and the rest; for neither would the Virgin so speak to the Son, nor the Evangelist to Theophilus and to all the faithful of Christ, unless Joseph had truly been Mary's husband. This matter is proved also by the common opinion of the Jews, who called Jesus "the son of Joseph" and "the son of the craftsman," and Joseph "his father" (Matt. 13; Lk. 3; Jn. 9). And although that opinion was

false, its cause was none other than that it was known that a true marriage had been contracted between Joseph and Mary; otherwise, without doubt, the Jews would have objected against Christ that He had been born of fornication, if in any way there had been doubt about the truth of the marriage.

§ 24. The Fathers teach the same consistently. For Ambrose, in the book On the Institution of the Virgin, ch. 6, removing that objection by which one might say that therefore there was not a marriage between Mary and Joseph, because no marital intercourse intervened, writes in this way: "Let it not move you that it says, Because Joseph took his wife; for when the marriage is initiated, then the name of marriage is assumed. For it is not the defloration of virginity that makes a marriage, but the conjugal pact. Finally, when a maiden is joined, there is a marriage, not when she is known by a man's admixture." Thus he—although it has been shown sufficiently above, in Distinctions 26 and 27, that for the substance of matrimony the marital act is not required. Likewise Augustine (Sermon 63 On Various Matters, ch. 10 and the following) widely proves the truth of this marriage, showing from this that Joseph was truly the father of Christ, not by carnal begetting, but by the truth of marriage; and that the Blessed Virgin for that reason (namely, because the husband is the head of the wife, and she set Joseph before herself, saying: "Thy father and I sorrowing," etc.)—and again he proves it from what is said (Lk. 2): "And she bore a son to him," namely to Joseph as to a father. For thus he reads where we have: "And she bore her first-born son." Among other things also, meeting the aforesaid objection about intercourse, he says that for that reason there was a true marriage between them, because there was between them conjugal charity, which makes spouses, not lust; and he confirms this by examples of Christian married folk, among whom many abstain from the work of the flesh by mutual consent. The same St. Augustine, in book 1 On Marriage and Concupiscence, ch. 11, after reciting the Angel's words by which Mary is called the wife of Joseph, subjoins: "She is called wife from the first troth of betrothal, whom by intercourse he had not known nor was going to know; nor had the appellation of wife perished or remained mendacious where there had not been, nor was going to be, any carnal commixture." In that place also he assigns in that marriage the three goods of matrimony, about which we shall treat in the next Distinction. Similar passages in Augustine are in book 5 Against Julian, ch. 5, and book 2 On the Harmony of the Gospels, ch. 1; to all of which Bede fully assents in the Sermon for the Sunday within the Octave of the Nativity of Christ, with words almost taken from Augustine.

§ VII — Why the Blessed Virgin was joined in marriage (Quare B. Virgo Matrimonio copulata)

§ 25. There are many reasons on account of which it was fitting that the Virgin who was going to be the Mother of God should be joined in marriage (*matrimonium*), which the Fathers hand on here and there, such as Ambrose (on Luke 1), Basil in the Homily On the Human Generation of Christ, Jerome and Anselm (on Matthew 1), Damascene (book 1 of On the Orthodox Faith, ch. 15), St. Thomas (III, q. 29, a. 1), St. Bonaventure upon this Distinction (q. 2), and others.[28] But all can be reduced to this sevenfold number. First, so that through the husband's genealogy the origin of the Virgin and of her Son might be recognised: because among the Jews it was not the custom that the series of generations be woven through women. Yet it could be through the man, even if he was not carnally the father of the one to be born—both because it was necessary that Blessed Mary, as being an only-begotten and having no brothers, marry, according to the law (Numbers 36), a man of the same tribe with herself; and because those who were of the house of David, as of royal stock on account of the Messiah to be born from that stock, did not readily mix seed with diverse families. Second

reason: lest either the Virgin herself, if she had had a son outside marriage, be defamed as a fornicator, or even be stoned according to the law (Deut. 22), or her Son, as one born of fornication, be by no means received as the Messiah. For although the Blessed Virgin suffered many adversities, that in this also she might be conformed to her Son, nevertheless it would in no way be consonant with her most excellent purity if she laboured under such infamy; nor with the dignity and office of the Mediator, who ought in all things to appear pure and immaculate. Add that to virgins defamed by their own fault there ought not to be afforded this occasion, whereby they might excuse themselves and say that even the Mother of God had been marked by infamy. Ambrose observed this reason.

Third, that the Virgin might have solace when fleeing into Egypt and returning thence, and that the Son might have fatherly obedience, service, and support throughout the whole time of His boyhood. Hence it is that Joseph is called the Nourisher of Christ. Fourth, that the virginal birth might be hidden from the Devil, while on the occasion of the marriage, being deceived, he thinks that that boy was begotten not of a Virgin but of a wife and by the seed of a husband. For although it is easy for him to discern the corrupted from the uncorrupted, nevertheless either he was not permitted to scrutinize—namely, with the holy Angels forbidding him (for, as Augustine teaches, in book 3 On the Trinity, ch. 8, the Devil is able to do many things by the power of nature, from which he is divinely prohibited)—or certainly he is not so intent upon human affairs as to examine everything in detail. Hence, because the Blessed Virgin had a husband, he neither scrutinized her integrity nor the manner of her conceiving; but, as Basil says, he chiefly watched unmarried virgins, because from the Prophet he had learned that a virgin would give birth. But if a virgin outside marriage had been made pregnant, the Devil would have known that virginal conception and birth by this argument: She conceived outside marriage, not from fornication—for that would not be hidden from me, who am the author of fornication; therefore she conceived of the Holy Spirit. This fourth reason is proposed by Ignatius, although today it is not found so expressly in him; yet it is hinted at in his Epistle to the Ephesians, and in the other which goes under his name to the Philippians.[29]

Fifth, that by the husband's own testimony Christ's birth from a virgin might be more surely proved, and the virgin's words rendered more credible, as Ambrose, writing on Luke, says. For if she had not had a husband, it would not have been believed when she said that she had conceived of the Holy Spirit; rather she would have been accused of fornication. Now, however, with the betrothed—who is presumed, by a zeal which is, as it were, a type on behalf of the spouse, that she have no intercourse with another man—bearing witness concerning her that with her modesty unharmed she conceived a son, it was more easily believed also to the virgin herself affirming the same. Sixth, that in some one marriage there might be found an express signification of the conjunction of the Church, as of a virgin fruitful, with the spouse Christ. For in other marriages there is indeed a signification of the Church joined to Christ, but not in such wise that she remains a virgin and at the same time becomes a mother. But in the Blessed Virgin the Church is represented in both ways, both insofar as she is a virgin and insofar as she is a mother; and that signification is altogether singular to this marriage. In this matter, therefore, Blessed Mary is in a singular way the figure of the Church. A seventh reason is indicated by Augustine, book On Holy Virginity, ch. 2, when he says of the Blessed Virgin: "She was espoused to a just man, not one who would violently take away but rather one who would guard against the violent that which she had already vowed." For among the Jews it was difficult for some to preserve perpetual virginity, because the manners of that people rejected such an institution, as Augustine there testifies. For this reason Joseph is called the guardian of the Virgin.[30]

§ VIII — Solutions to the objections raised against the marriage of the Blessed Virgin (Solvuntur ea quae contra conjugium Beatae Virginis objiciuntur)

§ 26. Against the truth of the said marriage these things are commonly objected. First: in Matt. 1 and Luke 1–2 the Blessed Virgin is said only to have been betrothed to Joseph; therefore she was not married. Second: in Matt. 1 Joseph wished to dismiss her secretly, which would not have been lawful if they had already been joined together by marriage; for the Law commands in Deut. 24 that a man publicly, with a bill of divorce given, dismiss his wife. Third: if there was a true marriage between them, the Blessed Mary sinned against the faith of marriage, because she conceived another than from her husband, and that, too, by saying of her own accord: "Behold the handmaid of the Lord," etc. Fourth: between Mary and Joseph there was an indissoluble bond; but Ambrose and Chrysostom testify, as above at Distinction 27, that a divorce was then made between them when Christ commended His mother to John from the cross; therefore there was a true marriage between them. Fifth: the Fathers frequently testify that the Virgin remained unmarried, and they deny that she was a wife; they also deny that nuptials intervened. Thus Epiphanius, Heresy 78, says: "Mary was betrothed, not married." Likewise Gregory, Homily 26 on the Gospels, calls Joseph the "spouse" of Mary, but excludes that he reached her nuptials, and he denies her to be a wife; Jerome also, on Matt. 1, and against Helvidius; Chrysostom likewise on Matt. 1. Likewise in the ecclesiastical Office it is read of her: "Mother and unmarried Virgin; Joseph, in the judgment of the Church, the spouse of the Mother of God, not her husband." Nay, Augustine, Sermon 125 on Time, says that she conceived a virgin before she had a spouse, and that she gave birth before she married; therefore, according to Augustine's opinion, she never married after the birth. Finally: Rupert, writing on "I am black but beautiful," says that Joseph then at last received Mary as his wife when, after the visitation of Elizabeth—namely, after the Lord's Annunciation and the conception of the Son—she returned in the third month; so that she, after six months, gave birth to a child as a married woman. And lest she should be held infamous among the neighbors for having conceived before marriage and being pregnant before she was led home by Joseph, he holds it to have been ordained by God that a journey should be undertaken, to wit into Bethlehem, where she was unknown; for since she had first been made pregnant and heavy with child before she was led by Joseph, the Angel's words to Joseph prove it, Matt. 1: "Do not be afraid to take Mary your wife." For this was said after she was found to have in her womb, Joseph for this cause wishing to dismiss her. But it is not difficult to answer the objections.

§ 27. And to the first, indeed, it is answered: she is said to have been betrothed just as also she is called "spouse" according to the custom of Scripture, inasmuch as there had been made the pact of marriage, namely by words of consent in the present, but she had not yet been known; in the same way also even today, at the very celebration of nuptials, they are called bridegrooms and brides already married. Whence, Luke 2, it is said that Joseph went up into Bethlehem with Mary "his wife who was betrothed to him." From which it is clearly evident that she was at once betrothed and a wife. So, Deut. 22, in one place she is called "betrothed" or "espoused," in another she is called "wife."[32]

§ 28. To the second it is answered that the statute of the Law had place only in that repudiation by which to the dismissed wife there was granted the power of receiving another husband. For to this end a bill of divorce was given, that the woman, armed as it were with the instrument, might be able with impunity to be led to wed by another man. But Joseph merely wished to separate himself from her as to cohabitation with the spouse, neither himself going to take another, nor giving to the Virgin the power of that thing.

§ 29. To the third: the Blessed Virgin did not violate the faith of marriage because she did not conceive from another man, but of the Holy Spirit. That conception did not dishonor but greatly adorned that marriage.

§ 30. To the fourth: although the opinion of Ambrose and Chrysostom about a divorce, though proposed, does not conflict but rather fits (for divorce was not made except of those who were truly spouses), nevertheless it is not to be approved. For Joseph was already dead when Christ was commending His mother to the Disciple; and indeed, as is most likely, before His public preaching; because the Evangelists make no mention at all of him as if still living after that passage, Luke 2: "And he was subject to them," although they remember His Mother both at the marriage feast, John 2, and elsewhere; therefore she was a widow. Hence it was that the Mother was commended by the Son to the Disciple; namely, a virgin to a virgin.[33]

§ 31. To the fifth: in such sayings the Fathers understand "nuptials" to be the consummation of marriage, and "married women" or "wives" to be those already known by a husband, when namely brides lose the name of brides. But on the contrary they call "unmarried" those intact. Whence, in the Office of the Church, where of the Blessed Virgin it is sung "unmarried virgin," it is read, with difficulty indeed according to another usage, "intact." Hence also it is evident how it was said by Augustine that the Blessed Virgin "gave birth before she married": namely in that form of speech in which Matt. 1 says, "She was found to have in her womb by the Holy Spirit"; not that she afterwards married, that is, that she was carnally known by a husband, but that she bore a son although she had not previously been carnally joined to a husband. In a similar way that saying is to be understood, that she conceived "before she had a spouse," that is, before she was carnally united to her spouse. Thus the Apostle, 1 Cor. 7, says: "Let each one have his own husband," speaking of the use of marriage—although it is not quite established that that Sermon is Augustine's.[34]

§ 32. What is finally brought forward from Rupert does not take away the marriage between Mary and Joseph, but only assigns it to a different time and foreign to the truth, and indeed altogether improbably, nay not without error. First, for in that way by that marriage the honor of the Virgin would not have been provided for, nor the peril of infamy excluded. For she would have given birth, as Rupert admits, after the sixth month of the contracted marriage. Nor indeed would it have been sufficient for warding off infamy that she had given birth away from her place of habitation: for it is likely that others also from the same kinship, on account of the same cause, had set out to Bethlehem; and she, now returned home with the child, could not have concealed from the neighbors that her childbirth had taken place at a premature time. And neither could a conception and impregnation made before marriage be concealed by marriage from the Devil. Then neither could a husband bear so great testimony to her chastity, whom he had led home pregnant, as if afterwards in the very marriage she had been made pregnant. And finally the words of the Angel in no way help this opinion of Rupert; for Joseph is not admonished by the Angel that he should then take her into marriage whom he did not yet have, since he is called her husband and was willing to dismiss her; but he is admonished to receive his wife, that is, to retain her, to lay aside the thought of dismissing.

§ IX — That the vow of the Blessed Virgin does not conflict with her marriage (Votum beatae Virginis non repugnare ejus conjugio)

§ 33. Now the place requires that there be given an answer to the question proposed at the beginning: namely, how in the Blessed Virgin the vow of perpetual virginity (*votum perpetuae virginitatis*), made before she was

betrothed to a man, could have stood along with the subsequent marriage, so that she was not made guilty of violating her vow by the fact that she consented to marriage. The reason for doubting is manifest from this, that a man and a woman mutually hand over to each other power of their body for the conjugal act. Whence at least implicitly in that contract consent to the conjugal act itself is understood to be contained: for he who gives to someone, for example, the power to enter, whenever he wishes, into his garden, seems at the same time to consent to the very entrance. There is added the Apostle's sentence, 1 Tim. 5: "they have damnation who wish to marry after a vow, because they have made void their first faith." Hence Jerome, cited by Gratian (17, q. 1), says: "For those who have vowed, it is damnable not only to marry but even to wish to marry"—which sentence is read also in his book 1 Against Jovinian, and from time to time also in other Fathers. Besides, someone will also reason thus: to have the power is to be able to use: but the Blessed Virgin, hindered by a vow, could not use her body for a man; therefore she did not have the power of using, and therefore there was not a true marriage. Then too: the Blessed Virgin had already handed over her body to God, therefore she had not reserved to herself the power of it; and consequently she could not give power to anyone. Finally: one impotent by frigidity cannot therefore contract marriage, because he cannot render the debt; therefore neither could Mary, to whom likewise by vow it was already impossible to render the debt.

§ 34. Since this question is not found treated by the ancients, it can, from the opinion of the later ones, be briefly explained in this way, if we say that the Blessed Virgin, before she consented to marriage, knew with certitude by divine revelation, or at least by inspiration and divine instigation, about the preservation of her virginity (*virginitas*), and that she knew with certitude with respect to this, that Joseph, although by marriage he received power over her body, would never make use of it; and so she could both consent to the handing over of the power of her body, and yet not consent to the conjugal act—certain, namely, that the act would never follow. This doctrine is Hugh of St. Victor's in the book On the Perpetual Virginity of Mary; from which book it appears that the question had then been recently raised by a certain person, to whom Hugh was the first to answer. In the same way Albert the Great, in the book On the Praises of the Blessed Virgin, and Bonaventure in this Distinction, question 2, reply. Most fully, indeed, Scotus explains that doctrine, in question 2 of this Distinction. The Master also says in the text that there was granted to both of them a revelation, so that each might understand about the other, by the revelation of the Holy Spirit, that they wished to preserve virginity, but that they had not expressed that intention in words. As to Joseph, however, that he, contracting marriage, had thought to preserve perpetual continence, is less probable, as we showed above against Augustine. But as to the Blessed Virgin, as she is not doubted to have vowed before she married, so indeed it must plainly be thought that she approached to contract marriage with such confidence of preserving her integrity, in which, her offspring having already been conceived, she trusted that she would not be accused by her husband of adultery, nor be stoned by the people. Although by the pretext of marriage she may seem to have been able to defend herself against both, nevertheless not without lying, if she were to say that she had conceived from her husband; and therefore also in this part she enjoyed singular divine protection. Nor indeed is it improbable to posit such a divine or angelic revelation; for it is most likely that that Virgin who was to bear God, and who in virtue surpassed all, was honored with angelic colloquies. We have a very similar example of such confidence or certitude in the Blessed Cecilia, who, after the vow of virginity, is read to have married Valerian, promising to herself a holy Angel as the guardian of her body. Whence it is understood that she had received the revelation from an Angel, that she would be going to be married without loss of virginity. For the fact that she frequently enjoyed colloquy with an angel shows it sufficiently; because she also showed the vision of the Angel to her spouse himself.

§ 35. Wherefore it is far more fitting to think this of the Virgin Mother of God. Accordingly, if even now someone who had made a vow of perpetual continence should receive from God a dispensation of contracting marriage, she could, without injury to the vow, marry; nor should the sentence of the Apostle to Timothy deter her, nor Jerome, nor other Fathers, condemning nuptials after a vow. For such sentences regard only those virgins and widows who seek nuptials on account of concupiscence, or at any rate expose themselves through nuptials to the peril of continence—which is what is ordinary in nuptials. Hence there further follows, that if someone had sworn that he would take for a wife a certain woman and had afterwards, with her left intact, entered Religion according to the canons, he would be able to fulfill both what he had sworn to man and what he had vowed to God: namely, if he should first take the wife and afterwards, leaving her intact according to the canons, enter Religion; which assuredly would be a true marriage, although not consummated. Thus in that case Alexander III gives counsel that it be done, in Extra, On Betrothals, chapter "Commissum." Whether it must necessarily be done in this way, we said above at Distinction 27, when we treated of dissolving betrothals.[36]

§ 36. To the reason subjoined it is answered that "to be able" is to have a proximate power which is not impeded by the act; and in this way the Blessed Virgin could not use her body for Joseph because of the impediment of the vow, although by reason of marriage she had power over his body; just as one who is enclosed in darkness cannot see, nor he walk who has his feet bound, even if the former be not blind nor the latter lame.

§ 37. To what follows we answer that these two do not conflict with each other: namely, to give one's body to God for perpetual continence, and yet to give the power of the same body to a husband whom you certainly know will never use it. That this is clear is because in this way there is rendered to God what is promised to Him, and yet to the husband there remains a power removed from act. For when spouses by mutual consent vow continence, they hand over to God their bodies and yet both retain power over the body of the other; for this, indeed, pertains to the constitution of marriage, but by vowing they have renounced for themselves the use of that power. Nor is this a wonder, since even the adulterer retains that power although he is excluded by law from the right of using the same. And it must be noted that just as it would be lawful for a woman already married, without the consent of her husband, to vow perpetual continence, if she should certainly know her husband would never demand the debt; so nothing prevents such a vow, with such certitude had, from being made by an unmarried woman, with subsequent marriage saved.

§ 38. To the last: the frigid cannot render the debt, because in nature he has impotence; whence a marriage cannot in any way be ratified by him; but the Blessed Virgin naturally and absolutely was able to render the debt, but because of the vow it was not lawful. Moreover, because before she married she was certain that her husband would never make use of his power, for that reason her marriage was not only true but lawful.

§ X — Whether the marriage between the Blessed Mary and Joseph was perfect (Fueritne perfectum inter Beatam Mariam & Joseph Matrimonium)

§ 39. A threefold perfection can be considered in marriage, namely of substance, of signification, and of end; and by these, therefore, there must be judged in this question whether the marriage between Joseph and the Blessed Virgin was perfect. Therefore, according to substance, that there was a perfect marriage between them is indubitable, and above we have demonstrated it from this, that, power over bodies having been given and

accepted on either side, they were truly spouses. Which also we were showing above at Dist. 26, in the last two chapters, about a marriage that is not consummated.

§ 40. Furthermore, if we attend to signification, something was lacking to the perfection of this marriage, as also of any unconsummated marriage; for although such a marriage signifies the union of Christ with the Church which is by charity, nevertheless not that which is by nature. For marriage signifies that natural union then only when it is consummated. But neither could there be there a signification of the conjunction of Christ with the Church that is natural, since in that marriage the thing itself was going to be exhibited: namely the Incarnation of Christ, through which He is joined to the Church according to nature. Nevertheless, that defect of signification in that most holy marriage another signification supplied and more than abundantly compensated—one which is lacking to all other marriages: namely that the Church, a virgin and incorrupt spouse of Christ and yet a mother, is signified.

§ 41. Finally, since one end is proximate and intermediate, another ultimate; if you look to the proximate end of marriage, which is the carnal coupling, in this respect it was not fitting that that Most Sacred Marriage be perfected or consummated. But if we look to the ultimate end, which is the procreation of offspring, or the offspring itself, in this respect that marriage was most perfect and also most happy, because in it from an incorrupt mother was born the most excellent fruit, the Son of God Himself, conceived of the Holy Spirit; so that there was no need of that middle which is not without lust and the corruption of the flesh.

§ 42. Besides these three from which we said perfection in marriage is considered, marriage also gains a certain strengthening: namely the mutual charity of the spouses toward each other, which indeed between them, other things being equal, is the greater and purer the less it has been mingled with carnal love. But the purpose of perpetual continence excludes carnal love from that work on account of which man and woman are wont to love each other carnally; and thus for this reason the marriage itself is also in a certain way firmer because of the greater charity by which, as by a certain spiritual bond, the spouses are bound to each other. Whence Augustine, in Epistle 199 to Ecdicia, and in book 1 On Marriage and Concupiscence, ch. 11, bears witness that those marriages are more holy and firmer in which, by equal consent between the spouses, continence is maintained. This will be all the more true if such spouses also attain the end of marriage, that is, offspring. Which indeed was conceded to no marriage except to this alone of which we now speak. Of which same Augustine, in the same place (On Marriage and Concupiscence), thus says: "Every good of marriage was fulfilled in those parents of Christ—offspring, fidelity, sacrament. We recognize the offspring to be the Lord Jesus Himself; fidelity, because there was no adultery; sacrament, because there was no divorce." Thus he.

§ XI — How Christ was the good of the marriage, and how Joseph was the Father of Christ (Quomodo Christus fuerit bonum conjugii, & quomodo Joseph Christi Pater)

§ 43. From Augustine's words just cited there arises the question, how Christ is truly said to have been the good of that marriage which intervened between Joseph and the Virgin, since He was not begotten of them both. Some answer thus far that this is truly said because in that marriage, and it still remaining intact, Christ was conceived and born. Which response indeed contains truth but not the full reason. A fuller reason will be had if we say that for this reason Christ is most rightly said to be the good of that marriage, because the generation of the offspring undertaken in that marriage—which is Christ the Son of God—did not belong

only to Mary, but by the right of marriage belonged also to Joseph as husband of the same Virgin Mother of God. By which right the same Joseph is truly called the Father of Christ, the Evangelist attesting when he says: "His father and mother were marveling," etc., and she herself...

§ 44. On this point St. Augustine's view is close at hand: for which reason, he says, it is credible that both are called the parents of Christ, and not only she the Mother, but he also the Father of Him, inasmuch as he was the husband—both with respect to the mind, not to the flesh.[26] Treating that passage of Matt. 1, "Joseph, the husband of Mary," he says: "By this example it is insinuated to married faithful that even a private continence by equal consent remains and is called marriage, not by the intercourse of bodies but by the will of minds."[39] "Nor therefore is Joseph not to be called the Father of Christ because he did not beget Him by lying with His mother; for he would rightly be the father also of Him if, having been begotten elsewhere, He had been received from his own spouse." And after a few words: "Since therefore he himself relates not that Christ was born from the intercourse of Joseph but of a Virgin, whence does he call him His father, unless because we also understand him to be the husband of Mary—without the mixture of flesh, yet by the copulation of marriage—and on this account also the father, and much more closely, of One who was born of his own spouse, than if He had been to be received from elsewhere?" These are Augustine's words, which the same words are also set down in his Sermon for the Sunday within the Octave of the Lord's Nativity.[40] Again, Augustine in Sermon 63 de diversis, at n. 10 and the following, in like manner from the truth of that marriage teaches that Joseph was truly the father of Christ, although not carnally from him; and for the proof of this he adduces, besides the previously alleged place, also that in Luke 2: "And she bore to him" (for thus he reads), that is, Mary—as to a father;[41] whereby, too, in the words cited a little above he seems to intimate that, because even a son could be born to them, therefore by Augustine's doctrine Christ in right belonged to Joseph as to a father. Moreover, discussing this matter, John Gerson, in a certain Sermon on the Nativity of the Blessed Mary, consideration 4, judges that on the same ground it can be said that Christ was born "of the body and flesh of Joseph," because assuredly "the two of the married are one body and one flesh." He adds that Christ was born on Joseph's soil or estate; these things, that is, the authority by conjugal right, were lodged with him. "Whence," he says, "Mary did not blush to call Joseph her Lord," etc.[42] On this argument let him see who will, Cajetan too (Opusc. 31, Responsio 2), where he examines certain propositions pertaining hither; namely, whether it is rightly said that by the contract of marriage the Blessed Virgin, as it were magnificently, gave to Joseph her body and blood of the whole body, and that from the blood of Joseph the body of Christ was formed; where, by the way, one might also ask whether Joseph, as he is truly said to be the father of Christ, could in like manner truly be called the father of God. Which, though it be granted, since Christ is true God, yet one must know that such locutions, which do not have complete and everyway proper signification, are not to be extended overmuch.[43]

§ 45. But someone will here object, that Joseph is called by the Evangelist the father of Christ only putatively. For thus Luke says (ch. 3): "as was supposed, the son of Joseph," as though explaining himself. Whence St. Bernard (Sermon 2 super "Missus est") says that Joseph by that appellation, albeit rightly dispensatory, merited to be honored by God; so that he was called and believed to be the Father of God. Origen, moreover (Hom. 12 on Leviticus), indicates that he is called the father of Christ because he was the nourisher and gave his service toward adoption: "For his faithful ministry," he says, "Scripture granted him the title of father."[44] But we answer that the Evangelist, in the second chapter, once and again calls Joseph the father of Christ, not as having regard to the opinion of the crowd—since at one time he speaks in his own person, at another he relates the words of the Virgin Mother addressed to the Son—but that he said absolutely

that he was the father of Christ; whereas in chapter 3 he declares the people's opinion, namely that Jesus had been carnally begotten of Joseph. Whence St. Augustine (De consensu evangelistarum II, ch. 1) says: "Christ also was supposed to be the son of Joseph, as though entirely of his flesh the firstborn; but this was supposed by those to whom the integrity of Mary was unknown." And below: "It is manifest that this which he says, 'as was supposed, the son of Joseph,' he said on account of those who, since He was born out of the city of Joseph, as other men are born, thought so by conjecture." So he. Therefore a different account explains why Joseph was the true father of Christ, and why he was the supposed father: true by the right of marriage, supposed on account of carnal generation. But, that it may be more fully understood how, and how far, Joseph was truly the father of Christ, one must note ...

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1. Dominicus [abbreviation as in source], Distinctio 27, q. 4, a. 3.
2. St. Thomas, Summa theologiae, Supplement, q. 51, aa. 1–2.
3. Gratian, Decretum, causa 29, q. 1.
4. S. Thom., quaest. jam citata [abbreviation as in source].
5. Dominicus, Quaest. 1, art. 1; On the mystical substitution of Leah for Rachel: St. Augustine, Against Faustus 22, ch. 51 and following.
6. St. Thomas, in this Distinction, art. 2, ad 5; Dominicus, Quaest. 1, art. 1; Silvester, s.v. "Matrimonium," no. 3, q. 1; Navarrus, Enchiridion, ch. 22, no. 32.
7. St. Thomas, Summa theologiae, Supplement, q. 48, a. 2; St. Thomas, Summa theologiae, Supplement, q. 45, entire question.
8. St. Thomas, *Summa theologiae* III, q. 23, a. 4 [abbreviation as in source].
9. The Master, in this Distinction; and also above, Distinction 28.
10. Decretals, Extra, "De voto", ch. Literam; Navarrus, *Enchiridion*, ch. 12, no. 7026.
11. Scotus, *In I Sent.* dist. 30 (qu. 2) [abbreviation as in source].
12. St. Augustine, *De sancta virginitate* ch. 4.
13. The sermon numbered 20 among the sermons "De tempore"; and the Treatise *De Cataclysmo* at the end—whether by Augustine or by Eradius his successor—[attributed as in source by the Benedictine editors].
14. St. Gregory of Nyssa, Oration on the Nativity of the Lord.
15. Bede, Commentary on Luke 1; and Sermon on the Annunciation of the Lord.
16. Rupert of Deutz, *In Canticum Canticorum* IV, on ch. 4.
17. St. Anselm, *De excellentia Virginis* ch. 4; and Homily on the Gospel "Intravit Jesus in quoddam castellum".
18. St. Bernard, Sermon 2 on "Missus est"; Sermon 4 on the same; and Sermon on the Sunday within the Octave of the Assumption of the Blessed Virgin Mary, on Rev. 14, no. 9.
19. Arnold of Chartres, Abbot of Bonneval, *Tractatus de laudibus Beatae Mariae*.
20. St. Thomas, *Summa theologiae* III, q. 28, a. 4.
21. St. Thomas, Summa theologiae III, q. 29, a. 1.
22. St. Ambrose, De institutione virginis, ch. 6.
23. St. Augustine, Sermon 63 De Diversis, ch. 10 and following; or Sermon LI among the sermons of the First Class [attribution and numbering as in the source].
24. St. Augustine, De nuptiis et concupiscentia I, ch. 11.

25. St. Augustine, Contra Julianum V, ch. 5.

26. St. Augustine, De consensu evangelistarum II, ch. 1.

27. Bede, Sermon on the Sunday within the Octave of the Nativity of the Lord.

28. St. Ambrose, Expositio Evangelii secundum Lucam I; St. Basil, Homilia De humana Christi generatione; St. Jerome, In Matthaeum I; St. Anselm, In Matthaeum I; St. John Damascene, De fide orthodoxa I, ch. 15; St. Bonaventure, In IV Sent., dist. 30, q. 2.

29. St. Augustine, De Trinitate III, ch. 8; St. Basil, Homilia De humana Christi generatione; St. Ignatius of Antioch, Epistula ad Ephesios; and the Epistula ad Philippenses [ascribed to him].

30. St. Ambrose, Expositio Evangelii secundum Lucam; St. Augustine, De sancta virginitate, ch. 2. Also cf. Num. 36; Deut. 22.

31. St. Thomas, Summa theologiae III, q. 29, a. 2.

32. Deut. 22; Luke 2:5: "with Mary his wife, who was betrothed to him."

33. John 2:1–12; Luke 2:51; John 19:26–27.

34. 1 Cor. 7:2; St. Augustine, Sermon 125 de Tempore [attributed], in the Benedictine Appendix; cf. St. Jerome, Adversus Helvidium; In Matthaeum I; St. John Chrysostom, In Matthaeum hom. 4.

35. St. Thomas, Summa theologiae III, q. 29, a. 2; Supplementum, q. 53, aa. 1–2.

36. Hugh of St. Victor, De Perpetua Mariae Virginitate; Albert the Great, De Laudibus Beatae Virginis; St. Bonaventure, In IV Sent., dist. 30, q. 2; Scotus, In IV Sent., dist. 30, q. 2; Peter Lombard, Sentences IV, dist. 30 (in text). On the canonical counsel, Alexander III, Decretals, Extra, De sponsalibus et matrimoniis, cap. "Commissum"; see also above, Dist. 27, on dissolving betrothals. Cf. 1 Tim. 5:12; St. Jerome, cited by Gratian, Decretum, 17, q. 1; Jerome, Contra Jovinianum I.

37. St. Thomas, Summa theologiae III, q. 29, a. 2. Cf. above, Dist. 26, on a non-consummated marriage.

38. St. Thomas, Summa theologiae III, q. 29, a. 2. Luke 2:33: "And his father and mother were marveling..."

39. St. Augustine, De consensu evangelistarum II, ch. 1, on Matt. 1: "Joseph, the husband of Mary."

40. St. Augustine, Sermon on the Sunday within the Octave of the Nativity of the Lord [Benedictine Appendix; sermon attribution as in source].

41. Luke 2, reading "Et peperit ei" ("And she bore to him") as cited by Augustine; cf. Luke 2:7 in the common Vulgate text.

42. John Gerson, Sermon on the Nativity of the Blessed Virgin Mary, consideration 4.

43. Cajetan, Opusculum 31, Responsio 2.

44. St. Bernard, Sermons on the "Missus est," sermon 2; Origen, Homilies on Leviticus, hom. 12.

DISTINCTIO XXXI — ON THE GOODS OF MARRIAGE THAT EXCUSE IT (*DE BONIS MATRIMONIUM EXCUSANTIBUS*)

Moreover, they also are truly called fathers of those whom they have not begotten carnally. For step-sons are called the sons of the spouses of a later marriage, and by the right of adoption those by whom they have been adopted are called their sons. But not in the same way, nor as properly, as Christ is the son of Joseph. For the former were born in a different marriage; he, in the same. Hence St. Augustine, in the words cited above from book 2 of On the Harmony of the Evangelists, bears witness that Joseph is much more closely the father of Christ, because He was born of his spouse, than if He had been adopted from elsewhere.[1] Where he says "of his spouse," it must be understood thus: in that very marriage, and without injury to it. For a step-son indeed is born of the spouse of him who is called father, but in another marriage; and the son of an adulteress, though indeed received in the same marriage, is nevertheless not without very great injury, both to the other spouse and to the marriage itself. But the marriage of which we are speaking suffered no injury by the generation of Christ from a Virgin divinely made fruitful, inasmuch as in it the faith of marriage remained wholly unviolated. Nay rather, it was splendidly adorned by the generation of so holy and divine an Offspring. Now indeed it is evident that no similar reason is found in Ishmael with respect to Sarah, although Abraham, Sarah's husband, begot him and even without injury to the marriage: for Ishmael was born in a different marriage, since the marriages were two distinct ones, that of Abraham with Sarah and that of the same Abraham with Hagar. Add that Sarah did not have full dominion over the body of her husband because of his digamy, as Joseph did over that of his spouse; and therefore with greater reason is Christ said to have been born of the flesh and body of Joseph than Ishmael to have been begotten of the flesh and body of Sarah. Finally, as to that point on which Origen, with Theophylact agreeing (on Luke 2), judges that Joseph was honored with the name of father only because of the faithful ministry which he rendered to Christ as guardian, we reply that this reason is by no means sufficient. First, because the custom of Scripture does not have it that a guardian be called father and a female guardian mother. Then, because the Virgin also sets him before herself even under the title of father, saying: "Thy father and I.",[2] Likewise the Evangelist says: "His father and mother were" — lest perchance you think that the Virgin did this solely for the sake of humility. Third, because Luke calls them both "parents," in Greek goneis, as it were "generators," because, as has been said, the generation of the Son pertains to parents.[3] Fourth, because by the same Evangelist it is said that "He was subject to them," namely, as a son to parents — which passage St. Augustine urges in book 1 of On Marriage and Concupiscence, chapter 11.[4] Lastly, because both Luke and Matthew trace the genealogy of Christ through Joseph — which would be done absurdly through one who was so only by the title of guardian.

§ I — What are the goods of marriage that excuse it (Quae sint bona Matrimonium excusantia)

§ 1. There are three goods (*bona*) of marriage (*Matrimonium*): offspring, fidelity, sacrament — by which marriage itself is said to be excused, because by their compensation those evils are excused which adhere to marriage; for by those goods the lust of the flesh also becomes without fault, and the incontinence of spouses venial, and likewise the inconveniences are mitigated which the Apostle indicated in those words: "Yet such will have tribulation of the flesh" (1 Cor. 7). For that is an evil of punishment; the mean is an evil of fault; but the first participates of both and inclines to fault. All which, although by marriage, accompanied by those goods, they do not cease to be evils, nevertheless by its benefit they are rendered either more tolerable or lesser — although St. Augustine, where he commends those goods, looks chiefly to the excusing of lust and incontinence, for the evil of punishment is not said in the same way to need excusing. But St. Augustine enumerates those goods in many places, as in book 1 of On Marriage and Concupiscence, chapters 10, 11, 17, 21, and in book 9 of On Genesis to the Letter, chapter 7.[6]

§ 2. The first good is offspring (*Proles*), that is, children to be received from a legitimate spouse. Which good the Apostle so commended as to say (1 Tim. 2): "But she shall be saved by the generation of children." Which is to be taken not of bare procreation, but most of all of education and religious and pious instruction. For the Apostle adds: "If she shall continue in faith and charity," signifying that in such wise parents are saved by the generation of children, if they instruct them in piety.

§ 3. The second good is fidelity (*Fides*), not that by which we believe the mysteries of religion, but that which is called conjugal fidelity: by which indeed it comes about that spouses religiously and faithfully observe even to the end the conjugal pact by which they transferred to one another the power of their bodies — of which the Apostle: "The woman hath not power of her own body," and conversely; and to this conjugal fidelity it belongs chiefly not to be mingled with another, and to render the debt when it is exacted.[7]

§ 4. The third good is the sacrament (*Sacramentum*). For a great good of marriage it is, that God has placed in it the signification of so great a thing, namely, of the indissoluble union of Christ with the Church. Whence, although by its own nature marriage is indissoluble, yet this belongs to it more strictly by reason of the sacrament. Hence it is that St. Augustine says that in the marriage of Christ's parents there is a sacrament, because there was no divorce — book 1 of On Marriage and Concupiscence, chapter 11.[4]

§ 5. Moreover the two former goods are not found in every marriage. For offspring is not there where both spouses or one spouse is sterile; nor where they observe continence mutually; nor where by medicines or other means conception or even the birth of offspring is impeded. For the killing of offspring either conceived in the womb or already brought forth into the light is, without doubt, opposed to this good. Likewise, those who have received offspring, if they do not, as they ought, educate it to the honor of Christ, so that it be regenerated in Christ in faith and piety and remain therein, they have indeed the good of offspring as to receiving it, but they do not well have that conjugal good which offspring is, while they do not so educate it. In which sense St. Augustine says in book 9 of On Genesis to the Letter, chapter 7: "In offspring, insofar as the good of marriage is to be considered, that it be lovingly received, benignly nourished, religiously educated." And in this sense it is fitting to interpret the Master when he denies that they have the good of offspring who indeed have received offspring from marriage but do not train it to piety.

§ 6. Fidelity also is lacking to a marriage where adultery is committed, or the conjugal debt is denied. For other sins, such as thefts, perjuries, robberies, heresies, although of such sort that they make the spiritual adultery by which someone is estranged from God, nevertheless do not go against conjugal fidelity, nor other injuries which spouses work against one another.

§ 7. But the third good, which is the firmness of marriage by reason of the sacrament, that is, the inseparability adhering to marriage, is found in every marriage. For although as to bed and board spouses can be separated for many causes, whether for a time or perpetually, and especially in the case of adultery of one of the spouses, nevertheless as to the bond they cannot be separated, as the Master rightly teaches out of St. Augustine in book 1 of On Marriage and Concupiscence, chapters 10–11.[8] Albeit that inseparability is not received in precisely the same way in a consummated and in an unconsummated marriage, and again in marriage of the faithful and of unbelievers. Which matter is shown partly from what was said above (to Distinction 27), and will be more fully clear from what will be said below (to Distinctions 33, 37, 39). From which places also it will be plain that this inseparability has a twofold formal character: one which arises from the nature and definition of marriage; the other which is rendered by reason of the sacrament. For we have shown that the formal character of sacrament is found in every marriage even of unbelievers (at Distinction 16).

§ II — Whether those are to be called spouses who impede conception or birth (Sintne conjuges dicendi qui conceptum aut partum impediunt)

§ 8. It is asked whether those who impede the conception or birth of offspring, or even extinguish it, can according to the truth be said to be spouses, and whether their union was from the beginning conjoined by a total intention so that it be marriage. Which indeed the Master seems to deny in the Text, adducing for this two testimonies from St. Augustine, namely, from the book On the Good of Marriage, chapter 5, and from book 1 of On Marriage and Concupiscence, chapter 15. In the former place, when he had said that it is not absurd to call it a marriage if between two it has pleased that fidelity be kept until death and the good of offspring, namely generation — although they were not joined for that cause — they have not nevertheless avoided it, so that either they do not will children to be born to them, or even by some evil deed they act so that they not be born; thus he subjoins: "But if either both or one of them be such, I do not find how we can call these nuptials." In the latter place, after these words: "Nor, however, is propagation of offspring opposed to for the sake of lust, whether by an evil vow or by an evil deed," he adds in succession: "For those who do this, although they are called spouses, are not spouses, nor do they retain any truth of nuptials, but put forward an honorable name to cover dishonor," and further on: "Altogether, if both are such, they are not spouses; if they were such from the beginning, they have come together not by wedlock, but rather by fornication. But if not both are such, I dare to say either she is in a way the meretrix of her husband, or he the adulterer of his wife." So far there.

§ 9. But without any doubt one must answer that nothing stands in the way why a true marriage should not be contracted among such persons, and likewise that they may have been joined from the beginning with that purpose and intention. For the end does not enter into the substance of the thing; and therefore, if the formal character (*ratio*) of marriage can stand, whatever at length — whether right or depraved — intention, not destroying its substance, it will be contracted. Whence neither in the definition of marriage is the cause of

generation or anything of that sort added. Yet, if it were added, nothing else would have to be understood as signified by this than that such a union of man and woman is of its nature, according to the primeval institution, ordered to the generation of offspring.[9]

§ 10. It is likewise proved from this, that those thus joined the Church has never been read to have separated as if by a false name spouses, although convicted of crime.

§ 11. To that therefore which is objected from St. Augustine, it must be answered that he denies such persons to be spouses thus far, because as to office, affection, and intention they are not spouses: inasmuch as they exclude the primary end of nuptials, that is, the receiving of children, either in the very contracting of marriage, or afterward at whatever time by set purpose; and therefore they are worthy before God of a heavier punishment than if they had only fornicated. But that he does not deny them to be absolutely spouses is clear from those last words: "But if not both are such," etc. — where, while he acknowledges that the one who is guiltless is truly a spouse, consequently it must be understood that the title of spouse is also left to the other, namely to the guilty: because wedlock does not limp, but is necessarily between two, even if one be unworthy of the name of spouse.

§ 12. Add that St. Augustine wills them not to be spouses even if they were not such from the beginning; but it is certain with Augustine that a marriage once begun is indissoluble: therefore he does not in the proper sense deny them to be spouses. The same is clear from the fact that he adds "in a certain manner." For by this he signifies that he is not properly an adulterer, but that it is said in a certain trope. Augustine also alludes to that saying of Ambrose, cited elsewhere by himself, namely in book 2 Against Julian, chapter 7, where he says: "The intemperate man in marriage — what else is he but a certain adulterer of his wife?" and to that saying of Xystus the Pythagorean, recounted shortly after by St. Jerome, "An adulterer is, properly, the more ardent lover of his wife"; which sort of sentences do not deny the marriage, but condemn the affection of men badly using marriage.

§ III — Whether the same are murderers (De iisdem utrum sint homicida)

§ 13. It is further asked, whether, and to what extent, those bind themselves with the crime of murder who either prevent one about to be born, or procure his abortion. A passage of Scripture (Exod. 21) furnishes an answer to this question, which according to the version of the Seventy has it thus: "If two men have fought and have struck a pregnant woman (understand: who wished to intervene), and her child, not yet formed, has come forth, he shall pay a fine as much as the woman's husband shall have laid upon him, and he shall give it by way of assessment. But if the fetus shall have been formed, he shall give life for life."[11] Bringing forward this passage, St. Augustine (Questions on Exodus, q. 80) says that the unformed fetus is signified not to be a man, and therefore that the crushing of it is not to be punished with the penalty which is for murder, but only to be mulcted with money. Otherwise, however, of the formed fetus, because a formed one is reckoned already animated with a rational soul, which constitutes a man; and therefore this was added: "if he shall have been formed, he shall give life for life," that is, he shall be put to death as guilty of murder.[12] In the same sense St. Jerome writes in the Epistle to Algasius (Question): "The seeds," he says, "are little by little formed in the womb; it is not reckoned a man until the confused elements receive their images and members."[13] These places also are cited by Gratian.[14] And hence it is that Innocent III, in the Decretals (On voluntary homicide, cap. "Sicut ex litterarum"), being consulted about a presbyter who had made a woman abort, whether he

could minister at the altar, replies that if the conceptus had been vivified he may not minister, otherwise he ought to abstain from the office of the altar—namely, as being guilty of the commission of homicide. The same matter is more fully explained by the Gloss on that same place.[15]

§ 14. Furthermore, one must know that, even if he is not guilty of homicide who procures the abortion of a not-yet-formed fetus, nevertheless he sins gravely, and that against the fifth precept of the Decalogue. For just as he who does not indeed take another's goods, but yet hinders another from making his due gain, although he is not properly called a thief, still sins against the seventh precept of the Decalogue; so he who hinders a man to be, even if he is not properly said to be guilty of murder, yet sins in the same genus, with that sin which is reducible to murder—just as St. Thomas and St. Bonaventure rightly teach on this place in their exposition of the text.[16] Hence it is that such persons are in a general way called murderers, of whom Augustine says, in De nuptiis et concupiscentia I, ch. 15, that "by a certain cruel lust, or a lustful cruelty, they will that the child conceived should perish in the womb before it lives."[17] And in a Sermon of an Uncertain Author, on the Seasons, it is said in like manner: "Whenever a woman has done that by which she is now not able to conceive, as many as she could have borne, of so many murders does she make herself guilty."[18]

§ 15. But someone will ask whether it is permissible to procure an abortion if, on account of the fetus conceived in the womb, a pregnant woman should be in peril of life. I reply with Silvester, under the word "Abortus" (no. 104): if the fetus is animated with a rational soul, it is not permissible, even if some danger is feared, lest the fetus should lose its life together with the mother. The reason is that to kill an innocent person God's law never permits, not even for the sake of preserving another's life: for evils are not to be done that good things may come. Therefore the woman or the physician, or anyone else, procuring such an abortion, would sin, without doubt, mortally. If, however, the fetus is not animated by a rational soul, it will be permissible; nay more, it also pertains to the office of a physician to procure its abortion when otherwise the mother cannot be helped—just as a member must be amputated for the safety of the whole of a man who is in danger. But if there is doubt whether it is animated, then, says Silvester, it seems to be mortal sin to give a drug; because he exposes himself to the peril of mortal sin, that is, of homicide.[19]

§ IV — What in marriage is evil and stands in need of excuse (Quid in matrimonio malum sit et excusatione egeat)

§ 16. Although marriage was instituted at the beginning without any fault by God, soon, by the transgression of our first parents, there crept into it something base and to-be-lamented—namely the foul lust of the flesh, and the disorder with respect to it. For before the sin it is said of our first parents, "They were both naked, and did not blush";[21] but straightway after the transgression of the divine precept, "they knew that they were naked," says Scripture[22]—that is, perceiving the nakedness of their members conjoined with shame they blushed. Now this venereal lust (*libido venerea*) is contained under concupiscence (*concupiscentia*) as a species under a genus. Wherefore whatever things in general are said of concupiscence in Scripture belong also to it: such as that it is contrary to the law of the mind and to the law of God, and that it is sin dwelling in us, the law of the members and the law of sin (Rom. 7);[23] that by it the flesh lusts against the spirit (Gal. 5);[24] that it is not "of the Father," but "of the world" (1 John 2);[25] that by it each one is drawn aside and enticed, and that, when it has conceived, it brings forth sin (Jas. 1).[26]

§ 17. But whereas these things pertain in general to every concupiscence (on which there is its proper place for discussing in Book II), it is the proper character of venereal lust to incite and impel a man to fornications, adulteries, and every kind of immodesty. Finally, even in its lawful use it so draws off the mind of a man, that he is not able to think anything worthy of a wise man. Whence even to holy spouses the use of it is hurtful thus far, because it makes them unfit for giving themselves to prayer, as the Apostle bears witness (1 Cor. 7), who admonishes spouses by mutual consent to abstain for a time, that they may be free for prayer.[27] Here belongs likewise what Augustine says, Contra Julianum IV, ch. 2: by the use of this lust, in holy spouses spiritual delight is diminished. And although experience sufficiently proves this matter, nevertheless many sentences, both of Augustine himself and of other sages even of our age, confirm it. Augustine testifies, Contra Julianum V, ch. 8, that in the onrush of lust no one is able to think holy things; and in Soliloquies I, ch. 10, that nothing more scorches and dejects the manly soul than feminine blandishments, and that contact of bodies without which a wife cannot be had; therefore in the same place he doubts whether it be the part of a wise man to marry and to take pains for children.[28] The same man (Fragment 4, in vol. 10) in answer to the question why he who fornicates is said to sin against his own body, says that in the very act of lust the soul is so plunged into the body that at that very instant it is permitted a man to think of nothing else— which he afterwards repeats in more words. A like sentence out of Cicero's Hortensius he recalls, Contra Julianum IV, ch. 14.[29] More fully, however, he disputes concerning the evil of lust in well-nigh the whole of Books IV, V, and IX of Contra Julianum, and in Book 14 of the City of God from ch. 25 up to ch. 22.[30] Likewise Fulgentius (De fide ad Petrum, ch. 2; Epistle 1, ch. 3). Tertullian also, in the book De anima, says that the soul of the begetter, in the act of generation, can have no operation of reason—although he gives of that matter a cause that is not true.[31] Bonaventure (In IV Sent., dist. 26), and the Decretist on the Decree upon the chapter Conjugia (32, q. 2), say that in that act a man becomes "all flesh," that is, wholly carnal.[32] Hippocrates the physician compared intercourse to the falling-sickness. Aristotle, in the Ethics, ch. 8, says that in that act it is not only impossible to understand anything, but even after it a man is less disposed for the use of reason. Cicero, besides the passage cited by Augustine, in the book De senectute affirms precisely the same thing.[33]

§ 18. From these things it is very manifest that we must not think in like manner of this lust, as of the delight of resting after toil, or of eating or drinking after hunger and thirst, or of the pleasures of the other senses—as Augustine rightly teaches, Contra Julianum V, ch. 5, and as St. Thomas teaches on the present Distinction, alleging this ratio of the difference: because the generative power, through which original sin is transmitted, is tainted and corrupted, and not so the nutritive. And although in general the sensitive appetite has been tainted and disordered by the sin of our first parents, yet this happens more in that appetite which serves the generative power through which sin is transmitted. Wherefore certain men, as Hugh (Book IV on the Sentences, ch. 4) and in this place the Master, do not seem to reason rightly, when they bring a comparison of the pleasure of the other senses, and especially of taste, with venereal pleasure.[34]

§ 19. For other delights do not so absorb reason and impede its use as this one does. Whence it is deservedly called "shameful," because it is a shame for man, as a divine animal endowed with mind, to suffer a brutal pleasure of this sort. But of the pleasure of taste the Apostle speaks thus, as of an honest thing (Acts 14): "Filling your hearts with food and gladness."[35] Again, for this reason Christ willed to be born of a Virgin, not of a holy marriage such as was that of the Patriarchs; because assuredly that conjugal intercourse, however free of fault, nevertheless cannot be without the evil of shame; whence it comes also that the same our Savior admitted indeed in Himself the pleasures of food, drink, and of other things fitting to nature, such as of

moderate cold and heat, of rest after weariness, and of sleep after watching; but the venereal pleasure He willed to admit never, either in Himself or in His most chaste Mother.

§ 20. Therefore, even if reason also rests during sleep, this lust must not on that account be compared with sleep, as though in an equal manner either should be excused. For sleep consists in a certain natural quiet of the senses, which is followed by the rest of reason; nor has it anything inordinate, on account of which, as repugnant to reason, it ought to be judged shameful or dishonest. Whence neither is any excuse at all here needed, where there is no evil. For both Christ took necessary sleep, and the necessity of sleep would also have existed in the state of innocence, in which there was neither the evil of fault nor of punishment. But if one were to set that comparison which the Master and Hugh put forward as sufficiently apt, hence too they would draw the conclusion that sexual intercourse would be lawful even outside marriage, just as the use of food and drink is lawful—whereas God has granted it only in marriage, and that in two cases only, as will appear below. To return now to our theme: the three goods of marriage above enumerated excuse, in the first place, marriage itself, so that notwithstanding this lust conjoined to its act, which in itself is always shameful and evil, it may be honest and lawful. For marriage in the state of innocence—just as that which was between the Blessed Virgin and Joseph, and whatsoever other spouses by like consent keeping virginity—insofar as there intervened there no lust, do not need this excuse. Secondly, those goods are said to excuse the lust itself and its use between spouses. And this excuse avails in part to this effect, that the conjugal act, and the pleasure itself, be no sin; in part, that it be only venial— as from the things which follow will become manifest. Finally, those goods excuse the spouses themselves, so that both in contracting marriage and in using it, they either do not sin at all, or sin only venially. But as regards the evils of punishment which are in marriage, and which are called by the Apostle "tribulations of the flesh," these you would more rightly say are compensated by those goods than excused, as we said above.

§ V — When the conjugal act is done without sin (Quando sine peccato fiat actus conjugalis)

§ 21. That marriage is therefore by divine and natural law good and lawful, especially since to it there has been divinely adjoined also the character of a sacrament, we showed above (at Distinction 26). From which it is manifestly consequent that its proper act, provided it be done in a lawful way, is good and lawful. For a thing's goodness or badness is estimated from its end. Wherefore, if the proper act of matrimony, which is also its end, were in itself a sin, or could not be done without sin, surely not even the very contract of matrimony could be entered without sin. Nor would this follow only by reason of the end or proper act, whose wickedness would redound upon the very thing itself, but also by reason of the obligation to the act. For without doubt he sins who binds himself to an act which cannot be exercised without sin.

§ 22. This doctrine is borne witness to by Ecclesiastes (ch. 3), saying: "A time to embrace, and a time to be far from embraces."[37] For if the conjugal embrace were always illicit, there would never be a time to embrace. And the other things enumerated in the same chapter show that whatever the wise man says there has at some time its time to be, is of such a sort that it can be done without sin.

§ 23. Although it is not agreed among all, even Catholic Doctors, when the conjugal act is without fault, or is not without it, nevertheless it is by far more probable, as more in conformity with the Sacred Scriptures and the doctrine of the Fathers, that there are only two cases in which it can be done without any sin—nay,

holily and meritoriously. The first is when it is done for the sake of generation; the second, when the debt is rendered to a spouse who asks for it.

§ 24. The reason for the first is, because then that act is referred to that end to which, both by divine ordinance and by nature, matrimony, whose act it is, is ordered: therefore in this way the conjugal act is excused by the good of offspring. Whence the Lord, not only before sin in Paradise, but also after sin when the human race had been blotted out by the flood, said: "Increase and multiply";[38] and Tobias the younger (ch. 8) commemorates, as a good work before God, that he took a wife by love of posterity alone—namely, that with that end alone he would know her.[39] Which thing St. Augustine very often commends also in the Patriarchs.[40]

§ 25. The reason for the second is, because when it is done for the cause of rendering the debt, it is an act of justice, whereby there is rendered to another what is his: "For," says the Apostle, "the man does not have power over his own body, but the woman; and likewise the woman does not have power over her own body, but the man"; and therefore by justice the one is bound to render the debt to the other, the same Apostle commanding, "Let the husband render the debt to the wife, and likewise the wife to the husband," and again saying, "Do not defraud one another."[41] In this way that act is excused through the good of justice, or of conjugal fidelity. And it is confirmed by this reasoning. For if in this case the conjugal act could not be exercised without sin, it would follow that the spouse from whom the debt is demanded would be in a perplexity—so that, if he refuse the debt, he would sin mortally; if he render it, he would sin venially by the very conjugal act. Which reasoning a certain old Gloss on the Decree, Distinction 13 (ch. 1), tries to solve, but quite ineptly, as may be seen there.[42] But that in each of the two cases just mentioned the conjugal act can lawfully be exercised is the constant common doctrine. The passages in St. Augustine are: De bono coniugali, chs. 6, 10, 11, 16; Retractationes II, ch. 22; De bono viduitatis, ch. 4; De nuptiis et concupiscentia II, ch. 14; De Genesi ad litteram IX, ch. 7; Contra Julianum III, ch. 16; Homily 50 (cap. 7); Sermons 8 De tempore, 63 and 74 De diversis; and Soliloquia I, ch. 10.[43] The same is taught by Fulgentius (Epistle I, chs. 2–4), Gregory (Moralia XXXII, ch. 17), and St. Thomas, St. Bonaventure, and other Scholastics on the present Distinction.[44] The same also St. Thomas has on this Distinction, and likewise in the Supplement of the Third Part, question 41, article 3, and question 49, article 4.[45] From these things, moreover, it is plain how far removed from the truth was that Satanic doctrine of the Manichees, who taught that every intercourse with a wife is fornication, as St. Augustine bears witness concerning them in De actis cum Felice Manichaeo I, chs. 7 and 12—relating not dissimilar things of those who were in the Manichean heresy.[46] Which error is sufficiently refuted by a single sentence of the Apostle to the Hebrews (ch. 13): "Marriage is honorable in all, and the bed undefiled; for fornicators and adulterers God will judge."[47] But that the conjugal act is lawful only in the cases aforesaid, and otherwise always unlawful—although most of the places already cited clearly attest it—will be taught more fully below.

§ VI — Reply to the objections that are set against this (Solutio eorum quae contra objiciuntur)

§ 26. To those arguments by which marriage is attacked as something evil and unlawful, we responded around Distinction 26, although certain things said there are also fitting in this place. For on account of the act which is proper to marriage, marriage itself seemed to some blameworthy or in some fashion culpable. But besides

those—which indeed are to be recalled to memory here—other arguments also are brought forward, neither few nor contemptible, by which it seems to be shown that the conjugal act cannot be exercised without sin. And of these the first and chief argument is this: lust, without which the conjugal embrace does not occur, is by its nature always culpable, as being opposed to the spirit and to the law of God, or to the law of the mind, according to the Apostle (Rom. 7; Gal. 5);[49] therefore to admit it, whatever the end may be, is always a sin, since evils are not to be done that good may come. Nor is it enough to say that the spouses suffer it, and that they are excused from the sin which is not committed without the consent of the will. For the spouses have of their own accord and freely contracted matrimony, indeed they also freely exercise the office of matrimony, whether by demanding the debt or by rendering it; wherefore consequently they consent to lust, which necessarily coheres with it—especially since they seem to arouse it in themselves by the very act, so that in a proper sense they are its authors. Which is also proved by a like case. A merchant voluntarily throws his wares into the sea to free himself from danger; and a man voluntarily loses a hand or a foot for the preservation of the whole body—although he would wish to obtain the end if he could without that means; and for this reason he is said to do it unwillingly, since otherwise in that act his will in some way is voluntary. Whence neither is he excused who adores an idol to save his life, although otherwise he would by no means adore it. For although these acts are mixed, nevertheless absolutely speaking they are and are said to be voluntary.

§ 27. To this argument—which others answer in other ways—it seems to us one must reply thus: therefore the conjugal act, even in the state of corruption, can be without sin, because the consent of the will can be borne toward the act alone and toward its end, which is generation or the rendering of the debt, but not toward the lust conjoined to the act. For he who consents to an act does not straightway consent to everything that is accidentally conjoined to it: for the lame man consents to progression, not to the limping; and the traveler to walking, not to the injury or the rain; and he who sins consents to the act of sin, not, however, to the punishment which of necessity coheres with the sin. Nor is lust by itself to be said culpable, even if it is opposed to the law of God. For culpability regards the will, to which, in the matter proposed, we suppose the evil of lust to be displeasing. Moreover, neither is it lawful for a man to admit in himself something base, inordinate, and opposed to the law of God (even if he does not consent to it), unless he were doing it from a just and reasonable cause. For otherwise the will which admits that evil, even if not directly consenting, would not be free of guilt; for it would be an indirect consent. Wherefore, just as a prince permitting in a city taverns or brothels—by no means thereby consenting to them—does not sin, since he has a just cause of permitting them; so neither is he to be said to sin who admits an inordinate delight, yet does not consent to it, when he does this—or rather suffers it—for a just cause, namely the propagation of the human race, or the rendering of the debt: for which ends, assuredly, in themselves most honorable, in this corruption cannot otherwise be obtained. And indeed he is not so much to be said to admit lust in himself, as in his flesh, that is, in the sensitive part, which is common to man with the brutes, in which delight can exist without the consent of the mind; as is evident in maidens who suffer violation involuntarily, according to that which we read was said by Lucy to the judge: "If you order me to be violated unwilling, my chastity will be doubled to my crown."[50] For the Apostle also (Rom. 7) says: "I know that in me, that is, in my flesh, dwells no good"; and again: "With the mind I serve the law of God, but with the flesh the law of sin."[51] In about this manner St. Augustine teaches that spouses are excused from sin (Contra Julianum IV, ch. 2; V, ch. 10, and elsewhere). But someone will ask: Why is not that act similarly excused outside of marriage, if someone, for the sake of generating offspring, or for another honest end, such as health, or the saving of his own life or another's, exercising that act, permits the evil of lust in himself?

It is answered that the reason is this: because God so ordained that that act, which by its first institution has no other use than for the procreation of offspring, is never lawfully done outside marriage, even if it had no turpitude of lust joined to it. The reason for which is the good of offspring, as has been declared elsewhere. Wherefore neither can the admission of lust in oneself by such an act ever in any case be lawful outside marriage.

§ 28. Secondly, the authority of Gregory is brought forward, who, in replying among other things to the seventh question of Augustine the Bishop, thus says: "It was always the practice from of old among the Romans, after the admission of their own spouse, to seek the purification of a washing, to abstain for a little while reverently from entrance into the Church. We do not by saying this think that marriage is to be blamed, but because the very lawful admission of a spouse cannot be without the pleasure of the flesh, therefore one must abstain from the entrance of a sacred place, because that pleasure can in no wise be without guilt," and what follows. Which words of Gregory are reported by Gratian into the Decretum (C. 33, q. 4), c. Vir cum propria, and are referred by the Master in the Text.[52] But we reply that the mind of Gregory is clear when he says and openly confesses that the admission of a spouse is lawful; and below he repeats, saying that "the carnal coupling is legitimate, in order that it be for the cause of offspring, not of pleasure; and that the coupling of flesh be for the sake of begetting children, not the satisfaction of vices." And then he subjoins: "If, therefore, someone uses his spouse not from the cupidity of pleasure, but solely for the sake of begetting children, he is indeed to be left to his own judgment regarding the entrance of the Church and the receiving of the mystery of the Body and Blood of the Lord; for he ought not to be forbidden by us to receive, who, placed in the fire, does not know how to burn," and so forth. He pronounces the same also in Moralia XXXII, ch. 17: "Then only are spouses in the admission without guilt, when they are united not to satisfy lust, but to receive offspring." Therefore Gregory acknowledges that the conjugal coupling sometimes is without fault.

Wherefore, in that he says that the pleasure itself can in no way be without guilt, we must not understand guilt altogether properly, but in that way in which the Apostle (Rom. 7) calls concupiscence and its motion "sin," because, to wit, it of its own nature inclines to sin, nor is anything else lacking to its proper character of sin except that it be voluntary—just as to objections of this kind an answer has been given around Distinctions 21 and 32 of Book II. Which reply is confirmed by the very passage of Gregory proposed, where he testifies that there is a like judgment about the movements of anger and of other vicious passions.

§ 29. Thirdly, that saying of David is objected: "Behold I was conceived in iniquities, and in sins did my mother conceive me," which was written of a legitimate marriage—so that the conjugal intercourse is signified never to be without sin—according to Bernard in the sermon that begins "A great sign," or in the sermon on the Sunday within the Octave of the Assumption of the Blessed Virgin on those words (Rev. 12), "A great sign," and according to Innocent III in the Exposition of Psalm 50.[53]

It is answered that by that verse of the Psalm are understood the iniquity and sin not of the mother conceiving, nor of the father begetting (for neither did the Prophet wish there to accuse the iniquity of his parents), but of him who is conceived, as Augustine and other Fathers, and indeed even the Councils themselves, understood, when in that place they use it everywhere to prove the propagation of sin. But if sometimes also the Fathers interpret that place of the iniquity and sin of the parents themselves, they understand sin in that way in which Paul (Rom. 7), as the Council of Trent explains (Session 5, canon 5).

§ 30. Fourthly, that of the Apostle (1 Cor. 7) is objected, "But this I say by indulgence." But to this we have already responded around Distinction 26; and the Master replies in the Text. Fifthly, the Apostle (1 Cor. 12) calls the members deputed to generation "unhonorable," for no other reason than because, on account of the lust joined to it, the act of generation is moved dishonorably, and therefore illicitly. But it is replied that that act can be called both honorable and dishonorable. It is honorable because of the honesty of marriage by which the baseness of lust is covered and excused; it is dishonorable, however, because of lust itself, which cannot be separated from it. Nor, however, does it on that account become illicit, because that evil which is conjoined is not, first, voluntary. Sixthly, Augustine in Soliloquia (I, ch. 10) says that he had not yet ascertained whether it belongs to the wise man to take pains to have children. I reply that he does not therefore say this because he thinks that work cannot be done without sin (for in the same place he openly says that it is not a sin if someone is joined to a wife solely for the sake of procreation), but both because sin is very difficult to avoid, and because without lust, which is always evil, dishonorable, and vicious, it cannot be done. How rare and difficult it is to use a spouse solely for the sake of offspring, Augustine declares in the same place; likewise in De bono coniugali, ch. 13; as also Gregory does in those words in which he says that he is not to be forbidden from receiving the Body of the Lord who "being placed in the fire does not know how to burn." Which perfection St. Augustine attributes to very few (in the same chapter of De bono coniugali), and in Sermon 63 (De diversis, ch. 13). Seventhly, Innocent III, on that saying "Behold I was conceived in iniquities," says that in the conjugal work it is very often sinned mortally, and thinks it truer that it is always at least venially. The same opinion is held by a certain canonist Hugo on the chapter Vir cum propria, saying that the conjugal work can never be exercised without sin, not even when it is done by necessity of rendering the debt. We reply that Innocent does not assert that outright. But the opinion of Hugo is rightly and deservedly refuted by the Glossator in the same place.[54] Eighthly, the Fathers frequently except only the cause of generation, on account of which the conjugal intercourse is done without sin, as will become evident below through their testimonies; therefore at least for the cause of rendering the debt that act is not excused from sin. But this is easily replied to: the Fathers speak of him who demands the debt, not of him who renders it. For to demand, according to their sentence, is never lawful except for the cause of generation. In rendering, however, there is justice. Whence Augustine (De bono coniugali, ch. 7): "To render the debt is no crime at all; but to exact it beyond the necessity of generating is a venial fault"—where by "crime" is understood sin in general, as is clear from the antithesis. Lastly someone will object: A spouse unduly demands the debt, namely for the sake of pleasure; therefore it will not be lawful to render to the one asking. For it is not lawful to subserve one who wishes to sin, nor to return a sword to a madman with which he wishes to kill either himself or another. It is replied that even to such a one the debt is to be rendered. Whence Augustine, in De bono coniugali (ch. 4), says that in the very fact that spouses pay the debt to one another, even if they seek it somewhat intemperately and incontinent, nevertheless fidelity is owed mutually by them. Nor indeed does he who on that account renders the debt subserve the spouse unto sin, but unto the use of the thing owed. Wherefore, if the other uses it unlawfully, the fault is the user's, not of the one rendering the debt. Nor is it similar in the case of a madman asking back his sword, as Dominic well explains on this Distinction (q. 1, a. 3). For then it is lawful to deny for a time a thing belonging to another or owed, when he to whom it is owed wishes by it to inflict temporal harm upon himself or upon another. Which in the conjugal matter would be lawful; otherwise, however, in the case of mere spiritual harm. For by this work someone could, through his voluntary chastity, avoid harm to himself. And therefore, he says, a man is more obliged—unless he be a Prelate—to meet the great temporal harms of his neighbor than the spiritual ones.[55] Moreover, what Cajetan

opines, that there is no movement of concupiscence without sin—which being granted, it follows that the conjugal act, in which concupiscence cannot but be moved, is never done without sin—has been refuted by us at Distinction 21 of Book II.›[56]

§ VII — When the conjugal act is a venial sin (Quando actus conjugalis sit veniale peccatum)

§ 31. Venial fault is had by conjugal intercourse, whenever it is done for the sake of perceiving pleasure, and there is not present another circumstance inducing mortal fault. That such intercourse has fault is clear from this, because in it pleasure really obeys lust, seeking it and consenting to it of its own accord—just as Augustine teaches (De bono coniugali, ch. 10). But this cannot be done without sin, as has been shown above, and Augustine teaches in the same place. The same is declared by these words of Tobias (ch. 8): "You know that not for lust..."—"but by love of posterity alone I took this my sister."[58] But that the fault is only venial is shown from this, because that pleasure—although in itself evil, base, and contrary to reason—is nevertheless confined within the bounds of marriage, nor does it overturn the order of justice, nor does it rule over reason, nor does it drag a man into damnable sins.

§ 32. That doctrine is confirmed by the authority of the Apostle (1 Cor. 7), saying: "Return again together (lest Satan tempt you) because of your incontinence. But this I say by indulgence, not by command." In which words there is not to be taken that indulgence or pardon, by which lesser goods, the greater being omitted, are granted as licit, yet are not commanded, as some understand: for every good, however small, is praiseworthy and needs no pardon; but there is understood that pardon or indulgence by which, that greater evils may be avoided, lesser evils are permitted with easy hope of pardon. By which, therefore, sins indeed are signified to be, yet venial ones. Thus in very many places Augustine understood the Apostle's passage, and expressly in Book I of the ...[59]

§ VII — When the conjugal act is a venial sin (Quando actus conjugalis sit veniale peccatum)

§ 33. Likewise also St. Gregory teaches this in many places: in the Moralia, book 32, ch. 17; and in the Pastoral Care, part III, Admonition 28, saying: "For that is indicated to be a fault which is said to be indulged."[^60] So too the Venerable Bede, expounding the Apostle's passage.

§ 34. Moreover, the conjugal act (*actus conjugalis*) has a venial fault (*culpa venialis*) whenever it is done for the sake of avoiding fornication, or, generally, as a remedy for incontinence (*incontinentia*). The reason is that even in this case the spouse in that act pays some deference to the pleasure of the flesh; yet in such a way as to restrain it within the limits of marriage and to refer it to a good end, which is to avoid fornication. Hence this case is not altogether different from the preceding, but is contained under it as under a more general head; for it adds to the choice of pleasure the circumstance of a good end.

§ 35. Therefore the proof hereof is the same from the Apostle. For when he says, "But this I say by indulgence" (1 Cor. 7), this must be referred to the two preceding sentences: namely, to that earlier one, "Because of fornication let each one have his own wife, and let each woman have her own husband," where "to have" is the same as "to use"; and to this later one, "Return to the same (lest Satan tempt you) because of your

incontinence." For in the former place he assigns as the cause of the indulgence the avoiding of fornication; in the latter, generally, a remedy for incontinence, even if perchance he who uses his spouse has not that end in view, but has his own pleasure before his eyes. In this way St. Augustine and Bede interpreted the Apostle in the passages cited.[61]

§ 36. And although among Catholics there are some—such as the Altissiodorensis, Durandus, Paludanus, Capreolus, Cajetan, Sylvester, John Major, John Eck, Frederick Nausea, and Domingo de Soto—who are of a different opinion, thinking that he does not sin even venially who demands the conjugal debt to avoid fornication, and expounding the Apostle's place of that indulgence by which a lesser good is granted with the better omitted; nevertheless all the Ancients and the chief of the Schoolmen bear witness on our side, teaching that in this case spouses sin venially.[62]

§ 37. And, first, Augustine's doctrine is clear in many places. For in the book On the Good of Marriage, ch. 6, he says that the Apostle "grants by way of indulgence" to spouses that they "be joined also apart from the cause of procreation"; and in ch. 7: "To pay the debt is no crime; but to demand it, indeed, contrary to the necessity of generating, is a venial fault." And most explicitly in ch. 10: "Therefore he does not grant marriage itself by way of indulgence," he says. "For who would doubt that they are said to have sinned most absurdly to whom indulgence is granted? But he grants by way of indulgence that intercourse which is by reason of incontinence, not by the sole cause of procreation, and sometimes with no cause of procreation, which marriages do not compel to be done, but obtain to be pardoned." And presently: "For the intercourse necessary for the cause of generating is inculpable, and this alone is nuptial. But that which goes beyond this necessity, since it obeys not reason but lust," etc. Again, in ch. 11, he says that the natural use in marriage is venial when it slips beyond the nuptial pacts, that is, beyond the necessity of propagating; and in ch. 13, that it is granted venially by the Apostle whenever spouses come together not for the sake of offspring; and finally, in ch. 17, he again testifies that that excess which goes beyond the cause or necessity of generating is granted by the Apostle "according to indulgence."[63]

§ 38. Of the same mind is he in Homily 50 On Diverse Matters, ch. 7: "The sole cause of generating renders inculpable the commixture of either sex"; and in Epistle 121 On Praying to God, last chapter: "The sole cause which excuses nuptials is the cause of begetting children." And upon Psalm 80 he numbers among those who build upon the foundation "wood, hay, stubble" him "who so mixes with his own wife as not to keep there the measure prescribed by the tablets, the cause being that of begetting children." There is also a clear and express place in the same author, Sermon 63 On Diverse Matters, ch. 13, where he says thus: "He who desires his wife's flesh more than the bounds prescribe—namely, the cause of begetting children—acts against those very tablets by which he took a wife. The tablets are read, and they are read in the sight of all the witnesses; it is read, 'for the sake of begetting children': they are called nuptial tablets. If they are not to this end given, let wives be received to this end. Let the husband blush to receive otherwise, if the father blushes to give otherwise. But if afterwards they demand the debt, let them not go beyond the bounds of the matrimonial pact, let them not go beyond the bounds of the conjugal bed. Is it not a sin to demand from a spouse more than the necessity of begetting children compels? It is indeed a sin; but the Apostle grants pardon, saying: 'But this I say by indulgence.' As if he were to say: I do not command that you do this; but I pardon if you shall have done it." And a little later: "Up to that measure," he says, "seek the nuptial work, that you may beget children; and if otherwise you cannot have children, descend to that pain. For it is the penalty of that man from whom we have sprung." So he. And in On Original Sin, ch. 38, again citing the Apostle's

sentence, he says: "Clearly, while he gives indulgence, he denotes fault." The same, in Sermon 41 On the Saints, numbers among venial sins as often as, apart from the desire of children, a man has known his wife.[64] These moreover of the same Doctor's places are cited: Soliloquies, book 1, ch. 10; On the Literal Meaning of Genesis, book 9, chs. 7, 8, 10; The Harmony of the Gospels, book 2, ch. 10; On Marriage and Concupiscence, book 2, chs. 4, 3, 12, 14; On the Good of Widowhood, ch. 4; Against Julian, book 2, chs. 7 and 8; and book 4, ch. 4; Treatise On the Ten Chords, ch. 11. His sentence is cited in the Ordinary Gloss at that text, 1 Cor. 7, "According to indulgence," with the Master also reporting it in the Text.[65] Clearly subscribe Bede in the Commentary on 1 Cor. 7 and Fulgentius (Epistle, chs. 3–4) in most express words; there is also another place of Fulgentius, in the book To Peter, ch. 2.[66]

§ 39. With these agree Jerome, book 1 Against Jovinian; and in the Apology of the same work; these are cited by Gratian, Decretum, C. 32, q. 4, "Origo quidem" and "Liberorum"; Chrysostom, Homily 22 on Genesis; Gregory, Moralia 32, ch. 17; and in the Response to Augustine the bishop of the English's tenth question, adducing also the Apostle's testimony from 1 Cor. 7; and in the Pastoral Care, part III, Admonition 28, where likewise he adduces the Apostle's place and has pertinent statements for this matter; likewise Lactantius, book 5 of the Divine Institutes, ch. 7, did not hesitate to write that "whatever is desired beyond the desire of generating is condemned by God."[67]

§ 40. Nor, indeed, do all these teach, when they except the sole cause of generating, that which the younger Tobias signified in those words (Tob. 8): "Because not for the cause of luxury, but for the sole love of posterity do I take a wife," as though the sole love of posterity were the inculpable cause of contracting and of the conjugal work. The Master, in the Text, follows the doctrine of the Ancients; and with him follow, from among the Schoolmen, all the most approved—St. Thomas, St. Bonaventure, Richard, and the others who write upon this Distinction. Although Scotus (on Distinction 26) leaves it in more doubt. St. Thomas's opinion, ill understood by Sylvester, is well grasped by both Sotos; but Domingo does not follow it; Peter follows, explains, and defends it (Lecture 16, On Matrimony). The opinion of the same St. Thomas is this and the true one; for it manifestly follows from what has been said, that the conjugal act, if it is done for the sake of health, does not lack fault. Yet just as he sins only venially who seeks pleasure within the bounds of marriage, so too he who by that act seeks health does not sin more than venially; and perhaps in this case he sins less than the other. For that outside marriage, which not even for that cause can be done without mortal fault, no one ought to doubt.

§ 41. From what has been said it further follows that the conjugal act does not lack fault if it is done partly for the cause of generation and partly for pleasure, even if pleasure is not the principal cause, but nevertheless is liked; which is against the second conclusion of Soto (Question 1, article 3). But it is proved especially by Augustine's express words (On the Good of Marriage, ch. 10), cited above, wherein he so distinguishes between "not the sole cause of generating" and "no cause of generating," as nevertheless to posit fault in both; and by Sermon 63 On Diverse Matters, where he wills that spouses descend to that work with pain. Much less is one to acquiesce in those who want the conjugal work, if it is done for the cause of delectation, even without the intention of generation, provided excess be avoided, to be utterly excused from sin. This is the opinion of John Major and Eck.

§ VII — Reply to the objections to the contrary (Responsio ad objectiones in contrarium)

§ 42. To what has now been said, the first objection is taken from the Sage's exhortation (Prov. 5): "Rejoice with the wife of thy youth. Let her breasts inebriate thee at all times; be thou delighted continually in her love." Whence it appears to be lawful that someone, for the cause of delectation, indeed even for the satiating of pleasure—which the word "to inebriate" signifies—be joined to his wife.

§ 43. Second: Lactantius, book 6 of the Divine Institutes, ch. 23, thus writes: "He who restrains lust within the prescription of the lawful bed has that which he eagerly desires, and yet he does not fall into sin"; and in the same book, ch. 16: "If lust does not wander outside the lawful bed, although it be vehement, nevertheless it is without fault."

§ 44. Third: Hugh of St. Victor, Homily 15 on Ecclesiastes, at that verse, "A time to embrace," says that the pact of the first institution is confirmed by indulgence, not only for discharging the office, but also for providing the remedy, lest indeed the movement of the flesh, now boiling over too immoderately, should pour forth more foully into every transgression if it could by no means have been in any way relaxed. Then he adds: "A bound is therefore prescribed up to which the affection of the flesh may extend itself without the loss of chastity; so that what is done by concession in the chastity of marriage, although it pertains to infirmity, nevertheless is not imputed to turpitude"; and what follows, where he again calls these "conceded."

§ 45. Fourth: St. Thomas, in IV, Dist. 26, question 7, says that by marriage the act is excused from sin which without marriage would be sin.

§ 46. Fifth: Pleasure (*voluptas*) was adjoined by God to the act of generation, just as to the taking of food and drink; which is clear both from the example of other animals and from the authority of Jerome, who in the Epistle to Furia On the Guarding of Widowhood says that that lust was implanted by God on account of the procreation of children; and of Lactantius, who affirms this very thing, book 6 of the Divine Institutes, chs. 16, 19, 23, and again ch. 3 of the Epitome: although Augustine, On the Good of Marriage, ch. 16, says that carnal delectation, when moderated and restrained by temperance, reduced to its natural use, cannot be lust; which he also confirms in book 2 of the Retractations, ch. 22. But if by this it ceases to be lust, and if that pleasure has God as its author,

§ 47. Sixth: If even for the sake of avoiding fornication the conjugal act is not licit, then neither can old people nor sterile spouses, or where one party is such, without sin ask for the debt, since there the hope of begetting offspring ceases.

§ 48. Seventh: It is not a sin to take a spouse for the sake of avoiding fornication; therefore neither is it a sin to know her for the same cause.

§ 49. Eighth: He does not sin who mixes with his spouse to forestall fornication in her, when namely he pays the debt; therefore he will not sin if he shall have done this to forestall fornication in himself. For a man is more bound to avert his own sin than another's.

§ 50. Lastly: To use marriage for that end for which it was instituted is not sin—whether that end be primary or secondary. But its secondary end is that it be a remedy for concupiscence; therefore it will be lawful to use it for this end.

§ 51. But let us reply to these in order. And as to the first: the speech of the Wise is not properly adhortatory to conjugal embraces, but to the avoidance of adulteries and fornications, which are avoided through the use of one's own spouse. For the Wise speaks in the same way as the Apostle in 1 Cor. 7, using indeed these words, "Let each one have," and, "Return to the same," but interpreting "to the same" when he subjoins: "But this I say by indulgence, not by command." That this is the mind of the Wise is proved both by those precepts which precede about avoiding the strange woman, and by what immediately follows: "Why art thou seduced, my son, by a strange woman, and cherishest the bosom of another?"

§ 52. To the second: In that place Lactantius understands "fault," that is, damnable sin. For he removes from that use of marriage the sin which would be in a similar use outside marriage; which indeed without doubt is mortal.

§ 53. To the third: Hugh uses the word "concession" for permission or indulgence, and says that the movement of the flesh is lawfully relaxed as a remedy for incontinence, nor is this imputed to turpitude, because it is indulged "according to indulgence." For even Bonaventure, whom it is certain stands in the contrary opinion, so speaks as to say it is done lawfully; because, namely, there is no mortal sin, and pardon is easily obtained. That this is Hugh's meaning is gathered, first, because he makes mention of indulgence; then, because of infirmity and the loss of chastity—for the loss of chastity is incurred through the mortal sin of lust, not through venial.

§ 54. To the fourth: That act is excused by marriage from sin because it can in marriage be done without sin, whereas it can never be done outside marriage; and this even if it be done for the cause of generation. Likewise, because by marriage it is excused from mortal sin even if it be not done for the cause of generation; whereas outside marriage, whatever the cause, it is mortal sin.

§ 55. To the fifth: The pleasure of the senses, considered in itself, is good, as being implanted by God in nature—even in nature as integral; but inasmuch as it is immoderate, darkening reason and therefore foul and shameful (being by these vices effected and infected by sin, it is called lust), it is neither good nor has God as its author. Wherefore, although it can please insofar as it is pleasure, yet not absolutely—that is, insofar as it is lust—but rather on this ground it ought to displease; just as was said of concupiscence in general above, at Distinction 30, § 2. And the case is like concerning demons and evil acts, which we ought to hate simply. Moreover, Jerome and Lactantius by "lust" understand pleasure without consideration of that which is inordinate. But Augustine denies that carnal delectation, if restrained by temperance, is lust in the formal sense; for insofar as delectation is moderated, it is not lust; yet that which, inasmuch as it is lust, always remains immoderate. Whence he adds in the Retractations that he said this for this very reason, because lust is not the good and right use of goods; just as it is evil to use goods ill, so it is good to use evils well. What was concluded in the sixth place must be conceded. For it is held commonly as shameful if old or sterile persons—those who have been proved such—marry; and they act "beside the nuptial tablets."

§ 56. The antecedent of the seventh argument must be denied. For just as he sins who takes a wife in order to enjoy venereal delectation, so too he who does this for the sake of avoiding fornication—since in this too, as we said above, he pays some court to his lust. Peter a Soto teaches this (Lecture 19, On Matrimony), when he says that the very contract of marriage, if it is not with the intention of the generation of offspring, is at least a venial sin; nor does he admit any other principal end for contracting marriage. Yet understand this of the contract in order with a view to consummation.

§ 57. The sequence of the eighth argument is rejected by St. Thomas, because each person can by other remedies bring help against the danger of his spouse, and by free will together with God's grace overcome the temptation of the flesh. But the intemperance of a spouse he is bound by matrimonial faith to withstand; nevertheless he is not able to cure it, since another's will is not in our power.

§ 58. To the last it is replied, according to what we said at Distinction 30, that the secondary end of marriage (*finis secundarius*) is not that of the instituter but of the one using; to whom such a use is granted "according to indulgence." Whence also the very contract, when it is made on account of this end, is likewise indulged according to indulgence. For marriage, whether before or after the fall, by divine institution has no other end than the procreation of children; by divine, nevertheless, benignity and indulgence after sin it has come to men as a remedy for incontinence—just as Hugo of St. Victor, book 2 of On the Sacraments, part 11, ch. 3, from Augustine, well attests.[69]

§ V — When in the conjugal act one sins mortally (Quando in actu conjugali peccetur mortaliter)

§ 59. The cases can be set out summarily—there are six—in which even intercourse with one's spouse incurs mortal guilt in the conjugal act (*actus conjugalis*). First, if it is so frequent, or so urgently and insistently sought, that it impedes the times that are owed. For Peter also, speaking of the use, makes an exception, in 1 Pet. 3: "that your prayers be not hindered"; and Paul in 1 Cor. 7: "Do not defraud one another, unless perhaps by consent, for a time, that you may have leisure for prayer," etc. From which it is gathered that the Apostle permits, according to indulgence, that which he permits only so far as the times of prayer are excepted; for the phrase "unless perhaps" has this exceptive sense: "but only by consent, for a time, that you may have leisure for prayer, afterwards to return to the same." Therefore the conjugal embrace is granted according to indulgence in such wise that the times owed to prayer not be impeded. That this is the case from the words of Paul, St. Augustine understood (De bono coniugali, ch. 10), when he says: "There the Apostle grants lying together according to indulgence, yet so that there be continence between them, and where there are the times for praying," etc.[71] But understand this of the one who exacts the due, not of the one who renders it; for the Apostle wills abstinence to be by the consent of both; and hence he is not to be blamed who is pressed by a spouse not consenting to abstinence to render the due—just as will be more fully explained above, in the Distinction next following, on continence.

§ 60. Second: if someone uses his spouse with such intemperance that he does not contain himself within the conjugal effect, being ready also to satisfy his lust with another not his spouse, or with the same even when, according to law, she ought not to be known, and follows after that pleasure so absolutely, loving it in such a way that he sets it before the fear of God its institutor. Thus the Angel says (Tob. 6): "Those who so take marriage as to exclude God from themselves and from their mind, and so give themselves to their lust as a horse and a mule, which have no understanding, over them the demon has power"; and the Lord in the Gospel: "He who loves his wife more than me is not worthy of me." In regard to these, that severe sentence of St. Jerome (on Ezek. 18; against Jovinian, book 1, last chapter), and found elsewhere, applies: "Every more ardent lover of his own wife is an adulterer," and this also of the same Jerome (book 1 against Jovinian, last chapter): "Nothing is more shameful than to love a wife as if an adulteress." On the contrary, if spouses in their union love more what is honest than what is dishonest, and what pertains to marriage than what is not

of marriage, this, by authority of the Apostle and according to indulgence, is granted to them, as Augustine teaches in the place just cited.

§ 61. Third, when a man knows his wife while she is pregnant. However, this will be a mortal sin only if there is danger of harm to the conceived fetus, even if not yet animated, and of destroying it. About the gravity of such a sin we have already spoken above in the preceding places. But he sins mortally who exposes another to the danger of mortal sin. Whence also St. Jerome expressly set down this case (Against Jovinian, book 1, last chapter), saying: "Let them at least imitate the beasts, who, after the belly of their wives has swollen, do not destroy the offspring." And in the History of the West Indies it is read (book 1, ch. 11; book 3, ch. 18) that among certain peoples of that nation it was observed by a kind of natural law that men abstained from their wives when they were pregnant; and in Bede's Penitential (Cap. de Fornicatione) a penance is prescribed for those who act against this rule, as for men who have sinned gravely, and the same is repeated (in the chapter De Abstinentia mulierum). It is a mortal sin, just as it would be to hand a sword back to a madman. For one sins mortally not only by killing, but also by cooperating in another's slaughter or ruin, even if one does this by handing back a thing otherwise owed.

§ 62. Fourth, when a man has intercourse with a menstruant woman. On which case, however, the Doctors' opinions vary; but first of all Scripture is to be heard, which (Lev. 15, 18, 20) severely forbids such intercourse, numbering it with other more grievous crimes, and even establishing the punishment of death for both—both the one rendering the due and the one exacting it. From which it seems sufficiently to be understood that the sin of both is mortal. Likewise (Ezek. 18) to approach a menstruant woman is numbered among those sins which do not consist with justice. Thus St. Augustine judges of that sin (De peccatorum meritis et remissione, book 3, ch. 12; Quaest. 64 in Levit.): in which place he gives this reason, that such intercourse is very harmful for the offspring to be conceived. Which harm Jerome explains more fully (on Ezek. 18) in these words: "By each month the heavy and torpid bodies of women are relieved by the outpouring of unclean blood. At which time, if a man copulates with a woman, the conceived fetuses are said to draw a defect from the seed, so that lepers or elephant-men are born from this conception, and bodies in both sexes foul and corrupt by smallness or enormity of members degenerate," etc. A similar passage of Jerome is on Isa. 61, at "as a rag of a menstruant." On which matter also one can see Haymo on the same place of Isaiah. Now that this case must be extended to both spouses, even if one only renders the due, besides the express passage (Lev. 20), the already-stated reason, which is common to both, persuades: because both cooperate notably to harm the human being to be born; and Augustine's, Jerome's, and Haymo's words in the places mentioned seem to imply the same. This opinion is held by St. Thomas, St. Bonaventure, Alexander of Hales, Richard, Scotus, Sylvester, and likewise Peter a Soto (Lecture 16 De Matrimonio). Lyra also agrees (on Lev. 15 and 18), saying that such intercourse is forbidden not only on account of bodily or legal uncleanness, but especially because from such intercourse there are wont to be generated monstrous, defective, leprous children.[72] Yet not all these Authors ascribe mortal guilt to the one rendering the due. For St. Thomas indeed says that the matter is mortal sin both to render the due and to ask it. The same think Richard, Lyra, the Glossator (on the chapter Ad eius, Distinct. 5), and Peter a Soto. But St. Bonaventure and Sylvester recognize in the one rendering the due some venial sin, not mortal. Others however, as Paludanus (on Distinct. 32, q. 1), Cajetan (in the Summula, Title Matrimonium, and on Lev. 18), Francis de Vitoria (in the Thesauri on the Sacraments), Domingo (on the same Distinction, q. 1, a. 2), Navarrus (Enchiridion, ch. 16, n. 32), and Alphonsus a Castro (book 1 De potestate legis poenalis, last chapter), think that both are only venial. Which indeed Alphonsus, as he himself admits, contends against the leading Theologians with many arguments; yet

these are not so difficult to dissolve. For what they say—that the death-penalty in the Law was established on account of violation of a ceremonial law (which now does not oblige)—appears frivolous, and is dissolved by Lyra with the words just cited, and before him by the Blessed Thomas; indeed also by St. Augustine, who in the aforesaid question expressly says that this is among those sins which are not of figurative but of manifest iniquity, and which also in the time of the New Testament ought to be observed, although the penalty appointed in the Law does not pertain to the time of the New Testament. And to this Bede in the Penitential (or, On the Remedies of Sins, Cap. de Fornicatione, and again Cap. de Abstinentia mulierum) prescribes a grave penance for those not abstaining from a menstruant. The History of the West Indies (book 3, ch. 18; book 6, ch. 10) also records that in certain regions of that people, although they are most given to lust, nevertheless they abstain from menstruants.

§ 63. Fifth, one sins mortally when by immoderate use of sexual intercourse one notably harms one's own health or that of one's spouse. And rightly does Domingo extend this also to the one rendering the due (art. 3 of this Distinction).[73]

§ 64. The last case is when the natural use is changed into that which is against nature, that is, into a mode by which, according to nature, a man cannot be conceived. Of this Augustine also makes mention (De bono coniugali, ch. 10, and elsewhere). The Sacred Scripture in many places, with detestation, notes the gravity and enormity of this sin.

§ VI — That spouses are equal in the conjugal debt (Conjuges in debito conjugali esse pares)

§ 65. Conjugal fidelity (*fides coniugalis*) pertains to these two things: that the spouse not approach another person besides the spouse—which is called adultery; and that one render the due to a spouse who exacts it. This was said in the Distinction above, where the three goods of marriage were treated. From which it is manifest that conjugal fidelity is violated not only by adultery but also by withholding the carnal due, though not equally. And of adultery indeed there will be treatment (Dist. 35). In this place, however, it comes up for consideration how, and how far, spouses are mutually bound to the conjugal due, and of what sort a sin the subtraction or denial of that due is, and by what ways this kind of sin is committed.

§ 66. First then (as regards the very word), that which we call the conjugal due (*debitum coniugale*), that is, the intercourse owed by the one to the other, the Apostle in 1 Cor. 7 does not simply call a due, but—as it is in the Greek—"the due benevolence"; assuredly veiling by a most honorable word the shamefulness that clings to that deed, since both Peter (1 Pet. 3) and Chrysostom on 1 Cor. 7 signified the same due by the name of honor. In the right of demanding this due, and in the obligation of paying and rendering it, spouses are altogether equal among themselves, and each is, with respect to the other, both lord and servant alike. The Apostle teaches this in the place already mentioned, when he says: "Let the husband render the due to the wife; and the wife likewise to the husband. The woman has not power of her own body, but the husband; and likewise the husband has not power of his own body, but the woman." And that this subjection is not a servile one he signifies more expressly when he says afterwards: "For the brother or the sister is not under servitude in such cases." And again what he says in the same chapter: "Wert thou called being a servant? care not for it; but if thou mayest be made free, use it rather." St. Jerome interpreted of the servitude of the conjugal due in book 1 Against Jovinian. Of it too St. Augustine thus (De bono coniugali, ch. 6): "Spouses owe to one another not

only the fidelity of commingling of their own sex for the sake of begetting children, but also, in order to avoid illicit intercourses, a mutual sort of servitude of receiving one another's infirmity," and words to the same effect; which words Gratian also inserted into the text of the Decretum (C. 32, q. 2, c. Quicquid inter). Theophylact likewise, following Chrysostom in expounding the Apostle's passage, testifies that in this matter the wife is both servant and mistress of the husband, and likewise the husband is servant and lord of his own wife. Of this same right and servitude St. Augustine treats (Contra Faustum, book 32), and Fulgentius (Ep. 1, chs. 2, 7), teaching that each spouse has power in the other's body with entirely equal right, according to the Apostle.[75]

§ 67. To this equality of conjugal right and servitude the Philosopher can not without reason seem to have looked, when at the end of the book of the Categories he wrote that that manner of having is most alien and improper by which a man has a wife—inasmuch as by an equal right he is in turn "had" by his wife.

§ 68. But against this equality someone will object from Scripture (Gen. 30), where we read that Leah hired her husband from Rachel for mandrakes: whence it seems to follow that she did not have the right of asking the due whenever she wished. For Jacob a just man would neither have denied this due to her when she asked it, nor would he have sold for a price what was by right owed. And a similar reason holds in the marriage of all the Patriarchs who had several wives at once: for they could not always render the due to each when asking.

§ 69. But one must answer that there is a certain exception to this conjugal right in polygamy, which is of such a nature as not to admit this complete equality, because one man is joined to several wives and thus is made the servant of several. In which case that saying of the Gospel has place: that no one can serve two masters. Whence polygamy is in some way contrary to the law of nature, and was granted to the Jewish People only by divine dispensation, as will be taught in the next Distinction.

§ 70. But to what is brought forward about the mandrakes, one must say that Jacob did not sell for a price the intercourse with Leah his wife, but that Leah—although she could by right demand the due—preferred, under a certain honorable pretext, that is, by offering the gift of the mandrakes of her son, to stir up toward herself her husband's due benevolence.

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1. St. Augustine, De consensu evangelistarum II.

2. Lk. 2:48: "Behold, thy father and I sought thee sorrowing."

3. Lk. 2:41–51; note the term "parents" (Greek goneis).

4. St. Augustine, De nuptiis et concupiscentia I, ch. 11.

5. St. Thomas, Summa theologiae, Supplement, q. 49.

6. St. Augustine, De nuptiis et concupiscentia I, chs. 10, 11, 17, 21; De Genesi ad litteram IX, ch. 7.

7. 1 Cor. 7:4.

8. St. Augustine, De nuptiis et concupiscentia I, chs. 10–11.

9. On the contrary opinion, see Thomas Sanchez, De matrimonio IV [abbreviation as in source], who argues at length that a marriage between those who from the beginning by fixed intention impede conception or also extinguish offspring is null by a condition contrary to the substance of marriage, appealing, among other things, to the decretal of Gregory IX "Si conditionis" concerning conditions added to the matrimonial contract; see also the examples he reports. Estius expresses amazement that anyone should say here that marriage stands between such persons; Sanchez, however, strives to demonstrate the contrary.

10. St. Thomas, Summa theologiae II-II, q. 64, a. 8, ad 2.

11. Exod. 21 (according to the Septuagint): "If two men have fought… he shall give life for life."

12. St. Augustine, Quaestiones in Heptateuchum, on Exodus, q. 80.

13. St. Jerome, Epistle to Algasius, "Quaestiones" [abbreviation as in source].

14. Gratian, Decretum [abbreviation as in source].

15. Innocent III, Decretals, De homicidio voluntario, cap. "Sicut ex litterarum"; with the Gloss ad loc.

16. St. Thomas and St. Bonaventure, on this Distinction, in expositione textus [abbreviation as in source].

17. St. Augustine, De nuptiis et concupiscentia I, ch. 15.

18. Sermon of uncertain authorship, de Tempore (numbered CCXCII in some collections).

19. Silvester Mazzolini (Prierias), Summa Silvestrina, s.v. Abortus, no. 104.

20. St. Thomas, Summa theologiae, Supplement, q. 49, a. 4.

21. Gen. 2:25: "They were both naked, and did not blush."

22. Gen. 3:7: "They knew that they were naked."

23. Rom. 7.

24. Gal. 5.

25. 1 John 2.

26. Jas. 1.

27. 1 Cor. 7.

28. St. Augustine, Contra Julianum IV, ch. 2; V, ch. 8; Soliloquia I, ch. 10.

29. St. Augustine, Contra Julianum IV, ch. 14.

30. St. Augustine, De civitate Dei XIV, chs. 16–22 (as cited); also Contra Julianum, Books IV, V, IX.

31. Fulgentius, De fide ad Petrum, ch. 2; Epistula I, ch. 3. Tertullian, De anima.

32. St. Bonaventure, In IV Sent., dist. 26; Decretist's Gloss on Decretum, cap. Conjugia (32, q. 2).

33. Hippocrates, apophthegm comparing intercourse to the falling-sickness; Aristotle, Nicomachean Ethics, bk. VII (or VIII), ch. 8 [abbreviation as in source]; Cicero, De senectute.

34. Hugh of St. Victor, In IV Sent., ch. 4; the Master (Peter Lombard), in this place [abbreviation as in source].

35. Acts 14:17: "Filling your hearts with food and gladness."

36. St. Thomas, Supplement to the Summa theologiae, q. 41, a. 3; q. 49, a. 4.

37. Eccl. 3:5: "A time to embrace, and a time to be far from embraces."

38. Gen. 1:28; 9:1.

39. Tob. 8: "You know that not for lust, but by love of posterity alone, I take this my sister."

40. St. Augustine, passim on the Patriarchs; see, e.g., De bono coniugali; De nuptiis et concupiscentia.

41. 1 Cor. 7:3–5.

42. Gratian, Decretum, Dist. 13, c. 1.

43. St. Augustine, De bono coniugali, chs. 6, 10, 11, 16; Retractationes II, ch. 22; De bono viduitatis, ch. 4; De nuptiis et concupiscentia II, ch. 14; De Genesi ad litteram IX, ch. 7; Contra Julianum III, ch. 16; Homilia 50 (cap. 7); Serm. 8 De tempore; Serms. 63, 74 De diversis; Soliloquia I, ch. 10.

44. Fulgentius, Epistula I, chs. 2–4; St. Gregory the Great, Moralia XXXII, ch. 17; St. Thomas and St. Bonaventure, on this Distinction.

45. St. Thomas, In Dist. 31; Supplement to the Summa theologiae, q. 41, a. 3; q. 49, a. 4.

46. St. Augustine, De actis cum Felice Manichaeo I, chs. 7, 12.

47. Heb. 13:4.

48. St. Thomas, in the places just cited.

49. Rom. 7; Gal. 5.

50. Acta of St. Lucy: "If you order me to be violated unwilling, my chastity will be doubled to my crown."

51. Rom. 7:18, 25.

52. St. Gregory the Great, Epistula to Augustine of Canterbury (traditionally bk. 11, ep. 64); Gratian, Decretum, C. 33, q. 4, c. Vir cum propria; Peter Lombard, Sentences, in this Text.

53. St. Bernard, Sermon that begins Signum magnum; or Sermon on the Sunday within the Octave of the Assumption on Rev. 12: "A great sign"; Innocent III, Expositio Psalmorum on Ps. 50.

54. Innocent III, on Ps. 50: "Behold I was conceived in iniquities"; the canonist Hugo on c. Vir cum propria; the Gloss there refutes him.

55. Dominic (de Soto), on this Distinction, q. 1, a. 3.

56. Cajetan, on movements of concupiscence; refuted above at Distinction 21 of Book II.

57. St. Thomas, Supplement to the Summa theologiae, q. 49, a. ultimo.

58. Tob. 8.

59. "Hinc jure merito ab Innocentio XI. e Pro ..." [abbreviation as in source].

60. St. Gregory the Great, Moralia XXXII, ch. 17; Pastoral Care, part III, Admonition 28.

61. Cf. 1 Cor. 7:2, 5–6. St. Augustine and Bede on this place: St. Augustine, De bono coniugali; Bede, In 1 Cor. 7.

62. Altissiodorensis (William of Auxerre), Durandus (of Saint-Pourçain), Paludanus (Peter of Palude), Capreolus (John), Cajetan, Sylvester (Ferrariensis), John Major, John Eck, Frederick Nausea, Domingo de Soto.

63. St. Augustine, De bono coniugali, chs. 6–7, 10–11, 13, 17.

64. St. Augustine, Homily 50 De diversis, ch. 7; Epistle 121 (On praying to God), last ch.; Enarrationes in Psalmos, Ps. 80; Sermon 63 De diversis, ch. 13; On Original Sin, ch. 38; Sermon 41 De sanctis.

65. St. Augustine, Soliloquia I, ch. 10; De Genesi ad litteram IX, chs. 7–8, 10; De consensu Evangelistarum II, ch. 10; De nuptiis et concupiscentia II, chs. 4, 3, 12, 14; De bono viduitatis, ch. 4; Contra Iulianum II, chs. 7–8; IV, ch. 4; De decem chordis, ch. 11; the Ordinary Gloss on 1 Cor. 7:6 ("Secundum indulgentiam"); the Master (Peter Lombard), in this Text.

66. Bede, In 1 Cor. 7; Fulgentius, Epistula I, chs. 3–4; Fulgentius, Ad Petrum, ch. 2.

67. St. Jerome, Contra Iovinianum I; Apology for the same work; cited by Gratian, Decretum, C. 32, q. 4, "Origo quidem" and "Liberorum"; St. John Chrysostom, Homily 22 on Genesis; St. Gregory the Great, Moralia XXXII, ch. 17; Responsa to Augustine of Canterbury's tenth question; Pastoral Care, part III, Admonition 28; Lactantius, Divinae institutiones V, ch. 7.

68. St. Thomas, in the same place.

69. Hugh of St. Victor, De sacramentis II, part 11, ch. 3 (citing St. Augustine).

70. "S. Thom. art. citato. quest. 4" [abbreviation as in source].

71. St. Augustine, De bono coniugali, ch. 10.

72. Lyra (Nicholas of Lyra), Commentary on Leviticus 15 and 18.

73. Domingo de Soto, in this Distinction, art. 3 [abbreviation as in source].

74. St. Thomas, Supplement, q. 64, a. 3.

75. St. Jerome, Contra Iovinianum I; St. Augustine, De bono coniugali, ch. 6; Gratian, Decretum, C. 32, q. 2, c. Quicquid inter; Theophylact, Commentary on 1 Cor. 7; St. Augustine, Contra Faustum XXXII; Fulgentius, Epistula I, chs. 2, 7.

DISTINCTIO XXXII — IN WHICH RESPECTS SPOUSES DO NOT ENJOY AN EQUAL RIGHT (*IN QUIBUS CONJUGES NON UTANTUR PARI JURE*)

§ II — In which respects spouses do not enjoy an equal right (In quibus conjuges non utantur pari jure)

§ 1. In all those matters which are different from the conjugal debt (*debitum conjugale*), it is established that the spouses are not equals, nor is each subject to the other, but the man is the head of the woman, and therefore the woman ought to be subject to her husband, as Paul teaches (1 Cor. 11; Eph. 5; Col. 3) and Peter likewise (1 Pet. 3), where Sarah's obedience is commended, who even called her husband "lord" (Gen. 18); where, however, "lord" is not opposed to "servant," but signifies him who is the head and ruler or governor of another, under whatever right of subjection. Hence, even here a certain equality between husband and wife is to be acknowledged: not indeed that equality according to quantity which they have in the right of demanding and rendering the debt, but another, which is called equality according to proportion (*aequalitas secundum proportionem*). For husband and wife have distinct and apportioned duties among themselves. Accordingly, by the same right by which the wife is bound to obey her husband and to offer labor and service in domestic matters, the husband is bound to have the chief care of the whole household and of the things that pertain to it. Nay more, in providing for and educating the offspring certain tasks belong to the man, others to the woman, as is manifest. This equality of proportion truly has place not only in these matters but also elsewhere—namely, where someone is subject to another in any manner, with only that subjection excepted whereby a servant is subjected to a master. And yet it can happen, and in former times it not rarely did happen, that some man took his female slave as his wife and nevertheless did not grant her freedom; thus Abraham and Jacob joined to themselves in marriage handmaids, either their own or those of their wives, leaving them meanwhile in a servile condition, with the sole exception of the right of the conjugal debt, which belonged to them no less than to free wives.

§ III — What kind of sin it is to deny the conjugal debt (Conjugale debitum negare cujusmodi sit peccatum)

§ 2. From the foregoing it is established why it is not permissible to deny one asking for the conjugal debt (*debitum conjugale*): namely, because he who denies, by withholding the use of the body whose power he transferred over to the other by matrimony, defrauds him of his right, as the Apostle says, 1 Cor. 7: "Nolite fraudare invicem."[3] And consequently he commits a sin of injustice (*justitia*), and that more grievous than detaining another's slave against his master's will. Whence it follows that the denial of the conjugal debt is by

its kind a mortal sin, since, being in a grave matter, it notably wounds justice. This will be easy to perceive, if both the injury to the spouse who is defrauded of his right is weighed—who incurs the peril of damnable incontinence (*incontinentia*)—and if the other evils are considered which are wont to arise between spouses from this debt's denial, such as dissensions, hatreds, quarrels, separations, even if, on the part that suffers the injury, other causes of these evils are often alleged on account of shame. Moreover, the gravity of this sin can be proved also from that place of Scripture where it is said: "Qui dimiserit uxorem suam excepta fornicationis causa, facit eam moechari" (Matt. 5).[4] St. Augustine points out this proof (De bono coniugali, ch. 7).[5] For he who denies the debt is like one who dismisses, and therefore, as that one, "makes his wife to commit adultery," that is, he gives her the occasion of committing adultery. Augustine urges this reason more vehemently in the same book (ch. 6), when he says that spouses ought to render to each other the mutual servitude of bearing infirmity in turn, in order to avoid illicit concubits; and again when he says that spouses ought not to deny each other the debt, lest by this they fall into damnable corruptions, Satan tempting them on account of their incontinence.[6]

§ 3. Nevertheless, one must know that by reason of circumstances it can happen, and often does happen, that the denial of the debt has only venial guilt (*culpa venialis*): as when it is probable that there is no danger of incontinence, and the denial is not overly prolonged or contumacious; or, on the contrary, if the asking is very untimely or immoderate; or finally, if it is sufficiently clear that the spouse does not so ask as to reckon it a grave injury if it be denied—since neither does a creditor always exact money owed to him in such a way that he wishes to bind the debtor in grave fault if it is not repaid at once. Moreover, one is reckoned to be asking for the debt who either by word or by another sign indicates his desire, or finally who asks by the very condition of the matter. This happens when it is very likely that the spouse is in peril because of incontinence, or bears prolonged continence with great difficulty. For this is the same as if he were asking for the debt, even if no other sign of asking appears. In which case let the other spouse know that, in order to forestall the spouse's peril, he is most of all bound to render the debt. More things about this obligation of rendering the debt are handed down by Soto (at art. 1 of this Distinction) and by the Summists treating of Matrimony.[7] But concerning the time of rendering—how far in respect of time this debt obliges—this will be said below.

§ IV — When a spouse is not bound to render the debt to the spouse (Quando conjux conjugi reddere debitum non teneatur)

§ 4. Besides the cases noted around the immediately preceding Distinction—namely, the menstruant and the pregnant woman, in whom it is not lawful to render the conjugal debt with danger or detriment to the child to be born—there are also others in which the debt is not to be rendered even to one expressly demanding it. First, if it cannot be rendered without detriment to the health of the one from whom it is asked. The reason for this is that the order of nature as well as of charity requires that each thing first take care for its own good rather than for another's or even the common good, unless perchance the common good is in peril. Whence it follows that each ought first to care for his own health, or conservation, than to give effort to the conservation of the species. And this case is extended also to the health of the asking spouse, as Soto rightly teaches (on the preceding Distinction).[9] Second, one is not bound to render if the spouse has committed adultery; but of this case later at greater length, namely at Distinction 36.[10] Third, one is not bound to render in any and every place, as in a public or quasi-public place, because modesty and seemliness forbid this, nor could it be done without a grave sin of shamelessness and the scandal of men. Likewise, not in a sacred place. For there, both to

render and to exact the debt is the crime of sacrilege, by which assuredly the sacred place is profaned. But know that under the name of sacred place is contained only the very body of a consecrated church, not however the buildings that adhere to the church or other places. Yet the things we have said about the place are not properly called exceptions to rendering the debt, because at that time the one is bound to render the debt to the other, but not in that place. For almost every action requires a suitable place. Fourth, those who have contracted privately are not bound to render the debt to each other before the publication of the nuptials and the blessing of the priest, which is done in the church, unless there be a lawful cause such that it should not be waited for so long. Now the cause can be the danger of one or the other, or of both spouses, on account of incontinence.

§ 5. Lastly, the debt ought not to be rendered to a leprous spouse, if there is danger of contagion; and in this matter the judgment of physicians is to be acquiesced in. For what Alexander III prescribes (Decretals, On the Marriage of Lepers, ch. Pervenit; also ch. Quoniam), even under the threat of anathema, that the conjugal debt not be denied to a leprous spouse, is to be understood as when the danger of contagion has ceased.[11] For a slight horror or fear ought not to call back a spouse from rendering the debt. The same judgment is to be made concerning the disease which the French call the Spanish, the Spanish the French. However, to avoid contagion of the offspring to be born, intercourse with a leprous husband or wife ought not to be avoided; because, as St. Thomas rightly teaches on this Distinction, since leprosy is a perpetual evil, a leper ought not therefore to be repelled simply from the use of marriage, lest the offspring to be born contract leprosy, because it is better for the offspring thus to be born than not to be born at all. Similarly one must judge concerning the woman with a hemorrhage who suffers a perpetual flow of unclean blood, because, as the same St. Thomas says, it is better that a fetus be born defective than none at all.'[12] But about all these matters there is more with the Summists.'[13]

§ V — Whether it is permissible for both or either of the spouses to vow continence (Vovere continentiam an liceat utrique vel alteri conjugum)

§ 6. From the right of demanding the marital debt (*jus debiti petendi*), which each spouse equally has with respect to the other, and from the obligation of rendering (*obligatio reddendi*) which thence arises, the consequence is that neither of the spouses can vow continence (*votum continentiae*), whether perpetual or for a time, without the consent of the other. For no one is permitted to vow with injury to another. Nor, altogether, can an unjust promise be acceptable to God, because, to wit, one offers a thing not his own but one that is in another's power. Wherefore, since the husband does not have power over his own body but the wife, and conversely, neither of them is permitted by a vow of continence to offer his or her body to God without the consent of the other.

§ 7. But if one should do this, he has sinned mortally, as is evident from the things said above, and he ought not to perform it, since he cannot do so without injury.

§ 8. This is the constant and sure doctrine of the Fathers, among whom there exist very many statements on this matter, which partly Gratian in Causae 27, q. 2, and in Causae 33, q. 5, through several canons, and the Master in the text, and partly others, have gathered. Here it will have sufficed to have merely noted certain places.[15] St. Augustine (on Ps. 149; also in the preface to Ps. 147; likewise in Epistle 43 to Armentarius; and in Epistle 199 to the Church; in book 1 of De adulterinis coniugiis, ch. 19; and on Numbers, question 59); St.

Jerome (in the Apology of the books against Jovinian); and likewise, or rather Paulinus, (in the Epistle to Celantia, ch. 8); Fulgentius (Epistle 1, ch. 6, and at length in the following chapters); and Gregory, book 5 (Epistle 49 to the Abbot Urbicus).'[16]

§ 9. Now the discourse here is about those spouses who have already consummated marriage; for about an unconsummated marriage the case is otherwise, as was shown above, on Distinctio 27.[17] Yet one exception must here be noted, namely if one spouse has violated conjugal fidelity by adultery. Then indeed it is free for the innocent party to vow continence to God, even perpetual continence, and even to enter Religion — although it is not expedient that this be done so long as there still remains hope of recalling the adulterer from sin, if the partnership of the conjugal bed is not denied him — as St. Augustine teaches in book 2 of De adulterinis coniugiis, ch. 6, and elsewhere.'[18]

§ 10. Furthermore, with the consent of the other spouse to vow continence either for a time or in perpetuity is not only lawful but holy, as the aforesaid Fathers rightly teach. For the Apostle says: "Unless perhaps by consent for a time"; and again: "But I would that all men were even as myself" (1 Cor. 7). Reason also manifestly shows that it is lawful, because no injury is done to one who consents. Now this consent can be given in two ways. In one way, without a vow on the part of the one consenting. But one who consents in this way does not prejudice himself nor despoil himself of his own right, so that he could not still demand the debt (*debitum*) from the spouse who has thus vowed. Yet a vow of this sort brings it about that to the party vowing it will never afterwards be lawful to demand the debt, but only to render it. In another way consent is given with a vow, when, namely, each spouse by like consent vows continence. After consent of this sort, neither can render the debt to the other even when the other asks, without violation of the vow, because by the vow each has renounced his or her right, as Augustine teaches in the aforesaid Epistle 199.[19] But as to how far it is expedient that such vows of perpetual continence be made between spouses, circumstances of persons and of things ought to teach; and that saying of the Wise man must always be kept before one's eyes: Ecclesiastes 5, "An unjust promise displeases God. And by far it is better not to vow than, after having promised, not to pay."'[20]

§ 11. It is also wont to be asked whether it is permissible for one spouse, without the other's consent, to make a vow never to demand the debt. Some think it is permissible, because, they say, each can renounce his own right. Richard hands on this opinion in the present Distinction. But St. Thomas, Durandus, Paludanus, Soto, Navarrus, and most others teach that it is not permissible.[21] Their reason is that a vow of this sort makes marriage burdensome to the other spouse, because the weight and necessity of exacting the debt would in that case fall upon that spouse alone. That this is grievous to the spouse unwilling to keep continence, especially to a woman by reason of natural modesty, no one will deny. Wherefore, says Navarrus, not only can a Bishop dissolve a vow of this kind, but also the other spouse can altogether annul it, since it turns to his or her own prejudice. But a vow not to have intercourse, except when the rite is to be rendered to the other spouse, is lawful and has the force of obliging; for one who vows such a thing makes prejudice to himself alone and not to another. So he. In almost the same way Soto treats this question, teaching that not only can the husband annul a vow of this sort made by the wife, but conversely also the wife can annul the husband's — although he thinks the husband can do so more — yet it would more correctly be said that the ground for annulling is greater on the husband's side inasmuch as he is the head of the wife; but, on the contrary, there is a greater ground on the wife's side inasmuch as, as has already been said, she is more burdened, and the husband's vow

seems to resist conjugal fidelity more than the wife's vow, and this on account of the natural modesty of the female sex. Yet the Bishop's dispensation can remove every scruple here.'[22]

§ VI — On other vows of married persons (De aliis conjugatorum votis)

§ 12. We must also consider here other vows (*vota*) of married persons, some of which, as a consequence or indirectly, touch upon the conjugal bed (*torus conjugalis*), in which, accordingly, husband and wife are equal in power; and so neither is permitted, without the consent of the other, to make vows of this sort. Therefore, if the husband should vow that he will wear a monastic habit, or that for the sake of Religion he will set out to the Holy Land, or to other sacred places very remote, to which the wife cannot quite suitably or honorably follow, the wife will be able to forbid him—unless perhaps public necessity or the command of the prince compels the husband to be away from home, even if there is no obligation of a vow superadded. In which case either the wife will be able to follow her husband, or she will have to bear his absence with a tranquil and chaste mind, just as she would have to endure it if he were held captive among enemies, or pressed down by a long illness.

§ 13. Nor is it an obstacle to this that Innocent III (in the Decretals, Extra, De voto et voti redemptione, ch. Ex multa) gives power to husbands, even against the will of their wives, to set out to the Holy Land against the unbelievers; for this grant—besides that it can be understood of public necessity—according to St. Thomas and others has no place when the wife can neither follow her husband nor keep continence; since it is not likely that the Pontiff wished to give to just any husbands the power of setting out, with peril to the eternal salvation of their wives.[24]

§ 14. The judgment is not similar, however, concerning women who take husbands whom they know, by office or trade, to be subject to the necessity of journeying—such as those who marry sailors, merchants, or couriers. For those knowingly marrying such men are rightly judged to consent to such a servitude of theirs.

§ 15. There are, however, other vows of married persons which do not touch the bed at all; about which the general rule is this: All vows which a wife makes without the consent of her husband are null and have no binding force, the husband not consenting—such as to fast, to give alms, to visit sacred places, to go about without adornment, and the like.[25] Nor does it matter whether the husband, moved by a just reason, opposes, or otherwise. The reason is that in all things pertaining to conjugal life, and diverse from the conjugal bed, the husband is the head of the wife. Of vows of this kind the Scripture (Num. 30) is to be understood, which sets in the husband's power that he approve or disapprove the vow of his wife, casting all blame—if there is any—in the annulment of the vow upon the husband. And that passage of Scripture proposes not a ceremonial law, nor merely a positive one, but a natural law—for in all domestic matters the woman ought to be subject to the man.

§ 16. This kind of vow is treated by, and the present doctrine is confirmed by, St. Augustine (Questions on the Heptateuch, on Numbers, q. 59; and Epistle 199 to Ecdicia), Gratian (Decretum, q. 5), the Master (in the text), and Domingo de Soto (De iustitia et iure VII, q. 3, a. 1).[26]

§ VII — At what times one must abstain from the conjugal act (Quibus temporibus abstinendum ab opere conjugali)

§ 17. The Apostle admonishes spouses in 1 Cor. 7 that by consent they should for a time abstain from the conjugal act, namely to this end, that they may be free for prayer. This Apostolic admonition has the force of a precept, which also is founded in the law of nature; for the law of nature teaches us that at certain times one must devote oneself to divine worship, which times indeed are determined by positive law. Wherefore, just as in such times one must abstain from servile work, by which the mind of man is distracted from the worship of God, so also from the conjugal act, by which one is rendered unfit for prayer and for the meditation of divine things and for tasting them.

§ 18. Nor does there stand in the way of the precept that word which is added in the Apostolic text, "perhaps" (*Forte*), as if by this it were left free either to abstain or not to abstain; first, because that "perhaps" is not in the Greek; then, because it can be referred to the uncertainty of the event, as elsewhere in Sacred Scripture. For since consent depends on the will of two, it is very uncertain for the most part whether they will abstain for the sake of prayer, although otherwise they are both held to abstain as much as is in them.

§ 19. This precept the Apostle Peter insinuated more explicitly in 1 Pet. 3, when he wills that spouses so cohabit with one another "that their prayers be not hindered," that is, that for the sake of prayer they should sometimes refrain from one another.[28] For this the Wise Man also signified when he said that there is "a time to be far from embraces" (Eccl. 3).›[29]

§ 20. Now the times of prayer are all the feast days to be celebrated by the people, but especially and chiefly the annual solemnities, such as Easter, Pentecost, the Nativity of the Lord, and others next to these according to their dignity; likewise the days of the fasts of Lent, of the Ember seasons, and the like. Concerning these, besides the authorities adduced by the Master (in the text), the Catechism of Parish Priests most holily admonishes that spouses should abstain from the conjugal office at least for three days before they receive the Holy Eucharist, and more often when the solemn fasts of Lent are celebrated.[30] For the Greek text of the Apostle Paul joins fasting to prayer, with certain Latin codices also agreeing, which read thus: "that you may be free for fasting and prayer."›[31] Nor ought it to seem hard that such abstinence be required in Christian spouses, when even the Hebrews of old, about to receive the Law and to celebrate the first feast of Pentecost (Ex. 19), were commanded to prepare themselves for three whole days and not to approach their wives; and when, moreover, we read that it was not lawful for anyone to eat of the loaves of proposition unless he were clean for some time from the embrace of woman (1 Kgs 21).›[32] From which place St. Jerome, in the book Against Jovinian and in the Apology for the same book, gathers that much less is a Christian man worthy of that heavenly bread who has not first refrained from his wife.›[33] Both passages Gregory adduces (in his answer to the tenth question of Augustine, Bishop of the English) to approve this present doctrine.›[34]

§ 21. Moreover, according to the proportion of circumstances, the fault is graver or lighter if at the aforesaid times one seeks the conjugal union—insofar, namely, as the solemnities themselves are greater or lesser, or as one is borne with greater or lesser affect toward carnal pleasure, and altogether according as the impediment to prayer which thence is born is greater or lesser. Whence at times in this matter it must not be doubted that one sins mortally, just as above we noted from St. Augustine (in the Distinctio immediately preceding), among those cases in which it is a mortal sin to busy oneself with the conjugal act.

§ VIII — Whether it is permissible to render the debt at the same times (Debitum reddere iisdem temporibus an liceat)

§ 22. The things that have been said about the times of conjugal abstinence regard that the conjugal debt not be asked at those times, and hence that each spouse, as far as lies in him or her, abstain. For that during the time of prayer it is permissible to render the debt—and indeed it is necessary, if it is demanded—the Apostle himself sufficiently indicates when he says: "Do not defraud one another, except perhaps by consent for a time."[36] The Apostle, I say, did not will that spouses should, even for a time, defraud one another of the carnal debt, unless by mutual consent for prayer.

§ 23. Nor does St. Jerome think anything different from St. Augustine when, in book 1 Against Jovinian and in the Apology, he often signifies that the one who renders the debt to his wife cannot be free for prayer, nor eat the flesh of the Lamb, that is, receive the Body of the Lord.[37] For Jerome willed nothing other than that such a one is less fit to devote himself to prayer and to partake of the Sacred Mysteries, on account of the carnal delight which he has experienced, even unwillingly. Yet this very thing is excused by conjugal faith. Nor is it necessary that such unfitness of mind, which someone suffers for a just cause, be conjoined with sin.

§ 24. Add that such a one has no less in merit with God than if he had abstained, because he serves the infirmity of his spouse out of charity and justice, while he himself nonetheless retains continence in habit which he could not keep in act—just as St. Augustine teaches by the example of Abraham the Patriarch, in the book On the Good of Marriage, ch. 21.[38] To the same pertains what the same Augustine says, writing on Ps. 149: "For perfect sanctification God will reckon to you, if you do not exact what is owed to you, but render what you owe to your wife."[39]

§ 25. Therefore, as regards the participation of the Body of the Lord, Gregory, answering the tenth objection of Augustine, Bishop of the English, does not will that such a one be repelled from that mystery, but be left to his own judgment; for, he says, "we ought not to forbid to receive, one who, placed in the fire, does not know how to burn."[40] He says this of him who joins himself to his wife for the sake of procreating children, rendering the debt, not exacting it. For assuredly not even for the sake of generation is it permitted to exact the debt at that time, because that act cannot be done without carnal pleasure, which of itself renders the mind less fit for divine things.

§ 26. There remains one objection to be solved, which is of this sort: It is not lawful to return to a madman a sword deposited, lest he use it badly; therefore neither is it lawful for a spouse to render the debt during the time of prayer, because the other asks badly and sins in the use. But one must answer that it is not similar. For if you return a sword to a madman, a great evil will follow—namely, his own or another's murder—while no good will follow by which that evil may be compensated. But if you discharge the conjugal debt, even at the time of prayer, a salutary result follows for the one who asks—though it be venial, or even mortal, namely the completion of carnal pleasure, and an impediment to prayer—yet that evil is compensated by a certain good, namely the avoidance of a worse evil, which will not be avoided but will be incurred if the debt is denied. That evil is fornication, as the Apostle says: "Because of fornication," etc.; under which are comprehended any other damnable corruptions whatsoever, even if they are committed in thought alone.[41] To this end, as Augustine says (On the Good of Marriage, ch. 6), "the wife does not have power over her own body, but the husband; and conversely," in order that, what either one demands for a cause of weakness and incontinence, they not deny one another, lest through this they fall into damnable corruptions.[6]

§ IX — Whether it is permissible to ask for the debt during the time of childbed (Tempore puerperii debitum petere num liceat)

§ 27. Among those questions which Augustine, Bishop of the English, proposed to Pope Gregory, one is this, which in the tenth place asks concerning a woman in childbed, after how much time her husband may be joined to her in bodily intercourse. Gregory answers this in these words: "But to her intercourse her husband ought not to approach, until he who is begotten be weaned from milk"; and a little after: "Therefore those women who, by a bad custom, hand over their own children to others to be nursed, unless the time of purgation (Gratian reads, 'first shall have passed') shall have passed, ought not to be commingled with their husbands."[34] Nor does Gregory say this as though to mothers who themselves nurse their own children it were permitted within that time to be commingled with their husbands, but rather he presupposes that it is not permitted to these, since he teaches that it is not permitted even to those who, out of incontinence, lest they harm their children, hand them over to others to be nursed. Gratian reported Gregory's words in his Decretum (Distinct. 5, cap. "Ad ejus"), where nevertheless the Glossator rightly warns that the time of weaning is called by Gregory the time after childbirth, when the woman abounds less in milk.[42] Moreover this canon of Gregory rests upon the law of nature; and that for multiple reasons. For a woman straightway after childbirth is less apt for conceiving. But even if she should conceive, first, the new fetus is harmed on account of the unseasonable conception of it. Whence the Glossator in the same place: "Therefore they are forbidden to be commingled in those times, because from such intercourse are born the sickly and the leprous," he says. And if this is so, it seems that even to one asking it at that time the debt (the debt, *debitum*) ought not to be rendered. Then too harm is done to the offspring already born, whose nourishment, which is the mother's milk, by a second conception is vitiated, so that it is less apt for the infant's nutrition than if the mother kept continence, or at least did not conceive. Finally, when a second birth has supervened, since one woman does not suffice well for nursing several children, it will be necessary that the earlier infant be prematurely weaned, not without harm to its health and growth, or certainly that one of the two be committed to a wet-nurse to be nursed. Which practice of certain mothers Gregory in the same place severely rebukes; and before him St. Ambrose, book 1 On Abraham the Patriarch, ch. 7; and among profane authors Aulus Gellius, book 12, Attic Nights, ch. 1, where with many reasons he assails that practice as vehemently vicious.[43] For these reasons, therefore, Gregory, and before him the Author of the Commentary inscribed to Ambrose on 1 Corinthians 7, deny that it is permitted for husbands during the time of childbed to approach their wives.[44] And the gravity of that sin is to be estimated according to the measure of the harm which will likely befall the offspring already born or yet to be born. By the way, it is here to be noted that the time of purification, namely that after childbirth women abstain from entering the Church, has been prescribed by the Church with no fixed term, as after Gregory, in the place mentioned, Innocent III attests (On the purification after childbirth). He also removes the objection which could be taken from the Mosaic law, as one that now does not pertain to us. "If, however," says Innocent, "out of veneration they should wish to abstain for some time (he understands abstinence from entering the Church), we do not believe their devotion is to be disapproved." Therefore in this matter the custom of the faithful is to be left to each region, especially since it accords with the law of nature. For natural modesty and propriety admonish that women in childbed should not straightway go forth into public. Then the weakness and debility contracted from childbirth requires more or less time, during which they keep at home and avoid noxious air.[45]

§ X — At what times it is not permitted to celebrate marriages (Quibus temporibus nuptias celebrare non liceat)

§ 28. The times which are called "closed for weddings," it is not permitted to celebrate marriages; and these are today more restricted than of old.

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1. St. Thomas, Summa theologiae, Supplement, q. 64, a. 3, in corp.; cf. 1 Cor. 11; Eph. 5; Col. 3; 1 Pet. 3; Gen. 18.
2. St. Thomas, Summa theologiae, Supplement, q. 64, a. 1.
3. 1 Cor. 7: "Nolite fraudare invicem."
4. Matt. 5: "Qui dimiserit uxorem suam excepta fornicationis causa, facit eam moechari."
5. St. Augustine, De bono coniugali, ch. 7.
6. St. Augustine, De bono coniugali, ch. 6.
7. Soto (Domingo de), at art. 1 of this Distinction; and the Summists treating of Matrimony [abbreviation as in source: "Summistæ"].
8. St. Thomas, Summa theologiae, Supplement, q. 64, a. 1, in the reply to objections 2–4.
9. Soto (Domingo de), on the preceding Distinction [abbreviation as in source: "ad Distinctionem superiorem"].
10. Below, Distinctio 36.
11. Alexander III, Decretals, Extra, De coniugio leproforum, ch. Pervenit; ch. Quoniam.
12. St. Thomas, Summa theologiae, Supplement, q. 64.
13. The Summists on Matrimony [abbreviation as in source: "Summistæ"].
14. St. Thomas, Summa theologiae, Supplement, q. 64, a. 4.
15. Gratian, Causa 27, q. 2, and Causa 33, q. 5 [abbreviation as in source: "27. (Qu. 2. & 33. Qu. 5.)"]; the Master (Peter Lombard), in the text of this Distinction [abbreviation as in source: "Magister in Textu"].
16. St. Augustine, Enarrationes in Psalmos, on Ps. 149; idem, Preface to Ps. 147; idem, Ep. 43 to Armentarius; idem, Ep. 199 to the Church (numbered Ep. CCLXII in the Benedictine edition); idem, De adulterinis coniugiis I, ch. 19; idem, Quaestiones in Heptateuchum, on Numbers, q. 59. St. Jerome, Apology of the books Against Jovinian. "Paulus" in the source: Epistle to Celantia, ch. 8 [abbreviation as in source]. Fulgentius of Ruspe, Epistle 1, ch. 6, and the following chapters. St. Gregory the Great, Epistles V, ep. 49, to the Abbot Urbicus.
17. Above, Distinctio 27.
18. St. Augustine, De adulterinis coniugiis II, ch. 6.
19. St. Augustine, Ep. 199 (to the Church).
20. Eccl. 5.
21. Richard of St. Victor, on the present Distinction; St. Thomas [abbreviation as in source]; Durandus (of Saint-Pourçain) [abbreviation as in source]; Paludanus (Peter of Palude) [abbreviation as in source]; Domingo de Soto, De iustitia et iure VII, q. 3, a. 1; Martin de Azpilcueta (Navarrus), Enchiridion, ch. 12, no. 60.
22. Navarrus, Enchiridion, ch. 12, no. 60; Domingo de Soto, De iustitia et iure VII, q. 3, a. 1. Author's note in the margin: "It would be said more correctly that the husband can annul such a vow of the wife, or — to put it more intelligibly — in that case in which, the husband positively dissenting and opposing, the wife vows. But on this see Disputation XXXIX."
23. S. Thom. ubi sup. [abbreviation as in source].
24. Innocent III, Decretals, Extra, De voto et voti redemptione, ch. Ex multa. On the clause "according to St. Thomas and others," the source has only the abbreviated reference.

25. On the clause "null and have no binding force, the husband not consenting," the author notes in the margin: "It would be said more correctly that the husband can annul such a vow of the wife, or—to put it more intelligibly—in that case in which, the husband positively dissenting and opposing, the wife vows. But on this see Disputation XXXIX."

26. St. Augustine, Quaestiones in Heptateuchum, on Numbers, q. 59; idem, Ep. 199 to Ecdicia (numbered Ep. CCLXII in the Benedictine edition). Gratian, Decretum, q. 5. The Master of the Sentences, in the text. Domingo de Soto, De iustitia et iure VII, q. 3, a. 1.

27. St. Thomas, Summa theologiae, Supplement, q. 64, a. 5–7.

28. 1 Pet. 3:7: "that your prayers be not hindered."

29. Eccl. 3:5: "a time to embrace, and a time to be far from embraces."

30. Roman Catechism (Catechismus ex decreto Concilii Tridentini), on the Eucharist and on fasting; the Master of the Sentences, in the text.

31. 1 Cor. 7:5; the clause "that you may be free for fasting and prayer" is found in the Greek and in some Latin manuscripts.

32. Exod. 19:10–15; 1 Kgs 21:4–6 (Vulgate numbering).

33. St. Jerome, Contra Jovinianum, and Apologia adversus Rufinum (Apology for the book Against Jovinian).

34. St. Gregory the Great, Responsiones ad interrogata Augustini (answer to the tenth question of Augustine, Bishop of the English).

35. St. Thomas, Summa theologiae, Supplement, q. 64, a. ultimo.

36. 1 Cor. 7:5: "Do not defraud one another, except perhaps by consent for a time, that you may be free for prayer."

37. St. Jerome, Contra Jovinianum, I; Apologia.

38. St. Augustine, De bono coniugali, ch. 21.

39. St. Augustine, Enarrationes in Psalmos, on Ps. 149.

40. St. Gregory the Great, Responsiones ad interrogata Augustini (answer to the tenth objection), on admission to the Eucharist.

41. 1 Cor. 7:2: "Because of fornication, let each man have his own wife..."

42. Gratian, Decretum, Distinct. 5, cap. "Ad ejus"; the Glossator on that place.

43. St. Ambrose, De Abraham, I, ch. 7; Aulus Gellius, Noctes Atticae XII, ch. 1.

44. Author of the Commentary inscribed to Ambrose, on 1 Corinthians 7.

45. Innocent III, De purificatione post partum.

DISTINCTIO XXXIII — ON POLYGAMY AND REPUDIATION (*DE POLYGAMIA ET REPUDIIS*)

§ 1. From Ash Wednesday (*Feria quinta Cinerum*), and from the Rogation days up to the octave of Pentecost, one had to abstain from the celebration of weddings; as is evident partly from Gratian, 33, Question 4, partly from the Decretals (Title On Feasts, chap. Capellanus).[1] The antiquity of this constitution is proved by canon 52 of the Council of Laodicea, held twelve hundred years ago.[2] But today, by decree of the Council of Trent (On the Reformation of Matrimony, ch. 12), the celebration of weddings is prohibited only from the First Sunday of Advent until the day of the Epiphany, and from Ash Wednesday (*Feria quinta Cinerum*) until the Octave of Easter.[3] The reason for the prohibition is this: lest those times which are specially appointed either for commemorating the benefits of our Redemption, or for doing penance, be occupied with those actions through which it is well known that the souls of men are wont to be much drawn away from the thought of spiritual things. And this comes partly from the very condition of the matter, partly on account of the manifold excesses which are wont to accompany the celebration of weddings. But the question is asked here of what the said prohibition is properly to be understood: whether of the matrimonial contract, or of the priestly blessing, or of the bringing-home (*traductio*) of the bride, or indeed of the wedding-feast, or finally of the consummation of the marriage. It is answered that it is to be understood primarily of the blessing of the nuptials, which ought to be performed solemnly by the Priest; likewise of the solemn bringing-home of the bride, and, thirdly, of the festivity of the wedding-banquet. In favor of this understanding stands the decree of the Council of Trent, which makes mention of wedding solemnities and their solemn celebration.[4] But of the matrimonial contract in itself it does not seem to be understood: both because it can be without solemnity; and because the Pontiff (in the aforesaid chap. Capellanus) testifies that it is the custom of the Roman Church that marriage be contracted at any time.[5] And this sense of the ecclesiastical prohibition is handed down by the Gloss on the said chapter, St. Thomas and Paludanus (on the present Distinction), Silvester (under the word Matrimony, 7, q. 2), Cajetan (in the Little Summary under the words Matrimony and Nuptials), and Navarrus (Enchiridion, ch. 22, no. 71).[6] Moreover, in those places where even the matrimonial contract itself ought not to be made except solemnly, there, by consequence, it is likewise judged to be prohibited at the said times. For in this way what is comprehended under the name of solemnity is forbidden; but the consummation of marriage does not pertain to this prohibition, rather one must judge of it from what we have said above about the times of conjugal abstinence.

§ I — That polygamy is illicit by divine and natural law (Polygamiam jure divino ac naturali illicitam esse)

§ 2. To that mutual fidelity (*fides*) which spouses owe each other by marriage (*matrimonium*) pertains the question of polygamy, namely that several wives are joined to one man at one and the same time. For that by

which a man successively has several wives, or a woman several husbands, is a polygamy of another kind, of which we shall treat below at Distinction 42. Of the first kind of polygamy, of which we are now treating, we shall show that it is and always has been illicit, as being contrary to divine and natural law. And first we shall speak of divine law.

§ 3. Scripture (Gen. 1) speaks thus of both sexes in the first human beings destined for marriage: "Male and female he created them," which it repeats (ch. 5), namely by this signifying that one is to be joined in marriage not to several, but one to one. This proof the Lord Himself hints at in the Gospel (Matt. 19). Then (Gen. 2) one rib was taken from the man, not several, and the same was turned into one woman, not into several; and again Scripture says that "A man shall cleave to his wife," not to his wives. And "They shall be two in one flesh," not three or more. This proof also the Lord intimates (Matt. 19), when, with those words repeated from Genesis, He adds moreover these words: "Therefore now they are not two but one flesh"; willing, to be sure, to signify that the effect established in the beginning of marriage is that those who are joined are one flesh. But this certainly is not able to be done, if one is joined to many. St. Jerome uses this proof from Genesis especially, then St. John Chrysostom, Bede, Theophylact, and Anselm (in their Commentaries on Matt. 19), and after them Innocent III (in the Decretals, On Divorces, chap. Gaudemus), where he treats expressly of this matter.[8]

§ 4. But their reply is not to be received who say that God at the beginning established what is best, namely monogamy, or single marriage, but did not condemn polygamy, although it is a thing less good. For the answer of Christ (Matt. 19), when satisfying the question of the Pharisees, from that sentence, "They shall be two in one flesh," wishes to show that, the former spouse living, it is not lawful to take another. Therefore He did not understand in the first institution of marriage what is the better good, but a necessary good, by the omission of which the ordinance of God is violated. And in this sense the aforesaid Fathers interpreted the sentence of Christ. But about the sense of Christ's words we shall speak particularly below in its place, when we shall teach that this divine law was renewed and confirmed by Christ in the law of the Gospel.

§ 5. That opinion also is most of all opposed to this, that at the beginning of the human race, on account of the small number of men and the necessity of propagation, there ought rather to have been looked to not what was best, but what was necessary. Wherefore, if at that time it did not seem good to divine wisdom to provide for the propagation of the human race by polygamy, such that several wives were given to Adam the first parent, it plainly signified by this that the plurality of wives displeased Him. For that Adam from his posterity should take some for wives, namely daughters or granddaughters, is in the common admission much more contrary to the divine and natural law. From which it is most certainly shown that the first human beings were created by God such that it would have been impossible for Adam, who would be the parent of the whole human race, to have several wives.

§ 6. Moreover, to this divine institution there are added natural reasons showing that polygamy is contrary to the natural law. The first is taken from the parity of spouses. For spouses are equal in those things which pertain to the conjugal bed, as is established from what was said above. But a woman is not permitted by nature to have several husbands; therefore neither is a man permitted to have several wives. And although there is not an equal ground for each on the side of the procreation of offspring—since a man can at the same time make several wives fruitful, but a woman cannot be made fruitful by several men, as St. Augustine says (On the Good of Marriage, ch. 17; On Christian Doctrine, book 3, ch. 12)—nevertheless parity subsists on the side of the matrimonial right: because as the body of the wife is in the power of the husband, so the body

of the husband is in the power of the wife; and hence both to the wife and to the husband injury is done when the body of either is delivered to any other whatever. Innocent III intimates this response in the place cited above, where he concludes that the plurality of spouses in either sex—since they are not judged unequal—is of this sort: "A man is bound to render the debt to a wife who demands it." But he will certainly not be able to perform this to several at once demanding the debt; therefore the plurality of wives is repugnant to conjugal fidelity and justice, in that part in which it regards the conjugal debt.[9]

§ 7. A third reason is taken from the nature of those things which have a principate. For by a hidden law of nature, says Augustine (On the Good of Marriage, ch. 17), the things that hold a principate love singularity. For in this way they approach the likeness of the Supreme Prince, God, as Augustine explains there. Hence is also that of Lucan: "Every power will be impatient of a partner." Since therefore the woman, in those things that pertain to the conjugal bed, has no less a principate than the man has over the woman, the consequence is that, just as the man naturally refuses a partner in this his principate, so also the woman refuses a partner. Whence is that jealousy in spouses, by a certain law of nature inbred, by which the man against the man and the woman against the woman, admitted as a partner of the bed, are moved with vehement indignation of mind.

§ 8. A fourth reason. A wife is assumed not only into the partnership of the bed, but also into the society of governing the household, though not with equal right. For although in domestic matters the wife is subject to the husband, yet not as a servant, but as a companion and colleague. For the sake of signifying this, the first woman was formed not from the feet, but from the side of the man. But this society of domestic governance —since in it also there is on the part of the woman a certain principate, as Chrysostom teaches (Hom. 20 on the Epistle to the Ephesians)—would be marvelously disturbed by a plurality of wives.

§ 9. And hence proceeds a fifth reason: namely that polygamy by its nature begets and nourishes discords among the wives, and that not only on account of the sharing of domestic rule, but also from other causes: such as the love and use of the husband, the care and education and advancement of the different children, and the like; in all which each wife wishes that she and her sons be preferred to another, and if she be not preferred she envies; especially since husbands are not wont to keep that moderation that they love several wives equally, or carry themselves equally toward them in all things; as the examples of Scripture and the passage (Deut. 21) concerning the beloved and the hated wife clearly attest.

§ 10. A sixth reason. Although at the beginning the multiplication of men ought to have been most greatly procured, nevertheless we do not read that any of the first progenitors from Adam up to Abraham, of whose case we shall speak presently, took several wives; and this among the posterity of Seth, that is, of the sons of God. But among the descendants of Cain the first who took several wives—yet not more than two—is read to have been Lamech, the seventh from Adam; whose deed nonetheless is everywhere blamed by the Fathers.

§ 11. A seventh. Nature produces males and females in nearly equal number; therefore the natural conjunction is of one with one.

§ 12. Finally, although among very many nations before and after the advent of Christ polygamy was accepted by custom, as is evident from the histories of all times (for the impure Mahomet permits in his Alcoran for his followers up to four wives, but purchased ones as many as they can support), nevertheless Aristotle, led by natural reason, both in the Politics and in both his Oeconomics, prescribes monogamy. And

among the Romans, who by all were always considered more observant of natural justice, it was not lawful even to lead another wife over a barren wife, nor at all to have more than one wife living; as Augustine attests (On the Good of Marriage, ch. 7). Whence also in the Civil Law polygamists are stained by the heathen princes with the note of infamy and other penalties.[10] For that Julius Caesar, as Suetonius in his life testifies, and that later the Christian Emperor Valentinian, according to Socrates, book 4, ch. 26, passed laws by which it was permitted to have two or more legitimate wives, was done by them neither by the impulse of the law of nature nor by regard for public utility; but so that they might cover their private disgrace of incontinence with a public example, as is shown in those same places. Whence neither were those laws received into use, because it would also easily be understood by the common people that they are contrary to the law of nature and to honesty. Nay, in that very fact that they were first enacted by those men, it plainly appears that before them polygamy was by no means approved among the Roman people.

§ 13. To all these is added an argument from the reason of the sacrament. For marriage signifies the conjunction of Christ with the Church, namely of one with one. Which signification is plausibly extended even to the marriages of unbelievers. But that cannot be preserved in polygamy, in which one is joined to many. Now to the foregoing there is to be added the proof from the authority of the Church.

§ 14. First: Pope Nicholas I, the first of that name, in Gratian, 24, Question 3, chap. An non, speaks thus of the polygamy of Lamech, that he does not doubt to call it adultery.[11] Then Innocent III teaches (in the aforesaid chap. Gaudemus) that if an unbelieving man, who has several wives, is converted to the faith, with only that one retained whom he first married as wife, he ought to dismiss the rest from himself. Which same thing also is observed by the custom of the Church. From which, to be sure, it follows that polygamy even among unbelievers is not only illicit, but moreover so repugnant to the nature of marriage that the truth of marriage subsists with the first alone, not with the second or with the other later ones. For Baptism, as Innocent says there, does not dissolve marriages, but forgives crimes. Wherefore, if before conversion the marriages of one with many had been true, after Baptism they ought not to be dissolved; especially when the wives are converted to the faith together with the husband. But since neither the positive law of God nor the law of the Gospel obliges unbelievers, especially those to whom the Gospel has not been announced—"For what is it to me to judge those that are without?" says the Apostle in 1 Cor. 5—it seems to follow that such marriages are both illicit and also null by the natural law alone, which alone the unbelievers have; or at least that by reason of ignorance of the divine law they were in this part without blame.

§ 15. Moreover, before the two Pontiffs just named, Siricius the Pope (Epistle 1) and Innocent I (Epistle 3 to Exuperius, ch. 6, and Epistle 9) judged that polygamy is prohibited by divine law. The decrees also of others on this matter are read in Gratian, 32, Question 7, chap. Si quis, and in the Decretals, the whole Title On the Betrothal of Two. The same doctrine is that of the Fathers who commented on Matt. 19, some of whom we cited above. The same is that of Ambrose at the end of the book On Widows; of Chrysostom (Hom. 16 on Gen. 30); of Augustine, book 1 On Marriage and Concupiscence, book 1 On Adulterous Marriages, chs. 8, 11; and of Bede on Mark 10.[12] To these, finally, is added the Tridentine Synod, which (Session 24, canon 2) with anathema condemns him who shall say that polygamy is not prohibited by any divine law; although it is not clear whether the Synod speaks there of Christians only. For thus the words of the canon have it: "If anyone shall say that it is lawful for Christians to have several wives at the same time, and that this is not prohibited by any divine law, let him be anathema."[13] It is doubtful whether the clause "and that this is not prohibited by any divine law" is to be referred to the whole of this: "for a Christian to have several wives at the

same time," or indeed to this: "to have several wives at the same time"; likewise whether "prohibited" is to be referred to "Christians," or indeed is set absolutely. Yet the same Synod hints that already from the beginning polygamy was prohibited by God, when in the chapter Doctrina de matrimonio, after the words of Scripture, Gen. 2, "And they shall be two in one flesh," have been recited, it subjoins that Christ more clearly taught that by the bond of marriage two only are coupled, conjoined. For by saying that Christ taught this more clearly, it signifies that indeed at the beginning this also was delivered by God, but less clearly.

§ 16. Furthermore, the Synod determines nothing about the natural law. Whence, although the opinion of Durandus, writing on this Distinction (Question 1), and of Alphonsus, Bishop of Ávila, writing on Matt. 19, Question 30, in that they think polygamy does not oppose the law of nature, is not to be rejected as if condemned by the Synod, yet it is clear from the reasons long since adduced—of the sort that are brought by the Fathers and by other Scholastic Doctors—that what they think is very improbable.

§ II — A reply to the objection from the polygamy of the ancient Patriarchs (Responsio ad objectionem de polygamia antiquorum Patrum)

§ 17. But against the doctrine just set forth there seems to be the example of the holy Patriarchs and of other just men, of whom indeed it is by no means to be suspected that they violated the divine and natural law by so manifest a crime, and that in a deed of this kind they persisted even unto the end. For which reason formerly Faustus the Manichean, and in this our age John Calvin, did not fear to calumniate those holy men and to accuse them of a most grievous crime. About this matter, as a difficult and perplexing one, the Fathers sometimes speak in such a way that they even seem to acknowledge adultery, but such as would deserve an excuse. St. Ambrose, book 1 On Abraham the Patriarch, ch. 4, for the defense of Abraham, who sought a son from a handmaid while Sarah his wife was living, first says that at that time adultery had not yet been prohibited by law. Then he says that he did this for love of posterity, not from the heat of lust; indeed with the consent of his wife; and finally that he did penance for that deed, imposed on him by God; and lastly that what was done was to be understood mystically, according to the Apostle (Gal. 4).

§ 18. St. Augustine also, in several places—book 2 Against the Adversaries of the Law and the Prophets, ch. 9; book 22 Against Faustus, ch. 3; book 16 City of God, ch. 25; and Sermon 63, de Diversis, ch. 18—excuses the crime of adultery objected to Abraham by the Manichees in that he did it not by an impulse of lust but for the sake of offspring, and that at the urging of his wife.

§ 19. Likewise Leo I (Epistle 92 to Rusticus of Narbonne, ch. 4), distinguishing between wife and concubine, denies that a concubine is a true wife; so that if someone, having a concubine, marries another woman, he is not considered to double his marriage. And he brings an example of this from Sarah and Hagar. Therefore the Pontiff judged that Hagar was not the true wife of Abraham. Euthymius also, commenting on that place (John 8), "We are not born of fornication," says that the Jews by those words wished to signify that they did not descend from Hagar, the concubine of Abraham, to whom Abraham was joined through fornication, and from whom he begot Ishmael, but from his legitimate wife Sarah. To which is added that Scripture everywhere calls those women, who besides the wife were taken by the Patriarchs to the bed, concubines (Gen. 25 and elsewhere).

§ 20. Nevertheless, despite these things, it must be said that by no means must we acknowledge in this deed of the holy Patriarchs and Kings the crime of adultery or a transgression of the divine and natural law, for

many reasons. First, because Scripture everywhere bears singular testimony of holiness to them. Whence also (Matt. 8) it is promised to the elect that they will recline with Abraham, Isaac, and Jacob in the Kingdom of Heaven. And in Luke 16 Lazarus was carried by the Angels into the bosom of Abraham as into a certain place of felicity; although it is certain, the Apostle being witness, that adulterers will not possess the Kingdom of God. Then, if it had been adultery, God would not so often have left David an adulterer unpunished, who so grievously rebuked and punished the adulteress once.

§ 21. Third, God would not have commemorated through the Prophet Nathan as a great benefit that He had given the wives of his lord into David's bosom (2 Kgs 12), if by adultery or against the law of God He had joined them there. Fourth, the most praiseworthy priest Jehoiada would not have permitted King Joash to have two wives (2 Chr. 24), if he could not without adultery or the crime of violating divine law have another. Finally, in the places already named and elsewhere Scripture calls those whom they had wives. Nowhere, however, does it give a signification that they were either adulteresses, or were joined to their husbands against the law of God. From which it follows that polygamy was used by those ancient and holy Fathers not only without adultery, but also without sin and just reproach.

§ 22. One therefore asks by what reason it was lawful for them that which above we showed to be contrary to the divine and natural law. I briefly reply that it was lawful by divine dispensation. And that this may be rightly understood, it must be noted that there are two kinds of precepts of the law of nature. For some are as it were the principles of the law of nature; others, which are derived as conclusions from the principles. And the former indeed contain the rule of rectitude so universally that no case can occur in which it is fitting that they be suspended; and therefore, as utterly unchangeable, they are also utterly indispensable. Of this sort are the laws concerning loving God, concerning not lying, concerning not coveting, and the other precepts of the Decalogue. Of this sort also some wish to be the law that one woman should not have many men; although this is not altogether certain. But the latter contain indeed a rule of rectitude, but they are of such a kind that sometimes, with the circumstances of things and persons changed, it is fitting that they too be changed. Yet even then they cannot be changed except by the authority of Him from whom they proceeded. These therefore are changeable and dispensable, such as the law not to kill the innocent. In which law God dispensed, when He commanded Abraham that he should immolate his son. Likewise that no one should take his sister as wife. In which it was dispensed with the sons of the first parents. Of this kind also is that one man should not have several wives. Which law could therefore admit of dispensation, because polygamy does not repugn the primary end (*finis*) of marriage (*matrimonium*), which is the procreation of children, but only the secondary. But it is sometimes expedient to neglect the secondary end so that the primary end be obtained more certainly and more abundantly; as happens in the case proposed, where God dispensed in the parity of the matrimonial right, diminishing the husband's right and enlarging the husband's power for the propagation of offspring.

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§ 23. ...on account of a more abundant propagation of offspring. This reply is had from Innocent III (in the said chapter Gaudemus), where he thus says: "Nor has it ever been permitted to anyone to have several wives at the same time, except to him to whom consent was given by a divine revelation; by which, just as Jacob from a lie, the Israelites from theft, and Samson from homicide, so also the Patriarchs and other just men, who are read to have had several wives at the same time, are excused from adultery."[9] So much for him; which reply is also indicated by St. Ambrose, book 1 (On Abraham, ch. 4), when after other things he says that the marriage

of Abraham with Hagar was not a sin, but a mystery; because God willed that it be done to signify something future.'[15] It is indicated also quite plainly by St. John Chrysostom (Hom. 56 on Gen. 30), saying that the custom of having several wives was evil, and for that reason abolished by Christ, but for the ancient Fathers it was licit, because permitted by God.'[16] No less plainly Prosper, or whoever is the author of the book On Predestination (part 1, ch. 25), where it is read that God gave to the Patriarchs a license to take several wives for the sake of multiplying offspring.'[17] But if someone should demand Scripture, we reply that an argument for this divine dispensation can be taken from that in which (Gen. 21) the Lord says to Abraham: "Omnia quae dixerit tibi Sara, audi vocem eius."'[18] For from this we understand that, just as Abraham was warned by a special revelation that, at Sarah's petition and insistence, he should dismiss the handmaid Hagar with her son Ishmael, although this seemed hard to him and contrary to the law of nature, Scripture saying: "This seemed hard to Abraham on account of his son," so he had already beforehand been divinely admonished to comply, in marrying to himself Hagar, with that same Sarah's petition, although he did not ignore that this too would otherwise be contrary to the law of nature. Moreover, the *ratio* of this dispensation was twofold. One was the more manifest, namely the multiplication of the people of God, which St. Augustine everywhere, and Prosper in the place already cited, and not a few other Fathers often assign.[17] The other was more hidden, to wit the signification of certain mysteries. For those first polygamists with whom it was dispensed were at once Fathers and Prophets, who prophesied not only by words, but also by deeds; and indeed the Apostle expounds the mystery signified by the two wives of Abraham (Gal. 4).'[19] But what was signified by the four wives of Jacob St. Augustine sets forth disputing Against Faustus, and in Tractate 11 on John, and elsewhere.'[20]

§ 24. But against the former *ratio* someone will object: At the beginning of the world, and again straightway after the flood, there was no dispensation made with men that they might take several wives, when nevertheless there was the greatest necessity of multiplying the human race. For as Adam had one wife only, so after the flood Noah and his sons each had single wives. Reply: God created and gave to Adam one wife only, because in him He wished to show the perpetual form of marriage according to the exigence of the law of nature, lest, if in the first marriage of man one man had been joined to several women, polygamy should be thought always and absolutely licit as though proceeding from the first institution of nature. Nor was there to be a dispensation with the sons of Adam, either because of the nearness which they had to the first origin, or because, since sons and daughters were born in nearly equal number, they could only take wives one by one. Similarly, Noah and his sons could not take several wives, because, besides those whom they had taken before the flood, no other women remained after the flood. But in each of those times God compensated monogamy by longevity and fecundity, so that the human race might be able quickly to be multiplied. One can also reply that God did not have the same *ratio* for multiplying the human race and for multiplying the people of God. For that multiplication pertained to nature; this to Grace: therefore on account of the former there was not to be a dispensation against nature as there was on account of the latter. But again someone says: By the son of Hagar the handmaid, as also by the sons whom Abraham begot of Keturah, the people of God was not multiplied, because only "In Isaac shall thy seed be called," the Lord says to him (Gen. 21).[21] Next, it does not seem that the kings of the Israelite people, in taking so great a number of wives or concubines, regarded the multiplication of the people of God; since rather it appears that they did this by a custom and a certain royal right, just as in the same times did the pagan kings, Balthasar, Ahasuerus, and others. It is answered that in the sons of Abraham whose posterity did not pertain to the people of God, the latter *ratio* holds, because in them there was a signification of a certain mystery; whence this argument alone is not sufficient. As to the deed of

the kings, we reply that good kings regarded in the multitude of wives that which ought to be regarded; but in the case of evil kings their perverse intention did not take away the divine dispensation.

§ III — The objections against the genuine polygamy of the Patriarchs are refuted (Objecta contra veram polygamiam Patriarcharum diluuntur)

§ 25. It remains now that we reply to those passages of the Fathers and of Scripture indicated above, which have given some occasion to certain people for opining that there was not a true marriage of the Patriarchs with several women, but that they had only one legitimate wife, whereas the others were not wives but their concubines. The first passage was that of St. Ambrose. Concerning it we reply that Ambrose, in the Apology for the Most Holy Patriarch, as dealing with a matter perplexing and difficult, therefore brought forward various considerations by which he would either defend or excuse his deed, but in the last reply he proposed the true defense. For in that, as we have already said, he openly testifies that the marriage of Abraham with Hagar was not a sin, but a mystery (*mysterium*), because God willed it to be done to signify something future, the Apostle being the author (Gal. 4).[23] Therefore Ambrose acknowledges a divine dispensation, and at the same time assigns its cause, the signification of future things. To what is brought forward from St. Augustine we reply that nowhere do we read in him that Abraham's intercourse with Hagar was adultery, or that Hagar was not Abraham's wife; but in the places cited he made no mention of a true marriage for this reason, that the Manichees, condemning marriages, were especially objecting lust to the Patriarchs; and so by that reply concerning the truth of marriage with several women they would not have been satisfied. Here it was enough for Augustine to answer on behalf of the Patriarchs that they took to themselves another woman or other women not by the impulse of lust, but solely for love of posterity and with the consent of the wife. But that Hagar was a true spouse of Abraham, and that Jacob had four wives, the holy Augustine teaches elsewhere; as in book 22 against Faustus, ch. 47, and in book 16 of the City of God, ch. 38.'[24] Now as to the argument taken from Leo: some think this was indeed Leo's opinion, that Hagar was not a true wife of Abraham, but only a concubine; others, however, suspend judgment concerning this opinion as improbable and deny that it ought to be held. But others reply that, for the truth of the example adduced by Leo, it is enough that Hagar was Abraham's handmaid; it need not be the case that she was not his wife, since in this part Leo does not accommodate the example; nevertheless it must be confessed that he spoke somewhat obscurely.'[25]

§ 26. To the fourth passage of Scripture (Jn. 8) it is answered that it is to be understood of spiritual fornication, which is idolatry. For it is established that in Scripture this is most frequently called fornication, and Augustine has so interpreted it. The circumstances of the place also demand this sense. For what precedes is: "Our father is Abraham"; but what immediately follows is: "We have one Father, God." As if they were saying: We do not descend from idolatrous nations which fornicate with many gods, but from Patriarchs who were worshipers of the one God.[26]

§ 27. But the interpretation of Euthymius, concerning carnal fornication, proves nothing other than that the Jews thought thus, namely, that Hagar was not Abraham's wife but his concubine. About whose opinion we have no great need to be concerned. Finally, an undoubted reply to the last objection is that in Sacred Scripture women are called concubines in a far different sense from that in which today women are called concubines. For now a concubine is called a woman who lives with a man and has intercourse outside of marriage. But in the Sacred Books those who are called concubines were very often all, or at least for the most

part, wives as well, although, as Augustine writes (Question 89 on Genesis), it is not easy to see how Scripture distinguishes between a concubine and a wife, "unless perhaps," he says, "every concubine is called a wife, not conversely." For Sarah, Rebecca, Leah, Rachel are called wives only; Hagar, Keturah, Bilhah, and Zilpah are sometimes called wives, sometimes concubines (Gen. 16; 25; 30; 35; 1 Chron. 1).[27] The same must be thought about the concubines of David and of Solomon. And in Judges 19 the one spouse of the Levite is now called a wife, now a concubine; nay, straightway at the beginning of the chapter in the Hebrew both are conjoined. For thus it is said: "He took to himself a wife, a concubine, from Bethlehem of Judah.",[28]

§ 28. Moreover, probable is the opinion of those who say that in the Scriptures a concubine is called one who does not altogether and entirely share the right of the wife, but who, though now received into the marriage-bed, remains short of the dignity of a wife and partner—whether because she remains in a handmaid's condition, or because her sons are not admitted to the inheritance—of which sort was Hagar, of whom it was said: "Cast out the handmaid and her son. For the son of the handmaid shall not be heir with the son of the free woman" (Gen. 21; Gal. 4). Note that it was not said—as something that could have been said with greater propriety, if she had not been a wife—"Cast out the concubine and her son. For the son of the concubine shall not be heir with the son of the legitimate wife." Such likewise was Keturah, of whom (Gen. 25) it is related that to her sons Abraham only gave gifts, leaving the solid inheritance to his son Isaac. Of this sort also were Bilhah and Zilpah, whose sons, although they are not read to have been excluded from the inheritance (which was done for the sake of a certain mystery, according to Augustine), nevertheless they themselves do not seem to have been freed from a servile condition even in marriage. Similarly those whom David and Solomon took to themselves, and who in Scripture are called concubines (2 Kgs 16; 3 Kgs 11), are for that reason so named, because they too, although in truth they were spouses, were nevertheless not admitted to the full marital right, since they were not sharers in royal majesty, and therefore are not called queens; nor were their sons held in an equal place with the sons of others. Yet that they were true wives, besides what we have said above, is clearly shown from this: for those who in 2 Kgs 16 are called concubines of David, the same, in the immediately preceding ch. 12, are by the Lord Himself called wives, once and again; and in ch. 20 it is reported of them that, after Absalom had gone in unto them, David no longer wished to go in unto them, but handed them over to custody, that they might remain shut up until the day of their death, spending their life in widowhood. Whence Lyra infers that they were truly wives, since in concubines, not wives, widowhood has no place.[29]

§ 29. Moreover, this acceptation of "concubine" is not altogether foreign to the ecclesiastical way of speaking. For thus that name is taken in the First Council of Toledo (can. 17), in which it is established that he who does not have a wife, but a concubine in place of a wife, is not to be repelled from communion. For that Synod does not admit to communion a man who persists in the state of fornication, but, after the manner of Scripture, it speaks of wife and concubine. In this way also speaks Isidore in the book On the Difference between the New and the Old Testament, saying that it is not lawful for a Christian to have more than one, either a wife, or at any rate, in the place of a wife, if a spouse is lacking, a concubine. The Gloss on that same place agrees with both passages (Dist. 34, can. Is qui, and can. Christiano).[30] Now to the same point comes the distinction of others, who understand by "wife" one for whose taking solemn ceremonies were employed, but by "concubine" one who, without the solemnity of nuptials, is assumed by mere consent into the marriage-bed. For those who were taken in this way—because they were either handmaids, or otherwise of a more abject condition—were scarcely reckoned under the name of wives, nor were they called matrons of the household, because the joint governance of the household was not entrusted to them. Thus at times do the

Roman laws speak about a concubine, as Aulus Gellius relates in the Attic Nights, book 3, ch. 2, and book 18, ch. 6.[31] There are, however, those who explain a little differently the difference between wife and concubine: that a concubine is so called who is taken not for the sake of posterity, but solely for the sake of intercourse. Thus Ivo interprets concubine in the Toletan canon (in part 6 of his Decretum, ch. 61). And indeed whoever is of this sort also falls short of the perfection of marriage (*matrimonium*), whose primary end is the procreation of children. But in this way the name cannot be taken when in Scripture a concubine is ascribed to the holy Patriarchs and Kings, whom it is certain sought sons from them.[32]

§ VI — What is to be thought about the polygamy of others before Christ (Quid sentiendum de polygamia aliorum ante Christum)

§ 30. The opinion of certain persons is that it was never permitted to anyone to have several wives, not even in the Israelite people, unless by a special revelation of God made to him. They think this is proved by the words of Innocent III (the chapter "Gaudemus"), denying that this was permitted to anyone unless it was granted him by divine revelation.[33] Accordingly these men judge that not only the holy Patriarchs, but also the Kings, and whatever others who are commended in Scripture and are read to have had several wives, received from God a special concession about this. But a more probable opinion is that of others, who judge that there was a dispensation not only for the holy Fathers and rulers of that time, but generally for the posterity of Abraham, that is, for the whole Israelite people, concerning polygamy; not indeed by a new revelation or inspiration divinely made to individuals, but in such wise that this dispensation was made known in a peculiar way only to some of the first fathers, and then by their word or example passed on to the rest. For it is in no way likely that David, Solomon, Saul at the time when they still pleased God, and the other kings, and Elkanah the father of Samuel, received particular revelations about a deed of this kind. For revelations are rare and concern only matters of greater moment. Then, because Sarah, Rachel, and Leah offered their handmaids to their husbands without a new revelation of God. Third, because Esau took two wives from the daughters of Heth (Gen. 26). And because these displeased his father, wishing to placate him he took a third, the daughter of Ishmael (Gen. 28). Nor here is it believable that a new revelation intervened.[34] Fourth, because the law (Deut. 21), which says: "Si habuerit homo uxores duas, unam dilectam, et alteram odiosam, &c.," speaks as though of a matter known and commonly allowed. Hence too it calls both "wives," and it thus determines about the sons of each as about legitimate heirs.[35] Fifth, (Deut. 17) concerning the king the law only takes care that he not have very many wives who entice his mind. Treating this place, St. Augustine (Question 27 on Deuteronomy) says: "It was permitted the king to have several wives, not very many."[^36] Sixth, (Lev. 18) it is said: "Sorem uxoris tuae in pellicatum illius non accipies," where it is signified that another may still be taken, provided she be not the sister of the wife. And St. Augustine observed this too (Question 53 on Leviticus), saying: "Here he did not forbid to superinduce, which was permitted the ancients on account of the abundance of propagation, but he did not wish a sister to be superinduced to a sister."[37] Seventh, we nowhere read that the Prophets in that people rebuked the fact that several wives were taken by one man. Yet this ought to have been most gravely rebuked, if, as some wish, polygamy without a special revelation of God was a perpetual and constant adultery.

§ 31. Finally, nowhere do the Fathers speak of the polygamy of the Jews as of adultery, nor at all as of a thing illicit. Therefore what on the contrary is objected from Innocent must, as we have already said, be taken thus: namely, that that revelation or inspiration made to the first fathers did not pertain to them only, but

even to their descendants, and that dispensation, as it were a custom and a law received from their elders, endured in that people even to Christ. For when the Pontiff had said this, he subjoined: "Which custom is sometimes, at times even is deemed lawful," indicating, namely, that the revelation made at the beginning had passed over among that people into custom and law.[33]

§ 32. Moreover, some think that that general dispensation was granted to all the Gentiles, not however to the Hebrews alone. Although this may be supported as more probable by certain arguments, yet this tells very strongly against that opinion: that if before the times of Christ the marriages of the Gentiles with several wives were legitimate, it will seem a consequence that even now they are no less legitimate, since the Christian law has changed nothing in the marriages of the Gentiles. But if this is so, then ill indeed does the Church dissolve such marriages after Baptism according to the decree of Innocent III (the chapter "Gaudemus").[33] To this is added that neither is the revelation which Innocent requires attributed with any probability to the nations in general, nor could those twin causes of dispensing assigned above from the Fathers have place among the Gentiles as among the Hebrews. Likewise, if the dispensation was extended to the whole human race, then it was not a dispensation but an abrogation of the law for that time during which that universal extension lasted. There is added finally this, that the authors from whom the dispensation is proved speak only and particularly of the Israelite people, even when there is mention of the extension to the other nations, as one may see above.

§ V — Polygamy utterly abolished by the evangelical law (Polygamiam Evangelica lege prorsus esse sublatam)

§ 33. Christ, the Author of the new law and the restorer of nature, recalling the state of marriage (*conjugii status*) to its primeval institution, utterly took away polygamy (*polygamia*) and abrogated the concession made to the ancient People (Matt. 19; Mk. 10), when He willed marriage to consist between two only, according to that saying repeated from the beginnings of instituted nature: "Masculum et feminam fecit eos." And: "Erunt duo in carne una." Whence He infers: "Itaque jam non sunt duo, sed una caro." Then also elsewhere and besides (at Lk. 16), as a new Legislator He thus established: "Quicumque dimiserit uxorem suam et aliam duxerit, moechatur." For he is therefore said to commit adultery, because the former, although dismissed, is still truly a wife, as in the same place the Lord teaches by these words: "Quod ergo Deus conjunxit, homo non separet." If he commits adultery, much more will he commit adultery if he marries another with the first retained. From which it is altogether certain that the later woman, whom he superinduces to the former whether dismissed or retained, cannot, while that first one lives, be the wife of the same man, since adultery is not committed with a wife. Therefore by the evangelical law polygamy is not only unlawful, but now also altogether null if it be attempted.

§ 34. Against this argument Cajetan raises a certain scruple, writing on Mk. 10, because the Lord in Mark says, "Adulterium committit super eam."[39] But that scruple is nothing. For by adding "super eam" the Lord did not wish, as Cajetan seems to think, to intimate that a man who marries another with the first dismissed commits adultery only improperly or in a qualified sense; nor that he marries another to the injury of the former wife whom he has unjustly dismissed; rather He pronounces him simply to commit adultery—so that in the case of a married man "to commit adultery" and "to commit adultery over the wife" are the same—which is clear from the other two Evangelists, who speak absolutely. Nor does it pertain to the point whether the dismissal was just or unjust, as we shall teach below when we treat of repudiation. Nor does it matter

whether the former wife consents to the marriage of the latter or not. For such consent neither suffices for polygamy in the time of the Gospel, nor, even standing in the law of nature, was it ever necessary—as can easily be shown by the examples of the polygamy of Jacob and of David, and from places of Scripture (Lev. 18; Deut. 21; 1 Kgs ...).[40]

§ 35. Moreover, the Apostle is consonant with Christ's doctrine—1 Cor. 7—and elsewhere, as often as he makes mention of marriage, he always speaks of "wife" in the singular number. Likewise when he establishes parity between the man and the woman with respect to the conjugal debt (*debitum conjugale*). To which parity, just as it is repugnant that one woman should have many husbands, so likewise it is repugnant that one man should have many wives. The ratio of the sacrament (*sacramentum*) also requires the same, which ought to be kept more exactly in the time of the New Testament than of the Old, because through Christ there has been added to it the promise of grace which it did not have before. But the ratio of the sacrament is that it signifies the conjunction of the one Christ with the one Church.

§ 36. The Fathers hand down this doctrine consistently—Pope Siricius (Epistle 1), Innocent I (Epistle 9), St. Augustine, book 1 of De adulterinis coniugiis, chs. 8–9, using the same arguments, and everywhere the Fathers in their Commentaries on Matt. 19.[41] To these add the whole title De sponsa duorum in the Decretals.[42] Most plainly indeed Innocent III hands it on (the chapter "Gaudemus," in the Extravagants, De divortiis), using likewise the arguments set above.[43] It is confirmed moreover by the perpetual observance of the Christian people, with no approved example to the contrary. For although Valentinian, a Christian Emperor, took a second wife with the first living and consenting—as we reported above from Socrates—and enacted a law by which he permitted all to do this, nevertheless we do not read either that his deed was approved by any writer, or that any Christian followed his example and made use of the indulgence of the law. For the Emperor Constantius, of whom Aurelius Victor writes that he had very many consorts and among them especially loved Eusebia, was so infected with the stain of the Arian heresy that he grievously vexed Catholic bishops.[44] It is read moreover that afterwards the Emperor Lothar I, with his first wife living, coupled another to himself whom he wished to hold in the place of a lawful wife. But both him and his mistress Nicholas bound, on account of that deed, with the chain of anathema; and he deprived of dignity the bishops who had handled that cause with studied indifference, as is evident from several canons in Gratian (24, q. 3) and from the canon An non in the same question,[45] in which the Pontiff calls that union adultery. From which, as also from Innocent III, it is plain that such marriages are not only unlawful but also invalid.

§ 37. Finally, the Council of Trent (Session 24), both in the Doctrine and in the Canon, condemns the polygamy of Christians; and in the Doctrine indeed it signifies that it is void, when it says that by the bond of marriage two only are joined and coupled, according to that which Christ taught (Matt. 19); but in the second Canon it pronounces under anathema that it is unlawful and forbidden by divine law.[46]

§ VI — Reply to the arguments of those who think polygamy is in itself licit (Respondetur ad eorum argumenta, qui polygamiam secundum se licitam putant)

§ 38. And now let us reply to the arguments of those who think that polygamy (*polygamia*) in itself is not illicit, but is merely to be postponed and subordinated to monogamy (*monogamia*) as a less good thing to a better, as though both were in the genus of the good—according to certain people, as we indicated above.

Their arguments are of this sort. The first is taken from reason: polygamy does not conflict with the primary end of marriage (*matrimonium*), which is the procreation of children; rather, on the contrary, it more helps toward it and attains it more fully. But as for the secondary ends, which are social cohabitation, the governance of the household, the remedy for concupiscence, and the sacrament (*sacramentum*) of the conjunction of Christ with the Church, although it does not attain these as fully and perfectly as monogamy, nevertheless it does not seem to conflict with them nor to exclude them. For that the first two can be had in polygamy is shown by the examples of the Patriarchs and of other just men among the Jewish People, who both fostered concord among their wives and rendered to them the conjugal debt. But as regards the sacrament, St. Augustine says in the book On the Good of Marriage, chapter 18, that the several wives of the ancient patriarchs signified several particular Churches subject to one man, Christ. And since these several Churches together constitute the one Catholic Church, it seems that in polygamy the same sacramentality is still preserved as in other marriages. Add that, even if in these cases the formal character of the sacrament were lacking, nevertheless polygamy will not for that reason be against the law of nature (*lex naturae*), because the institution of the sacraments pertains not to the natural law but to the divine.

§ 39. The second argument is taken from Scripture. For if the marriage of one man with several women were licit solely by divine dispensation, since that dispensation, as was said above, did not extend itself to the nations of the unbelievers, never would the pious virgin Esther have suffered herself to be joined to Assuerus, an unbelieving king, who had another wife living; nor would Mardocheus, a man who feared God, have been the adviser to her to contract such a marriage; nor would the whole nation of the Jews have rejoiced in that deed. Whence it seems that such a marriage was licit by the law of nature.

§ 40. The third set of arguments is drawn from the Fathers. For Jerome, in Epistle 63 to Oceanus, writes thus: he knew that the Apostle allowed by law—by the example of the Patriarchs—and knew to be familiar to the people, that in having many wives they beget children.[47] But Augustine seems to have spoken more expressly in favor of this view. For thus he has it in book 22 Against Faustus, chapter 47: "There are sins which are against nature, others against morals, others against precepts. Since this is so, what crime, pray, is it which is objected concerning several wives at the same time had by the upright man Jacob? If you consult nature, it was not violated; if you consult precept, at that time by no law was it forbidden; and in those regions this was a customary practice."[^48] And in book 16 of the City of God, chapter 38, he says: "At that time, for the sake of multiplying offspring, by no law was it forbidden to have many wives";[49] and in book 3 of On Christian Doctrine, chapter 12: "For the sake of supplying offspring there was an inculpable custom of several wives at the same time being had by one man.";[50] To these add what the same writer sets down in chapter 15 of On the Good of Marriage and in Sermon 93 On Various Matters, chapters 13 and following, where he excuses the Patriarchs on the ground that, according to the time and the custom of their nation, they took several wives. But nothing can be excused as licit on account of time and custom which is in itself illicit. The same Augustine, in book 2 of On Marriage and Concupiscence, chapter 9, says that it more pertains to the good of marriage if there be one man and one woman than if one man be joined to many women. By which he seems to intimate that the good of marriage is still retained—although to a lesser degree—if one man be coupled with several.[51] Finally, the authority of Gregory III is objected, who, in a letter to Boniface, permits a second wife to a certain man on account of the illness of the wife long since taken. From which it seems to follow that even in the time of the evangelical law the plurality of wives is licit in some case, at least by pontifical disposition; and hence that Innocent III does not rightly except solely the case of divine dispensation.

§ 41. But to these arguments we reply probably as follows. And to the first, indeed, it is sufficiently established from those things that were said in the beginning, that polygamy is repugnant to the law of nature. Although it does not impede the primary end, but rather seems more to promote it, nevertheless it does impede the secondary ends, as was there sufficiently explained. It impedes them of itself, although at times per accidens it happens that those impediments are lessened or even removed by the goodness of the spouses thus joined—something which, however, happens most rarely. To the other part of the first objection it is answered that marriage by God's institution signifies the conjunction of Christ with the Church, not with Churches. Since that signification is not found in polygamy, at least from this head it follows that polygamy is repugnant to the divine institution.

§ 42. To the second argument it can be answered in two ways: either that those of the Jewish people who were then sojourning in the Persian regions excusably ignored that law of nature because of the custom commonly observed among those nations—for that law does not stand after the manner of a principle, but after the manner of a conclusion, which does not at once become known to everyone from the light of natural reason; whence also the variety of opinions has arisen about polygamy's being licit or illicit—or that that marriage was indeed valid, not on account of Assuerus, as though it were licit for him to take several wives, but on account of Esther, who was of that People to whom the privilege of polygamy had been divinely granted, not only if they were joined with men of their own nation and religion, but also if they took to themselves foreigners, as is clear of David and Solomon and others; and moreover if a woman of the Israelite people were joined to a foreign man. The reason for which can be given, that by all these ways the people of God could be propagated. For the faithful woman, even if she has an unbelieving husband, sanctifies her children, as the Apostle indicates (1 Cor. 7). Therefore, although there was not a true marriage for Assuerus with other women taken after his first wife, inasmuch as they were unbelievers, nevertheless it appears on this account to have been a true marriage with Esther the Jewess.

§ 43. To the third: Jerome is not speaking of the law of nature but of the Mosaic law (Deut. 17; Lev. 16), in which places it is presupposed as licit that the Hebrews can have several wives at once. But that Mosaic law was a certain declaration of the divine dispensation. Furthermore, it must not be denied that Augustine, as to the question how far polygamy was licit, spoke somewhat obscurely, as on a perplexing matter. Yet he never defends polygamy as simply licit, but rather blames it, as in book 1 of On Marriage and Concupiscence, chapter 9, and book 1 of On Adulterous Marriages, chapters 8 and 11.[52] Therefore, when he says that polygamy was not "against nature," understand "nature" not as the law of nature nor as the nature of marriage, but as fecundity and generation: for indeed, as Augustine himself explains elsewhere, several women can be made fecund by one man, whence the generation becomes more plentiful. But he denies that it was "against custom," because, as he explains there also, at that time and in that place such things were done. Yet what was done illicitly by other nations was done licitly and holily by the Patriarchs on account of God's dispensation. Nor is it an obstacle that above in the same chapter he says: "Now therefore it is a crime because it is not the custom." For the sense is that polygamy, among those among whom it was received by custom, could not be objected to anyone as a crime, as now, when it is not received by custom—although Innocent III seems to interpret "custom" as the very divine revelation, when he says: "Never was it permitted to anyone to have several wives at the same time, unless it was granted by divine revelation, which things are sometimes also reckoned fitting."[^53] Finally, Augustine denies that polygamy is against precept, because at that time it was not forbidden by any positive law from God, as now it is for Christians. And he calls the custom "inculpable," not for all, but only for the Patriarchs and their posterity, whom the divine concession exempted from fault.

Now, in what he says, that it is better if one man be coupled with one woman, the comparison is improper, such as is wont to be made between a good and an evil; yet therein Augustine seems to have had regard to this, that the coupling of one man with several women brings some good which is not found in the coupling of one with one in the same way—namely, a more numerous offspring. This was the reason for dispensing with the ancient People. For if there had been no peculiar good there, a dispensation beyond the common law would have had no place.

§ 44. To the last argument various replies are given. A common solution is that the first woman, on account of a perpetual and natural impotence by which she was unfit for marriage, was not a true wife. But this reply is opposed by the fact that Gregory seems to judge the first marriage to have been true, which nevertheless he is unwilling to have dissolved, but that a second be added to it; because he says that the man ought not to withdraw the support of sustenance from his first wife. Add that, if it had not been a true marriage, the Pontiff should have declared that, and openly said that the man could, without scruple, take another; nor would he say, "this is a matter for great men." Therefore the Gloss gives a different reply upon Gregory's Rescript in Gratian, 32, question 7, chapter Quod proposuisti: namely, that the Pontiff does not grant another marriage as just and legitimate, but as a lesser evil in comparison with fornication with many, which was to be feared in that man on account of his incontinence.[54] If this reply does not please, it will have to be admitted, with Gratian, that this rescript of Gregory—since it is entirely contrary to the sacred canons, nay to the evangelical and apostolic doctrine—was not put forth as defining something as a matter of faith, but that he only declared to others his opinion on a matter not yet defined.[55]

§ VII — That marriage is by its very nature indissoluble (Matrimonium esse suapte natura indissolubile)

§ 45. To the treatment of polygamy there is joined another of repudiation (*repudium*). For each is adverse to conjugal faith: the former, inasmuch as it makes the spouses unequal in the conjugal right; the latter, inasmuch as it removes the perpetuity of marriage (*matrimonium*). But before we deal with repudiation, we will premise what must be thought concerning that which is opposed to repudiation, that is, the indissolubility (*indissolubilitas*) of marriage: and first we shall show, from the very law of nature, that the bond of marriage is perpetual and indissoluble, and then that, from the positive law or institution of God, a firmer tie has accrued to it.

§ 46. Therefore, as to the first point—namely, that marriage is by its own nature indissoluble—this is shown in the following way. The proper end of marriage is offspring, which also naturally follows from the matrimonial act, that is, from sexual intercourse. By the same law of nature parents are bound to nourish, foster, instruct, and bring their offspring to perfection. But they cannot accomplish all these things unless they live together, rendering to one another their mutual services for this whole business. Therefore those who beget offspring must be certain of mutual cohabitation, at least for so long until the offspring shall have been brought to that condition and age in which it no longer needs the care of its parents.

§ 47. And this certainty ought to be made firm by mutual obligation, because otherwise provision would not be sufficiently made for the education of the offspring. There ought also, for all that time, to remain between the same spouses the mutual power over bodies for the conjugal matter. For, if that did not remain, one could transfer the power over his or her body to some other person and receive children from that person.

And thus again poor provision would be made for the education of the offspring taken from the prior marriage; because, for the reason already stated, the one who receives offspring from a subsequent marriage would be bound to cohabit with the subsequent spouse.

§ 48. Yet someone will say that ample provision would be made for the child, if that mutual obligation of its parents between themselves were to last until the child has been brought to perfection; and therefore that at least after that time nothing stands in the way, if we look to the law of nature, of the marriage's being dissolved. I reply that this by no means follows: because, since we have shown that during cohabitation the mutual power over bodies for conjugal use remains, and since, that remaining, the right of each to exact the debt cannot but remain, then—impediments being set aside—from the same spouses there naturally follows a new generation: for from any intercourse it befalls that offspring follow. Wherefore provision will similarly have to be made for the education and due instruction of that offspring afterwards born or to be born. It follows, therefore, that marriages must remain bound by an indissoluble tie until the end of the life of one of the spouses, namely because the good of offspring necessarily requires this.

§ 49. Again someone will say: It can be that, by some suitable reason and mode, provision is made for the education and instruction of the offspring even when the parents are separated; therefore nothing will forbid the spouses to be separated, with the good of the offspring born of the marriage being kept safe. Likewise, sometimes it is certain that offspring will not follow from the marriage because of the sterility or old age of one of the spouses, and sometimes also because of perpetual infirmity or captivity. In which case no disadvantage is to be feared for offspring, since from such a marriage it cannot be hoped for; therefore such marriages could be dissolved without harm, indeed even usefully, if the one who is healthy and fertile should contract another marriage from which he might raise offspring. The reply is that, in the laws of nature, those things are to be considered which are conjoined to the thing per se, not those which can arrive by accident. But if marriage be not inseparable, then from the very nature of the case there always follows an injury to offspring, notwithstanding that in fact it does not always follow—namely, when by human providence that evil is otherwise forestalled, just as the inconveniences and harms of those who are born of fornication could also be forestalled; yet on account of this no one could rightly say that the fornicator's intercourse is to be excused from fault. Since these things are so, what we said still stands firm, that by the law of nature marriage has it that it ought not to be dissolved. The same must be said about sterility and the like. For marriage is instituted per se for the generation and education of offspring. It happens by accident, however, that sterility or something similar is conjoined to it, by which it comes about that offspring cannot be raised; and therefore such a circumstance ought not to make an exception in the law of nature.

§ 50. This law of nature is confirmed also by another reason. For if marriage were not indissoluble by its nature, no certain distinction would stand between marriage and concubinage, in which a man, though content with one woman, nevertheless does not wish to pledge her the faith of a perpetual union. For the end of each—whether it be the generation of offspring or the use of sexual intercourse within certain bounds—can be common to both; and a concubinage of this sort can also, by mutual consent, or even by an obligation and contract, be extended into a long time. Therefore, in order that a certain distinction stand between these, it must be admitted that the bond of marriage, by the law of nature, is perpetual.

§ 51. Now that there is between these two a certain, and indeed essential, distinction is clear from the Scriptures, which commend marriage alone, but utterly condemn every other intercourse, so that they say that by it a man is excluded from the Kingdom of Heaven; the texts are Rom. 1, Eph. 5, 1 Cor. 6, Gal. 5.[57] The

reason of this is that by any other intercourse of a man and a woman there is, from the very nature of the matter, a notable injury done to offspring, as St. Thomas rightly teaches.[58] And although in some fashion this ratio of sin be diminished, nevertheless he does not escape it who, whether by himself or through others, educates and instructs well the child begotten of fornication. This too is the doctrine of St. Augustine.[59] And Aristotle also, persuaded by natural reason alone, condemned the fornicator's intercourse as contrary to the law of nature.[60]

§ 52. There is also another reason for the perpetuity of marriage. For by marriage the man and the woman are constituted as the principle of one definite lineage, just as Adam and Eve were constituted the principle of the whole human race: therefore they ought not to be separated so that, this lineage being abandoned, each should pass over to constitute another lineage, which would happen if, the marriage being dissolved, they should contract another.

§ 53. The last reason: that even for unbelievers, who have only the law of nature, it is unlawful to dissolve marriages and to make repudiation, as is clear from Innocent III.[61] therefore the law of nature forbids it. And an argument for this is that among the Romans, from the founding of the city for five hundred years and more, no repudiation ever intervened between husband and wife, as Valerius Maximus attests; for, he says, the first to dismiss his wife on account of sterility was Spurius Carvilius. Although he seemed to have been moved by a tolerable cause, nevertheless he did not escape censure: because they judged that not even the desire for children ought to be preferred to a wife's pledged faith.[62] The same is related by Aulus Gellius and by Plutarch.[63]

§ VIII — Proof of the same from divine law and from the reason of the sacrament (Ejusdem probatio ex lege divina, & sacramenti ratione)

§ 54. The divine positive law (*lex Dei positiva*), which was first uttered by the Spirit of God in Paradise, is in these words: "Relinquet homo patrem suum et matrem, et adhaerebit uxori suae, et erunt duo in carne una." In which place the force of that word "adhaerebit" must be observed, for which the Septuagint rendered προσκολληθήσεται, that is, "will be glued to," as it is also read in Matthew and Mark. But by that word an indissoluble conjunction is signified; for those things which have been joined by glue you will break more easily than you will loose. And the Hebrew term (in Gen. 2) signifies the firmest bond, as those skilled in that tongue have noted.

§ 55. Then that law of God was repeated by Christ and by Him renewed (Matt. 19), indeed also explained, when He teaches by these words that there is signified an indissoluble bond (*vinculum indissolubile*): "Relinquet homo," etc. And He teaches this when straightway He adds: "Quod ergo Deus conjunxit, homo non separet." And again when He adds: "Eum qui dimissa uxore aliam ducit, moechari; et qui dimissam duxerit, similiter moechari." To this divine law pronounced by Christ in the Gospel the Apostle had regard, 1 Cor. 7: "Iis qui matrimonio juncti sunt, praecipio non ego, sed Dominus," that is, Christ, "uxorem a viro non discedere." But in general, whether the law of nature or the divine, the same Apostle alleges (Rom. 7; 1 Cor. 7), when he says that "mulierem alligatam esse legi," that is, that by the law she is bound by the bond of marriage, as long as her husband lives.

§ 56. Moreover, both the natural law and the positive law of God are yet more confirmed by the same Author, God, through this, that in marriage there has been placed a signification of a certain sacred reality,

indissoluble and perpetual, that is, of the union of Christ with the Church. For God willed that by marriage there should be signified not only that mystical conjunction, but also that by the bond of marriage there should be signified the bond of that mystical conjunction. Which signification is not apt, unless, just as the nexus of this conjunction is indissoluble, so also is that of the other. This rationale of the indissolubility (*indissolubilitas*) of marriage (from Eph. 5) is found to be taken by St. Augustine in many places, as in the book Against Julian, ch. 9, and in book 1 On Marriage and Concupiscence, chs. 10 and 21.[65] The mind of the Council of Florence on this matter is manifest in the Decree on the Sacraments, in which it is had: "The third good of Marriage is the indivisibility of marriage, on account of this, that it signifies the indivisible conjunction of Christ with the Church," etc.'[66] And although there are those who do not acknowledge this reason of the sacrament or mystical signification in the marriages of unbelievers, nevertheless it appears more probable that it is present in every marriage, since it has been said, "Erunt duo in carne una." On which matter there was treatment above (at Distinctio 26).'[67]

§ 57. But a fuller proof of this doctrine concerning the indissolubility of marriage, with testimonies of the Fathers and of councils added, we defer to Distinctio 35; whose place will have for its proper question whether marriage is dissolved by the adultery of one of the spouses—where also replies will be given to the objections of the Adversaries.[68] In this place it will suffice, finally, to have subjoined the judgment of the Fathers of the Council of Trent, consonant with those things which we have a little before said; it is delivered thus at the beginning of Session 24: "The perpetual and indissoluble bond of marriage the first parent of the human race, by the prompting of the divine Spirit, pronounced when he said: 'Hoc nunc os ex ossibus meis, et caro de carne mea. Quamobrem relinquet homo,' etc." And, after a few words intervening: "The firmness of the same bond, so long ago foretold by Adam, Christ confirmed by these words: 'Quod ergo Deus conjunxit, homo non separet'." And canon 5 of the same session has thus: "If anyone shall say that on account of heresy, or troublesome cohabitation, or an affected absence from the spouse, the bond of marriage can be dissolved, let him be anathema."'[69] Which canon was put forth particularly against recent heretics, among whom the causes indicated in the canon, and many others besides, are admitted for dissolving marriage. Things similar were taught of old by the heresiarch Berengarius, as Guitmundus signifies of him at the beginning of the work written against him.'[70]

§ 58. Now how it is not contrary to this doctrine, that the Church teaches that an unconsummated marriage (*matrimonium inconsummatum*) is dissolved by entrance into Religion, is evident from the things which we have said above (at Distinctio 27); likewise from the things which will be delivered below (at Distinctio 39) it will be evident that it is not contrary, that the marriages of unbelievers in a certain case could be dissolved.[71]

§ 59. But there is one objection, the solution of which I do not remember to have read in anyone: It happens that sex is changed, as Pliny and other authors attest. Pliny relates in book 7 (ch. 4) four examples of a change of this sort, of which one he declares that he himself saw. But marriage consists in nothing except in a difference of sex: therefore, sex being changed in one of the spouses, marriage is dissolved of itself and by its own nature, just as it is dissolved by death.

§ 60. One could answer that the things which Pliny recounts are fabulous: such as are those which Ovid, among the poetical fables, narrates in books 3 and 4 (Metamorphoses) about the soothsayer Tiresias and about a certain Scython. For it is not credible that so great a change can naturally take place in the members in which sex consists. But if you should think that faith is not altogether to be denied to Pliny's examples, it will

have to be answered in one of these two ways: Either in truth the marriage is dissolved, yet not between man and woman—because either that man ceases to be a man, or this woman to be a woman; and the writers have not made mention of this exception because it is doubtful whether the case is possible; or the marriage remains, as in other persons to whom there supervenes an impotence of consummating through whatever change or mutilation of the members. A sign of this could be assigned, that if the sex were changed a second time, as they tell in the fable of Tiresias that he was changed first into a woman, then again into a man, the person thus changed would have to render the conjugal due to the spouse to whom at some time he or she had been joined in marriage, without a new matrimonial contract.

§ IX — Whether repudiation was ever at some time granted to certain persons (Repudium an fuerit aliquando quibusdam concessum)

§ 61. Although these words, repudiation (*repudium*) and divorce (*divortium*), are used by authors almost with an indiscriminate signification, and if there is any distinction between them, it is of this sort, that you would say divorce is effected between a husband and a wife, but repudiation is sent to a betrothed woman; nevertheless, for the sake of instruction the Scholastic Doctors distinguish between them thus, that repudiation signifies the breaking-asunder of marriage as to its substance, that is, the conjugal bond, but divorce the loosening of the same as to the bed and cohabitation. Therefore about divorce indeed we shall speak later in its own place; here, however, about repudiation one must treat. And now it is established from this, that it is unlawful, because, as has just been shown, by both divine and natural law every marriage is indissoluble.

§ 62. But that being established, it is asked whether, just as polygamy—unlawful in itself, as being contrary to divine and natural law—was nevertheless at some time permitted by God's dispensation and lawful, so also one must judge about repudiation. The opinion of certain men is that even concerning repudiation God dispensed in the time of the Old Testament with the Israelite people, so that both the woman dismissed and the man dismissing could lawfully pass over to other marriages. Durandus, Scotus, and Paludanus hold this opinion as the more probable (in this Distinction), and Cajetan (on Matt. 19), and Burgensis (on Deut. 24) against Lyranus and Josephus Angles and Bellarmine; but Abulensis, writing on that same place of Matthew, fights for it to such a degree that he judges it must be held without doubt.[73] In truth, this position is shown to be for that reason most improbable, that it rests neither upon the authority of Scripture nor upon the examples of the Saints, as that other one about polygamy does. For the fact that Abraham is read to have dismissed Hagar his wife was not a loosening of the conjugal bond, but only a separation of bed and dwelling, God, for the sake of signifying a certain mystery, so commanding. For this was done before the law of repudiation. Accordingly in this part the position of the Master is rather to be retained, which also St. Thomas confesses is commonly maintained, although he himself seems to affirm neither simply. The same is the sentiment of Dominicus and others, whose doctrine in sum is that repudiation was never lawful to the Jews, but only permitted with impunity. For since of divine permission there are several grades, this permission was of that kind, that it did not excuse from fault but only freed from punishment; namely, lest those who did what was permitted should be subjected to temporal chastisement as adulterers and violators of the conjugal covenant, in the way in which it was permitted them to lend at usury to foreigners. This position is confirmed first and chiefly by the authority of Christ in the Gospel (Matt. 19). For when to the Pharisees asking whether it were lawful for a man to dismiss his wife for any cause whatsoever He had

answered that it was not lawful, and had proved that answer from the first institution of marriage (Gen. 2), they proposed to Him an objection from the Law (Deut. 24): "Why then," they say, "did Moses command to give a bill of repudiation and to dismiss?" Then Christ, changing the word of commanding into a permission, opened the true understanding of the Law, saying: "Because Moses, for the hardness of your heart, permitted you to dismiss your wives," to say that the true and lawful institution of marriage does not allow this. Whence neither did Moses command it as a good, but permitted it as a lesser evil, so far complying with the hardness of your heart as not to punish this evil, lest worse should follow. By this same policy usuries are tolerated in cities, and among the Jewish people there was a toleration of exercising them upon foreigners. About which matter the same Moses (in the chapter of Deuteronomy immediately preceding) speaks thus: "Thou shalt not lend upon usury to thy brother, but to a stranger." And it is admitted that this was said permissively, not preceptively.[74] Add that the Pharisees themselves also may seem to have understood in their question the word of command in a general sense, because Mark (ch. 10) relates that, to the Lord asking them, "What did Moses command you?" they answered, "Moses permitted to write a bill of repudiation and to dismiss." To whom the Lord replying said: "For the hardness of your heart he wrote you this commandment." In which place commandment is either to be referred to the writing of the bill, or it has a general signification so as also to include permission. Therefore the Pharisees were seeking the sense of that precept or command, that is, of the divine ordinance, which also Christ set forth to them, teaching that a bare permission was signified, by which indeed lesser evils are permitted in order to forestall greater. Certainly it is clear enough that the Pharisees did not think there was a precept to dismiss wives, because they only ask whether it is lawful.

§ 63. To the same point pertains the doctrine of Christ (Matt. 5): "It was said, Whosoever shall dismiss his wife, let him give her a bill of repudiation"; "But I say to you, that every one who dismisses his wife," etc. Treating this passage, Augustine in book 1 of On the Lord's Sermon on the Mount, chapter 14, speaks thus: "He who commands a bill of repudiation to be given, does not command this in order that the wife be dismissed, but that he who wishes to dismiss give a bill of repudiation, so that the thought of the bill may temper the rash anger of the one casting out his wife." He has similar things in book 19 Against Faustus, chapter 26; and Jerome, commenting upon the same place, says: "Moses ordered a bill of repudiation to be given, not granting separation, but taking away homicide." He explains the same more at length on Matt. 19. He denies, however, that repudiation is granted as something lawful, for concession is wont to be understood of what is lawful. Therefore, to give the bill was in precept for one willing to dismiss; but the dismissing itself was only permitted on account of the hardness of heart of him who did not endure the primitive institution of marriage. Moreover, that this is the genuine understanding of the Law can also be shown from the Law itself. For in Deut. 24, after the law of repudiation, the following words ensue: "And when, having gone forth, she shall have married another husband, and that man also shall hate her and shall give her a bill of repudiation and shall dismiss her from his house, or surely shall have died, the former husband cannot take her again to wife, because she is defiled, she is made abominable before the Lord," etc. For wit, she is defiled and abominable because, whereas the other adulterers, both men and women, ought according to the Law to be punished with death, this woman, without fear of the Law—inasmuch as it does not punish repudiation and the subsequent second marriage—has publicly and notoriously committed adultery as if it were a thing lawful and legitimate. Whence also (Jer. 3) the Scripture, likening Jerusalem the sinner to such a woman as having fornicated with another man and for that cause defiled and contaminated—because, departing from God, she had fornicated with many lovers—understands by these words true fornication, that is, adultery.[75]

§ 64. To which there is added a reason of this sort: it is not credible that God dispensed so generally with the natural as well as the divine law, unless for an honorable end, and that pertaining to religion. For what was dispensed by Him with the Israelites, namely, that it should be permitted for one man to take several wives, was done for the sake of the multiplication of that people, who were the people of God, and of increasing divine worship. But such an end is not found in the permitting of repudiation; rather its sole rationale, as the Lord attests, was the hardness of the hearts of the Jews. Therefore there was no dispensation for repudiation, but a bare permission or toleration of a lesser evil to avoid greater.

§ 65. But if repudiation had been permitted only on account of sterility, it might seem that this was done by a dispensation of the Law, for the cause of multiplication just mentioned. Yet neither could that rationale have been sufficient for dispensing among those who, even with the barren wife retained, could take another wife, as Abraham and Jacob are read to have done. Nor indeed was that the sole rationale, and perhaps it was not at all the rationale, as will be evident from what follows.

§ X — What the causes of repudiation were among the Jews (Quae fuerint causae repudii apud Judaeos)

§ 66. As to the causes on account of which repudiation (*repudium*) was permitted to the Jews, there is no agreement among the authors. Some—among whom is Paulus Burgensis writing on Deut. 24—think it was only for the cause of fornication; others (Quaest. 55 on Matt. 19) are of the opinion that it could be done for any cause whatever, indeed even for sheer hatred alone, no other cause alleged.[77] But both these positions, as swerving alike from the mean of truth, can be refuted from Sacred Scripture. For that sheer hatred did not suffice is evident from these words (Deut. 22): "If a man has taken a wife, and afterwards has had hatred for her, and has sought occasions by which he may dismiss her," etc. Therefore it was not enough that hatred should be stirred up against the wife (for a wicked husband could in fact hate a most honorable and most loveworthy wife); but it was necessary to put forward legitimate, or at least probable, causes of hatred.[78] Whence also in Deuteronomy 24, where the law of repudiation is set down, after it had been said, "If she has not found favor before his eyes," that is, if she has displeased the man, there is subjoined: "On account of some foulness." This very thing must be repeated in the words following afterward, where it is said, "And if he also has had hatred for her," understand: on account of some foulness. The same must be understood in the words alleged from Malachi; for Malachi, without a doubt, had regard to the law of Deuteronomy.[79] But that repudiation was not permitted for fornication alone—that is, adultery—first appears sufficiently from each of the two already cited places of Deuteronomy: for in the former place loss of virginity before marriage is named; in the latter, foulness of some kind in general. Next, for adultery, according to the Law, the woman ought to be stoned, and thus there was no place for repudiation. But if the crime could not be proved, and the man was moved only by suspicion, then the law of jealousy had place.[80] Furthermore, this is taught quite clearly by the Gospel; for when Christ denies that a wife is to be dismissed except on account of fornication, He clearly signifies that other causes also had been permitted to the Jews by the Law.[81] Therefore the middle position must be held—namely, that repudiation was permitted to the Israelites only for certain causes, to wit for those which in some manner seemed to hinder marriage.

§ 67. For the Israelites had been imbued with the customs of the Gentiles, especially of the Egyptians, and besides were stiff-necked men, so that to bend them to the rectitude of the divine law was difficult. And, as is

clear from the ancient laws of the Romans, surely only such causes made repudiation legitimate, such as adultery, sterility, suspicion of poison, leprosy, notable depravity of morals or other unfitnesses of this kind. Wherefore it is not likely that Moses extended his permission in the People of God beyond the custom of the Gentiles. Yet neither is it very likely that repudiation was permitted to the Jews for the cause of sterility: both because sterility cannot properly be included under the name of foulness, and because it was lawful for them to have several wives, so that, the barren wife being retained, they had no cause for dismissing her, unlike the Romans and other peoples among whom it was not received by custom to take several wives.[82] Moreover, under the coming of Christ among the Jews the causes of repudiation had multiplied so far that the question at length was raised whether it was lawful on any cause whatever, as is evident from the Gospel, and likewise from Josephus, Antiquities, book 4, chapter 16; where the same author also attests that nothing else was wont to be written in the bill of repudiation except a few words, by which the man should confirm that he would never afterwards come together with her whom he dismissed.'[82]

§ 68. And indeed, since the bill (*libellus*) was given to the woman in her favor and, armed as it were with this public instrument, she could marry another man, it is not very probable that the causes of the repudiation were written in it, lest she should carry with herself her own infamy. Besides, St. Augustine thinks (Contra Faustum, book 25, chapter 26) that there had to be recourse to the Scribes by the husband, by whom the bill might be written; so that, this delay having been interposed, and with the prudent admonition of the Scribes added, the husband might be called back from his purpose.[83]

§ XI — The solution of those things that are brought forward in favor of repudiation (Solutio eorum quae pro repudio adferuntur)

§ 69. One must now reply to the arguments that seem to make for repudiation (*repudium*), whether as though it had been lawful under the Law of Moses, or as though it were still conceded under the Law of Christ.

§ 70. The first argument is taken from Malachi 2, where, after the Prophet had said: "Despise not the wife of thy youth," he subjoined: "When thou shalt have had hatred, dismiss, saith the Lord God of Israel."[84] St. Jerome replies in his Commentary that these words were said in the person of the Jews reciting the Law, in which the hateful repudiation of a wife is permitted for certain causes; to whom the Prophet replies what follows, namely: "Iniquity shall cover his garment"—that is to say, of him who shall have dismissed his wife except for the cause of fornication.'[85] But this interpretation seems rather forced, especially since the Law does not threaten a penalty to one who repudiates even for a cause other than fornication, but expressly permits repudiation. Add that it quite appears from the person of the Prophet that the whole sentence is pronounced. Therefore the Prophet's sentence can more probably be expounded in this way: "Do not despise and cast away the wife whom you led in your youth; but if you have hatred," that is, if you have a just and legitimate cause of hatred against her, "dismiss," that is, the Law allows you to dismiss her, the cause being known and proved, and the bill of repudiation being given. For whoever did this, although he sinned, nevertheless—this being done with the Law permitting it—was not punished. Therefore the sense of this place is in conformity with that of Deut. 24 according to Christ's exposition, so that namely a permission may be understood, not a concession. Now as to what follows, "Iniquity shall cover his garment," it can be referred either to the wife,

hated and dismissed by her own demerit, or rather to the husband who has done otherwise—that is, who has despised the wife of his youth and has not lawfully dismissed her.

§ 71. The second argument: The Apostle in 1 Cor. 7 says alike: "Art thou bound to a wife? Do not seek a solution. And art thou loosed from a wife? Do not seek a wife." But the latter is not a precept, but only counsel—not to seek a wife; therefore also that former, not to seek a solution, will likewise be of counsel and not of precept; and consequently it will be permissible for him who is bound to a wife to seek a solution—which is done by repudiation, or the dismissal of a wife.[86] I reply: even if this argument proceeded, the consequence would be that on whatever cause, indeed on no cause, it would be lawful to dismiss a wife; because, according to this line of reasoning, it would always be only counsel not to seek a solution. Accordingly one must say that those two are not to be understood likewise: but the one indeed as precept, the other as counsel; which the Apostle sufficiently indicates, when he presently adds of the latter: "But if thou shalt have taken a wife, thou hast not sinned." Nothing of the sort does he add about the former; rather he affirms the very contrary, both in the same chapter and elsewhere.[87]

§ 72. The third: In the imperfect work ascribed to Chrysostom (Hom. 32 on Matt. 19) he says thus: "By permitting these things to you, Moses willed that, you not acting justly, your sin should not seem to be sin." From these words some think it can be gathered that there was a dispensation from God about repudiation; because, they say, the Lord by dispensing took away from the sin the guilt of sinning—that is, what otherwise would be a sin, by dispensing He made now no longer to be a sin, but free of guilt.[88] To this it is first answered that the author of that work is not Chrysostom but a certain Arian, and not a Greek writer but a Latin. Next, that he is not such as to favor repudiation, since in the same place he manifestly teaches that Moses permitted repudiation to the Jews as an evil, lest they should do worse: "For this reason," he says, "he allowed you to give a bill of repudiation, because he judged it better that marriages be dissolved by a permitting law than that, violence being employed by hatred, homicide be done. He permitted you to do evils lest you do worse." Therefore what he subjoins, that Moses took away from the sin the guilt of sinning, signifies nothing other than that by permitting the sin he took away the liability of temporal punishment which otherwise ought to have been imposed on that sin. Which sense the words that follow also sufficiently indicate: "that your sin might not seem to be sin," because to carnal men that is not judged sin which in this life is not punished—more so if also it shall have been permitted by law.

§ 73. The fourth is alleged from the Epistle of Gregory III to Boniface, and it is found in Gratian (Causa 31, q. 9, c. Quod proposuisti). But in that place the question is not about dismissing the former wife, but there seems to be a question about another woman's being assumed at the same time because of the former's infirmity. To this argument an answer was given above when we treated of polygamy.

§ 74. The fifth: Pope Deusdedit in an Epistle which is found in the volume of the Councils permits as valid and licit that spouses who have received their own children at Baptism should rather be separated from one another and marry others than that they be carnally joined together. But it is replied that that decree was never received by the Church.[89]

§ 75. The sixth argument is this: Although the Old Law did not confer Grace, it nevertheless pointed out and forbade sins, as the Apostle witnesses (Rom. 3); whence it is said to the Prophet (Is. 58): "Declare to my people their wicked deeds, to the house of Jacob their sins." Therefore if repudiation was an illicit and damnable sin, inasmuch as it involves adultery, it ought everywhere in the Law and the Prophets to have been

set forth and forbidden; "If thou wilt enter into life, keep the commandments." I reply that Christ sufficiently taught from the Law—that is, from Moses (Gen. 2)—that repudiation is illicit and contrary to the first institution of marriage.[90] The same Moses insinuated sufficiently when he said that the woman joined to a subsequent husband is polluted and abominable. Which also the Prophet Jeremiah repeated (ch. 3). Moreover the observance of the Law sufficed for salvation, because all sins whatsoever that could be committed by men were either directly or indirectly against some precept of the Decalogue; although the greater part of the people of the Old Testament, having a veil placed over their heart, labored under such ignorance that they could not judge about these matters. Nor is this a wonder, since many even of Christians, unless they are instructed by teachers, are blind in their judgment of such things. It must be noted, however, that the same argument can equally be urged about usury exercised toward foreigners, of which Deut. 23 speaks; which nevertheless, as theologians agree, was only permitted to the Israelites, not also conceded.[91] Nay, the argument is stronger about such usury; for the Law of Moses never reproves such usury; whereas it quite openly signifies that this repudiation, followed by the woman's marriage with another man, is most displeasing to God, when it says that she has been made polluted and abominable before the Lord. But to what extent it is licit to dismiss a spouse for the cause of adultery will be treated below in its own place (at Distinction 35), responses also being added to the contrary arguments. The solution of those things moreover which seem to prove that a wife can be repudiated on account of entrance into Religion, we gave above (at Distinction 27).

§ XII — Whether the Jews, after repudiation, could pass to other marriages (An Judaei post repudium ad alias nuptias transire potuerint)

§ 76. According to the opinion of those who think that repudiation was conceded to the Jews by a divine dispensation (*dispensatio*), just as among the same it was a true dissolution of the matrimonial bond, so the marriages which the spouses thus separated contracted with others were true and valid. But since the weightier position is that repudiation was not of concession (*concessio*) but of bare permission (*permissio*), by which therefore the conjugal bond between the man and the repudiated woman could not be dissolved—inasmuch as by its own nature and by God's institution it is indissoluble, as we have already shown; the consequence hence is that neither to the man nor to the woman did anything more of right and power accrue, after and by repudiation, for undertaking other marriages, than they had before repudiation. But it is manifest that the woman could not, before repudiation, marry another man; therefore neither after repudiation could she. Scripture teaches this (Deut. 24; Jer. 3), when it says that such a woman, joined to another man, is polluted and abominable before the Lord. Which she would not be, if this union were legitimate. Therefore he calls her polluted, because she is not legitimately joined but is contaminated by adultery. And Christ also pronounces, both of the woman and of her second husband (Matt. 5): "He who shall dismiss his wife makes her commit adultery; and he who shall have taken her that is dismissed commits adultery."[93]

§ 77. However, of the man dismissing there is not the same reason. For although by repudiation there accrued to the husband dismissing his wife nothing of right for taking another—because, as has been said, the first bond was not dissolved—yet he was not deprived of that right which before repudiation belonged to him from that general divine dispensation concerning polygamy (*polygamia*). Wherefore, with the first wife retained, he could take another; thus also, with the first being repudiated, he must be judged to have been able to take another. For by this means the earlier bond was not dissolved, but a new one was added to the former. Whence (Deut. 24) it is not said that the man will be polluted if he shall have taken another, but only the

woman. Nor does the sentence of the Lord (Matt. 19), "Whoever shall have dismissed his wife and shall have taken another commits adultery," stand in the present case. For in that place it was proposed to the Lord to recall marriage to its institution, with the dispensation of polygamy also being lifted. And indeed both repugn the primal institution, repudiation and polygamy—though in such a way that repudiation was never licit, whereas polygamy was dispensatively conceded for a time. Therefore Christ, as the restorer of the natural and divine law, by one sentence removed the permission of repudiation and abrogated the dispensation of polygamy.[81]

§ I — Annotation on impediments of Matrimony in general (Annotatio de Matrimonii impedimentis in genere)

§ 78. It is common indeed to all the sacraments of the Church that they can be impeded, either in themselves or as to their effects—that is to say, something may be lacking to them which is required for their substance (*substantia*) or solemnity, or preparation; yet to Matrimony, beyond the other sacraments, it is peculiar that it has many and diverse kinds of impediments (*impedimenta*). The reason is twofold. One, because it is not only a sacrament, but also a civil contract (*contractus*). Now contracts by nature or by law can be impeded in various ways. The other, because it is consummated by the commingling of the sexes; on account of which likewise there can arise certain impediments.

§ 79. A twofold division of impediments of Matrimony is to be noted. The first is this: some impediments of Matrimony proceed from the law of nature, others are established by ecclesiastical laws. Of the former kind are error, impotence, coercion, kinship in the first degree, and most others; of the latter, closed times, sacred orders, kinship in remoter degrees, and a few others. Nor indeed is it permissible to doubt that the Church can and could establish impediments of Matrimony, not only prohibiting that it be contracted (*impedimenta prohibentia*), but also diriment, which render a marriage attempted not valid (*impedimenta dirimentia*), and that in establishing these she has never erred—as, under anathema, the Council of Trent declares (Session 24, canon 4).[95] It is proved by this reason: the rulers of the Church, as Vicars of God, have power to enact laws pertaining to the governance of the Church; but such are the laws about marriage. Whence also Moses, using the same legislative power, forbade marriages to be contracted with the Canaanites (Deut. 7), and in Leviticus he established various impediments. Which therefore is by no means to be denied that the Church can do—since even unbelieving princes could do so concerning the marriages of their subjects; and faithful secular princes also could, in so far as they might be permitted by the Church, as Soto acknowledges, and reason persuades.[^96]

§ 80. The other division is this: some impediments of Matrimony hinder its being contracted, but do not dissolve a contract made; others forbid that it be contracted, and moreover dissolve the contract—not indeed in the sense that they can dissolve a marriage once ratified and confirmed, but in that they bring it about that, if it shall have been attempted, it does not become ratified. Of the latter kind are all those which in some manner are repugnant to the substance of Matrimony—either on account of a defect of consent (*consensus*), or because the persons are not legitimate, as was declared around the definition of Matrimony (at Distinction 27). These, moreover, are fourteen in number, comprised in these verses: "Error, conditio, votum, cognatio, crimen; cultus disparitas, vis, ordo; ligamen, honestas ..." and the rest which are wont to be reckoned under

the same mnemonic.[^97] Of these, some make the contractor simply unfit, as vow, orders, bond, insanity and impotence; but the others only in a certain way or in a certain respect.

§ 81. Of the former kind are those which do not touch the substance of Matrimony, nor prevent the contracting persons from being legitimate, but only are contrary to a precept: as if Matrimony be done without the solemnities prescribed—without banns and without the blessing of the Priest—which impediment is wont to be called the Church's interdict; or if it be done at a time when nuptials are forbidden to be celebrated, which is called a closed time. About these two impediments there are these verses: "The Church's interdict, and also the closed time, hinder that a thing be done; they allow things done to stand." There are indeed also certain other impediments not diriment—such as a simple vow of continence, betrothal (*sponsalia*), the catechizing of a catechumen, and six crimes, namely incest, the carrying off of another's betrothed, "conjugium," sacrilege with a nun, the slaying of a wife, the slaying of a priest; and the Baptism of one's own child—but these are not wont to be enumerated together with those two, because all of them are reduced to the diriment impediments and are wont to be explained together with them. For a simple vow is reduced to a solemn vow; betrothal to a bond (*ligamen*); catechism to spiritual kinship; the six crimes to the impediment of crime. Moreover, about certain impediments we have already spoken above—as about clandestine marriages and the Church's interdict (at Distinction 28); about force or coercion (at Distinction 30); about the time of the closed seasons (at Distinction 32); about insanity, which embraces every lack of the use of free choice: what must be said sufficiently stands out from what has been said about the necessity of consent (at Distinction 27); there will also be speech below about the maniac. But about the remaining impediments we shall henceforth treat in order.

§ II — On natural impotence for the conjugal act (De impotentia naturali ad opus conjugale)

§ 82. Impotence for the conjugal act (*impotentia operis conjugalis*) is twofold: one is natural, the other is procured by malefice. Natural impotence (*impotentia naturalis*) is that which proceeds from a natural cause; the canons name it frigidity (*frigiditas*), and those who suffer from it, frigid. Hence in Book IV of the Decretals there is the title "On the Frigid."[97] But different from this is sterility; for that is not of coupling but of generating—

1. Gratian, Decretum, Causa 33, Quaestio 4; Decretals, Title De feriis, chap. Capellanus.
2. Council of Laodicea, canon 52.
3. Council of Trent, Session 24, De Reformatione Matrimonii, ch. 12.
4. Council of Trent, Session 24, in the decree cited, where it speaks of the solemnities of weddings and their solemn celebration.
5. Decretals, Title De feriis, chap. Capellanus.
6. Gloss on Decretals, chap. Capellanus; St. Thomas, on this Distinction; Paludanus (Peter of Palude), on this Distinction; Silvester, Summa under the word Matrimonium, q. 7, a. 2; Cajetan, Summula, under the words Matrimonium and Nuptiae; Navarrus, Enchiridion, ch. 22, no. 71.
7. St. Thomas, Supplementum, q. 65, a. 1.

8. St. Jerome, Commentary on Matt. 19; St. John Chrysostom, Commentary on Matt. 19; Bede, Commentary on Matt. 19; Theophylact, Commentary on Matt. 19; St. Anselm, Commentary on Matt. 19; Innocent III, Decretals, De divortiis, chap. Gaudemus.

9. Innocent III, Decretals, De divortiis, chap. Gaudemus.

10. Aristotle, Politics; Oeconomica I–II; St. Augustine, De bono coniugali, ch. 7; on Roman civil penalties against polygamists, cf. Suetonius, Vita Iulii Caesaris; Socrates Scholasticus, Historia ecclesiastica IV, ch. 26.

11. Nicholas I, in Gratian, Decretum, Causa 24, Quaestio 3, chap. An non.

12. Ambrose, De viduis, at the end; St. John Chrysostom, Hom. 16 on Genesis 30; St. Augustine, De nuptiis et concupiscentia I; De adulterinis coniugiis I, chs. 8, 11; Bede, on Mark 10.

13. Council of Trent, Session 24, canon 2.

14. St. Thomas, Supplementum, q. 65, a. 2.

15. St. Ambrose, De Abraham I, ch. 4.

16. St. John Chrysostom, Hom. 56 on Genesis 30.

17. Prosper of Aquitaine (or the author of the work attributed to him), De praedestinationibus, part 1, ch. 25; cf. also St. Augustine, passim, on the multiplication of the people of God.

18. Gen. 21:12: "Omnia quae dixerit tibi Sara, audi vocem eius."

19. Gal. 4:22–31, where the Apostle expounds the allegory of the two wives of Abraham.

20. St. Augustine, Contra Faustum; Tractate 11 on John.

21. Gen. 21:12.

22. St. Thomas, ibid. [abbreviation as in source].

23. Gal. 4.

24. St. Augustine, Contra Faustum XXII, ch. 47; idem, De civitate Dei XVI, ch. 38.

25. St. Leo, cited by Estius; the specific work is not named in the source.

26. Jn. 8: "Pater noster Abraham est ... Unum patrem habemus Deum."

27. Gen. 16; 25; 30; 35; 1 Chron. 1. St. Augustine, Quaestiones in Heptateuchum, on Genesis, q. 89.

28. Judg. 19; Heb. text cited by Estius: "Accepit sibi uxorem concubinam de Bethlehem Juda."

29. 2 Kgs 16; 2 Kgs 12; 2 Kgs 20; 3 Kgs 11. Nicholas of Lyra, Postillae on 2 Kgs 20.

30. First Council of Toledo, canon 17; Isidore of Seville, De differentia novi et veteris Testamenti; Gratian, Decretum, Dist. 34, can. "Is qui" and can. "Christiano", with the Ordinary Gloss.

31. Aulus Gellius, Noctes Atticae III, ch. 2; XVIII, ch. 6.

32. Ivo of Chartres, Decretum, part 6, ch. 61.

33. Innocent III, Decretal "Gaudemus" [abbreviation as in source].

34. Gen. 26; Gen. 28.

35. Deut. 21; cf. also Deut. 17.

36. St. Augustine, Quaestiones in Deuteronomium, q. 27.

37. Lev. 18; St. Augustine, Quaestiones in Leviticum, q. 53.

38. St. Thomas, Summa theologiae, Suppl., q. 65, a. 5.

39. Cajetan, Commentary on Mark 10 [abbreviation as in source].

40. Lev. 18; Deut. 21; 1 Kgs [abbreviation as in source].

41. Siricius, Epistle 1; Innocent I, Epistle 9 [abbreviations as in source]; St. Augustine, De adulterinis coniugiis I, chs. 8–9; see also the Fathers passim in their Commentaries on Matt. 19.

42. Decretals, title De sponsa duorum [abbreviation as in source].

43. Innocent III, cap. "Gaudemus," in the Extravagants, De divortiis.

44. Socrates, Historia ecclesiastica; Aurelius Victor, on Constantius [abbreviations as in source].

45. Gratian, Decretum, 24, q. 3; canon An non, 24, q. 3.

46. Council of Trent, Session 24, Doctrine on the Sacrament of Matrimony and can. 2.

47. St. Jerome, Ep. 63, to Oceanus.

48. St. Augustine, Contra Faustum 22, ch. 47.

49. St. Augustine, De civitate Dei 16, ch. 38.

50. St. Augustine, De doctrina christiana 3, ch. 12.

51. St. Augustine, De nuptiis et concupiscentia 2, ch. 9.

52. St. Augustine, De nuptiis et concupiscentia 1, ch. 9; De adulterinis coniugiis 1, chs. 8 and 11.

53. Innocent III, cap. "Gaudemus" [abbreviation as in source].

54. Gloss on Gratian, Decretum, 32, q. 7, c. Quod proposuisti.

55. Gratian, Decretum, 32, q. 7; discussion ad loc.

56. St. Thomas, Summa theologiae, Suppl., q. 67, a. 1; see also q. 62, a. 5; q. 44, a. 3.

57. Rom. 1; Eph. 5; 1 Cor. 6; Gal. 5.

58. St. Thomas, Summa theologiae, II-II, q. 154, a. 2.

59. St. Augustine, De bono coniugali, chs. 11 and 14.

60. Aristotle, Politics VII, ch. 16.

61. Innocent III, Decretals, Extra, De divortiis, c. "Gaudemus".

62. Valerius Maximus, Facta et dicta memorabilia, II, 1.

63. Aulus Gellius, Noctes Atticae, IV, 3; Plutarch, Comparison of Theseus and Romulus.

64. St. Thomas, "ubi sup." [abbreviation as in source].

65. St. Augustine, Contra Julianum, bk. 1, ch. 9; idem, De nuptiis et concupiscentia I, chs. 10, 21.

66. Council of Florence, Decree on the Sacraments: on the third good of marriage, its indivisibility and its signification of the conjunction of Christ and the Church.

67. See above, Distinctio 26.

68. See below, Distinctio 35.

69. Council of Trent, Session 24, the opening doctrinal decree; canon 5 of the same session.

70. Guitmundus of Aversa, Contra Berengarium, prologue.

71. See above, Distinctio 27; see below, Distinctio 39.

72. St. Thomas, Summa theologiae, Supplement, q. 67, a. 3.

73. Durandus, Scotus, and Paludanus, in this Distinction [abbreviation as in source]; Cajetan, Commentary on Matt. 19; Paulus Burgensis, on Deut. 24; against Nicholas of Lyra; Josephus Angles [abbreviation as in source]; Robert Bellarmine; Abulensis (Alphonsus Tostatus), on Matt. 19.

74. Matt. 19; Gen. 2; Deut. 24; Mk. 10. "Thou shalt not lend upon usury to thy brother, but to a stranger": Deut. 23.

75. Matt. 5; St. Augustine, De sermone Domini in monte I, ch. 14; idem, Contra Faustum XIX, ch. 26; St. Jerome, Commentary on Matt. 19; Jer. 3.

76. St. Thomas, Supplement to the Summa theologiae, q. 67, a. 6.

77. Paulus Burgensis, on Deut. 24; Quaestio 55 on Matt. 19 [abbreviation as in source].

78. Deut. 22.

79. Deut. 24; Mal. 2.

80. For the stoning of an adulteress, see the Mosaic Law; for the law of jealousy, see Num. 5.

81. Matt. 19.

82. Josephus, Antiquities IV, ch. 16.

83. St. Augustine, Contra Faustum XIX, ch. 26.

84. Mal. 2.

85. St. Jerome, Commentary on Mal. 2.

86. 1 Cor. 7.

87. 1 Cor. 7: "But if thou shalt have taken a wife, thou hast not sinned."

88. Opus imperfectum in Matthaeum, hom. 32 [attributed to St. John Chrysostom].

89. Deusdedit, Epistola (as found in the collections of Councils) [abbreviation as in source]; cf. Gratian, Decretum, Causa 31, q. 9, c. Quod proposuisti.

90. Gen. 2; cf. Deut. 24; Jer. 3.

91. Deut. 23.

92. St. Thomas, Supplement to the Summa theologiae, q. 67, a. 4.

93. Deut. 24; Jer. 3; Matt. 5.

94. St. Thomas, Supplement to the Summa theologiae, q. 50.

95. Council of Trent, Session 24, canon

96. St. Thomas, Supplement to the Summa theologiae, q. 58, a. 1–2.

97. Decretals (Gregory IX), Book IV, title "De frigidis" [abbreviation as in source].

DISTINCTIO 34 — ON IMPOTENCE ("FRIGIDITY") AND MALEFICE AS IMPEDIMENTS TO MATRIMONY (*DE FRIGIDITATE ET MALEFICIO IMPEDIENTIBUS MATRIMONIUM*)

§ 1. That sterility ought not to be numbered among the impediments of marriage can be shown by many examples of Sacred Scripture, as in Sarah, Rebecca, Anna, Elizabeth. The reason for this is that the consummation of marriage consists in the commixture of the sexes, for which work even the sterile can hand over mutual power of their bodies. Where, although the primary and proper end of marriage, which is the procreation of children, cannot have place, nevertheless the secondary end has place, namely the remedy for incontinence. And the same judgment holds for those who, whether men or women, on account of old age have ceased to be fertile, provided however, as was said, that they be not unfit for the conjugal work.

§ 2. But since the frigidity (*frigiditas*) of which we are now treating is in part perpetual, in part not perpetual but only temporary, the same account is not to be held of both with respect to the contracting of marriage. For only that frigidity which is perpetual impedes marriage, so that a marriage once contracted cannot be ratified (*ratum*)—as the canons consistently teach, in the title De frigidis—and Gratian with the glosses on the same canons.[1] The reason is plain from the law of nature. For by such impotence (*impotentia*) that which pertains to the substance of marriage is taken away, namely, that man and woman by mutual right should give and receive power of their bodies unto the conjugal act. For he who labors under perpetual impotence does not have what he can hand over for that use; and hence it is necessary that a contract of this sort be null. But if the impotence is not perpetual, the marriage is ratified, or at least can be ratified in its time. For if the age prescribed by the laws is not lacking, it is straightway ratified, even if the impotence has not yet been removed. But if the legitimate age has not yet been completed, it is not ratified indeed; yet afterward the marriage can be made ratified, with potency supervening together with a new consent of the contracting parties.

§ 3. Moreover, lest there should always remain uncertainty between spouses whether the frigidity is perpetual or merely temporary, by Pontifical law a period of three years has been determined, which such persons joined in marriage ought to wait before they be separated. For we read that Celestine III so established this, in the chapter Laudabilem, in the Decretals, De frigidis, and in Gratian, 33, Question 1, chapter Requisit.[2] Nor, however, must one suppose that this three-year delay and experience always suffices. For it can happen that after the lapse of the three-year space the impotence is removed. When this is discovered, the canons prescribe that the wife be restored to the husband to whom she had been married, as to his wife by right, even if perchance she had in the meantime married another man. For since it has at length been detected that the impotence is not perpetual, it is evident that the former marriage was ratified; and while that stands, the one contracted afterward cannot be ratified.

§ 4. But if such impotence, truly perpetual, only later supervenes after a marriage has already been contracted, the marriage cannot be dissolved, inasmuch as, once valid, it stands firm—no more than if one spouse after the marriage contracted should either be mutilated in the limbs, or from old age should contract impotence, or should fall into an illness perpetual and incurable, by which he becomes altogether unfit for the conjugal matter.

§ 5. Finally, by what methods that impotence of nature ought to be detected, or in the ecclesiastical court proved—whether by testimonies or by another way and reasoning—the canons teach: partly in the Decretals, De frigidis, partly in Gratian, 33, Question 1, together with the interpreters of the same canons.[3]

§ III — Answer to several questions concerning the foregoing (Ad quaestiones aliquot circa praedicta responsio)

§ 6. From what has been said above there arise several questions, to which a brief answer must be given. First: whether this kind of impediment has place in both sexes. To which it is answered in the affirmative. For as to men there is no doubt. But in the female sex, besides that impediment of which the Canons and the Interpreters make mention (in the Decretals, title De frigidis, cap. Ex literis, and cap. Consultatio),[5] namely, the narrowness of the parts, from which women are called "straitened," coldness (*frigiditas*) also seems to have place, and indeed of such a sort with which marriage does not stand—though some dissent.

§ 7. Second: Whether a marriage not consummated can be dissolved, when after its contract there supervenes the impediment of natural impotence (*impotentia*) perpetual. Thus Gratian (33, q. 1) seems to think.[6] And Scotus and Richard relate that others think thus (under this Distinction).[7] Yet the truer, and indeed the common, opinion is that it cannot be dissolved; because a marriage not consummated is not dissolved otherwise than by entrance into Religion, as we showed in its own place.

§ 8. Third: What if the impediment can indeed be taken away, but not otherwise than by magical art, or by fornication with another man or woman—is it to be judged perpetual? It is answered that it is to be so judged, so long as it has not in act been removed. The reason is that in the case proposed that is not reckoned able to be taken away which cannot be taken away lawfully and without sin. Nevertheless, if perchance it should happen that the impediment were even by an unlawful way removed, the outcome would show that it had not really been perpetual; and therefore, after the cessation of the impediment is known, the prior marriage ought to be judged ratified from the beginning—just as will be said more fully in the next chapter.

§ 9. Fourth: Whether those who have been separated on account of this kind of impediment can pass over to other nuptials. On which matter Gregory III seems thus to determine (cap. Requisisti, 33, q. 1): that if they are separated, both ought to remain unmarried.[8] But one must answer, from the decree of Celestine III (cap. Laudabilem, in the Decretals, title De frigidis, and in the same place the rescripts of other Pontiffs), that a woman, after the husband's impotence has been proved during the space of three years, is not forbidden to marry another man—since in truth she does not have a husband, yet she is fit for marriage; but to the man, unfit for marriage on account of impotence, this is not permitted.[9] And conversely, it is permitted to the man, not to the woman, if the separation has been made on account of the woman's perpetual impotence, as Alexander III determined (in the same title, cap. Ex literis).[10] But what Gregory wills—that both remain unmarried—is not a precept but a counsel; or certainly he speaks of those who are both held by a like impediment, as can be seen from the beginning of the decree. For otherwise, near the end of that same decree,

he grants the woman power, after the husband's impotence has been legitimately declared, to pass over to other nuptials.

§ 10. Fifth: Whether those in whom either both, or the one or the other, labors under such a perpetual impediment, and that with both being aware, can by mutual consent remain in wedlock. It is answered that a marriage cannot in any wise come to be between them, however much they try to confirm it by mutual consent. For something is lacking that is necessarily required for the substance of marriage, namely the mutual power of the bodies for the conjugal act. Yet Gregory counsels (in the said cap. Requisisti) that in this case the man should have the woman, whom he cannot have as a wife, as a sister—that is, joined to him by the sole bond of chaste and peaceable cohabitation. But this conjunction does not make a marriage, even if it were confirmed by a perpetual pact; just as it can intervene between a man and a woman, a father and a daughter, and other persons incapable of being conjoined. There are also other little questions pertaining hither, whose explanation the studious reader may seek from Dominic and other commentators.

§ IV — What impotence proceeding from malefice nullifies marriage (Quae impotentia ex maleficio proveniens Matrimonium dirimat)

§ 11. Frequent experience proves that men are hindered from the conjugal act not only by natural impotence but also, and especially, by malefices (*maleficium*). But whether someone is hindered by natural frigidity (*frigiditas*) or by malefice can be discerned thus: those who are by nature frigid are simply and with respect to the whole sex unfit; whereas those who are bewitched for the most part suffer this only with respect to some certain person. This difference is also understood from the mode of the impediment. For in those bewitched the demon suddenly either sets some body before them or by phantasies infuses horror, or brings on some other sudden change of the body—things of which the frigid suffer nothing.

§ 12. Moreover, malefices of this sort are sometimes temporary, sometimes perpetual. For by the same reason by which demons are permitted to injure a man for a time, they can also be permitted to do so for his whole life, as is established concerning certain demoniacs, although the cause of this divine permission often lies hidden from men. Therefore, just as above concerning frigidity, so here too concerning malefice one must give sentence with a distinction. For if the malefice is perpetual and has preceded the contracting of marriage, there is no contract. The reason of which is the same as for the former impediment, namely that one entangled by such a malefice cannot give the power over his body, and this either simply, or at least to this person with respect to whom he suffers the malefice. But if the malefice has come after the marriage was contracted, the marriage was likewise ratified and therefore cannot be dissolved.

§ 13. Now a malefice is reckoned perpetual, not because it cannot be removed by the power of God, or even by the work of the demon or of the sorcerer, but because it is not removed when those remedies are applied by a man which may be licitly and rightly applied: of which sort are prayers, fasts, alms, pure confession of mind, frequent reception of the Lord's Body, firm faith and trust in God. Likewise exorcisms and other things of this kind, which the Church is wont to prescribe and apply against diabolical incantations. Thus the Pontiff prescribes (cap. Si per sortiarias, 33, q. 1).[12] But what can be cured only by the aid of demons is judged incurable and perpetual.

§ 14. Accordingly one must know that in this way a malefice is said to be perpetual, and from it arises an impediment of marriage, so far as regards the judgment of the Church permitting another marriage. For even

if in fact the spouses should try to remove the malefice by another malefice, or even if, after the second marriage has been contracted, the person bewitched has intercourse with the first spouse, and thus they perceive the malefice to have ceased—these things signify that the malefice was not really perpetual, and consequently they prove that the prior marriage was true, although knowledge of this matter was obtained with sin intervening.

§ 15. Now, that it may be held with probability concerning the perpetuity of a malefice, the same three years which, by Gregory and Celestine in the places cited above, were granted for trial to the frigid are granted also to the bewitched, as is proved from the decree of Honorius III (the chapter Litterae vestrae, in the Decretals, title De frigidis et maleficiatis, with the Gloss on the same chapter appended).[13] And when this three-year period is finished, yet the malefice has not in the meantime ceased, separation can be effected by authority of the Church.

§ 16. It is objected that by malefice the potency of having intercourse is not taken away but only impeded, and therefore it cannot avail to dissolve a marriage. It is answered: an impediment of potency suffices, provided it be such that it cannot be removed by human and licit means, or rather provided it is perpetual, so that at no time can one so hindered give the use of his body.

§ V — Whether those separated on account of malefice can be joined to others (An separati propter maleficium, possint aliis conjungi)

§ 17. After a lawful proof of the malefice (*maleficium*) has been made and the spouses separated, the power belongs not only to the one who is free from the malefice but to both to contract another marriage. For he who is bewitched with respect to one person can be free from the malefice with respect to others, and therefore is not to be forbidden from taking another wife, as one separated on account of frigidity is forbidden. For he who is proved frigid with respect to one person is judged such with respect to all, because frigidity removes natural potency absolutely and not with respect to a certain person, whereas malefice for the most part does not remove, but impedes, and not with respect to all, but only with respect to a certain person. But if it were established that someone is bewitched with respect to the whole sex, that man could not take a wife, but must be held in the same place with the frigid—and indeed all the more if by malefice not only was the potency of intercourse (*potentia*) impeded but absolutely taken away and extinguished (which can happen). For in this case he would truly have to be reckoned among the frigid.

§ 18. But it is asked whether one bewitched, after in a second marriage he has experienced that he has the capacity for the conjugal act, ought to be recalled to his former spouse. For there are those who think that he ought to be recalled either simply, or at least to the extent that he may try whether perchance the malefice has ceased with respect to the former spouse. Thus think the Master (in the text) and Gratian, 33, q. 1, after the chapter "Si per sortiarias," for whom the constitution of this chapter, which sounds the contrary, does not carry weight.[12] Nay rather, the Glossator there openly reproves that constitution of Hincmar, Archbishop of Reims, whom on that account he by a play on words calls "ignorant"; adding that, according to the opinion of some, no malefice is perpetual, since at least it can be removed by the very author himself.[14] The same opinion is followed by Richardus (in this Distinction).[15]

§ 19. But it is altogether more probable that he is not to be recalled. First, because so teaches the canon already named, "Si per sortiarias," in which it is said thus: "But after they have sought other marriages, while

those remain alive in the flesh to whom they had been joined, to those former spouses whom they had left, even if the possibility of lying together has been restored to them, they shall not be able to be reconciled."[^16] Now this which is said, "even if the possibility, etc.," is not understood with respect to the former spouses from whom they were separated, but with respect to others, because, namely, it was not clear to them whether they had been bewitched, as regards the whole sex, after the contract—on account of which they did not contract another marriage.

§ 20. Then because reason teaches the same. For since those bewitched are unfit among themselves, but may be fit for other persons, if after a legitimate delay of time they have been separated by ecclesiastical judgment, such a marriage is judged simply null, so that afterwards there is no need to apply further experiment or proof. For judgment has been applied, such that the one who has suffered the malefice would still have to make trial whether the impediment had been removed with respect to the former spouse—which certainly neither propriety nor reason allows. If, however, even after a long time he should make trial with success, that will be a sure argument that the malefice has ceased; and therefore in that case he will have to be recalled to his former spouse. This also holds if at length the cessation of the malefice has been procured by the sorcerer himself. This opinion is held by Scotus and Dominicus (in this Distinction), and by Abulensis (on Matt. 10).[16]

§ 21. But as to the fact that some deny that any malefice is perpetual, because at least it can be dissolved by its author, the Devil, or by the sorcerer himself, this is easily refuted from what was said above. Nor indeed does a possibility of this sort stand in the way of the aforesaid perpetuity.

§ VI — Whether it is permissible to consult sorcerers (Maleficos utrum consulere liceat)

§ 22. On the occasion of the impediment which is brought upon marriage by sorcery (*maleficium*), the question has been asked whether it is permissible to consult sorcerers (*malefici*) and to make use of their work. Here one must first explain what these words "sorcery" and "sorcerer" signify. Therefore, sorcery is said in a general way to be every harm which someone inflicts on another through malice. But in a special way it is said to be the harm which someone inflicts upon a man through the invocation of a Demon (*Daemon*) or through any society (*societas*) whatsoever with him, or the very action by which harm of this sort is procured. And those are called sorcerers who procure harms by the help of Demons. From which it is evident that in sorcery a twofold sin is contained, namely society with a Demon and harm to man. But if this latter be lacking, it will not be called sorcery so properly—although we also commonly speak so—when we say that someone has "undone sorcery by sorcery," where in the latter place "sorcery" is manifestly not said of that by which harm is inflicted, but of that by which what had been inflicted is removed. Thus Scripture generally calls sorcerers "sorcerers" (Exod. 22) when it commands: "You shall not suffer sorcerers to live."

§ 23. Yet one must also know that even in this more general acceptation sorceries are not without their own harm, and perhaps even a graver one according to the true estimation of things. For Demons, through sorcerers, sometimes grant benefits to men in the body or in fortuitous affairs, in order that they may wound the soul more grievously, or they desist from a sorcery by a pact. Furthermore, to answer the question: that sorcerers, or also diviners of whatever sort or soothsayers, are not to be consulted for any reason of advantage or necessity whatsoever is established and most certain in Sacred Letters. For the Lord forbids this with the

most severe threat (Lev. 19; Deut. 19; Is. 8). The Apostle moreover adds the reason (1 Cor. 10), saying: "I do not want you to become companions of demons." And 2 Cor. 6: "What fellowship has light with darkness? or what agreement of Christ with Belial?" These sentences teach that every sort of society of man with the Devil, the sworn enemy of the human race, is forbidden, illicit, and to be fled. Against this sin not only the sorcerers themselves, and whoever else practice magical arts—as we showed (at Distinct. 7. 16. 3)—offend, but also whoever consult sorcerers, diviners, soothsayers, augurs, enchanters, and whatever else of this kind there is, whether to inflict harms, or to avert or drive away the same, or to obtain benefits. For those who do this contract in that way, through a man, a society with the Demon, in the way in which it happens that a man enters a society with a man through a letter or a messenger or an interpreter. For as regards this kind of sin it does not matter whether one associates with a Demon immediately by himself, or mediately through a human magician, since in both cases there is a true society with a Demon; and although, other things being equal, immediate is worse than mediate, yet each in its kind is a very grave, and horrible and execrable sin, as being contrary to religion, and pertaining to apostasy—that is, a defection from God to the Devil, a rival of divine honor; a point which we have shown more fully in the place already cited.[18] From which it is clear in what danger of their own salvation they are involved who, with reprobate Saul (1 Sam. 28) and with impious Ahaziah (2 Kgs 1), consult the ministers of the Devil either about hidden things or about the future events of things. In which number without doubt are those who, for lost or stolen goods, approach the so-called "truth-tellers," and those who repel sorceries by sorceries, or procure that they be repelled, as also those who, as they say, "explore their fortune," having given their hands to be inspected, through whatever persons.

§ 24. Concerning this whole kind, in Gratian 26, Question 7, chapter Non observetis, it is read in this manner: "But because they believe such persons, either by going to their house, or by introducing them into their own houses and questioning them, let them know that they have transgressed the Christian faith and Baptism, and, as a pagan apostate and enemy of God, have gravely incurred the anger of God for eternity, unless, corrected by ecclesiastical penance, he be reconciled to God."[19] Likewise, in Question 5, from the Council of Ancyra, canon 23, it is read thus: "Those who seek out divinations and follow the custom of the Gentiles, or introduce into their houses men of this sort to inquire into something by magical art or for the sake of expiation, are to lie under the rule of five years according to the degrees of penance defined."[20] This canon also is to be seen in Ivo (Part II of the Decretum, ch. 2).[21] Again, in Gratian (in the question just cited), by many canons under the most severe penalties of anathema and others it is forbidden both to clerics and to laymen that they in any way believe those who practice condemned arts, or consult them.[22] The gravity of the sin, moreover, is pointed out by St. Augustine, book 2 of On Christian Doctrine, chapter 33, and in the Exposition of Psalm 37.[23]

§ VIII — Whether it is permissible to destroy or remove the signs of sorcery (Utrum signa maleficii destruere seu removere liceat)

§ 25. The question is more difficult and among the Doctors there is controversy, whether it is permissible to destroy or remove the signs (*signa*) set up by a sorcerer (*a malefico*) for the purpose of harming, or to ask the same sorcerer to destroy them, or to admonish the same man—being penitent and confessing his sin—or even to compel him to do that. And indeed there is no question but that, in contempt and detestation of magical superstition itself and of the Devil himself, it is permissible to take away, destroy, and abolish the signs of sorcery (*maleficii*), since the Lord commands (Deut. 6:12) that all the monuments of idolatry—such as altars,

sacred groves, statues—be utterly destroyed; and Josiah is on that account much commended (4 Kgs 23); whence also John the Apostle testifies (1 Jn. 3) that "for this purpose the Son of God appeared, that He might dissolve the works of the Devil." And although this seems properly to be understood of sins, according to that saying of Christ to the Jews (Jn. 8): "You do the works of your father," namely of the Devil, nevertheless it is rightly extended also to the external instruments of idolatry and of the magical arts.

§ 26. But the question turns on whether it is permissible to destroy or remove signs of that sort with this hope and intention, that the Demon may cease to harm, and, simply, that the harm may cease. The affirmative is held by Henry of Ghent (Quodlibet 5, Question 33). Scotus, in this Distinction, follows him, asserting that this is not only lawful but also meritorious. The same opinion is held in this place by Navarrus (ch. 1 of the Enchiridion, no. 29), and before them by Cajetan, vol. 2 (Tractate 12).[25] But the negative side, besides being the safer, also seems to some altogether true, for these reasons.

§ 27. First: Whoever removes the sign with the hope that the harm may cease, meddles himself with the pact that intervened between the sorcerer and the Devil. Now that pact is of this sort, that when the sign is placed the Devil begins to harm, while it remains he goes on harming, when it is taken away he ceases; therefore by a certain fellowship he is joined to the Devil in the pacts and "sacraments" established by him. In order that this thing be more fully understood, one must know that the Devil—if he be permitted according to his natural power, as was said (above, to Distinction 7 of Book 2)—is able to harm man very greatly, not only by inflicting losses of fortuitous goods, but also by bringing diseases and death. For it is certain that there is not lacking to him the will of doing such things, but that that will is impeded by the greater power of God and of the holy Angels. However, he is sometimes permitted to harm, both in cattle and beasts of burden and in other things, and therefore in the body and the life of man—as is manifest from the story of Job; but that which is permitted, he often does not do, in order to draw men, with a certain fear, to his own veneration, and to entangle them in various superstitions; and finally, in order that he may do heavier harm to the soul. For he does not so much seek our bodily harms as spiritual ones, and he orders whatever he does in temporal harms to harming in spiritual matters. Hence Leo, speaking of the Demons (Sermon 19 on the Passion of the Lord): "Since," he says, "they have no more power against anyone than what divine justice permits, nevertheless they act with very great craftiness, so that they seem either to harm or to spare; and to many, which is to be lamented, they thus play tricks by the wickedness of simulation, that some wish to have them propitiated, since the benefactions of the Demons are to all men more harmful than wounds, for it is safer for a man to deserve the enmity of the Devil than his peace." These are his words.[26] Moreover, the Devil, that he may more easily attain what he intends, and in the end may bring it about that he be honored in place of God, by imitation of true religion has even instituted signs as it were certain sacraments, by whose use and placement, through his own procurement, certain effects come about, which in turn cease by the removal of those same signs—not that there is in the signs themselves any power of harming, but because it is sufficient for the Devil to be honored on account of such signs; for he could, if he willed, also harm without signs, and, the signs remaining, desist from harming, and, the signs removed, persist in harming. Therefore he who removes a sign of this sort for this end, that the harm may cease, does not take away from the Devil the power of harming (for God has not permitted him to harm only up to that limit; otherwise the sign would be more God's than the Devil's), but at least tacitly expects the cessation of harm from his will, and that from the pact made between him and the sorcerer. He who does this mixes himself into that pact, and through this by a certain fellowship is joined to the Demon, contrary to that saying: "I do not want you to become partners of demons." And consequently he acts as if he were to say to the Devil: You have made a pact, that, the sign having been

removed, you would cease from harming; therefore now, with me removing the sign, perform what you have promised, and cease to harm.'[27]

§ 28. To this there is added a second reason of this sort: He who removes the sign with the hope that the harm will cease, since he expects the effect neither from a natural cause, nor from a human will, nor by a miracle from the will of God or of the heavenly powers, therefore expects it from the Devil; and consequently that work is superstitious—which is proved from the general definition of superstition.

§ 29. A third reason is added, which is this: Not only is the thing which is placed or removed a sign of the Devil, but also the action about the thing—namely, to place it for harming, to leave it for the continuance of the harm, to remove it for the cessation of the harm—just as not only water is a sacrament of Christ, but also the washing done through water. Therefore, just as he who places the sign exercises the sacrament of the Devil, so he who removes it exercises it; for each performs an action ordered, according to the institution or will of the Devil, to the attaining of that effect.

§ 30. A fourth reason: The Devil will never of his own accord cease from bodily harm, unless it be that he harms more grievously in the soul, since he is our capital enemy, always desiring to harm as much as he can; and therefore, according to Leo's opinion cited above, "his benefactions are to all more harmful than wounds." Therefore, by the cessation of the harm which is effected upon the sign being removed, he inflicts more grievous harm either upon the remover, or upon the person bewitched, or upon both.

§ 31. A fifth reason: If it is permissible to remove the signs of sorcery, or to implore the help of a sorcerer for that thing; therefore whenever someone suffers sorcery, and no other remedy occurs by which he may be helped, he will be bound to procure the removal of the sign—just as a sick man is bound in a lawful and possible manner to seek a cure, that he may be restored to health. For he would sin, if he were so to expect health from God that meanwhile he would neglect a physician's counsel. Whence St. Thomas, in the Commentary on the Second Epistle of the blessed Paul to the Corinthians, upon that of chapter 11, "Through a window in a basket I was let down along the wall, and so escaped his hands," teaches that the Apostle ought to have done this in these words: "As long as human aid is at hand, a man ought not to flee to divine aid, because this would be to tempt God; but he ought to use that aid as far as he can." But human aid was not yet lacking to the Apostle. Thus that Doctor.[28] Yet no one, so far as I know, of those who are on the opposite side teaches that a man is sometimes bound in conscience to destroy or remove the sign of sorcery; rather, they only dispute whether it can lawfully be done.

§ 32. Sixth: If this is lawful, then they do rightly who, with the sorcerers brought to interrogation, shave off all the hairs of the body, lest sorcerers, with a sign adhering to the body, be rendered insensible, and therefore not be able to be forced to confession by tortures—which nevertheless seems quite manifestly superstitious. Whence Francis de Victoria, in the twelfth Relection On the Magical Art: "If," he says, "for the expulsion of Demons they shave the hair or locks, or anything of this sort, it is manifest magic." For truly the men who have the grace of God never use rites or observances. There also note the reason he adds; for that has place in our proposal. For the Saints are never read to have removed signs of sorcery for the cessation of the evil, but rather they forbade it, as we shall presently say.[29]

§ 33. A seventh proof seems able to be drawn from this, that the Lord says in the Gospel: "This kind is not cast out except in prayer and fasting." For the sense is, that it is not otherwise rightly cast out; therefore, if

some Demon of that kind had entered someone through sorcery, it would not be permissible to procure his departure by the removal of the sign.[30]

§ 34. An eighth proof is drawn from what Jerome recounts in the Life of blessed Hilarion: when a girl possessed by a Demon had been brought to him, and the Demon cried out that he had come to possess the girl unwillingly, as having been compelled by spells, and that he could not leave her unless first the fires placed beneath the threshold were taken away, the holy man forbade that the signs be sought out, and by the power of prayer drove out the Demon. "Lest," says Jerome, "either it should seem that the Demon had departed by the accustomed incantations, or that he himself had accommodated faith to the Demon's speech." Therefore, both from blessed Hilarion's and from Jerome's judgment, to seek out and remove the sign, that the harm may cease, belongs to incantation. And assuredly, otherwise Hilarion would not rightly have fled to the divine miracle, but ought to have prescribed the easy and ready remedy of removing the signs—if it were lawful—lest he should seem to tempt God; especially since the signs had already been indicated of their own accord. For, as Augustine says in book 22 Against Faustus, chapter 36: "It pertains to sound doctrine not to tempt God when a man has what he can do."[31]

§ 35. Finally, in Gratian, 33, Question 1, chapter Si per sortilarias, where the lawful remedies of sorcery are enumerated, there is no mention made of seeking out and destroying the sign; nor is there found any other of the ancient Fathers of the Church who should speak of this remedy as lawful.[32]

§ IX — Reply to the arguments of the diverse opinion (Ad argumenta diversae opinionis responsio)

§ 36. The arguments that are brought forward for the contrary opinion are for the most part of this sort. First: Christ came into the world to destroy the works of the Devil (1 Jn. 3); therefore he is an imitator of Christ who destroys the signs of sorceries, which are the works of the Devil. Reply. One must answer that the external works of the Devil are not to be destroyed in such a way that the internal are constructed, which are in the soul of man—namely superstition (*superstitio*) and fellowship with the Devil. For neither is it lawful to destroy the sin which is properly the Devil's work by another sin.

§ 37. Second: It is lawful to remove sorcerers from the midst, lest through them the Devil hurt more easily; therefore it is lawful also to remove the signs, lest through them he hurt. Reply. We do not remove the Devil's signs so that, while they remain he harms, but with them taken away he may cease to harm; nor are malefactors put to death as though their execution had been instituted by some pact with the Devil whereby, once it is done, the Devil should cease to harm; rather, they are executed like other criminals for crimes committed, and care is taken lest thereafter of their own free will they enter into similar pacts with the Devil.

§ 38. Third: If it is not lawful for the sorcerer to remove the sign, then he seems to be in a dilemma; for neither is it lawful for him to leave it, since, as long as he leaves it, he is the cause of the harm that is inflicted upon his neighbor. I answer: by leaving it he does not sin, provided he repent. And neither by leaving it is he the cause of the harm; but the cause of it was his invoking the demon and making a pact with him—of which pact he ought to repent and to pray God to restrain the Devil's power.

§ 39. Fourth: At least it will be lawful to remove the sign, if God has given to the Devil the power of harming up to the removal of the sign and not beyond. For thus the effect will be waited for from God. It is

answered that to think this is a superstitious opinion, because God does not make pacts with the Devil; and if He did, then that sign would already be no less a sacrament of God than of the Devil, as we said above.

§ 40. Fifth: He is not mistaken in opinion who thinks that the Devil has received from God the power of harming; nor is he who thinks that he harms with the sign set up and remaining. Finally, nor is he who thinks that he ceases from harming when the sign is taken away. Therefore no superstitious opinion is contracted by him who removes the sign. Reply. It is not necessary that he who sins be mistaken in opinion, at least in first principles; but it suffices that he embrace what is evil, whether he know it to be evil or not, as is evident in other kinds of sins—so much so that not even the sorcerer himself who sets up the signs is necessarily mistaken in opinion, whom nevertheless it is certain to sin. Now this man sins in that he enters into fellowship with the Devil, using his sacrament for that for which it was instituted by him, that is, the removal of the sign for the taking away of harm.

§ 41. Sixth: The removal of the sign is not evil in itself, nor is the end evil in itself, namely the cessation of hurt; therefore nothing forbids such a means to be ordered to such an end. This argument is Henry of Ghent's. But it is answered that by a quite similar argument even the very setting up of the sign—if it be done for conferring a benefit or for warding off harm—and indeed almost every kind of superstition that has a harmless effect, would be excused and somehow referred to an end unto which it avails neither naturally nor by God's institution. For although the means and the end be good in themselves, nevertheless the application of the means to the end can be evil and undue. Whence also the solution of this argument is evident: If fornication or drunkenness were not evil in itself, it would be lawful to use them for health; therefore, since the removal of the sign is not evil in itself, it will be lawful to use it for repelling harm. For it is answered that drunkenness and fornication—on the supposition that in some case they conduce to health, as some physicians assert—conduce to it naturally; but it is clear that the removal of the sign has no natural ordination to the cessation of harm.

§ 42. Seventh: If two kings should thus make a pact with one another that, while some house or fortress stands, the one will give help to the other against a third, it would be lawful for the third, with the intention of dissolving that conspiracy and removing the decree of attack, to destroy that fortress or house; nor by this would he contract fellowship with either king. Therefore neither in the case proposed is there danger of any fellowship with the demon for him who overthrows the sign of sorcery, so that the demon with whom the sorcerer has made a pact for harming may cease to harm. For it is answered that the example contains some fellowship of that third party with one or even both kings, because to expect a benefit or the cessation of harm from someone's will once the condition of the pact is observed—which in the case proposed are equivalent—pertains to a certain fellowship with him. But such fellowship with a man, however evil, is not in its whole kind illicit, as fellowship with the Devil and his angels is, as has been proved above. If you say that, once the sign has been taken away, the sorcerer's pact with the demon is removed and brought to an end, just as once the fortress is destroyed the treaty of those two kings is ended and expires: it is answered that even with this granted the removal of the sign is still illicit. For just as the setting up of a sign—even if perchance it be of such a kind that by it the pact which was between the sorcerer and the demon is dissolved—is illicit and pertains to fellowship with the demon, so too is the removal of the sign. For it makes no difference whether the demon and the sorcerer will the pact and the harm to last up to the setting up of some sign or up to its removal; whence, just as it is not lawful to set it up in order to destroy the pact, so neither to take it away.

§ 43. Eighth: It is lawful to avoid the place where a sign is set up by which all who pass by are afflicted with sorcery; therefore it is lawful also to take away the sign. I answer that there is a great difference between fleeing the place and removing the sign. For flight and withdrawal from a place in which men are ill-treated—whether by a demon or by a man—are naturally ordered to the avoidance of an evil into which a man would fall if he passed through that place; but the removal of the sign is in no way naturally ordered to this, any more than the setting up of the sign is ordered to this very thing or to its contrary. It seems, however, to pertain to simple flight, and hence it can be excused, that some—lest they be hindered by some sorcery from the conjugal act—take pains to contract marriage with others ignorant of whom they fear as the authors of sorcery; because just as it is lawful to flee the place where the Devil hurts, so also to flee the persons by whom he hurts; and to act so that our deed, against which they are laying ambushes, may be hidden from them, does not seem to be superstition but prudence. One must beware, however, lest by this anything disordered and undue be done concerning the sacrament of marriage, but that both the solemnities and ceremonies of this sacrament and of the Sacrifice of the Mass, as to place and time and the rest, prescribed by the Church, be observed.

§ 44. Finally, the common opinion is objected in the contrary sense. But it is answered that here there is no common opinion except of the moderns, because the more ancient and more celebrated Schoolmen—St. Thomas, St. Bonaventure, Durandus, and others—did not touch this question. Moreover, the authors named above merely touched it, they did not examine it. From whose opinion, therefore, to depart with certain other learned men, on account of the reasons set down above, is not unsuitable. For common opinions too, when the matter has been better examined, are sometimes corrected—as, for example, that the episcopate is not an Order.

§ X — Whether with a madman there is a true marriage (An cum furioso verum sit matrimonium)

§ 45. Concerning the insane it must briefly be noted that no marriage is contracted with those so affected, that is, established in a fit of frenzy; whence Pope Fabian, in Gratian, 32, Question 7, says: "Neither a madman nor a madwoman can contract marriage." For what he immediately subjoins, "But if it shall have been contracted, let them not be separated," is to be understood of that which was contracted before the frenzy. For the sense is: but if it was already contracted before, it is not to be dissolved; because frenzy takes away the use of reason, and therefore takes away the consent which is required for the substance of marriage. Wherefore, if the frenzy or madness be perpetual and without intermission, he who suffers from it will never be able to contract marriage, just as he cannot perform any other civil act.

§ 46. But if it be not perpetual and continuous, he will be able to contract at that time at which he has intervals of reason; although marriages of this sort, as far as the incontinence of either or of both allows, are to be dissuaded, because the insane and all who are mad are unfit for the upbringing of offspring. Yet the defect of this thing can in some measure be supplied by the sane spouse, or certainly by relatives, as happens when both parents have died.

§ 47. But if, finally, perpetual frenzy should supervene after marriage has been contracted, it cannot bring it about that the marriage not remain ratified as it already was before; as Pope Nicholas teaches concerning this case and others like it in Gratian, 32, Question 7, chapter "Hi qui matrimonium," and Pope Fabian just cited. Whence rightly Timothy of Alexandria, a Greek writer, in Question 15, judges that, if the wife fall into frenzy,

it is not lawful for the husband—saying that he cannot contain himself—to marry another; "for," he says, "it would be adultery." Yet Balsamon (who belonged to the later Greeks, who do not judge rightly about the bond of marriage) annotates that by a Novella of the Emperor Leo it has been permitted that, if the insanity of the wife be perpetual, another may be married, the former marriage being dissolved. But that imperial law is not in agreement with the law of Christ concerning the indissolubility of marriage; nor is the doctrine of the later Greeks.

§ 48. But to what is asked, whether the conjugal debt (*debitum*) ought to be rendered to the madman: it is answered that a man placed in an alienation of mind does not properly "demand" the debt; for to demand a debt is an act of rational will. Nevertheless the debt is to be rendered to one who asks it in the way in which the mad can ask—namely, if they give any sort of sign of that natural inclination—and that in order to meet his incontinence, provided the other spouse can without danger to self have intercourse with him.

§ XI — On the impediment of marriage on account of incest (De impedimento matrimonii propter incestum)

§ 49. Among the impediments of marriage which arise on account of a crime committed, that holds the first place which arises from incest. Now "incest" is called in general by Latin authors every fornication that is committed with one with whom otherwise there would not have been a lawful marriage—as with a mother, a sister, a virgin, and the like. But in ecclesiastical usage it is taken more strictly for that fornication which a man commits with his own or his wife's blood relative in a prohibited degree, that is, within the fourth degree.

§ 50. Concerning this impediment, first it must be known that according to the ancient laws, fornication committed with some woman impeded a marriage to be afterwards contracted with any of that same woman's blood relatives; and if in fact it were afterwards contracted, it rendered it null—even if perchance the betrothal had been contracted before such intercourse. So wrote Innocent III and Alexander III, as is contained in the Decretals, "On him who has known his wife's kinswoman," chs. 2, 7, 8, 9. The same also is signified by canon 45 of the Council of Tribur. To the same pertains the decree of Pope Zachary, cited by the Master in the text and by Gratian, 32, Question 7; although by them it is understood of incest committed during marriage.

§ 51. But most recently the Council of Trent, relaxing the rigor of the ancient law, decreed that the impediment which is introduced on account of affinity contracted from fornication and which annuls the marriage contracted, extends only to those who are joined in the first and second degrees. It must, however, be noted in this place that, although fornication with the future wife's blood relative is not properly incest—since affinity has not yet been contracted—nevertheless because after she is subsequently taken to wife the preceding fornication would receive a certain appearance of incest, rightly such fornication, with respect to the future marriage and as far as pertains to the cause of an impediment, is interpreted by the Church as incest.

§ 52. But if one asks the rationale of this impediment, it is quite clear that it is not taken from the nature of the thing itself, as is the rationale of that impediment which arises from true affinity. For it is contrary to the law of nature that in-laws, or blood-relations, should be united among themselves in marriage; but that this impede marriage afterwards to be contracted between those of whom the one or the other had before by fornication known some kinswoman depends solely upon the positive law of the Church, which, for the greater dignity and honor of marriage, decreed that by such intercourse, in relation to marriage to be

contracted, a certain "affinity" arises, from which, as it were by a likeness to true and properly so called affinity, an impediment of marriage is born.

§ 53. Furthermore, as regards incest properly so called, which is committed with the wife's blood relative or in-law, who is already one's wife in marriage, a fornication of this kind cannot dissolve the bond of marriage already contracted, or even not yet consummated—since that bond is indissoluble, as is clear from the foregoing; yet it hinders the incestuous party from the use of marriage to this extent, that it is not lawful for him to demand the debt; as the Decretal Canons most expressly establish under the aforesaid title, and in Gratian, 32, Question 7.

§ 54. Nevertheless the incestuous party is not forbidden to render the debt to the innocent spouse; indeed by the law of wedlock he is bound to render it, as is had under the same title, chapter "Tuae Fraternitatis."

§ 55. But as for what is contained in the canon alleged from the Council of Orléans—cited both by the Master in the text and by Gratian, 27, Question 2, chapter "Qui dormierit"—namely, that it is not lawful even to his own wife to render the debt for him who has slept with her sister: if indeed it signifies, as at first sight it seems, that it is by no means lawful for the innocent wife to have intercourse with her husband who has committed incest with her sister, it must be said that that canon is not received by the Church, because in that case it would contain a manifest wrong to the innocent spouse; and indeed that canon is said not to be found in any Council of Orléans that exists today. But some not amiss thus understand that canon—namely, that the wife is forbidden to render the debt to her husband who demands it, as a debt; yet that she herself is not forbidden to exact her own debt from him. For this sense quite aptly agrees with the words of the canon, which run thus: "Nor is it lawful for his own wife to render him the debt, whom he renders to himself illicit, by knowing her sister."

§ 56. It must moreover be noted concerning this impediment that it makes no difference whether either kind of incest just mentioned be occult or be manifest and notorious, as far, namely, as regards marriage, or its use,—[36]

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1. Decretals (Gregory IX), title De frigidis [abbreviation as in source]; Gratian, Decretum, 33, q. 1; 32, q. 7, cap. Hi qui, with the glosses on the same canons.
2. Celestine III, cap. Laudabilem, in the Decretals, title De frigidis; and Gratian, Decretum, 33, q. 1, cap. Requisit.
3. Decretals (Gregory IX), title De frigidis; and Gratian, Decretum, 33, q. 1, with the interpreters of those canons.
4. St. Thomas, Summa theologiae [ibid.; abbreviation as in source].
5. Decretals (Gregory IX), title De frigidis, cap. Ex literis; and cap. Consultatio.
6. Gratian, Decretum, 33, q. 1.
7. Scotus and Richard, under this Distinction [abbreviation as in source].
8. Gregory III, cap. Requisisti, in Gratian, Decretum, 33, q. 1.
9. Celestine III, cap. Laudabilem, in the Decretals, title De frigidis; and there also the rescripts of other Pontiffs.
10. Alexander III, in the same title, cap. Ex literis.
11. St. Thomas, Summa theologiae, Supplement, q. 58, a. 2.
12. Gratian, Decretum, 33, q. 1, c. Si per sortiarias.

13. Gregory III, cap. Requisisti, in Gratian, Decretum, 33, q. 1; Celestine III, cap. Laudabilem, in the Decretals, title De frigidis; Honorius III, cap. Litterae vestrae, in the Decretals, title De frigidis et maleficiatis, with the Gloss on the same chapter.

14. Gloss on Gratian, Decretum, 33, q. 1, after c. Si per sortiarias; Hincmar of Reims, constitution [as referenced in the Gloss].

15. Richardus, in this Distinction [as in source].

16. Scotus, in this Distinction; Dominicus, in this Distinction [as in source]; Abulensis (Alfonso Tostado), Commentary on Matthew, ch. 10.

17. St. Thomas, Summa theologiae II-II, q. 95, a. 1, 4.

18. Estius, above, Distinctio 7, 16, 3 [abbreviation as in source].

19. Gratian, Decretum, 26, q. 7, c. Non observetis.

20. Gratian, Decretum, q. 5, citing the Council of Ancyra, can. 23.

21. Ivo of Chartres, Decretum, Part II, ch. 2.

22. Gratian, Decretum, the immediately preceding quaestio [abbreviation as in source].

23. St. Augustine, De doctrina christiana II, ch. 33; idem, Exposition on Psalm 37.

24. St. Thomas, Summa theologiae II-II, qq. 95–96.

25. Henry of Ghent, Quodlibet V, q. 33; Scotus, In I Sent., dist. 34 [abbreviation as in source]; Navarrus, Enchiridion, ch. 1, no. 29; Cajetan, vol. 2, Tract. 12.

26. St. Leo the Great, Sermon 19 on the Passion of the Lord.

27. Cf. Estius, above, to Distinction 7 of Book II [abbreviation as in source]; 1 Cor. 10: "I do not want you to become partners of demons."

28. St. Thomas, Commentary on 2 Corinthians 11:33.

29. Francis de Victoria, Relectio 12, De arte magica.

30. Mk. 9: "This kind is not cast out except by prayer and fasting."

31. St. Jerome, Vita S. Hilarionis; St. Augustine, Contra Faustum XXII, ch. 36.

32. Gratian, Decretum, 33, q. 1, c. Si per sortilarias.

33. St. Thomas, above, at the same place [abbreviation as in source].

34. St. Thomas, *Summa theologiae* Suppl., q. 58, a. 3; Gratian, *Decretum* 32, q. 7, c. "Hi qui matrimonium"; Pope Fabian, cited ibid.; Timothy of Alexandria, Quaestio 15; Balsamon, commentary on Timothy; Novella of Emperor Leo [as in Greek canon law].

35. St. Thomas, *Summa theologiae* Suppl., q. 58, a. 4; Innocent III and Alexander III, *Decretales*, "De eo qui cognovit consanguineam uxoris", cc. 2, 7, 8, 9; Council of Tribur, can. 45; Decree of Pope Zachary, cited by Peter Lombard in the text and by Gratian, *Decretum* 32, q. 7; Council of Trent, Session 24, ch. 4, "De reformatione matrimonii"; Decretals, under the aforesaid title, c. "Tuae Fraternitatis".

36. Council of Orléans, as cited by Peter Lombard in the text, and by Gratian, *Decretum* 27, q. 2, c. "Qui dormierit" [as reported in the sources].

DISTINCTIO XXXV — ON DIVORCE, THAT IS, THE SEPARATION OF SPOUSES WITH THE BOND PRESERVED (*DE DIVORTIO, SEU DE SEPARATIONE CONJUGUM SALVO VINCULO*)

§ I — That a spouse can be dismissed for the cause of fornication (Conjugem dimitti posse caussa fornicationis)

§ 1. In this Distinction the Master treats of divorce (*divortium*), that is, of that separation of spouses which takes place with the conjugal bond (*vinculum coniugale*) remaining intact. For a fuller understanding of this matter, a threefold separation of spouses must first be distinguished: first, as to the bond; second, as to the bed (*torus*), that is, intercourse; third, as to habitation (*habitatio*). Then, concerning the latter two separations, it must be noted that sometimes they take place for a time, sometimes indeed they are by law perpetual; which thing will, in the course of the discussion, be made clearer by examples. And the first separation, according to the schools' usage, is called repudiation (*repudium*); but the other two, whether they be perpetual or not perpetual, are wont to be designated by the name "divorce" (*divortium*), as was said already above (at Dist. 33), where repudiation was treated.

§ 2. Although the sectarians of our time scarcely acknowledge any dissolution of marriage other than as to the bond, it must nevertheless, most certainly, be held with the Catholic Church that a consummated marriage between the faithful can for several causes be dissolved as to the bed and cohabitation, the bond remaining unbroken and insoluble—whether this be done by mutual consent of the spouses when they vow perpetual continence and go over to Religion, or without consent when one dismisses the other because of some crime. This doctrine is made manifest by the perpetual usage of the Church and by the sacred canons, as can be seen in the Decretals (Title De Divortiis).[2] Concerning this the Fathers of the Council of Trent also decreed thus (Session 24, canon 8): "If anyone says that the Church errs in decreeing that, for many causes, separation between spouses as to the bed, or as to cohabitation, can be made for a definite or an indefinite time, let him be anathema."[,3]

§ 3. Now that by a separation of this sort the bond of marriage is not dissolved is evident in part from what was said above concerning the indissolubility of marriage (at Dist. 33), and will in part become more evident from what is to be said below. Therefore, that we may first discuss with the Master the divorce which takes place for the crime of fornication, it is certain and beyond doubt, from Christ's words in the Gospel, that it is lawful for a man to dismiss his spouse for the cause of fornication—that is, for the cause of adultery perpetrated. For thus the Lord says (Matt. 5): "Whosoever shall dismiss his wife, except for the cause of fornication, makes her to commit adultery." The Apostle also signified the same, 1 Cor. 7: "I charge the wife

not to depart from her husband; but if she shall have departed, to remain unmarried or be reconciled to her husband," although he does not there express the cause of fornication. For that a just cause is signified by those words is shown by St. Augustine at the beginning of the fourth book (De adulterinis coniugiis, over several chapters).[4] Yet more plainly in favor of this opinion is what the Wise Man says (Prov. 18): "He who keeps an adulteress is foolish and senseless." Whence it is clear that such divorce is not only lawful, but in a certain case even commanded—a point to be treated later in its own place.

§ 4. Moreover, this separation whereby spouses are separated on account of adultery must be understood to be perpetual—namely, in this sense: that the spouse who committed adultery remains simply and in perpetuity deprived of the right of power which he had over the other's body, and that thereafter he cannot in law reclaim the spouse, even if he has done penance, except in cases to be explained later. And this is "simply to cut one's spouse off from one's own flesh."

§ 5. Now, that the reason and equity of this law which is at once evangelical and natural may be understood, one must consider that spouses are so equal in the conjugal matter that each is superior to the other by the power of demanding the debt, and, in turn, each is inferior to the other by the obligation of rendering it. Therefore, just as he commits a most grievous crime against God or the king who not only withdraws from God or the king the due subjection, but, moreover, deserts him to go over to an adversary and subjects himself to that adversary's power, so in the conjugal affair he commits a most grievous crime who not only refuses the debt, but deserts the true spouse to another as to an adversary and submits himself or herself to that other; I say "adversary," because it cannot be that anyone else should have this power in common with the true spouse; and therefore whoever usurps or aims at it, or altogether allows it to be conferred upon himself, rightly acts as an adversary. Furthermore, just as for apostates from God and for fugitives from the king the gravest punishments are decreed, so to the injured spouse—inasmuch as he or she is superior in this respect—it is by right permitted to inflict upon the delinquent the most grievous penalty, which indeed lies within his or her power. Wherefore, since the adulterer cannot be separated by the injured party through a breaking of the conjugal bond, which God willed to be perpetual and indissoluble, the next thing is that he be separated from his body forever, so that thereafter he may never again have power over his or her body.

§ II — Reply to two questions pertaining here (Responsio ad duas quaestiones huc pertinentes)

§ 6. For the clarification of what has been said, two things are asked: first, what is here understood by the name of fornication (*fornicatio*) or adultery (*adulterium*); then, whether Christ's sentence has place even in occult fornication. And the sense of the first question is, whether by the name of fornication or adultery there is understood only adultery properly so called, as it is distinguished from the sins that are committed against nature; or whether indeed those also ought to be comprehended under the name of adultery. Certain Interpreters of the Canons (on the chapter "Maritis," in the Decretals, title On Adulterers) and the Gloss (on the chapter "Omnes," 31, question 7) deny that sins of this sort are comprehended under fornication in Christ's words.[6] But the more probable and common opinion is that of the Angelic Doctor, writing on this Distinction, and of certain other Scholastics—such as Paludanus, Silvester, and Dominicus—with Panormitanus also assenting, namely, that the other outrages of lust, even those which are committed against nature, are contained under the name of fornication, and suffice to make a divorce.[7] For just as the word

fornication, as is clear in this place of the Gospel, signifies adultery, so also elsewhere it is wont to be extended to every illicit intercourse, as is evident from the words of St. Augustine and St. Isidore, of which the former are cited by Gratian in Causa 32, question 4, chapter "Meretrices," and the latter in the same Causa, question 7, chapter "Non solum."[8] This opinion is confirmed by the words of St. Jerome (in Epistle 147 to the presbyter Amandus), when he enumerates "the sin of sodomy and the other uncleannesses of raging lust."[9] But what some think, namely that the procuring of sterility and the killing of the fetus are also comprehended under the name of fornication in the Lord's sentence, and furnish a sufficient cause of divorce just as adultery does, is not probable. For these pertain to homicide, from which sins of the flesh differ wholly in genus, to which alone the name fornication is extended.

§ 7. To the second question one must answer briefly: if the fornication of a spouse is certainly known and discovered to the other spouse, but is still so occult that he or she cannot prove it in court, the innocent party will indeed be able to repel the fornicator from the bed and to deny the debt to the one demanding it, which is a separation as to the bed (*separatio quoad torum*). The reason is that he or she already knows himself or herself, by God's law and thus before God, to be loosed from the obligation of rendering the debt. However, he or she will not be able to send the other out of his or her house—that is, to make a divorce as to cohabitation (*divortium quoad habitationem*)—until the crime has been sufficiently proved, unless perhaps, even without a judge's sentence, it is so publicly known that there is no need of judicial process. The reason is both because it is not permitted to defame an occult sinner, and because no one ought to inflict a public punishment except a public judge, nor that except for a crime lawfully proved—unless it is notorious, as we said. Thus teaches Alexander III (chapter "Porro," On Divorces).[10] Christ's sentence therefore extends also to occult fornication, as far as divorce from the bed is concerned, but not as far as divorce from cohabitation.

§ 8. Nor is this repugnant to what St. Jerome (on Matt. 19) writes when he says: "wherever there is fornication and a suspicion (*suspicio*) of fornication, the wife is freely dismissed," which words Gratian also cites in Causa 32, question 1, chapter "Dixit Dominus."[11] For St. Jerome does not mean that there are two causes of dismissing the wife, namely fornication and the suspicion of fornication; rather, he names that former as the cause of dismissal, but this latter as the mode of proving the cause—because, as the Glossator notes at Gratian, fornication is proved by suspicion, so much so that a wife is dismissed on account of the "suspicion of fornication"; which, however, is rightly explained there as not a rash suspicion, nor even merely a probable one, but that which they call "violent," that is, taken from conjectures which compel assent.[12] Yet even a probable suspicion can be understood, not as a cause that sufficiently proves, but as a cause for inquiring after a surer and sufficient proof, which, once made before the judge, the wife may then lawfully be dismissed. Furthermore, as to the five doubts that Dominicus raises about this same question (Distinction 36, article 3), let the studious reader consult that Author himself, where he will find them expounded briefly and clearly.[13]

§ III — What other causes there can be for dismissing a spouse (Quænam esse possint aliæ causæ dimittendi conjugem)

§ 9. Besides the cause of fornication (*fornicatio*), that there are other causes on account of which a spouse (*conjux*) can be dismissed by a spouse, and the very marriage be dissolved as to bed and cohabitation, the perpetual tradition and practice of the Church most surely teaches us, partly comprised in the Sacred Canons,

partly confirmed by the decree of the Council of Trent (canon 8, on Matrimony, recently cited).[15] Now in general there are two causes on account of which faithful spouses, after marriage has been consummated, can be separated in the manner just said. One is perpetual continence (*continentia perpetua*), the other is crime (*crimen*). And on account of the former, indeed, spouses are separated by consent, if namely both vow perpetual continence, whether each passes over to Religion, or even whether each, or the one or the other, remains in the secular state according to the canons. Of this separation there exist very many examples in the Histories. All of which are founded upon this sentence of Christ (Matt. 19): "Everyone who shall have left house or father or mother or wife," etc., "for my name's sake, shall receive a hundredfold and shall possess eternal life." For there the Lord speaks of the dismissal of a wife not by the cause of fornication—of which He had spoken at the beginning of the chapter—but which takes place, as He says, "for His name," in the way the Apostles had done; namely, by the cause of following the Lord.

§ 10. But on account of crime a spouse is dismissed even if not consenting. And concerning the crime of fornication we have already spoken, and below we shall say more. Concerning other crimes, however—of which sort are impiety, apostasy, heresy, brigandage, sacrilege, and the like—it must be noted in general that it is not lawful for anyone on account of these causes to dismiss from himself a spouse in the manner in which one is dismissed by the cause of fornication, that is, to make with him a perpetual divorce (*divortium*) and to deprive him simply of the right of demanding the debt; since, when Christ commanded about this, He excepted fornication alone: because by this crime alone, according to its signification set forth above, the right of conjugal power (*potestas conjugalis*) is lost, so that it is free for the innocent, once the divorce has been effected, to vow to God perpetual continence, indeed even to pass into Religion—a thing he is not permitted to do, the dismissal having been made on account of other crimes.

§ 11. Nevertheless, it will be permissible to dismiss a heretical spouse, or one otherwise impious, or criminal, or savage, if from him there threatens some danger to the soul or to the body either for the spouse himself/herself, or for the children—for instance, if there be danger lest they be defiled by his heresy, or impiety, or criminal morals, and be drawn to sin, or lest they be killed by him. But let this separation be only by right and by the way of defense, not, however, by matrimonial right on account of violated conjugal faith. Hence, if such danger is not present, what St. Jerome says must take effect (on Matt. 19) with reference to that: "If such is the case of a man," etc. "A heavy burden of wives it is," he says, "if, the cause of fornication excepted, it is not permitted to dismiss them. For what if she be drunken, if choleric, if of bad morals, if lustful, if gluttonous, if gadding, if brawling, if a slanderer—must such a one be kept? Willing or unwilling, she must be endured. For when we were free, we voluntarily subjected ourselves to servitude," etc.[16]

§ 12. Now since, as we have already said, the dismissal which is made on account of crimes different from fornication has the character of defense, from this it must be known that a spouse so dismissed, whether man or woman, ought to be received as soon as it has been established that he has been converted and corrected, as Urban III prescribes: "Extra, De Divortiis, cap. De illa."[17] The reason is evident: because when the crime ceases, the danger of contagion and of homicide ceases. And yet, if a heretical spouse has by the judgment of the Church been separated in the external forum, the spouse is not bound to receive him, even if penitent, as is declared in the same chapter. The reason for which still remains the same, namely the avoidance of danger and the care for one's own salvation and for the children. For since there are many deceits and dissimulations of heretics, the spouse may, with good reason, still fear for himself and his own from a reconciled heretic, lest

perchance he be not sincerely converted. If, however, he appear converted from the heart and truly corrected, he will be bound in the forum of conscience to receive him.

§ 13. Moreover, about the manner of dismissal just explained Jerome speaks, when he wills that even one who is most closely joined to us be dismissed and separated, and, according to the Gospel, cut off, if he scandalize us, that is, impel us to ruin. For, writing (on Matt. 18) on that text, "If your hand scandalize you," etc., he extends the severity, and thus at length concludes the explanation of that passage: "It is better to lead a solitary life than, on account of the necessities of the present life, to lose eternal life."[18] Here indeed the Master also refers (Distinct. 39) certain words of St. Augustine (from ch. 16 of De fide et operibus), where one reads thus: "Most rightly is a wife dismissed if she says to her husband: I will not be your wife unless you heap up riches for me by robbery, or unless you practice the usual acts of pandering, or if she knows anything else either criminal or shameful in the husband. For then that man to whom his wife has said this—if he has truly done penance for dead works—strongly amputates the member that scandalizes him," etc.[19] But Augustine there speaks not of both spouses being faithful, but of those of whom the one has been converted to the faith, the other remaining in unbelief, and unwilling to remain with her husband unless he practice his customary crimes or infamies: in which case he signifies that the wife is so dismissed that the bond of marriage is dissolved. About which matter we shall treat below at the said Distinction.[20]

§ IV — Whether one can be dismissed on account of denial of the conjugal debt (An dimitti possit propter conjugalis debiti negationem)

§ 14. Finally one can ask whether it is lawful for a spouse to dismiss a consort who obstinately denies the conjugal debt (*debitum conjugale*), if he be convicted of this fact in court, or have confessed it of his own accord. For it can seem so from this, that just as fornication (*fornicatio*), so too the denial of the conjugal debt, is contrary to the marital faith (*fides conjugalis*). But one must answer that Christ's sentence is general, when He says: "Everyone who dismisses his wife, except on account of fornication, makes her commit adultery." Now it is clear that the denial of the debt is not fornication, nor is it contained under the general name of fornication, and therefore neither is it a cause for dismissing, in the way in which a spouse is dismissed on account of fornication. St. Augustine felt this when, in book 2 of On Adulterous Marriages, ch. 19, he sets a spouse who, with headstrong and unlawful continence, keeps away, among those who, outside the case of fornication, are to be tolerated.[22]

§ 15. Nor does the argument brought in the contrary direction stand. For although he who denies the debt sins against the marital faith, yet in some part, and this the more important, he keeps faith: for he does not give to any other person power over his body. Wherefore he ought not to be punished by an equal censure with the adulterer—namely, that he be separated forever from the bed of his spouse. Whether, however, justice allows that, in turn, one may by force exact the debt, is not clear; and it more appears not to allow it, since it is written universally in 1 Cor. 7: "Let the husband render the debt to the wife, and likewise also the wife to the husband"; and again: "Do not defraud one another." That these sentences should admit an exception in the present case neither Scripture teaches nor does reason compel.

§ 16. Whatever, however, be the case as to the law of justice, certainly the law of charity does not admit this, if danger of incontinence threatens a spouse because the debt has been denied. If you ask whether one who pertinaciously denies the debt can at least be dismissed in that way in which we have already shown that a

spouse can be dismissed on account of crimes different from fornication, I answer that it does not seem so, provided the consort can cohabit with him without danger to his salvation. For that danger alone was the cause of dismissing on account of other crimes. But if such danger be present here—namely, because concupiscence is kindled by the presence of the spouse—the power of dismissing does not seem to be denied to the innocent party.

§ V — In which cases it is not permitted to dismiss the adulterer (Quibus casibus adulterum dimittere non liceat)

§ 17. Several cases are excepted from the permission that a spouse may dismiss a spouse on account of the cause of fornication, partly because the other spouse is found to be a participant in the same crime, partly because the other is free from fault. All these cases are reckoned to be excepted by natural and divine law, not by ecclesiastical law, except in so far as the Church is the interpreter of divine and natural law. The first is, if each has committed adultery, as is held in the decree of the Second Lateran Council[24] and by Alexander II[25]. Innocent adds the reason from the rule of law, because equal crimes are cancelled by mutual compensation[26]. Hence St. Augustine, in book 2 of On Adulterous Marriages, ch. 8, recalls the law of the pagan Emperor Antoninus, by which he willed that an adulterous husband should not accuse his wife of the crime of adultery[27]. From which he shows that the same equity of the law ought much more to be observed among Christian spouses. And in book 1 (On the Lord's Sermon on the Mount, ch. 28) he affirms that nothing is more unjust than to dismiss a wife for the cause of fornication if the husband himself is convicted of fornication[28]. This also must be observed: if someone has justly dismissed a spouse for the cause of adultery, and he himself after the divorce has begun to fornicate, he is forthwith held to receive his spouse back, the right of punishing the spouse, to be sure, ceasing on account of the parity of the crime committed. Thus Alexander III judged[29], although Dominic, after St. Thomas (article 6, reply to obj. 3), with a certain moderation holds the contrary[30]. But if, after adultery has been committed on both sides, the one corrects his or her life, the other remaining in adultery; or if, after mutual reconciliation, the other returns to the vomit; or finally, if reconciliation is made to the adulterer who was innocent, but the innocent one alone afterwards defiles himself or herself with adultery: then it will be permitted to the spouse who has been corrected and reconciled and has not relapsed to use his or her right against the other, because what was committed before the reconciliation is counted as not having been done.

The second case is if a husband has prostituted his wife. This case is expressly contained in the Decretals[31]. The reason is that such adultery of the wife ought to be imputed to the husband more, or at least equally, than to the woman. To this also pertains, if one, being aware of the other's crime, either approves it or connives at it.

The third case is if the one has long denied the debt to the other; for thus the spouse will be judged to have brought the other into peril of fornication. But the case is not the same if an occasion of fornication has been given to the wife from the fact that the husband has not wished to supply her necessary sustenance, or has expelled her from the house, unless he has done this for that very reason, to drive her by this occasion to fornication. Thus the chapters cited above hand down, Significasti and Ex litteris; and the reason is because these things of themselves do not induce one to fornicate[32].

The fourth: if, after a long absence of her husband, the wife, led by probable conjectures so as to believe him dead, shall have married another. For such an absence either altogether, or in great part, frees the woman from fault, and very often weighs more heavily against the husband. On which matter see Leo, Epist. 79, in words cited by Gratian[33].

The fifth: if, instead of the true spouse, another has thrust himself wholly into the role by fraud or error. For the spouse who has been deceived by fraud or error—whether man or woman—is excused; as when the Patriarch Jacob, in place of Rachel whom he had married, knew Leah. This case is evident from the Decretum[34], drawn from St. Augustine and the Council of Tribur.

The sixth, if the woman has suffered violence—where it was not permitted voluntarily. For if a woman, on account of fear or horror inflicted, consents to the outrage, neither will she be free from fault nor will she be able to avert the action of divorce. Jerome indicates this[35], and it is contained in Gratian,[36].

The seventh, if a spouse has received the spouse back to the bed after the spouse's adultery has been known. For this has the force of reconciliation. Moreover, it is proved (from both the chapter Si quis and the chapter Quod autem in Gratian, Causa 32, quaest. 1) that by equal reasoning, if someone, after a divorce has been done, has intercourse with a spouse, he will be held to receive her to himself as reconciled[37].

The eighth, if, while in unbelief, a wife, repudiated by her husband for a cause other than adultery, has married another man, and afterwards both have been converted to the faith and baptized, the husband will be bound to receive his wife, as Innocent III determines[38]. The reason, however, is that she ought not to be punished by the husband as an adulteress who, by public laws' permission, married another.

§ VI — To what extent one is bound to dismiss an adulteress (Quatenus teneatur quis adulteram dimittere)

§ 18. Since Christ in the Gospel (Matt. 19) permits, not commands, that a wife be dismissed on account of fornication; and St. Jerome, writing on that passage, says that where there is fornication the wife is freely dismissed; a question remains, whether, or to what extent, a husband is obliged to dismiss his wife if she has committed fornication. To this one must answer with a distinction. For if the wife shows certain or probable signs of repentance, the husband is not bound to dismiss her; nay rather, by the law of charity (*caritas*) he will be bound not to dismiss her. The former is proved, first, from the fact that when the Lord was asked whether it is lawful for a man to dismiss his wife, He replied that it is not lawful, except for the cause of fornication: where both the question and the answer comprise what is lawful, not a precept. But if there is any case in which there will not be a precept, that case most of all will be when the fornicating wife has corrected herself by repentance. Next, because the Apostle admonishes that the woman who has departed from her husband is to remain unmarried or be reconciled to her husband (1 Cor. 7). But if there is room for reconciliation after a divorce, much more will there be room before it. And in favor of this view many things are found in St. Augustine, book 1 of On Adulterous Marriages, chs. 6 and 9. The reason, moreover, is manifest, because one who has been wronged is by no law forbidden to renounce his right, which he could have used against the wrongdoer, and to remit the punishment when he who sinned has turned to repentance.[39]

§ 19. The latter—namely, that he is sometimes bound not to dismiss—is proved because the husband is bound to look to the salvation of his wife; wherefore, if there is danger for her lest, on account of infamy, she

fall into despair, or through incontinence headlong into the slipperiness of the flesh, or because of destitution prostitute herself, by the law of charity the husband will be altogether bound to retain her. This is also sufficiently indicated by Augustine's words in the place cited and in book 1 of the Retractations, ch. 19; and it is more clearly taught in the chapter Si vir sciens, Extra, De Divortiis, from the Council of Arles.[40]

§ 20. But if the adulteress persists in sin, and the crime is so manifest that it can be proved in court, the husband is bound, with the order of law observed, to dismiss her, lest he seem to consent to her turpitude, as the canons teach in Gratian, Causa 32, q. 1, Apud misericordem, and in the Decretals, Extra, De Adulteriis, in the chapter already cited; and of such an adulteress that saying is to be understood (Prov. 18): "He who holds an adulteress is a fool and senseless." Whence Jerome on Matt. 19 says: "When a wife has divided one flesh into another, and by fornication has separated herself from her husband, she ought not to be held, lest she also bring the husband under a curse, Scripture saying, 'He who holds an adulteress...'." Augustine also understands such an adulteress in book 1 of the Retractations, ch. 19, when he revises the passage from book 1 of On the Lord's Sermon on the Mount, where he had said that it is permitted, not commanded, that a man dismiss his wife on account of fornication. Nor are those things different which the author of the Work Imperfect, under the name of Chrysostom, writes on the said passage of Matthew.[41]

§ 21. But if the wife's crime is hidden, the husband will be bound—if he certainly knows it—at least to repel her from the bed; because to do this he has no need of a judge's sentence, as we showed above. There are, however, those who think, as "Dominicus" holds, that the case of the husband's incontinence or poverty should be excepted—namely, if, with his wife dismissed, he seems to himself that he cannot be continent, or is going to suffer want. But it is more probable that truly no case of this sort is to be excepted: both because it is worse for a woman to be mixed with several men than to have intercourse only with one adulterer, and that especially on account of injury to the offspring, whose father is rendered uncertain; then because, for whatever cause he retains a notoriously adulterous wife, neither will he remove the scandal of others nor will he escape his own infamy; finally, because in this case he is no less bound, and will be able, to live continent than if he had a wife laboring under a perpetual infirmity of body and therefore unfit for the conjugal act.[42]

§ 22. Moreover, as regards the woman, the case is not the same as regards the obligation to dismiss as it is for the man. For since the wife is not the head of the husband, but the contrary; and on that account she cannot with authority correct her husband; she is not forthwith to be judged as consenting to his crime if she does not withdraw from him when he commits adultery—provided only that by sure signs she shows sufficiently that his deed displeases her; and by that means she will sufficiently meet the danger of scandal and of infamy as regards her own person. Add that the injury of the offspring is not increased if the woman remain with her adulterous husband and have intercourse with him; for by this the father is not made uncertain, nor the mother. If, however, by divorce the husband's correction can probably be hoped for, by the law of charity the woman will be altogether bound to dismiss her husband, nor will she be able to remain with him under the pretext of her own incontinence. The reason of this is that, if we must sometimes abstain from things lawful in order to procure the neighbor's salvation, much more ought the woman to abstain from things unlawful (such as intercourse taken as a remedy for incontinence), that she may win her husband, who would otherwise perish.[43]

§ VII — That the right of divorce pertains equally to each spouse; and which spouse sins more gravely by adultery (Jus Divortii aequaliter ad utrumque conjugem pertinere. Uter conjux adulterando gravius peccat.)

§ 23. Although, as we have said, the wife is not always bound to dismiss the adulterous husband, whenever the husband dismisses the wife, nevertheless the right of divorce (*divortium*) pertains equally to each spouse; so that by an equal right the woman can dismiss the man and the man the woman. This is clear, first, from those things which prove that spouses are equals in the conjugal matter, as we showed (above at Distinctio 32, ch. 1).[45] For the right of dismissing a spouse for the cause of fornication (*fornicatio*) chiefly looks to the conjugal matter and depends upon it. For if the woman has power over the body of the man, just as the man over the body of the woman, the consequence is that, as it is permissible for the man to dismiss his wife on account of an injury done to this power, so it is permissible for the wife to dismiss her husband. Then it is proved from the Apostle in 1 Cor. 7, where, with regard to what the Lord (Matt. 5) said about "whoever shall dismiss his wife, except on account of fornication, makes her to commit adultery," he shows that it is to be understood likewise of the woman by these words: "But to those who are joined in marriage I command, not I but the Lord, that the wife not depart from her husband; but if she shall depart, let her remain unmarried, or be reconciled to her husband." For since the Lord in the Gospel had expressly made mention only of the man, the Apostle declares that the Lord's precept and sentence pertain also to the woman, and he assigns to her an equal right of divorce. For this is what those words of the Apostle mean, "Not I command, but the Lord," so that the Apostle's sense is that it is not his but the Lord's precept that the woman should not depart from her husband by divorce, except for that sole cause which the Lord excepted, and for which alone he willed divorce to be conceded. For that the Apostle is speaking of a conceded and lawful departure of the woman is sufficiently understood from this, that he leaves it in her power either to remain unmarried or to be reconciled to her husband. But if she had not departed with right, the option of either alternative should not have been given her; rather, it should have been simply commanded that she return to her husband. And yet there is no other cause on account of which it is lawful for her to depart by divorce, just as there is no other on account of which she can thereafter remain unmarried, except on account of the husband's fornication; just as there is no other on account of which one can be simply dismissed except on account of one's own fornication. Therefore the Apostle holds that for the cause of adultery (*adulterium*) the woman can dismiss her husband, and that by the Lord's ordinance. In this way St. Augustine explains the Apostle's passage: book 1 On Adulterous Marriages, ch. 1 and following; and in the book On the Good of Marriage, chs. 21, 22.[46] Nor is the term "to be reconciled" (*reconciliatio*)—which Erasmus objects in his Annotation on 1 Cor. 7—as if it followed from it that the Apostle is speaking of a woman who departed by her own fault, not by the husband's, and who therefore ought to be reconciled to her husband as one offended and aggrieved, because, he says, the one who offended is reconciled, not the one who was offended—this, I say, does not stand in the way. For reconciliation is mutual, and in the Latin idiom not only the one who injured but also the one who was injured is said "to be reconciled" to the other, that is, to return into favor with him. In this signification Cicero uses that word in a certain Epistle to Lentulus (which is ep. 2 of book 1), and Livy likewise; as also in 2 Macc. 1 God is said "to be reconciled" to men; indeed, what pertains to the present case, in Judg. 19 the Levite, whose wife according to the Hebrew text had played the harlot, is read to have followed after her, wishing "to be reconciled" to her, and so forth. And elsewhere often one of the two has offended and the other has been offended; and the very same force belongs to the Greek expression which the Apostle used. Now as to Calvin's commentary, which thus

expounds the Apostle, "if she shall depart," that is, "if she shall have been dismissed," it is manifestly refuted by the Apostle himself. For the words immediately preceding, "that the wife not depart from her husband," altogether reject this sense. For it is ridiculous to command the woman not to be dismissed by her husband, since this is not in her power; rather the command should have been given to the husband, as the Apostle immediately does, saying: "And the husband let him not dismiss his wife." Therefore what has preceded about the woman has a like sense, namely, that the woman is forbidden to dismiss the husband—both, however, being understood with the Lord's exception, "Except for fornication." Moreover, the Apostle uses the word "to depart" rather than "to dismiss," because he was speaking of the woman who, making a divorce, departs from the husband, whereas the husband, conversely, by divorce casts out the wife. Furthermore, into the same judgment there runs the authority of the canons and of the whole Church. Canons are had in Gratian, 32, q. 5, cap. Praecipit, and cap. Christiana (taken from St. Jerome's Epistle to Oceanus on the Death of Fabiola), and from the Epistle of Innocent I to Exuperius, can. 4; again there, q. 7, cap. Apostolus, and cap. Uxor a viro, and cap. Placuit, the last taken from can. 17 of the Council of Milevis.[47] The same is taught by the Canons of the Decretals, the Title On Adulteries and the Title On Divorces.[48] Another passage of Jerome is in Epistle 146 to the Presbyter Amandus.[49] To these one may add the example which Eusebius, from Justin Martyr, records, Ecclesiastical History, book 4, ch. 17, about a pious and modest Christian woman who sent a bill of repudiation to her husband because he was living shamelessly and disgracefully.[50] Finally, to this pertains the first case mentioned above among those in which it may happen that a husband cannot dismiss an adulterous wife, namely, if he himself also is implicated in the same crime; the reason for which we said with Innocent III is that equal crimes, mutually compensating, are not dissolved by way of penalty. From which it follows that the woman has an equal right with the man to divorce, as a punishment for the same crime.[51]

§ 24. Which spouse sins more gravely by committing adultery. The sin of adultery is in a certain respect equal in each spouse; in a certain respect, however, the sin is graver in the man than in the woman. For as regards conjugal faith considered on the side of the matrimonial contract, and the obligation given on either side, it is equal in each; but if the dignity of the sex be considered, which by reason takes precedence and is the head of the woman, and which therefore, as Augustine says, "ought by virtue to overcome and by example to govern women," by this consideration the man's sin is graver.[27] On this basis, without doubt, the sin of the man was graver than that of the woman in the first transgression—although as to which of the first parents sinned more gravely, Doctors' opinions vary, as can be seen above at Distinctio 22. And in general it must be known that, given this circumstance of the male sex, the sin of the man is graver than the sin of the woman; which, however, in an absolute comparison frequently is otherwise, for there are other circumstances which aggravate adultery, such as those that are owed to the female sex—modesty and subjection—by which she ought deservedly to be restrained from sinning, whereas in the man the things opposed to these suggest to him greater ability and freedom for sinning. But the chief circumstance which one ought here to consider is the injury done to offspring, which through the mother's adultery has a father, but not through the father's adultery; whence also it comes about that a false heir is substituted to the husband, not without great disturbance of the family and of the public peace. On this ground there is no doubt that the adulterous wife sins more gravely. And because this reason touches the primary end of marriage, therefore in an absolute comparison the adultery of the wife is graver than that of the husband. An argument for this is that the civil laws determine unequally with regard to man and woman; for they allow the adulterous wife to be proceeded against capitally, indeed even, if she be apprehended in the flagrant crime, should he kill her, they do not punish him—nothing of the sort do they allow against the man.[52] Dominicus recounts those laws (Distinctio

31, the body, and Art. 3).'[53] But what St. Augustine in the passage cited above seems to say—that absolutely and in a certain way men ought to be punished more gravely, insofar as it more pertains to them both by virtue to overcome and by example to govern women—does not conflict with what we have said; for in that place he considers the crime of adultery under the genus of impurity with the circumstance of sex, not, however, under the genus of injustice, by which harm is done to the offspring or to the husband or to the marriage; on which see Dominicus (Dist. 36, Art. 4, at the end). To the same heading seems to be referred the rescript of the Emperor Antoninus which Augustine adduces in confirmation of his opinion.'[54] Moreover, in the case of a man and a woman who are unmarried committing adultery with persons married, the consideration is contrary: for an unmarried man committing adultery with a married woman, absolutely speaking, sins more gravely than an unmarried woman committing adultery with a married man, because the former renders the adulteress's offspring uncertain and substitutes a false heir to her husband, which the latter does not do. But if a married man and a married woman are mingled together in adultery, the sin is doubled, and there is a twofold adultery, so that both he is twice an adulterer and she twice an adulteress. But as regards the injury mentioned to the offspring and to the husband, equally, not only by each is sin committed. Since, however, as has been said, the injury to the offspring is chiefly to be considered in weighing the fault of adultery, it follows that he does not sin equally who by adultery is mingled with a sterile woman and he who with a fertile woman; for the event or peril of such injury ceases in the former case. And the same reason holds of him who by simple fornication is joined with a sterile woman.

§ IX — To what extent, after divorce, there is room for reconciliation (Facto divortio quatenus sit locus reconciliationi)

§ 25. That, once divorce has been made, there is room for reconciliation (*reconciliatio*) is manifest from the Apostle, 1 Corinthians 7, where, of a woman who has left her husband on account of his adultery, he says that, according to the precept of the Lord, she may either remain unmarried or be reconciled to her husband.[56] Hence, since the innocent party keeps his own right intact, and can restore to the other the right that had been lost, it must be explained in what measure this may licitly be done. Moreover, the opinion is to be rejected—as among those proscribed by Alexander VIII, the nineteenth—that by his own authority a husband may dismiss a wife caught in adultery.'[57]

§ 26. Accordingly, if after the divorce the adulteress repents, the husband can recall her, indeed he is bound to do so, for the same reason by which he could, or was bound to, retain her when she repented before the divorce, as has been explained above. This matter St. Augustine teaches at length in book 2 of On Adulterous Marriages through several chapters.[58] But if she persists in her shamefulness, it is not permitted to recall her, and indeed much less than it is permitted, before the divorce has been made, to retain her; for both the scandal is greater and the infamy of the husband more serious, if he recalls a wife obstinate in adultery after divorce, than if he retains her before divorce is made.

§ 27. As for the adulterer, in every way probable is the opinion of St. Thomas, that, once the crime of adultery has been purged, he is bound to reconciliation whenever this shall have seemed good to the innocent party, nor can he bind himself by a vow of chastity except with the consent of the innocent. The reason he gives is, that since the divorce is made in favor of the innocent, by it that one does not lose his right, but only is hindered from its use by the malice of the other party; which, once corrected, he will be able most freely to

resume the use of his own right. Nor is there force in the argument of Dominicus, who thinks otherwise (art. 6), where he says that after the husband has not been willing to spare an adulterous wife, but has persisted even to sentence, then by such sentence the wife is in truth freed, so that at least, before she is taken back by her husband, she can, without his counsel, vow chastity. For it must be denied that the adulteress can do this by force of the sentence pronounced for divorce, since that sentence was given not in favor of the adulteress but only of the innocent party; and therefore the innocent keeps all his right intact.[59]

§ 28. To this must further be added that, if a woman who has been dismissed has married another man, and, moved by repentance, wishes to return to her former husband, she can also in this case be received. For the fact that the old law forbids this (Deuteronomy 24) was established for a time as a punishment of the woman and does not bind Christians. Therefore, what Jerome says when writing to Amandus the Presbyter, "If the woman has left her second husband and wishes to be reconciled to the first, she cannot," is not to be understood as if it were not permitted to the husband to receive her, but because such a woman is worthy that, out of detestation, return to her former husband be denied; and Jerome accommodates to that matter the law of Deuteronomy.[60]

§ X — That spouses, when a divorce has been made on account of fornication, cannot enter into another marriage is proved from Scripture (Conjuges ob fornicationem facto divortio non posse aliud matrimonium inire ex scriptura probatur)

§ 29. That the bond of marriage (*matrimonii vinculum*) is not dissolved by a divorce made on account of fornication, and therefore that power is not granted to either spouse to pass to other nuptials, must now be proved somewhat more fully, because not only do we have a controversy about this matter with the Sectarians, but this opinion also was held by certain Catholics, to whom the sentence of the Church had not yet been sufficiently made clear—namely, that once a divorce has been made on account of fornication, at least the innocent is not, by divine law, forbidden from seeking another marriage. Thus Cajetan, writing on Matthew 19 and 1 Corinthians 7, and again in the Articles imposed upon him, 1 and 2, and Catharinus in book 5 of his Annotations on Cajetan's Commentaries, declare that they hold this.[62] Before them Erasmus had tried to prove this in the Annotations on 1 Corinthians 7.,[63] Nevertheless, these men in express words submitted their opinion to the judgment of the Church, and, indeed, the former speak only of the cause of fornication. As for the Sectarians, from whose opinion Erasmus does not dissent, most of them have progressed much further; for they dissolve marriages not only because of adultery, but also because of heresy, troublesome cohabitation, and a spouse's affected absence, granting power to contract a new marriage. And their consistorial courts everywhere in their judgments approve and confirm this practice, against whom Canon 5 (Session 24) of the Council of Trent has been issued.,[64] But we for our part speak here chiefly about fornication; by which, if we have shown that the bond of marriage cannot be loosed, much more will the same consequence follow as regards other causes—since even the Sectarians cannot deny that fornication is, if not the only, at least the chief cause of dismissal. Therefore, besides those things which we adduced above, at Distinction 33, to show that the bond of marriage is indissoluble, we shall in this place bring forward special arguments and proofs by which it may be taught that this cannot be done even for the cause of fornication. Let the first proof be from Holy Scripture, the second from the Fathers and Councils, the third from reason.

§ 30. Scripture. Thus the Lord (Matt. 5) says: "Everyone who shall dismiss his wife, except for the cause of fornication, makes her to commit adultery; and whoever shall marry a woman dismissed, commits adultery."[65] The latter words must either be taken universally, or the sense is this: Whoever marries a woman who has been dismissed—even if she has been dismissed for the cause of fornication—commits adultery. For the Lord did not repeat here the words "except for the cause of fornication," because He wished to show that a wife can indeed be dismissed because of fornication, but that a woman who has been dismissed for that cause cannot on that account marry another man. For if an exception is to be understood here in such a way that he does not commit adultery who marries a woman dismissed for the cause of fornication, then the condition of the fornicating woman would now be better than that of the innocent; since the fornicating woman, once dismissed, would be able to marry, not she who has been unjustly dismissed by her husband. Which is altogether absurd. The same latter sentence is found (Matt. 19). Other passages are (Mark 10 and Luke 16). For in Mark it is read thus: "Whoever shall dismiss his wife and marry another, commits adultery against her; and if a wife shall dismiss her husband and marry another, she commits adultery."[66] But in Luke thus: "Everyone who dismisses his wife and marries another commits adultery; and whoever marries a woman dismissed from a husband commits adultery."[67] These sentences are general, making no exception. For as to the fact that the adversaries say that these passages are to be expounded by that one (Matt. 19) where the exception of fornication is had, we shall respond to this below when we solve the objections—namely, by showing that that exception which is read in Matthew is not inserted to destroy the universal proposition put forward by the other Evangelists and by Matthew himself simply and without exception; but is to be referred to another point. In this matter St. Augustine, in book 3 of On Adulterous Marriages, ch. 9, gravely resists those who wish to restrain general Evangelical sentences by certain particular limitations, and he says in sum: "Are we to go so far as to say, 'There is someone who, having dismissed his wife, by marrying another does not commit adultery,' when the Gospel so generally denounces him who does this?"[68]

§ 31. There are also other passages of the Apostle—Romans 7 and 1 Corinthians 7. The former has: "For the woman who is under a husband, while her husband lives, is bound by law to her husband; but if her husband shall have died, she is loosed from the law of the husband. Therefore, while her husband lives, she shall be called an adulteress if she be with another man; but if her husband shall have fallen asleep, she is free."[69] Which words most clearly signify that the marital bond is never loosed among the faithful except by the death of one of the spouses; whence it is clearly consequent that it remains even after a divorce made for whatever cause—something that in the most explicit words is taught and inculcated by St. Augustine when he expounds the Apostle in book 2 of On Adulterous Marriages, ch. 4.[70] Another passage of the same Apostle is in the same Epistle to the Corinthians in the same chapter, where he says: "To those who are joined in marriage I command, not I but the Lord, that the wife not depart from her husband. But if she shall have departed, let her remain unmarried, or be reconciled to her husband."[71] In which sentence we must understand the departure of the woman as on account of a just cause of divorce on her part, as we showed above when we treated of the right to divorce. Therefore, since to that woman who has thus departed the Apostle does not permit that she marry another, but wishes that she either remain unmarried or be reconciled to her husband, even from this it is evident that, even when there is a just cause of divorce on account of which the woman could remain separated from her husband, nevertheless the bond of marriage is not dissolved. The word "reconciled," which Erasmus presses by a different interpretation, has been similarly shown above not to stand in the way of this sense.

§ 32. It must be noted, moreover, from the Scripture testimonies already produced, that the condition is the same for both spouses, so that whether the husband has dismissed the wife, or the wife the husband, because of fornication, neither to the man nor to the woman, and again neither to the guilty nor to the innocent, is it lawful to pass to another marriage. For what in other passages is denied to the man is in that most recently alleged passage of the Apostle denied to the woman; and again, almost all the sentences are common alike to the innocent and to the guilty, so far as concerns the marital bond. For marriage cannot limp, but is either loosed on both sides—so that neither will commit adultery if either shall have contracted another marriage—or it remains firm on both sides, and thus both will be adulterers if they shall have joined themselves to others. Moreover, what certain men admit—that the Lord's sentence about a woman dismissed is indeed general, but that therefore she cannot marry another because Christ wished this to be forbidden as a punishment of adultery, and not because the bond of marriage is not truly loosed—is an empty evasion. For the Lord does not say, "He who shall have married a woman dismissed sins," but "commits adultery." By which it is clearly shown that the bond of the former marriage is not loosed.

§ 33. Finally, let that general sentence of Christ be added, which He gathers from the first institution of matrimony, where it was said (Gen. 2): "For this cause shall a man leave father and mother and shall cleave to his wife; and the two shall be in one flesh." Hence He infers in Matthew 19: "What therefore God has joined together, let no man put asunder."[72] Therefore it will be permitted to infer similarly: What therefore God has joined together, by dissolving it the crime of either spouse ought not to prevail more than any human authority. For if man is forbidden to separate, much less shall the crime of the other spouse have power to loose the conjugal bond.

§ XI — Proof of the same from the Fathers and the Councils (Ejusdem probatio ex Patribus & Conciliis.)

§ 34. Next after Scripture, a proof of the foregoing doctrine is taken from the Fathers and also from the Councils, whose agreement in this matter will be evident, if we set forth only their principal testimonies. First, Justin and Athenagoras, very ancient writers and both martyrs, in their Apology for the Christians, place among Christian dogmas that it is adultery (*adulterium*) if anyone should take to wife a woman dismissed by another. Athenagoras also adds that if anyone, having dismissed his former wife, should marry another, this is not a marriage (*conjugium*), but adultery. Clement of Alexandria, at the end of book 2 of the Stromata, affirms, according to Scripture, that it is adultery, after a separation, to be joined in marriage while one of the separated spouses is still living, although a little before he had said that separation cannot take place except on account of fornication. Tertullian, book 4 Against Marcion, holds that Christ did not simply forbid divorce (*divortium*), but only in this case, namely if someone dismisses his wife for this end, that he may marry another. Origen, Homily 7 on Matt. 19, relating that certain bishops had permitted a woman to marry another man while her former husband was living, says that they did this against the precept of the Lord and of the Apostle. Basil, in the Moral Rules 73, chapter 2, notes that it is lawful neither for the man who has dismissed his wife nor for the dismissed wife to contract another marriage. St. Ambrose, writing on Luke 16, deals at length against those who, their wife having been dismissed, marry another, and he more than once calls such a union adultery, and he makes mention of no exception at all.[74] The same opinion he indicates in book 1 On Abraham, ch. 4, in the Exhortation to Virgins,[75]

§ 35. St. Jerome, in the Epitaph of Fabiola to Oceanus, relates how Fabiola—who, after dismissing her husband as not only an adulterer but stained with every kind of crime, had married another—after the death of her second husband humbly underwent the public penance imposed by the Roman bishop, and excuses her deed in no other way than that she had been ignorant of the rigor of the Gospel. Hence we learn that at that time it was held in the Church to be a public crime, if anyone, while a spouse was living—even the spouse dismissed on account of fornication—should enter into another marriage. The same Jerome, when consulted on this question in his Epistle to Amandus, answers simply that it is not lawful for a woman to receive another husband while her first is alive, even if she departed from the former because of his adultery; and in his Commentary on Matt. 19 he very clearly hands on the same doctrine.[76]

§ 36. The same is the opinion of John Chrysostom in Homily 17 on Matt. 5. Innocent I, when asked about the same question in Epistle 3 to Exuperius, ch. 6, replied that it is by no means lawful, after a divorce, to take another wife; rather both the man and the woman are held to be adulterers if they join themselves to others. St. Augustine treats this doctrine expressly in both books On Adulterous Marriages almost throughout, but especially book 1, ch. 1 and some following chapters, and ch. 24; likewise in the book On the Good of Marriage, chs. 7, 21, and 22; in the book On Holy Virginity, ch. 15; in book 1 On Marriage and Concupiscence, ch. 10; in book 1 On the Lord's Sermon on the Mount, ch. 26; in Sermon II On Various Topics; and in the last Question among the 33, where he proves it from the Apostle, 1 Cor. 7. Likewise in Homily 47 (elsewhere numbered 50) he speaks thus to the People, among other things: "Only for the cause of fornication is it lawful to dismiss a wife; but while she lives it is not lawful to marry another; and you women are not granted to have as husbands those men from whom, by a bill of repudiation, their wives have departed; it is not lawful; these are adulteries, not marriages." So he. Yet in the book On Faith and Works, ch. 19, he admits that those err venially who, on account of the obscurity of Scripture, think that he is not an adulterer who, his wife being dismissed for the cause of fornication, marries another.[77]

§ 37. Moreover, the same opinion with the Fathers now enumerated is held by Primasius writing on 1 Cor. 7; by Isidore, book 2 On the Divine Offices, ch. 19; by Bede on the same place to the Corinthians and on Mark 10; by Theophylact on Matt. 19 and on 1 Cor. 7; by Anselm on Matt. 5 and 19; by Gratian, Decretum, Causa 32, Question 7, where he gathers several testimonies of the Fathers for this matter, and among other things brings in a very clear sentence from Gregory, and he solves some things that are in appearance contrary; likewise by the Master in the present Distinction, section C. All the Schoolmen who write on this same place follow him, and besides, St. Thomas, commenting on 1 Cor. 7.[78]

§ 38. Alexander III, in his decretals, hands on the same sentence: in the Decretals, title On Betrothals and Marriages, chapter Ex parte; and Innocent III, under the title On Divorces, chapter Gaudemus and chapter Quanto; and again under the same title Alexander III, chapters Quaesivit, Significasti, and Ex litteris.[79] Finally, the canons of the Councils—which were some particular, others general—add the greatest confirmation to this doctrine. And first indeed, among the Canons of the Apostles there is extant canon number 48, whereby he is ordered to be excommunicated who, his wife having been dismissed, has married another, with no exception added. Next, the Council of Elvira (canon 9) forbids communion to a woman who, because of her husband's adultery, has married another. The Council of Milevis (canon 17) declares that, according to the evangelical and apostolic doctrine, it is lawful for no one, while a spouse is living, to pass over to other nuptials; which is also contained in the African Council (canon 69); and St. Augustine was present at both. A certain English synod, held under Bishop Theodore in the year 663, thus decrees (canon 10): "If anyone has

driven away his own wife joined to him in lawful marriage, if he wishes rightly to be a Christian, let him be joined to no other; rather let him so remain, or let him be reconciled to his own wife." But the canon means expulsion only for the cause of fornication, as is evident from its words immediately preceding.'[80]

§ 39. It is read in Bede, book 4 of the Ecclesiastical History, ch. 5. The Council of Friuli (canon 10) openly defines the same, and likewise that of Nantes (canon 12). And finally two general Councils. In the Decree delivered to the Armenians one reads thus: "Although for the cause of fornication it is lawful to make a separation from bed, nevertheless it is not permitted to contract another marriage, since the bond of a marriage legitimately contracted is perpetual." And most recently Trent (Session 24, canon 7) in these most explicit words: "If anyone should say that the Church is in error, when it taught and teaches, according to the evangelical and apostolic doctrine, that, because of the adultery of one of the spouses, the bond of marriage cannot be dissolved; and that neither both, nor even the innocent party who gave no cause for the adultery, can, while the other spouse lives, contract another marriage; and that he commits adultery who, the adulteress being dismissed, has married another, and she likewise who, the adulterer being dismissed, has married another—let him be anathema."[81]

§ XII — The same doctrine confirmed by reason (Eadem doctrina ratione confirmata)

§ 40. It remains that this doctrine be proved by reason; and indeed, besides those things which (at Distinction 33) were said about the indissolubility of marriage, many considerations can be brought forward. First: If the bond of marriage (*vinculum matrimonii*) is dissolved on account of adultery (*adulterium*), either that happens immediately when the fornication (*fornicatio*) has been committed, or as soon as the divorce (*divortium*) is effected, or finally by means of a second marriage. But none of these, it seems, can be asserted. Not the first, because the innocent party can retain an adulteress who repents without a new contract. Not the second, because likewise the innocent party can recall the dismissed and corrected adulteress without a new contract, even against her will; indeed he can even be compelled to receive her, if he too has committed fornication. Add that, according to the Apostle, such persons are said to be "reconciled," not to "make a new marriage." Not the third, because it is absurd that by marrying another's wife a man should make her his own; and in truth the subsequent husband, by marrying the woman, can no more render the former marriage null than the former could by dismissing her. For to dissolve a contract, the consent of those who contracted ought to avail more than the supervening contract of another. If therefore the first husband, by dismissing his wife, does not dissolve the marriage, neither does the later husband by taking her. You will perhaps say that it is then dissolved when the innocent marries another, as is said probably about the marriage of unbelievers when one party is converted to the faith. But from this too an inconvenience follows: thus it would follow that, if the innocent never passed to another union but chose perpetual continence, then at no time would it be lawful for the other to marry—something which among the adversaries, and especially among the heretics of this age, is held very absurd.

§ 41. The second argument: She who is dismissed unjustly or at any rate for a fault less than fornication cannot marry another; nor can the man who dismissed her marry another: therefore neither can she who is dismissed on account of fornication marry another, nor can the husband marry another. For otherwise the adulteress would be in a more advantageous condition if, when dismissed, she can take another husband than

she who has sinned less or not at all—since she must either live the rest of her life without hope of marriage, or be reconciled to a cruel and wicked husband. Likewise, the condition of a man having an adulterous wife would be better than that of one whose wife is otherwise depraved or ill-conducted, or even afflicted with a perpetual infirmity and impotence contracted after the marriage was begun; and the same judgment would hold if it should happen that, through perpetual captivity, a spouse is hindered from rendering the debt to the other.

§ 42. Third: From this dissolution of the bond other absurdities would follow, no less serious. For when spouses disagreed in temper and morals, or aspired to other loves and desired to free themselves from the bonds of the first marriage, knowing that this could not be done except by adultery, they would readily and gladly grant and allow to each other the power of committing adultery, and would even provide the occasion; or certainly, if a true crime were wanting, the one would in any way concoct a calumny of adultery against the other, so that by this route, freed from former bonds, he might fly to second—and those desired—marriages. St. Jerome indicates this line of reasoning (on Matt. 19) when he says: "And because it could happen that someone would frame a calumny against an innocent person, and, on account of a second union, charge the former marriage with the crime, thus one is ordered to put away the first wife, so that he may not have a second while the first is living."[83]

§ 43. Fourth: However much the wife may sin, she can never take away from the innocent husband the right which he has over her; therefore neither by marrying another—especially if the husband is unwilling to renounce his right. But even a renunciation of the right does not have that force, since the same could be done outside the case of adultery.

§ 44. Fifth: Christian men dismiss adulterous wives so that they may be corrected and so that, when corrected, they may at some time receive them, although by the law of marriage they are not bound to this: therefore the bond is not dissolved. For if it were dissolved, the husband would not retain the power of recalling her.

§ 45. Finally: Marriage signifies the union of Christ with the Church; but the faithful who are members of the Church, although they sometimes fornicate spiritually from God and make a divorce, nevertheless cannot assume another God; nor does God so cast them off that He is unwilling to be reconciled, but rather He always invites them to reconciliation: therefore carnal marriage ought to be of a like sort, so that although a divorce is sometimes made on account of fornication, nevertheless the hope of reconciliation is never cut off by a dissolution of the bond. St. Augustine urges this argument drawn from the sacrament in the book De Bono Conjugali, chapters 7, 15, 18, and 24.[84]

§ XIII — Reply to the arguments to the contrary (Respondetur ad argumenta in contrarium)

§ 46. Now one must reply to those things which are brought forward by the adversaries against this Catholic doctrine. The first and chief of them is of this sort. The Lord (Matt. 19), when the question of a bill of divorce was put to Him, replies: "Whoever shall dismiss his wife, unless for fornication, and shall marry another, commits adultery": therefore, they say, he who shall dismiss for fornication and shall marry another does not commit adultery. They prove this consequence from the nature of an exception, which requires that the formal character of that which is excepted be different from the thing from which the exception is made; as if I

were to say: whoever shall have sinned, unless he shall have done penance, shall perish, I wish it to follow that he who has done penance shall not perish. And again from the same place they argue thus: these statements are contradictory: Every man who has dismissed his wife and has married another commits adultery; and Not every man who has dismissed his wife and has married another commits adultery. But the latter is true, for it is had from Matthew adding the exception to the universal proposition; therefore the former, which is had in Mark and Luke, is not true unless it be understood with the same exception which is in Matthew. To this argument Catholics give various replies.

§ 47. Durandus and others say that the cause of fornication is therefore excepted because, since according to the Mosaic law the adulteress ought to have been stoned, it was lawful for the husband after the punishment and death of his wife to marry another; but this solution is in many ways disproved. First, because the discourse in the Gospel was about giving a bill of divorce, not about putting to death. Next, she who is led off to punishment is not said to be dismissed, but she who is ordered to depart and to live apart from her husband. Third, in that way the Lord ought not to have excepted fornication alone, but every capital crime, such as idolatry, blasphemy, and the like. Lastly, Christ did not wish to prescribe this law of marriage to the Jews alone, but to His whole Church; in which nevertheless He knew that the punishment of death would not everywhere be decreed against adulterous women.

§ 48. There are also other less probable responses, which one may see in Abulensis on Matt. 19, and in Alphonsus de Castro, in the book Against Heresies under the word Marriage, and in others.[86] Besides these, two expositions of the Lord's words are found in the Ancients, and by name in St. Augustine. One is that which Augustine hands on in book 1 On Adulterous Marriages, ch. 9, where he expounded the exception negatively in this sense: Whoever dismisses a wife not committing fornication and marries another, commits adultery. And so, according to this explanation, the Lord does not deny that he also commits adultery who, his wife being a fornicator, has dismissed her and married another; but He wished to express and mention only that which was greater and more certain and less liable to the Pharisees' censure. In the same way James said in his Epistle, "To him who knows how to do good and does not do it, it is sin," not denying meanwhile that many sins are committed also by those who do not know. But this sense does not fit well with the evangelical proposal; for the question was whether it was lawful to dismiss one's wife for any cause whatsoever, to which question, according to this sense, there will properly be no answer.

§ 49. Wherefore another exposition of the same Augustine, which also almost all the Ancients follow, seems preferable to the others: namely, that that exception, "Unless for fornication," be referred only to that which precedes, and that the whole sentence be elliptical, to be supplied and understood thus: Whoever shall have dismissed his wife (which it is not lawful to do unless for fornication) and shall have married another, commits adultery. It is similar if I should say, whoever shall have known a woman, unless in marriage, and shall have obeyed his lust, sins. Now it is evident that an elliptical manner of speaking was exceedingly familiar to the Hebrews, and very many examples of this may be found in Sacred Scripture, such as that in 1 Tim. 4: "Forbidding to marry, to abstain from foods," and so forth, where a word of contrary signification, namely "commanding," is to be understood.

§ 50. Almost in the same sense others render it, when they say that the word "commits adultery" is to be referred distributively to each part of the sentence in this way: Whoever shall have dismissed his wife unless for fornication, commits adultery, and he who shall have married another, commits adultery. So that it may be signified that he commits adultery twice who marries a wife, the former having been dismissed outside the case

of fornication: once indeed by the adultery of the wife, to which he has given occasion by an unjust dismissal, and again by his own adultery, while she is alive, when he marries another. Augustine indicates this sense in the book On Holy Virginity, ch. 23; in Tractate 9 on John; and Against Adimantus, ch. 3.[87] And in the same sense agree Ambrose in the Exhortation to Virgins; Jerome on Matt. 19; Theophylact and Euthymius on the same place; and more ancient than all these, Basil in the Moral Rules (Rule 79). The same seems to be the opinion of St. Thomas writing on this Distinction, art. 9, to the last reply.[88] And truly this exposition most aptly fits the evangelical proposal. For first it is signified that it is not lawful to dismiss one's wife unless for fornication, and thus the question of the Pharisees is satisfied; then, moreover, for the sake of fuller doctrine, and to exclude the latent error of the Jews, whereby they thought a legitimate divorce to suffice for contracting new marriages, He adds also the other point, that whoever, his wife having been dismissed, marries another, commits adultery. It also agrees excellently with a similar statement of the Lord in the same Evangelist (ch. 5), where it is said: "Everyone who dismisses his wife, except for the cause of fornication, makes her to commit adultery; and he who marries her who is dismissed commits adultery." In which place it is manifest that the exception pertains only to the dismissal, which the Lord teaches to be unlawful except for the cause of fornication, because by this the man makes his wife to commit adultery. Therefore, if you interpret sentence by sentence, the sense of this place will be plainly similar. Finally, this sense is sufficiently argued by the fact that the exception is joined not to the second member but to the first. For if the Lord had wished to signify what the adversaries wish, it ought rather to have been said: Whoever shall have dismissed his wife and shall have married another, unless for fornication, commits adultery; for an exception is of such a nature as to except from that which precedes, not from that which follows.

§ 51. Another argument: The Pharisees asked Christ concerning a dismissal as regards the bond, not as regards the bed or cohabitation only. For the Jews from the Law had learned no other divorce. Nor among the Romans and other nations was there another divorce in use. Therefore Christ also, replying to the Pharisees, spoke of the same dismissal; otherwise He would not have replied to the matter proposed. We reply that Christ, although He answered concerning another dismissal than that about which He had been asked, nevertheless answered well to the present point, because He wished to teach what could be done lawfully and what unlawfully in that divorce of the Jews. For since in the perfect dismissal about which the Pharisees were asking two things are contained, namely the dismissal of the spouse from the bed, and the power of joining another to oneself, Christ by His answer separated these two: and this indeed He granted, although with a restriction to the cause of fornication; but that other He altogether denied and took away. Therefore He did not so much answer something different from what had been proposed, as by distinguishing He explained the question; whence also almost everywhere else He set those two things distinctly: "Whoever shall have dismissed," and "he who shall have married another"—namely to show that the rationale is not the same for each, since to dismiss is lawful in some case, but not likewise to marry another.

§ 52. A third argument: Ambrose, in the commentary on 1 Cor. 7, on those words, "But if she depart, let her remain unmarried," according to the Apostle's opinion, assigns to the husband the right of marrying another after a divorce, although he denies this to the wife. His words are these: "For it is not permitted to the woman to marry, if she has dismissed her husband for the cause of fornication, because the inferior does not altogether use this law by which the superior does." Then, expounding that, "And let not the husband dismiss his wife," he says: "It is understood, however, with the exception of the cause of fornication; and therefore he did not subjoin, as concerning the woman, by saying: But if she depart, let her remain thus; because it is lawful for the husband to take a wife, if he has dismissed a wife who sins; because the husband is not bound as the

woman is bound, for the head of the woman is the husband." Gratian, 32, q. 8, and the Master in the Text, and St. Thomas on 1 Corinthians 7, reply that those words were inserted into the Commentary by falsifiers.[89] But because it is difficult to prove this, especially with all the manuscripts protesting, therefore certain moderns, while admitting those to be the words of Ambrose, reply that that question about marrying another after a divorce had not yet been sufficiently explained among Christians in the times of Ambrose; and so there is nothing to wonder at if in a dark matter he somewhat erred. This solution could be approved if—as we have cited—an open agreement in the contrary sense existed among the Ancients, among whom even Ambrose himself declares in more than one place that he feels similarly, and that too with an express reprobation of the Roman law, which in this matter permits and grants more to the man than to the woman. Whence neither is that response of those sufficiently to be approved who say that Ambrose is here speaking of the Roman law which permits to men a second union after a divorce, not to women—since, as I said, Ambrose elsewhere openly reproves that law. The true answer therefore is that that whole Commentary on the Pauline Epistles is not Ambrose's, as it is sufficiently agreed among the Learned, nor indeed of any of the more distinguished Fathers; which can be shown by the diversity of style and the disagreement of doctrine and by many other arguments. Some words of this Commentary which are had on Rom. 5 are indeed cited by Augustine, book 4, Against Two Epistles of the Pelagians, ch. 4, as written by St. Hilary; but neither does that work agree with this author's style and learning. Whence some suspect its author to be Hilary not the Bishop, but that Roman deacon of the Luciferian party whom Jerome marked in his Dialogue; who, since he was a Roman, might be thought to have had regard to the Roman law and to have drawn the Apostle's words to its norm. And yet this same Commentary, whoever's it finally is, does not altogether serve the adversaries. For that "But if she depart" he understands of the woman who departed from an adulterous husband; and he denies that even she, though innocent, has the power of marrying another, which these affirm, wanting the same liberty to belong to both spouses.

§ 53. A fourth argument: Lactantius, book 6 of the Divine Institutions, ch. 23, reckons among divine precepts: that he is an adulterer who has married a woman dismissed by her husband, and that he is an adulterer who, besides the crime of adultery, has dismissed his wife that he may marry another; and, in the Epitome, ch. 6: "Let the bond of the conjugal covenant never be dissolved except that which perfidy shall have broken." That by the name of perfidy the crime of adultery is understood is clear from the words immediately preceding. I reply that in the former place Lactantius added the exception of adultery, not because he thought that in the case of adultery it is lawful to marry another, but because he perhaps doubted whether it were lawful, on account of the obscurity of Christ's words, which are in Matt. 19 and which are reported by him with a slight change. For otherwise, when he says absolutely, and straightway adds these words (for so the context runs), he seems rather to have acknowledged no exception at all. The latter place can be taken thus: that the bond of the conjugal covenant is loosed when a divorce happens and cohabitation is taken away as regards the bed—which is not because of adultery. For the term "bond" is in itself broad, although among them a "solution of the bond" signifies a sundering of marriage according to itself.

§ 54. A fifth: Leo (Epistle 37 to the Africans, ch. 1), a priest who, his wife being dismissed, had married another, removes only from orders, as a digamist; nor does he signify that the marriage was null, but by his silence he seems rather to approve. It is answered, first, that Leo is speaking of marriages contracted before ordination, lest it be suspected that marriage was ever held by the Church as unlawful for priests—he is not affirming whether that later marriage, contracted with the wife dismissed, was valid or not, because that was not being asked, but only the question about ordination had been proposed. For he also replied concerning

him who had been at once the husband of two wives, concerning whose ordination likewise response was given, not, however, about his marriage; nor yet by this did he signify that a marriage of that kind had been valid.

§ 55. A sixth: In Gratian, 33, q. 7, there stands the canon of a certain council, with these words: "A certain woman copulated with her husband's brother; it has been decreed that the adulterers are never to be joined in marriage; but for him whose wife she is, lawful marriages are not to be denied." It must be said, if authority is to be given to the canon, that it is unknown of what council it was—indeed, today it is extant in no council—and that its sense is this: that adulterers in an incestuous case (for such is the case propounded) can never be joined in marriage, not even after the death of the consorts; but that the spouses of those adulterers are not to be forbidden, their adulterous partners being dead, to proceed to other marriages. Which sense of the canon is gathered both from the antithesis of the parts and from a similar [text] of Gregory which is had in the same question.

§ 56. (a) To this Catholic doctrine—so true, so solid, and established both by Scripture and by the perpetual tradition of the Church—there seems to give trouble here a Canon of Basil to Amphilochius; in which Canon Basil appears to have descended into that opinion in which it is taught that the bond of Matrimony is dissolved by the adultery of either spouse. For in the end of that Canon Basil says, in sum, that if the adulteress shall have taken another husband, the husband left is not therefore condemned. Wherefore the Greeks—against the Church of Rome—most especially bring forward this Canon of Basil, so as to support their view: indeed, the authority of those Epistles to Amphilochius was once so great that some refused to Basil those letters, or else assigned them elsewhere; whose view, however, we have set forth above, especially that of the most learned Cardinal Bessarion, who thinks—and most truly—that they are to be ascribed to Basil; nay, among the Orientals it was never in doubt that they were Basil's. And, what is more, in the public acts the authority of these Epistles as Basilian is alleged. Nevertheless, in explication of that Basilian Canon—and beyond my present province lest we take upon ourselves to show that he approved some custom of theirs—let it be enough to note that Basil in that Canon expressly does not make mention of the man; Basil nowhere clearly affirms that a man dismissing an adulteress may legitimately take another wife. That alone he asserts in that Canon, namely that the husband of an adulterous wife, if he has been left by her, and if afterward he is joined to another marriage, is worthy of pardon, and that the second wife is not condemned; according to his aforementioned Canon, and Canon 21, Basil never taught that the bond of Matrimony is dissolved by the adultery of a spouse. But when he says that he is "worthy of pardon" who is joined to another, that must be understood on account of a custom then prevailing; namely, Basil signifies only this by those words: that men were judging, according to that received estimation, that the second marriage was a true marriage, and that therefore he who, for that cause, took another wife was worthy of pardon, and—so to speak—of some excuse, because of a practice introduced by others and a false estimation: yet that the matter is otherwise according to the sentence of our Savior, Basil plainly teaches elsewhere. Nay, Basil must be said to have acknowledged some guilt in a deed of this sort, inasmuch as he says that that man is "worthy of pardon"—not that he is entirely without fault, but that he is less gravely culpable by reason of the tradition received from others and a false estimation. Whoever desires a most clear, and also a most true, explanation of Basil in this matter, let him consult Peter Arcudius, in his Concord of the Western and Eastern Church, book 7, ch. 21; in which chapter also he adduces many other places from other works of Basil, in which the mind of Basil is clearly seen—namely, that by no cause, not even by the cause of fornication, can the bond of a consummated Marriage among the faithful be dissolved.

§ 57. But if indeed, as we said, he is "worthy of pardon," he is such who lives with her in wedlock; whereas the practice of the Greeks is contrary to the Catholic doctrine, and they chiefly adduce Gabriel, Metropolitan of Philadelphia, and would render a custom probable. The difficulty of this Canon, which they have wished to use for the defense of their opinion, we have set forth above; some indeed, pressed by its difficulty, were brought to doubt whether Basil had been of the mind which we showed; yet we have alleged that, by almost all learned Authors of some name, Basil is acknowledged not to grant, by that Canon, dissolution of the bond to the permission of the Gospel, but only to the custom: nay, even in Canon 33 and Canon 35 and 48 he signifies that he does not attribute to the Law of the Gospel dissolution of Marriage on account of fornication, but only the custom of his Province—not that such a custom is to be approved, but that a man left by his adulterous wife is "worthy of pardon," if, deceived by that estimation then prevailing among men, he should not be condemned. But he who shall have seriously weighed the aforesaid Canons 35 and 48 will plainly see that Basil recognized in a deed of this sort some sin—not indeed so grave because of the tradition received from others and a false estimation. Whoever longs for a most clear explanation of Basil's judgment, let him consult Peter Arcudius, in the Concord of the Western and Eastern Church, book 7, chs. 21 and 22; who also adduces many places from other works of Basil, in which the mind of Basil is clearly seen—namely, that in no case, not even in the case of fornication, can the bond of a consummated Marriage among the faithful be dissolved. Moreover, in the same place the Pontiff declares, in the very same sense, that if by chance or in war someone has slain another, he is not thereby prohibited from marrying the wife of the slain man.[90]

§ I — Which error of condition impedes marriage (Quis error conditionis matrimonium impediat)

§ 58. Concerning the manifold error which impedes or does not impede the contract of Marriage it was said at the beginning (Distinct. 30), where among others there was the error of condition (*error conditionis*), which, with the Master, must be treated in this place. By "condition" (*conditio*) one must understand that alone by which some are called free, others slaves. By "slaves" are to be understood those who are so in the power of their masters that they are their proper possession, and even by law can be sold by them; "free" are those who are not subject to such servitude. Now it can happen, in contracting marriage, that there is a fourfold error about condition. For either a free person thinks to be free one who is in fact a slave; or a free person thinks to be a slave one who is in fact free; or a slave thinks to be free one who is in fact a slave; or finally a slave thinks to be a slave one who is in fact free.

§ 59. Among these modes only the first impedes marriage and nullifies the contract, as is clear from the Decrees in Gratian, 19, q. 2—which the Master also cites in the text—and from the Decretals, Title On the Marriage of Slaves, in many Canons.[92] The reason of this impediment is that such an error occurs about something which in some manner touches the substance of marriage. For to it there pertains that the spouses mutually give the power of their bodies; but a slave, since he is not the lord of his body except imperfectly, cannot fully and perfectly transfer its power to another; and in this way there is, between such persons—that is, a free person and a slave—an unequal exchange, the one who is free not consenting to this inequality, since he is ignorant of the other's servile condition. Which does not occur in the remaining three modes.

§ 60. Yet it is not an improbable opinion of some—such as Paludanus and Dominic—who think that this impediment does not arise from natural law alone, but has been established by ecclesiastical law, whose equity

nevertheless has its rationale founded in natural law.[93] For since a slave is simply apt for marriage even with servitude remaining, and the error of servile condition is not of the person but of the condition, it is not repugnant that a marriage of a free man with a woman who is a slave, or of a free woman with a man who is a slave, be valid, the servile condition being unknown by the one who is free. For although that quality which is unknown perhaps in great part impedes the use of marriage, nevertheless it does not altogether take it away. Whence also a true marriage is contracted when a free man or free woman knowingly consents to a servile person; because a slave really can give and deliver his body for conjugal use; which if he could not, then there would be no marriage among such persons, even if the condition were not unknown; nay rather, neither would a marriage contracted between two slaves be valid, since between them the use of marriage is much more impeded than between a free person and a slave. For indeed there is an impediment for them on both sides, especially if they are slaves of different masters.

§ 61. And from this it will be easy to answer the objections about a marriage contracted with a person who, on account of illness or office or business, can with difficulty or rarely render the debt, even if such an impediment be unknown; and again about a marriage which is contracted with one who is enrolled at the nod of the Emperor for military service, from which obligation he cannot free himself, especially if he is bound by oath, and this is unknown to the woman who marries him. For since these cases are rarer, it did not seem good to the Church to issue an irritant canon about them, as it did concerning the error of servile condition.

§ 62. Although slaves are subject to their masters, nevertheless they can, with their masters ignorant and unconsulted, or even unwilling, contract a valid marriage, whether with free persons or also with other slaves although subject to a different power.[94] For so the canons determine: Gratian, 29, q. 2, c. Omnibus; and the Decretals, title "On the marriage of slaves," c. 1.'[95] And these constitutions are in agreement with the law of nature and derived from it. For since slavery has been introduced by human law, it ought not to prescribe to a man in those things which belong to natural duty—of which sort are: to eat, to drink, to take sleep, to devote oneself to generation—so as to hinder him from being able to exercise these things according to the requirement of nature. Nor in these is the slave subject to his master except in some way per accidens; per se indeed he is subject to him only in actions which can be useful to the master. But here the 30th canon of the Second Council of Châlons is objected, which Gratian also cites, 29, q. 2, c. Dictum est nobis, and the Master in the text.'[96] In which canon, after these words: "It has seemed good that the marriages of slaves be not dissolved, even if they have different masters, but, remaining in one marriage, let them serve their own masters," there is subjoined thus: "And this is to be observed in those cases where there was a legal union, and by the will of the masters."'[96] A similar canon is found in St. Basil, no. 49, in the second Epistle to Amphilochius; for he speaks thus: "She who, contrary to the master's decision, delivered herself to a husband, has committed fornication; but she who afterwards used a free marriage, has been married. Wherefore that indeed is fornication, but this truly is marriage. For the pacts and agreements of those who are in another's power have nothing of firm force."'[97] Balsamon, in his commentary, explains and confirms the doctrine of this canon, alleging also an Imperial law to that effect.'[98] And indeed the Master, on account of the canon of Châlons, in the case of the marriage of two slaves, remains in suspense and dares to affirm nothing. Yet it seems that one must say that that canon therefore made mention of a "legal," that is, a legitimate, union, because it often happened that slaves, prohibited from contracting marriage by the austerity of their masters, pursued illicit concubinages. Moreover he adds "by the will of the masters," because almost no legal or legitimate union of slaves existed except by the will of the masters; for, their masters being unwilling, through fear of harsh treatment they did not dare to attempt a true marriage. A similar reply could be made to Basil's canon, were it

not that the canon's reasoning stands in the way—namely, that the pacts and agreements of those who are in another's power have nothing of firm force. For we have already shown that this does not obtain in the conjugal pact. Wherefore it is rather to be said that those canons are neither Basil's, nor of such authority that they can prejudice the decrees of the Roman Pontiffs. The same must be answered concerning the Imperial law. Although it can also be said that the Church for a time approved or tolerated the civil laws which were already in use before, especially in certain places where it was difficult to introduce contrary laws; but afterwards, the multitude of the faithful having increased, she enacted those laws by which provision might more surely be made for the salvation of souls.

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1. St. Thomas, Summa theologiae, Supplementum, q. 62, a. 1.
2. Decretals, Title "De divortiis" [abbreviation as in source].
3. Council of Trent, Session 24, canon 8.
4. St. Augustine, De adulterinis coniugiis I, at the beginning and over several chapters.
5. St. Thomas, Summa theologiae, Supplementum, q. 62, a. 3.
6. Decretals, cap. "Maritis," title De adulteris [abbreviation as in source]; Glossa ordinaria on Decretum, C. 31, q. 7, c. "Omnes" [abbreviation as in source].
7. St. Thomas, on this Distinction; Paludanus (Conrad of Palude); Silvester (Ferrariensis); Dominicus (Domingo de Soto); with Panormitanus (Nicolaus de Tudeschis) assenting.
8. Gratian, Decretum, C. 32, q. 4, c. "Meretrices"; and q. 7, c. "Non solum."
9. St. Jerome, Epistle 147, to Amandus, presbyter.
10. Alexander III, cap. "Porro," De divortiis.
11. St. Jerome, In Matt. 19; Gratian, Decretum, C. 32, q. 1, c. "Dixit Dominus.".
12. Glossa ordinaria ad Gratian, loc. cit.
13. Dominicus (de Soto), Dist. 36, art. 3 [abbreviation as in source].
14. St. Thomas, Summa theologiae, Supplementum, q. 63.
15. Council of Trent, Session 24, can. 8 (on Matrimony).
16. St. Jerome, In Matt. 19.
17. Urban III, Decretals, Extra, De divortiis, cap. "De illa".
18. St. Jerome, Super Matt. 18, on "If your hand scandalize you...".
19. the Master (of the Sentences), Dist. 39; St. Augustine, De fide et operibus, ch. 16.
20. Below, at Distinctio 39.
21. St. Thomas, Summa theologiae, Supplementum, q. 62, a. 1; see also q. 62, a. 1, and q. 67 [abbreviation as in source].
22. St. Augustine, De adulterinis coniugiis II, ch. 19.
23. St. Thomas, Summa theologiae, Supplementum, q. 62.
24. Decretals, Extra, De Adulteriis, cap. Tua fraternitas.
25. Alexander II, Decretals, Extra, De Divortiis, cap. Significasti [abbreviation as in source].
26. Innocent [abbreviation as in source], citing the juristic rule, "Equal crimes are removed by mutual compensation."
27. St. Augustine, De adulterinis coniugiis II, ch. 8.

28. St. Augustine, De sermone Domini in monte I, ch. 28.

29. Alexander III, Decretals, Extra, De Divortiis, cap. Ex litteris; and cap. Significasti.

30. "Dominicus post sanctum Thomam (art. 6, ad 3)" [abbreviation as in source].

31. Decretals, Extra, De eo qui cognovit consanguineam uxoris, cap. Discretionem.

32. Decretals, Extra, De Divortiis, cap. Significasti; and cap. Ex litteris.

33. St. Leo the Great, Epist. 79; cited by Gratian, Decretum, Causa 34, q. 2, c. Cum per bellicam.

34. Gratian, Decretum, Causa 22, q. 2, cc. Si virgo; In lectum; drawing from St. Augustine and the Council of Tribur.

35. St. Jerome, Epist. 147 ad Amandum.

36. Gratian, Decretum, Causa 32, q. 7, c. Omnes.

37. Gratian, Decretum, Causa 32, q. 1, cc. Si quis; Quod autem.

38. Innocent III, Decretals, Extra, De Divortiis, cap. Gaudemus (in fine).

39. Matt. 19; St. Jerome, Commentary on Matt. 19; 1 Cor. 7: "But if she depart, let her remain unmarried, or be reconciled to her husband."; St. Augustine, De adulterinis coniugiis I, chs. 6, 9.

40. St. Augustine, Retractationes I, ch. 19; Decretals, Extra, De Divortiis, cap. Si vir sciens (from the Council of Arles).

41. Gratian, Decretum, Causa 32, q. 1, c. Apud misericordem; Decretals, Extra, De Adulteriis, cap. [jam citato; abbreviation as in source]; Prov. 18; St. Jerome, Commentary on Matt. 19; cf. the so-called author of the Opus imperfectum under the name of Chrysostom, on Matt. 19.

42. "Dominicus" [abbreviation as in source].

43. Allusion to 1 Cor. 7: for the believing spouse working toward the salvation of the other.

44. St. Thomas, Supplement to the Summa theologiae, q. 62, a. 4.

45. Above, Distinctio 32, ch. 1.

46. St. Augustine, De adulterinis coniugiis I, ch. 1 and following; De bono coniugali, chs. 21–22.

47. Gratian, Decretum, 32, q. 5, c. Praecipit; c. Christiana (from St. Jerome, Ep. ad Oceanum, De morte Fabiolae); and the Epistle of Innocent I to Exuperius, can. 4; again 32, q. 7, c. Apostolus; c. Uxor a viro; c. Placuit (from the Council of Milevis, can. 17).

48. Decretals, Title De Adulteriis; Title De Divortiis.

49. St. Jerome, Ep. 146, to Amandus the Presbyter.

50. Eusebius, Ecclesiastical History IV, ch. 17, citing Justin Martyr.

51. Innocent III, cited above [abbreviation as in source].

52. The source appends a marginal note beginning: "Hic prae oculis habenda est provisio … 'Non peccat Maritus occ…' " [abbreviation as in source].

53. "Dominicus" [abbreviation as in source], Distinctio 31, corpus, and Art. 3.

54. Augustine adduces the rescript of the Emperor Antoninus in this connection [reference as in source].

55. St. Thomas, Supplement to the Summa theologiae, q. 62, a. 6.

56. 1 Cor. 7:10–11: "To them that are married, not I but the Lord commandeth, that the wife depart not from her husband. And if she depart, that she remain unmarried, or be reconciled to her husband."

57. Alexander VIII, condemnation of propositions, the nineteenth: [abbreviation as in source].

58. St. Augustine, De adulterinis coniugiis II, several chapters.

59. Dominicus, art. 6 [abbreviation as in source].

60. Deut. 24:1–4; St. Jerome, Epistle 146 to Amandus the Presbyter.

61. St. Thomas, Supplement to the Summa theologiae, q. 62, a. 5.

62. Cajetan, on Matt. 19 and on 1 Cor. 7; and again in the Articles imposed on him, 1 and 2; Catharinus, book 5, Annotations on Cajetan's Commentaries.

63. Erasmus, Annotations on 1 Cor. 7.

64. Council of Trent, Session 24, canon 5.

65. Matt. 5:32; cf. Matt. 19:9.

66. Mark 10:11–12.

67. Luke 16:18.

68. St. Augustine, De adulterinis coniugiis III, ch. 9.

69. Rom. 7:2–3.

70. St. Augustine, De adulterinis coniugiis II, ch. 4.

71. 1 Cor. 7:10–11.

72. Gen. 2:24; Matt. 19:6.

73. St. Thomas, Supplement to the Summa theologiae, q. 67, a. 1; and "loco proxime allegato" [abbreviation as in source].

74. St. Ambrose, Exposition on Luke 16; cf. alternative reference noted in the Benedictine edition: Sermon 260, among the Sermons of the second class [abbreviation as in source].

75. St. Ambrose, De Abraham, book 1, ch. 4; Exhortation to Virgins.

76. St. Jerome, Epitaphium Fabiolae, to Oceanus; St. Jerome, Epistle 147 to Amandus; Commentary on Matt. 19.

77. St. John Chrysostom, Homilies on Matthew, hom. 17 (on Matt. 5); Pope Innocent I, Epistle 3 to Exuperius, ch. 6; St. Augustine, De adulterinis coniugiis I, ch. 1 and following, and ch. 24; De bono coniugali chs. 7, 21, 22; De sancta virginitate ch. 15; De nuptiis et concupiscentia I, ch. 10; De sermone Domini in monte I, ch. 26; Sermo II De diversis; Quaestiones diversas, the last among 33; Homilia 47 (elsewhere numbered 50) [abbreviation as in source]; De fide et operibus ch. 19.

78. Primasius, Commentary on 1 Cor. 7; Isidore of Seville, De divinis officiis II, ch. 19; the Venerable Bede, Commentary on 1 Cor. 7 and on Mark 10; Theophylact, Commentary on Matt. 19 and on 1 Cor. 7; St. Anselm, Commentary on Matt. 5 and 19; Gratian, Decretum, C. 32, q. 7, where he adds, among others, a very clear sentence from St. Gregory and resolves apparently contrary texts; the Master (Peter Lombard), in the present Distinction, section C [abbreviation as in source]; St. Thomas, Commentary on 1 Cor. 7.

79. Alexander III, Decretals, Extra, De sponsalibus et matrimoniis, cap. Ex parte; Innocent III, Decretals, Extra, De divortiis, cap. Gaudemus and cap. Quanto; Alexander III again under the same title, cap. Quaesivit, cap. Significasti, and cap. Ex litteris.

80. Canons of the Apostles, canon 48; Council of Elvira, canon 9; Council of Milevis, canon 17; African Council, canon 69; English synod under Theodore, canon 10; cf. Bede, Ecclesiastical History IV, ch. 5.

81. Council of Friuli (Forojuliense), canon 10; Council of Nantes, canon 12; Decree for the Armenians [Synodicon to the Armenians] [abbreviation as in source]; Council of Trent, Session 24, canon 7.

82. St. Thomas, ibidem [abbreviation as in source].

83. St. Jerome, Commentary on Matt. 19.

84. St. Augustine, De bono coniugali, chs. 7, 15, 18, 24.

85. St. Thomas, "ubi supp." [abbreviation as in source].

86. Abulensis (Alfonso Tostado), Commentary on Matt. 19; Alphonsus de Castro, Contra haereses, s.v. Matrimonium.

87. St. Augustine, De sancta virginitate, ch. 23; Tractates on John, Tract. 9; Contra Adimantum, ch. 3.

88. St. Jerome, Commentary on Matt. 19; Theophylact, Commentary on Matt. 19; Euthymius Zigabenus, Commentary on Matt. 19; St. Basil, Regulae morales, Regula 79; St. Thomas, In hanc Distinctionem, art. 9, ad ult.

89. Gratian, Decretum, C. 32, q. 8; the Master [Peter Lombard], in the text; St. Thomas, Commentary on 1 Corinthians 7.

90. Gratian, Decretum 31, q. 1, c. Si quis; "[Quod si vero] vel casu vel in bello alium occiderit, non prohiberi… quo minus interfecti uxorem…" [abbreviation as in source].

91. St. Thomas, Summa theologiae, Supplement, qq. 50 and 52, a. 1.

92. Gratian, Decretum 19, q. 2; Decretals, Title "De conjugio servorum".

93. Paludanus and Dominic [Dominicus Soto], as cited by later canonists; cf. also Gratian, Decretum 31, q. 1.

94. St. Thomas, Summa theologiae, Supplement, q. 52, a. 2.

95. Gratian, Decretum 29, q. 2, c. Omnibus; Decretals, title "De conjugio servorum," c. 1 [abbreviation as in source].

96. Second Council of Châlons (Cabilonensis), canon 30; cited in Gratian, Decretum 29, q. 2, c. Dictum est nobis; and by the Master (of the Sentences) in the text.

97. St. Basil, Epistle 2 to Amphilochius, no. 49.

98. Balsamon, commentary on Basil's canon; with an Imperial law alleged in support [abbreviation as in source].

DISTINCTIO XXXVI — ON SEVERAL QUESTIONS TOUCHING MARRIAGE (*DE VARIIS QUAESTIONIBUS AD MATRIMONIUM PERTINENTIBUS*)

§ III — Three questions pertaining to the same matter are explained (Tres quaestiones eodem pertinentes explicantur)

§ 1. It is asked, to which party a married servant ought rather to defer: to his master giving some command, or to his wife asking for the conjugal debt (*debitum*). St. Thomas answers that in this matter there is need of prudence, and that the necessity of each party must be weighed; and one must comply with that party to whom the work of the man—whether as servant or as husband—appears in the present case more necessary, taking account on this side of the master's advantage, and on that side of the wife's danger from incontinence. This too must be observed: if the master consented to the servant's marriage (*matrimonium*), he ought not, by the exaction of work, to do any prejudice to the conjugal work; and if from that exaction the conjugal work suffers detriment, he is considered in consequence to have consented to it. But if he did not consent to the servant's marriage, then, other things being equal, the servant ought rather to be at the disposal of his master than of his wife. Alexander III's words are understood to mean this, when he says: "And if marriages shall have been contracted with the masters contradicting or unwilling, they are by no means on this account to be dissolved; nevertheless the due and customary services must no less be rendered to their proper masters."[2]

§ 2. Again it is asked, whether it is permissible for a master to sell a married servant to persons by whom he is to be taken away into a far-off region, far from his wife—especially if the wife too is a servant having a different master, and therefore cannot follow her husband. Here too, with St. Thomas, one must answer that such a sale, unless some necessity should compel the master to it, is altogether unjust and contrary to the natural law of marriage (*jus naturale matrimonii*), because by it spouses (*conjuges*), who are mutually debtors of their own body to one another, are violently separated. Wherefore it is fitting that such a sale be forbidden also by public law, since it is repugnant not only to charity (*caritas*), but also to justice (*justitia*), namely by depriving each spouse of a thing owed to him or her. Thus holds the Glossator on the aforesaid chapter.[3]

§ 3. Third, it is asked, whether a husband who is free may licitly sell himself into servitude (*servitus*) even with his wife unwilling. Since servitude can befall a free man—even one who is married—in two ways, namely, either if being captured in war he is reduced to servitude, or if he himself sells himself to another as a servant: about the former mode indeed there is no question, because that servitude befalls a man unwilling; but about the latter alone, which proceeds from the man's own will, this question is raised. To which one must answer that a man can do this even without waiting for his wife's consent, provided there is just necessity. And the reason is that, his wife's right being preserved—which, namely, both can and ought to remain intact to her for asking the conjugal debt—in all other things the man has free disposal of his own actions. Hence by this sort

of accessory servitude neither can a marriage once legitimately contracted be dissolved, even if perchance the husband had made himself a servant to the defrauding of his wife, nor is the wife bound to give herself into similar servitude; as was decreed in the Council of Tribur, and is found in Gratian, Cause 29, Question 2, chapter Perlatum.[4]

§ IV — What is the lawful age for contracting marriages (Quae sit contrahendis Matrimoniis aetas legitima)

§ 4. Although for contracting betrothals (*sponsalia*) the age of seven years suffices, as is had in Gratian's Decree, 30, Question 2, chapter Sponsalia, and in the Decretals, title On the Betrothal of Minors, in many chapters, nevertheless for contracting matrimony (*matrimonium*) a greater age is required, namely in the male fourteen years and in the female twelve, as the decrees of the Pontiffs have it (in the title just named).[6] The reason for this is that matrimony, besides mutual consent, requires in each of the contracting parties the capacity for the conjugal act, which ordinarily males do not have before the end of the second seven-year period, nor females before the end of the twelfth year. At which age, too, each of the two can dispose for himself or herself of the state of his or her life: not merely by promising, as happens in betrothals, but also by concluding a settlement, which is what is done in marriages—inasmuch as the judgment of reason is by then in some measure confirmed. Wherefore to matrimony, under a twofold consideration—both insofar as it is a human contract and insofar as it is directed to generation—the aforesaid term of age is rightly prefixed. And the reason why in the male a greater age is required than in the female is that, since by nature the male is more excellent than the female, he requires more time to be perfected both in soul and in body; for less perfect things come more quickly to maturity. But if the aforesaid age is lacking, the marriage is not valid, unless perchance malice or prudence (for in both ways the canons speak) supplies for age, as is the case in the same title (chapter De illis; in the chapter Tuae).[7] The sense of this exception is: unless it is ascertained by experience, or be ascertainable, that both are already fit for carnal intercourse; in which case it is to be judged a marriage.

§ 5. Nevertheless, one must know that a marriage contracted before the lawful age—provided it has been contracted in the presence of the parish priest and two witnesses according to the decree of Trent—has the force of betrothals, if, however, that time is not less than the seven years prescribed for betrothals, as is established in the Sext of the Decretals (the sole chapter On the Betrothal of Minors).[8] I add, provided it be in the presence of the parish priest, etc., because if it has been attempted otherwise, the contract will be altogether null and void, so that it cannot even be resolved into betrothals, as we showed (at Distinction 27) in the annotation on clandestine betrothals.[9]

§ 6. Moreover, although the age just named is so determined by the canons that marriages contracted before it are considered invalid, nevertheless, ordinarily those sin who, without waiting for a more mature age, rush into marriages. For that premature generation commonly causes that even the spouses themselves are weakened in strength and do not attain to manly robustness; and, besides—what is the principal point—that the children begotten are weaker and more imperfect, and cannot attain to a just age or to integrity of body. But the canons that treat of age declare not what is lawful or expedient, but in what age marriages are true and valid.

§ I — That one initiated into sacred orders has never been permitted to take a wife (Ordinibus Sacris initiato numquam licuisse uxorem ducere)

§ 7. We must now treat of the impediment to nuptials which arises from sacred order. Concerning which we will first show that never in the Church of Christ has it been permitted to presbyters, nor to deacons, nor to subdeacons, after receiving the order, to take a wife. Then we shall also explain other questions connected with this theme. And when we say that it has never been permitted, we will that this be understood generally of both the Church of the Greeks and the Latin Church, as will be evident from the canons and other testimonies subjoined.

§ 8. And first indeed there is no lack of Scriptures by which it is taught as very probable that this law of continence flowed from the Apostles themselves, and is therefore Apostolic. For the Apostle Paul wills (Tit. 1) that a bishop be "sober and continent." In which place it must be noted that the Greek word which the Interpreter renders "sober," as St. Jerome testifies in his Commentary, is ambiguous and in this place signifies "chaste"; but because chastity is also in marriage, for that reason the Apostle added "continent"—namely, from conjugal embraces—as Jerome there interprets.[11] The same Apostle (1 Tim. 4) admonishes that he "give an example to the faithful in chastity." But how will a bishop accomplish this if he is commended only in this, that besides his wife he knows not another woman, but lives content with the embraces of one woman, since this too is altogether required even of the lowest of the Faithful? Therefore there is required of him that chastity by which he absolutely abstains, and by which he also can be an example to others who are continent and to Virgins consecrated to God. To the same point tends what he says (in the chapter next following to Timothy): "Keep thyself chaste." For he does not speak of conjugal chastity, as though fearing lest Timothy stain himself with adulteries—whom he had appointed bishop of so great a city and province, and approved by the testimony of so many, as he had ordained (Acts 16)—but because he was living a celibate life and was young, he was by the Apostle to be exhorted to chastity. Meanwhile note that the Apostle does not refer him to marriage as a remedy for incontinence. For neither has any history handed down that Timothy had a wife—which nevertheless otherwise would most of all have been fitting on account of his still youthful age. Whence also Timothy himself, that he might restrain the wantonness of the flesh, macerated his body with drinking water, not without injury to his stomach and health, as the words that follow indicate. For this follows: "Drink no longer water," etc. The Apostle, admonishing the same Timothy (2 Tim. 2), that he "labor as a good soldier of Christ Jesus," subjoins: "No one serving as a soldier entangles himself with secular business." Now that nuptials pertain to secular business both the very thing itself declares, and St. Basil testifies (in the Prooemium of the Monastic Constitutions).[12] These things then sufficiently prove that it is not lawful for a bishop, nor was it lawful in the time of the Apostles, to take a wife, and therefore neither for a presbyter—both because of presbyters the Apostle was silent for this reason, as St. John Chrysostom testifies in his Commentary[13] ...

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1. St. Thomas, ibid. [abbreviation as in source].

2. Alexander III, cap. 1, Extra, De conjugio servorum: "Et si contradicentibus dominis vel invitis contracta fuerint: nulla ratione sunt propter hoc dissolvenda, debita tamen et consueta servitia non minus debent propriis dominis exhiberi."

3. The Glossator on the aforesaid chapter ["ad Capitulum supra dictum"].

4. Council of Tribur, in Gratian, Causa 29, q. 2, c. Perlatum.

5. St. Thomas, Summa theologiae, Suppl., q. 58, a. 5.

6. Gratian, Decretum, 30, q. 2, c. Sponsalia; Decretals, De desponsatione impuberum, various chapters [abbreviation as in source].
7. Sextus Decretalium, eodem titulo, c. De illis; c. Tuae [abbreviations as in source].
8. Sextus Decretalium, c. Unicum, De desponsatione impuberum. Cf. the Council of Trent, decree on marriage [abbreviation as in source].
9. Above, Distinctio 27, annotation on clandestine betrothals.
10. St. Thomas, Summa theologiae, Suppl., q. 53, a. 3–4.
11. St. Jerome, Commentary [as in source], on the pertinent passage.
12. St. Basil, Prooemium to the Monastic Constitutions.
13. St. John Chrysostom, in the Commentary [as in source].

DISTINCTIO XXXVII — ON THE CONTINENCE OF CLERICS AND THE IMPEDIMENT OF ORDERS TO MARRIAGE (*DE CONTINENTIA CLERICORUM ET IMPEDIMENTO ORDINUM AD MATRIMONIUM*)

§ 1. Canon 1 (1 Tim. 3), which would have almost the same prescriptions concerning them as concerning bishops, and especially according to the Adversaries, who do not distinguish between a bishop and a presbyter. Moreover, both the Apostle Peter (1 Pet. 3) and Paul (1 Cor. 7) wish married people to abstain for a time from the conjugal act so that they may be free for prayer, under which heading other divine things as well are included. From this apostolic doctrine Origen,[1] Epiphanius,[2] and St. Jerome[3] infer that bishops and the other ministers of the Altar must perpetually abstain from the conjugal act, since they ought perpetually to be free for prayer. To this is added that in the time of the Old Testament all who were either going to approach God or were going to handle holy things were commanded to abstain from their wives, as is clear (Exod. 19; 28; 1 Kgs 21). With these places and examples St. Ambrose,[4] St. Jerome,[3] and Bede[5] make use for establishing the continence of the ministers of the New Testament. Add that the priests of the Old Testament, during the whole time of their ministry in the tabernacle (for they did not minister there continuously, but only by turns), had to be away from their home and wives, as is sufficiently gathered from 1 Chron. 24 and Lk. 1. Whence the Roman Pontiffs, Siricius[6] and Innocent I,[7] and after them Bede,[8] take the argument that the priests of the New Testament, who always minister, must always abstain from the matter of a wife; whence it plainly follows that it is not lawful for them to take wives. But the same thing is proved much more clearly by the canons and decrees both of the Pontiffs and of the Councils.

§ 2. And first indeed, among the Apostolic Canons, there is one (number 27) which reads thus: "In the case of those advanced to the clergy when unmarried, we command that, if they will, they may take wives, but only readers and chanters."[9] Nor does it matter whether it be read "when unmarried" (innuptis), as some read with a single compounded word, that is, not married; and again, whether one read "to take a wife" or "to use a wife previously had." For in either way that canon openly confirms what we intend, namely, that for those who are constituted in the Major Orders it is not lawful to take wives. For if it is not lawful to use a wife, neither is it lawful to take one.

§ 3. Next, the very ancient Council of Ancyra (can. 10) decrees that deacons who at their very ordination do not protest that they wish to have a wife cannot, after ordination, take one; but if they do protest, and nevertheless are ordained by the bishop, they can take a wife, because then the bishop is deemed to have dispensed with them.[10] Now what is denied to deacons is, it is clear, permitted much less to presbyters. The Council of Neocaesarea of nearly the same age (can. 1) says: "If a presbyter shall have taken a wife, let him be

removed from his rank."[11] Now these two Councils were held among the Greeks; whence it is sufficiently understood how ancient this constitution is even among the Greeks. There follows the First General Council of Nicaea, also celebrated in Greece, which (can. 3) forbids that any woman live with bishops, presbyters, and deacons, except a mother, a sister, and an aunt.[12] Therefore, according to the Nicene decree, it is not lawful for them to have with them a wife staying in their company. Nor indeed does reason allow that the cohabitation of women be forbidden to those to whom it is permitted to have wives—especially since the wives of clerics, and most of all of bishops and presbyters, can neither be without, nor ought to be without, the service of handmaids. The Roman Council under Sylvester I (can. 8) forbids subdeacons to dare in any way to take wives.[13] Cyprian—or whoever was the author of the book On the Singularity of Clerics—writes that it was revealed to him by the Lord that clerics ought not to have women in their house, and he proves that at length.[14] Origen[1] wishes that those alone offer sacrifice who have devoted themselves to perpetual continence. Epiphanius says at the end of his work Against Heresies: "The holy priesthood is from virgins for the most part, or from solitaries, or, if they do not suffice for the ministry, from those who abstain from their own wives; and if anyone from the beginning has been continent, a widower, he can have the place of bishop, presbyter, deacon, subdeacon."[15] Another place of Epiphanius is in the Heresy of the Cathari.[2]

§ 4. St. Jerome, writing against Vigilantius: "What," says he, "do the Churches of the East do? What those of Egypt under the Apostolic See, which either receive clerics as virgins, or as continent, or, if they shall have had wives, cease to be husbands?"[16] And at the end of the Apology against Jovinian: "Bishops, presbyters, deacons are either chosen as virgins, or as widowers, or certainly chaste after priesthood."[17] Here again it must be noted that St. Jerome adduces by name the example of the Churches of the East, that is, of the Greeks. St. Augustine, in book 2 On Adulterous Marriages, chapter 20, speaking to those who, with an adulteress dismissed, seek other marriages on account of the weakness of the flesh: "We are accustomed," he says, "to set before them the continence of clerics, who for the most part are seized upon unwilling to undergo the same burden, and with the Lord's help lead it down to the due end," and what follows.[18]

§ 5. Pope Leo (in Epistle 84 to Anastasius, bishop of Thessalonica in Greece, ch. 4): "Whereas outside the order of clerics it is free for those set there to play at the society of marriages and the procreation of children, yet to exhibit the perfect purity of continence, carnal wedlock is not granted even to subdeacons, so that those who have wives may be as though they had none, and those who have not may remain single. But if it is worthy to be kept in that rank which stands as the fourth from the head, how much more is it to be observed in the first or second or third, lest anyone be thought fit for the Levitical ministry, or the presbyteral honor, or the episcopal excellence, who is detected as not yet having bridled the pleasure of a wife?"[19] So he in the place where there is a similar passage (Epistle 20 to Rusticus, ch. 3).[20] Callistus II—whom others less correctly make the first of that name—lays it down in Gratian (Distinct. 27) thus: "We altogether forbid presbyters, deacons, subdeacons, monks to have concubines or to contract marriages."[21] But lest we be unduly prolix in reciting testimonies, we will only indicate in the same sense other places of the Councils and of the Fathers.

§ 6. The Second Council of Carthage (can. 2) refers the continence of the ministers of the Altar to apostolic doctrine.[22] The same is required by the Fifth Council of Carthage (can. 3)[23] and the African Council (can. 37), in which St. Augustine was present.[24] The Second Council of Arles,[25] the First of Tours (can. 1 and 2),[26] and the Second of Tours,[27] Telianense III (can. 2),[28] the First of Toledo (cap. 4),[29] the Second of Toledo (cap. 1),[30] the Fourth of Toledo (cap. 29),[31] and the Eighth of Toledo (cap. 6),[32] the Council of Aachen (cap. 6),[33] of Worms (cap. 9),[^34] of Mainz (cap. 10),[^35] and older than all these, the Council of Elvira (cap.

33),[34] in which, as in most of the previous ones, even subdeacons are named. For that the more ancient canons are silent about subdeacons was not done as though they wished not to bind them with the common law of continence together with presbyters and deacons; for there is no canon that says subdeacons are excepted from that law, as the Apostolic Canon excepts chanters and readers; but the subdeacons are often included among the ancients under the general name of deacons, as their very name sounds—as if they were deacons' inferiors—whence what without exception is exacted from deacons is judged to be exacted likewise from subdeacons also; especially since many other canons both name subdeacons expressly and join them to deacons in this very matter. Add to these the General Council of Vienne under Clement V, in which, with heavy censures added, the same is established.[35]

§ 7. The places of the Fathers also are these: Pope Siricius (in the Epistle to Himerius, chs. 7 and 12),[6] Innocent I (in the Epistle to Victricius, ch. 9, and to Exuperius, ch. 1),[7] Gregory I (Epistle 42, and book 6, epistle 34, and in book 6 on the Books of Kings, ch. 1),[36] Pope Zacharias (in the last Epistle to Boniface, bishop of Germany),[37] and Leo IX in the book Against the Epistle of Abbot Nicetas,[38] and other decrees of the Roman Pontiffs which are read in Gratian (Distinct. 27, 28, 32) and in the Decretals under the title "On married clerics"; likewise Eusebius,[39] Epiphanius,[2] St. Ambrose (book 1 On Duties, the last chapter; in Epistle 82 to the Church of Vercelli; and his Commentary on 1 Tim. 1),[4] St. John Chrysostom (Homily 2 On the Patience of Job),[40] Cyril of Jerusalem (Catechesis 12),[41] Gregory of Nyssa (book On Virginity, the last chapter),[42] Isidore (book 2 On the Divine Offices, chs. 5, 8, and 10),[43] St. Anselm (Epistle 8),[44] Bede (book 3 On the Tabernacle, ch. 9),[45] Oecumenius (on that saying 1 Tim. 3: "the husband of one wife"),[46] Arator in the Acts (ch. 30),[47] and others whom it would be long to rehearse.

§ 8. To these one must add the canons and decrees by which those ordained are ordered to withdraw from wives taken before ordination; about which a little below. For he who is not permitted to use the wife which he has is allowed much less to take the wife which he has not. Moreover, to the decrees and sentences of the Fathers the examples too of all times agree. For as many bishops and presbyters of approved life as have existed from the times of the Apostles abstained from marriage, to such an extent that not even one example can be produced to the contrary. For the examples that are recounted by the Sectarians ought either to be understood of wives taken before ordination and nevertheless separated from the marriage-bed, or of minor clerics, or they are the examples of those who are reproved, or they are the forged lies of heretics.

§ 9. Now, because some unskilled people are accustomed to object to us the custom of the Greeks, it ought to be known that not only in the first times of the Church—as has already been shown from the Councils and Authors of the Eastern Church—but also after they fell away from the Roman Church, the Greeks retained this same law and custom with the other Churches, namely, that they forbid those who have been initiated to contract marriage. This is established by the Synod in Trullo, held after the Sixth Ecumenical Synod by the authorities of certain bishops around the year of the Lord 700, and with false name called the Sixth Synod. For canon 6, after the Apostolic canon has been alleged, prescribes to be observed that it is by no means lawful for any subdeacon, deacon, or presbyter, under the penalty of deposition, to contract marriage after his ordination. And this canon, even down to the present day, is kept by the schismatic churches of the Greeks and of those who adhere to the Greeks.

§ 10. It is asked: whether a marriage contracted by men so ordained is invalid. St. Thomas, in the question already cited, articles 3 and 4, teaches that the older canons so forbid the initiated to contract marriages as nevertheless not to signify that the marriages, if any should be attempted by them, are invalid, but only to

punish them by deprivation of honors.[48] Whence the first canon of the Council of Neocaesarea punishes a presbyter who has taken a wife more lightly than one who has fornicated. For thus it decreed: "If a presbyter shall have taken a wife, let him be deposed from order; but if he shall have committed adultery, let him be cast out of the Church and reduced to penance among the laity." Gratian reports this (Distinct. 25, cap. Presbyter).[49] But why the presbyter with a wife taken was not ordered to be set among the laity, the reason is this: that a place could be granted among clerics of the lower ranks, whom the law of the Church does not bind from marriage. Which place, on account of the very grave crime, the canon denies to presbyters stained with fornication or adultery.

§ 11. But the later canons and decrees of the Pontiffs render all such marriages void, and they command those who shall have been joined to be separated, with the penalty of excommunication established for those contracting, if, once their error has been recognized, they are not separated from each other. Thus the General Council of Vienne under Clement V established. The same is prescribed by Callistus I and Alexander III. Of whom Callistus is earlier than the other two—for he was in the year of the Lord 1100—and signifies that he is not enacting this first, as some falsely suppose, but that he is following the definition of the sacred canons.[50] Thus also much earlier than they, in Bede (in the Penitential) it is read: "If a presbyter, or a deacon, or a monk shall have taken a wife, he must be deposed in the presence of the people." By which words, while the marriage of a presbyter and of a deacon is compared with that which a monk contracts, it seems to be held similarly as invalid. And this is expressed in the decree of Callistus concerning both. From these things, therefore, it is established that, although the marriages of those initiated were not straightway invalid from the beginning, nevertheless, with the progress of time, canons were enacted by the Church by which, besides the prohibition which is apostolic, they also became invalid, and that these existed already before the times of Callistus. Which constitution of the Church the Council of Trent confirms (Sess. 24, can. 9), when it condemns with anathema the man who says that clerics constituted in Sacred Orders can contract marriage, and that the contract is valid notwithstanding the ecclesiastical law.[51]

§ 12. But this annulling, that is, making-null, decree had a manifest and necessary reason. For if such a marriage were only prohibited but not also invalid, the hope of marriage would not yet be altogether taken away from those ordained. And so it would come to pass that many, setting modesty after pride and, with ecclesiastical censures despised or neglected, would contract the desired and illicit—but nevertheless valid—marriages, to the immense dishonor of the Order and the scandal of the faithful; and afterwards they could not be rescinded, whereas now, with marriage by ecclesiastical law nullified and therefore despaired of, they are compelled by a certain happy necessity to resort to holier remedies of their incontinence.

§ III — Whether it is permissible to make use of a wife taken before ordination (An uxore ante ordinationem ducta uti liceat)

§ 13. From ancient histories of ecclesiastical affairs, indeed even from the Sacred Canons themselves, it is quite clear that in those earliest times of the Church married men were not infrequently taken up to the Sacred Ministry of the Altar, which even today has not entirely fallen out of use. Nevertheless provision was always made that such men be chosen as were themselves ready thenceforward to cultivate continence (*continentia*), and whose wives would be followers of the same resolve, because it has never pleased the Church to impose upon anyone against his will—whether a man or a woman—the necessity of continence. But if either the

husband or the wife refused this law of continence, there was no ordination (*ordinatio*). And as this was established from the beginning in regard to all the Sacred Orders (*Sacri Ordines*), so was it diligently observed in all, but most of all in the Bishop and the Presbyter. This, therefore, must be understood in all the canons and decrees by which those who are initiated are forbidden to lie with their wives: namely, that each spouse had, before ordination, of his or her own accord subjected self to the law of continence, or at least had consented to it at the very ordination—by word, or even by mere silence. For silence, in this matter, is held for consent, because of the public and well-known law of continence annexed to the sacred orders. The Council of Ancyra teaches this to us in canon 10, where those who were to receive the imposition of hands are said to have professed continence by mere silence.[10] Now the canons by which what we have said is forbidden are, for the most part, these: the Apostolic canon 27;[53] canon 29 of the Second Council of Carthage, which witnesses that it is of ancient observance and of apostolic constitution that the ordained should abstain from their wives;[54] the same law is prescribed and renewed by the Fourth Council of Carthage (can. 3) and by the African Council (can. 37), in which St. Augustine took part;[55] likewise the Council of Elvira (can. 33);[56] the Second Council of Arles (can. 2–3);[57] the Roman Synod under Sylvester I (can. 19)—which canon may be taken as speaking rather of the use of spouses than of new marriage, as can be gathered from canon 8;[58] [the Council] "Rausicanum" under Leo I (can. 20–21);[59] Tours (can. 1–2);[60] Mainz (can. 10);[61] Toledo I (can. 1), II (can. 1), III (can. 5), IV (can. 29), and VII (can. 7).[62] Finally, the Council of Agde (can. 21) so requires this law of continence from those to be ordained that it even wills that the consent of the wives be asked before the husbands are ordained.[63]

§ 14. Moreover, not a few decrees of the Pontiffs exist to the same effect—those of Pope and Martyr Lucius, in Gratian (Distinct. 81, cap. "Ministri");[64] and of Pope Siricius (in the Epistle to Himerius, bishop of Tarragona).[65] In the time of this Pontiff the pestiferous dogma of Jovinian—by which he equated marriage with virginity—infected many both of the clergy and of the nuns, as St. Augustine attests (in the book On Heresies).[66] Therefore by the same Pontiff, with the law of continence for the ministers of the altar renewed, it was condemned. Innocent I immediately followed him (in the Epistle to Exuperius), establishing precisely the same.[67] And the judgment of Leo I is well known (Epistle 81, ch. 4), wherein, concerning those ordained bishops, presbyters, deacons, and subdeacons (*Subdiaconus*), he commands that "those who have wives be as though not having, and those who have not, remain single." He teaches the same (Epistle 90, ch. 2).[68] Noteworthy also is the passage of Gregory I, book 1 (Epistle 42), where he says it is the custom of the Roman Church that subdeacons do not have intercourse with their wives; and therefore he orders all bishops to ordain no subdeacon except one who has promised to live chastely. Yet in that same place he does not permit the subdeacons of Sicily—who had not found the practice of continence among their own people, nor had promised chastity beforehand—to be compelled to separate from their wives. Whence it appears that the constitutions of Leo I and of other preceding Pontiffs concerning the continence of subdeacons were not well observed in Sicily, perhaps for this reason: that the Sicilians, being in a way Greeks, followed the license of the Greeks by reason of the nearness of the places. Concerning the same men Gregory nevertheless decreed that, if thereafter they were unwilling to keep continence, they should not be promoted to a higher Order: "Because," he says, "no one ought to approach the ministry of the Altar unless his chastity has been approved before he received the ministry."[69] It must be noted, moreover, in the words of Gregory—"that those who have found the use of continence among their own, nor have promised chastity, are not to be compelled"—from which in turn it is gathered that, for exacting continence from the ordained, either of these suffices, namely either custom or promise. Whence it is clear that, even if some subdeacon at his ordination had promised nothing

expressly (nor indeed is such express promise everywhere wont to be demanded of them), nevertheless he is bound to keep continence, because he has found the use of continence in place. For the use of the Church is that subdeacons keep continence; therefore to receive this Order in the Church is implicitly to submit oneself to the law of continence and to accept it freely; and such silence, as has already been said from the Ancyrene canon, is reckoned as consent.[70] Another passage of Gregory is in book 9 (Epistle 40).[71] The same doctrine is found in Gregory II (in the Epistle to Boniface),[72] and in Leo IX writing against the Abbot Nicetas,[38] and in other Pontiffs and Fathers, a great part of whom we cited above, whom we omit here for brevity. Finally it is confirmed by the examples of the Saints: for no praised bishop or presbyter (and we judge the same of deacons and subdeacons) is read, after his ordination, to have begotten sons of his wife. Nay rather, it is read in the Life of St. Remigius, by Hincmar as author, that Genebaud, bishop of Laon, on account of the crime of knowing his wife during the time of his episcopate, underwent heavy penance of seven years, imposed on him by St. Remigius, who flourished in the time of Pope Gelasius.[73] But if anyone should ask for Scripture, the same passages are most aptly produced here by which we showed above that the ordained are not to take wives. These are 1 Tim. 4–5; 2 Tim. 2; Tit. 1; 1 Pet. 3; 1 Cor. 7; and the others which we set out from the example of the priests of the Old Testament and from the holiness of the loaves of proposition, with the authors there alleged. For all these show that the ministers of the Altar ought to be kept away from the embraces of their wives, if they have them. What reasons there are by which both this doctrine and the former are proved, we shall say a little later.

Whether the same law was common also to the Greeks (Utrum lex eadem fuerit & Graecis communis)

§ 15. Since the foregoing decrees and canons are those of the Roman Pontiffs and of Western Councils, it is not yet sufficiently clear from them what must be judged concerning the Greeks and the Eastern Church: namely, whether that law of continence which forbids the ordained the use of wives previously taken pertained to them also of old. Concerning these there arose the greater doubt because, it is said, absolutely no canon exists by which that use is forbidden to the Greeks, and because custom was almost always among them, at least in certain places, to the contrary. But the answer is not doubtful, that even among them at some time such a canon existed. For Epiphanius the Greek affirms this expressly (the Cathari heresy), writing in this manner: "The Church does not receive as deacon or bishop or subdeacon a husband of one wife who begets children, but him who has kept himself from his one wife, or has lived in widowhood—especially where the canons of the Church are observed in their purity." And you will say to me: "In certain places even now presbyters and deacons and subdeacons beget children." But this is not according to the canon, he says, "but according to the mind of men which by lapse of time has grown dull and, on account of the multitude, since a ministry could not be found...."[75] Jerome also, writing against Vigilantius, attests that the Churches of the East and of Egypt either receive clerics who are virgins or continent men, or, if they have wives, abstaining from the marital act.[16] The same custom of continence among the Greeks and Egyptians is declared by Socrates, book 5 (of his Ecclesiastical History, ch. 23), and by Nicephorus (book and chapter as in the source).[76] Which is also indicated by Origen (Homily 25 on Numbers)[77] and by Eusebius of Caesarea, book 2 (Demonstratio evangelica, ch. 9),[78] both Greek authors, together with others whom we cited long ago.

§ 16. Nor indeed do we think that the canon to which Epiphanius refers has altogether perished. For besides the Apostolic canon received by the Greeks, which is rightly taken in this sense, there exists the third

canon of the Council of Nicaea, which forbids a bishop, presbyter, or deacon—under which the subdeacon also is contained—to have at home any woman except his mother, sister, and aunt. Which canon, and the First General Council of Nicaea celebrated also in Greece, forbids, so that with a bishop, presbyters, and deacons no woman dwell except the aforesaid; therefore, according to the Nicene decree, it is not permitted that a wife dwell with them. Nor is the reason merely cohabitation with women; for what is denied to deacons is certainly also not allowed to presbyters.[12] The Council of Neocaesarea follows with almost the same sense (can. 1): "If a presbyter," it says, "has taken a wife, let him be removed from his order." But these two Councils were held among the Greeks, whence it is well enough understood how old this constitution was even among the Greeks.'[11]

§ 17. However, later Greeks—altogether repudiating the ancient canon and custom—did not allow the law of continence to be exacted from those who, being married, should come to the Sacred Orders; and this was done not without the appearance of schism against the Roman Church. This is openly declared by the words of canon 13 of the Synod held in Trullo, where canon 2 of the Second Council of Carthage is also badly and perversely alleged, whereas that canon plainly makes against them.[79] Yet the same Trullan Council in canons 12 and 48 agrees with the Latins concerning the continence of bishops. For in the time of Epiphanius the thing tolerated in the case of others was by no means tolerated as to bishops, as is clear from the words cited above. But afterwards the Roman Pontiffs, out of zeal for peace and concord, allowed this liberty to the Greeks—that they might have intercourse with the wives whom they had married before ordination—as is evident from the rescript of Innocent III (in the Decretals: Extra, De clericis coniugatis, cap. "Cum olim"); and of a like tenor is another decree of the same Innocent (Extra, De divortiis, cap. "Finali"), by which a dispensation is granted to some more recent converts to the faith for marriage within a degree of affinity otherwise prohibited.'[80]

§ V — By what law and for what reasons continence is required of those ordained (Qua lege & ob quas rationes continentia ab ordinatis exigatur)

§ 18. There are certain actions pertaining to morals and to human decorum which have a certain principle from the law of nature (*lex naturae*), dictating, namely, that they are either honorable or dishonorable; those that are contrary to it have their unseemliness shown by natural reason itself, even without the aid of positive law (*lex positiva*), yet when this latter supervenes and perfects the law of nature, such actions are simply unlawful. Of this sort is the contracting of marriage (*matrimonium*) with those who are joined by blood or by affinity. For this is noted as repugnant to the law of nature among the Canaanites (Lev. 18; 20).[82] But because in a certain case and degree it can licitly be done, there was added the determination of positive law, first divine, through Moses, then of the Church, which stands in the Canons, by which that law of nature might be perfected. Such a thing is that a man deputed to the ministry of the Sacred Altar should take a wife, or should have conjugal commerce with a wife previously taken. Yet because it is not so great an evil but that to some, for a just cause, it can be granted, therefore, lest under the pretext of a reasonable cause the same thing should be usurped here and there and promiscuously by any persons, there was need of a positive law which, declaring and perfecting the law of nature, should confirm its institution.

§ 19. Therefore we can say that things of this kind are, inchoatively indeed, forbidden by the law of nature, but perfectly and absolutely only by positive law—especially if we speak of individual men. For that

such things should be done commonly without doubt has more of unseemliness and deformity, as in the case of marriages of kindred among the Canaanites. Hence, it does not seem to be denied that, when they are done so commonly and promiscuously, they are simply contrary to the law of nature; and so they are not so much to be conceded as to be sometimes permitted or tolerated by the abrogation of positive law, without prejudice to natural law. And in this sense indeed one must judge of the custom of the Greeks who make frequent use of marriage contracted before ordination.

§ 20. But that both are contrary to the law of nature—namely, that those ordained should contract marriage, and that, if marriage had been contracted before, they should make use of it—can be shown by many reasons, which, however, are almost all included under this one general reason. The law of nature dictates that each one must abstain from those things and actions which clash with his office, or at least hinder and dishonor him: but the bond of wedlock and the conjugal embrace greatly hinder the office of Bishops, Presbyters, Deacons, and Subdeacons, and they not a little dishonor the Sacred Orders (*Sacri Ordines*) themselves; therefore those ordained (*ordinati*) ought to abstain from them. The assumption is proved by an enumeration of the offices which pertain to the ordained, especially to Priests: these are, to sacrifice, to stand by and minister at the holy altars, to pray, to meditate continually on the Divine law, to preach the word of God, and, finally, by word and example to promote the salvation of the faithful people. Therefore that principal priestly function which consists in sacrificing requires great purity of mind and body, as St. John Chrysostom testifies, book 6 of On the Priesthood, and St. Jerome, book 1 Against Jovinian.[83] For if the Priest of the Old Testament withdrew from his wife and from his home (Lk. 1), and if they could not eat the loaves of proposition unless they were clean from women (1 Reg. 21), how much greater purity must be required of those whose task it is to sacrifice the true immaculate Lamb, or to assist Him who sacrifices, and to eat that Bread which came down from heaven—namely the very flesh of the Son of God—of which the former sacrifices and the loaves of proposition were only figures and shadows, by no means to be compared with the reality which they foreshadowed.[84]

At this point they say: it is enough if priests abstain from their wives only for so long as the turns for sacrificing have passed, as the Levitical priests used to do. This is also what the Orientals observe today. To whom one must reply that the priests of the Church are ordained to this end, that they may understand themselves to be, as it were, certain Nazirites, and that the whole time of their life is consecrated to the Lord, and that therefore they should devote it whole to the salvation of the people, by praying, sacrificing, and attending to other divine things—rather than assigning fixed intervals of time to secular matters or actions. But to the Levites some time for the use of marriage was of necessity granted for the propagation of the race, because that old priesthood was contained in that one tribe and in the one Aaronic stock. This reason, together with the reply, is suggested by Popes Siricius and Innocent I in the Epistles cited above, by St. Jerome (in the Commentary on Titus 1 at the words "sober"), by St. Ambrose (under the title Commentary on 1 Tim. 4), and by the Venerable Bede (on Luke 1).[85]

Accordingly, the second office is to pray; but married persons, as Peter and Paul signify (1 Pet. 3; 1 Cor. 7), ought, by mutual consent and for a time, to abstain on account of prayer; therefore, for the ministers of the altar, who must always pray, there must always and absolutely be abstinence from marriage. St. Jerome uses this argument in the place just cited.[86] To this is joined the third, that is, assiduous meditation on the divine law, which the business of marriage wonderfully hinders and disturbs; and so here, as in the other offices, one must carefully consider that saying of the Apostle: "He who is with a wife is solicitous for the things of the

world, how he may please his wife; he is divided" (1 Cor. 7).'[87] The fourth office (though not common to all the ordained) is the office of preaching the word of God; whose dignity the example of a married priest both lessens and, as witness book 1 of On Duties, in its last chapter, makes less effective with the people—for he who himself does not keep continence will not be listened to when he exhorts the faithful to perpetual continence—nor will such a one be able to say with the Apostle, "But I would have you all to be as myself." Hence the same Apostle admonishes Timothy, "Be an example to the faithful in chastity" (1 Tim. 4).'[88] The fifth is the pastoral care, to which, as is fitting, a man cannot wholly devote himself if he is distracted by the care of a wife and children. The sixth is the special care of the poor, with which there does not easily consist the solicitude of supporting a wife and children, for whom by precept of the law of nature a father ought to lay up treasure. Lastly, it must be noted what St. Epiphanius says in the heresy of the Cathari: that for the very honor of the Priesthood continence is necessary for priests. For unless the common people see in the priestly Order something outstanding—such as especially is abstinence from carnal intercourse—they will never pay to priests that honor which an Order so divine deserves.'[89]

§ VI — The adversaries' arguments are refuted (Refelluntur Argumenta adversariorum)[^92]

§ 21. There are many things which are objected by the Adversaries against the law of priestly continence (*continentia*), of which we will bring forward the chief, and we will likewise briefly resolve the same: and they are drawn partly from Scripture, partly from Canons and the Fathers, partly from reason. First, from Scripture: for the Apostle wills in 1 Timothy 3 and Titus 1 that a bishop, presbyter, and deacon be the husband of one wife, which he would not command, if he wished him either altogether to be without a wife, or to abstain from her.[^93] Second: the same Apostle in 1 Timothy 4 foretells that in the last days there will come certain persons forbidding to marry, and he numbers this among the doctrines of demons.[^94] Third: in Hebrews 13 he says, "Honourable is marriage in all, and the bed undefiled"; therefore marriage is to be forbidden to no one.[^95] Fourth, 1 Corinthians 7: "If you have taken a wife, you have not sinned."[^96] Fifth, 1 Corinthians 9: "Have we not power," says the Apostle, "to lead about a sister, a woman"—or, as in the Greek, "a sister, a woman," that is, a wife—"as also the other Apostles, and the brethren of the Lord, and Cephas?" For the Greek word signifies a woman rather than a wife, nor can "woman" be understood in this place is proved, because it would be added ineptly, since every sister is a woman. Certainly Clement of Alexandria understood "wife," Stromata 3, about the middle, where he also asserts that Paul had a wife, from this that he says Philippians 4: "I beseech also thee, true yokefellow," which from the Greek can be rendered "true consort."[^97]

Then there follow arguments from the canons. Sixth: Apostolic Canon 6 has: "A bishop or a presbyter is by no means to cast off his own wife under pretext of religion; but if he has indeed cast her off, let him be excommunicated; if he shall have persisted, let him be deposed": therefore they can, nay are bound, to retain a wife previously taken.[^98] Seventh: the Council of Gangra, in the Preface, numbers among the errors of certain heretics that they say presbyters who have contracted marriage ought to be despised, and that the sacraments which are confected by them are not to be touched.[^99] Eighth: the Council of Ancyra (can. 10) says, if at the very ordination they have protested, saying that they wish to have wives and cannot keep continence, if afterwards they shall have come to nuptials, let them remain in the ministry: therefore at least to deacons ordained with a protestation beforehand it will be permitted, their ministry being safe, to contract

marriage.[^100] Ninth: the Carthaginian Council in which St. Augustine took part (can. 3) decrees that bishops, presbyters, deacons abstain from their wives "in their own limits," that is, in the order of their "turns" of service, as the Fathers of the Sixth Synod (can. 13) interpret.[^101] Tenth: the Fathers of the Sixth Synod by the same canon establish, first, that subdeacons, deacons, and presbyters are not to be separated from their wives; but that they are not to touch them at the time of their "turn," according to the Carthaginian canon; then, that if any dare either to cast out the wives which the ordained had before, under pretext of piety, or if the ordained themselves cast out their wives, let them be excommunicated.[^102] Eleventh: Leo (Epistle 87), writing concerning a bishop, writes in this way: the Apostle teaching that among other Christian rules that man is to be ordained a bishop of whom it is established that he has been, or is, the husband of one wife; and by the same words he also indicates that the condition is to be observed in choosing the woman of the priest, lest perhaps in place of her, before she has come into his marriage, there be chosen a woman who had not had one husband but had experienced the marriage of another man. From which words it appears that a bishop is not only able to have a wife but also to be able to take one, if he does not have one.[^103]

Twelfth: Pope Stephen, in Gratian, Distinction 31, Cap. Aliter, says: "The tradition of the Eastern Churches is one way, that of this Holy Roman Church another. For in those Churches priests, deacons, or subdeacons are joined in marriage; but in this Church, or of the Westerners, none of the priests from subdeacon up to bishop has leave to enter upon marriage." Which words clearly testify that among the Orientals it is not only lawful for the ordained to retain the wives which they had, but also to be joined in marriage, and to acquire marriage anew those who were not married.[^104] Thirteenth: Platina in the Life of Pius II, and Sabellicus in his History, and Fulgosius (in the Memorabilia, under the heading Of sayings wisely spoken) relate that Pius II the Pontiff was wont to say: that to priests marriages had been taken away with good reason, but that with greater reason afterwards they seemed to have to be restored.[^105] Fourteenth: Socrates (book 1, ch. 8), Sozomen (book 1, ch. 22), Suidas (under Paphnutius), and Nicephorus (book 8, ch. 19) report that when the Fathers of the Council of Nicaea wished to enact a law that it should not be permitted to clerics to have intercourse with their wives, Paphnutius the Confessor stood up in the midst of the Council and contradicted; and that the Synod universal, moved by his arguments, subscribed to his sentence, and left continence to the discretion of each.[^106] Fifteenth: Sozomen (book 1, ch. 11) and Nicephorus (book 8, ch. 42) report that Spyridon, a bishop holy and famous for miracles, although he had a spouse in marriage and children begotten of her, was yet on that account no worse in divine things. And in Victor (book 2, On the Vandalic Persecution) a certain devout woman professes herself to have been the daughter of a certain pious bishop of the City Quiritana; and Gregory (Homily 38 on the Gospels) testifies that Felix the Roman Pontiff was his great-grandfather: for he had taken a wife.[^107]

They also add from reason: that the law of celibacy, even if perchance once useful, is now nevertheless useless to the priestly Order and to the whole Church, nay indeed harmful—inasmuch as so many, living immodestly, transgress it with great dishonor of the Order and scandal of the faithful people, while a few keep it inviolate; and therefore they contend that it must altogether be abolished. There are also other things which are wont to be objected, but which fight more against the vow than against the law of continence; to which accordingly we will reply in their own place (around the Distinction immediately following). Now let us reply to the proposals.

§ 22. To the first, then, it is answered that, if the apostolic precept is taken so that every bishop, presbyter, and deacon is bidden to have a wife, it would follow that neither Paul himself nor the other Apostles who

either did not have wives or left them for Christ, nay nor Christ himself, virgin Son of the Virgin, would have been worthy of the episcopal office. Therefore the Apostle wills a bishop, presbyter, and deacon to be the husband of one wife, that is (as we set out at Distinction 27), one who has not had more wives, whether at once or another after another, but either a single one or none; yet so that from that one, if he still has her, he should keep himself continent, according to that which is there added, "sober," that is, continent. This sense, first, is manifestly proved because the same Apostle in 1 Timothy 5 thus determines about widows: "Let a widow be chosen not less than sixty years old, who has been the wife of one husband," that is, who has not had more husbands than one. Then the authority of the Fathers proves it. For thus Tertullian understood it (Ad Uxorem I), Epiphanius (Heresy 59), St. Ambrose (De Officiis I, last chapter; also Epistle 82), St. Jerome (on Titus 1; and in the Epistle to Oceanus), St. Augustine (De Bono Conjugali ch. 18), St. John Chrysostom (Homily 2 on the Epistle to Titus), and as many as have commented on the Epistles to Timothy and to Titus, both Greeks and Latins.[^108] The Pontiffs also confirm the same by their decrees—Siricius (Ep. 1, c. 11), Innocent I (Ep. 22, c. 1), Leo (Ep. 88, c. 1), Gregory (Ep. 1, c. 5), Hilary in the Roman Council—and most clearly it is confirmed by the perpetual usage of the Universal Church, which, on account of this apostolic law, repels from the Greater Orders bigamists and has always repelled them, as Innocent and Leo bear witness in the Canons found in Gratian, Distinction 26, and from the Decretals, Title On Bigamists.[^109] Nor must it be passed over that from these same words of the Apostle it can be established that to some at least of the ordained it is not granted to take a wife. For if the Apostle does not admit a bigamist to sacred order, much less does he permit one already ordained, on his wife dying, to take a second and so become a bigamist. Therefore it is established from this Scripture that certain ordained men are by apostolic law prohibited from marriage.

§ 23. To the second: the Church prohibits marriage to no one simply; nay, she teaches that the law of continence is not to be imposed on anyone unwilling; but she wills that no one be assumed to Sacred Orders who does not of his own accord, before he is ordained, take up the yoke of continence. And yet that "forbidding to marry" was said only of those who were going to condemn marriage as evil in itself, such as the Encratites, Marcionites, and Manichees. Of whom St. Jerome in Contra Jovinianum I, St. Augustine in Contra Faustum Manichaeum XXX, chs. 5–6, St. Chrysostom, and others in their commentaries on that passage of the Apostle explain it.[^110] But not of those who might perhaps prohibit marriage to some persons for a legitimate cause, just as Jonadab the son of Rechab forbade wine to his descendants (Jeremiah 35), and much less of those who would admit to the ministry of the Altar only such as are continent.[^111]

§ 24. To the third we answer: the Apostle in that place hands down precepts pertaining to morals, whereby he admonishes what ought to be done. The sense, therefore, is: let marriage be honorable and undefiled in all who are lawfully joined, so that they do not dishonor it by fornications and adulteries. Whence it follows: "For fornicators and adulterers God will judge." Others bring forward other interpretations, but this which we have said most fits the Text, and is plainly the genuine one.

§ 25. To the fourth: there the Apostle speaks of one who is not bound by a vow. For of those who by vowing have of their own accord taken up the yoke of continence, he says in 1 Timothy 5: "But if they wish to marry, they have damnation, because they have made void their first faith."

§ 26. To the fifth it is answered that in that place "woman," as the Translator renders, is to be understood, not "wife," notwithstanding the authority of Clement of Alexandria, who in this opinion is singular. For the Apostle speaks of devout women, such as the custom of the Hebrews had, who followed the Apostles and

ministered to them, as women are read to have followed the Lord, Luke 8. And this is the common interpretation of all the Commentators; to whom add Tertullian (De Monogamia ch. 14), St. Jerome (Contra Jovinianum I, ch. 14), and St. Augustine (De Opere Monachorum chs. 4–5). Nor does the name "woman" put after "sister" stand in the way, because, according to the sense, it precedes: for it is said in that phrase in which in the Acts he not rarely says, "Men, brethren." Finally, it must be noted that although Clement understood "wives," he nevertheless adds that the Apostles had them "as sisters," not as wives—which is sufficient for the present place. But that Paul never had a wife is far more probable. Certainly in 1 Corinthians 7 he numbers himself among those who do not have wives, when he says: "But I say to the unmarried and to the widows: It is good for them if they so remain, even as I;" and again: "But I would have you all to be as myself." Wherefore the opinion of those is to be rejected who understand the place Philippians 4 of Paul's wife.

§ 27. To the sixth it is answered that the sense of the canon is that clerics are not to cast off from their care wives taken before ordination. For they are bound to support them and to provide for necessities, according to that: "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" (1 Timothy 5:8). Which sense the Synod itself suggests (cap. 48), where it is said that a bishop's wife ought to live in some monastery, under the providence of the bishop her husband. The same is prescribed by the Second Council of Tours (can. 8), when it says that a married bishop ought to have his wife "as a sister," and to take care of her, but this without any suspicion of carnal commerce. To which is added that the Greek word which the Interpreter renders "religion," namely sylabeias (συλαβείας), properly signifies "caution," so that the sense is that a bishop or a presbyter ought not to cast off the care of a wife under the pretext of the caution whereby he wishes to guard himself from the danger or suspicion of incontinence and carnal intercourse.

§ 28. To the seventh: the Synod of Gangra acts against those who condemned marriage as evil and therefore also avoided presbyters who had sometime been married or still were, as unclean, unwilling to be present at their sacred rites and to receive the Eucharist from their hands. This is clear both from the whole Preface and from Sozomen, who in book 9, chapter 45, discloses the occasion of the decrees of that Council. [^112] Add that in the Preface of the Synod it is not said "who use marriages," but "who have contracted marriages," that is, before ordination; and in chapter 4 it is not said "who has a wife" or "uses her," but "who had a wife," by which it is sufficiently intimated that the Synod did not wish to give support to presbyters having wives as to their use.

§ 29. To the eighth: the Ancyrene canon shows what among the Greeks, by whom it was issued, was at some time permitted, and that in deacons only; whence it is sufficiently understood that in presbyters it was by no means permitted. But among the Latins nothing of the kind is ever read to have been established, not even about subdeacons. Nay, not even among the Greeks themselves, besides this canon, is any other like it found, by which, namely, to deacons that liberty of making a protest at their ordination is indulged. Whence it is clear that that Synod's permission was only temporary and particular, by which it was permitted to deacons ordained with a protest declared beforehand to remain in the ministry even if afterwards they had taken wives, because the bishop had given them license. Nor, however, is it added whether certain bishops gave that license rightly or not, namely by ordaining those protesting. There are, moreover, those who interpret this canon, not of taking a wife, but of using her who had been taken before ordination.

§ 30. To the ninth it is answered that that Carthaginian canon was badly translated from Latin into Greek. For the Latin texts do not have "in their own limits," but "according to the former state," or "according to their own statutes," that is, according to the prior canons issued in the Church of Carthage. For the Fathers of that Council had regard to the second canon of the Second Council of Carthage, which simply prohibits to the ordained the use of wives, and that according to the doctrine of the Apostles and ancient observance.[^113]

§ 31. To the tenth it is answered that the Sixth Synod issued no canons, just as neither did the Fifth Synod. That this is so the Seventh Synod testifies (Actio 4 [abbreviation as in source]).[^114] But, nearly twenty-seven years after that Synod, certain schismatic Greek bishops gathered in the palace at Constantinople, which was called the Trullus, and there issued many canons under the name of the Sixth Synod; in which are found certain things established in a schismatic spirit and out of hatred for the Roman Church—of which kind this thirteenth canon is without doubt, since in it openly and by name the custom of the Roman Church is reproved. And Pope Sergius rejected that Synod as erroneous, as Bede relates in the book On the Six Ages, and Paul the Deacon in the Roman History, book 8, chapter 9.[^115]

§ 32. That the law of continence (*lex continentiae*) for those initiated to sacred things is not mutable, that is, cannot be dissolved without injury to the sacred Orders and the dignity of the priesthood, is attested by Siricius (Epistle 1, ch. 7) and Innocent I (Epistle 3, ch. 1),[91] and the reasons learnedly and copiously set forth in defense of that law convince. They seem to judge rightly who say that neither can the Roman Pontiff abolish the law and, by a general power, make it permitted to those ordained—especially priests—to take wives. For this would be as if someone were to say that he could abrogate the canons by which marriages of those related by consanguinity or affinity are prohibited. Much less are those to be listened to who think that the Church will at some time, of set purpose, abolish that law once for all. Hence certain persons who have usurped utmost license in this matter have gone so far as to allow that not only might those already ordained take wives, but also that, if they had only received them before ordination, they might retain them; which very thing, however, we have already shown above to have been permitted by the Church to them, not because it is good, but on account of the hardness of their heart. But because it is one thing to abolish a law and another to dispense, it must not be denied that it can be dispensed in this matter.

§ 33. That the celibacy of major clerics (*Clericorum Maiorum Caelibatus*) has been religiously observed by all the authors who hand the matter down, is not opposed to the statement that someone already ordained may, by dispensation, take a wife, just as it is certain that the Supreme Pontiff has sometimes granted to other men dispensation for the like after the diaconate or subdiaconate had been received. An example of such dispensation is seen even today in the Council of Ancyra, where it is said that to deacons who, at their ordination, protest that they are not able to contain with regard to a woman, there is given by the bishops ordaining them a license to contract marriage.[92] Likewise in Gregory one reads of the Subdeacons of Sicily using their wives, whom he does not wish on that account to be driven from office, but rather to be tolerated.[93] The reason of this doctrine is that, as St. Thomas says (II-II, q. 88, a. 11), continence annexed to sacred Orders is only by decree of the Church.[94] Whence also the Fathers of the Council of Trent (Session 24, canon 9) call this an ecclesiastical law. But the Church, or the Pontiff, can dispense in other laws or statutes of the Church, even of the universal Church. The contrary of this was condemned a hundred years ago in Peter of Oxum [abbreviation as in source].[95] Indeed Cajetan, in his Responses to certain articles, affirms that the Pontiff can do this even if the cause of public utility be lacking.[96] Moreover, this can be proved also by an argument from what is like: for, the priestly office being safe, he can grant dispensation so that a man may use

a marriage contracted before ordination—something which those who are of a different opinion do not deny, and they admit that it has sometimes been done, and that among the Greeks it has been permitted by the Church; therefore he can also dispense that one already ordained may contract. For whether a wife has been taken before Order or after, the use of her equally hinders, perturbs, and disgraces the office and dignity of the priest; and therefore neither should be conceded, unless, because of a just cause, there be a compensation for these inconveniences. But that the order of presbyter does not of itself repugn marriage is plain also from this, that if a presbyter of old had taken a wife, he was not separated from her as though by a marriage invalid from the beginning, but was removed from ministry. Therefore the marriage was valid, although the Church forbade such a conjunction, yet not as yet rendering it void.

§ 34. From these things, therefore, it is shown how improbable is what some teach—for instance John Major in IV Sentences, dist. 24, q. 24, and Clichtoveus in the book On the Continence of Priests—that the law of priestly continence is of divine right, and therefore that no dispensation can be made in it. For their reasons truly prove nothing else than that it is in the highest degree fitting that priests cultivate perpetual continence, and that the removal of that law cannot be done without great detriment to ecclesiastical dignity and impediment to priestly office; they do not, however, prove that it cannot, for a reasonable cause, be dispensed.

§ 35. Nor does the solemn vow made expressly or tacitly at the reception of Orders stand in the way of this dispensation. For since continence does not pertain to the substance of the sacred Order (*Ordo Sacrus*), although it greatly comports with it, that obligation which arises from a vow of continence can, with the ordination remaining safe, be removed by authority of the Church. For there is another account with respect to the vow of religious, since for the religious state to which one is consecrated by vow, continence is essentially annexed, so that a dispensation cannot be given over its vow. And so the solemnity of the vow of continence in ordination regards of itself the ordination itself, by which a man is consecrated to sacred ministry; but it regards per accidens the vow of continence, inasmuch as it is not made without such a tacit or express vow. Whence, if we speak properly, this vow is not solemn but simple; the solemn consecration, however, belongs to Sacred Ordination, not by the nature of the thing but by ecclesiastical law, and thus is annexed by the Church's own constitution as a diriment impediment of marriage. From the declaration of the canon of the Council of Trent (Session 24), by which are condemned with anathema: "Those who say that clerics constituted in sacred Orders or regulars who have professed chastity can contract marriage, and that the contract is valid, notwithstanding the ecclesiastical law or the vow."[^122] In which words solemn profession of chastity seems to be attributed to religious; this, however, does not follow: "notwithstanding the ecclesiastical law or the vow" has been added in such a way that each member is to be referred to each subject severally. For the ecclesiastical law hinders on account of clerics constituted in sacred Orders, the vow on account of religious.

§ 36. Since these things are so, much more can it be brought about by ecclesiastical dispensation that someone be ordained without having first made a vow of continence. For here there is dispensation only in the law of the Church; there, at once in the law and in the vow. Note also from these words that it is not necessary to say that the vow of continence is annexed to sacred Order, but that the law of continence is; for there is no canon which establishes the former, whereas the latter is openly taught by the canons.

§ VIII — Whether killing a wife is licit, and to what extent it impedes marriage (Uxoricidium an licitum, & quatenus impediat matrimonium)

§ 37. And St. Thomas does not say that a vow of continence (*votum continentiae*) is annexed to sacred Orders by decree of the Church, but that a debt of continence is; yet rightly in many Churches a promise also is exacted, in order that those who are ordained may know their obligation.

§ 38. Among the impediments which arise from crime is counted the killing of a wife by her husband, expressed in one word as wife-killing (*uxoricide*, Latin: *uxoricidium*). Now it happens that a wife is killed by her husband either on account of adultery or for some other cause. And, first, it is quite established that it is not licit for a husband, even if he should catch his wife in the very act of the crime of adultery, to kill her by private authority—much less outside the act of flagrant crime, or on account of any other cause whatsoever. For he who does this sins against the precept, "Thou shalt not kill," and against that saying, "Vengeance is mine, and I will repay." The same is taught by the canons in Gratian: "Interfectores," "Quicumque," and "Admonere."[99] Reason also proves it: because since husband and wife are engaged with equal right in the marital matter, if it were licit for the husband to kill an adulterous wife, it would be licit for the wife to kill her husband—which is absurd, though some concede it.

§ 39. Nevertheless it must be admitted that the civil laws do not punish a man if he does this only in the very moment of the perpetration of adultery, and that because of the most just and extreme distress of mind which jealousy arouses in a husband; although in conscience he is not excused from the sin of homicide, albeit greatly attenuated by the circumstances. Pope Nicholas teaches this in the chapter "Inter haec" in Gratian where cited above.[100]

§ 40. But as regards an impediment to marriage, uxoricide impedes contracting marriage, but does not dissolve a marriage contracted; and of this the two canons just cited, "Interfectores" and "Admonere," speak. And a like impediment arises if, out of hatred or a quarrel or any similar cause or occasion, a husband kills his wife. For although the killing of an adulterous wife caught in the very act may seem to merit pardon because of the husband's just pain, to which indeed the civil laws attribute that fault; nevertheless the Church, which in her constitutions chiefly looks to the salvation of souls, grants no more indulgence to a husband, as regards the present impediment, if he has killed the adulteress in the very crime, than if he had killed her much later or for some other cause. For he who in the very act of adultery kills his spouse renders her salvation desperate, leaving no space for repentance.

§ 41. Moreover, if someone, after perpetrating adultery with another woman, should afterwards kill his own wife, or, with another woman being aware and consenting—although no adultery may have intervened—should bring death upon his wife; he will never be able to contract a valid marriage with that woman, whether the adulteress or the woman conscious of the murder, according to what was said above, at the end of Distinction 35.

§ 42. And what we have said about uxoricide must likewise be said, correspondingly, about husband-killing (*mariticidium*) perpetrated by a wife, although Silvester resists this; yet, rightly after Paludanus in IV, Distinction 34, and Dominicus in Distinction 37, Navarrus judges thus (Enchiridion, ch. 22, no. 74).[101] For although the laws are silent on this matter because of the rarity of cases, nevertheless the rationale is either entirely the same or even stronger—inasmuch as it is assuredly held more absurd for a woman to kill a man

than for a man to kill a woman. For also the woman who sins more gravely by committing adultery more deserves to be killed than the man who sins less. Nay rather, according to the interpretation of law the case is the same: whatever things are said of one spouse are understood similarly of the other, especially where impediments are concerned.

§ IX — What a vow is and how it is made (Quid votum & quomodo fiat)

§ 43. Since an impediment to marriage is often objected by reason of a vow (*votum*), it should be seen what sort of impediment this is. And that it may be better understood, one must first say what a vow is, and what is its matter, and what is the variety of vows. For not every vow equally, by its formal character (*ratio*), impedes marriage. A vow, then, is a deliberate promise of some better good made to God ("Promissio deliberata boni cujuspiam melioris Deo facta").

§ 44. A promise indeed, because it does not suffice for the formal character of a vow to propose in one's mind that he will do something, unless promise be added. For a purpose is when someone says in his mind that he will do this or that, where only an obligation of truth is born; but a promise is when someone binds himself to another to do something, whence is born an obligation of fidelity. Therefore a promise is not without a purpose and at least the will to promise; a purpose, however, is often without a promise. Hence neither are holy purposes always conjoined with a vow, nor is the obligation of a purpose and of a promise equal—as we showed above (at Dist. 30) when we treated of the Blessed Virgin's vow.

§ 45. "Deliberate" is added, because a vow is a certain private law which a man imposes upon himself; and therefore it obliges only him who has freely and deliberately made the vow. Hence those vows are not held valid which are made either before full use of reason, or, because of fear or ignorance, are rightly judged involuntary.

§ 46. Moreover a vow ought to be made of a better good—not, indeed, simply so as to be a vow according to the general formal character of a vow, but so far as it is an act of Religion. For that must be vowed which is pleasing to God, and which it is better to do than to omit. Whence it comes about that from the matter of a vow four or five kinds of things are excluded. First, impossibilities—as if someone were to vow that he would live without venial sins. Second, necessities, such that they are not in our power—as if someone were to promise God that he will die when it pleases Him. Third, sins—as when in Acts 23 the Jews vowed that they would kill Paul. This is like a promise by which someone promises a father that he will kill his son; for this is not so much to vow or to promise as to threaten. Fourth, useless works, vain or indifferent—such as to look at a wall, to lift a straw. Fifth, goods indeed, but such as are impediments of a greater good—as to take a wife; although this too sometimes can be a legitimate matter of a vow for a man very incontinent.

§ 47. Now by what has been added, "made to God," a vow is distinguished from a promise that is made to a man, even if it be made with an oath. For vows indeed are made to God; oaths, however, are made to men by God. But if someone should promise to some man that he will do something for God, that promise will be a vow confirmed by an oath.

§ 48. Moreover, for the substance of a vow it makes no difference whether it be made by thought alone, or also be expressed by words or other signs. For these are needed only that we may make our promise known

and attested to men, not in order that the promise which we make to God may truly subsist or hold us as obliged.

§ 49. Finally it must be noted, against Luther, that whereas in him who vows a twofold purpose of the will can be understood—one of vowing, the other of fulfilling that which he vows—the former only is necessary for this, that the vow and the obligation of the vow subsist. Hence those are not excused from this obligation who confess indeed that they have had the will of fulfilling the things which they vowed. Nay rather, these are gravely to be rebuked as deceitful and faithless in their vow. That this is so is evident from promises which are made to men.

§ II — On the things necessary for salvation, in what manner a vow is made (De necessariis ad salutem qua ratione votum fiat)

§ 50. Just as a promise to men, so a vow (*votum*) to God is wont to be made only about things that are not owed. Hence also the vows of which Scripture makes mention are for the most part about those things which could be omitted without sin, according to that saying of Deut. 23: "If you are unwilling to promise, you will be without sin." Yet it sometimes happens that both a promise to a man and a vow to God are made about that which is owed: as about repaying a loan, about avoiding fornication, about never telling a lie. Moreover, vows of this kind—about things necessary for salvation, or owed by reason of precept (*praeceptum*)—are understood to be made in two ways. In one way, if it is not enough for a man to be simply obliged to keep the precept of God, but he further wishes also by a vow, as by a second bond, to bind himself, so that it may be all the less lawful for him to depart from the observance of the precept. Thus Jacob seems to have vowed (Gen. 28): "If the Lord shall be with me," etc., "the Lord shall be my God." So too the Psalmist, according to certain interpreters, by a sworn vow, as by another bond, bound himself to God to keep justice, saying: "I have sworn and have determined to keep the judgments of thy justice" (Ps. 118).

§ 51. In another way, he does not intend to throw a new bond upon himself, but only to declare and recognize the debt by which he was already bound beforehand: as if a creditor should promise a debtor the payment of a debt which he had long wrongfully denied, such a one does not intend to bind himself by a new obligation different from the prior one, but by promising payment he acknowledges the old debt and recognizes the former obligation. In this latter way a vow is made by all Christians in Baptism, when, either by themselves or by their sponsors, they renounce Satan and all his pomps. To this all men are simply obliged by the law of nature; unbelievers, however, do not acknowledge that obligation. Therefore it was instituted by the Church from the beginning, that those who come to Baptism, recognizing the old obligation, should pledge that they will satisfy it.

§ 52. Dionysius makes mention of this promise; Tertullian; Cyprian; Basil; Ambrose on that passage Lk. 20, "Whose image and inscription hath it?"; Jerome, at the end of the First Apology against Rufinus; St. Augustine in Epistle 23(a) to Boniface, and 59 to Paulinus, and in On the Merits and Forgiveness of Sins, book I, ch. 34, and in book 4 On the Creed, ch. 10, and on Ps. 75; St. Gregory in Homily 29 on the Ascension of the Lord; and Bede, book 3 of the Ecclesiastical History of the English, ch. 19.[104]

§ 53. Such also was the pledge of the sons of Israel when they made a covenant with the Lord and said: "All things which the Lord hath spoken we will do" (Exod. 19; 24); and as often as after transgression they are read to have turned back to God, they renewed that covenant, as in 4 Kgs. 11; 23; Neh. 9; 10. Since therefore

promises of this sort do not introduce any new obligation different from the prior one, but only renew and confirm the earlier one, it follows that by their violation there is not constituted a new species of sin, but the sin left in the same species is aggravated. For just as a sin is graver in one who knows than in one who is ignorant, so it is graver in him who has recognized himself to be a debtor, and by recognizing has promised to pay, yet has not paid, than in one who has neither recognized nor promised. Whence it is not true either that a Christian sins twice as often whenever

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1. Origen, Homily 23 on Numbers.
2. Epiphanius, in the Heresy of the Cathari ["in Haeresi Catharorum"].
3. St. Jerome, Contra Jovinianum I; also on Titus 1.
4. St. Ambrose, De officiis I, last chapter; cf. Epistle 82 to the Church of Vercelli; Commentary on 1 Tim. 1; Council of Worms, ch. 9; Council of Mainz, ch. 10.
5. Bede, De tabernaculo I, ch. 9.
6. Siricius, Epistle to Himerius.
7. Innocent I, Epistle to Victricius; also to Exuperius.
8. Bede, on Luke 1.
9. Apostolic Canons, no. 27.
10. Council of Ancyra, canon 10.
11. Council of Neocaesarea, canon 1.
12. First Council of Nicaea, canon 3.
13. Roman Council under Sylvester I, canon 8.
14. [Pseudo-]Cyprian, De singularitate clericorum.
15. Epiphanius, end of the work Contra haereses.
16. St. Jerome, Contra Vigilantium.
17. St. Jerome, Apologia contra Jovinianum, at the end.
18. St. Augustine, De adulterinis coniugiis II, ch. 20.
19. St. Leo the Great, Epistle 84 to Anastasius of Thessalonica, ch. 4.
20. St. Leo the Great, Epistle 20 to Rusticus, ch. 3.
21. Callistus II, as cited in Gratian, Distinct. 27.
22. Second Council of Carthage, canon 2.
23. Fifth Council of Carthage, canon 3.
24. African Council, canon 37; St. Augustine was present.
25. Second Council of Arles.
26. First Council of Tours, canons 1–2.
27. Second Council of Tours.
28. "Telianense III, canon 2" [abbreviation as in source].
29. First Council of Toledo, ch. 4.
30. Second Council of Toledo, ch. 1.

31. Fourth Council of Toledo, ch. 29.

32. Eighth Council of Toledo, ch. 6.

33. Council of Aachen, ch. 6.

34. Council of Elvira, ch. 33.

35. General Council of Vienne under Clement V.

36. St. Gregory the Great, Epistle 42; book 6, epistle 34; and book 6 In libros Regum, ch. 1.

37. Pope Zacharias, last Epistle to St. Boniface, bishop of Germany.

38. St. Leo IX, Contra epistolam Nicetae Abbatis.

39. Eusebius, Demonstratio evangelica I, ch. 9.

40. St. John Chrysostom, Homily 2 De patientia Job.

41. St. Cyril of Jerusalem, Catechesis 12.

42. St. Gregory of Nyssa, De virginitate, last chapter.

43. St. Isidore of Seville, De divinis officiis II, chs. 5, 8, 10.

44. St. Anselm, Epistle 8.

45. Bede, De tabernaculo III, ch. 9.

46. Oecumenius, on 1 Tim. 3 ("Unus uxoris virum").

47. Arator, De actibus apostolorum, ch. 30.

48. St. Thomas, question already cited, arts. 3–4 [abbreviation as in source].

49. Gratian, Distinct. 25, cap. "Presbyter."

50. Callistus [as in source], and Alexander III, decrees on the nullity of such marriages.

51. Council of Trent, Session 24, canon 9.

52. St. Thomas, ibidem [abbreviation as in source].

53. Apostolic Canons, canon 27.

54. Second Council of Carthage, canon 29.

55. Fourth Council of Carthage, canon 3; African Council, canon 37. St. Augustine was present.

56. Council of Elvira, canon 33.

57. Second Council of Arles, canons 2–3.

58. "Canon 8" [abbreviation as in source].

59. "Rausicanum" under Leo I, canons 20–21 [abbreviation as in source].

60. Council of Tours, canons 1–2.

61. Council of Mainz, canon 10.

62. Councils of Toledo: I, canon 1; II, canon 1; III, canon 5; IV, canon 29; VII, canon 7.

63. Council of Agde (Agathense), canon 21.

64. Pope Lucius, in Gratian, Distinct. 81, cap. "Ministri".

65. Pope Siricius, Epistle to Himerius of Tarragona.

66. St. Augustine, De haeresibus.

67. Pope Innocent I, Epistle to Exuperius.

68. Pope Leo the Great, Epistle 81, ch. 4; Epistle 90, ch. 2.

69. St. Gregory the Great, Epistle 42 (book 1).

70. Council of Ancyra, canon 10 (on tacit profession at imposition of hands).

71. St. Gregory the Great, Epistle 40 (book 9).

72. St. Gregory II, Epistle to St. Boniface.

73. Hincmar of Reims, Vita S. Remigii; era of Pope Gelasius.

74. St. Thomas, as above [abbreviation as in source].

75. St. Epiphanius, Panarion, heresy of the Cathari [abbreviation as in source].

76. Socrates Scholasticus, Ecclesiastical History V, ch. 23; Nicephorus, book and chapter as in the source [abbreviation as in source].

77. Origen, Homilies on Numbers 25.

78. Eusebius of Caesarea, Demonstratio evangelica II, ch. 9.

79. Council in Trullo (Quinisext), canon 13; mis-appeal to Second Council of Carthage, canon 2; see also Trullo, canons 12 and 48.

80. Pope Innocent III, Decretals, Extra, De clericis coniugatis, cap. "Cum olim"; and Extra, De divortiis, cap. "Finali".

81. St. Thomas, as above [abbreviation as in source]; see also the Supplement to the Summa theologiae, q. 36.

82. Lev. 18; Lev. 20.

83. St. John Chrysostom, De sacerdotio VI; St. Jerome, Contra Jovinianum I.

84. Lk. 1; 1 Reg. 21 [Vulgate 1 Regum 21 = 1 Sam. 21].

85. Pope Siricius, Epistle to Himerius of Tarragona; Pope Innocent I, Epistle to Exuperius; St. Jerome, Commentary on Titus 1 at "sobrium"; St. Ambrose, Commentary on 1 Timothy 4; the Venerable Bede, Commentary on Luke 1.

86. 1 Pet. 3; 1 Cor. 7; St. Jerome, as above.

87. 1 Cor. 7:33–34.

88. St. Ambrose, De officiis I, last chapter; 1 Cor. 7:7; 1 Tim. 4:12.

89. St. Epiphanius, Panarion, the heresy of the Cathari.

90. St. Thomas, Summa theologiae, Supplementum, q. 53, a. 3.

91. Siricius, Epist. 1, ch. 7; Innocent I, Epist. 3, ch. 1.

92. Council of Ancyra, canon 10 (ancient canons cited concerning deacons who at ordination protest that they cannot be continent).

93. St. Gregory the Great, Epistles, on the Subdeacons of Sicily using their wives [abbreviation as in source].

94. St. Thomas, Summa theologiae II-II, q. 88, a. 11.

95. "Petro Oxomenst" [abbreviation as in source; condemned position denying the Pontiff's dispensing power].

96. Cajetan, Responses to Articles [abbreviation as in source], asserting the Roman Pontiff can dispense even without a cause of public utility.

97. Council of Trent, Session 24, canon 9: "Si quis dixerit clericos in sacris ordinibus constitutos, vel regulares castitatem professos, posse matrimonium contrahere; contractumque validum esse, non obstante lege ecclesiastica vel voto: anathema sit."

98. St. Thomas, *Summa theologiae*, Supplement, q. 60, the whole question.

99. Gratian, Decretum, Causa 33, q. 2, c. "Interfectores"; Causa 33, q. 2, c. "Quicumque"; Causa 33, q. 2, c. "Admonere".

100. Pope Nicholas I, c. "Inter haec," cited in Gratian, Decretum, Causa 33, q. 2.

101. Paludanus (Peter of Ailly), *In IV Sent.*, dist. 34; Dominicus [abbreviation as in source], in Dist. 37; Navarrus, *Enchiridion*, ch. 22, no. 74; Silvester [abbreviation as in source].

102. St. Thomas, *Summa theologiae* II-II, q. 88, a. 1.

103. St. Thomas, Summa theologiae II-II, q. 88, a. 2.

104. (Pseudo-)Dionysius, Ecclesiastical Hierarchy, last chapter; Tertullian, De corona militis; St. Cyprian, Epistle, book I, ep. 5; St. Basil, De Spiritu Sancto, ch. 27; St. Ambrose, Exposition of the Gospel according to Luke, on Lk. 20 ("Whose image and inscription hath it?"); St. Jerome, end of Apologia I contra Rufinum; St. Augustine, Epistle 23(a) to Boniface [abbreviation as in source]; St. Augustine, Epistle 59 to Paulinus; St. Augustine, De peccatorum meritis et remissione I, ch. 34; St. Augustine, lib. 4 de Symbolo, ch. 10 [abbreviation as in source]; St. Augustine, Enarrationes in Psalmos, on Ps. 75; St. Gregory the Great, Homilia 29 de Ascensione Domini; The Venerable Bede, Ecclesiastical History of the English People III, ch. 19.

DISTINCTIO XXXVIII — ON VOWS: THE BAPTISMAL VOW, AND ON WHETHER THINGS COMMANDED BY PRECEPT FALL UNDER A VOW

§ 1. He sins twice; namely, against the law of God and against the vow of keeping the law of God made in Baptism (*votum*); but this promise is only a certain circumstance aggravating the sins of the baptized, just as does knowledge of the truth, according to this in 2 Peter: "It were better for them not to know the way of justice, than after recognition to turn back again."[1] And this is the common opinion, supported by good reasons, of the Doctors writing in this Distinction about the baptismal vow, although Luther and Calvin make a din against it without reason. It is also clear from what has been said how the opinions of the Doctors can be reconciled, of whom some teach that the things which are of precept do not fall under a vow, as St. Thomas and St. Bonaventure say,[2] but others affirm that they do, as Alfonso de Castro[3] and Domingo Soto.[4] For the later authors speak according to the former mode explained above; the earlier, according to the latter. For unless he who vows a thing commanded by precept intends to bind himself to it by a new obligation (*obligatio*), he does not properly vow, but only acknowledges and accepts the obligation by which he was already held.

§ III — How manyfold the vow is, and what the difference is between the simple and the solemn vow (Quotuplex votum & quod inter simplex & solemne discrimen)

§ 2. A division of vows (*votum*) can be assigned in many ways on the part of the matter. For one is the vow of poverty, another of obedience, another of continence, others of other virtues or of good actions. Likewise, one concerns things not owed, another things commanded by precept. But on the part of the form or mode there is a twofold division. For one vow is simple (*votum simplex*), another solemn (*votum solemne*). And again, one is private, another public. For the simple is not the same as the private, nor the solemn the same as the public. Public is that which is made before witnesses, by whom it can be proved and made publicly known; private, however, is that which is done in secret and without witnesses. And each of these can turn out to be either simple or solemn. Therefore it must be explained more carefully how these two, the simple and the solemn, differ from each other. Some, such as Scotus and Paludanus (in this Distinction), and Cajetan on II-II, q. 88, a. 7, are of the opinion that no other difference can be given than that the solemn vow is made with ceremonies prescribed by the Church; and they try to prove this by the authority of Boniface VIII (in the Sext, Decretals, the Sole Chapter, On the Vow and the Redemption of a Vow), where he says that the solemnity of a vow was invented by the Church's constitution alone.[6]

§ 3. However, the opinion of St. Thomas is more probable, who writes on this Distinction and in II-II, q. 88, a. 7, where, openly rejecting that former opinion, he establishes an essential difference between the simple and the solemn vow. And he teaches that a simple vow is a bare promise made to God without a handing-over of oneself; but a solemn vow is a promise conjoined with the handing-over of oneself to the things that are promised—namely, when a man hands himself over to God for perpetual obedience, poverty, and continence. With St. Thomas think Alexander, Richard, St. Bonaventure, and other more ancient Scholastics, to whom Silvester, Dominicus, and other followers of St. Thomas give their assent. According to this opinion, therefore, those who make a simple vow indeed promise, for example, continence, poverty, and the like, yet they do not with effect hand themselves over to continence, and so forth. But those who make a solemn vow renounce themselves and hand themselves over into God's possession and service. And the former are like those contracting a betrothal, but the latter like those contracting marriage, which itself also is wont to be called a betrothal "of the present." For in the latter there is on both sides a handing-over of power over bodies; in the former there is only a promise to do that. Innocent I indicates this difference (Epistle 2, ch. 13), when he designates the simple vow by the name of a sponsion.[7]

§ 4. But what they object from the rescript of Boniface must be taken in this sense: since a solemn vow is a handing-over of the person, which cannot be effected unless there be an acceptance of the same person—namely, an acceptance—therefore that ceremony by which the Church, in God's stead, accepts the man handing himself over to God was invented by the Church's constitution alone. Whence also the ceremony observed about this solemnity can be changed by the authority of the same Church; yet in such wise that by it—whatever it be—the Church declares that in God's stead and name it receives the oblation or handing-over which the man makes. And that the Pontiff willed nothing else is clear enough from this, because he does not say "the solemn vow" but "the solemnity," that is, that mode of handing-over which consists in a certain ceremony, is from the Church's constitution.

§ 5. Now one must know that in general there are two modes of a solemn vow: namely, by the expressed or tacit profession of some Religion approved by the Apostolic See, and by the reception of Sacred Orders, as Boniface testifies in the place cited above. But how a vow is said to be solemn by the reception of Sacred Orders has been said elsewhere. Formerly there was also a third mode: namely, by the reception of a veil, or of a virginal, or widowed, or monastic habit, even if there did not accrue the profession of an approved Religion—a thing of which there is frequent mention among ancient and medieval writers. But afterwards, to avert dangers to souls, it pleased the Church, advisedly, that the assumption of such a veil or habit should not bring about a solemn vow unless in an approved Religion. Wherefore also today Virgins are not veiled except as professing an approved Religion.

§ 6. But if now someone should ask what is to be thought about the man who, secretly or even before witnesses, yet not in the mode approved by the Church, affirms that he not only promises perpetual continence but in very deed now hands over to God his body for perpetual continence—since there there is a handing-over, it will seem that the vow is also solemn.

§ 7. It is answered: a man acting thus, so far as lies in himself, does hand over his body to God, yet it is certain that his donation is not yet accepted by God. For a handing-over or donation of a thing is not brought to completion nor is it valid unless the one to whom it is given accepts that thing. For marriage too will not be ratified unless each party accepts what is handed over. But the donation which is made in a vow God accepts through His Church, when it is made in that mode in which the Church declares, in God's name, that it

accepts. Now the Church declares the mode that it knows to be advantageous for the society of the faithful. For it is not expedient that the faithful be bound by an indissoluble bond, nor that their marriages, lest by any manner they be able to be ratified, be impeded by promises or handings-over of themselves of whatever sort in God's service, or even by the profession of a Religion indeed holy, yet not approved. Wherefore here a determinate mode, fitting to the salvation of the faithful, had to be prescribed, and one external and visible. For just as carnal marriage does not come to be except by words or equivalent signs expressing the consent of both the man and the woman, so spiritual marriage will not yet come to be although a virgin should say to Christ: "I receive Thee as mine, and I give Thee my troth"—unless He should answer by a word or sign, namely through His Church. And thus, although up to a point there can truly be called a handing-over of the body, when it is said by a virgin to Christ: "I give Thee from now my body for perpetual chastity"—for Christ too accepts tacitly and, as it were, by thought alone and the consent of the mind—yet because it is not accepted by a word or external sign from Christ or from the Church speaking for Christ (for the Church is the Body of Christ), the handing-over is not yet perfect, nor does it have the force of that mystical and conjugal bond.

§ IV — How the simple vow of continence impedes marriage (Simplex continentiae votum quomodo Matrimonium impediat)

§ 8. That the vow of perpetual continence (*votum perpetuae continentiae*) is lawful and pleasing to God, about which the heretics raise controversy, must be held most certainly from Sacred Scripture and from all antiquity. Since that doctrine requires to be maintained elsewhere and has its own tradition, taking it here as presupposed we shall explain in what way vows of this sort impede marriage (*matrimonium*). In this matter there is a difference between the simple vow (*votum simplex*) and the solemn vow (*votum solemne*); for the simple vow impedes marriage from being contracted, yet it does not dissolve it if it be contracted. It impedes, I say, marriage from being contracted, so that it cannot be contracted without grave and damnable sin by him who has vowed continence (*continentia*). This is proved first from the fact that a vow of perpetual continence is not only lawful, but holy and in the highest degree acceptable to God, as is here presupposed. Therefore it is to be kept, Scripture commanding: "Cum votum voveris Domino Deo tuo, non tardabis reddere, quia requiret illud Dominus Deus tuus" (Deut. 23); and elsewhere, "Si quid voveris Deo, ne moreris reddere. Displicet enim illi stulta et infidelis promissio, sed quodcumque voveris redde" (Eccl. 5). But a vow of perpetual continence cannot be paid by him who takes a wife, since he is bound to render the debt to a wife who asks; therefore it is not lawful for him who has made such a vow to take a wife. Nay more, if he does so, he sins in a damnable way, because in a grave matter he breaks a promise made to God. This is proved more plainly from the Apostle, 1 Tim. 5, where, concerning certain widows who had vowed continence, he speaks thus: "Cum enim luxuriatae fuerint in Christo, nubere volunt, habentes damnationem, quia primam fidem irritam fecerunt," that is, because the faith previously given to God concerning the keeping of continence they violated by the very will to marry; assuredly they would violate it much more if in fact they should marry. For of this "faith" all who have commented upon that passage, both Greeks and Latins, have understood the place. To these add Tertullian in the book De Monogamia, St. Basil in the book De Virginitate, St. Epiphanius in Heresy 48 and 61 (that of the Apostolics), St. Jerome, book 1 Contra Jovinianum, St. Augustine, De sancta Virginitate ch. 33 and De bono Viduitatis ch. 8, St. Fulgentius, Epistle 1, Pope Innocent I, Epistle 2, ch. 13,

Pope Gelasius, Epistle 1, ch. 23; likewise the Councils of Carthage IV, canon 104, and of Toledo IV, canon 55. [9]

§ 9. Moreover, if marriage has been attempted after a simple vow, it ought not to be dissolved, but remains ratified and firm. For thus teach Boniface VIII (in the place just now cited), and Alexander III and Coelestine III (the chapter Meminimus and the following, in the Decretals, On whether clerics or those who have vowed may contract marriage). The same is found in "Cap. Si vir," Distinction 27, in Gratian. And this was long ago declared by Innocent I (in the Epistle to Victricius, chs. 12–13), and repeated by Gregory II (in the Epistle to Bishop Boniface); their decrees are read in Gratian, 27, Question 1, "Cap. Viduas" and "Cap. Hae vero." The same is expressly taught by Augustine in the book De bono Viduitatis, chs. 9 and 10.[10]

§ 10. Now the reason for this doctrine, according to the things we have said above, is taken from the nature of the simple vow. For he who promises a thing that is his own does not forthwith renounce dominion over it. But the simple vow has only the character of a promise or pledge, as was shown above. Although, therefore, he who has made a simple vow of perpetual continence is obligated to render to God what he has promised, yet if afterward in very deed he transfers to another the power of his body, the gift is valid—just as if someone, after betrothals with a certain woman had been entered into, should afterward contract marriage with another. For this marriage is valid, and those betrothals are dissolved.

§ 11. However, he who has contracted marriage after a simple vow of continence is not so loosed from the obligation of his vow that, so far as lies in his own power—and although he is bound to render the debt (*debitum conjugale*) to his spouse, since "Vir non habet potestatem corporis sui, sed mulier, et contra"—yet it is never lawful for him to exact the debt in turn. For he is still bound by the vow, as far as the conjugal debt allows. Therefore, if afterward he be widowed of his wife, it will not be lawful for him to take another, namely on account of the obligation of the vow by which he is still held. This was decreed by Alexander III (Cap. Quidam) and by Coelestine III (Cap. Placet, in the title De conversione conjugatorum), and it is the same sentence of all the Scholastic doctors.[11]

§ 12. Yet this obligation contracted from a simple vow can be loosed by the dispensation of a superior, who is the Pope, or—in a case—the Bishop. But what one must think concerning a vow of continence made after a marriage has been contracted, was said above (at Distinction 32).[12]

§ V — How a solemn vow impedes Matrimony (Votum solemne quomodo Matrimonium impediat)

§ 13. A solemn vow of continence (*votum solemne continentiae*) not only prevents that marriage (*matrimonium*) should be contracted, but moreover stands in the way that it cannot be valid if anyone has attempted it. The reason of this can be taken from the things said above.

§ 14. For a solemn vow is not a bare promise, as is a simple vow (*votum simplex*), but a true handing over and transfer (*traditio & translatio*) of a man into the right and ownership of God, as one made over to Him. Therefore, once that handing over has been effected, a man is thereafter no longer his own master, so as to be able to hand himself over into the power of any other. Indeed, a prior donation hinders and renders void and of no effect a later donation, just as a prior promise does a later one. And this thing can be made plain both in betrothals and in marriage, since in those as in this we see that what is later is cancelled by what is prior. This

doctrine is proved also from the fact that the solemn vow of Religion is a certain spiritual marriage of a man with God, by which, assuredly, in a more special and more excellent way than other faithful, the man who binds himself by such a vow is betrothed and joined to God; and hence he loses all power of handing himself over to another in marriage. Third, it is proved because the state of Religion is more perfect and by far more sublime than the conjugal state; therefore through it a man undergoes civil death and a marriage not consummated can be dissolved. Wherefore it cannot be that through a subsequent marriage that state, while still in force, should be loosed, and that a man once dead to the world should be called back again to the life of the secular state. Otherwise—which is most absurd—there could often be passing to and fro between these states.

§ 15. Yet, although these reasons are good, far firmer is that proof which is taken from the authority of the holy Fathers and of the Councils, and from the practice of the whole Church; let us therefore seek testimonies from these. First, St. Cyprian, book 1 (to Pomponius), says that sacred virgins who slept with men were adulteresses, and he wills that they be altogether separated from those men, calling such a conjunction incestuous; therefore, according to Cyprian, such a joining together cannot become marriage.[15] St. Basil in the book On Virginity says: "When they have professed virginity to the Lord, after they have been allured by carnal pleasure and have slipped and fallen, they desire to cloak the crime of fornication under the name of honorable marriage. Nor are they ignorant—however much they may feign ignorance—of this, that they are the bride of Him whom they forsake; and, when the covenant of the Bridegroom has been broken, they have joined themselves, incited by lust."[^15] In what follows he shows this more fully. A like passage occurs (in his second Epistle to Amphilochius, canons 18 and 19), where he treats of those whom he calls Canons, that is, men who have made a regular monastic profession.[16] Pope Siricius (Epistle 1, ch. 6) orders that Monks and Nuns, if they contract marriages, be not only excommunicated, but also do penance in prisons until the end of life; whence it clearly appears that those were not true marriages.[17] Ambrose (To the Lapsed Virgin, ch. 5) thus writes: "She who has pledged herself to Christ and has received the sacred veil has already been wedded, has already been joined to an immortal husband; and if she shall have wished to marry, by the common law of marriage she commits adultery." The same, book 3 (On Virgins), teaches that such a marriage is not lawful, just as it was not lawful for Herod to have his brother's wife: if this was so of another man's wife, how much more of one consecrated by state? Therefore this marriage is void, just as that was.[18] Likewise Innocent I (Epistle 2 to Victricius, chs. 12–13), clearly distinguishing between a simple vow and a solemn, says that she who has received the sacred veil is not to be admitted to penance so long as he lives to whom she has joined herself—just as she is not admitted who has, while her husband is alive, joined herself to another man (Epistle 11). It is otherwise, however, for her who has not received the sacred veil.[19] Jerome, book 1 (Against Jovinian), affirms that one cannot be a Bishop who begets children; "otherwise," he says, "if he shall have been detected, he will not be held as a husband, but will be condemned as an adulterer"; therefore, much more would Jerome so speak concerning those who have solemnly professed continence or Religion. The same, book 2 (Against Jovinian, at the end), speaking of virgins betrothed to Christ who, following the teaching of Jovinian—who taught the equality of virtues and rewards—have betaken themselves to marriage, thus addresses Jovinian and shows that they also violate their covenants: "Virgins have turned from being hidden adulterers into open husbands. He calls it 'marriage of virgins'. Under this name he cloaks his fault." And, that he is speaking to brides of Christ, he proves by the name "adulterer." That it is not a true marriage he proves by the verse, "He calls it marriage," as if to say that they are marriages in name only and in pretext.[20] Chrysostom (Homily 6 to Theodore the Monk): "Marriage is honorable," he says, "but for thee now it is not fitting to retain the

privileges of marriage; although thou often callest that very thing 'marriage', I for my part deem it adultery."[^21] Gelasius I (Epistle 1, chs. 22 and 25) likewise with Innocent distinguishes, and calls the sacred nuptials incestuous. And Gregory, book 1 (Epistle 49 to [recipient as in source]), wills that monks who had taken wives be separated from them and sent back to the monasteries.[21]

§ 16. Now let us also hear the Councils. The Fourth Council of Carthage, in which St. Augustine took part and to which he subscribed (last canon), declares that widows who, having assumed the religious habit, had devoted themselves to the Lord, if afterwards they pass over to secular marriages, are to be branded with the crime of adultery, and indeed more than married women who have been adulterated by their husbands.[22] The First Council of Toledo (canon 16) forbids that if a devoted woman has married, she be received into the Church, unless, while he lives to whom she had joined herself, she live chastely, or at least not until after his death. See also the constitution of the Sixth of Toledo, ch. 51, and the Eighth (canon 6).[23] The Council of Chalcedon (canon 14) subjects a Deaconess who has delivered herself to marriage to anathema together with him who came into her marriage. And (canon 15) it thus decrees: If any virgin shall have dedicated herself to God, likewise any monk, it is not lawful for them to be joined in marriage. But if they are found to have done this, let them remain excommunicate.[24] Now that these canons signify that such nuptials are void is evident from the Council of Tribur, which, relying on the authority of the Chalcedonian canon (ch. 23), openly commands that those be separated who, after a solemn vow, have joined themselves in marriage.[25] And indeed it was never doubted in the Church whether it is lawful for a monk and a nun without sin to contract marriage; rather a doubt perhaps had arisen whether such marriages were valid. Wherefore what is said, "it is not lawful," must be taken in such a way as to signify that they cannot at all be joined in marriage. The Second Council of Tours (canon 16) orders that a monk, if he has taken a wife, be excommunicated, and that, with the help of the judge also invoked, he be separated from the companionship of the wife's evil society. And something similar about sacred virgins, if they have married, is decreed by the Synod of Fréjus, canon 11.[26] Finally, after the General Council of Vienne held under Clement V, the Council of Trent defined in Session 24, canon 9 (under anathema): "The marriages contracted by those who have solemnly professed chastity are invalid."[27] Moreover, about this matter there are canons heaped together in various ways—partly in Gratian, Cause 27, Question 1; partly in the Decretals, the title On the Redemption of a Vow, and the title On which clerics or persons under vow may contract marriage.[28] To all of which, if you add the consenting doctrine of all the Schoolmen and the perpetual practice of the Church both of the East and of the West down to this very day, there is nothing more to be desired for proof. For it is not necessary that all things be proved from the Scriptures, although it can seem that the Apostle Paul, 1 Timothy 5, concerning widows who, after the faith of continence given to Christ, were betaking themselves to marriages, therefore did not say, "they marry," but "they will to marry," because in truth such marriages were none and invalid.[29]

§ 17. But if someone deems the reasons set above less efficacious for teaching that, after a solemn vow of continence, marriages cannot be contracted so as to be valid (although those reasons are very consonant with the sentences of the Fathers already cited—especially of St. Basil the Great, who says that a nun by no laws can be another man's wife), there still remains for him the proof of the present doctrine by the authority of the Church, which by its decree could make those marriages void, although otherwise they might have been valid. Since, then, by so many witnesses and by perpetual usage itself it has been proved that they are void, one or the other must be granted: either that by natural law, or even by divine law, they are void; or at least by the constitution of the Church. The former opinion is held by St. Thomas, St. Bonaventure, Albert the Great,

John of Turrecremata, Sylvester, and Domingo [de Soto]; the latter by Scotus, Paludanus, Cajetan, and almost all the Canonists.[30]

§ VI — Whether dispensation falls under a solemn vow (Utrum in voto solemni cadat dispensatio)

§ 18. Those who think that a simple vow (*votum simplex*) does not differ essentially but only accidentally from a solemn vow (*votum solemne*)—namely, that it is made without those ceremonies which are applied to a solemn vow and constitute its solemnity—consequently think that the Church can dispense in a solemn vow just as in a simple one; because, according to them, a solemn vow is repugnant to marriage not by its own nature nor even by divine law, but only by ecclesiastical law.

§ 19. But since it has been shown above that there is an essential difference between a simple vow and a solemn one, namely such as there is between a promise and a donation, the consequence is that a solemn vow by its very nature has this, that it does not allow a marriage afterwards contracted to be valid—just as marriage contracted with one woman prevents that it can be contracted with another, and a donation made to one person annuls a donation afterwards made to another. Whence it is gathered that the Church cannot dispense that one bound by a vow should contract marriage.[32]

§ 20. And this is the doctrine of St. Thomas in II-II (q. 88, a. 11), where he also adds that certain jurists say the contrary in ignorance, when they teach that the Pope can make from a monk a non-monk.

§ 21. It is confirmed, moreover, by a decree of Innocent III, whose words are these in cap. Cum ad Monasterium, in the Decretals, De statu monachorum: "The renunciation of property, as also the custody of chastity, is so annexed to the monastic rule that against it not even the Supreme Pontiff can grant license."[33]

§ 22. And St. Thomas adduces the following reason: whatever has once been consecrated to God ought to remain consecrated forever without any retraction whatsoever; and this holds even for inanimate things, as Scripture teaches in the last chapter of Leviticus; and Cyprian—or whoever is the author of the Sermon on the Washing of Feet—shows it at length when treating of consecration as not to be done anew. On which matter we spoke more when we treated of the character of the sacraments.[34]

§ 23. Therefore much more will a man who has been consecrated to God by profession of religion never be able to be given back to the world, so that he should cease to be a Monk or Religious.

§ 24. Another not-to-be-despised reason can be added. For it is established that a ratified yet not consummated marriage is dissolved by entrance into Religion; if therefore the solemn vow of religion in turn were dissolved by dispensation of the Church, it could happen that a Religious, loosed from an unconsummated marriage—whose wife meanwhile had married another—being restored to secular life, would contract marriage with another woman while his first wife was living, with whom he had once contracted a true marriage. Since this is absurd, the consequence is that by no dispensation can a monk be restored to the world.

§ 25. But since there are not lacking those who deny that this is absurd—namely, thinking that by the Pope's dispensation a marriage not consummated can be dissolved, so that those who had contracted and had

truly been spouses, the marriage between them being dissolved, may be joined to others—the absurdity consequent upon granting dispensation in a solemn vow must be pressed more closely.

§ 26. First, if the Roman Pontiff can make from a monk a non-monk, it will be possible that by such a dispensation someone should again, and a third time, and often, from a monk become a non-monk; and thus it would follow that a thing once consecrated to God, while remaining the same, could neither lose its consecration nor be consecrated repeatedly. And to prove this St. Thomas rightly cites Scripture (Lev., last chapter).[34]

§ 27. Likewise, if the Roman Pontiff can do this, other Bishops also will be able to do it by forestalling reservation—of which none is read.

§ 28. Furthermore, it will follow that a marriage once dissolved could again come together between the same parties, and hence that the sacrament of marriage could be repeated between the same persons, which seems exceedingly absurd—especially since, as in all the other sacraments there is found something non-repeatable, as the Master teaches (Distinction 23), so also in marriage. Now this seems to be nothing other than that the contract of marriage does not fall a second time upon the same persons. Wherefore, just as it cannot be dispensed that any of the things which in the other sacraments do not receive repetition should be iterated—the consecration of the same bread, wine, chrism, oil; the anointing of the same sick person in the same state of illness; the absolution with respect to guilt of the same sins—so neither in the sacrament of marriage, that it be repeated by the same persons.

§ 29. Moreover, another argument can be taken from the institution of the monastic Religion. For Christ instituted the state of religion as a certain immovable state, no less than marriage consummated. Whence those who have professed this state are compared to eunuchs (Matt. 19), and it is said to be impious for them to look back (Lk. 9).

§ 30. Finally, with respect to the causes for dispensing, none can here be alleged so grave that the same could not occur in the case of removing the impediment of a bond, that is, of a consummated marriage, to the end that a person contract with another. For those who are bound by wedlock neither have vowed continence, nor have professed a state of more perfect life, nor are accustomed to continence; indeed most of them have embraced that state as a remedy for incontinence. Now it is certain that in that case the Church cannot dispense, even if one spouse should labor under a perpetual impotence of rendering the debt contracted after marriage, or a greater cause should occur, as the safety of a certain kingdom. Why then should it seem harsh that dispensation be denied in a solemn vow?

§ 31. Besides St. Thomas, this opinion is held by Dodorensis,[35] John of Turrecremata and Sylvester, who explains it learnedly (title De Voto, n. 4), and by Domingo de Soto, both in his writing on the Master and in book 7 of De iustitia et iure, question 2, article 5. And even St. Bonaventure, although he says that he asserts nothing here, nonetheless supports this side as the more probable, solving the arguments to the contrary. The Glossator agrees (on cap. Cum ad Monasterium, Decretals, De statu monachorum; on cap. Super eo, Decretals, De bigamis; and on cap. 2, De voto et voti redemptione).[36]

§ 32. On the contrary side, almost all the Canonists hold, whom from among the Theologians Richard, Durandus, Scotus, Paludanus, and many others follow; yet their arguments do not convince. For, in the first place, the examples of dispensations granted which they produce are not so certain from histories; nor is it very likely what they say of Celestine III., that he dispensed with a certain nun named Constance that she

might marry the Emperor Henry VI, when Innocent III, who immediately succeeded Celestine, openly declared that this could not be done. And as to what is alleged about a Monk being taken up to the kingdom of Aragon and to marriage, Domingo denies that it is found in the Annals of Aragon. Nay, even if the examples were true, they would not plainly prove the case; because in dispensations, as also in certain other matters, Popes do not always follow opinions that are certainly true, but those which either simply, or with those whose counsel they use, are more probable, or for the time are more useful to the Church's practice.[37]

§ 33. What next is objected—that it is frequent for the Pontiff to dispense Religious from the vow of poverty and obedience, as when they are assumed to the Episcopate—is easily solved. For in truth, as St. Thomas says (in the place cited above), a Religious who becomes a Bishop is not absolved from the vow of continence, and likewise not from the vow of poverty, because he ought to have nothing as his own, but is a dispenser of the common goods of the Church. In like manner also, he says, he is not absolved from the vow of obedience, but accidentally he is not bound to obey if he have no superior—so neither is an Abbot of a Monastery, who nevertheless is not absolved from the vow of obedience. Moreover, Bonaventure adds that when a Monk ceases to have a superior because he becomes an Abbot or a Bishop, this is to be called not dispensation but rather exemption; and this is clear also from the fact that for a Religious to be made Abbot or Bishop dispensation is never asked.[38]

§ 34. What finally is usually objected about the vow of continence solemnized by the reception of Sacred Orders must be dissolved by the considerations set out in the above Distinction, where we showed that in that case dispensation can be granted. For that vow is called solemn from the solemnity of ordination, by which a man is consecrated to God for sacred ministry. Now the solemnity of ordination stands without the vow and debt of continence; and therefore the latter is not essentially annexed to that solemnity, as it is annexed to the state of Religion. Whence also the vow made in the reception of Sacred Order is said rather to be "solemnized" than "solemn," as if receiving solemnity from without; because, as we said, the solemnity there properly belongs not to the vow but to the ordination, to which the vow—or rather the law—of continence is connected by ecclesiastical right, and therefore it is called solemn only by an external denomination; and this seems to have been the sense of the Fathers of Trent (canon 9, session 24). Indeed we read in the Decree of Boniface VIII, cited above, that both in the profession of Religion and in the reception of Sacred Order the vow is "solemnized"; but the two are not to be understood in the same way. For the vow which is solemnized by the profession of Religion is of the substance of Religion; but the vow which is solemnized by the reception of Order is not of the substance of Order. Hence it follows that the Church cannot dispense in the vow of one who has solemnly professed Religion in the same way as in the vow of one who has been solemnly ordained.[39]

§ VII — Reply to the arguments by which the impediment arising from a vow is attacked (Responsio ad ea quibus impedimentum ex voto oppugnatur)

§ 35. The Catholic doctrine concerning the impediment (*impedimentum*) of marriage (*matrimonium*) which is born from a vow (*votum*) of continence (*continentia*), whether that vow be simple (*simplex*) or solemn (*solemne*), is assailed by the Adversaries with many arguments, which are for the most part of this sort. First: the Lord in Matt. 19 said of continence: "Not all receive this saying, but those to whom it has been given." And again: "He who can receive, let him receive." And the Apostle in the same matter, discoursing in 1 Cor. 7,

says: "But I will have all men to be as myself; but every one has his proper gift from God; one indeed thus, but another thus." From which it seems to follow that those who cannot "receive," and to whom this gift has not been given, are not bound. Secondly: the Apostle in the same place says: "But if they do not contain, let them marry." And he adds the reason: "It is better to marry than to burn": therefore even he who has vowed, if he does not contain, let him marry, lest he burn. Thirdly: the Apostle there likewise: "It is good for a man not to touch a woman. But on account of fornication, let each one have his own wife, and let each woman have her own husband": therefore even if someone has vowed, he will be able to take a wife to avoid fornication. Fourthly: in 1 Tim. 5 he commands the incontinent to marry, saying: "I will that the younger should marry, be mothers of families, bear children." But that he is speaking about those who had vowed is clear from the words immediately preceding. Fifthly: in Jas. 4 those are reprehended who say that they will do something and do not add, "if the Lord will"; therefore much less ought a man to vow a thing so arduous as perpetual continence, without adding the condition, "if God will," or, "if God will give grace and perseverance"; or at least that condition ought to be understood in every vow, and hence, for whom it has not been given to contain, he will be able to deflect from the vow, the condition of the vow, namely, failing. Sixthly: St. Cyprian, book 1, Epistle 11 to Pomponius, writes thus about certain sacred virgins of suspect chastity: "But if they had devoted themselves to Christ in faith, let them persevere modestly and chastely without any scandal, thus let them, strong and steadfast, expect the reward of virginity: but if they are unwilling to persevere, or are not able, it is better that they marry, than that they fall into the fire of their sin." Seventh: St. Epiphanius, Heresy 61 which is of the Apostolic (sect), treating of those who, when they had devoted themselves to God, lived incontinently: "It is better," he says, "for one fallen from his course openly to take for himself a wife according to the law, and to do penance for virginity for a long time, and not to be wounded every day by hidden javelins." Eighth: St. Jerome, Epistle 8 to Demetrias: "The holy resolve of virgins, and the heavenly glory of the household of Angels, is defamed by the name of some who are not behaving well; to whom one must speak openly, that either they marry, if they cannot contain, or let them contain, if they are unwilling to marry. And sacred: If you are a virgin, why do you fear diligent custody? if corrupted, why do you not marry openly." But that St. Jerome speaks of a consecrated virgin is attested by these words of the same Epistle: "Let not the behavior of her displease you who has consecrated a virgin to your Spouse." The same, in the Catalogue of Ecclesiastical Writers, writes about Tiberinus that he joined in marriage his daughter, a virgin devoted to Christ. Ninth: St. Augustine, book On Holy Virginity, ch. 34, speaks thus about certain sacred virgins: "These wish to marry, and for that reason do not marry, because they cannot with impunity, who would better marry than be burned." The same, book On the Good of Widowhood, chs. 6 and 19, denies that he is persuaded by the opinion of those who say that marriages entered after a vow of chastity are not true marriages but adulteries: rather he contends that they are true and ratified, nor ought they to be dissolved. The same teaches this in Epistle 70 to Boniface. And in book 17 of The City of God, ch. 4, he denies that the things vowed are ratified unless God has given. These are his words: "For no one would vow anything of a vow to the Lord, unless he received from Him what he would vow." Tenth: St. Gregory, Homily 36 on the Gospels, says that Gordiana, a sanctimonialis, forgetful of her consecration, had married a husband; therefore he wishes such a marriage to be ratified. Eleventh, they argue thus: the propensity for begetting is natural and good, as that which would have been in an integral nature also; therefore a vow impeding that propensity from its act—such as is the vow of continence—does not bind, in the same way as a vow of not eating or drinking. Lastly, someone will object that marriage and perpetual continence do not fight against each other, as is clear from

the example of the Blessed Mary and Joseph, and also of others who have lived continent in marriage; and therefore there is no cause why the vow of continence should be established as an impediment to marriage.[41]

§ 36. To these arguments we answer in order thus. To the first: absolutely speaking, all men can be continent, just as all can cultivate justice and temperance, even if many have not yet received from God the gift of justice or of temperance. They can, I say, because it is of the human will to be continent and to live justly and temperately, from which no necessity hinders a man; yet he cannot do and will these, as neither any other good, unless God has given, as is read in Wisdom and in Jas. 1. But in that sentence, "He who can receive, let him receive," a man is said to be able, not because he can absolutely act or will, but for that to be done for which he has strength and promptitude of mind; so that the sense is: He who feels in himself the strength and promptitude of will to be continent perpetually, let him be continent, and let him also bind himself to that by a vow. For this is to "eunuchize" oneself for the kingdom of heaven. Thus "to be able" is taken when it is said to Peter: "Thou canst not follow me now." For although then he could absolutely follow the Lord even unto death with it to be borne for Him, nevertheless he did not yet have that fortitude of soul by which he would accomplish it.[42]

§ 37. And as these things have been said about that which belongs to counsel, so elsewhere about that which belongs to precept: as in the same place of Matthew it is said that it is impossible for a rich man to enter the kingdom of heaven, and in Luke 14, where the Lord, to exhort to follow Himself, proposes the example of a man building a tower, and of a king going forth to war, who nevertheless, unless beforehand they weigh the reason of what is to be done, are said not to be able to complete what they have begun. Likewise in John 6, when He says: "No one can come to me unless it shall have been given him from the Father." And the Apostle, 2 Thess. 3: "Not of all is faith." Which sentences do not signify a thing simply impossible to the human will, but an arduous and difficult thing, and for the attainment of which there is need of singular grace of God and of a great effort of the will. Hence the Fathers acknowledge the difficulty of continence in such wise that nevertheless they teach it to be possible to the human will by the grace of God. Thus Tertullian, near the end of the book On Monogamy; Origen; Chrysostom; and Jerome in the Commentary on Matt. 19; Basil, book On Virginity; Gregory Nazianzen, Oration 31; Ambrose, in the Exhortation to Virgins, and Book 3 On Virgins, and the book On Widows; Augustine, on Ps. 134, book 6 of the Confessions, ch. 11, and book 2 On Adulterous Marriages, chs. 10, 13, and 20. Wherefore neither are those excused who have vowed chastity and do not have the gift of continence, nor are they freed from the vow, both because absolutely they can be continent, and because, that they may obtain the gift by which they may do this promptly, it is said to them: "Ask, and you shall receive." But that, "Not all receive this word," although it can rightly be taken of power, according to the things we have said, nevertheless seems rather to be understood of act, so that the sense is: Not all understand practically, that is, they do not apply their mind, nor by deed approve, that which has been said: "It is not expedient to marry." Finally, that of the Apostle, "Each one has his proper gift," not only comprehends the gift of virginal or widowed continence, but also of conjugal continence, which nevertheless is simply necessary for salvation to spouses. Wherefore, just as it does not follow: certain spouses do not have the gift of conjugal continence, therefore they are not bound to keep it; so neither does it follow for those who are bound by a vow of virginal or widowed continence.[43]

§ 38. To the second it is answered that the Apostle is not at variance with himself, who elsewhere says that certain women, wishing to marry, "have damnation, because they have made void their first faith"; but he is speaking about those who had not yet vowed. For when in the preceding words he had exhorted to perpetual

continence, immediately for those who do not heed that counsel he added: "But if they do not contain, let them marry": that is, if they remain so disposed that they are unwilling to contain, let them marry. Indeed, it is better for them to marry what they are still able to do, than to burn, that is, to fall into the fire of concupiscence. For "to burn" is not to be tempted by concupiscence, as the Adversaries will, but to be hurt by the flame of concupiscence through the act or consent of sin. But for those who have already vowed, neither is it good to marry, nor to burn; but both are evil and damnable; wherefore they ought to extinguish the flames of concupiscence by other remedies than nuptials. Thus teach Ambrose (To the Virgin herself, ch. 5), Epiphanius (Heresy 61), Chrysostom (On Virginity, ch. 39, and in the Commentary on 1 Cor. 7), as he himself and the other Greeks Theodoret, Theophylact, and Oecumenius. With these Jerome is entirely of one mind, book 1 Against Jovinian; Augustine, On the Good of Widowhood, chs. 8 and 16; On Adulterous Marriages, ch. 15; and Gregory, in the Pastoral Rule, part 3, Admonition 28.[44]

§ 39. But if you understand crudely the Apostle's word whereby he says: "If they do not contain, let them marry," as if it were said, "he who cannot suffer hunger, let him eat": then immediately and without delay a wife must be taken, even by adolescents and almost by children when they are twelve, thirteen, fourteen, fifteen years old: therefore, the bereft of a wife, let him at once take another, and the widow a husband: therefore he who, on account of business, travels abroad, let him resort to harlots. And what of a wife with her husband absent or ill, especially if the absence or illness be long? What if the husband be held captive among the Turks or the wife be carried off, what will he do, what she? Will they perchance, because it is written, "If they do not contain, let them marry," have to seek other spouses, and indeed immediately? Who of the Adversaries even would say these things? Let so absurd an understanding, then, be gone; and let us follow what the Church holds.

§ 40. To the third: the Apostle speaks of spouses only, and "to have" can be taken for "to use," so that the sense is: for the avoiding of fornication, let each husband apply himself to his wife, and the wife to her husband. Whence there follows: "Let the husband render the debt to the wife," etc. Similarly the word "to have" is taken (ch. 5 of the same Epistle) when it is said, "So that one has his father's wife." And Ezek. 23: "And I had them," that is, "I was coupled to them." Whence there follows, "And they bore sons and daughters." So also Matt. 25: "To him who has, it shall be given," that is, to him who uses the gifts received; and in all this the Apostle speaks according to indulgence, not according to command.[45]

§ 41. To the fourth: the Apostle is not at odds with himself who elsewhere, by way of wishing, says: "I would that all were as myself"; but these are the words of one permitting and yielding to the infirmity of some, to whom, on account of their incontinence, it was more expedient to marry than to vow, lest perchance, wishing to marry after a vow, they incur damnation. For he is speaking of those who had not yet made a vow.

§ 42. To the fifth it is answered that that which can be impeded by God without our fault is to be promised with the expressed or understood condition of the divine will, according to James; such as is to set out to this or that place, as also the Apostle Paul promised in 2 Cor., that he would remain among them, adding, if the Lord permit. For the outcomes of things and actions are not in our power. But that which indeed depends wholly on God and on our will, since it is wholly of our free choice, though not without God, we rightly promise without the condition of God's will, meanwhile trusting in His help: of this sort are to keep a vow of continence, not to violate a faith pledged to man, to abstain from injuries, and the like, which while we promise we should not add "if God will," but the man ought to say: I hope through the grace of God that I shall do it.[46]

§ 43. To the sixth some answer that Cyprian is speaking of virgins not yet veiled, having a simple vow of continence, for whom it is better—that is, a lesser evil—to marry than to fall into the fire of fornication. Whence he does not say "who have been consecrated," namely by the bishop, but "who have devoted themselves to Christ," to wit by a simple vow. Yet others prefer to take the passage of the consecrated and veiled, but in this sense: But if they have devoted themselves to Christ in faith, let them persevere chaste, as the faith given requires. But if they are unwilling to persevere, or are not able, let them not devote themselves to Christ, that is, let them not vow, but let them rather marry than fall into the fire of their sins. This sense is supported, first, because Cyprian says disjunctively, "If they are unwilling to persevere, or are not able." For those who are able and are unwilling, not even by the Adversaries are permitted to marry after a vow. Then, because in the same place he says that virgins dedicated to Christ sin most gravely and become adulteresses of Christ, if they are mingled with any man. And, thirdly, because those who had already fallen he orders to be separated from males, denying that otherwise they can be admitted into the Church.[47]

§ 44. To the seventh it is answered that Epiphanius explains himself when he immediately subjoins: "It is better to have one sin and not more." Which, if you take as said about the veiled, the sense will be: It is a lesser evil to marry openly, and to observe some appearance of conjugal continence, than secretly to wallow in perpetual fornication and in other slaveries of lusts. But others deem it probable that Epiphanius in that place is not speaking about those who had vowed, but about some who, because they had advanced in age, had decreed, without an intervening vow, to remain celibate, meanwhile fornicating in secret, whom he exhorts to do penance and to take refuge in marriage. According to whose opinion the sense here is: It is better for them, after one fornication, to pass over to nuptials, than by remaining in celibacy to expose themselves to the danger of frequent whoring.[48]

§ 45. To the eighth: Jerome is not speaking of veiled virgins, who were under the care of bishops, but of virgins maintaining at home a purpose of chastity and bound only by a simple vow: although others prefer to understand St. Jerome to have spoken of the handmaids of sacred and noble virgins, who, since they had no vow, by living with little modesty were defaming their mistresses. For by his subsequent words Jerome attacks the morals of those women. The other passage is directed to one who had not solemnly vowed, to whom Jerome advises, as the lesser evil, that she marry openly rather than go on incontinence or proceed to a scandalous life. But as to the deed of a heretical man, who had joined a sanctimonialis in marriage, that is, had forced her to marry, as Sophronius has it in Greek, St. Jerome neither praises the deed nor reproves it, nor does he teach that the marriage had been ratified. And precisely the same is the solution of the tenth argument, which had been brought from Gregory. And what is said there about Gordiana, that "she will be reckoned among the lascivious," is said before she had married a husband. Otherwise afterwards, near the end of the Homily, St. Gregory signifies that she was condemned.[49]

§ 46. Yet another passage from St. Jerome can be objected, who in the Life of St. Malchus relates that, after he had been a monk for many years, he took a wife, and with her remained even to the end of life. But one must say that that marriage was altogether null; although Malchus feigned to his master that he had that woman for a wife. This is clear even from the fact that the woman, as is there narrated, had another husband living. Therefore, the holy man cultivated with that woman a chaste and spiritual companionship, as a brother with a sister.[50]

§ 47. To the ninth: St. Augustine in the first place is speaking of virgins not veiled, that is, not yet solemnly professed, for whom he says it is better—that is, a lesser evil—to marry than to be laid waste by a hidden flame

of concupiscence. Yet the words of St. Augustine could be understood thus: "they would better marry," that is, they would have married better—then, namely, when they were still free—than, once a vow had been made, to be burned. For with St. Augustine it is frequent that the present optative is put for the past. In the second and third place he treats in general of those who had bound themselves by a vow of chastity, and he denies that the general formal character of a vow, by which they are made spouses of Christ, is repugnant so as to hinder them from contracting true marriages afterwards. For otherwise there would be the equal reason of all who had vowed in any way, as thought those whose opinion St. Augustine disapproves. But that those who after any vow contract marriages sin damnably, in those same places he most openly teaches. But in the fourth place he understands "ratified," not that which binds, but that which is not violated. For unless God has given continence, the vow, by which someone has promised that he will live continently, will not be able to be kept. Moreover, what he thought about the veiled, as well widows as virgins, and their marriage, we showed above from the Fourth Council of Carthage, at which he himself was present.[51]

§ 48. To the eleventh it is answered that a propensity, although natural and good, is not forbidden to be impeded in its act by something more excellent, because lesser goods must always give way to better. But it is more excellent and better to keep perpetual continence for the kingdom of heaven than to devote oneself to generation, as the Apostle bears witness in 1 Cor. 7. It must also be noted that a propensity which is in its kind good is often in the particular evil and vicious because of certain circumstances; and such is the inclination to Venus in him who has vowed chastity, as also that by which one is moved to another's bed, and like the inclination to eat harmful foods, or at the time of a commanded fast. For these belong to the rebellion of the flesh against the spirit.[52]

§ 49. To the last it is answered that for that very cause the vow of perpetual continence has been most rightly established by the canons as an impediment to marriage, because marriage is of itself proximately ordered to the act of coupling, which is repugnant to that continence. If, however, someone having a simple vow of continence should contract marriage with the intention of entering Religion before he consummated the marriage, just as the Blessed Virgin married after her vow, preserving the intention of not knowing a man, such a one perhaps would not sin against the canons, as the Summa Angelica holds and some others, because the canons speak in conformity with the Apostle in 1 Tim. 5, namely about marriage with the intention of consummating, which by the law of nature itself is repugnant to a vow of continence.[53]

§ VIII — On the impediment of Marriage which they call the bond (De impedimento Matrimonii quod ligamen appellant)

§ 50. The bond (*ligamen*), that is, the bond of marriage by which someone is bound, prevents him—so long as that bond endures, that is, while the spouse survives—from being able to contract with another, whether the prior marriage was consummated or not. And if he should contract, not only will it not be a true marriage, but, if it be consummated, it will be true adultery. Regarding this impediment, besides the things said above about polygamy and the perpetuity of marriage, and besides what is indicated elsewhere in many places—whence it is clear that in the Christian law a man cannot, while his wife is living, take another wife, and much less can a woman, while her husband is living, marry another—three points will suffice to have been briefly annotated for the present place.

§ 51. First: A marriage contracted while the spouse lives who had been thought dead—after whatever length of his or her absence—and when likewise it is established that the former spouse is alive, must be dissolved. This was decreed by Leo I (Epistle 79 to Nicetas), and there are express canons about it in Gratian; and in the Decretals, Title On Second Marriages, chapter Dominus.[55] And the same is necessarily gathered from the divine and natural law, which admits neither polygamy nor allows marriage to be dissolved so long as both who contracted are alive. However, a second marriage is held to be contracted in good faith, notwithstanding the first, when the spouse has moral certainty concerning the death of the other spouse, a certainty which depends upon the judgment of prudent men—such, namely, as is wont to be had through a messenger, or letters, or other like testimony, concerning whose trustworthiness we have no reasons for doubting. For the mere length of time during which nothing is heard about the spouse does not suffice for good faith. Thus teaches Clement III (Extra, On Espousals, the canon In praesentia).[56]

§ 52. Second: One who in the manner said has contracted a second marriage is excused from fault, both in rendering and in demanding the debt, so long as there remains good faith, that is, that moral certainty of the death of the spouse, as Pope Leo testifies in the place cited. But when that certainty fails because of certain conjectures which generate doubt or a moral probability to the contrary, yet not certainty, the spouse can render the debt, but not demand it. But if the conjectures are weightier, so that it becomes not only morally probable but even certain that the spouse is alive, then it will not be lawful even to render the debt: because in moral matters that is to be held as true which is morally certain; in which case the spouse, by rendering the debt knowingly and advisedly, would cast himself or herself into the crime of adultery. This doctrine is contained in two canons, one of Lucius III (the chapter Dominus, cited above), the other of Innocent III (the chapter Inquisitioni, Extra, On the Sentence of Excommunication).[57] See the harmony of these canons in Navarrus (in the Enchiridion, ch. 16, nos. 40–41; ch. 22, no. 54).[58] For a spouse who renders the debt ought to set aside the opinion of the life of the former spouse, which perhaps he or she had conceived from probable causes, in order thus to render the debt without sin. Yet this same thing does not suffice for demanding the debt without sin.

§ 53. Third: If someone in bad faith has taken a second wife while the first lives, and, moved by repentance, should wish to leave her; and if he be compelled by authority, even by a sentence of excommunication, to retain the second and to render the debt to her, he will not be bound to obey—indeed, he ought not to obey—the Church so commanding. And the same judgment holds if bad faith has supervened afterwards. Thus teaches Innocent III (in the chapter just named).[59] And the reason for this is manifest: for just as it is not lawful for an inferior judge to command what is against the law of a superior, especially of God, so neither is it lawful to obey if it be commanded; rather, that saying of Peter must be steadfastly held: "One must obey God rather than men" (Acts 5).[60] But it is evident that adultery is contrary to the law of God. However, the Church, or the ecclesiastical judge, is excused by invincible ignorance, when, there being a failure of proof of the former marriage, he pronounces in favor of the later one which is proved to have been contracted in fact. And since these things are so, the Master's judgment is not to be received in this matter—the Master thinking that such a spouse is excused, by obedience and fear, in rendering the debt. From which judgment Hugh (of St. Victor) does not seem very far to dissent, in book 2 of De sacramentis (part II, ch. 6), where, after he has treated this question at length and ambiguously, in the end he inclines to the same opinion with the Master; although the same author in the Summa Sententiarum (Tract. 7, ch. 9) seems to intimate something different.[61]

§ 54. Finally, one can ask whether, just as marriage, so also espousals are an impediment by which a subsequent marriage is made null. Thus Luther dogmatized in the book On the Babylonian Captivity (chapter On Matrimony);[62] but it must be held without doubt that it is not so. For it is certain that a marriage with some woman is valid notwithstanding a pledge previously made to another, although he gravely sins who, without legitimate cause, violates the pledge made. I say that it avails in precisely the way in which the donation of a thing avails which had been promised to another: for in espousals there is only a promise, but in marriage a donation. And this doctrine is most clearly handed down by certain canons of Pontiffs which are found (Extra, De sponsalibus; and the canon 1, De sponsa duorum, which is ascribed to Augustine).[63] But what is brought forward to the contrary by Luther is slight, and can be easily resolved from those things which were said above about the impediment of a vow, and from what, in its own place, has been said about espousals.

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1. 2 Pet. 2: "Melius erat illis non cognoscere viam justitiae, quam post agnitionem retrorsum reverti."
2. St. Thomas and St. Bonaventure, "in hanc Distinct." [as in source].
3. Alfonso de Castro, De lege poenali I, ch. 10.
4. Domingo de Soto, De iustitia et iure VII, q., art. 1, 3.
5. St. Thomas, Summa theologiae II-II, q. 88, a. 6–7.
6. Scotus and Paludanus, "in hanc Distinctionem" [as in source]; Cajetan, commentary on Summa theologiae II-II, q. 88, a. 7; Boniface VIII, Sext, Decretals, cap. unicum, De voto et voti redemptione.
7. Innocent I, Epistle 2, ch. 13.
8. St. Thomas, Supplement to the *Summa theologiae*, q. 53, a. 1.
9. Tertullian, De monogamia; St. Basil, De virginitate; St. Epiphanius, Haer. 48 and 61 (Apostolici); St. Jerome, Contra Jovinianum I; St. Augustine, De sancta virginitate, ch. 33; idem, De bono viduitatis, ch. 8; St. Fulgentius, Ep. 1; Pope Innocent I, Ep. 2, ch. 13; Pope Gelasius, Ep. 1, ch. 23; Council of Carthage IV, can. 104; Council of Toledo IV, can. 55.
10. Boniface VIII, Sext, Decretals, cap. unicum, De voto et voti redemptione; Alexander III and Coelestine III, cap. Meminimus and following, Decretals, "Qui clerici vel voventes matrimonium contrahere possint"; Gratian, Decretum, Dist. 27, cap. Si vir; Innocent I, Epistle to Victricius, chs. 12–13; Gregory II, Epistle to Bishop Boniface; see Gratian, Decretum, q. 27, "Cap. Viduas" and "Cap. Hae vero"; St. Augustine, De bono viduitatis, chs. 9–10.
11. Alexander III, cap. Quidam; Coelestine III, cap. Placet, De conversione conjugatorum [Decretals].
12. See above, Distinction 32 (on a vow of continence emitted after marriage has been contracted).
13. 1 Cor. 7:4: "Vir non habet potestatem corporis sui, sed mulier; similiter autem et mulier non habet potestatem corporis sui, sed vir."
14. St. Thomas, Supplement to the Summa theologiae, q. 53, a. 2.
15. St. Cyprian, Ep. 11 (to Pomponius), in which he judges sacred virgins sleeping with men to be adulteresses and orders their separation.
16. St. Basil, De virginitate; idem, Ep. 2 to Amphilochius, canons 18–19.
17. Pope Siricius, Epistle 1, ch. 6.
18. St. Ambrose, Ad Virginem lapsam, ch. 5; idem, De virginibus, III.
19. Pope Innocent I, Epistle 2 to Victricius, chs. 12–13; idem, Epistle 11.
20. St. Jerome, Contra Jovinianum I; idem, Contra Jovinianum II (at the end).

21. St. John Chrysostom, Hom. 6 ad Theodorum monachum; Pope Gelasius I, Epistle 1, chs. 22, 25; St. Gregory the Great, I, Epistle 49 [recipient as in source].

22. Council of Carthage IV, last canon.

23. Council of Toledo I, canon 16; Council of Toledo VI, ch. 51; Council of Toledo VIII, canon 6.

24. Council of Chalcedon, canons 14–15.

25. Council of Tribur, ch. 23.

26. Council of Tours II, canon 16; Synod of Fréjus, canon 11.

27. Council of Trent, Session 24, canon 9.

28. Gratian, Decretum, Causa 27, Quaestio 1; Decretals, title De voto et voti redemptione; Decretals, title Qui clerici vel voventes matrimonia contrahere possint.

29. 1 Tim. 5.

30. St. Thomas, St. Bonaventure, Albert the Great, John of Turrecremata, Sylvester, and Domingo de Soto; on the other side: Scotus, Paludanus, Cajetan, and almost all the Canonists.

31. St. Thomas, Summa theologiae II-II, q. 88, a. 12.

32. St. Thomas, Summa theologiae II-II, q. 88, a. 11.

33. Innocent III, cap. "Cum ad Monasterium", Decretals, De statu monachorum.

34. Lev. 27; Pseudo-Cyprian, Sermo "De ablutione pedum" (ascribed in the tradition to St. Cyprian).

35. "Dodorensis" [abbreviation as in source].

36. John of Turrecremata; Sylvester (Summa, title De voto, n. 4); Domingo de Soto, In IV Sent. and De iustitia et iure VII, q. 2, a. 5; St. Bonaventure, In IV Sent., Dist. 38 (where he sustains this side as more probable); Gloss on cap. "Cum ad Monasterium", Decretals, De statu monachorum; on cap. "Super eo", Decretals, De bigamis; on cap. 2, De voto et voti redemptione.

37. The alleged dispensation of Celestine III with a nun named Constance to marry Henry VI; the contrary declaration of Innocent III; and the report of a monk elevated to the kingdom of Aragon and to marriage—denied by Domingo in the Annals of Aragon.

38. St. Thomas, Summa theologiae II-II, q. 88, a. 12 (on vows of poverty and obedience in bishops); St. Bonaventure, In IV Sent., Dist. 38 (on exemption rather than dispensation).

39. Council of Trent, Session 24, canon 9; Boniface VIII, Decretal (as cited above) on vows being "solemnized" both by religious profession and by reception of Sacred Orders.

40. St. Thomas, Supplement to the Summa theologiae, q. 53, a. 1–2.

41. Matt. 19:11–12; 1 Cor. 7:7; 1 Cor. 7:9; 1 Cor. 7:1–2; 1 Tim. 5:14; Jas. 4:13–15; St. Cyprian, Ep. 11 (book 1) to Pomponius; St. Epiphanius, Panarion (Heresy 61, of the Apostolic); St. Jerome, Ep. 8 to Demetrias; and idem, De viris illustribus (Catalogue of Ecclesiastical Writers), s.v. Tiberinus; St. Augustine, De sancta virginitate, ch. 34; De bono viduitatis, chs. 6, 19; Ep. 70 to Boniface; De civitate Dei XVII, ch. 4. St. Gregory the Great, Homilies on the Gospels, Hom. 36.

42. Wis. (passages on God giving wisdom and virtue) and Jas. 1:5; citation as in the source; John 13:36: "Thou canst not follow me now."; Matt. 19:23–24; Luke 14:28–31; John 6:65; 2 Thess. 3:2.

43. Tertullian, De monogamia (end); Origen; St. John Chrysostom; St. Jerome, Commentary on Matt. 19; St. Basil, De virginitate; St. Gregory Nazianzen, Oration 31; St. Ambrose, Exhortatio ad Virgines; De virginibus (book 3); De viduis; St. Augustine, Enarrationes in Psalmos (on Ps. 134); Confessiones VI, ch. 11; De adulterinis coniugiis II, chs. 10, 13, 20; Matt. 7:7; John 16:24.

44. St. Ambrose, Ad Virginem ipsam, ch. 5; St. Epiphanius, Panarion (Heresy 61); St. John Chrysostom, De virginitate, ch. 39; idem, Commentary on 1 Cor. 7; Theodoret; Theophylact; Oecumenius; St. Jerome, Contra Jovinianum, book 1; St. Augustine, De bono viduitatis, chs. 8, 16; De adulterinis coniugiis, ch. 15; St. Gregory the Great, Regula pastoralis, part 3, Admon. 28.

45. 1 Cor. 5:1; Ezek. 23:4–5 (Vulgate versification), "And I had them, that is, I was joined to them"; and see the context where offspring follows; Matt. 25:29.

46. 2 Cor. (as in the source): the Apostle's promise, "if the Lord permit."

47. St. Cyprian, Ep. 11 to Pomponius (passages cited).

48. St. Epiphanius, Panarion, Heresy 61 (interpretation as discussed).

49. "Sophronius in Greek" [abbreviation as in source]; St. Jerome, the report about a sanctimonialis compelled to marry; St. Gregory the Great, Hom. 36 on the Gospels (on Gordiana).

50. St. Jerome, Vita Malchi monachi captivi.

51. St. Augustine, De sancta virginitate, ch. 34; De bono viduitatis, chs. 6, 19; Ep. 70; De civitate Dei XVII, ch. 4; and the Fourth Council of Carthage (attendance of St. Augustine).

52. 1 Cor. 7 (preference of continence to begetting).

53. Summa Angelica, s.v. Votum; 1 Tim. 5 (the Apostle's mind on marriage "with intention of consummation").

54. St. Thomas, Summa theologiae, Supplement, q. 65, a. 1.

55. Pope Leo I, Ep. 79 to Nicetas; cf. Gratian, Decretum, Causa 34, q. 1; and in the Decretals, Title De secundis nuptiis, cap. Dominus.

56. Pope Clement III, Decretals, De sponsalibus, c. In praesentia.

57. Pope Lucius III, Decretals, cap. Dominus (as above); Pope Innocent III, Decretals, cap. Inquisitioni, Extra, De sententia excommunicationis.

58. Martin de Azpilcueta (Navarrus), Enchiridion, ch. 16, nos. 40–41; ch. 22, no. 54.

59. Pope Innocent III, Decretals, cap. Inquisitioni, Extra, De sententia excommunicationis.

60. Acts 5:29.

61. Hugh of St. Victor, De sacramentis, II, ch. 6; idem, Summa sententiarum, Tract. 7, ch. 9.

62. Martin Luther, De captivitate Babylonica, cap. De matrimonio.

63. Decretals, De sponsalibus; and c. 1, De sponsa duorum (ascribed to St. Augustine).

DISTINCTIO XXXIX — ON DISPARITY OF CULT IN MARRIAGE (*DE DISPARITATE CULTUS IN MATRIMONIO*)

§ I — That the marriage of a believer with an unbeliever is unlawful (Illicitum esse conjugium fidelis cum infideli)

§ 1. From man and woman there is born the impediment of marriage (*impedimentum matrimonii*). What sort it is must be explained presently. And first it must be noted that here the disparity of cult (*disparitas cultus*) is attended to only between those of whom the one professes the true religion, the other a false or none; not between those who both follow a false religion, even if a different one. Concerning this impediment, therefore, the first question is, whether a marriage of this sort is unlawful; second, whether it is null; then other matters pertaining hither are inquired. As to the first question, it must doubtless be established that the marriage of a believer (*fidelis*) with an unbeliever (*infidelis*) is unlawful, which is proved from the natural, divine, and ecclesiastical law. For the natural law these reasons avail.

§ 2. First: By the law of nature each one is bound to avoid his own danger, not only of the body but also of the soul, and that so much the more as the soul is more excellent than the body. But for a believing man there is no small danger to the salvation of the soul from living with an unbeliever. Now such living-together is most close between spouses; therefore from such a marriage one must altogether abstain and beware. The reason is confirmed by the Scriptures: "He who touches pitch will be defiled by it" (Sir. 13); "The friend of fools will be made like to them" (Prov. 13); "Evil conversations corrupt good morals" (1 Cor. 15), and the like.

Second: Even if there were no danger to the spouses, nevertheless there will be a great danger for the offspring to be born, which, just as it ought to be nourished and educated by both parents, so it pertains to the care of each to establish it in those things which belong to religion. In which matter there is good reason to fear lest the child follow more readily a false religion than the true, since "the sense and thought of the human heart are prone to evil from its youth" (Gen. 8).

Third: Nothing is wont to disturb domestic peace so much as disparity of religion between spouses. For thence it comes about that by a different way of life they oppose each other's conduct of life; whence perpetual contentions and quarrels, and even graver evils, are wont to arise. Therefore such a marriage must be shunned by a believing man.

Fourth, a reason akin to the first. If the husband be an unbeliever, he will easily hinder the Christian wife from frequenting the exercises of her religion, according to the laws of Christ and of the Church: for "the husband is the head of the wife" (1 Cor. 11), and it was said to the woman: "Under the power of the husband shall you be" (Gen. 3). This admonition is diligently inculcated by Tertullian in book 2 of "To His Wife".[2]

§ 3. Furthermore, that such marriages are forbidden by divine law can be shown from various places of Scripture, first of the Old, then of the New Testament. Of the Old indeed: for in Exodus and Deuteronomy the Lord severely forbids His people to intermingle marriages with the nations whose land they were to possess.[3] Which precept was not only judicial, obliging the Israelites alone, but also moral, and therefore pertaining to all, if its reason be weighed. For there is subjoined a plainly moral reason, and taken from the source of the law of nature, which accordingly also holds today: "You shall not give your daughter to his son, nor take his daughter for your son, for she will seduce your son so that he will not follow Me, and that he may serve strange gods more" (Deut. 7). And although in those places there is express mention only of those nations which inhabited the land of Canaan, nevertheless that divine precept must also be extended to other nations of unbelievers, as is shown partly from the reason annexed to the precept, which we have just said, partly from other places where this precept is alleged. For in 3 Kings 11 other nations also are named, yea rather the precept is extended to the Idumeans, very near in stock to the Israelites,[4] In which place also the reason of the law is rehearsed in these words: "For they will surely turn away your hearts, that you may follow their gods." And it follows concerning Solomon that he acted against this precept by taking Ammonitish and Moabitish women, and therefore there befell him what God had foretold through Moses: for "his heart was perverted by the women, so that he followed their gods," etc. If this happened to the wisest man, how much more will it be a matter for fear for others? To the same pertains what we read of Joram king of Judah in 2 Paralipomenon 21 and 22, that he "did evil before the Lord," the Scripture adding this reason, because Athaliah the daughter of Ahab, namely an unbelieving woman and, after the example of her parents, given to the cult of idols, was his wife. Likewise of his son Ochozias we read in 4 Kings 8 that he therefore "walked in the ways of the house of Ahab," because he was the son-in-law of that family. Finally, in Ezra and Nehemiah at the end the same precept is repeated and is extended also to the Egyptians and others.

The same law of God is declared in the Scripture of the New Testament by the Apostle in 1 Corinthians 7, saying: "She is free to marry whom she will, only in the Lord"—that is, only to a Christian husband; thus interpret that place Tertullian in book 2 of "To His Wife" near the beginning, Cyprian in the "Sermon on the Lapsed", also in book 3 "To Quirinus", ch. 62, Jerome in book 1 "Against Jovinian", in the "Letter to Ageruchia on Monogamy", and the Ambrosian Commentator on the same place of Scripture; likewise in their Commentaries Theodoret, Anselm, Sedulius, and others; and Augustine in book 1 "On Adulterous Marriages", ch. 25, adduces this exposition as probable, subjoining also a most weighty testimony of Cyprian on that matter.[5]

Another place of the Apostle is 2 Corinthians 6, where he thus prescribes: "Do not be yoked with unbelievers. For what participation has justice with iniquity?" etc. In which place to be yoked with someone is nothing other than to be bound with him by a close society. But there cannot be a society among men closer and more conjoined than that by which a man and a woman so cleave to one another that they are now no longer two but one flesh. Whence Jerome in the two places already cited expounds this place particularly of not being joined in marriage with unbelievers.

Now that the same marriages are forbidden by ecclesiastical law is clear from the canons of the Councils: such as those of the Universal Council of Chalcedon, can. 13; of the Council of Elvira, can. 15; of Laodicea, can. 10, 31; of Arles I, can. 11; of Orleans II, can. 18; of Toledo III, can. 14; of Toledo IV, can. 61; and even canons 67 and 68 of the Great Council of Nicaea among those which are read in the Arabic version, and many other canons and decrees which are in Gratian, Causa 28, quaest. 1. For by these it is forbidden that the

faithful join marriages with Pagans, Jews, heretics.[6] Nor does it stand in the way that sometimes the canons name only one kind of unbelief; for they sufficiently insinuate that in the species the genus is to be understood, just as in the old law what was expressed only of the Canaanites was interpreted by Ezra and the Scripture of 3 Kings 11 to pertain also to other nations of unbelievers. Add two laws from the civil law, one "Ne quis Christianam" concerning the Jews, the other in the Theodosian Code, book 3, title 14; the former forbids entering marriage with Jews, the latter with Gentiles.[7]

Nor are private testimonies of the Fathers lacking. For Tertullian, book 2 "To His Wife", at length teaches that Christians ought not to be joined in marriage with unbelievers. Cyprian, in the "Sermon on the Lapsed", at a place cited not once by Augustine, recounts among other more grievous sins of the faithful that they joined marriages with unbelievers, and says that this is to prostitute to the Gentiles the members of Christ. The other place of Cyprian we have pointed out above. Ambrose, Epistle 70 to Vigilius, advises the new Bishop that he teach his people that such marriages are altogether to be shunned; and in book 1 "On Abraham", ch. 9, he gives the same admonition concerning a Gentile, a Jew, and a heretic to each Christian. Jerome, book 1 "Against Jovinian", says that Christian women who are joined to Gentiles, contemning the Apostle's command, "prostitute to idols the temples of Christ"; another place is in the "Letter to Ageruchia". Augustine, Epistle 234, affirms that a Christian woman can be given in marriage only to a Christian; and in "On Faith and Works", ch. 19, "By all means," he says, "it must be taken care that such conjunctions do not come about. For what need is there to put one's head into so great a hazard of uncertainty?"[8]

Finally, this law is confirmed by the examples of those whom Scripture testifies to have declined to idols and to have fallen into other grave sins through foreign and unbelieving wives—such as Solomon, Ahab, Joram, Ochozias (of whom above). Likewise the Jews, of whom in books 1 and 2 of Ezra. Of suchlike examples also Ambrose recounts not a few in the epistle just cited.[9]

§ II — Certain objections are set aside (Quaedam in contrarium objectiones diluuntur)

§ 4. But in favor of marriages with disparity of cult objections are urged first from examples both of the Old and of the New Testament. For Isaac received Rebecca as a wife, and Jacob the daughters of Laban from a people and parents given to the cult of idols. Joseph [took] an Egyptian; Moses, an Ethiopian woman; Salmon [took] Rahab, a Canaanite; Boaz, Ruth, a Moabitess; Samson, a Philistine woman; David, the daughter of the king of Geshur; Solomon, while still dear to God, [took] the daughter of Pharaoh; and Esther married Ahasuerus, an unbelieving king. And in the time of the New Testament, Eunice the mother of Timothy, praised by Paul in 2 Timothy 1, had a Gentile husband, Acts 16; and Saint Monica, the mother of blessed Augustine, accepted an unbelieving husband, as Augustine himself testifies in Confessions, book 9, ch. 9; and Clotilda, a Christian, married Clovis, the unbelieving king of the Franks, as Gregory of Tours testifies, book 2 of the History, ch. 28. And holy virgins Cecilia and Ursula consented that they be betrothed to unbelieving husbands. Further examples of such marriages may be seen in Bede, book 1 "Ecclesiastical History of the English", ch. 25, and in book 2, ch. 9.

Second, the place Deuteronomy 21 is objected, where it is permitted to the sons of Israel to take as wives the women whom they shall have taken captive from the enemies. But the enemies are without doubt understood to be unbelievers.

Third, the Apostle says in 1 Corinthians 7 that the unbelieving husband is sanctified by the believing wife, and the unbelieving wife by the believing husband; therefore marriages of this kind are not to be disapproved.

Fourth, the Council of Laodicea, canon 31, although it forbids to give sons or daughters in marriage to heretics, nevertheless does not forbid to receive them, but rather seems to allow it.

Fifth, Augustine, book 1 "On Adulterous Marriages" to Pollentius, after he had in ch. 21 reported Pollentius's opinion, that in both Testaments it is forbidden that the faithful be joined in marriage with unbelievers—which words the Master in this Distinction ill recites as though from Augustine's opinion—afterwards, in ch. 25, speaking from his own opinion, says that it is not found either in the Gospel or in the Apostolic Letters, that is, in the whole Scripture of the New Testament, where without ambiguity marriages with unbelievers are forbidden. He repeats the same in "On Faith and Works", ch. 19. But the old law, by which this seems to be forbidden, does not pertain to Christians.

Finally, Jerome, book 1 "Against Jovinian", and St. Augustine, ch. 19 "On Faith and Works", testify that marriages of the faithful with unbelievers in their time were very frequent in the Church. Which certainly the Church would not have permitted, if it had judged them to be unlawful.

§ 5. For the solution of these arguments it must be noted that, as far as the natural law is concerned, it forbids marriages of the faithful with unbelievers to this extent, inasmuch as the reasons set down above have place in them. Whence, if there were no danger to spouse or to offspring from a false religion, nor would it be likely that domestic peace be disturbed, but rather there could be hoped for the conversion of the unbelieving spouse himself, the natural law would not stand in the way, so that the believer could not receive an unbeliever into marriage. Therefore to the examples of the saints of the Old Testament we answer that they do not make against us, because those women either had already been converted to the faith, or were reasonably hoped to be about to be converted; and either they were taken before the Mosaic law, when only the law of nature was observed, or also in the time of the law of Moses by a special prompting of the Holy Spirit; or they did not pertain to those nations from whose marriages the law had by name commanded to abstain. Although even from these it was not forbidden to receive wives first converted to the worship of the true God, such as Rahab the harlot and Ruth the Moabitess. And Esther therefore married the most powerful king Ahasuerus, that, relying on his favor and power, she might vindicate her people from oppression. But Monica, the mother of blessed Augustine, was excused by ignorance of the divine law (about which even Augustine himself doubted), together with the custom of that time, especially the danger ceasing for herself. For rather she gained for Christ her husband Patricius, whom as a pagan she had accepted. The same did Queen Clotilda and others, men and women, whose examples are reported; they led their spouses to the faith of Christ—although it is not necessary for us to excuse from sin all the marriages of the saints.

To the second, it is answered that it is not there permitted except on condition that first the captive woman shave her head and pare her nails, etc., as is said in the same place, by which, according to Lyra, is signified the dismissal of paganism and conversion to Judaism.

To the third, the Apostle speaks of those spouses who were both joined in unbelief, of whom, if one afterwards be converted to the faith, he ought not to leave the unbeliever, but ought also to give effort for his conversion, on account of which hope the unbeliever is said to be sanctified by the believing spouse, because through him he is in a certain manner prepared for the faith. For this preparation is a certain sanctification.

To the fourth, the Laodicean canon adds this condition, "if yet they profess that they will be Christians and Catholics."[10]

§ 6. To the fifth: It must not be denied that Augustine hesitated whether in the Scripture of the New Testament such marriages are expressly prohibited. For in 1 Corinthians 7, "She is free to marry whom she will, only in the Lord," it can also be thus rightly understood, "remaining a Christian," as he has in the same book, "On Adulterous Marriages", ch. 25. Nevertheless this understanding is not equally probable as that which from the same place others expounded above. For indeed he could not think that she gravely sinned who by marrying apostatized from the faith of Christ; but the Apostle wished to admonish that there could be doubt, namely whether she might marry any other than a Christian. Yet the same Augustine confesses that among the most grievous crimes of the faithful it was numbered that they mingled marriages with unbelievers, and he finally concludes that such conjunctions, at least on account of the risk of uncertainty, are altogether to be avoided, and in doubts the safer things are to be followed.

To the last, it is answered that the Church tolerated such marriages for the sake of the conversion of unbelievers, especially when the faithful were then still inhabiting very many places among the unbelievers. Although she did not cease to admonish that one not sin gravely, as is evident from Tertullian, Cyprian, Ambrose, Jerome, and the canons of the Councils cited above.

§ III — Whether marriages of believers with unbelievers are null (Utrum irrita sint fidelium cum infidelibus conjugia?)

§ 7. Although they are unlawful, and have always been so, marriages in disparity of cult, nevertheless by the law of nature they are not null. For disparity of cult does not altogether take away the fidelity of marriage (*fides matrimonii*), although it in some way impedes it. For in such a marriage offspring can be born; it can also be educated and be established in the Christian religion, although for the most part more difficultly than if both spouses were Christians, yet more easily than if both are unbelievers, whose marriage, however, we shall teach below to be valid. And the examples of the saints commemorated above also sufficiently plainly prove that marriages of disparity of cult are not by the law of nature null. For otherwise it would follow that they lived in continual fornication, and hence were by no means saints. From which it also follows that by divine law those same marriages were not null. For the divine law pertains to those alone to whom it belonged according to the reason of the time; and if by divine law those marriages were null, there would exist some precept in the Scripture of the Old or of the New Testament which would dissolve them as null. But no such precept is read. For the two places which were brought forward above from the New Testament prove only that they are unlawful, not also that they are null.

§ 8. Nor in the Old Testament is there found a precept by which such marriages are in general declared null, and perhaps not even in any particular part. For in Deuteronomy 7 the Lord indeed forbids the sons of Israel to contract marriages with unbelievers inhabiting the land of Canaan, but He does not add that, if they be contracted, they will be void.

If you should say that the priest Ezra (chs. 9–10) so interpreted the law of Deuteronomy as to judge marriages of this sort to be null, because in fact he separated the sons of Israel from the foreign wives whom they had taken, we can answer that this is not a plain consequence; for the separation can be understood as to bed and cohabitation with the bond remaining, since the men, the wives having been thus dismissed, could

have taken other wives of their own race by the right of polygamy divinely granted to that nation. Nor indeed do we read that Ezra separated Jewish wives from alien husbands among foreigners. If, however, it had been done, it could be understood that those women ought to live continent, even until the conversion or death of the husbands from whom they had been separated.

§ 9. The same is probable also from this, that that separation was not only from the women of the land of Canaan, but also from the Egyptians and several others of other nations which are enumerated in ch. 9. Add that constantly both there and elsewhere such unions are called marriages, but nowhere fornications; the women themselves also are called wives, not fornicators, as Dominic notes in this Distinction; and therefore he says that this opinion does not lack probability. For also in 3 Kings 11, where the Scripture manifestly has regard to the place in Deuteronomy, women of other nations are likewise enumerated among Solomon's wives, as though the law of Deuteronomy also extended to others. And Augustine too, in "On Adulterous Marriages", ch. 28, speaks of the marriages of those whom Ezra separated as of true marriages, although contracted against the precept of God. Although nevertheless, as many think, the marriages of the Jews with Canaanite women were by divine law null, yet the same will not follow concerning the marriages of Christians with unbelievers; both because the law of Moses has nothing to do with Christians, and because that law, according to the same authors, spoke only of one nation of unbelievers, which nation does not exist today.

§ 10. Nor is any ecclesiastical law found in the Decretals of Popes and Councils by which disparity of cult in general is established as a diriment impediment of marriage. For the canons cited above are only prohibitory, not also irritant. Which is clear even from this, that some of them number heretics among unbelievers, with whom nevertheless a valid marriage can be contracted, as we shall teach below. Then neither do they signify that they include marriages contracted with catechumens or with others prepared to receive the faith, where nevertheless disparity of cult is at issue. Nay rather, canon 13 of Chalcedon permits marriage with a Jew and a Pagan, if they should promise that they will come to the faith. If someone objects the Nicene canons 67, 68, and 69, by which it is prescribed that the unbeliever be dismissed by the believer; the law 3, title 1, of the Theodosian Code, by which marriages of Romans with Gentiles are punished as adulteries; and canon 62 of the Council of Toledo, by which marriages contracted with Jews are ordered to be dissolved, to which canon 18 of the Council of Orleans II agrees, prescribing their separation; and the law of Valentinian, "Ne quis Christianam," in the Code "On the Jews," punishing the marriages of Jews with Christians as adulteries: I reply that those Nicene canons, recently translated from the Arabic tongue, are not of such certain authority that they ought much to move us, although they can be understood of dismissal as to the bed on account of the danger of seduction. But the imperial laws punish the said marriages as adulteries on account of the gravity of the sin, not on account of the nullity of the marriage, although, however those laws be understood, they cannot prescribe to the Church. Likewise the Toledan and the Aurelian canons, because they are of particular Churches and speak only of Jews, cannot establish a law of the universal Church to be understood of all unbelievers. And indeed as to the Jews, that this should be established, there was a special reason of its own, because after the Gospel had been promulgated...[11]

§ I — That a believer's marriage with an unbeliever is unlawful (Illicitum esse conjugii fidelis cum infideli)

§ 11. The Jews have always in their perfidy been more obstinate than the rest: for "the wrath of God has come upon them to the end" (1 Thess. 2), whose conversion therefore could have been hoped for much less than that of others.[12]

§ 12. Although these things stand thus, nevertheless one must not doubt that marriages between a believer and an unbeliever are today invalid, and have for a long time been invalid in the Church of God; and this not so much from any ecclesiastical canon as from the custom of the Christian people and the practice of the whole Church, which has the force of law—although that custom and practice has both an uncertain origin and was introduced gradually—yet which at length so prevailed that for at least 400 years it has been believed in the Church of Christ that these marriages are null. For both Gratian in Causa 28, quaest. 1, and the Master in this Distinction, and thereafter all both Theologians and Interpreters of the Canons have handed down this as a settled fact, not looking to any particular canon but to the doctrine of the Ancients and to the custom of Christians dwelling among or alongside the faithful, who, if ever such marriages were contracted, broke them off either of themselves or with the interposed judgment of the Church.[13] Which custom indeed has its origin from the law of nature, but it received binding force from the tacit consent of the People of God. Some indeed think that this custom already obtained from the very times of the Apostles; but no certain argument of this can be produced. Nay rather, from St. Cyprian (in the Sermon on the Lapsed), and from St. Augustine (in the two places cited above), who repeats Cyprian's judgment, and from St. Jerome, book 1 against Jovinian, and the other testimonies and examples of the Fathers mentioned above, the contrary appears more clearly. Of whom Augustine testifies that such unions were so frequent in his own time that they were scarcely thought illicit. Whence it is readily understood that it was much less persuaded that they were invalid—since the question was not even raised by Augustine—especially since Augustine's mother and other women much commended remained in such marriages, who certainly would not have remained, if they had even had a suspicion of an invalid contract. This same thing is also sufficiently gathered from canon 13 of the Council of Chalcedon. But in following times, as unbelief was more and more eliminated, the custom of the faithful grew and prevailed, namely, that marriages of this kind should be dissolved as invalid, even if perchance they had been contracted with a catechumen or with one otherwise prepared to embrace the Religion.

§ 13. And, to furnish a more exact understanding, Baptism is that by which a firm distinction can be taken of the faithful from the unbelievers with respect to the present impediment. For since the Church does not judge concerning a man's interior faith, but by the external seal of faith, which is Baptism, distinguishes her own from strangers; hence in the present question those are called faithful who have been baptized, whereas by the name of unbelievers are comprehended all who have not yet been initiated by the sacrament of faith, even if they are catechumens and have much advanced in the knowledge of the faith; because it was necessary in this matter that there be something certain and stable which the Church might follow in judging. But nothing more fitting could be designated than Baptism, by which men are enrolled into the Kingdom of the Church, which is the Society of the Faithful, and are subjected to its jurisdiction—just as formerly by circumcision they were enrolled among the Jewish People, as Achior, of whom Judith 14 speaks, and other proselytes. Whence the sons of Jacob (Gen. 34) said it was unlawful and nefarious that their sister be given to an uncircumcised man, distinguishing, by that seal of circumcision, the faithful from the unbeliever. For otherwise, men light and inconstant affirm now, deny now, that they belong to this or that religion; whence a

profession of faith made only in word ought not to suffice in this matter. And that the faithful are rightly understood in the manner now said is shown also from the canons themselves. For in the Fourth Council of Toledo (can. 55 and some of those following) the same persons are sometimes called "the faithful," sometimes "the baptized." And Innocent III (Cap. Gaudemus, in the Decretals, De Divortiis) testifies that with the Apostle in 1 Cor. 7 the faithful are distinguished from unbelievers by Baptism.[14]

§ 14. Moreover, the reason for rendering such unions null was most just: first, because it seemed utterly unworthy that the members of Christ be mingled with profane worshippers of idols—which reason Tertullian, Cyprian, and Jerome press home; next, because marriage ought not to be undertaken by Christians otherwise than as it is a Sacrament of the new law, for which those are not capable who have not yet received Baptism; and finally, so that the marriages of the faithful might be perfectly recalled to the ecclesiastical tribunal. For this could not be done if one spouse were an unbeliever. For the Church does not have power to judge those who are outside and have never been inside. Lastly, it follows from what has been said that, by the Church's dispensation, such a marriage may be at once validly and licitly contracted. For what has been established by ecclesiastical law can be relaxed by the authority of the same Church. And by the law of nature it will not be illicit where the reasons cease on account of which it was proved not to be lawful. But what the Apostle says, "Only in the Lord," is either an apostolic precept, not a divine one—like that "the husband of one wife," in which accordingly the Church can dispense—or, if it is divine, it will be extended only so far as it coincides with the natural law.

§ IV — Marriages with heretics are illicit, yet not invalid (Conjugia cum haereticis illicita non tamen invalida)

§ 15. That it is not lawful to join Catholics in marriage with heretics (*conjugia cum haereticis*), enough reasons and testimonies of Scripture show, by which the same has been demonstrated in general concerning unbelievers; since heresy is the worst kind of unbelief, and therefore marriages with them ought all the less to be permitted, by how much both converse with them is more perilous and their conversion more difficult. To these add that, inasmuch as all heretics are excommunicated, it is not only unlawful to contract marriages with them—which is the closest kind of society—but also any other human and familiar society and converse with them is forbidden to the faithful. By name, moreover, these marriages are prohibited by the Council of Chalcedon (can. 13), by that of Laodicea (can. 31), by that of Agde (can. 67), and by St. Ambrose, Book 1 of De Abraham, ch. 9.[15] The same is proved from the Gospel and Apostolic doctrine. For if a heretic ought to be held as one "not hearing the Church: as a heathen and a publican" (Matt. 18), if, according to the Apostle, he is to be avoided (Tit. 3), if, according to another Apostle, he is neither to be received into the house nor to be greeted (2 John), it follows that one ought not to contract marriage with him.[16] But whether marriages of this sort are ratified or void is asked. For canon 72 of the Sixth Synod pronounces void the nuptials which either an Orthodox man has contracted with a heretical woman, or an Orthodox woman with a heretical man, and it commands that the wicked marriage be dissolved.[17] It also seems to be proved from this, that a disparity of worship (*dispar cultus*) appears to stand more commonly between persons of this kind than between a believer and a pagan, and more indeed than between one baptized and a catechumen. But the danger of subversion from a heretic is much greater than from other unbelievers, as was said a little before, and experience at large teaches.

§ 16. Nevertheless it must be answered that the case of heretics is far different from that of other unbelievers. For heretics—if indeed they are baptized (for of these alone there is speech here)—by the power of the sacrament are counted among the faithful and are faithful as far as the sacrament, and in very truth they pertain to the jurisdiction of the Church, just as those also who after Baptism have apostatized; and consequently there is not a disparity of worship between them and other faithful, as to the profession of Christianity, whose seal and character is Baptism. This is the cause why between persons of this sort marriage subsists, notwithstanding the danger, which of itself does not suffice for marriages to be dissolved. But if such marriages were decreed to be void, now especially in this age the marriages of Christians would be most uncertain, since many waver in the Catholic faith, many are secretly and in mind heretics, and many finally think and profess one thing today, again tomorrow another.

§ 17. As to the canon of the Trullan Synod, which is falsely called the Sixth, nothing else is to be said than that that Synod was schismatic, and therefore of no authority.

§ 18. Although we do not deny that the Church can, if she wishes, make marriages of this kind void; yet she does not do so, because she sees it is not expedient. Moreover, if after marriage has been contracted it happens that one spouse falls into heresy or into any other unbelief whatsoever, it is certain that such a marriage is not dissolved as to the bond, as has been defined by the Council of Trent, session 24, canon 5, although separation as to bed (*quoad torum*) can be made or even ought to be, according to the measure of the danger. Nor is this, however, except for a time, namely while the danger lasts: because that separation is not by the law of marriage, as in the case of fornication, but only by the right of defense. Thus the canons teach in the Decretals, Extra, De Divortiis, cap. "Quae livit", and cap. "De illa", and cap. "Quanto"; and De Restitutione Spoliatorum, cap. "Extramissa", and cap. "Literas".[18] Therefore what the Master says on the Lord's saying in which it is said, "except for fornication," is to be understood of fornication both spiritual and carnal—so that on account of unbelief, nay even on account of any concupiscence which perniciously and shamefully corrupts, as for spiritual fornication it may be lawful to dismiss a spouse just as for carnal fornication—this is rightly rejected as false and erroneous. The exposition of this matter must be sought from the things which we have said above at Distinction 15.[19]

§ 19. Moreover, St. Augustine retracts that passage from which the Master fetched his opinion—which is in Book 1 of On the Lord's Sermon on the Mount, chs. 27–28—so that in Book 1 of the Retractations, ch. 19, he confesses that in a difficult question he satisfied neither himself nor the reader. The other passage of Augustine which the Master adduces, from the book On Faith and Works, is understood of temporary dismissal, which is made for a cause of avoiding one's own danger by way of defense, as we have already said.[20]

§ V — Whether true marriages are contracted among unbelievers (Inter infideles vera contrahi matrimonia)

§ 20. That unbelievers (*infideles*) cannot be partakers of the sacraments (*sacramenta*) of the new law is established from this, that Baptism is the gate of the Sacraments. Wherefore, inasmuch as marriage (*matrimonium*), as it is a sacrament (*sacramentum*) of the new law and instituted by Christ, is concerned, it is not had among unbelievers. But since nothing hinders the things which are of natural institution from being common alike to unbelievers and to the faithful (*fideles*), from this it must not be denied that there is and always has been among unbelievers a true marriage—so far as it is a contract (*contractus*), or a contract that

brings with it an indissoluble bond between a man and a woman, having its institution from the law of nature, according to those things which were said regarding the definition of marriage above at Distinction 27. It is manifest also from the Sacred Scripture of both Testaments, which everywhere attributes to unbelievers no less than to the faithful that they have and take wives, that women marry men and are spouses, as in Esther 1; Dan. 5; and elsewhere; likewise Matt. 24 and Lk. 17, where the Lord says: "As in the days of Noah they were taking wives and being given in marriage," etc. And 1 Cor. 7: "If any brother has a wife who is unbelieving, and she consents to dwell with him, let him not send her away," etc. By which words assuredly the Apostle acknowledges and confirms that those marriages which are contracted among unbelievers are true. For otherwise, a woman taken in unbelief, as though not a true wife, either would have to be dismissed, or taken by an iterated and new contract. And from that passage of the Apostle Innocent III, in the chapter "Gaudemus," teaches that the sacrament of marriage exists among the faithful and unbelievers; adding that by the sacrament of Baptism marriages are not loosed, but sins are remitted. The same thing at length is proved by Gratian in Causa 28, question 1, by testimonies both of the Fathers and by set-out opinions, as in the question "Si quis," from the Council of Meaux—where again that sentence is read: "Crimes are loosed in Baptism, not marriages." Finally, both in the text and in the doctrine held by all the Doctors this is the received teaching.[22] Moreover, Innocent calls even that union which is between unbelievers a "sacrament," because it is a sign of a sacred thing and because it has the power of sanctifying. Yet in strict account, not only the marriages of unbelievers, but also those of the saints and just before the coming of Christ, were not sacraments; in which sense the Doctors sometimes simply say that the marriage of unbelievers is a sacrament. And in the Roman Catechism for Parish Priests one reads the same in that sense; in a general account every marriage is a sacrament—as we showed above at Distinction 26.[23]

§ 21. However, what the Master says toward the end of the present Distinction—that between unbelievers there is a legitimate marriage, but not a ratified one—and what is read noted by Gratian in the same words (Causa 28, quest. 1), is indeed not found in St. Augustine, although Gratian attributes this statement to him, "A marriage is not ratified which is not from God"; but it is taken from the Ambrosian Commentary on 1 Corinthians 7 at those words: "For the brother is not subject to servitude," etc.—thus does that author comment: "For that marriage is not ratified which is without devotion to God; and on that account he sins who dismisses his wife on account of the faith; and if he is joined to another," etc. St. Ambrose himself has something similar (on Luke, homily 29), when he says that a marriage is not from God, and that only according to that saying: "But if the unbeliever departs, let him depart." Following all these, Innocent, in the Decretals, in the chapter "Quanto" De divortiis, writes thus on the same matter: "For although a true marriage exists among unbelievers, nevertheless it is not ratified; among the faithful, however, it both exists true and ratified, because the sacrament, once admitted, is never withdrawn, but the sacrament of marriage makes it ratified, so that the marriage itself may endure in those spouses." From which words of Innocent it is plain that, in his way of speaking, "ratified" does not mean what is consummated, nor what is firm and valid simply, but that is said to be ratified which in no case can be dissolved. Therefore a marriage of unbelievers is denied to be ratified, because it is not so firm and stable that it cannot be dissolved in any case, even though it has been consummated, as is the marriage of the faithful—for that it can be dissolved in some case we shall presently teach. And this sense is easy to gather from the words of Innocent just cited; although it can also be said that it is on that account not ratified, because it has not yet been confirmed by the positive law of Christians. But to that which both Gratian and the Master object to themselves from the Apostle, Rom. 14, "Whatever is not of faith is sin," we briefly reply that the Apostle is speaking of those works in which there is something contrary

to the dictate of our faith—such as it was to eat with this persuasion, that a certain food was unclean and therefore unlawful. Finally, even if it be granted that the marriage of unbelievers is a sin—which indeed it is as regards the intention of the one contracting, not only among unbelievers but also among the faithful, whenever it is contracted for a carnal end or with some other wicked intention, as Soto rightly teaches—still it will not follow that it is not a true marriage. For many contracts are made with sin, either by reason of the end or of some other circumstance that is not good, which nevertheless no one would deny to be ratified; just as also those acts in which the sacraments consist can be vitiated. For, for example, the act of baptizing, if it be done in mortal sin or with an evil end, is a sin.[24]

§ VII — Whether a believer, having dismissed an unbeliever, can marry another (An fidelis infideli dimissa aliam ducere possit)

§ 22. That it is permissible for a faithful person not only to dismiss an unbelieving spouse, with whom he cannot cohabit without injury to religion (*religio*), but also, that same spouse being dismissed and still living, to contract another marriage—this is the settled doctrine of the theologians and canonists, who in this matter have followed the sacred canons and the tradition and practice of the whole Church. The first canon is that of Gregory in Gratian, Causa 28, q. 2: "If the unbeliever," he says, "departs out of hatred for the Christian faith, let him depart. For suchlike… it is no sin for one dismissed on account of God if he shall have joined himself to another. For the contumely of the Creator dissolves the right of marriage with respect to the one who is forsaken," etc.[26] Two other canons are of Innocent III (Decretals, Extra, De divortiis, "Quanto"; and "Gaudemus").[27] The same doctrine is in Ambrose (on Luke 16, and in the Commentary on 1 Corinthians 7), and there is a certain indication of this matter in the Council of Elvira (canon 10).[28] Moreover the first foundation of this doctrine is in the sentence of the Apostle, 1 Corinthians 7: "But if the unbeliever departs, let him depart; for the brother or the sister is not subject to servitude (*servitus*) in such cases." In these words the Apostle wishes to signify that the brother or sister, that is, the Christian man or Christian woman, is not subject to the servitude whereby he would be held to abstain from the use of marriage if the unbelieving spouse, out of hatred for the Christian name, has voluntarily departed and left the spouse; or if he is dismissed because he is unwilling to consent to cohabit without the contumely of Christ. For this latter case is clearly included by the Apostle in the preceding sentence: "If any brother has a wife that believes not, and she consents to dwell with him," etc. Since therefore it is for the most part dangerous, and hence unlawful, to return to such a spouse persevering in contumely, the faithful party will be able to take another spouse. Otherwise he would be subject to servitude, that is, to the necessity of continence by abstaining from the use of marriage, which the Apostle denies. That this is the Apostle's mind has been understood, besides the authors named above, also by the Greek commentators and the Latin ones.

§ 23. Here, if you ask whether he who dismisses a spouse for the cause of fornication is subject to servitude according to the Apostle's sense—especially if the spouse were to persevere in the crime of fornication—one must utterly say "no," because it is by no means permissible for him to marry another. Whence the disciples, upon hearing the words of Christ that "whoever shall marry another commits adultery," rightly inferred that "the case of a man with his wife is hard" (Matt. 19).[29]

§ 24. Now for a fuller understanding of this doctrine—since it appears to be not a little at variance with reason and with the definition of marriage, which requires an indissoluble union between spouses, whereas it

cannot happen that a faithful person pass to a new marriage unless the bond be loosed by which he was bound to the unbelieving spouse—it must briefly be explained how it can come about that a marriage contracted and consummated in infidelity is dissolved in the case just mentioned, whereas one contracted among the faithful and likewise consummated admits of dissolution in no case, neither of fornication nor of apostasy nor of any other crime. St. Thomas and those who follow him explain this matter in about this way: that through Baptism—as the reception of Christianity—a man dies to his former life and rises to a new one; for Baptism is a certain regeneration; and therefore through it a man is freed from the servitude of the former life, to which the previous marriage belonged; just as, they say, one who professes the state of religion is, by it as by a civil death, set free from prior vows and even from the bond of an unconsummated marriage which in his former life he had contracted.[30]

§ 25. But this explanation does not seem sufficiently solid: for since that death to the prior infidelity—by their own admission—takes place in Baptism, the result would be that by Baptism such a marriage is immediately dissolved, which is not so, since the canons say that by Baptism not marriages but crimes are loosed.[31] Nay more, there is no dissolution afterwards either, if the unbelieving spouse consents to cohabit, nor if he does not consent—according to that same St. Thomas—so long as the faithful spouse does not pass to other nuptials; whereas, in the entrance into religion, a civil death is acknowledged by which both prior vows are immediately loosed and an unconsummated marriage. Hence also this way of explaining did not please Durandus.[32]

§ 26. Let therefore this be the explanation: It often happens that a man is bound to something by positive law (*lex positiva*) to which he is not bound by the law of nature. Since positive law, inasmuch as it has the proper character (*ratio*) of law, always adds something of obligation over and above that which arises from the natural law, although by both laws—natural, to wit, and positive—marriage is indissoluble; still, greater obligation arises from the positive law, which confirms the natural, than from the natural alone. Next, it is also certain that positive law binds only those to whom it has been promulgated. From which it follows that this law, "A man shall leave father and mother and shall cleave to his wife, and they shall be two in one flesh," inasmuch as it is positive, does not bind those to whom it has not been promulgated, that is, unbelievers, as many as neither are nor ever have been of the family of God—just as ecclesiastical laws also do not pertain to the same. But because all the baptized pertain to the family of Christ, it comes about that all these are held by that same law, of whatever sort they later become—heretics, Mohammedans, atheists; whence it follows that their marriages, as of those who once through Baptism gave their name to Christ, can thereafter be dissolved by no change of theirs. And this is what Augustine says in the book On the Good of Marriage, chs. 7 and 15, and in the book On Faith and Works, ch. 7, and in book 1 On Marriage and Concupiscence, ch. 10: that such is the case of a man with his wife "in the city of our God, on his holy mountain," that is, in the Church of Christ, that the marital bond between them, as long as they live, cannot at all be loosed.[33] By which words it is signified that the marriage contracted outside the Church, in infidelity, does not have altogether the same status as to firmness and indissolubility. This the commentator Paulinus "apud Ambrosium" also intended, when he denied that to be a ratified marriage which is "without the devotion of God"; and Pope Innocent, when he says that among unbelievers marriage is true, but not ratified, because the sacrament of the faith, that is, Baptism—which is never lost—makes the sacrament of marriage ratified, so that it may endure in the spouses as long as that endures. The places have been noted above.[34]

§ 27. Therefore when it happens that, of those who have been joined in infidelity, one is converted to the faith while the other remains in infidelity, since marriage is of two persons and neither ought to be more bound to the other; such a marriage as yet cannot be subjected to the Christian law in respect of obligation, and hence cannot as yet have that firmness which the marriages of Christians have. From which it is now further inferred that a marriage contracted in infidelity can be loosed in some case, in which case the marriages of Christians cannot be loosed. For if it could be loosed in no case, the firmness of each would be equal. Moreover, the Church recognizes no other case than that which it has received from apostolic doctrine: namely, when after the faith and the Baptism of the one party, the other, remaining in infidelity, is unwilling to dwell with the faithful spouse without injury to the Christian religion, but either voluntarily departs or is dismissed for the sake of Christ. For in this single case a marriage is dissoluble which has its indissolubility from the law of nature alone, as is the marriage of unbelievers; whereas the marriages of Christians (I speak of those consummated), because they are also subjected to the positive law of God, admit dissolution in no case.[35]

§ 28. A brief explanation of two questions concerning the foregoing. First, whether the case just mentioned also extends to this: that the unbelieving spouse be unwilling to cohabit but go on living in a wicked and flagitious way, even if perhaps he does not blaspheme Christ nor try to turn the spouse away from religion. Second, when the bond of the prior marriage is to be deemed loosed.[36]

§ 29. To the first, with Durandus, we answer affirmatively. For Augustine, in the book On Faith and Works, ch. 16, expressed this case, when he says that the unbelieving woman says to her husband now faithful: "I will not be yours unless you amass riches for me by brigandage, or unless you, even as a Christian, practice the accustomed acts of pimping by which our former life passed on." In such a way she is in the best right to be dismissed, because she is dismissed for Christ, if she is unwilling to remain with her husband by reason of this, that he is a Christian; and although Augustine does not expressly judge that in that case the faithful husband may take another, yet this is gathered from the tenor of his words. But Innocent III speaks more plainly on this point (cap. "Quanto," Extra, De divortiis), when he says that the faithful party may pass to a second marriage when the unbeliever either in no way at all is willing to cohabit, or not without blasphemy of the Divine Name, or so as to draw the faithful into mortal sin; which he repeats in the same order in "Gaudemus" (of the same title). The reason moreover is that he who urges to a life contrary to the Christian profession is accounted as willing to cohabit with injury to the Christian religion. Yet the same reason does not hold if the unbeliever himself lives a depraved life, or even commits adultery; for thus indeed he can or ought to be handed over to the magistrate as convicted or as an adulterer, yet it will not for that reason be lawful to pass to another marriage.[37]

§ 30. As to the second, when the prior marriage is to be considered dissolved: some say that it is when the unbeliever is contumelious toward Christ, or strives to turn the spouse away from Christ, even though he has not yet been dismissed. Others, that it is when he is dismissed. But they speak better who say that it is only then deemed to be dissolved when the faithful party proceeds to contract another marriage. For this indeed is Innocent's opinion (cap. "Gaudemus"), where he says: "If the one converted to the faith and he [sc. the unbeliever] does not consent, nor does he follow the one converted, before on account of the aforesaid causes that man has taken a lawful wife, he will be compelled to receive her"; therefore, in the mind of Innocent, marriage on account of the aforesaid causes is not dissolved except by a subsequent marriage. This also is taught by St. Thomas, by Paludanus, by Dominicus, and by the Gloss (on cap. "Si infidelis," 28, q. 2), even though Richard dissents.[38] Nor does that same cap. "Si infidelis" stand in the way, which, as Richard adduces

for his opinion along with some canonists, contains the word of Gregory cited above, that "the contumely of the Creator dissolves the right of marriage"; for the sense is that the contumely of the Creator is the cause of the dissolving of marriage—not indeed that it is immediately dissolved, but then when another is contracted.

§ 31. Finally, it must be noted that, just as a subsequent marriage thus dissolves, so by a solemn vow of religion the marriage which had been contracted in infidelity is dissolved, namely for the aforesaid causes; in like manner St. Thomas and others teach, because they judge similarly in part concerning the marriage of unbelievers consummated and of believers unconsummated—or rather, because a subsequent solemn vow of religion is equated with a subsequent marriage, since in each there is a passing over to an unchangeable state repugnant to the former. Whence it is also gathered that it is not dissolved by the reception of the sacrament of Sacred Orders, as has been defined in the Extravagant beginning "Concertatione": for the reception of Sacred Orders does not of itself militate against a prior marriage.[39]

> Note. Thomas Sanchez judges the following opinion the truer: that although in the time of the primitive Church—when it was permitted to a faithful person to dwell with an unbeliever who was willing for cohabitation without contumely of the Creator, and without dragging him to the faith—no dissolution of the marriage could take place if the unbeliever, willing for such cohabitation, should refuse conversion; nevertheless, now that such cohabitation is no longer permitted unless the unbeliever be converted to the faith, the bond of the prior marriage can be dissolved and one may pass to another, as often as the unbeliever refuses to be converted, however peacefully he may be willing to live without contumely of God and without drawing the believer into sin; which opinion he arms with very strong, and almost ineluctable, arguments. The same author had previously shown that in the primitive time of the Church it was customary to allow a faithful party to cohabit with an unbeliever willing to do so without contumely of the Creator, though refusing conversion.[40]

§ VIII — The resolution of those things which are objected against the foregoing doctrine (Solutio eorum quae contra superiorem doctrinam obiiciuntur)

§ 32. What has been said above, that the marriage of unbelievers can in some case be loosed, does not militate against the fact that even such a marriage is rightly and truly called indissoluble (*indissolubile*), just as is the marriage of the faithful that is unconsummated. For "indissoluble" is said not because it is impossible in any way that it be dissolved, but because it is so firm and valid that it can be dissolved only in one case, and that a very rare one; as we call some disease incurable, or a fortress impregnable, because it is very difficult to cure or to capture. But the consummated marriage of the faithful is simply and absolutely indissoluble, because it can be dissolved in no case, as we call blindness of the eyes incurable. We have already given the reason for this difference between consummated marriages of the faithful and of unbelievers. Now then let us reply to the other things objected against this doctrine.

§ 33. First is that (Matt. 19): "What God has joined together, let not man put asunder." But it is clear that God joins not only the marriages of the faithful, but also of unbelievers, since whatever true marriage exists among whomsoever has its firmness from God. But this Scripture is to be taken, as we said above (at

Distinction 27) in resolving the arguments by which was attacked the dissolution of an unconsummated marriage by entrance into religion. For the Lord was speaking not of any sort of marriage, but only of the consummated marriage of the faithful, which he wills in no case to be dissolved as to the bond.[41]

§ 34. Second, likewise (Matt. 19): "Whoever shall dismiss his wife and shall marry another, commits adultery; and he who shall marry her that is dismissed, commits adultery." But this Scripture also, taken in its generality, pertains only to the faithful, as the former, because Christ was giving a law to the faithful, not to unbelievers; and thus St. Augustine understood it in book 1 On Adulterous Marriages, chs. 1 and 2.[42] And that the same Scripture is to be understood of those whose marriage is received according to mere carnal custom and permitted by precept, see above at Distinction 27, where we noted the canon "Ex publico" (De conversione coniugatorum).'[43]

§ 35. Third, in 1 Corinthians 7 the Apostle prescribes that a wife is not to depart from her husband; but if she shall have departed, to remain unmarried or to be reconciled to her husband. And again: "Art thou bound to a wife? do not seek a dissolution." And at the end of the chapter: "A woman is bound by the law as long as her husband lives." The same is found at the beginning of Romans 7. It is answered that these laws, thus generally as they sound, pertain only to those marriages in which both spouses are admitted into the family of Christ; because, as has been said, a positive law does not oblige except those to whom it is promulgated. Whence also the Apostle in Romans premonishes those to whom he speaks when he says: "For I speak to those who know the law," that is, to the Jews, who were held by the positive law of God. And in this way St. Augustine in book 1 of On Adulterous Marriages, ch. 6, signifies that the Apostle's words are to be taken; and St. Ambrose likewise, on Luke 16.[44] In the same way Haimo and Theodoret interpret the Apostle on 1 Corinthians 7.'[45] Although by the words "Do not seek a dissolution," the Apostle is not forbidding that someone seek a dissolution—just as he does not forbid one to seek a wife when he immediately subjoins: "Art thou loosed from a wife? do not seek a wife"—but he warns that a man should not in this world seek a dissolution out of weariness of marriage or out of love for a freer life, just as he warns that someone who is loosed and free should not, through incontinence or imprudence, entangle himself in marriage.

§ 36. Fourth, St. Augustine, in book 1 of On Adulterous Marriages, ch. 25: "For any sort of fornication whatsoever, whether of the flesh or of the spirit, wherein infidelity is also understood, and the husband being dismissed it is not lawful for the wife to marry another, and the wife being dismissed it is not lawful for the husband to marry another; because the Lord without any exception says: 'If a wife shall dismiss her husband and be married to another, she commits adultery,'" etc. One can answer that St. Augustine is speaking of the infidelity of him who consents to cohabit with the faithful just as the Apostle allows; for of this he speaks in that whole disputation. Yet because St. Augustine in the Lord's meaning seems to admit no exception for which a converted spouse might marry again—this doctrine both by reason and by authorities is not very probable—nonetheless immediately in the Retractations St. Augustine subjoins that the question about marriages is most obscure and most intricate. "Nor do I dare," he says, "to profess that I have as yet explained all its labyrinths either in this work or in another, or that, if hard pressed, I could now explain them."[46]

§ 37. Fifth, in St. Ambrose on Luke 16 these words are read: "The Apostle denied the effect of the law, lest any sort of marriage be dissolved, and he himself neither ordered it nor gave authority to forsake, but he took away the guilt from the forsaken." But Ambrose is referring to that saying of the Apostle: "If the unbeliever departs," etc. It is answered, in that place St. Ambrose teaches that in such a case the marriage is dissolved, and that from the Apostle. He denies that the Apostle commanded or gave authority to forsake, because the

Apostle does not will that to be done unless the unbeliever has given the cause of divorce; in which case he removed guilt from the one who forsakes, even when he passes to another marriage. Now, one is "forsaken" not only he from whom the unbeliever spontaneously departs, but also he with whom the unbeliever is unwilling to cohabit without contumely to the Creator.[47]

§ 38. Lastly, the bond of marriage is not dissolved on account of heresy, although heresy is the worst species of infidelity; therefore neither on account of common infidelity. Some answer that there is a distinction between marriages contracted before Baptism and those contracted after Baptism. For although the former are ratified, yet because they are not sacraments, they lack the chief ground of indissolubility which the latter have, because they are sacraments. And from this they derive the diversity between the case of heresy and the case of infidelity. But this answer does not seem altogether solid, because even marriages contracted before Baptism—if both spouses become Christians—cannot thereafter be loosed, even if one relapses into infidelity and is unwilling to live with the other without contumely of the true God; nor is it by Baptism that the marriage which had been contracted before Baptism becomes a sacrament of the New Law, because the contract is neither repeated at Baptism nor ought to be repeated, nor is the blessing of the priest applied.

§ 39. The true answer therefore must be sought from the things said above: namely, that a marriage, whether contracted after Baptism or before, from the moment it is subject to the Christian law, is utterly indissoluble; not so when as yet it is not subject to the Christian law. Therefore on account of heresy the bond of marriage is not dissolved, because they are subject to the Christian law even with respect to marriage. But on account of infidelity it is dissolved, because both are not baptized. Yet if they are baptized, as we have said already, neither on account of infidelity can it be dissolved.

§ I — What kinship and consanguinity are (Quid cognatio & quid consanguinitas)

§ 40. There remains the last impediment of marriage, namely that which comes from kinship (*cognatio*). Under the name of kinship, however, the canons also include agnation (*agnatio*), although the civil law distinguishes between those two. Following that distinction, St. Ambrose, at the end of Epistle 66 to Paternus, denies that those who do not descend through the father can be called agnates; for according to the civil laws, those are called gnati who descend through the mother from the same parent, agnates who descend through the father.[49] Yet this difference is not always observed, but sometimes they call all who are joined by blood cognates. But the interpreters of ecclesiastical law, whom we follow here, extend the name of kinship much more broadly, as will be clear from the division subjoined. For according to them, kinship taken generally is threefold: namely carnal, spiritual, and legal. Carnal kinship is that which arises from generation or carnal conjunction; spiritual, that which arises from spiritual conjunction, to wit through Baptism or Confirmation; legal, that which is acquired through adoption. Again, carnal kinship is divided into consanguinity (*consanguinitas*), which follows upon the conjunction of blood, and affinity (*affinitas*), which follows from marriage or carnal intercourse. Consanguinity therefore, of which we must speak first, is the bond of those who descend from one person by the propagation of blood, or of those one of whom descends from the other, as the power of the stock (*virtus stipitis*) persists in the one begotten or in those begotten. And those who are joined in this way are called consanguines. One must moreover add thus concerning the power of the stock, that in proportion as the interval between the one and the other becomes longer, the power of the stock

moving to those things that belong to the individual at length fades away, and the name of consanguinity is extinguished together with the affection which is wont to be peculiar among consanguines. For not all men, although they have descended from the common parent Adam and from his successors down to Noah, are rightly called cognates or consanguines among themselves.

§ 41. Moreover, the person from whom they descend, or in whom those many who are said to be consanguines among themselves agree, is wont sometimes to be called the stock (*stipes*), as we have already indicated, sometimes the trunk (*truncus*), sometimes the root (*radix*), as the father with respect to two sons, the grandfather with respect to two grandsons—whether he be taken alone or together with his spouse. For since man and wife are one flesh, they constitute one and the same stock.

§ II — How the degrees of consanguinity are to be reckoned (Gradus consanguinitatis quemadmodum sint computandi)

§ 42. That we may rightly grasp the method of reckoning the degrees of consanguinity (*consanguinitas*), it must be explained what a line (*linea*) is and what a degree (*gradus*). The Doctors define a line as the ordered setting-together of blood-relations descending from the same stock (*stipes*), containing distinct degrees. It is threefold: one of descendants, one of ascendants, and one transverse or collateral (*transversa seu collateralis*). The line of descendants and of ascendants, like a ladder, differs only in the fact that the mode of reckoning is inverted: for the first degree in the line, as on a ladder, is in descending, but will be the last in ascending, and conversely. But that line is called transverse in which the one does not descend from the other, but both from the same stock, as brother and sister, likewise as cousins on the father's side and cousins-german through sisters—namely, all who regard each other from the side. Moreover, degree is called that relation of kinsfolk by which it is known how far they are mutually distant from each other, or how near they are to each other. Therefore one single person by himself cannot constitute a degree, but several; for where there is no progression from one to another, there cannot be a degree.

§ 43. Now as regards the reckoning of degrees, not all have handed down the same account and method. For Isidore in book 9 of the Etymologies, chs. 5 and 6, makes the first degree of descendants from the son to the grandson, the second from the grandson to the great-grandson, and so on in order—placing the son in the position of the stock, as being one with the father.[51] But Alexander II, in Gratian, Causa 35, question 5, the chapter "Ad Sedem Apostolicam," enumerates four diverse ways of reckoning the degrees of kindred, partly in the direct line, partly in the transverse; showing among other things what is the reason why one computation is made according to the civil laws and another according to the canons—namely, because they regarded different ends: the civil laws indeed the succession of inheritance, but the canons matrimonial causes.[52]

§ 44. Finally, he approves this reckoning before the others and teaches it to be canonical: that the father be constituted in the place of the stock, from whom the son is distant by one degree, the grandson by two, the great-grandson by three, and so on. And in this fashion indeed the degrees are to be taken in the descending line; in the ascending line, however, one must use the contrary rationale: so that, if you take the son in the first place and reckon upward from him, the father will be distant from him by one degree, the grandfather by two, the great-grandfather by three, and so in order. And that these matters may be more certainly grasped, let this be a general rule: in the ascending or descending line two persons are distant by as many degrees as there are persons placed in that line in the order of blood, one being taken away; for example, if there are four persons

—father, son, grandson, great-grandson—the great-grandson will be distant from the father, that is from the trunk, by the third degree.

§ 45. But in the transverse line a more careful consideration is to be applied. For since the consanguinity of those who meet each other from the side is not contracted from this, that the one is sprung from the other, but that both are from the same, it will be necessary in this line to consider the degrees according as they are referred to the common origin. And that this may be done rightly, these two rules must be held: If some are equally distant from the common stock, by whatever degree they are distant from it, by the same they are distant from each other; but if they are unequally distant, by whatever degree the more remote is distant from the stock, by that they will be distant from each other. For example's sake, brother and sister are distant from each other by one degree; for thus they are distant from the common parent. But a brother and the sister's son are distant from each other by the second degree, because by the second degree from the common parent is distant the sister's son, who is more remote from the stock. This method of reckoning is taught by Pope Zacharias, Causa 35, question 5, the chapter "Parentele"; which computation Alexander II afterwards in the Lateran Council held in the year 1065 approved and decreed was to be retained; and it is reported by Gratian in the same cause and question, the chapter "Ad Sedem Apostolicam."[53] Hence with good reason Gregory IX calls it an approved rule, in the Decretals, "On Consanguinity and Affinity," the final chapter.[54]

§ III — The degrees in which marriages were formerly lawful or unlawful (Conjugia quibus gradibus olim licita vel illicita fuerint)

§ 46. Not always did the true worshippers of God use the same laws for avoiding marriages of kinsfolk, but according to the circumstances of times and persons the observance of this matter was various. And indeed at the beginning it was altogether necessary for the human race that brothers be joined with their sisters, and that for as long as there were not yet other human beings through whom the human race might be propagated. But after others were begotten from them, marriages were made between cousins, that is, the sons of brothers or of sisters; but between brothers and sisters, the first necessity now ceasing as though it were a law of nature, they ceased to be simply lawful and began to be simply unlawful.

§ 47. That the custom of marriages between cousins and between children of paternal uncles and of maternal aunts endured longer in the human race—especially if they did not have both parents in common, but only one—clearly appears from this, that long after the Flood Abraham took to wife Sarah his sister, that is, the daughter of his brother Haran; but with the proviso, namely, that Abraham and Haran had been born of the same father, to wit Thare, but not of the same mother. For this is what Abraham says (Gen. 20): "Truly she is my sister, the daughter of my father, and not the daughter of my mother," comprehending also a granddaughter under the name "daughter" according to the custom of Scripture, and likewise signifying a kinswoman in general under the name "sister"; in which way too Tobias the younger said that he was taking his sister as wife (Tob. 8). Concerning that time St. Jerome says (in the Traditions on Genesis): "As yet marriages had not by law been prohibited between the daughters of fathers and of brothers, which among the first human beings were even contracted between brothers and sisters."[^56]

§ 48. Yet meanwhile from that same history (Gen. 20) it is evident that at that time it was unlawful to contract marriage with her who was properly and from both parents a sister. For from the words of Abraham, saying that Sarah was his sister, others were inferring that she was not his wife, because at that time it was a

wicked thing for a brother to be joined in marriage with a sister—which also was observed by St. Augustine in book 22 against Faustus, ch. 35.[56]

§ 49. Moreover Abraham procured for his son Isaac as wife Rebecca, distant from him by the third degree (Gen. 24). For he who was the grandfather of Isaac was the great-grandfather of Rebecca, in a different line. Afterwards Jacob took to wife the daughters of Laban, the brother of Rebecca, removed from him by the fourth degree.

§ 50. Then—what is more than these—Amram, the grandson of Levi and the father of Moses and Aaron, had to wife Jochebed his patruelis, as St. Jerome translates, that is, his aunt (for this is what the Hebrew word signifies), namely the daughter of Levi who was born to him in Egypt, as it is said (Num. 26); between whom therefore there was a distance of only two degrees. And indeed, by a law it was also ordained (Num. 27) that women should take husbands from their own tribe, when otherwise it would come about that the possessions of the tribes would be consumed; yet in such wise that both men and women knew that they must abstain from certain unions because of too great a nearness of blood. Concerning which matter there are Mosaic laws (Lev. 18 and 20), where certain persons are forbidden to be joined who before the Law had not been forbidden—for example, a paternal or maternal aunt with the son of a brother or of a sister; and, according to Jerome cited above, a paternal uncle or maternal uncle with the daughter of a brother or of a sister, although this is not expressly contained in Leviticus.[57]

§ 51. Hence it is clear that not all the degrees prohibited in Leviticus were simply unlawful by the law of nature, as the Sectaries contend. Finally, although among unbelievers there was manifold sin concerning marriages, nevertheless those marriages which by them were contracted in the second and in further degree of consanguinity, although unlawful by the law of nature, were nevertheless valid, and are even now valid, as is evident from the decree of Innocent III (the chapter "Gaudemus," in the Decretals, On Divorces), where he does not wish such marriages of theirs to be rescinded if they come to the faith.[58]

§ IV — In which degrees marriages have been forbidden in the time of the Christian law (Quibus gradibus prohibita tempore Christianae legis Matrimonia)

§ 52. The observance of matrimonial propriety has always been greater in the time of the Gospel law (*lex evangelica*) than it once was under the Mosaic law (*lex Mosaica*), because to the Jewish people, as being carnal and distributed into certain tribes, greater indulgence had to be granted regarding the degrees of kinship in contracting marriages. But it is established from Gratian and the Master that the impediment of consanguinity (*impedimentum consanguinitatis*) was of old observed in the Church in seven degrees. On this matter there exist decrees of Gregory I (Epistle 31, book 12) and of Nicholas I—Cause 35, Question 3, the chapter "De consanguinitate," and likewise the chapter "Nulli" in the same place.[60]

1. St. Thomas, Summa theologiae, Supplement, q. 59, a. 1.

2. Tertullian, Ad Uxorem, II.

3. Exod. [as in source: 35]; Deut. 7.

4. 3 Kgs 11 (Vulgate numbering).

5. Tertullian, Ad Uxorem, II (near the beginning); St. Cyprian, Sermo de Lapsis; Id., Ad Quirinum, III, ch. 62; St. Jerome, Contra Jovinianum, I; Id., Epistola ad Ageruchiam de Monogamia; Ambrosiaster (the Ambrosian Commentator) on 1 Cor. 7; Theodoret, Anselm, Sedulius, in their Commentaries on 1 Cor. 7; St. Augustine, De Adulterinis Coniugiis, I, ch. 25.

6. Council of Chalcedon, can. 13; Council of Elvira, can. 15; Council of Laodicea, can. 10, 31; Council of Arles I, can. 11; Council of Orleans II, can. 18; Council of Toledo III, can. 14; Council of Toledo IV, can. 61; so-called Arabic canons of the Council of Nicaea, can. 67–68; Gratian, Causa 28, quaest. 1.

7. The civil-law constitution "Ne quis Christianam" against the Jews [abbreviation as in source]; Theodosian Code, III, tit. 14.

8. St. Cyprian, Sermo de Lapsis; St. Ambrose, Ep. 70 ad Vigilium; Id., De Abraham, I, ch. 9; St. Jerome, Contra Jovinianum, I; Id., Epistola ad Ageruchiam; St. Augustine, Ep. 234; Id., De Fide et Operibus, ch. 19.

9. 3 Kgs 11; 4 Kgs 8; 2 Paralip. 21–22; Ezra; Nehemiah; St. Ambrose, the epistle cited in n. 8.

10. Council of Laodicea, can. 31.

11. The so-called Arabic canons of Nicaea, can. 67–69; Theodosian Code, III, tit. 1, law 3; Council of Toledo (III), can. 62; Council of Orleans II, can. 18; Valentinian's law "Ne quis Christianam" [abbreviation as in source].

12. 1 Thess. 2: "For the wrath of God has come upon them to the end."

13. Gratian, Causa 28, quaest. 1; the Master, in this Distinction.

14. Judith 14 (Achior); Gen. 34; Fourth Council of Toledo, can. 55, and some of the following canons; Innocent III, Cap. Gaudemus, in the Decretals, De Divortiis; 1 Cor. 7; On those Fathers: Tertullian, Ad Uxorem; St. Cyprian, Sermo de Lapsis; St. Jerome, Contra Jovinianum, I.

15. Council of Chalcedon, canon 13; Council of Laodicea, canon 31; Council of Agde (Agathense), canon 67; St. Ambrose, De Abraham I, ch. 9.

16. Matt. 18; Tit. 3; 2 John.

17. Canon 72 of the so-called Sixth Synod (the Trullan or Quinisext Council).

18. Decretals, Extra: De Divortiis, cap. "Quae livit" [abbreviation as in source]; cap. "De illa" [as in source]; cap. "Quanto"; De Restitutione Spoliatorum, cap. "Extramissa" [as in source]; cap. "Literas" [as in source].

19. Estius, above, Distinctio 15.

20. St. Augustine, De sermone Domini in monte I, chs. 27–28; Retractationes I, ch. 19; De fide et operibus.

21. St. Thomas, Summa theologiae, Supplement, q. 59, a. 2.

22. Esther 1; Dan. 5; Matt. 24; Lk. 17; 1 Cor. 7; Innocent III, Decretals, Extra, cap. "Gaudemus" [abbreviation as in source]; Gratian, Decretum, Causa 28, q. 1; Council of Meaux (Concilium Meldense), cited in Gratian, Decretum, C. 28, q. 1, under "Si quis".

23. Roman Catechism (Catechismus Romanus) for Parish Priests; see also Estius, above, Distinctio 26.

24. the Master (of the Sentences), at the end of this Distinctio; Ambrosiaster, In 1 Cor., on 1 Cor. 7, s.v. "Non enim servituti subjectus est frater..."; St. Ambrose, In Lucam, hom. 29 [as in source]; Innocent III, Decretals, Extra: De divortiis, cap. "Quanto"; Rom. 14:23: "Whatever is not of faith is sin."; Soto (Domingo de), on the moral quality of contracting and intention [as in source].

25. St. Thomas, Summa theologiae, Supplement, q. 59, a. 5.

26. St. Gregory the Great, in Gratian, Decretum, Causa 28, q. 2, cap. "Si infidelis".

27. Innocent III, Decretals, Extra, De divortiis, cap. "Quanto"; Innocent III, Decretals, Extra, De divortiis, cap. "Gaudemus".

28. St. Ambrose, In Lucam, on Luke 16; [As in source] Commentary on 1 Corinthians 7 under the name of Ambrose (Ambrosiaster); Council of Elvira, canon 10.

29. Matt. 19.

30. St. Thomas, Summa theologiae, Supplement, q. 59; cf. the analogy with the entrance into religion and civil death.

31. Gratian, Decretum, Causa 28, q. 1, canons cited above: that Baptism looses sins, not marriages.

32. Durandus (of Saint-Pourçain), dissenting explanation [as in source].

33. St. Augustine, De bono coniugali, chs. 7 and 15; De fide et operibus, ch. 7; De nuptiis et concupiscentia I, ch. 10.

34. Paulinus, apud St. Ambrose [as in source]; Innocent III, on "true" and "ratified" marriage among unbelievers, in the canons cited in notes 3–4.

35. 1 Cor. 7.

36. St. Thomas, Summa theologiae, Supplement, q. 59 [ibidem].

37. St. Augustine, De fide et operibus, ch. 16; Innocent III, Decretals, Extra, De divortiis, cap. "Quanto"; idem, cap. "Gaudemus".

38. Innocent III, Decretals, Extra, De divortiis, cap. "Gaudemus"; St. Thomas; Pierre de Palude (Paludanus); Dominicus [as in source]; Gloss on Decretum, on cap. "Si infidelis," 28, q. 2; Richard [as in source], dissenting.

39. Extravagantes of Innocent VIII, beginning "Concertatione": Sacred Orders do not dissolve marriage.

40. Thomas Sanchez, De matrimonio, lib. 7, disp. 74, n. 9; cf. the preceding disputation, n. 12.

41. See above, Distinctio 27, on the dissolution of an unconsummated marriage by entrance into religion.

42. St. Augustine, De adulterinis coniugiis I, chs. 1–2.

43. Decretals, Extra, De conversione coniugatorum, cap. "Ex publico"; see above, Distinctio 27.

44. St. Augustine, De adulterinis coniugiis I, ch. 6; St. Ambrose, In Lucam, on Luke 16.

45. Haimo and Theodoret, on 1 Corinthians 7.

46. St. Augustine, Retractationes.

47. St. Amb

48. St. Thomas, Summa theologiae, Supplement, qq. 54–57.

49. St. Ambrose, Epistle 66 to Paternus, at the end.

50. St. Thomas, Summa theologiae, Supplement, q. 54, a. 2.

51. Isidore of Seville, Etymologies IX, chs. 5–6.

52. Alexander II, in Gratian, Decretum, Causa 35, q. 5, c. "Ad Sedem Apostolicam".

53. Pope Zacharias, in Gratian, Decretum, Causa 35, q. 5, c. "Parentele" [abbreviation as in source]; The Lateran Council held in the year 1065 (under Alexander II); Gratian, Decretum, in the same cause and question, c. "Ad Sedem Apostolicam".

54. Gregory IX, Decretals (Extra), De consanguinitate et affinitate, c. "Finali" [abbreviation as in source].

55. St. Thomas, Summa theologiae, Supplement, q. 54, a. 4, in the body and in the replies to objections 1 and 7.

56. St. Augustine, Contra Faustum 22, ch. 35.

57. Gen. 24; Num. 26; Num. 27 [as in the source]; Lev. 18; Lev. 20; St. Jerome, Traditions on Genesis ["in Tradit. super Genesim" in the source, abbreviation as in source].

58. Innocent III, Decretals (Extra), De divortiis, c. "Gaudemus".

59. St. Thomas, Summa theologiae, Supplement, q. 54, a. 4.

60. Gratian, Decretum [general reference]; and the Master (of the Sentences) [abbreviation as in source]; Pope Gregory I, Epistle 31, book 12; Gratian, Decretum, causa 35, q. 3, c. "De consanguinitate"; also c. "Nulli" in the same place.

DISTINCTIO XLI — ON THE IMPEDIMENT OF CONSANGUINITY AND AFFINITY IN MARRIAGE (*DE IMPEDIMENTO CONSANGUINITATIS ET AFFINITATIS IN MATRIMONIO*)

§ 1. But after Innocent III, in the Lateran Council, revoked those prohibitions which were beyond the fourth degree, and again gave force to those which did not exceed the fourth degree, and this was done with the counsel of the Fathers, because those further prohibitions generated innumerable perplexities and brought danger to souls, this constitution is found "In the Decretals, On Consanguinity and Affinity, the chapter 'Non debet'," and it was afterwards confirmed by a decree of Gregory IX, which is found "in the immediately following chapter."[1] Which canonical law the Church has observed down to the present day. She also understands and interprets it in such a way that, if a marriage should be attempted contrary to it, it is to be held as null. For the canons command that all those who were joined together within the aforesaid degrees be separated, as is clear from the Epistle of St. Gregory I already cited, and from the words of the Council of Chalon, which are in Gratian, Cause 35, question 2, the chapter "Contradicimus," and finally from the universal and perpetual practice of the Church.'[2]

§ V — By what law consanguinity impedes marriage (Quo jure consanguinitas Matrimonium impediat)

§ 2. Consanguinity (*consanguinitas*) impedes marriage partly by the law of nature (*lex naturae*), partly by positive law (*lex positiva*); and this positive law is either divine, as in the time of the Old Testament, or ecclesiastical, as in the time of the New. The same holds for affinity (*affinitas*). But that this matter may be more fully understood, one must know that a prohibitory precept can be called natural in three ways. First, because the thing which is forbidden has intrinsic malice, and by no change of circumstances can be made good—such as to lie, to hate God, to rebel against God, to worship idols, and the like. Hence the precepts by which these are forbidden are altogether indispensable. Second, because the thing which is forbidden is not indeed intrinsically evil, yet is always and everywhere evil unless extreme necessity occurs: such is to take another's property against the owner's will. For this is lawful only in the case of extreme necessity, in which that which was another's becomes common. And precepts of this sort are dispensable by men. Third, because the thing which is forbidden, if taken simply and absolutely, is evil, which yet can be sustained and become good even outside extreme necessity: of this kind are killing a man, swearing an oath, possessing several ecclesiastical benefices.

§ 3. Therefore when we say that some consanguinity impedes marriage by the law of nature, this is to be understood neither according to the first mode of the natural precept just explained—for there is no union of

kindred so evil in itself that God could not dispense in it—nor according to the third mode, although indeed the union of relatives, in whatever degree, if considered nakedly, is unbecoming and evil, and hence is in a certain way forbidden by the law of nature, in which sense it can be conceded that all the precepts of Leviticus concerning degrees of kinship are natural, as concede St. Bonaventure, Richard, Paludanus, and others; nevertheless one must not say absolutely that every such union is forbidden by the law of nature, because neither are the things themselves, about which this prohibition is said, held to be unlawful by all who use right reason, and, when various circumstances are applied, they can be changed; and therefore it is necessary that special positive laws be established concerning them—especially if they ought not only to impede marriage as illicit, but even to annul it as null. For to this latter there is altogether need of a special law; and this was the case in certain degrees, since there are many things which, though ill done, yet, once done, stand—most of all in contracts, unless they are made void by special law. It remains, then, that it be understood chiefly according to the second mode, in which it is said that in certain degrees of consanguinity marriages are impeded by the law of nature, and indeed so that they are not only illicit but also null.

§ 4. But what those degrees are is variously judged by the Doctors. It is probable that they are the following and arranged in this order: first, and the foulest of all, is the union of a son with his mother. Second, of a father with his daughter. For these two have always and among all peoples been accounted detestable, even at that time when there was the greatest scarcity of men. The reason for this is that the modesty and reverence which are by nature implanted in children with respect to their parents causes that nature shuns and abhors such intercourse and marriage. And there was given to men in paradise by God at the beginning of the world a certain signification of this natural prohibition, when it was said: "A man shall leave father and mother and shall cleave to his wife," as is noted by Hugh writing on Genesis.[4] Hence also concerning these two there is no doubt among the Doctors that they are forbidden by the law of nature.

§ 5. The third is that of a brother with a full sister, that is, from both parents. The fourth, of a brother with a sister from only one parent. The fifth, of a stepson with a stepmother—a union which the Apostle testifies is not found even among the Gentiles (1 Cor. 5); and the same judgment is to be made of a son-in-law with a mother-in-law. The sixth, of a stepfather with a stepdaughter; and the same judgment of a father-in-law with a daughter-in-law. Although these unions of the fifth and sixth order are not of consanguines but of affines. Concerning these last four degrees some opine—including Cajetan in II-II, question 154, article 9—that they are not forbidden by the law of nature; but the more common opinion is the one we have stated. And this is proved even from the fact that there exists absolutely no example of such a union being lawful or approved, from the beginning of the human race down to the present day, except for the marriages of the sons of Adam, whom necessity for conserving the same human race compelled to be joined in marriage with their sisters. And indeed it seems that the same is to be judged of all who touch one another in the direct line, in whatever degree, as of a grandfather with a granddaughter, a great-grandfather with a great-granddaughter, and so forth, as the same common opinion holds; although Cajetan in the place already cited dissents, thinking that the Church in the direct line after the first degree can dispense. The reason of the common doctrine has been indicated a little before, namely, taken from the general modesty and reverence of children toward their progenitors. For both these are called their fathers in the manner of Scripture, and those are called their sons. Whence it comes about that even the civil laws condemn every union of this kind, as is evident from the Institutes of Justinian (Title On Nuptials, § "Among these").[5]

§ 6. Further, the other prohibitions—such as the union of an aunt with a brother's son, or of an uncle with a brother's daughter, and others like or of later degree—although they have a certain beginning from the law of nature and are among those matters which, considered without circumstances, have turpitude (whence you will not discover the specific turpitude of this or that instance), nevertheless receive their perfect obligation from positive law, either of God Himself, as in the Israelite people, or of the Church, as in the Christian people. And what the reasons of these prohibitions are may be seen in St. Thomas, II-II, question 154, article 9, where he enumerates several reasons, partly taken from St. Augustine, De Civitate, book 15, chapter 16, partly drawn from elsewhere.[6]

§ VI — That the Church can order and dispense regarding the impediment of kinship (Ecclesiam posse disponere ac dispensare circa impedimentum cognationis)

§ 7. The law of nature does not declare all the marriages of blood-relations (*consanguinei*) and of those allied by marriage (*affines*) to be illicit, much less void, but only those which we have enumerated above; and since the prohibitions of degrees written in Leviticus, as such—that is, insofar as they are precepts of the Mosaic law—do not bind Christians; and, finally, since Christ in the New Law prescribed nothing over and above this on the matter; it follows that by neither natural nor divine law, apart from the degrees mentioned above, is any degree prohibited to Christians for contracting marriages. Wherefore God permitted and committed the whole disposition of this matter to His Church (*Ecclesia*), so that for contracting or not contracting marriages outside the said degrees, and even for making them void, she herself should determine and enact laws, change them, abrogate them, as she should judge to be expedient either for the honorableness of marriage, or for furthering friendship among men, or for avoiding the dangers of souls. For God indeed willed the matter—that is, the subject capable of receiving the sacrament of marriage (*sacramentum matrimonii*)—in general to be lawful persons, as was said elsewhere. But which persons were lawful He willed in great part to depend on the just-mentioned disposition of the Church, which should have the power of establishing certain impediments, removing them, and of tightening and of relaxing the same; and that more in this sacrament than in others, because marriage is not only a sacrament but also a civil contract. Now it is established that a contract of this sort is variable, as men and times and other circumstances of things are varied; and accordingly, by human laws—and not by whatever laws, but by ecclesiastical laws—it must be determined which matrimonial contracts are lawful and which unlawful; likewise which are ratified and which void. Concerning which power of the Church we shall speak more at length at the beginning of the arguments on clandestine marriages, and, moreover, what follows is consequent upon what was said above in Distinction 34.

§ 8. From these points it pertains to the same power of the Church to dispense within those degrees in which marriages are prohibited not by natural law but only by ecclesiastical law; since it belongs to the same power to enact a law and to dispense in it, when a reasonable cause occurs—although, by force of that ecclesiastical power, dispensations even obtained without a legitimate cause avail in marriages as regards the firmness of the contract.

§ 9. This matter is confirmed by the practice of the Church. For it is certain that the Pontiffs have often dispensed in these matters, not only in recent ages but also in earlier ones, as is proved, for instance, by the example of one Gregory I, who (in a Letter to Augustine, Bishop of the English) grants to the English

marriages in the third and fourth degree of consanguinity. He gives the reason of this act of his (in Letter 31, book 11): namely, lest the people, neophyte in Christ, should withdraw from the good they had begun by fearing more austere things. Whence he does not wish the example of that dispensation to be drawn to other nations, since he bears witness that he granted that favor specially and not generally. Moreover such dispensations ought to be rare and very reasonable. Whence the Fathers of the Council of Trent (Session 24, ch. 5), On the Reformation of Matrimony, decree thus: In the second degree let there never be dispensation except between great princes for a public cause. In which place the Fathers do not name the first degree for this reason: either because it is altogether indispensable by man, as in the direct line; or rather (for that the Fathers are speaking of the transverse line is not doubtful), because whether it is dispensable is controverted—as, for instance, between a brother and a sister. Yet that there cannot be dispensation in that case is more probable, from the things we said in the preceding chapter. To these we add that Innocent III (Cap. Gaudemus), when he was treating of not dissolving the marriages of those who were coming from unbelief to the faith, similarly did not name the first degree, but only the second and further. Likewise Pius V (in a certain declaration which begins Attendens) declares that the Supreme Pontiff never intends to dispense in the first degree. From what has been said it is clear how gravely the Sectaries err, who teach that only those degrees of consanguinity and affinity which are expressed in Leviticus can impede a marriage to be contracted and can dissolve one contracted, and that the Church cannot in some of those dispense; nay, that she cannot establish in certain cases that more should impede and dissolve. Against asserters of this kind the Tridentine Synod pronounces anathema (Session 24, canons 3 and 4). And so much for the power of the Church. But as regards divine authority, Cajetan rightly said in the place cited some time ago, that a marriage, in whatever degree and between whatsoever persons, is dispensable by the Author of nature.[8]

§ I — What affinity is and how it is to be reckoned (Quid affinitas et quomodo supputanda)

[9]

§ 10. Affinity (*affinitas*) is called that kinship which a husband contracts with his wife's blood-relatives (*consanguinei*), and conversely a wife with her husband's blood-relatives. Gregory assigns the reason of this kinship, in Gratian,[10] and other Pontiffs there, because according to the divine sentence husband and wife are one flesh. Whence it comes about that whoever are blood-relations of the one become affines of the other, and that in the very same degree of affinity in which they touch the other by a degree of consanguinity. For example, the mother or sister or daughter of the wife, because she touches the wife in the first degree of consanguinity, will touch her husband in the same degree of affinity. But the sister's daughter, because she is distant from the wife by the second degree of consanguinity, will be distant by the same degree of affinity from her husband; and so in other cases.

§ 11. Already from these considerations it is also understood that this is peculiar in affinity, that none is contracted between the husband's and the wife's blood-relations crosswise, but only, as we said, between the husband and the wife's blood-relations, and conversely between the wife and the husband's blood-relations. Whence there is no impediment from affinity to prevent a father and a son from marrying a mother and a daughter; likewise two brothers (from marrying) two sisters; and a brother and a sister (from marrying) a sister and a brother; likewise the wife's son (from marrying) the husband's daughter.

§ II — In which degrees of affinity marriages are prohibited (In quibus gradibus affinitatis prohibita sunt conjugia)

§ 12. Just as in the degrees of consanguinity, so also in the degrees of affinity there has not always been the same observance among true worshipers of God for contracting marriage. For in the Mosaic law, although it had been generally prohibited (Lev. 18) that one should not uncover the nakedness of his brother's wife, nevertheless in Deuteronomy it was also prescribed that a brother should raise up seed for a brother who had died without children by taking his wife. This union was in the first degree of affinity, and for that reason, in the said case, all the more lawful in the second or third degree, as seems to have been done between Ruth the widow and Boaz, a kinsman of her dead husband. The same was observed by a certain right even before the law of Moses. For Judah the Patriarch, Gen. 38, commanded Onan his son that, having taken Tamar the wife of his dead brother, he should raise up seed for him; and when that one too had died, he promised also the third son, whom, when he had not given, he himself later confessed that he had acted unjustly with her. But that precept had a special reason at the time when the people of God were to be multiplied also by carnal propagation, and to die without leaving seed was reckoned a great malediction. Whence the natural turpitude conjoined to such a marriage was compensated by that honor which the brother paid to the brother in procuring posterity for him from the wife left behind.

§ 13. Furthermore it does not seem to have been illicit among the Israelites that a man should take in marriage the sister of his dead wife; which likewise was the first degree of affinity. For this is signified to have been lawful by these words of Leviticus: "Thou shalt not take thy wife's sister to vex her, neither shalt thou uncover her nakedness while the other is alive." Here it is signified that when the wife is dead it is lawful. Nor is it a wonder, since before the law it was lawful to have two sisters at once in marriage, as is evident from the example of Jacob the Patriarch.

§ 14. But for Christians nothing of this sort is permitted by ecclesiastical law; rather, in the same degrees are affines prohibited from being joined (by the affinity contracted in the manner said above) as are blood-relatives: formerly indeed up to the seventh degree, as is clear from the various decrees of the Pontiffs and Councils which Gratian gathers;[12] afterwards only up to the fourth degree, according to the decree of the Lateran Council under Innocent III, as was said above concerning consanguinity. Whence, too, whatsoever marriages are contracted in prohibited degrees of affinity are likewise void. For the Council of Neocaesarea (canon 2) wills the marriage of a woman with the brother of her dead husband to be dissolved, and concerning others there are other canons that decree the same; although for proving this the perpetual practice of the Church ought to suffice.

§ 15. In passing it must also be noted that, by the authority of that same Lateran Council, a certain impediment established by the ancient canons was abolished, which arose from affinity of the second or of the third kind—that which, to wit, is contracted from a second or third marriage. Although that was not affinity in the proper sense, but rather a certain equity of public honesty, by which it came about that not only was the woman the affine of her husband, but also if she, after the husband's death, should marry another, and after his death the later husband should take another wife, this last wife, after her husband's death, could not marry the brother of the first husband because of affinity of the third kind. But this second and third kind being taken away, it pleased that only the first be retained. Likewise it pleased by the same decree to abrogate

that constitution of the ancients by which offspring born of a woman's second marriage were forbidden to be joined in marriage with the blood-relations of the earlier husband.

§ III — The extent to which the Church can dispense in the degrees of affinity (Quatenus Ecclesia dispensare possit in gradibus affinitatis)

§ 16. Since the Adversaries deny that the Church can dispense in the degrees of consanguinity, they say the same also about affinity, relying on the same foundation: namely, because within certain degrees marriages are prohibited by natural law, and to those degrees they wish to refer whatever Moses expressed in Leviticus—and indeed certain others besides—in which, therefore, it is not in human power to dispense.

§ 17. But the chief controversy of this place is about the first degree in the transverse line; namely, about this, whether a man may be able by the Church's dispensation to take in marriage the sister of his dead wife, or the widow of his brother; and, concerning a woman, similarly.

§ 18. For concerning the first degree of ascendants and descendants the case is otherwise. Although there are Catholic writers who think the Church can dispense in this degree: for instance between a stepfather and a stepdaughter, between a stepmother and a stepson, between a son-in-law and a mother-in-law, finally between a son-in-law and a father-in-law; nevertheless it is much more probable, as we showed in the preceding Distinction, that she cannot, because among these persons marriage is illicit by natural law. Whence no examples of such a dispensation are found.

§ 19. But in the transverse line the case stands far otherwise; which can be shown easily even from Sacred Scripture. First, as to the place (Lev. 18), there it is only prohibited that someone should marry his brother's wife, but not that someone should take his wife's sister after her death—this, from the same passage, we showed in the previous chapter. And yet, if you look to the law of nature, the kinship is the same in each case, and the turpitude from the conjunction appears the same. Whence now the Church prohibits each by equal right and in each dispenses by equal right. Therefore, that in the Old Law the one was prohibited rather than the other argues that the precept was not absolutely moral but in part judicial, and on that account was abrogated by the New Law.

§ 20. Finally, the other law of Leviticus, "Let not a brother take his brother's wife," was not to be understood universally. For, as we said above, elsewhere it was prescribed that a brother should raise up seed for a brother who had died without children (Deut. 25). Therefore the law enacted in Leviticus admitted a notable and necessary exception. For Augustine,[14] Lyra on the same place,[15] and others teach that the latter was the exception of the former; although Cajetan, in his Commentary on that same passage, thinks probably that it is not so much an exception as a declaration, whereby it is taught that the earlier law in this case did not oblige, or rather that the earlier law did not extend to this case. This is proved from the fact that even before Moses it was in observance that in this case a brother could and ought to marry his brother's wife, as above (from Gen. 38) we have shown.

§ 21. But what certain Adversaries answer—that the Lord in Deuteronomy dispensed with the natural law set forth in Leviticus—is not rightly said. For a dispensation is not a law, nor does one who dispenses a law command that it be done otherwise than the law prescribes, but only permits, namely by removing the obligation of the law in a certain case. But in Deuteronomy a law is established, and an infamous penalty is

also attached for him who would not obey the law. Wherefore we must acknowledge there something more than a dispensation—namely, a precept which in that people had to be observed as legitimate.

§ 22. Therefore, if on account of that caution that seed be raised up for the brother, the marriage of a brother with the wife of the deceased was prescribed by law; much more could that be permissively granted by dispensation on account of some cause of public utility, such as the conserving of friendship or its conciliating between great princes, from which there follows the peace and felicity of kingdoms.

§ 23. To these are added the examples of the Saints and the dispensations of the Pontiffs. For the most holy Patriarch Jacob, without any censure, had two full sisters at once in marriage. How much more will it be lawful to take the other, the Church dispensing? And what Judah his son both commanded and promised, and recognized to be just—following, to wit, the law then received—above we said (from Gen. 38).

§ 24. The Pontiffs who dispensed in this degree were Innocent III (in the Decretals, title De Divortiis, final chapter), granting to the neophytes of the Church of Lincoln that they should remain in the marriages which they had contracted with the widows of their brothers. Although this is not so much a dispensation as a declaration of the validity of such a marriage contracted among unbelievers. For that there was such a law even among the Gentiles was shown above from one and another place in Terence.[16] Alexander VI, by whose dispensation Emmanuel, King of Portugal, successively joined to himself in marriage two sisters, daughters of Ferdinand, King of Spain, Elizabeth and Mary. Julius II, by whose dispensation Henry VIII, King of England, took to wife Catherine, daughter of that same Ferdinand, the widow of his brother Arthur; although he afterwards, alleging the marriage to be unlawful, repudiated her by his private authority. From which the conflagration of the English schism was kindled. Clement VII, by whose dispensation Pedro Alvarado, Governor of certain provinces of the West Indies, married Beatrice, the sister of his dead wife, by name Francisca.

§ 25. Moreover, the things which are brought forward to the contrary by the Adversaries are for the most part not difficult to solve from the things which have been said on consanguinity (in the preceding Distinction). On which see Domingo [Soto][17] (in this Distinction) and Alfonso de Castro, book 1 (On the Penal Law, last chapter), where against Peter of Palude he proves this power of dispensing which we are treating.

§ IV — What kind of impediment to Matrimony the justice of public honesty is (Justitia publicae honestatis quale sit Matrimonii impedimentum)

§ 26. There is an impediment similar to affinity (*affinitas*), which is called the justice of public honesty (*publica honestas*). For it comes not from the conjugal intercourse, from which affinity is born, but from some like cause having, with respect to conjugal intercourse, a certain incomplete character; whence also public honesty is not properly affinity, but kinship, or, as they call it, a certain connection smaller and more imperfect than affinity, on account of which nevertheless it is publicly judged unbecoming if those who are thus mutually brought into contact should be joined in marriage with one another. Now this kind of connection is contracted in several ways. First, by fornication; although some prefer to say that the kinship contracted from fornication is affinity in the proper sense of the name, because it is contracted from carnal intercourse; but what name it is counted under matters little. Indeed Innocent III (cap. "Discretio," in De eo qui cognovit consanguineam uxoris suae) calls it public honesty.[19] And truly it is not consistent that the aforesaid affinity

should be contracted outside marriage through the wrong of rape; for neither do we use to call persons "affines" except from marriage. Likewise, consanguinity and affinity, etc., according to Aristotle, are causes of friendship, whereas from fornication there is not caused friendship with another man's kinsfolk, but rather enmity on account of the injury of the outrage. Concerning this impediment in antiquity the decrees of the Pontiffs determined thus; and the Council of Trent (Session 23, ch. 4) De Reformatione Matrimonii, restricts the impediment introduced on account of affinity contracted from fornication, and which dissolves a marriage contracted thereafter, to those only who are joined in the first degree; but in the further degrees the Synod decrees that the state of public honesty does not dissolve a marriage contracted thereafter.'[20] Such are its words.

§ 27. It must, however, be known that if a married person should incur this affinity, by carnally knowing his wife's sister, the marriage indeed is not dissolved; but the one who committed this loses by that very fact the right of demanding the conjugal debt, as the Pontiff declares (Title De jure conjugii, ch. 1 and 3); the wife, however, since she is innocent, does not seem to fall away from the right which by the law of nature belonged to her before. And conversely, if a woman has known the husband's brother, she incurs the same penalty, the innocent husband remaining free. In like manner he too is exempt from this penalty if someone through inculpable error should think a woman to be his wife, or a woman should think the husband's brother to be her husband. For one does not seem, without his own fault, to be deprived of that right which by the law of nature is his.[21]

§ 28. Second, the impediment of public honesty proceeds from betrothals (*sponsalia*) not followed by marriage. And of old this impediment was extended also to betrothals that were invalid for whatever cause, as is evident from the Sext of the Decretals (Title De sponsalibus et Matrimoniis), and it was extended up to the fourth degree, just as the impediment of affinity.[22] But in the Council of Trent (ch. 3) De Reformatione matrimonii, even this kind of impediment the Church moderated, when it thus decreed: The impediment of the justice of public honesty, where the betrothals were in no way valid, the holy Synod entirely abolishes; but where they have been valid, let it not exceed the first degree, because in the further degrees a prohibition of this sort can no longer be observed without dispensation.'[23]

§ 29. Third, this impediment arises from a marriage indeed contracted, but either not consummated, or invalid because of some cause. If it is ratified but not consummated, this impediment, according to the ancient canons, will have place in the same degrees to which the impediment of affinity extends—whose canons' constitution has not by any later decree been restricted nor revoked; and this perhaps because it is often uncertain, nor can it be known, whether the marriage has been in fact consummated or not. Hence also, when consulted on this matter, Pius V, in the Motu Proprio which begins Ad Romanum, issued in 1565, declared that the restriction made in the Council of Trent of the justice of public honesty to the first degree has no place except in betrothals de futuro.[24] Moreover, the same judgment seems to be in force for a marriage contracted but invalid for some cause, whether it has been consummated or not. On which matter there exists a decree of Boniface VIII (in the Sext, De desponsatione impuberum, cap. unico).'[25]

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1. Innocent III, the Lateran Council, ch. 50; Decretals, "On Consanguinity and Affinity," c. Non debet. Confirmed by Gregory IX, decree in the immediately following chapter [abbreviation as in source].

2. St. Gregory the Great, Epistle (as cited above); Council of Chalon, in Gratian, C. 35, q. 2, c. Contradicimus.

3. St. Thomas, Summa theologiae, Supplement, q. 54, a. 3.

4. Gen. 2:24; Hugh (of St. Victor), on Genesis [as in source].

5. Justinian, Institutes, Title On Nuptials, § Inter eas.

6. St. Thomas, Summa theologiae II-II, q. 154, a. 9; St. Augustine, De civitate Dei XV, ch. 16. Also cited in the text: St. Bonaventure; Richard; Paludanus [names as in source]; Cajetan, on Summa theologiae II-II, q. 154, a. 9.

7. St. Thomas, Summa theologiae, Supplement, q. 54, a. ultimo.

8. Cajetan, "loco dudum citato" [abbreviation as in source].

9. St. Thomas, Summa theologiae, Supplement, q. 55, a. 1; a. 7.

10. St. Gregory the Great, in Gratian's Decretum, Causa 35, quaest. 5, c. "Porro" [abbreviation as in source]; and other Pontiffs cited there.

11. St. Thomas, Summa theologiae, Supplement, q. 55, a. 8–9.

12. Gratian, Decretum, Causa 35, quaest. 2, 3, 5; later the decree of the Fourth Lateran Council under Innocent III.

13. St. Thomas, Summa theologiae, Supplement, q. 55, a. 6.

14. St. Augustine, Quaestiones in Heptateuchum, on Leviticus, q. 61.

15. Nicholas of Lyra, Postilla on Leviticus 18 [as in source].

16. Terence, passages cited above [as in source].

17. Soto (Domingo de), in this Distinction [as in source]; Alfonso de Castro, De lege poenali, I, ch. ult.; against Peter of Palude.

18. St. Thomas, Summa theologiae, Supplement, q. 55, a. 3–4.

19. Innocent III, cap. "Discretio," in De eo qui cognovit consanguineam uxoris suae.

20. Council of Trent, Session 23, ch. 4, De Reformatione Matrimonii.

21. "Title De jure conjugii, ch. 1 and 3" [abbreviation as in source].

22. Sext of the Decretals, Title De sponsalibus et Matrimoniis.

23. Council of Trent, Session 23, ch. 3, De Reformatione matrimonii.

24. Pius V, Motu Proprio Ad Romanum (1565).

25. Boniface VIII, Sext, De desponsatione impuberum, cap. unico.

26. On whether invalid betrothals for defect of consent generate the impediment of public honesty, Boniface VIII, in the title cited by the Author, De sponsalibus et Matrimoniis (in the Sext, cap. unico), clearly determines that betrothals invalid through defect of consent do not produce the impediment of public honesty. But whether, considering both the ancient law and the new one of the Council of Trent, betrothals null on account of merely internal consent yield this impediment is a question to be examined in Sánchez, De matrimonio, book 7, disputation 68, a. num. 13. From this the Doctors infer that a marriage indeed contracted but invalid through defect of consent does not nowadays produce this impediment; on which matter see the same Sánchez in the place cited (Disputation 70), where, further, he treats the kindred question whether a marriage null for defect of internal consent alone produces this impediment.

DISTINCTIO XLII — ON SPIRITUAL AND LEGAL KINSHIP (*DE COGNATIONE SPIRITUALI ET LEGALI*)

§ 1. Although this impediment seems to have to be restricted to a marriage contract celebrated according to the form prescribed by the Council of Trent,[1] for marriages celebrated otherwise do not even have the force of betrothals, as was said elsewhere.

§ 2. Finally it must be noted, that just as was said above about the impediment of consanguinity and affinity, so also this impediment of public decency, and the same judgment about spiritual and legal kinship (of which the next Distinction will treat), are to be understood in such wise that a marriage afterwards contracted is invalid, even if perchance the contracting parties were ignorant that such an impediment existed between them. Hence, whenever it first becomes clear that there is an impediment, they must be separated: either by private authority, withdrawing mutually from each other, if the impediment is notorious; or, if the impediment is not sufficiently clear and certain, after awaiting the judgment of the Church. Nor in this place is the opinion of Hugo Victorinus to be listened to, who opines that such unions are true marriages until they have been separated by the judgment of the Church, especially if they are of such a kind that they cannot be proved among men; as is to be seen in him, book 2, De Sacramentis, part 11, chapter 11.[2] The Master also raises this question and leaves it unsolved. But the matter admits of no doubt. For if they were true marriages, they could be dissolved by no ecclesiastical power, as is clear from what was said about the indissolubility of marriage around Distinctions 33 and 35.

§ I — What spiritual kinship is and what grades it has (Cognatio spiritualis quae sit & quos gradus habeat)

§ 3. There follows the impediment of spiritual kinship (*cognatio spiritualis*), and what that kinship is: It is a certain nearness of persons proceeding from the conferral of the sacrament of Baptism or of Confirmation, or from the fact that someone holds and receives another in the sacrament of Baptism or of Confirmation. The reason of this kinship is that in these sacraments there is a certain spiritual generation; properly indeed in Baptism, which is also called the sacrament of regeneration, according to that saying: "Unless a man be born again of water," etc.; but in Confirmation to this extent, that by it that spiritual generation is brought to perfection. For it bestows strength and a certain perfection of the spiritual life received through Baptism. This reason the Church anticipated when it willed this kinship to be a diriment impediment of marriage: for just as between those who are joined by carnal kinship there is a natural reverence, by which they are naturally forbidden a mutual union of bodies, which cannot be without shame, so also between those who are joined spiritually in the said way a like reverence, on account of that spiritual generation—that is, that there is a certain spiritual thing which the one communicates to the other—ought to intervene.

§ 4. From this it is clear that in this spiritual kinship he who baptized or confirmed has the standing of the stock: for these are, as it were, the chiefs of the spiritual generation. There is indeed also found in the sacrament of Penance a certain spiritual conjunction—namely, between the Presbyter and the penitent; likewise in catechesis, between the one catechizing and the catechumen while he is being instructed for Baptism; but it is not of such weight that by the rigor of ecclesiastical law it should annul marriage; although the latter, according to the canons, impedes the contracting of marriage. As to the former there was no need to establish anything, since it is simply not permitted for a Presbyter to take a wife. On this matter see Cap. Contracto, in the Extravagants, De cognatione spirituali, and the Glosses of the same place, where the impediment of catechism is treated and of what sort it is is explained.[4] But far less ought that spiritual brotherhood which is among all Christians to have been established as an impediment to marriage; both because the reason stated above has no place in it, and because by such a law Christians could contract marriages only with unbelievers, which would be most absurd.

§ 5. Moreover, three, as it were, grades are wont to be constituted in the spiritual kinship of which we are now speaking: namely paternity, co-paternity, and co-fraternity. Paternity is terminated in the spiritual son, the name of son and daughter being included. And it is considered between the one baptizing, the one confirming, the one lifting from the sacred font, the one holding in Confirmation, and their spouses on one side, and the one baptized or confirmed on the other. Co-paternity, however, is between the spiritual parents of the baptized or confirmed just now named on one side, and the carnal parents on the other. Co-fraternity, finally, is between the said spiritual children, namely the one baptized or confirmed on one side, and the carnal children begotten by the same spiritual parents on the other.

§ II — How far the impediment of this kinship extends (Quousque protendatur hujus cognationis impedimentum)

§ 6. According to the ancient canons the impediment of spiritual kinship arose among all the persons named above, in the way just said, when compared among themselves; as is to be seen in Gratian, cause 30, questions 1, 3, 4, and in the Decretals under the proper title De Cognatione Spirituali.[6] But because, on account of the multitude of such prohibitions, it often happened that many, either knowingly or unknowingly, fell into forbidden cases—whence scandals and perils of souls arose—therefore, in order to remedy these evils, it seemed good to the Fathers of the Council of Trent (Session 24, chapter 2, De reformatione matrimonii), first, to lessen the number of those who would receive from the sacred font one baptized: namely, that only one, whether a man or a woman, and that according to the institutions of the sacred canons but long ill observed, or at most one man and one woman, should receive him who is baptized. Then they established that spiritual kinship should be contracted only between the one baptizing and the sponsor or sponsors on one side, and the baptized and his father and mother on the other side—kinship which impedes marriage's being contracted and annuls it if contracted. But if others also, besides those who shall have been designated by those whom it concerns, should touch the baptized, they declare that from this no spiritual kinship at all is contracted. About Confirmation too it was established by the same Fathers in the same place, that the kinship which is contracted from it should consist only between the one confirming, and the one holding, on one side, and the confirmed and his father and mother on the other. And so the kinship of co-fraternity, as also that which a spouse contracted by reason of spousehood alone from these sacraments, has been entirely removed as regards an impediment of marriage.

§ 7. Now as to the manner of this impediment which comes from spiritual kinship: the same account holds as with those above. For if this kinship has preceded the marriage, it does not allow it to become ratified; but if it has come afterwards, it cannot indeed dissolve a marriage once valid; yet he through whose fault that kinship was contracted loses the right of demanding the debit; otherwise, if either on account of some necessity or through inculpable error he had fallen into such a kinship.

§ 8. From what has just been said it is clear that these spiritual impediments, and the very kinship from which they arise, do not have their foundation in nature in the way the impediment of carnal kinship has; namely, such that by the law of nature the matrimonial union of persons thus related would be unlawful, or even null. Rather, they have the power of impeding and annulling only from the positive constitution of the Church; which, just as in these impediments it can change something and dispense, so also it could, if some just reason urged, remove them altogether.

§ III — How legal kinship impedes matrimony (Legalis cognatio quomodo Matrimonium impediat)

§ 9. Legal kinship (*cognatio legalis*) is said to be that which is contracted by adoption (*adoptio*). Now adoption is defined as the lawful assumption of an outsider into the place of a son, or a grandson, or further. This was introduced in order that those who do not have natural sons might alleviate their bereavement or barrenness by adoption, as by a certain voluntary begetting of sons; although even by those who have children this kind of fatherhood is at times undertaken for certain reasons. By an outsider we understand not one who is altogether alien from the adopter's clan. For Mordecai is read to have adopted Esther, his brother's daughter, as his own daughter (Esth.), and in Terence Mitio has, by adoption, his brother Demea's son as his own—indeed a fictive example, yet taken from human custom. And what is more, the Patriarch Jacob adopts as sons his grandsons by his son Joseph, Ephraim and Manasseh (Gen. 48); but we understand by "outsider" one who was not under the adopter's power.

§ 10. Moreover, that from adoption there arises a kinship which impedes marriage is taught by the canons in Gratian's Decretum, causa 30, question 3, and in the Decretals under the title On legal kinship.[8] But between which persons, and how far, this impediment intervenes, let us briefly explain. In legal kinship a threefold relation must be considered. The first is of ascendants and descendants, namely, that which is between the adopter and the adopted, and his children and thereafter as far as the fourth degree. The second is lateral, between the adopted and the natural son of the adopter. The third, corresponding to affinity, arises between the adopter and the wife of the adopted, as between a father-in-law and a daughter-in-law; and likewise between the adopted and the wife of the adopter, as between a son-in-law and a mother-in-law. Where what we say of the one sex is to be taken likewise of the other. In all these, therefore, as has been said, when set beside one another there is an impediment to marriage, yet not altogether in the same manner. For among the three modes enumerated, the first and the third kinships do indeed bring a perpetual impediment; the second, however, not a perpetual one. The reason is that those kinships, once contracted, cannot be dissolved; but this lasts only so long as the son of the adopter has remained under the father's power; it is dissolved either when the father has died or when the natural son has been emancipated. In which case a marriage can be contracted between the adopted son and the natural daughter, or conversely, just as the Rescripts of the Popes Paschal and Nicholas, in the places already indicated, teach us, and likewise in Gratian (Cap. Per adoptionem).[9] From

which it is also gathered as very probable (although to certain others it seems otherwise) that this impediment not only stands in the way of a marriage being contracted, but indeed dissolves one already contracted. For the words of Nicholas seem to prove this, when he says: "If by adoption someone has become my sister, so long as the adoption lasts between me and her, a wedding cannot stand."[10] But the reason of this impediment is similar to the previous ones; namely, the reverence which the son and daughter who are adopted owe to the adopter as to father or mother, and consequently to their spouses and to their natural children.

§ IV — That second and further marriages are lawful (Secundas et ulteriores nuptias licitas esse)

§ 11. Polygamy in succession—namely, second marriages after the death of a former spouse—was once condemned by the heretics the Montanists, as St. Augustine reports (Heresis 26), and after them by the Novatians, as Theodoret attests, book 3 of De fabulis haereticorum; indeed Tertullian also, having lapsed into the heresy of Montanus, openly taught this same error in the book De monogamia and elsewhere.[13] But the Catholic doctrine is that second marriages, and third, and however many further in number, are true marriages, and in themselves lawful and honorable. To prove which one could produce first examples of the Saints of the Old Testament, as of Abraham, who, Sarah being dead, took another wife (Gen. 25). But because to them it was permitted also to have several wives at the same time, therefore a proof sought from their example will perhaps seem to have less strength—since to those to whom by dispensation it was given to have several simultaneously, it could not be denied to have several successively, especially since this follows from that, insofar as wives who are had at the same time are not, however, received at the same time, nor do they die at the same time. Wherefore let us confirm this matter by the Scriptures of the New Testament.

§ 12. The Apostle writes (1 Cor. 7) generally concerning the unmarried and widows: "If they do not contain, let them marry"; and at the end of the chapter, particularly concerning the widow: "But if her husband shall have fallen asleep, she is free. To whom she will let her marry, only in the Lord." And lest he seem to write this merely as permitting a lesser evil, as Tertullian interprets, he adds: "But she will be happier if she so remains, according to my counsel." Hence it is clear that to abstain from second marriages is a counsel, not a precept, and therefore that second marriages are not forbidden. Likewise (Rom. 7) he says that a woman, her husband being dead, is not an adulteress if she shall have married another man. Nay more, that these marriages are true and honorable is demanded by the application of the subjoined comparison, wherein he says: "And so you also have been made dead to the law, that you may belong to another who rose from the dead." The same Apostle (1 Tim. 5), speaking of widows: "I will," he says, "that the younger marry." To these is added the perpetual tradition of the Church—namely, that she has always admitted second and further marriages, without any specification of number, as in themselves lawful and honorable.

§ V — Some arguments on the contrary are resolved (Quaedam in contrarium argumenta solvuntur)

§ 13. One must now reply to those things which in the writings of the Fathers may seem to be contrary to the foregoing doctrine.

§ 14. First: Origen[15] (Homily 17 on Luke) says that a digamist (*digamus*) casts a man out of the Kingdom of God (*Regnum Dei*); and afterwards: "From the assembly of the first-born and undefiled of the Church (*Ecclesia*), a digamist will be cast out, not that he be sent into the everlasting fire, but that he may not have the Father in the Kingdom of God." And, with certain things inserted, he says that the digamist is not "of the Church," although he have a good manner of life and abound in the other virtues. It is answered that Origen distinguishes (though not rightly) between eternal life and the Kingdom of God, by the name "Kingdom of God" understanding the triumphant and glorious Church, which he calls "the assembly of the first-born." He wills, therefore, nothing else than that digamists will not have among those who are saved a sublime place, but a lower one. For he subjoins that digamists are of the second rank, and of those who indeed are saved in the name of Christ, yet are not crowned by Him, namely with the crown of more excellent glory.

§ 15. Second: Canon 3 of the Council of Neocaesarea[16] establishes penance for those who marry often; and (can. 7) for the same cause forbids a presbyter to be present at a banquet of second marriages (*secundae nuptiae*). The words are recounted by Gratian, Causa 31, Quaest. 1, cap. De his.[17] Now it is established that public penance (which seems there to be understood) was not wont to be imposed except for more grievous sins. But it is answered that the bishops of certain places were of old in this matter more severe, so that, on account of the suspicion of great and notable incontinence, they judged that some penance should be enjoined upon one who entered marriages more frequently—yet such as would not be public but private; and many such penances were prescribed even for lesser sins. That this is so is proved by canon 1 of the Council of Laodicea,[18] by which second marriages are acknowledged as legitimate, and yet for them penance of a fixed time is enjoined. Add that the Synod of Neocaesarea could not prejudice the great Council of Nicaea held a little after, whose canon 7, as we have said, approves second marriages.[19] Whence the canons of the Synod of Neocaesarea are not read as confirmed, except in the Trullan Synod, which was schismatic.[20]

§ 16. Third: St. Basil[21] (in the Epistle to Amphilochius, can. 4) decrees penance for digamists and increases it for trigamists, adding that trigamy is no longer to be called bigamy or matrimony but rather chastened fornication; therefore the Lord said to the Samaritan woman: "Quem nunc habes non est maritus"—"whom now thou hast is not thy husband." And his interpreter Balsamon[22] corroborates the sense of this canon, adducing the laws of the emperors. But he interprets that polygamy is called chastened fornication because it is contracted and limited to one woman, not poured out toward several. It is answered that the authority of those canons is not altogether certain; yet the canon alleged can be understood in the same way as the Neocaesarean canon; and that polygamy is called "fornication" hyperbolically, in the way that the Philosopher calls an ardent lover of his wife an adulterer—namely, on account of the affection of a man loving his wife too inordinately. But he does not allege Scripture to the point at issue; for there Christ is speaking not of a man taken in marriage but of a concubinary. Whence the woman herself said, "Virem non habeo," "I have not a husband," because, to wit, him whom she secretly had she did not acknowledge as a husband, that is, as a spouse. As to what Balsamon in the same place brings forward from the laws of the emperors concerning the condemnation and nullity of a fourth marriage, these things were expressly rejected and disapproved by the decree of Florence, the Greeks also consenting.[23]

§ 17. Fourth: St. Gregory Nazianzen[24] (Oration 31), treating the words of the Apostle (Eph. 5),[25] writes: "By this discourse he seems to me to deprecate second marriages. For if there are two Christs, there are also two husbands, as there are two wives; but if there is one Christ, one head of the Church, there should be also one flesh; let the second thing be rejected. But if he approve a second, what is to be said of a third? The first is law,

the second is pardon and indulgence, the third, iniquity; and he who exceeds this number is plainly swinish." It is answered that, although Gregory spoke more vehemently, he nevertheless wills nothing else than that the Apostle deprecates, that is, dissuades from, second and further marriages as an indication of a certain intemperate lust, and all the more because in them the signification of the union of Christ with the Church—namely, of one with one—is not sufficiently expressed; and he calls this dissuasion, improperly, a prohibition. Now there is pardon in a second marriage and in a third iniquity, not by reason of marriage itself repeated a second and third time, but by reason of the persons—whom almost always not the desire of offspring, but the affection of satisfying lust drives to repeat marriages. And that Gregory does not condemn them absolutely is clear from the passage which I cited above, wherein he does not, contrary to Paul's doctrine, forbid the younger widows to marry.

§ 18. Fifth: Jerome, book 3 Against Jovinian, ch. 8,[26] a passage which Gratian also cites, Causa 31, quaest. 1, cap. Quomodo,[27] thus says: "It is better—albeit a second and a third—to know one husband than many, that is, it is more tolerable to have prostituted oneself to one man than to many. For that Samaritan woman, saying that she had a sixth husband, is rebuked by the Lord that he is not her husband. For where there is a number of husbands, there the husband, who properly is one, ceases to be." And a little after: "She who has had two husbands, even if she is an old woman and decrepit with poverty, does not deserve to receive the Church's alms; but if the bread of alms is taken from her, how much more that Bread which came down from heaven, which whosoever shall eat unworthily shall be guilty of the Body and Blood of Christ?" and other things that follow in the same sense. But to these things, objected there by some, Jerome himself answers (in the Apology to Pammachius),[28] and it is reported by Gratian in the same place (cap. Aperiant; cap. Non damno),[29] where among many things he expressly protests and says: "I do not condemn digamists; nay, nor trigamists—indeed, if one can say so, octogamists." Yet he had written these words in the same book against Jovinian not long after the things objected; and he repeated them in the Preface to the Commentary on Jeremiah and in the Epistle to Ageruchia.[30] Writing moreover on Titus 1,[31] he affirms that the book of Tertullian On Monogamy, in which second marriages are condemned, is heretical.[32] Wherefore the things which seem to have been said by him more vehemently were said with rhetorical exaggeration, both for the praise of continence and for the reproval of the unbridled lust of those who, after the first marriage-bed, were desiring other and yet again other and still other marriages. And in like manner are to be taken the things which the same author writes (on Jer. ch. 16), saying that digamy and trigamy do not descend from law but from indulgence, and are therefore conceded lest worse things happen, and that they are solaces of miseries and the last plank of shipwrecks. For by such words the intemperate lust of those who often marry is censured. For even to such in truth marriages are conceded according to indulgence, not according to law.

§ 19. Sixth: Chrysostom[33] (Homily 32 on Matt. 19), as also Gratian cites (in the place aforesaid, cap. Hac ratione),[34] says that second marriages are conceded because of the incontinence of men, but are in truth fornication—yet an honorable fornication—on account of the apostolic precept. It could be answered that these things are said by hyperbole; but there is no need to take refuge in that, since the reply is easy—that those words are found in the Opus imperfectum, which is not Chrysostom's, nor at all the work of a Catholic author.[35]

§ 20. Seventh: the true Chrysostom[36] (Homily 2) on that text Titus 1, "the husband of one wife": "For he," he says, "who is discovered to have shown no benevolence to his deceased wife—how will this man be able to be an excellent teacher of the Church?" I reply that an undue benevolence is to be understood. For this is not

owed to a spouse—that he who survives should not take another after her death. Whence he did not say "faith" or "a pact," or anything such, but "benevolence."

§ 21. The eighth argument is taken from this, that by the ancient rite of the Church second marriages are not blessed. Nay, they are forbidden to be blessed: Decretals, Extra, De secundis nuptiis, cap. Capellanum; and cap. Vir autem.[37] It is answered that the cause of the denied blessing in second marriages is not that they are not true marriages, nor that they are unlawful. For the Church which denies the blessing nevertheless openly acknowledges both—that they are marriages and that they are lawful; but the reason is that the blessing, since it is after the manner of a consecration, once given in the first marriage is not lost, and therefore ought not to be repeated, as the Pontiff (in the already cited cap. Vir autem) declares. In which matter, however, it must be noted that this blessing regards chiefly the woman as to be made fruitful by marriage. For second marriages, to which the blessing is denied, are understood on the part of the woman, not on the part of the man.

§ 22. Lastly: a digamist, for defect of the sacrament, cannot be promoted to Sacred Orders; therefore, although a second marriage be a true marriage, nevertheless it does not seem to be a sacrament. It is answered from the things which were said above (at Distinction 27)[38] that, although the multiplication of marriages is not apt to the signification of Christ with the Church but rather is repugnant to it—which is also the cause why digamists are repelled from Sacred Orders—nevertheless each several marriage taken by itself, since it is of one with one only, aptly represents that spiritual espousal of Christ and the Church; and through each one piously undertaken grace is conferred as through a true sacrament of the New Law.

§ I — That the faith of the resurrection of the dead is proper to Christians and, above all, difficult (Fidem Resurrectionis mortuorum et propriam Christianis et cum primis difficilem esse)

§ 23. "The resurrection is proper to Christians," says St. Augustine,[40] the reason for which is made manifest from the Apostle,[41] where he teaches that, this faith having been taken away and, as it were, its foundation having been shaken, every preaching and the faith of the Christian religion are rendered vain. For we are Christians not on account of the goods of the present life, but of the future: "But if," he says, "we are such as hope in Christ only in this life, we are of all men most miserable." Therefore, since the whole hope of Christians is stretched out into the future age, it is certainly consequent that the resurrection of the dead (*resurrectio mortuorum*) must be held among the chief dogmas of our faith, inasmuch as through it we are made participants of the goods of the future age. But although this faith is among the first necessities, it has always been held most difficult, because it seems to be very far removed from the understanding of human reason. For who, unless divinely enlightened by the light of faith, will bring himself to believe that there will be, that a dead body reduced to ashes and dispersed into the airs or the waters, or torn by wild beasts, and sometimes even eaten by men—finally, changed by successive generations and corruptions through so many ages into one body after another, and others yet altogether most diverse—will at length be so re-collected that, restored with all its own members and parts, with its former soul returning, it will come to life again and become the very same man in number who once had been? Hence it came about that not only to the pagan philosophers, who received nothing except what was comprehended by human reason, the preaching of this faith seemed absurd and worthy of derision, as Luke testifies concerning them,[42] but also in the Jewish people the heresy of the Sadducees arose and long remained—whose chief error, namely that they denied the

resurrection of the dead, the Gospels and the Acts of the Apostles bear witness. Nor did this error fail to spread not a little even in the very beginnings of the Christian people—hence it is that the Apostle in 1 Corinthians gravely remonstrates with certain persons who at Corinth—'[41]

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1. Council of Trent, Session 24, De reformatione matrimonii (commonly associated with the decree Tametsi).
2. Hugo (of St. Victor), De sacramentis II, part 11, ch. 11.
3. St. Thomas, Supplement (to the Summa theologiae), q. 56.
4. Decretals, Cap. Contracto, Extra, De cognatione spirituali, and the Gloss there.
5. St. Thomas, Supplement, q. 56, as above.
6. Gratian, Decretum, causa 30 (questions 1, 3, 4), and the Decretals under the title De cognatione spirituali.
7. St. Thomas, Supplement (to the Summa theologiae), q. 57.
8. Gratian, Decretum, causa 30, q. 3; and the Decretals, title De cognatione legali ["On legal kinship"].
9. Rescripts of Popes Paschal and Nicholas, cited with Gratian, Decretum, causa 30, q. 3, cap. Per adoptionem.
10. Gratian, Decretum, causa 30, q. 3, cap. Per adoptionem (Nicholas I): "Si qua per adoptionem mihi soror effecerit, quandiu durat adoptio inter me et ipsam, nuptiae consistere non possunt." See also the same place for Paschal.
11. Sanchez, De matrimonio I, VII (Disput. LXIII, a num. 12), where he teaches it is certain and clearly established from the canons that the first kind of kinship, which is between ascendants and descendants, impedes contracting and dissolves a contracted marriage; concerning the second, although some doubt whether it dissolves, he pronounces that it does dissolve, so that the contrary opinion, from the common consent of almost all Doctors, is to be rejected; and as for the third kind of legal kinship, from the text adduced here by the Author, one must say it absolutely dissolves, during the adoption.
12. St. Thomas, Supplement, q. 63, a. 1.
13. St. Augustine, De haeresibus 26 (on the Cataphrygians and Catharoi, i.e., Montanists and Novatians); Theodoret, De fabulis haereticorum III; Tertullian, De monogamia (and elsewhere).
14. St. Thomas, Supplement to the Summa theologiae, q. 63, a. 1 [ubi supra].
15. Origen, Homilies on Luke, hom. 17.
16. Council of Neocaesarea, can. 3; see also can. 7.
17. Gratian, Decretum, Causa 31, quaest. 1, cap. De his.
18. Council of Laodicea, can. 1.
19. Council of Nicaea, can. 7.
20. Quinisext Council (Synod in Trullo), canons approving Neocaesarea; held by the Easterners and counted schismatic in the West.
21. St. Basil, Epistle to Amphilochius (Canonical Epistles), can. 4.
22. Balsamon, Commentary on the canons of St. Basil, on can. 4.
23. Council of Florence, Decree of union (for the Greeks), rejecting imperial legislation on the nullity of fourth marriages.
24. St. Gregory Nazianzen, Oration 31.
25. Eph. 5.
26. St. Jerome, Contra Jovinianum, III, ch. 8.
27. Gratian, Decretum, Causa 31, quaest. 1, cap. Quomodo.
28. St. Jerome, Apologia adversus libros Rufini ad Pammachium (Apology to Pammachius).
29. Gratian, Decretum, Causa 31, quaest. 1, cap. Aperiant; cap. Non damno.

30. St. Jerome, Preface to the Commentary on Jeremiah; Epistula ad Ageruchiam.

31. St. Jerome, Commentary on Titus 1.

32. Tertullian, De monogamia.

33. St. John Chrysostom, Homily 32 on Matthew 19.

34. Gratian, Decretum, Causa 31, quaest. 1, cap. Hac ratione.

35. Opus imperfectum in Matthaeum, spuriously attributed to Chrysostom.

36. St. John Chrysostom, Homily 2 on Titus 1.

37. Decretals, Extra, De secundis nuptiis, cap. Capellanum; Decretals, Extra, De secundis nuptiis, cap. Vir autem.

38. Estius, above, Distinctio 27.

39. St. Thomas, Summa theologiae, Supplement, q. 75.

40. St. Augustine, Sermon 4 for Monday in the Octave of Easter; also numbered De tempore 143. The Benedictine edition notes another numbering: CCXLI among the Sermons, Second Class.

41. 1 Cor. 15.

42. Acts 17.

DISTINCTIO XLIII — ON THE RESURRECTION OF THE DEAD AND THE IMMORTALITY OF HUMAN SOULS

§ 1. The heresiarchs in various ways were spreading abroad that the resurrection of the dead (*resurrectio mortuorum*) is not. Hence, in 2 Tim. 2, it is complained that Hymenaeus and Philetus overthrew the faith of some, because they taught that the resurrection had already taken place, acknowledging, namely, only the resurrection of souls from sins to justice.[1] Here too (Heb. 6) he places the resurrection of the dead among those things from whose faith the Hebrews seemed somewhat to have declined, although they ought to have held this article firmly as handed down to them by their elders even before the advent of Christ.[2] In this same error seem to have been engaged the friends of Job, men otherwise religious toward God, who from his present affliction thus judged about his life and merits, as though no other time of retribution were to be expected. But more manifestly did the kinsfolk of Tobit fall into this error, reproaching him, when he had been afflicted with the plague of blindness, with these words: "Where is thy hope, for which thou wast doing almsgivings and burials?" (Tob. 2).[3] Finally, scarcely any other error was equally frequent among the heretics who after the times of the Apostles were the first to assail the Church, as is seen in St. Augustine, De Haeresibus, from Heresy 7 up to 47, where this error of a denied resurrection occurs so often, or even more frequently.[4]

§ 2. The same difficulty touching this faith is also abundantly declared by the fact that the disciples of Christ could most hardly understand the resurrection of Him, both foretold by Himself, and believe it as accomplished; to such a degree that what the women were saying concerning Christ brought to life again, and the testimony of the Angels, seemed to them "deliraments"; and when they saw Him present, they were persuaded that what was set before their eyes was a spirit or a phantom rather than a true man; and St. Thomas said he would not believe before he had with his own eyes and hands explored the truth of the Lord's Body. Whence also, after various apparitions, the Lord, about to ascend into heaven, rebuked their unbelief and hardness of heart, because they had not believed those who had seen Him risen again.

§ 3. To these, finally, there is added this: that, to diminish the difficulty of this article, and to raise up the minds of the faithful to a sure hope of the resurrection, God did not will the resurrection of Christ His Son to be deferred until the end of the age, as that of the rest of men, but on the third day after death He raised Him, both that the truth of His death might be proved by the resuscitation being deferred to the third day, and that by the resurrection preached to us by those men and believed by us He might establish also the faith of our own future resurrection, as will be said below.

§ II — That the souls of men are immortal (Animas hominum esse immortales)

§ 4. For the confirmation of the faith of the resurrection (*resurrectio*) of the dead, first of all this must be set down as certain and to be held with firm faith, that the souls of men do not perish together with the bodies, but are incorruptible and immortal. And first, this can be shown in many ways by natural reason. One reason is, because if the human soul (*anima humana*) can be corrupted, it will be corrupted either per se or by accident. Not per se, because it is simple, nor is it a form constituted of parts whose separation from matter would entail its corruption; but it is itself a form which cannot be separated from itself. Nor, indeed, by accident, because the human soul is something subsistent like an Angel, and consequently cannot be corrupted merely through the corruption of another thing, as is the case with the form of other things that are per se corruptible. Therefore absolutely it cannot be corrupted, just as neither can an Angel, but only by annihilation by divine power could it cease. Nay, even if it were composite, it would not naturally be corrupted, because corruption takes place only from a contrary; but the soul has nothing contrary to it. Whence it comes about that not even the heavenly bodies, although composite, can naturally be corrupted. This reason is handed on by St. Thomas, and the same is more fully explained by Soto in this Distinction, article 1.[6]

§ 5. Another reason: The soul is immaterial, not merely in the sense that it is not composed out of matter. For neither are other substantial forms composed out of matter, and yet on that account they are not incorruptible, since they are corrupted by accident, as we have already said; but because it is not of necessity joined to matter. This is proved from the fact that its operation extends to perceiving spiritual and immaterial things, whereas nothing material can attain to the understanding of things removed from all materiality, of which kind supremely is God Himself. Again, another reason is taken from the desire of the human soul which extends unto perpetuity. From which it is gathered that it is by its very nature perpetual and immortal. For desire follows cognition, but cognition of perpetuity is proper to the intellect; whence, as each one understands, so he naturally desires to be forever. And that natural desire cannot be vain. St. Thomas also adduces this reason.

§ 6. Likewise another reason is taken from the providence of God. For if there is any providence of God concerning human acts, by which assuredly rewards are appointed for the just and punishments for the impious, and it is evident that this is not done in this life, in which often the wicked prosper and the good are afflicted; therefore after the death of the bodies the souls remain, upon which that work of divine providence may be exercised. There are also other reasons not to be despised, which, as they are copiously handled by others and—as a matter acknowledged and among all Christians undoubted—we omit for the sake of brevity. In this view, moreover, as highly consonant with right reason, the more sober philosophers have always stood; chiefly the Stoics and Academics, and before them the Pythagoreans. And Cicero has left this attested in the Hortensius, saying that it pleased the ancients—and these the greatest and far the most illustrious—that we have eternal and divine souls; as St. Augustine reports.[7] Nor, indeed, that Aristotle dissented from them, although he sometimes spoke with hesitation, do St. Thomas and certain others, who have not without diligence been conversant with the writings of Aristotle, attempt to prove. Although the same philosophers erred variously about the mode in which they thought souls exist after the death of bodies, as men who were destitute of the light of Christian faith. But the Epicureans—whose highest good lies in the pleasure of the body, and who did away with the providence of God—thought that the human souls perish together with the

bodies. Their voice is in Wisdom 2: "Ex nihilo nati sumus, et post hoc erimus, tamquam non fuerimus," and what follows.[8] To the Epicureans among the Jews there were very like the Sadducees, who not only denied the resurrection of bodies, as was said above, but also the immortality of souls; which Luke sufficiently indicates, saying that they denied an Angel, and denied also spirit—that is, that the soul survives after the death of the body.[9] Against this error Christ argues (Matt. 22), bringing forth from Moses that saying (Exod. 3): "Ego sum Deus Abraham," etc.[10] By this either the immortality of souls is proved immediately, because God is not the God of the dead but of the living—as there Christ assumes as manifest; He would not, however, be the God of the living but of the dead, if the Saints had perished not only in body but also in spirit. Or, as others prefer, the resurrection of dead men is immediately proved. For although Abraham, Isaac, and Jacob now are not as men, because they have ceased to be men, nevertheless He who is the God of the living, not of the dead, would not call Himself their God, unless they were again to live—and indeed forever, when He says: "Hoc mihi nomen est in aeternum." Hence it is consequently inferred that souls remain, because if the same men will rise again, then the same souls will be united again to their bodies. Therefore they remain after the death of the bodies; unless someone should say that they perish to be produced again into being, that is, to have the same souls created anew numerically, which is harder to believe than if they be said to remain.

§ 7. Likewise the Apostle, against those who were calling into doubt the resurrection of bodies, brings forward not only those things by which he shows that dead men will some time rise again, but also those which prove the immortality of men; such as this: "Si in hac vita tantum in Christo sperantes sumus," etc.; and that: "Ergo et qui dormierunt in Christo, perierunt."[^11] To the same pertain those things which he discusses concerning the faith of the ancient Fathers (in the Epistle to the Hebrews, ch. 11). And the sentence of Christ is manifest (Matt. 10): that those are not to be feared who kill the body, but cannot kill the soul. For that not even God kills the soul, that is, brings it to non-being (although without doubt He can do this), He shows by what follows: "Timete eum, qui potest et animam et corpus perdere in gehennam," that is, to consign to eternal torments.[12] John also (in the Apocalypse, ch. 6) "saw under the altar the souls of those slain, to whom white stoles were given, until their fellow-servants should be fulfilled"; and in ch. 20 he says that they "reign with Christ a thousand years," that is, through the whole course of the age before the common resurrection of all.[13] And Ecclesiastes (in the last chapter), speaking of the death of man: "Antequam revertatur pulvis in terram suam unde erat, et spiritus redeat ad Deum qui dedit illum."[^14] To these add the sacred histories: concerning Samuel (1 Kgs 28) and, in Sirach 46, the same; concerning Onias and Jeremiah (2 Maccabees, the last chapter); concerning Moses (Matt. 17); and Christ's evangelical narration concerning Abraham, the rich banqueter, and Lazarus (Luke); and the examples of the raising of the dead, both in the Old Testament and in the New, whose souls are not said to have been raised up or again recalled to their bodies. For thus Elijah was in 3 Kings 17: "Revertatur, obsecro, anima pueri hujus in viscera ejus." And Scripture subjoins that it both stood and returned.[15]

§ 8. Moreover this faith of the immortality of souls is insinuated to us by the Apostles' Creed elsewhere, namely in that article: "Carnis Resurrectionem." For "flesh" is therefore named, that it may be signified that not the whole man is one day to rise again mortal, but the flesh or body alone; but that the soul, because it is not subject to death, is not to die, but to remain and to live, and to return to animate the body. Finally, this faith is established by those things which prove the particular judgment of a soul going forth from the body, whether into good or into evil; such as that which we have just now said concerning the rich man and the beggar; and that (Sirach 11): "Facile est coram Deo in die obitus retribuere unicuique secundum vias suas"; and that Phil. 1: "Cupio dissolvi et esse cum Christo"; and 2 Cor. 5: "Voluntatem habemus magis peregrinari a

corpore, et praesentes esse ad Dominum"; and many other things of this sort, both in the Apocalypse and elsewhere.

§ 9. Now this faith about the life of the soul after the death of the body is of such weight, that St. Augustine says in the book On the Usefulness of Believing, ch. 7, that the whole of religion is for the sake of the soul, namely that through it the soul may obtain the blessed life. Whence already of old among the philosophers the same men removed religion from the midst who said that souls are mortal. And although one might imagine some religion without the faith of the immortality of souls, certainly the Christian Religion can in no way be feigned without that faith, since the scope of the whole of sacred Scripture, and of the coming of Christ, and of our whole Religion is to lead man to the state of perpetual beatitude—which state cannot exist without the perpetual life of the soul.

§ 10. From these things, however, which we have said, there is refuted not only the error of those who thought that human souls utterly and forever perish, but also of those who thought that they perish for a time, namely together with the bodies, to be raised up on the day of judgment. Which error Tatian transmits, an ancient writer, a disciple of Justin Martyr but himself a heretic (in the Oration against the Greeks, which still exists today). Certain Arabs afterwards followed him, as St. Augustine calls them, to whom he ascribes the same error, with Eusebius as his authority; yet the same Eusebius relates that they were very quickly corrected by the most learned disputation of Origen.[16] Although even Mahomet later inserted the same error into his Alcoran, teaching that not only bodies but souls too are to rise again at the last judgment (Sura 88), and he nowhere makes mention of the state of separated souls, although in his whole Alcoran he promises nothing but bodily and sensible pleasures and pains. And what wonder, since elsewhere he says that all things will perish except one God and the Angels, and that in the end all will be raised again.[17] From this source, moreover, not unlike an error have the Anabaptists today introduced, teaching that the souls of the dead receive absolutely no retribution before the day of the universal judgment, but, as it were, oppressed by a certain sleep and buried, they rest until that time when they will again be united to their bodies. Which they seem to have drawn from Aristotelian philosophy, which seems to hand down that the separated soul has no operation. But although almost all the things mentioned above refute this new heresy, especially, however, those which prove the particular judgment of the soul, as also those things which we shall say concerning the various receptacles of souls after death below at Distinctio 45.

§ III — Reply is made to certain arguments on the contrary (Respondetur ad argumenta quaedam in contrarium)

§ 11. Now one must reply to what is wont to be objected on the contrary; and they are of this sort. First: "Only God has immortality," as the Apostle bears witness (1 Tim. 6); therefore it is not to be attributed to the soul.[19] Second: Ecclesiastes, ch. 3: "One is the death of men and of beasts, and the same is the condition of both. And again: Man has nothing more than a beast." And lest one suspect the Wise Man to be speaking of the condition of bodies alone, he expressly adds about the soul: "Who knows if the spirit of the sons of Adam goes up on high, and if the spirit of beasts goes down beneath?"—as if he were to say that, not even according to the spirit, that is, the soul, ought anything more to be attributed to man than to beasts.[20] Third: It is natural to the soul, as to the other substantial forms, to constitute one thing with the body; but contrary to nature for it, separated from the body, to subsist: therefore it is natural, when the body is extinct, not to

subsist, but likewise to be extinguished. Fourth: The soul is passible; therefore mortal. Fifth and sixth follow below.

§ 12. To these five we reply briefly. And as to the first, by the name of "immortality," which is attributed to God alone, we understand absolutely that unchangeableness, as St. Augustine (Sermon 13 among those to the Parisians, chs. 3–4) and St. Bernard (Sermon 81 on the Song) explain it, both disputing about the immortality of the soul and solving this objection from the Apostle.[21] For rightly every mutability is called mortality, because every change is a kind of death; especially if it be a change for the worse, for it is a certain loss of some form. But here we call the soul immortal because, according to its essence, it cannot be corrupted. Others reply that God alone has immortality "from Himself," because essentially He is life, in the way in which God alone is good. As to the second: the earlier words of Ecclesiastes must be referred to the condition of bodies. For it follows: "They were made of earth, and into earth they return alike." Nor does Solomon intend anything else than what his father says in Ps. 48: "Man, when he was in honor, did not understand; he was compared to the senseless beasts, and made like to them"—namely, by incurring through sin the death of the body.[22] But by the following words, "Who knows," etc., he does not deny the immortality of spirits, but signifies that the state of man is so unhappy that men scarcely know whether their souls survive after this life, or on the contrary, just as the spirits of beasts fall with the body into the earth, that is, perish; so that here the sense of the words is as follows: "How very few are there, Lord, who know whether the spirit of the sons of Adam survives after this life!" And St. Jerome hands on this sense in his Commentary. Moreover, what the Wise Man himself felt he opens most clearly in the last chapter, when he says that "the spirit of man returns to God," that is, ascends on high, namely to be judged by God and to be set before His tribunal. Whence also he makes mention, in the same place at the end of the chapter, of the retribution that is to be after this life.[23]

§ 13. As to the third: It is indeed contrary to the nature of the intellectual soul, as of the other forms, to be separated from the body. But that, when separated, it does not perish but subsists—this it has from its own nature, inasmuch as it is an intellectual, immaterial, and incorporeal substance. Therefore subsistence, even presupposing separation, does not clash with its nature, but the separation itself does.

§ 14. As to the fourth: the soul is not passible by a corruptive passion, such as is the passion that is received through the senses, but by that only passion which is received into the intellect or the will, whether it be good or evil. For neither is corruptive, although the one affects the soul well, the other ill. Lactantius solves this argument somewhat otherwise, Divine Institutes 7, ch. 21.[24] The fifth argument would conclude rightly, if the human soul were material after the manner of other forms, or if, apart from sense, it had no other powers. But since the soul is intellectual, and the intellect is not an organic power as sense is, that argument indeed rightly shows that sense at length perishes, yet not the soul itself, in which the intellectual power remains whole. Whence also Aristotle, De Anima III, ch. 4, indicates the solution of this argument when he says that the intellect is not corrupted by a vehement intelligible, but is even better disposed, contrary to sense, which is corrupted by a vehement sensible.[25]

§ 15. To the sixth: Nothing else seems to be signified in that place than that human souls and Angels are not by nature immortal and incorruptible in the way in which God is, but are such by grace, that is, by the bounty of God, from whom they received an immortal and incorruptible nature. And that author in truth opposes "grace" to the principles of each thing's nature; therefore, in that part, the authority of his epistle is not to be received—nor is it read as approved by the Synod in all its parts, but only in that part wherein he argues against certain errors of Origen. To the last it is answered with St. Thomas, I, q. 75, a. 6, ad 3, that to

understand with a phantasm is the proper operation of the soul according as it is united to the body. For when separated from the body it has that mode of understanding which is like the other substances separated from body. On which mode let St. Thomas be consulted there in the same place, I, q. 89, a. 1 and the following.[26]

§ VI — That there will some time be a resurrection of the dead (Futuram esse aliquando mortuorum Resurrectionem)

§ 16. The resurrection of the dead which the Christian faith confesses is therefore sometimes called the resurrection of the flesh or of bodies, because, since men are immortal according to the soul, and accordingly do not die except according to the body, they are said synecdochically to be dead only according to the body—that body, namely, which had fallen and had been deprived of life, that is, of the soul. It is also called regeneration (Matt. 19), because he who once through natural generation had received human being, and had lost it through death, receives the same being by the resurrection as through another generation, but supernatural.[28]

§ 17. Whence it comes about that by natural reason, that is, proved from physical principles, the resurrection of the dead can be demonstrated neither as to the fact that it will be, nor as to the fact that it is possible, since it far exceeds the capacity of nature. Yet, God's omnipotence being presupposed, its possibility is easily shown. Durandus shows it in this way: After a man's death the soul remains, which can unite the two; matter also remains; and besides there remains the cause, namely God; therefore the reuniting of those same parts—namely the soul and matter—to constitute the same whole can be effected. Although this argument assumes true things and concludes validly, nevertheless it would not prove that the resurrection will be possible, if soul and matter were to perish after a man's death. But that is rightly and sufficiently proved from God's power alone, who, since He is of infinite might, and therefore in acting depends on no other cause, can reproduce the soul and matter to constitute the same man, just as previously He produced each from nothing. For that thing in no way involves a contradiction; and much less, if—as the truth of the matter has it and Durandus's argument assumes—the substantial parts of man, soul and matter, do not perish, but remain in the order of things; for thus for the resurrection nothing else is now required than that all the matter that belonged to this man be gathered and be compacted into the same figure of members which he once had, and that the former soul be reunited to it as its form—which whole it is not difficult to believe possible to God for those who attend to God's omnipotence.

§ 18. But that this, too, will happen and ought to be brought to pass can be gathered by reasoning from the very condition and beatitude of the soul. For a rational soul is the act of an organic body; therefore naturally it is in a body, and it is contrary to nature for it to be outside the body, as having always a natural inclination to the body of which it is the act. Whence St. Augustine, De Genesi ad litteram XII, ch. 33, says that there is in the soul a natural appetite of the body; it is consequent, then, that the soul is not in every way well off so long as it is separated from the body. But the end of religion is the perfected beatitude of the soul. Wherefore, in order that the soul may some time attain it, it must again be joined to the body from which it has been torn asunder by death.

§ 19. The same is demanded by the rule of the retribution of rewards and of punishments. For if the soul endured sorrows and persecutions for righteousness' sake not without the body, and did other good works, it is just that neither should it receive perfect recompense without the body; and if it did not sin without the

body, it is just that neither should it be punished without the body forever; and if the whole man merited either glory or punishment, it seems inequitable if not the whole man should receive what he merited. And to this the Apostle seems to have had regard (Heb. 11), when he said that the ancient Fathers died "not having received the promises, that they might not be made perfect without us," because, namely, consummation is not without the body.[29] But it must be known that these two reasons are not purely natural, but both are drawn from the principles of the Christian Religion—although the former assumes a physical proposition, and the latter fits moral justice.

§ 20. Moreover, the most certain proof of this doctrine must be sought from divine authority, first of the Old and then of the New Testament. From the Old Testament there is that which the Lord says to Moses (Exod. 3): "I am the God of Abraham, the God of Isaac, the God of Jacob"—which He repeats there below, adding: "This is my name forever." Which sentence Christ, in the Gospel (Matt. 22; Mk. 12; and Lk. 20), uses to convict the Sadducees of error, and syllogistically concludes the resurrection of the dead, with this proposition assumed at the same time: "He is not the God of the dead but of the living." For thence it follows that Abraham, Isaac, and Jacob are still living, not indeed in the present, because they are really now dead, but at least in the future, namely that they are some time to be raised to life. This is what Luke adds: "For all live to Him," as if he were to say, although they are dead, yet it is easy for God to recall them to life.[30] Nor is it sufficient to understand the sentence about life according to the soul surviving death—both because in that way the resurrection of the dead would not be proved directly, but only the immortality of souls, as we said above, whereas in the three Evangelists the Lord testifies that that dictum was said not of the souls of Abraham, etc., but of the men themselves, who consist of soul and body; and both because the Lord wishes to show by those words that they are some time to live a perfect life, just as formerly they lived perfectly; He is therefore the God of the living, that is, of those living with perfect life either in reality or in sure expectation; but not of the dead, except in so far as they also are some time to live with perfect life—for otherwise God would in a certain way be forever the God of the dead, that is, of those whose bodies would still be in death.

§ 21. But we have a more express testimony about the resurrection in Job 19, saying: "I know that my Redeemer lives, and that on the last day I shall arise from the earth," etc.; and in Daniel: "Many of those who sleep in the dust of the earth shall awake," etc. The same faith he declared to be his, Tobias, saying: "We are the sons of the saints, and we expect that life which God is going to give to those," etc. (Tob. 2). And because not long after the return from the Babylonian captivity the heresy of the Sadducees began to sprout among the Jews, it comes about that the books written in those times, for the refuting of that heresy, make altogether more openly and more frequently mention of the resurrection of the dead. Whence, just as the error of the impious Sadducees is introduced by the Wise Man (ch. 2), so on the contrary in chs. 3–5 is described the felicity of the pious after the resurrection. Likewise, in 2 Macc. 6 the martyr Eleazar, being about to die, indicated this his faith when he said that "the hand of the Almighty cannot be escaped either living or dead." For a dead man would escape if he were never to be raised. And in ch. 7, among those seven brother martyrs, both those who were put to death in the second, third, and fourth place, and first likewise their mother, most distinctly professed the faith of the resurrection of the dead; and in ch. 14 Razias, called father of the Jews, professes that he dies in the same faith. In ch. 12, moreover, where the deed of Judas is commemorated, of ordering sacrifice to be offered for the dead, the author writes that Judas "thought well and religiously concerning the resurrection"; "for if," he says, "he had not hoped that those who had fallen would rise again, it would have seemed superfluous and vain to pray for the dead." To these add the places (Ps. 1; Eccl. 12; Sir. 11;

Ezek. 37; and Is. 26), where according to the Seventy thus it is read: "Thy dead men shall rise; my slain shall rise again."[31]

§ 22. But from the Scripture of the New Testament it is superfluous to collect sentences, since they are everywhere at hand—and especially that most well-known disputation, recorded in the three Gospels, of Christ against the Sadducees on the resurrection. Besides that, however, the chief places are these (Matt. 25; Jn. 5; 1 Cor. 15; 1 Thess. 4; Rev. 20; and 2 Tim. 2), where Hymenaeus and Philetus, saying that the resurrection "is already past," that is, denying that the resurrection of the body will be at the end of the age, are said to have fallen away from the truth and to have subverted the faith of some.[32] To all these is added the express article of the Apostles' Creed, "the resurrection of the flesh," and of the Constantinopolitan Creed, "I look for the resurrection of the dead."

§ 23. Finally, this faith is plainly demanded by the Mystery of our restoration. For if Adam, created immortal by God, brought in by his transgression both deaths, of the soul and of the body, upon the human race, it follows that through Christ, the restorer of our race, both deaths will be abolished—which is not accomplished except by the blessed resurrection of the just. With which argument Paul uses in 1 Cor. 15, saying: "For since by man came death, by man the resurrection of the dead; and, as in Adam all die, so also in Christ shall all be made alive." Whence also Christ, that He might repair the whole man, assumed the whole man, and in Himself glorified the whole man by the resurrection. From His resurrection, as from the exemplar of our resurrection, the Apostle draws an argument there, saying: "If there is no resurrection of the dead, neither is Christ risen." And below: "But now Christ is risen, the first-fruits of them that sleep." For "whither the Head has gone before," as Leo says in the Sermon on the Ascension of the Lord, "thither is called also the hope of the body." For the same reason Christ is called "the first-begotten of the dead" (Rev. 1 and Col. 1). Handling both Scriptures accurately, St. Ambrose, in the book On the Faith of the Resurrection, shows that the chief and almost sole cause for Christ to rise was to show us a sure hope of the resurrection. Nay, for the strengthening of this faith, at the time of both laws, by Christ and the Apostles and the Prophets, dead men were raised, who, although they returned to life that was not perpetual but again to die, at least taught that souls do not perish after death, and that by God's power they can again be joined to their bodies. In which, accordingly, there have gone before examples of a true and properly so called resurrection.[33]

§ V — The arguments on the contrary are resolved (Solvuntur argumenta in contrarium)

§ 24. The arguments of the philosophers, by which also the heretics of old assailed faith in the resurrection (*resurrectio*), were almost all drawn from natural reason, as being those who thought nothing possible that exceeded the capacity of nature—plainly either altogether ignorant of God's power or estimating it by the limits of nature. For thus it was said by the Lord to the Sadducees: "You err, not knowing the power of God."[35] Wherefore a Christian, imbued with true faith in the omnipotence (*omnipotentia*) of God, easily refutes arguments of this kind. Yet whoever will may seek their solution from the book of Tertullian (On the Resurrection of the Flesh against the Marcionites) and from St. Augustine, book 22 (On the City of God).[36] But as to the things which in the Scriptures might seem to anyone to be dissonant from this faith, we will briefly dissolve them. First: in Ps. 77 the soul (*anima*) of man is called "a spirit going and not returning"; and in Wis. 16 it is said: "When the spirit (*spiritus*) goes forth, it will return"; therefore the soul never returns to the

body.[37] Second: in Ps. 38 the Prophet says of himself: "Until I shall go away and shall be no more"; therefore, although the soul survive, nevertheless man will no longer be.'[38] Third: in Job 7: "As a cloud is consumed and passes away, so he who has gone down to the netherworld shall not come up." And again in ch. 14: "Man, when he has slept, will not rise; until the heaven be worn away, he will not awake, nor be raised out of his sleep." By this, namely by what is said, "Until the heaven be worn away," it seems to be signified that man will never rise again, since heaven, being incorruptible, will never be worn away. And the question subjoined seems to confirm this understanding: "Do you think a dead man will live again?" as if he said that that is incredible.'[39]

§ 25. To the first it is answered that sentences of this sort signify nothing other than that the spirit, that is, the soul of man, does not return to this mortal body and to the state of the present life, and that by natural power. To the second the same answer is to be given, and likewise to the earlier place brought from Job, as these subsequent words manifestly signify: "Neither shall he return any more into his house, neither shall his place know him any more."[40]

§ 26. But to the latter statement of the same Prophet one could indeed similarly reply—namely, that holy Job is speaking of the return of man to this present and mortal life—yet, considering the place more attentively, this rather seems to be the sense of his words: It will never be that a man once dead return to life so long as this world (*saeculum*) lasts—namely, so as to signify that this will take place at the end of the world. This sense is indicated by that clause, "Until the heaven be worn away." For this will come to pass by that change which is expected at the end of the world. And the Prophet indicated this when he said in the same place: "I wait until my change come." For he seems to speak of that change of which the Apostle speaks in 1 Corinthians 15 when he says: "We shall indeed all rise again, but we shall not all be changed."[41] The same sense is confirmed by the three words which he here employs—"to sleep," "to awake," "sleep"—for these signify the death of man who is at some time to be raised again to life. Hence it comes about that Scripture—which wills that faith and hope of the resurrection should be singularly commended to us—often uses these words, especially when it speaks of the death of the good, as in Dan. 12; Ps. 4; Job 3; Gen. 47; 3 Kgs 2; Acts 7. Therefore from this place an argument is taken more for the resurrection than against it.'[42]

§ VI — That absolutely all the dead, good and bad, are going to rise again (Omnes omnino mortuos bonos ac malos resurrecturos esse)

§ 27. Certain of the Hebrews thought that not all the dead would return to life, but only the just. For this opinion arguments are brought forward from Scripture both of the Old and of the New Testament. First: Isaiah (ch. 26, in the Song of thanksgiving) thus imprecates evils: "Let the dead live not; let giants not rise again." But of the good in the same place he prophesies: "Thy dead shall live; my slain shall rise again."[44] Second: The same Prophet (ch. 43) of the wicked who afflicted the people of God says: "They slept all together, nor shall they rise."'[45] Third: In Ps. 1 it is said: "The impious shall not rise again in the judgment."'[46] Fourth: In 2 Macc. 7 the fourth among the seven brothers thus speaks to Antiochus: "It is better, when given over to death by men, to expect hope from God that we shall be raised again by Him; but as for thee, there shall be no resurrection unto life!"'[47] Fifth: Christ promises resurrection only to those who believe in Himself, as the Father's: "That of all which He hath given me I should lose nothing; but should raise it up again in the last day." And again: "That every one who seeth the Son and believeth in Him may have life everlasting, and I will raise him up in the last day"—which He repeats later a third and fourth time.'[48] Sixth: Rom. 6: "For if we

have been planted together in the likeness of His death, we shall be also in the likeness of His resurrection"; therefore he does not seem destined to have a share in the resurrection who has not been planted in the likeness of the death of Christ.'[49] Seventh: The proof of the resurrection which the Lord used against the Sadducees pertains only to the just—such as Abraham, etc.—whose God God calls Himself; and these alone Christ says will be worthy of "that age" and "the resurrection from the dead," and the same He alone calls "sons of the resurrection" (Lk. 20), saying: "But they who shall be accounted worthy of that world and of the resurrection from the dead neither marry nor are given in marriage; neither can they die any more; for they are equal to the angels, and are the sons of God, being the sons of the resurrection."'[50] Eighth: In 1 Thess. 4 the Apostle promises to the faithful no other resurrection than that of the just; nay, not even in 1 Cor. 15—where he institutes a disputation expressly on the resurrection—does he seem to acknowledge another, nor do the arguments which he adduces, for example from the resurrection of Christ and the perfect reparation of man, seem to prove any other than the resurrection of those who are sharers in Christ's benefits.'[51] Ninth, one may argue thus: The wicked are not freed from the sentence spoken to the first parent: "Dying thou shalt die"; "Thou art earth and into earth thou shalt return": therefore they will always remain in death, never to return to life.'[52] Tenth: Lactantius, Divine Institutes, book 7, ch. 21, openly denies that the impious will rise again.'[53] Eleventh: Daniel does not seem to signify a future resurrection of all either good or bad (ch. 12), since he says that not all but "many" of those who sleep in the dust of the earth shall awake.'[54] Twelfth the argument is of this sort: The resurrection is a certain regeneration (Matt. 19). Therefore it does not befit those who are extinguished in the mother's womb before they come forth; for they cannot be regenerated or born again who have not first been born.'[55]

§ 28. But indeed, notwithstanding these things, it must be held with indubitable faith that all the dead—both the wicked and the good—are going to rise again, and, in fact, with no dead person excepted; namely even those of whom Matt. 27 speaks, and the Blessed Mother of God, as is the common opinion of the faithful, and, according to some, John the Evangelist. For thus hold St. Thomas (on this Distinction, art. 4, and in the same place some others), and Thomas's contemporary Thomas of Cantimpré, book De apibus, ch. 53, part 1; and before these the Author of the Sermon on the Assumption of the Blessed Mary cited under the name of St. Jerome makes mention, and Nicephorus relates it, Ecclesiastical History, book 2, ch. 42. See also the Sermon of St. Ambrose On the Holy Martyrs; and Baronius in the Martyrology (December 27) and in the Annals, vol. 2, year 101; see also below (at Distinction 47) on John.[56]

§ 29. The reason of the doctrine, according to Holy Scripture, is that the resurrection (*resurrectio*) is to come for this: that all may be judged, and "that every one may receive the things proper to himself, according as he hath done in the body, whether it be good or evil" (2 Cor. 5). Wherefore, since the judgment and the retribution are of all, so too will the resurrection be of all. And Scripture hands down this doctrine most plainly. For in Matt. 25: "All nations shall be gathered together" before the Son of Man coming to judgment, and the good shall be separated from the evil, as a shepherd separates the sheep from the goats. So too Jn. 5: "The hour cometh," says the Lord, "in which all that are in the graves shall hear the voice of the Son of God; and they that have done good shall come forth," etc. Likewise Rev. 20 describes a future resurrection and judgment and retribution of all the dead, as well the wicked as the good. And Paul in 1 Cor. 15: "As in Adam all die, so also in Christ all shall be made alive"; although one may doubt whether that place also pertains to the wicked—about which matter we shall speak below. But the same Apostle speaks manifestly of both good and wicked (Rom. 14 and 2 Cor. 5), saying that "All of us shall stand before the judgment-seat of Christ," each one to render account to Him for himself; and Acts 24, in his defense before the procurator Felix:

"Having hope," he says, "which these themselves also expect, that there is to be a resurrection both of the just and of the unjust." Note here that even the Jews in the time of Paul, although not believing in Christ, had the faith of a resurrection not only of the just but also of the unjust. Manifest also concerning good and wicked is the testimony of Daniel (ch. 12), when he says: Of those who awake from the dust of the earth, some shall go "unto life everlasting," others "unto reproach." And Wis. 5, where both the wretchedness of the impious and the happiness of the just after the resurrection are described. This faith the Church professes in the Athanasian Symbol, in which, speaking of Christ who is to judge the living and the dead, it is said: "At whose coming all men have to rise again with their bodies, and shall give account of their own works," etc. And since this is the perpetual and most constant faith of the whole Church, recorded in the writings of all the Fathers and approved by the consent of all the faithful, there is no need to heap up more testimonies for its confirmation.[57]

§ 30. It remains, therefore, to reply to those things which were brought forward on the contrary. And here, first, it must be noted in general by way of reply that just as "life," although it is a word midway and indifferent as between a good life and a bad, a blessed and a miserable, is nevertheless sometimes taken only in the good sense so as to signify solely the good, blessed, and desirable life—as was said by the Poet: "Life is not to live, but to be well," and by another: "Let us live, my Lesbia"—and as also in the Creed we confess that we believe "life everlasting," so too "resurrection" is often understood only in the good sense by sacred authors, so that it signifies that resurrection by which one rises unto the blessed life.[58] Therefore, in the sense in which we confess that the impious will not have life everlasting, in that same sense it must be confessed that they will not rise again—since "resurrection" is not except unto life; in this, I say, sense, because the resurrection of the impious will not be unto the blessed life but unto the miserable, which ought rather to be called death than life, and which too Scripture (Rev. 20) calls "the second death." Add that "resurrection unto life" is properly said of that by which death is truly overcome, life succeeding namely which is more desirable than death—such as is not the resurrection of the wicked, whose souls will receive their bodies for this, that they may be punished more grievously; and it would altogether be better for them not to rise again than to rise again unto such a state. Hence it comes about that Scripture speaks of the impious as though they were never to be recalled unto life—namely, meaning the blessed and desirable life, which men ought rightly to hope for as a great good. In which sense almost all the things which from the Scriptures were brought against us are to be understood—the very circumstances of the places sufficiently indicate this. Whence too that Maccabean martyr did not absolutely say that the impious tyrant would not rise again, but he added "unto life," as though there were a certain resurrection unto death proper to the wicked.'[59]

To the third, it is answered that this is the sense of that verse according to the Hebrew truth: "The impious shall not stand nor lift themselves up in the judgment"—that is, they shall not stand in order to be admitted to the fellowship of the saints in the life to come—but they shall fall and be condemned.[60]

Concerning the seventh and the eighth, one must also know that Christ and the Apostle therefore used arguments which seemed to prove only the resurrection of the just, because the question turned chiefly on the blessed resurrection, in which the just will await the reward of their labors and a share in the Kingdom in Christ; and such a resurrection the Prophets and the Apostles and other Saints, as Tobias and the Maccabees, hoped for themselves and promised to other believers, so as to console them in the mortality and miseries of this life by such an expectation. For hope and promise are of good things only.[61]

To the ninth, it is answered that, just as he who is led from prison to death is not said to be set free from prison, because "setting free" has the ring of a benefit, so he who is raised from death unto life in order that in body and soul he may be punished is not reckoned to be set free from death, but he remains in death—indeed from death he passes unto death—and that one worse than the former death. Although the sentence spoken to the first parent did not have this, that man should remain forever in death, but that he should "surely die"—which indeed is fulfilled by the death of the body, whether a resurrection follows or not.[52]

To the tenth: Lactantius denies that the impious will rise again (in the way Scripture speaks) unto blessed immortality, or certainly that they will rise in the first resurrection of which he speaks there. For that he does not deny absolutely that they will rise again is clear from what precedes, where he said that they will reassume bodies which shall never be consumed by fire.[62]

To the eleventh Augustine answers, De civitate Dei, book 20, ch. 23, that, in the idiom of Scripture, "many" is set for "all," and he proves this by an example taken from Genesis. Another example is in Rom. 5, where the Apostle now says "many," now "all," are constituted sinners by the offense of one man. If you ask why he said "many" and not "all," one can reply that the Prophet wished by that word to signify the immense multitude of those who shall rise again—such as is to comprise all men, as many as ever were or will be.[63]

Finally, to the twelfth it is answered that there is a twofold birth, namely in the womb and from the womb. Of the former it is said in Matt. 1: "That which is born in her is of the Holy Spirit." Of the latter in Lk. 1: "That which shall be born of thee Holy shall be called the Son of God." Therefore those who die in their mothers' wombs, though they have not been born from the womb, yet are born in the womb, so that by a true generation they have received human being; and thus regeneration can befit them, in the sense in which it is taken generally for "resurrection"; although perhaps the name "regeneration" Christ (Matt. 19) took only in the good sense.[64]

§ VI — Whether all now living at Christ's coming will die before being glorified (An omnes, qui in adventu Christi vivi reperientur, morituri sint ante glorificationem)

§ 31. ...with the Mother of the Lord excepted. Therefore it is not repugnant that even the elect may then be found alive, and that these same, through death, pass suddenly to immortality (*immortalitas*). Seventh: If those whom that day shall find alive were to attain blessed immortality without death, then in this respect they would be placed on a level with men such as they were going to be in the state of innocence. For these, without death, were at length to be transferred to a life altogether immortal. But it is in no wise likely that those then found among the living, above all the others who had been before them, would have these two privileges: the one, that they would pass to the Blessed life without death; the other, that they would pass without purgatory (*purgatorium*), even if in them there were something to be purged. Eighth, it seems that all ought once to experience the state of the separated soul (*anima separata*), and its either happiness or misery. Finally, this opinion is favored by the Athanasian Creed, in which it is read that at the Judge's coming all men have to rise again, etc.[65]

§ 32. Nearly all the Latin Expositors who treat the already-mentioned place, 1 Corinthians 15, follow this opinion, with the exception of the Ambrosian Commentary, which nevertheless at 2 Thessalonians 4 plainly

adheres to the opinion of the Latins; with the exception also of the Commentary which is found in the works of St. Jerome, but whose author is Pelagius. This Commentary indeed prefers the reading of the Greeks at 1 Corinthians 15; yet neither there nor at 2 Thessalonians 4 does it expressly say that those who will be found alive will not die.[66] The same doctrine is that of St. Augustine, book 10 of the City of God, chapter 20, and Letter 80 to Hesychius (likewise in a certain Letter to Mercator), in which he treated this argument at greater length. Which Letter indeed does not exist today, but the holy Augustine repeats among his words pertinent to this matter in another place.'[67] Jerome also, writing to Minerius and Alexander, inclines more to this side, citing as authors of the same opinion the Greek Doctors Didymus and Acacius.'[68] To these we add the Greek Cyril, in the words which Gagnaeus relates from his exposition on the place in Paul, in which he follows the reading of the Latins; and Oecumenius, who, while bringing two senses under the Greek reading, has one that agrees with the opinion of the Latins.'[69] The same opinion is handed down by Fulgentius, in the book On the Faith to Peter, chapter 3, and by Gennadius, in the book On Ecclesiastical Dogmas, chapter 7. But the latter, after he had mentioned this opinion as the common one, subjoined thus: "However, because there are other men equally Catholic and learned who believe that, with the soul remaining in the body, those who are to be found alive at the Lord's coming will be changed unto incorruption and immortality, and that this is to be imputed to them for a resurrection from the dead, namely that they lay aside mortality by a change, not by death, one may acquiesce in either view, provided he is not a heretic, unless he becomes a heretic out of contentiousness."'[70] From which place St. Thomas seems to have taken that (in his Commentary on 1 Corinthians, at the verse "in momento," after preferring the Vulgate reading) he nonetheless says that the reading of the Greeks is not against the faith, nor is the sense they render heretical. And similarly, writing in this Distinction, he embraces the opinion of the Latins as the safer and more common, as he himself says. The same, in the Summa, I-II, question 81, article 3, to the first, says that it is more probable and more fitting to hold that all will die. Then he adds: "If, however, this is true which others say, that some who will be found at the Advent will never die, it must be said," etc.'[71] With these, moreover, all the Scholastics agree, except that a certain "Dominic" accuses as rash both the reading and the opinion of the Greeks, if anyone today should wish to uphold it. Which, however—especially as regards the reading—he ill proves, since it has not only not been reprobated, but indeed sufficient plausible reasons are not lacking for establishing it, as can be understood from what was said above. To which there is added also the Syriac text, agreeing with the Greek.'[72] But to those considerations which were brought forward in favor of the Greeks' opinion, conceived from their reading, one can reply in this way.

§ 33. To the first: The Scripture in 1 Corinthians 15, even if we admit the Greek reading, can easily be so taken that by the term "to sleep" a sleep or repose of some space of time is signified, such as belongs to those who are in the sepulchres. For he is not said to have "slept" who, deprived for a moment of the use of his senses, straightway awoke. For that "to sleep," in the phraseology of Scripture, signifies the delay and continuance of sleep by way of repose, is shown by that of Psalm 120: "Behold, he shall neither slumber nor sleep that keepeth Israel." In which place indeed "to slumber" is less than "to sleep," as the Commentators on that passage have rightly noted. Wherefore we may say that those who at the Judge's advent will be found alive, being overtaken by sudden death and straightway to be raised again, will indeed "slumber," that is, lightly fall asleep, yet will not "sleep," that is, they will not receive the repose of death. Oecumenius also reports this sense from the schools of the Greeks. And in truth, if the Apostle wished to deny that all those who will then be found in life are going to die, it would follow, according to the Apostle's view, that neither would the

impious—of whom then there will be the greatest number—undergo death; which, as has been shown, is said absurdly, although it is conceded by the Greeks and by Cajetan.[73]

§ 34. To the second Augustine replies, book 20 of the City of God, chapter 20, that the Apostle does not deny that those whom that day will find alive—whom he says will be suddenly caught up into the air—are going to die. For it can happen that either in the very rapture, or suddenly before the rapture, they die, and straightway thereafter receive immortal life. This transition by a sudden death in the middle, unto immortality, the Apostle seems to have signified in 1 Corinthians 15 by the name of change. But to us it is by far more likely that they will die before the rapture by the fire of the conflagration; see below at Distinction 47 and the Notes on 1 Thessalonians 4. Moreover, if the just were to die in the rapture, when would the impious die?[74]

§ 35. To the third: How that saying is to be taken—that Christ is to judge the living and the dead—Augustine explains (Enchiridion 55), and from Augustine the Master (toward the end of this Distinction), adducing two expositions. Which of these is the more probable depends on the interpretation of the place 1 Peter 4, where, after the Apostle had said, "Who is ready to judge the living and the dead," he subjoined, "For this cause was the gospel preached also to the dead," etc. But the "living" and the "dead" seem to be understood according to the body, in accordance with another Scripture, Romans 14, which says: "For to this end Christ died and rose again, that he might be Lord both of the living and of the dead." That this is to be taken of bodily death and life the context declares. According to which sense it is replied that absolutely all men are to be judged by Christ, both those who will have died before the time of judgment, and those who will then be found alive—yet these latter, as we said, will suddenly, through death, pass to immortality.[75]

§ 36. To the fourth it is replied that Enoch and Elijah have not been translated to immortal life, but will die at some time, according to the things which are contained in the Apocalypse of John. Moreover, Jerome's words can be referred to a rapture from the company of men into a place withdrawn from men, and that without a death intervening; in which matter there was a certain glorification, inasmuch as those two were for a time exempted from death and from the necessity of dying, and from other miseries of this age.[76]

§ 37. To the fifth: Dathan and Abiron descended alive into hell—that is, into the lowest parts of the earth—but in such wise that, being covered over by the earth, they were suffocated and died. If anyone is pleased to understand "hell" of the damned, we shall be able to reply that they descended alive, but did not arrive alive, because by descending they died. In a like manner the place of the Psalm is to be understood; for it is preceded by: "Let death come upon them." And afterwards there follows: "But thou, O God, shalt bring them down into the pit of destruction."[77]

§ 38. To the sixth: Augustine reconsiders that place, book 2 of the Retractations, chapter 33, in these words: "For either they will not die, or, by a most swift change, passing from this life into death and from death into eternal life, as it were in the twinkling of an eye, they will not feel death." Thus he. With which moderation that other passage of Augustine is to be taken; and this also is clear from chapter 20 of the same book, namely the place above cited by us in favor of this opinion.[78]

§ VIII — The resurrection of the dead will take place at the end of the age (Resurrectio mortuorum futura in fine seculi)

§ 39. That there will be a general resurrection of the dead (*resurrectio*) at the end or consummation of the age is certain from the Scriptures; and this has always been the constant and sure persuasion of the faithful. Hence the blessed Job says, "I know that on the last day I shall rise out of the earth" (ch. 19).[80] He seems to have signified the same thing (ch. 14) when he says that man will not rise again "until the heaven be worn away," that is, until the burning elements be dissolved, as Peter speaks in the second Epistle (ch. 3) — which will not be except at the end of the age.'[81] So too the Lord (John 6) promises that He will "raise up" on "the last day" those who believe in Him.'[82] And elsewhere everywhere the Evangelical and Apostolic Scriptures signify that in the consummation of the age, at the end of the present state — or rather of this world's mutability — there will be for all the resurrection and the universal judgment (Matt. 13; 24; 25; likewise 1 Cor. 15; 1 Thess. 4; 2 Thess. 2; Rev., and elsewhere).'[83] This same faith the Lord also heard openly confessed by Martha concerning her brother: "I know that he will rise again, in the resurrection, on the last day."'[84] Finally, whatever things prove that Christ will come to judgment at the end of the age, those same things avail to prove the time of the resurrection of the dead. For all will rise, in order that from Christ each and all may receive a state to endure forever, either of beatitude or of misery. But that Christ will come at the end of the age to judge is proved by the very character of judgment — namely, that it is to be held upon all the deeds, good and evil, of all men; which therefore of necessity must follow the entire course of this age. Then too that is shown by the disciples' question to Christ (Matt. 24): "What will be the sign of Thy coming, and of the consummation of the age?"'[85] For this is asked as if it were one and the same thing whether both are to be at one and the same time. Which is also confirmed by Christ's reply subjoined. And in sum the Scriptures teach us that the things sought here concur into one time — the consummation of the age, the resurrection of the dead, Christ's coming, and the universal judgment.

§ 40. The reasons by which this is proved, whether as necessary or as congruous, may be seen elsewhere in Dominic (in this Distinction, Question 2, Article 1).[86] For the present it must be known that nothing in this general doctrine prevents some persons, by a special privilege of God, from having already long ago risen unto blessed immortality; who therefore, just as they are no longer to die, so neither are they to rise hereafter with the other dead at the end of the age, but will appear in judgment with their already long since received glorious bodies.

§ 41. First of all, our Lord Christ ought not afterwards to await the common time of the resurrection; and therefore He rose straightway on the third day after His bitter death, in order by His own example to confirm the faith of our resurrection to come at the end of the age.

§ 42. Then too, of the Blessed Virgin Mother of God it is piously believed by many — and hardly is it doubted — that although she died, afterwards, when she had been raised to life everlasting, she was taken up into heaven with her body.[87]

§ 43. Something of this sort, too, many have thought concerning John the Evangelist, that he was taken up into heaven with a body brought back to life; but some — as St. Thomas and others (in this Distinction) — have doubted this; yet no witness from ecclesiastical histories, indeed from any sufficiently ancient testimony, exists by which it might be proved. For that John died is attested by Eusebius, by Jerome, Augustine, and many others; and the belief that his grave existed at Ephesus is confirmed abundantly by the Orations of St.

John Damascene, by the Menologia of the Greeks, and by many others; Ambrose, Andrew of Crete, the Metaphrast, Nicephorus, Gregory of Tours in the Glory of the Martyrs 22 and 23, and others whom Gardebosc, in his Synopsis of Ecclesiastical History (vol. ...), reports in support of the same opinion; and he adds arguments taken from an author set forth under the name of Dionysius the Areopagite (On the Divine Names ch. 3), from Damascene (De fide orthodoxa I, ch. 4), from Nicephorus (II, ch. 21), and from many more; to which he subjoins the reasons of the same Andrew of Crete, confirming that the faith of this mystery flourished in the Church.[88]

§ 44. But it will be asked whether Matthew (ch. 27), when he says, "And the tombs were opened, and many bodies of the saints who had slept arose," meant that they arose unto mortal life, as Lazarus and many others raised by Christ and by other saints; or rather, that they arose unto immortal life, as Christ. That they were brought back to mortal life is the opinion of Augustine (Epistle 99; the last Tractate on John), and after him of Bede (on Matt. 27). On the contrary, others — such as Ambrose (Sermon 74) and Jerome, or whoever is the author of the Sermon On the Assumption of the Virgin — think that by the resurrection they were endowed with immortality, both for other reasons and especially for this, that otherwise they would have been less suitable witnesses of the blessed resurrection, if they had risen only to die again. This opinion seemed to St. Thomas the more probable when he wrote upon this passage; although the same, in the Summa (III, q. 53, a. 3), preferred to adhere to Augustine's opinion. But if this latter opinion is true — as certainly it appears the more likely — then in these persons as well an exception to the common law of the resurrection to come at the end of the age will have to be acknowledged.[89]

§ IX — After how long a time the resurrection of the dead will take place (Post quantum tempus futura fit resurrectio Mortuorum)

§ 45. At what determinate time, that is, after how many years or ages, there will take place the consummation of the world (*mundi consumptio*), and together with it the resurrection of the dead (*resurrectio mortuorum*), and the advent of Christ and the last judgment (*judicium extremum*)—for these four, as we said above, coincide at the same time—this the Son of God willed to be so unknown to us that He said: "De die illo et hora nemo scit, neque Angeli in caelo, neque Filius, nisi Pater."[91] Now it is familiar to the Scriptures to put "day" and "hour" generally for "time," lest anyone here suspect that although the day and the hour are uncertain, the time, as a year or a lustrum or an age or a hebdomad of years, after which the judgment will take place, can be known by us—as St. Augustine rightly warned.[92] Moreover, the Lord denies that even the Son knows, that is, He denies this of Himself according to the human nature; not that He is altogether ignorant, since even as man it was truly said to Him by Peter, "Domine, tu omnia nosti" (Jn. 21). But because He had not thus received this from the Father as to make it known to others, according to what He says elsewhere: "Omnia quaecumque audivi a Patre"—understand: to be made known to you—"nota feci vobis."[^93] The Father, however, is said to know, because He makes it known to the Son, and He makes it known to the Holy Spirit also. For as they have the nature, so the Son and the Holy Spirit have knowledge from the Father. The Son of God used such a manner of speaking in order to keep His disciples and all the faithful far away from inquiry into this mystery, as from a thing impossible to be ascertained. Hence too, when He was asked when the kingdom of Israel would be restored, He answered: "Non est vestrum nosse tempora vel momenta, quae Pater posuit in sua potestate";[94] where again, by naming the Father alone, He seems to exclude Himself—namely, for the reason just stated.

§ 46. There are also other Scriptures signifying the same thing, as 1 Thess. 5: "De temporibus et momentis non indigetis ut scribamus vobis; ipsi enim diligenter scitis, quia dies Domini sicut fur in nocte ita veniet"; and 2 Pet. 3, to those saying, "Ubi est promissio aut adventus, etc.," he replies, "Unus dies apud Dominum sicut mille anni, et mille anni sicut unus dies"; and below: "Adveniet autem dies Domini, ut fur."[95] In which place Peter himself tacitly confesses that he is ignorant of that time. But if the Apostles and Peter were ignorant, what other mortal will presume that he knows? From these things, therefore, it is clear that those are not to be heeded who, not sufficiently attending to the aforesaid words of Christ and other Scriptures, have defined for themselves some certain time of the future judgment. Among whom were Irenaeus, book 5 against the heresies, at the end; Lactantius, book 7 of the Divine Institutes, ch. 14, and in the Epitome, ch. 7; Hilary on Matt. 17; and several others who thought that, when six thousand years of the whole world were completed, the end of the age would come: both on account of the six ages of the world, to each of which they assign a thousand years, and moved by this argument, that in six days the world was created. But a day is computed for a thousand years according to that, "Mille anni ante oculos tuos, tamquam dies hesterna quae praeteriit"; and that of 2 Pet. 3, "Unus dies apud Dominum sicut mille anni, et mille anni sicut unus dies."[96] But these proofs are altogether weak for showing what is asked. For neither did the Psalmist and the Apostle have regard to the days of the world's creation when they wrote those words, nor did they wish at all to designate some certain time; but by a metonymy, after the manner of Scripture, they put a determinate time for an indeterminate one.

§ 47. Furthermore, some others, from uncertain—nay, apocryphal—and certain Talmudic prophecies; others, from prophecies indeed true, which are read in Daniel or in the Apocalypse, but ill understood; others, from a certain conjunction of the stars which they foresaw; others, persuaded by other reasons, have estimated a determinate time of the consummation of the world—of whom some fixed four hundred, others five hundred years after Christ; others have set other measures of times for the future judgment of God. Of these Blessed Mantuan treats, book 3, De Patientia, ch. 29.[97] Quite recently there came forth a Treatise of a certain Frenchman, Varrinus, with the approbation of certain theologians, in which that author attempts to prove that the Lord will come to judgment in the year 1666; but the arguments by which he proves it are trifling, and some are taken from apocrypha. But of all these the vanity is now for the most part disproved by the fact itself. In general, moreover, from the most explicit words of Christ, whereby He teaches that that mystery is hidden even from the Angels of God and known to God alone, Augustine ably refutes this whole curiosity: in his Letters 78 and 80 to Hesychius; likewise in The City of God, book 20, ch. 53; on Psalm 81; and in Sermon 23 on the Words of the Lord.[98]

§ 48. Nay more, it has already happened of old that even those who, although they do not define a certain time of the judgment, nevertheless think that the day of judgment is not far off—for example, those who opine that within a hundred or two hundred or three hundred or a thousand years Christ will come to judgment—are deceived in their opinion, as it appears that Ambrose was at the beginning of book 10 on Luke; and Leo, in the Sermon 8 on the Fast of the Tenth Month; and Gregory, in Homilies 1 and 14 on the Gospels, and in book 9, Epistle 60 to the King of the English.[99] For suspicions of this sort, that the judgment is at hand, are also restrained by the Epistles of the Apostles, by Peter in his second Epistle and Paul in 2 Thess. 2;[100] although in our time there is a greater reason for suspicion than there was, because it can be that in the meantime many things have been fulfilled which were foretold would be before the day of judgment, whereas then they perhaps had not yet been fulfilled.

§ 49. Now as to whether the Lord will come to judgment by night or by day, and on what part of the day or of the night, this is equally unknown, although by various persons various conjectures are brought forward for this side or that, but which in truth convince nothing. For the Scriptures, when they express a determinate difference of time, wished only to admonish us of a determinate mystery. For as often as the time of judgment is called a "day," indeed "the great and manifest day" (Joel 3; Acts 2; 1 Cor. 3; and elsewhere), by this is signified that on it "Dominus illuminabit abscondita tenebrarum, et manifestabit consilia cordium," 1 Cor. 4: when also the very judgments of God will be made manifest (Rev. 15), and indeed all things whatsoever that shall have been judged throughout the whole course of the world; as Augustine teaches, City of God, book 20, ch. 1.[101] To this pertains also the opening of the books, of which Daniel 7 and Rev. 20 speak, by which the manifestation of consciences is signified, according to that of Rom. 2: "Testimonium illis reddente conscientia ipsorum, et cogitationibus accusantibus aut etiam defendentibus in die, cum judicabit Deus occulta hominum."[102] But the day of judgment is sometimes compared to night because, as the Apostle says, 1 Thess. 5: "Dies Domini sicut fur in nocte, ita veniet. Cum enim dixerint, Pax et securitas, tunc repentinus eis superveniet interitus"; which also Christ declares (Matt. 24) by the example of the flood in the days of Noah: "Ita erit," inquit, "et adventus Filii hominis"; and elsewhere, "Qua hora non putatis, Filius hominis veniet." In this way Augustine interprets the "night" (Ep. 120 to Honoratus).[103] Wherefore not rightly, from those places of Scripture which name the "night," does Lactantius conclude, book 7 of the Divine Institutes, ch. 10, and in the Epitome, ch. 8, that Christ will come to judgment at midnight.[104] Although Chrysostom also (Hom. 79 on Matt. 25) indicates something of this sort when he expounds that saying of the parable where it is said, "media nocte clamor factus est": "Hoc," inquit, "ut in parabola immoraretur dixit, aut in nocte futuram resurrectionem ostendere voluit."[105] Finally, lest human rashness should fix for itself some certain hour of the day or of the night at which the Lord is to come to judgment, it was said by the Lord (Mark 13): "Vigilate. Nescitis enim quando Dominus domus veniat: sero, an media nocte, an galli cantu, an mane." By which statement He teaches the all-around ignorance of that time.[106]

§ X — What is the cause of the resurrection of the dead (Quae sit resurrectionis mortuorum causa)

§ 50. In the matter of the resurrection (*resurrectio*) of the dead a twofold cause (*causa*) must in general be considered, the final (*finalis*) and the efficient (*efficiens*). Its final cause is the perfect retribution of merits, of which above there has been speech. But the efficient cause, again, must here be considered as manifold, namely, the principal agent, the meritorious, the exemplary, and the instrumental. Therefore the cause principally efficient of the resurrection is God, whose proper work it is, by infusing souls or by restoring them to bodies, to make those bodies live. Christ also, inasmuch as He is God, will effect the resurrection of the dead by His own power, by which also He effected His own resurrection. For whatsoever the Father does, these things the Son likewise does; and as the Father quickens whom He wills, so also the Son quickens whom He wills.[108] And the general and most certain axiom is: The works of the Trinity are undivided. Hence also concerning His own resurrection the Son Himself bears witness: "I have power to lay down my life, and I have power to take it up again."[109]

§ 51. The same Christ, however, inasmuch as He is our Redeemer and Mediator, by His death and passion, as the Head who is the Church, so also for all His members merited the glory of resurrection and of immortality; for Himself indeed according to that of the Apostle: "Wherefore God also hath exalted Him,"

etc.;[110] but for us according to that of the same Apostle: "In Christ all shall be made alive.",[111] And this Christ Himself teaches us, saying to Martha: "I am the resurrection and the life; he who believes in Me, even if he shall have died, shall live.",[112] Nor must we ascribe only the resurrection, but every benefit of grace by which we are brought unto salvation, to the merit of the passion of Christ, as is taught at Distinction 18 of book 3.,[113] Whether indeed Christ merited for us the resurrection simply, which also is common to the reprobate, or rather only such a resurrection, that is, blessed and glorious, which is proper to the elect, will be explained in the next chapter.

§ 52. Moreover, Christ is also by His resurrection the cause of our resurrection, not indeed meritorious—for all His merit was consummated in death—but exemplary: "the firstborn of the dead" and "the firstborn from the dead."[114] Whence also the Apostle, among other arguments for our future resurrection, in 1 Corinthians 15 infers it from the resurrection of Christ as exemplar, and deduces the future resurrection of all the faithful of Christ: for "Christ, the first fruits; thereafter, those who are Christ's.",[115] For the members are not to be separated from the Head, and it would be exceedingly incongruous that, under a living Head, the rest of the body should remain dead. If therefore the Head has risen, the members too are to rise; and, as Leo says, "Whither the glory of the Head has preceded, thither is called also the hope of the body.",[116] In this way of causing, our resurrection is often elsewhere ascribed to the resurrection of Christ; as when the Church sings in the Preface of the Canon of the Mass at Easter time: "Who by dying destroyed our death, and by rising again restored our life"; and in a certain Collect in which we ask that "by the power of the saving Resurrection of Christ we may merit to attain to eternal joy.",[117] In the same sense our justification, as a certain spiritual resurrection from the death of sins, is sometimes ascribed to the Resurrection as to a kind of exemplary, or rather figurative, cause; as the Apostle says in Romans 4: "Who was handed over for our offences, and rose again for our justification.",[118] Thus Peter, 1 Peter 1: "Who hath regenerated us unto a living hope through the resurrection of Jesus Christ from the dead," etc.,[119] And in this manner the Fathers are to be understood when they say that Christ rose again in order to justify us and to restore to life those dead by sin. For this is read in Augustine on Psalm 59 and in Hilary on Psalm 68.,[120]

§ 53. Furthermore, the instrumental cause of the resurrection of all the dead will be the voice of Christ: "All who are in the tombs shall hear His voice"—that is, of the Son of Man (for this had gone before)—"and they shall come forth: those who have done good, unto the resurrection of life; but those who have done evil, unto the resurrection of judgment."[121] To this may be referred that of the Psalms: "He will give to His voice the voice of power.",[122] And this voice is also called a great voice (Matt. 24),[123] and a cry which will be made at midnight (Matt. 25).,[124] It is also called a trumpet, in the Apocalypse 10, and in Matthew 24, and "the last trumpet," 1 Corinthians 15, and "the trumpet of God," 1 Thessalonians 4, and "the voice of the Archangel" in the same place.,[125] By all these is signified that there will be at the coming of Christ to judgment some evident and manifest sign, by which, as by a certain instrument of divine power, the dead shall be aroused.

(a) Now what this sign will be, and of what sort it will be, is better unknown than curiously inquired; except that there is no doubt that it will be a great and terrible sound, which will be diffused everywhere to rouse the dead, and which will avail instrumentally to that effect, just as those voices—"Lazarus, come forth," "Young man, I say to thee, arise,"—and the like, availed instrumentally to the raising of the dead. See at Dist. 48.[126]

§ 54. Another instrumental cause also of the resurrection of the dead is handed down, namely the angelic ministry, of which (Matt. 24) it is said that the Lord will send His Angels who shall gather His elect from the

four winds, from the heights of the heavens even to their boundaries.[127] By the ministry of these, therefore, the scattered dust is thought to be gathered with wondrous swiftness and to be fitted into body and members, so that thus the souls, through the working of divine power, may be restored to their own bodies, and the dead themselves, raised again, may also by the ministry of the same Angels be assembled before the tribunal of Christ; although that passage does not plainly prove such a ministry. For it seems it can rightly be taken of the ministry only as to the sound of the trumpet to rouse the dead through all the parts of the whole world.

§ 55. Whether, however, even the human nature of Christ is going to have the character of an instrumental cause in respect of the resurrection of the dead is not altogether certain. Concerning which matter elsewhere a more exact treatment must be given.

§ XI — Whether Christ is the cause of the resurrection of the reprobate (An Christus sit causa resurrectionis reproborum)

§ 56. Christ indeed as God will effect not only the resurrection of the elect but also of the reprobate, since this no less than that is a supernatural work and proper to God; but whether Christ as man, just as He is the meritorious cause (*causa meritoria*) of the resurrection of the elect, which is not doubted and has already been proved, so also is the meritorious cause of the reprobate by His Passion, and the exemplary cause (*causa exemplaris*) by His Resurrection, is not without reason asked. The doctrine of Paul seems to favor the affirmative party in 1 Corinthians 15, in which chapter he seems in general to set forth Christ as at once the exemplary and the meritorious cause of the resurrection of absolutely all men, and that especially by these words: "For since by a man came death, by a man came also the resurrection of the dead; and as in Adam all die, so also in Christ shall all be made alive."[129] From which it appears that as widely as death extends through Adam, so widely resurrection extends through Christ; namely, both are stretched out to all men, as well the evil as the good, as well the reprobate as the elect. And this argument seems to be confirmed by the authority of St. Ambrose, who in the Oration on the Faith of the Resurrection, a little after the middle, when he had said: "Christ the firstfruits of them that sleep," asks: "But of His own or of all?" Then he answers: "But as in Adam all die, so also in Christ shall all be made alive," manifestly signifying that even those who are not Christ's are nevertheless to be quickened by Christ. Whence he subjoins: "All shall rise again; yet let none despair, nor let the just grieve at the common fellowship of rising again. The fruit of the divine clemency is common, but the order of merits is distinct." So he. In Faustus also, Bishop in Gaul, book 1 of On Free Will, chapter 16, these sentences are read: "The impious are believed to be raised again by the power of the resurrection of Christ"; likewise, "the general resurrection pertains to the power of the Redemption."[130]

§ 57. On the other hand, these reasons seem altogether to persuade the denying party. First: The effect ought to be assimilated to its exemplary cause. But the reprobate will not be like to Christ, unless in a certain general way, which does not suffice for the present purpose. Whence also the Apostle attributes it to the predestined alone "to be made conformable to the image of the Son of God, that He might be the firstborn among many brethren" (Rom. 8).[131] Second: No one becomes a partaker of the merits of Christ in the future age, unless he has been made a partaker of the same in this age. Since therefore many impious men have never in this age taken any share of Christ's merit by faith or a good movement of soul; but the rest, if they had any merit, have lost it all by sinning, it cannot be that they become partakers of Him by the resurrection in the age to come. Third: Christ merited for no one damnation nor an increase of damnation. But the resurrection

pertains to the heap of damnation of the impious, because for this they shall rise again, that those who were punished in soul alone may also be punished according to the body: therefore their resurrection is not to be ascribed to the merit of Christ. Fourth: Christ did not merit those things which, from the first institution of nature, would altogether have been future even if Christ were not to come. But the first institution had this, that, if men should sin, indeed they would die by merit of sin, yet they would at some time rise again from the dead, namely to receive punishments according to the merits of their sins, not in soul only but also in body; nay even then it would have been just that the whole man who had wholly sinned should be punished eternally; and it would have been just that the body should be punished eternally because of sins done in the body and through the body. Therefore all this would have been future without Christ. Wherefore for this thing there is no need of His merit. Whence it also follows that neither did Christ merit resurrection simply for the elect, because, as has now been said, even without Christ the resurrection of all the dead would have been future, on account of the perfect retribution of works, but He merited for the elect a resurrection of such a sort, that is, blessed and glorious.

§ 58. Now this doctrine is plainly confirmed by the things which are in the Apostle in 1 Corinthians 15, if they be more diligently weighed. For there he does not make Christ the exemplar of absolutely all who rise again, but only of the elect. For after those words which have on the contrary been objected, he goes on thus: "But every one in his own order. The firstfruits Christ, then those who are Christ's."[115] And after many things he compares those who shall have been raised again with the heavenly bodies: "One," he says, "is the brightness of the sun, another the brightness of the moon, and another the brightness of the stars. For star differs from star in brightness. So also is the resurrection of the dead."[132] Where it is plain that the Apostle speaks only of the elect, as also in the following words: "It is sown in corruption, it rises in incorruption. It is sown in dishonor, it rises in glory," and so on. More surely, however, this is taught from that which follows a little after: "The second man from heaven, heavenly. Such as is the heavenly, such also are they that are heavenly." By these words he shows that Christ, who is the second man and likewise heavenly, by His glorious resurrection is a kind of exemplar not of all who rise again, but of those only who will be heavenly, as He Himself is heavenly. This also is indicated by that Greek reading: "We shall not all indeed sleep, but we shall all be changed"—namely by that change which is unto glory, incorruption, and immortality—in which there will be fulfilled the saying that is written: "Death is swallowed up in victory," and so forth.[133]

§ 59. In the same chapter, that too must be taken consistently of the resurrection and vivification which is unto a blessed and glorious life, in this sense: Through the man Adam, death; and through the man Christ, the resurrection of the dead unto eternal life; and, as in Adam all die, as many as are born of Adam, so also in Christ shall all be made alive, as many as are reborn in Christ, provided they do not lose the grace of regeneration; that is, as many as are Christ's and belong to Christ. For the sentence is like to that one in Romans 5: "As by the offense of one, unto all men unto condemnation, so also by the justice of one, unto all men unto justification of life."[134] Where in the latter place "all" are understood of those who pertain to birth from Christ, just as in the former of those who pertain to birth from Adam. Therefore these alone, in the Apostle's mind, shall be made alive in Christ who shall have been justified in Christ. This exposition the things that follow confirm, nay require, as can be understood from what has already been said. And moreover an argument is taken from the word "firstfruits" which the Apostle uses, saying that Christ is "the firstfruits of them that rise again." For Christ is not called the firstfruits of those who rise again or the "firstborn of the dead" by comparison with the impious, but only by comparison with the elect. For firstfruits are said of fruits; but the evil are not fruits, but tares and chaff; for the fruits, of which the firstfruits are offered, are understood

to be nothing but good. Whence, when the Apostle had said, "The firstfruits Christ," he did not add, "then the other men," but, "Then those who are Christ's, who are at His coming." This also another place declares more manifestly, where Christ is called "the firstborn among many brethren" (Rom. 8). Finally, in that the Apostle says: "By one man the resurrection of the dead," what resurrection of the dead is to be understood must be said from the sentence of Christ Himself, who says (Jn. 11): "I am the resurrection and the life: He who believes in me, although he be dead, shall live; and every one who lives and believes in me shall not die for ever." Where it is manifest that He speaks only of the blessed resurrection; both because He calls it eternal life; and because He restricts it to believers alone. To St. Ambrose it is answered that Christ can in some sense be called the firstfruits of all who shall rise again, because even those who are not Christ's are nevertheless to be quickened by Christ; but that the Apostle willed this of the elect alone is sufficiently clear from what has been said. As for Faustus, who was imbued with the Pelagian error, and whose books Gelasius reckons among the apocrypha, we say that in the Church he has no authority.[135]

§ XII — In what age and stature the dead are to rise (In qua aetate et statura resurgituri sint mortui)

§ 60. Concerning the age and stature of those who shall rise there is nothing defined by the Church, even if we speak only of the elect. For although it is certain that in the elect after the resurrection there will be nothing of deformity and weakness either of mind or of body—as we shall show below—yet from this it does not seem to follow that something equally certain can be set down also concerning their age and stature. For in the state of innocence in which man was created, there would have been infants and boys, small indeed in body, but, with every misery excluded, having a movement of body and use of mind congruent to their age, as was said above in the Second Book, Distinction 20.[137] Wherefore with much greater reason it could be held that by the blessed Resurrection those who were children in age and small in stature would nevertheless possess a full and perfect habit of mind and body. But, "if a small age is restored," says St. Augustine in Sermon 4 for Tuesday after Easter, that is, Sermon 147 De tempore, ch. 3, "if a small stature is recalled, is weakness on that account also recalled?",[138] Far more probably, however, and almost certainly, all will rise in full age. And the same must be taken likewise of stature. Thus think St. Augustine (in the sermon just named, and in De civitate Dei XXII, ch. 14 and the following, and in the Enchiridion, ch. 90), St. Jerome (in the Epitaph of Paula), Prudentius (in the Apotheosis at the end), Hugh (of St. Victor) (book 7 On the Resurrection, ch. 15), in which he transcribed Augustine's very words, and after them commonly the Scholastic Doctors; with no one, so far as I know, whether of the more ancient or of the more recent Doctors, thinking the contrary.[139]

§ 61. By full age and stature we understand that which men are wont to have around the year 33, 34, or 35, with diseases, menstrual defects, and other impediments excluded. For this time is in human life the most excellent, that is, the mid-point of youth. For youth extends from the year 25 to 40; whose mid-point was Christ's, as being the age in which both He Himself after three days rose again, and all the elect are to rise. In which age also the first man is most rightly thought to have been created; not indeed according to a number of years, but according to the perfection of body. And therefore to the same age we must be re-formed by the resurrection. But some, to prove this, adduce that saying of the Apostle (Eph. 4): "Until we all meet into the unity of faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ."[140] On which place St. Anselm, writing, says that we shall rise neither beyond nor beneath the youthful form, but in the age and strength to which we know that Christ here attained, that is, at that goal

of age up to which man naturally grows, etc. Then he subjoins these words: "He does not say the measure of the body or the measure of the stature, but the measure of the age of the fullness of Christ. For neither is it lawful to say that, when the time of the resurrection of all shall have come, some magnitude which one did not have shall be added to a man's body. But if we say that, to the pattern of the Lord's body, even the larger bodies of whomsoever are to be reduced, very much will perish from the bodies of many, whereas He Himself has promised that not a hair shall perish. It remains, therefore, that each one receive his own measure, which either he had in youth, even if he died an old man, or was going to have, if he died beforehand."[141] So he, as it were from the Apostle's place teaching that each one is to rise in full or manly age and stature. Whether, however, that is the genuine sense of that place is with good reason doubted. For St. Augustine (in the sermon cited above) denies that this is defined in the Scriptures; and the same, in De civitate Dei XXII, chs. 15 and 18, although he makes mention of this exposition, nevertheless prefers another; namely, that that place be taken of the growth and fullness of the whole body of Christ, that is, of the Church, as to faith and the unity of faith, so that it may come forth "unto a perfect man," that is, may attain the manly strength and constancy of faith, as a measure of full and perfect age. This sense, of the spiritual perfection of the Church, is handed down by St. John Chrysostom, Theophylact, Oecumenius, and other Greeks; likewise St. Jerome, and the Commentary inscribed to St. Ambrose, and other Latins. For—[142]

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1. 2 Tim. 2; concerning Hymenaeus and Philetus who said the resurrection was already past.
2. Heb. 6.
3. Tob. 2.
4. St. Augustine, De haeresibus, from heresy 7 through 47.
5. St. Thomas, Summa theologiae I, q. 75, a. 6; I, q. 118, a. 2.
6. Soto (Domingo de), In IV Sent., dist. 43, art. 1.
7. St. Augustine, De Trinitate XIV, last chapter, citing Cicero's Hortensius.
8. Wis. 2.
9. Acts 23.
10. Matt. 22; Exod. 3: "Ego sum Deus Abraham, Deus Isaac, Deus Jacob... Hoc mihi nomen est in aeternum.".
11. 1 Cor. 15.
12. Matt. 10.
13. Rev. 6; Rev. 20.
14. Eccl. 12.
15. 1 Kgs (Vulgate) 28; Sir. 46; 2 Macc. 15; Matt. 17; Luke 16; 3 Kgs (Vulgate) 17; "Revertatur, obsecro, anima pueri hujus in viscera ejus" (3 Kgs 17).
16. St. Augustine, De haeresibus, haer. 83 (on the "Arabs"); Eusebius, Historia ecclesiastica VI, ch. 30.
17. The Alcoran (Qur'an), Sura 88 [abbreviation as in source].
18. St. Thomas, places cited above [abbreviation as in source].
19. 1 Tim. 6.
20. Eccl. 3.
21. St. Augustine, Sermon 13 among the Parisians, chs. 3–4; St. Bernard, Sermon 81 on the Song.

22. Ps. 48.

23. St. Jerome, Commentary on Ecclesiastes, ad loc.; Eccl. 12.

24. Lactantius, Divine Institutes VII, ch. 21.

25. Aristotle, De Anima III, ch. 4.

26. St. Thomas, Summa theologiae I, q. 75, a. 6, ad 3; I, q. 89, a. 1–ff.

27. St. Thomas, Supplement, q. 75, a. 1.

28. Matt. 19.

29. Heb. 11.

30. Exod. 3: "I am the God of Abraham, the God of Isaac, the God of Jacob … This is my name forever." Matt. 22; Mk. 12; Lk. 20. Lk. 20: "For all live to Him."

31. Job 19; Dan. 12; Tob. 2; Wis. 2–5; 2 Macc. 6–7, 12, 14; Ps. 1; Eccl. 12; Sir. 11; Ezek. 37; Is. 26.

32. Matt. 25; Jn. 5; 1 Cor. 15; 1 Thess. 4; Rev. 20; 2 Tim. 2 (on Hymenaeus and Philetus).

33. 1 Cor. 15; Rev. 1; Col. 1; St. Leo the Great, Sermon on the Ascension of the Lord; St. Ambrose, De fide resurrectionis.

34. St. Thomas, ibid. [abbreviation as in source].

35. "You err, not knowing the power of God": Matt. 22:29; Mk. 12:24.

36. Tertullian, De resurrectione carnis [contra Marcionitas, as in source]; St. Augustine, De civitate Dei XXII.

37. Ps. 77: "spiritus vadens et non rediens."; "Cum exierit spiritus revertetur": Wis. 16 [abbreviation as in source].

38. Ps. 38: "Donec abeam et amplius non ero."

39. Job 7:9; 14:12; Job 14:14: "Putasne mortuus homo rursum vivet?".

40. Job 7:10: "Nec revertetur ultra in domum suam, nec cognoscet eum amplius locus ejus."

41. Job 14:14: "Exspecto donec veniat immutatio mea."; 1 Cor. 15: "Omnes quidem resurgemus, sed non omnes immutabimur.".

42. Dan. 12; Ps. 4; Job 3; Gen. 47; 3 Kgs 2; Acts 7.

43. St. Thomas, Summa theologiae, Supplement, q. 75, a. 2.

44. Is. 26: "Let not the dead live, let not the giants rise again" (v. 14); "Thy dead shall live, my slain shall rise again" (v. 19).

45. Is. 43:17: "They are quenched as tow, they shall not rise."

46. Ps. 1:5: "Therefore the impious shall not rise again in judgment."

47. 2 Macc. 7 (words of the fourth brother to Antiochus).

48. Jn. 6:39–40, 44, 54.

49. Rom. 6:5.

50. Lk. 20:35–36.

51. 1 Thess. 4:13–17; 1 Cor. 15.

52. Gen. 2:17; 3:19.

53. Lactantius, De divinis institutionibus VII, ch. 21.

54. Dan. 12:2.

55. Matt. 19:28.

56. St. Thomas, In this Distinction, art. 4; Thomas of Cantimpré, De apibus, ch. 53, part 1; Pseudo-Jerome, Sermon on the Assumption of the Blessed Mary; Nicephorus, Ecclesiastical History II, ch. 42; St. Ambrose, Sermon On the Holy Martyrs; Baronius, Martyrologium Romanum (Dec. 27), and Annales, vol. 2, year 101; see also below at Distinction 47 on St. John.

57. 2 Cor. 5:10; Matt. 25:31–33; Jn. 5:28–29; Rev. 20; 1 Cor. 15:22; Rom. 14:10–12; 2 Cor. 5:10; Acts 24:15; Dan. 12:2; Wis. 5; Athanasian Creed: "At whose coming all men have to rise again with their bodies, and shall give account for their own works."

58. "Non est vivere, sed valere vita" (Martial, Epigrams, X, 47); "Vivamus, mea Lesbia" (Catullus, Carm. 5). On the Creed: "and life everlasting."

59. 2 Macc. 7 (the martyr adds "unto life"); Rev. 20:14, "the second death."

60. Ps. 1:5, sense according to the Hebrew.

61. Tobit (passim); 2 Macc. 7; cf. the hopes and promises of the Prophets and Apostles for the blessed resurrection.

62. Lactantius, De divinis institutionibus VII, ch. 21 (on the impious reassuming bodies not to be consumed by fire).

63. St. Augustine, De civitate Dei XX, ch. 23; Gen. 6–7 (example of "many" for "all"); Rom. 5:12–19.

64. Matt. 1:20; Lk. 1:35; Matt. 19:28.

65. Athanasian Creed: "At whose coming all men have to rise again with their bodies, and shall give account for their own works."

66. Ambrosian Commentary on Paul; cf. at 2 Thess. 4. Pelagius (the author of the Commentary attributed to St. Jerome), on 1 Cor. 15 and on 2 Thess. 4.

67. St. Augustine, De civitate Dei X, ch. 20; Letter 80 to Hesychius; also a Letter to Mercator. The editors note: in the Benedictine edition the Letter to Hesychius is numbered 199; in the Fathers' edition the Letter to Mercator is numbered 193.

68. St. Jerome, Epistle to Minerius and Alexander; citing Didymus and Acacius.

69. Cyril (of Alexandria), as cited by John Gagnaeus in his exposition on Paul; Oecumenius, Commentary on Paul, ad loc. (reporting two senses for the Greek reading, one of which agrees with the Latin opinion).

70. Fulgentius, De fide ad Petrum, ch. 3; Gennadius, De ecclesiasticis dogmatibus, ch. 7 (quotation as in the text).

71. St. Thomas, Commentary on 1 Corinthians, at 15:52 ("in momento"); in this Distinction (In IV Sent., dist. 43), embracing the Latin view as "safer and more common"; and Summa theologiae I-II, q. 81, a. 3, ad 1.

72. "Dominic" [as in source]; Estius notes also the Syriac text as agreeing with the Greek.

73. 1 Cor. 15; Ps. 120(121):4–5; Oecumenius, ad loc.; Cajetan, Commentary on 1 Cor. 15 (admitting that the impious found alive would not die, on the Greek reading).

74. St. Augustine, De civitate Dei XX, ch. 20; 1 Cor. 15; see below, Distinction 47, and the Notes on 1 Thess. 4.

75. Augustine, Enchiridion, ch. 55; the Master (Peter Lombard), at the end of this Distinction; 1 Pet. 4:5–6; Rom. 14:9.

76. Rev. 11 (the two witnesses); cf. St. Jerome, ad loc., on Enoch and Elijah.

77. Num. 16:30–33; Ps. 54(55):16, 24 (Vulgate).

78. St. Augustine, Retractationes II, ch. 33; cf. De civitate Dei XX, ch. 20.

79. St. Thomas, Suppl., q. 77, a. 1.

80. Job 19: "I know that my Redeemer liveth ... and on the last day I shall rise out of the earth."

81. Job 14; 2 Pet. 3: "the heavens being on fire shall be dissolved."

82. Jn. 6: "And I will raise him up in the last day."

83. Matt. 13; 24; 25; 1 Cor. 15; 1 Thess. 4; 2 Thess. 2; Rev.

84. Jn. 11:24.

85. Matt. 24:3.

86. "Dominic," in this Distinction, q. 2, a. 1 [abbreviation as in source].

87. On the Assumption of the Blessed Virgin Mary: "The opinion affirming that the Blessed Virgin was taken up into heaven with her body restored to life, having been received by the common consent of the whole Church and by the practice of the faithful, has, in the judgment of distinguished doctors and theologians of piety, been raised to such certainty that they do not hesitate to condemn the contrary as rash." Thus Caesar Baronius pronounces in the Annals (Vol. 1, to the year 48): "For this opinion

(namely, asserting the Assumption of the living-again body of the Blessed Virgin), since all the Fathers who treated of the matter alike agree, and the class of the Scholastics likewise consent, there remains no room for doubting; so that it would be a sign of brazen forehead and of a petulant spirit not to acquiesce in the usage of the universal Church and in the testimonies of so many Fathers, and an extreme rashness to contradict all these." And a little later: "Since therefore, apart from a few who, deceived by the spurious Letter inscribed in the name of Jerome to Paula and Eustochium, have erred, the Roman Church has constantly and firmly asserted — and in her very usage received — that the Most Holy Mother of God Mary, with that most sacred Body with which she supplied flesh to God, has been taken into heaven." And in the Notes to the Martyrology on the day 15 August he adds in the same sense; he further states that the Roman Church in her public usage has transmitted homilies of the holy Fathers on the celebration of that day which confirm the Assumption; and that this very sentence appears received by very many theologians of authority, and even by the common consent of the faithful; so that temerity would not be lacking to one who should call it into doubt. Natalis Alexander (Hist. Eccles., Tom. 3, Bk. 1, Dissert. 2, Q. 4), although he reports many things in favor of that pious and pre-lauded sentence, nevertheless does not compel a strict necessity of belief from the testimonies, but still confesses that they are so many and so grave that it would be rash to doubt; and in the newest Paris edition, at the end of that place he adds: "I have not doubted, nor do I now doubt, that the Virgin was taken into heaven with her body restored to life; and I have said that this sentence is to be embraced as pious and supported by congruous reasons, which the Church embraces; so that he would not escape the note of temerity who should doubt of it." Pious and ecclesiastical is the opinion concerning the bodily Assumption of the Mother of God, which both the ancient Gallican or Gothic Missal — recently edited by Mabillon — confirms in the Preface or solemn declaration of the Mass: "Rightly was she assumed in the Assumption; for the earth was not conscious of the sepulcher of that sacred Body, in which, as in a temple, the Redeemer's soul was received; the Apostles paid sacred service; the cloud was the vehicle; the Assumption was the glory; Paradise, among the choirs of virgins, the princedom, through Christ the Lord our Priest." Likewise the Sermon 28 of Peter of Blois (if, namely, it be by that author), who for that very reason is cited by Cardinal Baronius — otherwise, indeed, inclined to oppose this truth — down to the thirteenth century; that there was doubt concerning it, until by the common consent of the faithful it was established that the sentence of the bodily Assumption of the Blessed Virgin was raised; he heaps together many ancient monuments to show the same (Memoriae Ecclesiasticae, Tom. 1, part ...), and asserts that, although the monuments brought forward by himself do not go so far as to compel the contrary sentence, he does not deny that they favor a devout piety and reverence. Baronius adds that we ought not to tolerate that men speak as though of a thing about which it were lawful to doubt, since by the unanimous consent of many Fathers and Scholastics, and by the usage of the Roman Church, it has been established; and he subjoins the testimonies of St. Gregory (Epistle 174), St. Bernard, Nicholas I in his letters to the Bulgarians, and of the Council of Moguntia (Mainz), I (cap. 36); finally he adds the testimonies of the first Nicene synod, and of others. Tillemont, in the Life of the Blessed Virgin (Memoirs, Tom. 1, part 1), reports many things for and against and then says that until the thirteenth century there was doubt concerning the bodily Assumption; but he adds that the sentence of the bodily Assumption has been raised by the common consent of the faithful, so that it would be rash to contradict so many Fathers and so grave an usage of the Church. He censures Usardus and Ado for having, following an apocryphal book under Jerome's name (De Transitu Beatae Mariae), inserted certain words, "Out of modesty it is to be praised not to define what cannot be known without peril"; which words Baronius shows to have been taken from that apocryphal writing; and he reasonably judges that they should not be regarded as the sentiment of the ancients or of the Roman Church. Estius, weighing these matters, admonishes younger theologians not to embrace lightly the judgment of those who say that the Virgin's bodily Assumption into heaven is only piously believed by many; since indeed it is now embraced almost certainly by all the faithful; so that the note of temerity would be incurred by one who should assert the contrary.

88. Eusebius, Ecclesiastical History III, ch. 31; Jerome, De viris illustribus; Augustine and others; John of Damascus, Orations; the Menologia of the Greeks; Ambrose; Andrew of Crete; the Metaphrast; Nicephorus II, ch. 21; Gregory of Tours, De gloria Martyrum 22–23; Gardebosc, Synopsis historiae ecclesiasticae (vol. ...), confirming the same view; Dionysius the Areopagite, De divinis nominibus ch. 3; John of Damascus, De fide orthodoxa I, ch. 4; Nicephorus, II, ch. 21 (all as cited in the note of the source).

89. Augustine, Ep. 99; the last Tractate on John; Bede, Commentary on Matt. 27; Ambrose, Sermon 74; the Sermon De Assumptione Virginis (under the name of Jerome); St. Thomas, on Matt. 27 (ad loc., where he judged the immortal resurrection more probable), and Summa theologiae III, q. 53, a. 3.

90. St. Thomas, Summa theologiae, Supplement, q. 77, a. 2.

91. Mark 13: "But of that day or hour no one knows, neither the Angels in heaven, nor the Son, but the Father."

92. St. Augustine, Epistle 80 to Hesychius.

93. John 15:15 (cited in the source as John 13): "All things whatsoever I have heard from the Father I have made known to you."

94. Acts 1:6–7.

95. 1 Thess. 5:1–2; 2 Pet. 3:4, 8, 10.

96. Ps. 89:4 (Vulgate numbering); 2 Pet. 3:8.

97. Baptista Mantuanus, De Patientia, book 3, ch. 29.

98. St. Augustine, Epistles 78 and 80 to Hesychius; The City of God 20, ch. 53; Exposition on Psalm 81; Sermon 23 on the Words of the Lord.

99. St. Ambrose, Exposition on Luke, book 10, at the beginning; St. Leo the Great, Sermon 8 on the Fast of the Tenth Month; St. Gregory the Great, Homilies 1 and 14 on the Gospels; and Book 9, Epistle 60 to the King of the English [as in the source].

100. 2 Pet. 3; 2 Thess. 2.

101. Joel 3: "the great and manifest day of the Lord"; Acts 2:20; 1 Cor. 3:13; St. Augustine, The City of God 20, ch. 1.

102. Dan. 7:10; Rev. 20:12; Rom. 2:15–16; Rev. 15:4.

103. St. Augustine, Epistle 120 to Honoratus; 1 Thess. 5:2–3; Matt. 24:27–44.

104. Lactantius, Divine Institutes VII, ch. 10; Epitome, ch. 8.

105. St. John Chrysostom, Homily 79 on Matthew 25.

106. Mark 13:35–37.

107. St. Thomas, Supplement to the Summa theologiae, q. 76.

108. John 5:19, 21: "For whatsoever things He does, these the Son also does in like manner… For as the Father raises the dead and quickens them, so the Son also quickens whom He will."

109. John 10:18.

110. Phil. 2:9.

111. 1 Cor. 15:22.

112. John 11:25.

113. Estius above, Book 3, Distinction 18.

114. Rev. 1:5; Col. 1:18.

115. 1 Cor. 15:23.

116. St. Leo the Great, Sermon 1 on the Ascension of the Lord.

117. Roman Missal, Preface of Easter; and a Collect asking to attain eternal joy by the power of Christ's saving Resurrection [as in the source].

118. Rom. 4:25.

119. 1 Pet. 1:3.

120. St. Augustine, Enarrationes in Psalmos 59; St. Hilary, In Psalmum 68.

121. John 5:28–29.

122. Ps. 67(68):34 Vulgate.

123. Matt. 24.

124. Matt. 25:6.

125. Rev. 10; Matt. 24:31; 1 Cor. 15:52; 1 Thess. 4:16.

126. See below, at Dist. 48.

127. Matt. 24:31.

128. St. Thomas, Supplement to the Summa theologiae, q. 76, a. 1.

129. 1 Cor. 15:21–22.

130. St. Ambrose, Oratio de fide Resurrectionis; Faustus of Riez, De libero arbitrio I, ch. 16.

131. Rom. 8:29.

132. 1 Cor. 15:41–42.

133. 1 Cor. 15:51, 54.

134. Rom. 5:18.

135. Rev. 1:5; John 11:25–26; Gelasius of Rome, Decretum de libris recipiendis et non recipiendis [apocryphal status of Faustus's books].

136. St. Thomas, Supplement to the Summa theologiae, q. 81, aa. 1–2.

137. Estius above, In II Sent., dist. 20.

138. St. Augustine, Sermo 147 De tempore (alias Sermo 4 feria tertia post Pascha), ch. 3.

139. St. Augustine, De civitate Dei XXII, ch. 14 and following; Enchiridion, ch. 90; St. Jerome, Epitaffium Paulae; Prudentius, Apotheosis; Hugh (of St. Victor), De resurrectione, bk. 7, ch. 15 [abbreviation as in source].

140. Eph. 4:13.

141. St. Anselm, on Eph. 4:13 [as in source].

142. St. John Chrysostom, Theophylact, and Oecumenius, commentaries on Eph. 4:13; St. Jerome; Pseudo-Ambrosian Commentary.

DISTINCTIO XLIV — ON AGE, SEX, AND THE NUMERICAL IDENTITY OF THE RISEN BODY

§ 1. And Ambrose himself applies the Apostle's words to a boy who has the childish age and even to one not yet born, in book 2 on Luke, saying that John in his mother's womb "began from the measure of the perfect age of the fullness of Christ" — namely on account of the use of reason anticipated in the infant, as he thought.[1] Add that the very words of the Apostle demand this understanding. For he says: "Until we all meet into the unity of faith," which is not fulfilled in the future age, where faith ceases, but in the present. Nor does he say "into perfect men," but "into a perfect man," signifying that for this purpose a hierarchical order has been established in the Church, so that the whole Church may be as a perfect man — that is, that it may be robust and steadfast in faith. Hence there follows: "that we may now no longer be little children tossed to and fro," and so forth.[2] Since these things are so, this doctrine seems to be proved more by reason than by Scripture. Now the reason is this: age and stature ought to be congruent to operations both of soul and of body; therefore, since all operations in that blessedness (*beatitudo*) will be perfect, it is fitting that both the age and the stature be perfect — that is, manly or youthful. And although it can also be said that childish age and stature will there be perfect, yet from the first institution of man that does not have the absolute perfection of man, but only a certain perfection suited to that age, as was said elsewhere. Hence also in the state of innocence (*status innocentiae*) children would have received increase of body up to the age and stature of a man as perfect, and then all men would in that same age and stature at last have been translated to blessed immortality — not indeed by reckoning of years (for there would have been there no old age, no defect of age), but by estimating stature from magnitude, and age from vigor and the perfect constitution of the body. Wherefore it is altogether credible that the same will now be the case in the elect, since through Christ man is perfectly restored to his first felicity. But whether the same is to be felt about the reprobate is not equally certain, since in them the reason just stated does not have place, and the Fathers have spoken chiefly of the elect, although they do not deny this of the reprobate either. Yet the Scholastic Doctors are more inclined to the affirmative part. But what is to be said of those who died either old men or children is now clear from the words of St. Anselm that were cited, which are to be understood as almost the same in St. Augustine and in Hugh — understand: provided that in this life no one's stature was monstrously great or small.[3] For thus in the elect their stature will be reduced to the natural mode. Wherefore giants and dwarfs and Pygmies (if indeed there is or was any nation of Pygmies — for those of whom mention is made in Ezek. 27 seem to be others) when they rise will receive a stature congruent to men, monstrosity being excluded.[4] For although, to take an example, a Pygmy among his nation of Pygmies is not monstrous — just as a lame man is not deformed among the lame, nor a hunchback among the hunchbacks — yet he is monstrous in comparison with the human race, to which in manly age a much greater stature naturally and commonly is fitting. How this, however, does not conflict with the identity of the body raised with that which it was before, will be explained below.

§ II — That each will rise again in his own sex (Unumquemque in suo sexu Resurrecturum esse)

§ 2. Certain men have thought that all human beings will rise again in the male sex (*sexus*). This opinion is attributed to the Armenians. It leans on arguments of roughly this sort. First, because the Apostle says (Eph. 4) that we are all going to meet Christ "into a perfect man."[6] Second, because in the future age every rulership among men will cease, according to that of the same Apostle (1 Cor. 15): "When he will have done away with every principality and power and virtue."[7] Therefore that power too will cease which the man has over the woman; but since that is natural, it will be necessary that the female sex itself be abolished.

§ 3. Third, because the female sex is imperfect; but everything imperfect is repugnant to that felicity. By this reasoning also we showed above that the age and stature of childhood will not be there, for it is necessary that those who rise again rise again into a perfect age and stature. Fourth, this seems necessary, lest the diversity of the sexes, set before the eyes, discredit with unseemly shame that happy state, in which there will be no use of clothing. Fifth, it seems proved from Athanasius, who in the book On Virginity says that in the Kingdom of heaven there is not male and female, but all the women receive the order of men.[8]

§ 4. But notwithstanding these things one must say that it is Catholic and undoubted doctrine that each will rise again in his own sex; the Fathers teach this, St. Augustine in De civitate Dei XXII, ch. 17; St. Jerome (in the Epistle to Pammachius against the errors of John of Jerusalem, chs. 3 and 11, where he wills this to pertain to the faith; and in the Epitaph of Paula, where he confirms it from the Scriptures); St. Hilary (Canon 23 on Matthew); Fulgentius (De fide ad Petrum, ch. 3); Justin (Question 53 to the Orthodox); Athanasius or whoever is the author of the book of Questions (Question 24), where he also expressly affirms this of the Virgin Mother of God; and others later than these.[9] In which opinion all the Doctors of the Schools agree without exception. But the chief proof taken from reason seems to be this, that all will rise again entire according to all their members. Wherefore to those who rise again there will also be restored those members which constitute the diversity of sexes. Nor does the proof seem to be sought from that principle, that men will rise again the same in number. For the differentiation of sexes is only accidental, and the Natural philosophers admit that it can naturally happen that in one and the same human being there be a transformation from one sex to the other—something which Pliny and other historians in their writings have reported to have occurred at times. But in these matters let faith rest with the authors.'[10] Another reason is that God, instituting human nature, created both sexes in it. Wherefore also in the restoration of nature He will restore both sexes. Again, another reason: because certain merits of the Saints are on account of sex; for instance, that women, the weakness of sex notwithstanding, by fighting bravely even unto death have endured the most bitter torments for the faith and for chastity. So too the Blessed Virgin obtains that dignity, that she is the Mother of God, by reason of sex. Therefore there is no reason to doubt that that sex is to be restored to them. If anyone seeks Scripture, that can be produced which St. Jerome adduces (in the Epitaph of Paula, ch. 11, from Matt. 22), the Lord saying to the Sadducees: "In the resurrection of the dead they will not marry nor be given in marriage." For where it is said, he says, "They will not marry nor be given in marriage," the diversity of sexes is shown. For no one says to a stone or to wood, "They will not marry nor be given in marriage," which have not the capacity for marrying, but it is said of those who can marry and, by the grace and power of Christ, do not marry. So he.'[11]

§ 5. But to the things that are objected on the contrary, it is not difficult to reply. To the first: by the moral assimilation of those rising again with their Head, Christ (which, as we showed above, is not to be understood thus), he would not for that reason think that women are to be transformed into the male sex, but, as was said there, that all the elect are to be reduced to manly or youthful age. Now ages are common to both sexes.

§ 6. To the second it is answered that the Scriptures which speak of the subjection of the female sex will nothing else than that married women be subject to their husbands. But this has no place in the future age, where "neither will they marry nor be given in marriage." And although what the Apostle says about the doing away of principality does not seem to be understood of human rulerships among themselves, but of the hostile Powers to be utterly crushed by Christ. For he adds: "But it behooves him to reign until he puts all enemies under his feet."[12]

§ 7. To the third: just as not all will have the same degree of felicity, so neither the same measure of bodily perfection. Nevertheless all things will be simply perfect, each in its own order. Nor is it similar in the case of childhood. For the female sex is not ordered to the male sex as childhood is to manhood, namely, so that it sometime attains to it. For which reason we said that boys will not rise again in the age of childhood but of manhood, because it is altogether fitting that to those who rise again be given that perfection which, if they had survived, they were going to receive in this life. But sex in this life is permanent, and one is not changed into the other; therefore it ought not to be changed by the resurrection.

§ 8. To the fourth the reply is easy from the first state of innocence, in which it is said of the first man and the woman that "They were naked and were not ashamed." For there was nothing shameful in the whole body of man, where there was no rebellion of the flesh against the spirit. Which assuredly must be thought much more of the state of future felicity, when the body will be spiritual, not animal as that of the first parents in paradise, nor will it be employed for the work of generation. But why the distinction of sexes will not be there in vain will be said below, when we treat of the use of the members and of the senses after the resurrection.

§ 9. To the last it is answered that St. Athanasius assigns to women the order of men as regards perfection of soul, and as regards the common gifts of the grace of immortality: "In Christ Jesus," according to the Apostle, "there is not male and female."[13]

§ III — The numerically same bodies are to be restored to the dead (Eadem numero corpora mortuis restituenda)

§ 10. That not another, but the same body in number according to substance (*substantia*) is, by the resurrection (*resurrectio*), to be animated and quickened by the same soul in number (*anima*), rational, the very name of "resurrection" argues first of all. For if not this body which fell, but in its place another rises or is raised up, there will not be a resurrection and raising-again of bodies, but only a "rising" and "raising," and a new animation; nor will it be a regeneration (*regeneratio*), but a certain generation (*generatio*). And yet Scripture everywhere calls it "resurrection" and "regeneration"; therefore we who believe the resurrection of bodies also by faith hold that the very same bodies in number are to be restored by the resurrection to all the dead. This faith St. Job professed, saying (ch. 19): "Again I shall be clothed about with my skin, and in my flesh I shall see God; whom I myself shall see, and not another," that is, this body and this soul—neither changed into another, but each the same in number—and from both the same man in number consisting.[15] Christ also, after the resurrection, displayed to the disciples the very same body in number which had been

crucified and wounded and laid in the sepulchre. And, as an argument of this fact, He even willed to preserve the openings of the wounds, and to show them to these His disciples. To these are added the examples of the resurrection of those who were raised again to mortal life. For all these without exception received not other, but the very same bodies which had died, as is manifest from the Scriptures. Nay, even those of whom it is said (Matt. 27): "And the monuments were opened, and many bodies of the saints who had slept arose, and coming forth out of the monuments, ..." without doubt returned with the very same bodies in which they had lived. For this is proved by the opening of the tombs and the going forth of the dead from the tombs.'[16] Now these, according to the more probable opinion, were raised again not to this mortal life, but to an immortal one, as witnesses and associates of the glorious resurrection of Christ. Finally, whatever simply proves the resurrection of bodies, by the same force avails for proving that bodies will rise the same; because, as we have said, a resurrection is only of that which fell.

§ 11. But on this matter the testimonies of the Fathers are very frequent, whereby they teach that our bodies after the resurrection will be of the same substance and nature, although of another glory—according to the doctrine of Paul in 1 Cor. 15. Thus St. Jerome teaches at length against the errors of John of Jerusalem in the letter to Pammachius, and in the Epitaph of Paula, ch. 11, and on Matt., ch. 17; St. Gregory in Homily 26 on the Gospels, and Moral. bk 14, ch. 31; St. Augustine in the Sermons delivered at Eastertide, Sermon 4 (on the words of the Lord); Prudentius at the end of the Apotheosis; and others.[17] Now one must know that, for the faith of the identity of the rising bodies, it does not suffice if we say that the soul will return to the same matter in number; but we must acknowledge and confess that the human and organic body, the same in number, will rise, consisting of flesh, nerves, bones, head, belly, arms, hands, feet, and the other members and parts of a human body. For such a resurrection Scripture promises us and the tradition of the Fathers hands down. Against which truth there once stood the error of certain persons who promised to us at the resurrection a certain airy or ethereal body, and in particular that of Eutychius, Patriarch of Constantinople, who denied that the dead would rise in true flesh and a palpable body. For he said that in that resurrection our body would be impalpable and more subtle than the winds and air; and he even confirmed this error by a book he published. But Gregory I, then deacon of the Roman Church, convicted him of error. Of this the same Gregory writes, and in his Life John the Deacon, that, moved by repentance for his error, when death was at hand he was holding the skin of his hand, with many present, and saying: "I confess that we shall all rise in this flesh." The disputation which St. Gregory held with him, and at the same time his recantation, one may see in St. Gregory, Moral. bk 14, chs. 31–32, and in the Life of him written by John the Deacon, bk 1, chs. 28–30.'[18] Against this error, besides the illustrious confession of holy Job, professing that he would rise again "in the same skin and flesh," and besides the other things already said, Christ's words most plainly fight, spoken to the disciples after the resurrection: "See my hands and my feet, that it is I myself; handle, and see; because a spirit hath not flesh and bones, as you see me to have." By this testimony Gregory especially also convicts Eutychius.'[19] Likewise the express article of the Apostolic Creed resists, "the resurrection of the flesh." For—as the Fathers who explain the Creed observed—therefore it is said "the resurrection of the flesh," and not "of the body," so that it might be signified thereby that not any body whatsoever, as if of an elementary or of a heavenly nature, is to be restored to us in the resurrection, but this very thing which we now carry, compacted of flesh and bones. Moreover, this error, as Gregory reports in the place cited, became extinct along with its author, and afterwards was defended by no one.

§ 12. Lastly, a certain singular and erroneous opinion of Durandus must here be avoided. For he thinks that, for the resurrection of the same man, identity of the form in whatsoever matter is sufficient, because

from the identity of form he says identity of matter follows—since matter of itself has no actuality, but receives its to-be from the form. And so, even if Peter's soul were to take back the body which had been Paul's, and conversely, nonetheless, he says, the same Peter would rise, and the same Paul—because the body receives its "thisness" from the same soul. Against this opinion of Durandus Dominic discusses (On this Distinction), and by sufficiently apt arguments shows it to be false and altogether to be rejected.[20] But what in that same place Dominic ascribes to Durandus—that he says the same body in number will not rise—this is not read in Durandus, but rather the contrary, in so many words. Indeed the same Dominic afterwards admits that Durandus holds there will be the same body in number in the resurrection, by this, that matter—which, according to itself alone, is potency—will be united to the same form in number; although that mode does not suffice to establish the identity of the body, as Dominic rightly proves. Besides what Dominic brings against that opinion of Durandus, one may also add this—that from it there would follow that the same matter in number would be in the head and in the feet of the same man, since it is informed by the same soul in number, and that soul indivisible. Next, one would have to admit that it is not possible to God that the same soul, or any form whatsoever, at the same time or even at a different time, should inform more than one body the same in number; and what is to be judged about that other opinion of Durandus, wherein he asserts it is not possible to God that a thing whose essence totally perishes—whether it be successive or permanent—be reproduced the same in number, let the student see at that same Dominic; who, following the opinion of St. Thomas, Paludanus, and others, grants it of successives and proves it by arguments, but denies it of permanents—of which sentence the part about successives seems to us also the more probable.[21] And indeed, unless a permanent thing, after it has been corrupted, could be reproduced by God the same in number—although as to man himself one can answer that he does not totally perish, because the soul remains, which is the nobler part of his essence—still it would not appear how the same body in number would rise, seeing that the body itself, according to a certain proper form of its own, is corrupted, and is changed into ashes or into some other body by various alterations. Wherefore, in order that that may be restored to man in the resurrection the same in number, it seems altogether to be confessed that the omnipotence of God extends to this, nor is there therein any contradiction implied, that a permanent thing once corrupted should be called back to its former to-be.

§ IV — Reply to certain arguments to the contrary (Responsio ad quaedam in contrarium argumenta)

§ 13. For a fuller explication of the foregoing doctrine it is customary to be assailed by objections, so that, these being sifted, Catholic truth may shine forth the more. And first indeed Eutychius objected against that truth to Gregory, saying: Since it is written, "Flesh and blood cannot possess the kingdom of God" (1 Cor. 15), by what reasoning is it to be believed that flesh will truly rise?[23] Secondly, he objected that in the same chapter it is said: "That which thou sowest, thou sowest not the body that shall be, but a bare grain"; whence he would gather that the body which will rise will not be the same but different: for the grain which is born again is not the same grain in number. Thirdly, one can object what is said in the same place: "It is sown a natural body, it shall rise a spiritual body"; and again, "The second man from heaven, heavenly; as is the heavenly, such also they that are heavenly"—where it seems to be signified that the body of the risen will be spiritual and heavenly, not having flesh and bones.[24] Fourthly, Christ (Lk. 20) says that those who shall rise will be equal to the Angels of God; but this cannot come to be unless they assume an angelic nature, since human nature,

however glorified, is always inferior to the angelic.'[25] Fifth, Lactantius, bk 8 of the Epitome, says that God will reform the just into the likeness of Angels.'[26] Sixth, Cyril of Jerusalem (Catech. 14 for the enlightened): "The just man," he says, "will receive a heavenly body, that he may be able to converse worthily with the Angels."'[27] Seventh, Jerome, on that passage (Eph. 5) "No one ever hated his own flesh," says that bodies will be reduced into souls; and on Isaiah, that men will make progress into Angels.'[28] Eighth, Augustine (on Ps. 56) says that at the resurrection God will make men Angels; and (on Ps. 85) he says that we shall have angelic bodies—which also is had in him in the book of Eighty-Three Questions (q. 47). Again, the same, in the book On Faith and the Creed, ch. 10, and in the book On the Christian Combat, ch. 32, says that our flesh is to be converted into a heavenly body. But in Letter 3, discussing the spiritual body that is promised to us in the resurrection, he inquires: "Whether, namely, it yields into the simplicity of the spirit, so that the whole man is now a spirit, or so spiritual that, on account of ineffable ease, it is called 'spiritual'?" and, after a few things interposed, he says: "I confess that I have as yet read nowhere what I would judge to suffice," etc.'[29] The ninth argument is of this sort: Of different motions there are different termini to which. But generation and resurrection are different motions; therefore there will be a different man by the resurrection from him who was by generation. The tenth: Although the rational soul remains, nevertheless the sensitive soul, which constitutes the animal, perishes; therefore it will not be the same animal in number that will rise, but only in species. For the sensitive powers—which will then be restored to bodies, as sight, hearing, touch, and the rest—will not be the same in number as these, but different; because at death they are extinguished and perish; just as, with the intervention of sickness, the health that follows is numerically different from that which went before. But also a like argument can be made about that form which constitutes the very body, according to the opinion of those who assign to the human body a certain proper form other than the soul, whether of corporeity, as Scotus, or that which they call of the "mixed body," as others.'[30]

§ 14. There are also other things which are wont to be objected, but these will be treated more conveniently below in their proper places. To the first, therefore, one answers with Gregory, that by "flesh and blood" with the Apostle there is understood not according to substance, but according to infirmity and corruption—just as the same Apostle says (Gal. 4): "But you are not in the flesh, but in the spirit," understanding by the name of flesh the vices of the flesh. And that sense is manifestly argued by what follows: "Neither shall corruption possess incorruption." To the second, with the same, we answer that the words of the Apostle have this sense: "Thou sowest not the body that shall be." For a bare grain is sown; but a grain clothed and with husk is born. In like manner a mortal body is sown; it will rise clothed with immortality. Whence in 2 Cor. 5 he says that "we desire to be clothed over with our habitation that is from heaven."[31] Therefore, in this similitude he does not consider diversity of the thing—namely, that the grain which is born again is different in number from that which was sown—but diversity of quality and condition; which also the question posed by him required: "With what body will they come?" To the third: The "spiritual" body of the risen is so called, not because it will not be body, nor because it will be a body of airy or ethereal nature, not having flesh and bones, but in distinction from the "natural" body, which must necessarily be sustained by aliments—such as Adam also had in paradise. Therefore it is called "spiritual" because it will need no aliment; but for life the presence of the spirit will suffice, and also on account of other qualities and endowments of the glorious body. For the bodies of the damned will not be spiritual in every way as those of the elect, although neither will they need aliments. And they are also said to be heavenly because, according to glory and blessed immortality, they will be conformed to Christ, who is properly called heavenly because He is the Son of God.

§ 15. To the fourth: Christ says that the sons of the resurrection will be equal to the Angels of God not by nature, but by likeness; because, as Angels neither need food nor drink, and neither marry nor are given in marriage, so also men after the resurrection. To the fifth: By the "figure of Angels" there can be understood that spiritual condition of the Angels which has now been explained, according to which men will be angel-like; and in this sense Lactantius used the term "figure." To the sixth: Cyril understands a "heavenly body" not according to nature but according to qualities, because it will be eternal, splendid, impassible, and so on; or, as above, a heavenly body because it will be conformed to Christ, who is heavenly. To the seventh: In the former place Jerome does not mean that bodies are to be converted into souls properly so called. For this is the most absurd thing to imagine; for thus the soul would assume and animate, not a body, but a soul—which no one has held. Rather, he speaks of the state of this life, figuratively admonishing that we, who are sometime to be like the Angels, should now already begin to be what has been promised to us in heaven: "That," he says, "wives be reduced into husbands, bodies into souls, lest there be any diversity of sexes," that is, that, concupiscences of the flesh being restrained, we be wholly spiritual. But what is to be answered to the other place is evident from what has been said above.

§ 16. To the eighth: St. Augustine retracted such passages, explaining how they must be understood—namely, as regards the likeness of Angels promised to us, not as regards nature. He retracts them in Retractations, bk 1, chs. 17 and 26, and bk 2, ch. 3. But what is objected from his doubt is solved from his later books, especially from the Enchiridion and bk 22 of the City of God, in which he resolves this question with all doubt removed, and hands down the true and proper resurrection of the flesh, and defends it against the arguments of unbelievers.[32] To the ninth it is answered that, in the resurrection of man, this is something peculiar—that the same form in number, which had not perished but had remained, that is, the rational soul, returns to the same matter in number, whereby it comes about that the whole composite is rendered the same in number; although, even if the soul had perished, God could by His omnipotence reproduce it and restore it to its former body. To the tenth: The sensitive soul in man, according to the more received opinion, is not distinguished from the rational by reality but only by reason; and so not only the same man according to number will rise, but also the same animal. Nor does it stand in the way that the sensitive powers will be numerically different from the former ones; because, since they are accidents, they bring only a certain accidental, not a substantial, diversity—yet nonetheless God will also do this, perhaps more probably.

§ 17. Concerning the body, too, the more common opinion is that, while it is in man, it has no other form than the soul itself. But if, with Scotus, we attribute to the body a certain prior form of corporeity by which a body is constituted, that does not perish; because, however much a body is changed, it does not cease to be body. But if, besides, there be given to it a certain proper form of this "mixed" body, and that different from the soul, which, the temperament of the mixture being dissolved, perishes—again we shall answer that it is not difficult for the omnipotent God to call back that very form also the same in number, who could also, if it had perished, recall into being even the rational soul itself—indeed, even an Angel.

§ V — Whether everything and only that will rise again which belonged to the truth of human nature (An omne & solum id resurget quod fuit de veritate humanae naturae)

§ 18. Among the various opinions which have arisen among the natural philosophers and even among the theologians concerning the nutrition of the human body, as one may see above at Distinction 30 of the second book, and in St. Thomas in the First Part (in the last Question), that opinion is to be held as true which teaches that the nutriment is truly converted into the substance of the one nourished and is informed by its form, and that this is so both in human beings and in the other animate things; and consequently, not only that precisely which was generated from seed is or was, as to the body, of the truth of human nature (*veritas humanae naturae*), but also, over and above, whatever afterwards accrued to the body through nutrition. Therefore, if now one asks whether everything and only what was of the truth of human nature must be restored to a man in the resurrection, one must answer that neither absolutely all of that in everyone, nor only that, will be restored; but this will rise again in each one which will pertain to the truth and integrity of nature both in the individual and in the species according to that state of the resurrection. Since, therefore, the bodies of those rising again, whatever age they died at, are going to have a full and perfect stature or quantity (*quantitas*) congruent to the individual, as was said above, if some had more matter in the body either at one and the same time or at different times—namely, on account of the continuous accession or recession of matter, while some particles recede from the body through nutrition and the clash of qualities—only so much will rise again in them as suffices for the quantity suitable to them. But for those to whom there was a deficiency, both the whole of what there was of matter will rise again, and what is lacking will be supplied from elsewhere.

§ 19. Therefore those who had a monstrous tallness of stature, or were too gross or obese, will not reassume that whole mass of body, but only as much as will suffice for the body's integrity in that state. For the rest of the matter that was in the body will be left behind as superfluous. But in those who died either as infants or boys, or who, although they reached adult age, nevertheless, from some other defect of nature, did not attain a just stature, the divine power will supply what is lacking, from wherever it will please God; and first, as is most probable, from those particles which were continually defluxing by the action of the first qualities—for such particles were of the truth of human nature. Then, if those are not sufficient, also from any other superfluities of the body, or from wherever. But in those who, when brought to the perfect quantity for that age, had neither a defect of matter nor an excess, in all of them that precise bodily matter will be restored which they had at that time and age. For the particles which either before that middle age had flowed away, or afterward had accrued, will in like manner be reckoned as superfluous and will not be reassumed in the resurrection. Nor should this seem strange, since even in the first state of innocence there would have been a continual deflux of parts, though not leading to corruption, as is taught in its proper place, and such parts at no time were to be restored to man.

§ 20. From these points, therefore, the reply is clear to the question whether all the parts of the human body will rise again. For one must say that not the least particles, namely those which the physicists call material parts (*partes materiales*), are to be restored, but all those which they call formal parts (*partes formales*), such as the head, eyes, ears, hands, feet, fingers, joints, bones, sinews, veins, and the rest—likewise the notable parts of each of these. But of the material parts, as much either will be restored or subtracted as

will be necessary for this, that the body have a just quantity and one suited to that state without excess or defect.

§ 21. Whether for those rising again all the members and the humors are to be restored. This must be explained more gently with respect to the resurrection just now said of the formal parts, because among those parts, in the first place those are to be counted which are called the members of the human body; hence there is no reason to doubt that to all the elect all the members which pertain to the integrity of nature are going to be restored, not only those with which they died, but also, if perchance some were lacking to them by nature, or afterward were taken away by any event. But if there were any superfluous ones, those, since they bring deformity and not comeliness, will not be restored. The reason for this doctrine is multiplex. First, because all the elect will rise perfect, without defect and without superfluity. For this the state of the blessed resurrection requires. Then, because nature demands for its own perfection all the members and organs. Now the resurrection is a restoration of nature itself for the better; and consequently, if perchance nature erred, even this very thing in the resurrection will come to be corrected. Third, because full satisfaction would not be made to the natural appetite by which the soul is inclined toward its own body, unless it should receive the universal totality of the body's members. Fourth, because since the resurrection is a supernatural work of God, no defect can there arise on the part of the agent's power, as happens in natural things. Fifth, it is proved from Christ's benefit, through whom every defect and imperfection is at last to be fully taken away from all who are Christ's, and death and corruption to be utterly destroyed. Which would not be done if some of their members were to remain in death or corruption. Hence the Apostle, speaking of the elect (1 Cor. 15), says: "It rises in incorruption." And again: "The dead will rise again incorrupt." Likewise: "Death is swallowed up in victory."[34]

§ 22. Lastly, it is proved from conformity with Christ. For a resurrection is promised to the elect whereby they may be conformed to Christ, "that as is the heavenly one, so also may the heavenly be," according to the Apostle in the same place. There would not, however, be perfect conformity if some member were lacking. Hence it is that to his elect, and most of all to the martyrs, many of whom were going to suffer mutilation of their members for Christ, he himself promises, saying (Lk. 21): "A hair of your head shall not perish." St. Augustine also says many things to the same effect; and St. Anselm on Ephesians 4 likewise.[35] The martyrs of the second book of Maccabees (ch. 7) professed that they expected this perfection of the resurrection. Of whom, when one had his tongue and hands cut off, he said: "From heaven I possess these, but for the laws I now despise these same; and from him I hope to receive them again." Razias (ch. 14) called upon the Lord of life, when he had cast out his intestines, that he might restore them to him again.[36] Prudentius, in an elegant poem, expounds the same in the Apotheosis on the resurrection of the human flesh, singing, among other things: "And I shall come entire; for I shall be restored no other than that which I now am—nor let the Father of unveiled beauty recall you defrauded even of a nail." And below: "What the fall seized, what the sword, what pain drank in, ..."[37]

§ 23. But here someone will object concerning the rib of the man, from which the body of the woman was formed, which, if she is to rise again with her body, it seems to follow that the man—namely Adam—will not rise again with all his members. But it is easily answered that, although that rib was of the substance of Adam's body, it nevertheless did not pertain to his integrity. You will ask how, then, it was not superfluous, and how Adam himself was not created deformed and monstrous. It had the use that from it might be formed the woman, whose fellowship was necessary for the man for the multiplication of the race. Nor perhaps therefore

was Adam monstrous, because the body of the man, or external figure, remained the same afterward. For, when the rib had been taken away, God filled up flesh for it, as it is in Genesis 2; this is the common solution. Others, however, speak differently, on which see at Distinction 18 of book 2.[38]

§ 24. And these points are indeed about the elect. But concerning the reprobate the matter is not likewise certain; and St. Augustine (Enchiridion, chs. 92 and 91), concerning them, thinks that nothing should be asserted for certain. Durandus, however, answers in the negative, thinking that the reprobate in the resurrection will be lacking all those members with which they were lacking when they died, or were born without, or later by any chance lost. He proves this view as follows. Just as the saints rise again to ultimate felicity, so the damned to ultimate misery: but from the saints nothing will be taken away which pertains to their felicity, rather it will be superadded; therefore to the damned likewise nothing will be taken away of those things which pertain to their misery, but rather it will be superadded; and consequently the defects of some members, because they pertain to misery, will remain in the damned and will not be repaired. His other reason is, because the removing of defects of members in the saints, if they should have any, will be from divine grace; but in the damned no grace will be made; therefore such a defect will not be taken away from them.[39]

§ 25. But truly St. Thomas, St. Bonaventure, Richard, Dominicus, and others simply affirm that all the reprobate will rise again with all their members, nor do they acknowledge in this part a difference between the reprobate and the elect. The principal reason of these is, because the resurrection is a certain restoration of nature by the supernatural power of God as the author of nature. Therefore, since God's work is perfect, he will restore the nature which he created entire, entire again, without regard to guilt, and consequently he will restore all the members. One can add also this reason: just as the truth of the resurrection must consist in the whole man, so too it must consist in all the members. Therefore, just as the whole man will rise again, so too all the members. But this reason proves only concerning the members lost by any chance—either by mutilation, or by disease, or otherwise; it does not, however, prove concerning members which someone never had, as in monsters. Likewise this reason proves: It is just that a man be punished in those members through which he sinned, according to Wisdom 11: "By what things a man sins, by the same also is he tormented": therefore let the reprobate be punished in all the members through which they sinned, even if they were lost before death. St. Bonaventure extends this reason also to those members without which perchance they were born; because, he says, deformity which is by diminution is to be taken away, that is, for the perfect punishment of the will. Since the will was the ruler of all the members and willed to have all, although it did not have them, therefore it ought to be punished and tormented in all.[40]

§ 26. Finally there is added this reason: All the impious will see Christ in human form judging, according to Rev. 1: "Every eye shall see him," and that of Luke 3: "All flesh shall see the salvation of God": therefore those who had been blind will receive eyes and sight, that they may see their Judge. If this is so, it seems to follow that also the other members ought to be restored, since the same reasoning holds of all. Some add that therefore eyes are to be restored to the blind, that they may see the demons, which will be horrible, and will pertain to the greater punishment; likewise the fire and the fellow-men of damnation. But this reason concludes little, because the demons, since they are incorporeal, are not seen by bodily eyes of themselves. But that the fire and the fellows of damnation be seen by those who were born blind, and that to their greater punishment, justice does not seem to require, since such never sinned by seeing, although they sinned by an evil desire of seeing; but such a desire also without sight will there be sufficiently punished. Nor is it therefore necessary that tongues be restored to all to whom they were lacking, because they will blaspheme God; for

blasphemy of itself is not a punishment, but a sin, and it is not necessary that by the resurrection an instrument be procured for it if it was lacking before; especially since the permission of the evil will of the reprobate who will to blaspheme God suffices.

§ 27. But which of these opinions is most to be approved is difficult to estimate. For neither do the reasons brought on either side conclude so that they do not seem able to be solved. Nevertheless, one will not seem to err if he answers by distinguishing in this way: If the defects of members were from birth, as if someone were born without a hand or a foot, and the like, no sufficiently great reason appears why such things should be restored to the reprobate, which never were present to them—since neither did they sin through them, nor is the resurrection of nature demanded by nature in them. Nor indeed does it matter, as to the members, whether they fall at the same time with the whole body, so that they may rise again in the body; or whether some of them fall before the fall of the body. Their fall, whenever it happens, is a certain partial fall, to which its resurrection corresponds. But the reply is more confirmed in those who sinned through such members, or who lost them on account of some crime; as in those whose tongue, hand, or ear was cut off. For in such members, through which they sinned, most of all ought they to be punished, after the example of the rich man of the Gospel, whose tongue above the other members is said to be tormented.[41]

§ 28. Lastly, it is wont to be asked about the intestines and humors, whether these too are going to be in the bodies of those who rise again. But concerning both, one must answer in the affirmative. For the intestines are true parts of the human body, and about them you have the express testimony of the elder Razias (2 Macc. 14), who, casting forth his intestines, called upon the Lord to give them back to him in the resurrection. Nor indeed will they be restored empty, but, as St. Bonaventure and Dominicus say, filled with noble and subtle spirits or moistures, befitting bodies illumined with glory. Understand this about the elect; for the viscera of the reprobate will be filled with filthy matter which is congruent to them. The humors too, which are counted four, blood, black bile, yellow bile, and phlegm, since they pertained to the necessity and integrity of this mortal life, although they are not properly parts, will be restored to those who rise again: to the elect indeed in that measure which pertains to the best constitution of bodies; but to the reprobate according as it will seem just to the judge God and be congruent to their merits. Nor does that of 1 Cor. 15 stand in the way: "Flesh and blood shall not possess the kingdom of God." For by that sentence, just as the truth of flesh is not denied to be there in the future, so neither the truth of blood; but the corruption of flesh and blood, that is, of the man himself, is said to be removed from the blessed resurrection, as we said elsewhere. Moreover, other moistures such as are now in the body and go out of the body will not rise again: such as sweat, urine, milk, semen, and the like, because they are certain superfluities of the body, nor do they serve the future age either for nutrition or for generation.

§ 29. In what sense the very same members are to be restored entirely. What has been said concerning the identity of the body rising again with that which fell can likewise be said, it seems, of the individual members of the body. For St. Augustine (Enchiridion, ch. 89) seems to say that there is no need to assert an identity of the same bodies such that those things which have fallen away, having been converted into other kinds, should return to the same bodily parts where they were. He illustrates the matter by a similar example of transfused liquid. But in truth, since it is not more difficult for God to restore the matter that has fallen away exactly to its own parts than to replace it promiscuously in any part whatsoever, it is altogether credible that not only to the whole but also to the individual members their own matter is to be restored: that which had been the matter of the eye, to the eye to be restored; that which had been of the hands, to the hands to be restored; and

so of the others, with the placement also of the parts' matter preserved. And this is proved more surely from the fact that we hold by faith that numerically the same bodies are to rise again, and that, because of the altogether same bodily matter which they are going to receive; a much more perfect identity will be obtained if the individual members also should receive their own matter in the manner we have said, than if identity were established indeed in the whole body but not in the parts. For a whole altogether the same can only be what consists of altogether the same parts. For just as that is the same whole which consists of the same parts, so too that is the same whole which consists of those same parts. Sacred Scripture hands down that just as the bodies, so also we are to receive the same in the resurrection. Thus Job confesses: "Again I shall be clothed with my skin, and in my flesh I shall see God: whom I myself shall see, and my eyes shall behold." Christ, too, to show the truth of his resurrection to the disciples, showed his hands and his side—namely, that he had the same members (Lk. 24; Jn. 20). Likewise, among the Maccabees, the third of the brothers, when he had proposed his tongue and hands to be cut off, professed that he was to receive those very members again (2 Macc. 7); and the same is professed about the intestines (ch. 14). To this pertains also that statement of Eutychius ...; for his confession rests upon the article of faith by which we believe the resurrection of the flesh. For since the resurrection is of that which fell, it follows that numerically the same flesh will rise again; and consequently likewise numerically the same bones, the same hand, the same feet, and so of the rest. And this identity of the parts does not consist in the identity of substantial form alone and of accidents, but requires also the identity of matter as an essential part; so that if to the hand or to the foot or to the eye the same matter is not restored, it plainly follows that it will not be the same hand or foot or eye—no more than if to someone, in place of a hand cut off and burned, another hand were miraculously substituted from nothing or from some different matter, although about to have the same form numerically. Finally, this identity is proved from the same example of the resurrection of those whom we read to have been recalled to this mortal life: for to all of them the same members in every respect were restored. Wherefore, since more perfect ought to be the resurrection which will be to immortal life, it is more to be believed that by it there are to be restored numerically the same ...[42]

§ 30. And these things are also confirmed by the doctrine of St. Thomas and of others writing on this same Distinction. Nor does St. Augustine think the contrary: for in the Enchiridion, ch. 89, he wills nothing other than this, namely that it is not necessary that whatever excrescences, as hair and nails so often shorn, return to the same parts; but that, so far as will be needful according to the most wise providence of the Supreme Craftsman, they will be added to other parts; and only to that extent does the comparison of a mass and a statue bear upon the whole. This is made clearer from another place, namely book 22, ch. 19 of the City of God.[43] For the point that what is alleged about a statue of molten metal, liquefied and poured by the artificer into its former figure—namely, that the same statue will be called the same as the former, although the parts of the same matter do not return to the same members of the statue—is easily refuted. First, the figure will not be the same in number as that which existed before: for the former figure perished by the melting down. But the figure is the essential form of the statue itself. Then, since the parts of a statue are homogeneous and differ only by figure, it does not much matter whether the matter is set back into the same members or into different ones. But in man the members consist among themselves of heterogeneous things, that is, of different formal characters; wherefore from a confusion of matter a far greater diversity will arise in man than in a statue.

§ 31. As for that saying of the Lord, "A hair of your head shall not perish" (Lk. 12),[44] from which it seems to follow that the matter of one part should be applied to some other part or member—since it would clearly

be unbecoming and deformed if all the hairs which in the whole life have either fallen out or been cut were replaced in their place—by this argument St. Augustine seems to have been moved, in book 22, chs. 15, 19, 20 of the City of God, and Enchiridion, ch. 89, so that he would think that none of the matter departs from bodies, but that the matter of one part, if it was superfluous there, would pass to another part where it would have a becoming place.'[45] We reply that that saying is to be taken hyperbolically, signifying that God has a special and highest care for His elect, such that absolutely nothing that pertains to their integrity and perfection—even according to the body—will be lacking to them, however at last it may have been taken away and lost in this age, whether while living or after death. Although St. Augustine himself also admits that this same argument can be otherwise solved (book 22, ch. 19 of the City of God): for he says that those words of the Lord can more aptly be understood as spoken not of the length but of the number of the hairs, according to that which is said elsewhere: "The hairs of your head are all numbered."

§ VIII — What of those who have been nourished on human flesh (Quid de iis qui carnibus humanis nutriti fuerint)

§ 32. A peculiar difficulty is wont to be raised about those feeding on human flesh: it seems that they have transferred that flesh into the substance (*substantia*) of their body. For it cannot happen that the same matter (*materia*) be restored at once to different bodies. But St. Augustine dispatches this question briefly in book 22, ch. 20 of the City of God and Enchiridion, ch. 88: "That flesh," he says, "will be returned to that man in whom human flesh first began to be flesh. For with regard to that other, it is to be reckoned as taken on loan, as something belonging to another, and it is to be returned to him from whom it was taken."[47] From which it is to be understood that, for those reclaiming it, what is lacking will be supplied from whatever later intake, just as it will be supplied in others to whom something either of quality or of quantity will have been lacking.

§ 33. But if we fashion the thought of someone who throughout his whole life was nourished solely on human flesh, at least he will rise with all the matter which he received by eating; the rest, however, will be supplied in the way in which, in those who are born and die before attaining, as it were, mature stature, we showed above that they will rise to manly age and stature. Yet in truth it cannot occur that someone be nourished only by human flesh. For infancy requires milk and tender foods. Then too, without drink a man cannot live; but drink, together with food, also passes into substance. Likewise, flesh itself is not eaten without bread, or without some other food supplying the place of bread. And even if you posit some cannibal born of parents who are cannibals, nevertheless it will follow that he has no other matter of his body than that which has been received from other men. Wherefore in this way we are forced to admit either that the same matter will be restored in different men, or that someone will lack what is proper to him—which is the point on which the difficulty presses.

§ 34. Now from the said response of St. Augustine it is also plain that, according to Augustine's own judgment as well, it is not simply to be restored to each and every one, the whole of what at some time was of the substance of his body, since the same flesh could not at the same time rise again in different persons, although in those different persons it lived at different times; and hence this too is rightly said, that only so much will be restored to individuals as the state of each one's body requires according to that state of the resurrection, as was explained above.

§ IX — On abortive and monstrous fetuses (De foetibus abortivis ac monstruosis)

§ 35. It can be asked (*Uæri potest*): Whether abortive fetuses, or those in whatever way extinguished in their mothers' wombs or prematurely expelled, are to be recalled to life by the resurrection (*resurrectio*); and a like question arises concerning monsters brought forth by a human birth, especially if they have not in every respect had a human figure. Concerning both kinds the reply is brief and plain, that there is no room for doubt but that whatever at some time was informed by a rational soul (*anima rationalis*) is to be recalled to life. The reason is that, whatever such a thing may be, if it has or had a rational soul, it is established that it is or was a man; because the rational soul belongs to man alone. But the Catholic Faith does not allow that any man who has died be excluded from the resurrection.

§ 36. No less efficacious a proof is taken on the part of the soul itself. For no rational soul will ever perish in such wise that it be reduced to nothing. It is also certain that no soul will be perpetually without a body. It follows, therefore, that by rising again it will receive its body, yet restored into that species and proportion of members as its state and condition will require. If you ask further: Which fetuses and monsters have had or have not had a rational soul? I answer, in accordance with what was said (on Dist. 31), that if the fetus was formed, it was animated with a rational soul, and therefore it will rise again. For the human form indicates that that in which it is or was naturally is or was a man. I add "naturally," on account of the things that are made by art. But if the fetus was still unformed when it was extinguished, there was not in it a rational soul, and therefore it will not have a share in the resurrection. For even if we grant that in a fetus of this sort there was some kind of life by which it was either vegetative or even sensitive, nevertheless it will not rise again, because it did not have human life—that is, life proper to man—which is only through the rational soul. Let one who wishes see more on these matters in St. Augustine, book 22.[49]

§ 37. But as regards monsters—that is, those fetuses which are somewhat different from human nature—if the difference is such that they have more the figure of some other animal than of a man, it must be thought that such a monster pertains not to the human but to that animal's nature and species whose figure it more bears; and thus, since it does not have the soul of a man but of a beast, it will not be a partaker in the resurrection. If, however, the human figure appears in it more, this is an argument that it truly is or was a man, and hence that it will receive life in the resurrection. But if the figure is doubtful, judgment must be taken especially from the head, which is the seat of reason and of the senses; for if this is human or closer to human, it is judged to be a man. And universally, whenever it is either doubtful whether it is a man, or it is more probable that it is a man, it must be judged in favor of the man; and if it is alive, it ought to be baptized, lest by our doubt the soul—which perhaps is human—should perish forever. And rightly does the same Augustine teach (Enchiridion 87) that not one double man but two distinct ones will rise again; yet understand this if the doubling was according to the principal parts (*partes principales*), especially according to the head and the heart; for that is an argument that there are two souls, which therefore individually will receive individual bodies. For if only, for example, the hands or arms or feet were double, it is an argument that there was one man and one soul; wherefore one body will be restored to him in the resurrection.[50]

§ X — Whether deformities and defects corrupting the body will be restored (Utrum deformitates et vitia corrum Pentia reditura sint)

§ 38. Besides the losses of members and the monstrosities of bodies about which we have already spoken, there also exist other deformities and defects of bodies, and privations of the senses which can be present even with the members intact, such as lameness, blindness, deafness, distortion, inequality, and an unfit composition of the members; likewise leprosy, fever, and other diseases, injuries, and wounds of bodies. Concerning these it can altogether be asked whether, and to what extent, they will return in those who rise again. First, it is answered that nothing is to be restored to the bodies of the elect that is faulty or brings with it any deformity or infirmity, but that their bodies will be without every defect—fair, whole, strong, and most excellently disposed. The reason of this is evident from their perfect felicity; and St. Augustine teaches this.[52] Nor must there be any doubt at all of that matter.

§ 39. Second, although in Christ and the martyrs there will not be the wounds which they suffered in this life—for that would pertain to misery—yet it is certain from the Gospel that Christ rose with the scars or rather the nail-holes and the openings of His wounds which He received in His side, hands, and feet. It is also very probable and well-nigh certain that He bore the same marks into heaven, and that with the same He will come to judgment, and that He will keep the same forever in heavenly glory. For that He will exhibit them at the judgment is signified by that Scripture: "They shall see Him whom they pierced" (Zach. 12 and Jn. 20).[53] With which testimony Chrysostom used himself in such wise (Homily On the Cross and the Thief, vol. 3) as to teach that Christ will show His wounds—that is, the marks of the wounds—to all in judgment.'[54] Likewise think Ignatius (in the Epistle to the Smyrnaeans), Cyprian (or whoever is the author of the Sermon on the Baptism of Christ), Leo (Sermon 1 on the Ascension of the Lord), and Rupert (book 13, on Matt. 19, as others have it).'[55] It is also very probable concerning the bodies of the martyrs that there will be something of this sort, by which their sufferings and wounds, which they endured for Christ, are as it were shown to the eye and represented. On which matter St. Augustine, speaking somewhat hesitantly, says (De civitate Dei, book 22, ch. 20): "I know not how we are so affected with love for the blessed martyrs that we would wish in that Kingdom to see in their bodies the scars of the wounds which they bore for the name of Christ; and perhaps we shall see them. For it will not be deformity in them but dignity; and there will shine a certain beauty, not of the body but of virtue, although in the body; nor therefore, if any members have been cut off or removed from the martyrs, will they be without those very members in the resurrection of the dead, to whom it was said: 'Not a hair of your head shall perish.' But if it will be fitting in that new age that the tokens of glorious wounds be seen in that immortal flesh, then where the members were struck or cut so that they might be cut off, there the scars will appear, yet with the same members restored, not lost." Thus he. Therefore, although all the defects which befell the body will then not be, nevertheless the marks which are tokens of virtue are not to be thought or called defects. This judgment likewise pleases St. Ambrose, who writes (on Luke 14); for he says that such Martyrs will be shown to us in heaven as Christ ascended into heaven and sits at the right hand of the Father—namely, with the insignia of His wounds.'[56]

§ 40. Third, as regards the reprobate, we said that it is uncertain, nor is there any great toil to be spent, whether and to what extent they are to rise again with the aforesaid defects and deformities. For, says Augustine (Enchiridion 92), we ought not to weary ourselves about the uncertain condition or comeliness of those whose damnation will be certain and eternal.[57] Yet on this matter the Schoolmen dispute; and St. Thomas indeed (in this Distinction) wrote that, from a proof taken from the perfection of human nature as

to the body which it had in its first condition—and to which by the resurrection man is repaired—there is also concluded the reason why he thinks that all the reprobate, no less than the elect, will rise again in perfect age. Therefore, according to this opinion, that bodily condition will be restored to the reprobate which they were going to have from the first institution: so that not only no member at all will be lacking, but also that they will have in the body no deformity whatsoever contracted, nor any defect whatsoever. But that reason does not conclude, as St. Bonaventure rightly proves; who therefore deems it more probable that all the defects and deformities of the body—except those which are by diminution—will be reborn in the reprobate at the very resurrection. Durandus holds the same, with those defects too included which are by diminution, as was said above.

§ 41. It is objected that in this way those who sinned equally will not be punished equally, if namely one of them is deformed and the other handsome. I reply that this is not unfitting in what is an accidental punishment, just as conversely in what is an accidental reward. Moreover, this opinion is proved by the following argument: For if all bodily defects were taken away from the reprobate, it would follow that all women would rise with bodies uncorrupted—that is, virgins. Which assuredly does not seem one should say. For the elect indeed, although not all are going to have the aureole of virginity, nevertheless all of either sex will be virgins, namely with the defect of all corruption removed which they had contracted in this age; but to the reprobate this in no way seems to be extended.

§ 42. As to the senses, however, since it is chiefly through them that bodies are punished, it can be said with probability that those who sinned through them—even if afterwards they were deprived of them—nonetheless will rise again with them, because this will turn to them for a heavier punishment, which by sinning through the senses they merited. But if any have always lacked some sense, reason does not seem to demand that they rise again with it. For the objection made, that all the impious are going to see Christ the Judge in human form, does not plainly prove that the sense of sight must be restored to all the blind. For sight is wont to comprise also the other senses by which a present thing is perceived; indeed it is extended to the common sense and even to the intellect itself, by which alone that Judge will be seen by the demons and by the blessed spirits.

§ XI — The bodies of the damned are not to be consumed by any torment (Corpora damnatorum nullo cruciatu consumenda)

§ 43. What the condition of bodies will be in the future, and in particular of the damned, is this certain point: that by no greatness of punishments or torments will they ever be consumed, but they will be incorruptible and immortal in such wise that by no contrary action can they ever be corrupted or die; nor will they be disposed to corruption or death by any alteration. For a disposition (*dispositio*) is a certain approach and drawing near to a terminus (*terminus*). Wherefore, where the terminus cannot be had, neither can the disposition to the terminus have place. This doctrine is proved by those testimonies of Scripture which teach that the punishments of the reprobate who undergo punishments are going to last forever; indeed, this very thing will pertain to their punishment, that they will desire to die and will not be able to do so, according to that saying (Rev. 9): "Men will seek death and will not find it, they will desire to die and death will flee from them."

§ 44. But if one asks the cause of the said incorruptibility (*incorruptibilitas*), St. Thomas answers in Book IV of the Contra Gentiles, ch. 89, that the bodies after the resurrection will not be able to be corrupted because their matter will no longer be transmutable from form to form.[61] Whence it follows that just as there will be no generation there, so neither will there be corruption. Whether, however, the full and sufficient cause of this should rightly be referred to the cessation of the motion of the heavenly bodies, this belongs more to physical than to theological consideration. On this matter see the same St. Thomas (Opusculum 10, arts. 25–26; Opusculum 11, art. 21).[62] Furthermore, that the bodies of the reprobate will be passible (*passibilia*) is certain from the pains and punishments to which they will be subjected. In this respect some "corruption" is rightly attributed to them, namely of affliction, pain, and misery. Whence St. Augustine says (Enchiridion 92): "Let it not disquiet you how in them there will be an incorruptible body if it will be able to suffer pain, or how a corruptible one if it will not be able to die. For there is no true life unless where life is lived happily, nor true incorruption unless where health is not marred by any pain. But where the unhappy one is not allowed to die, so to speak, death itself does not die; and where perpetual pain does not kill but afflicts, that very corruption does not come to an end. This in the holy Scriptures is called the second death." The same, on Ps. 57: "They will have a corruption of the flesh in which they may suffer pain, not in which they may die; otherwise those pains would come to an end." Similar things he writes in Book 21 of the City of God, ch. 5; and before him Lactantius, Book 7 of the Divine Institutions, ch. 21.[63] For that some corruption will be there is sufficiently indicated also by the Apostle when he makes it proper to the elect that "they will rise in incorruption" and that "the corruptible body will put on incorruption" (1 Cor. 15), and likewise he judges concerning death. For in the reprobate that saying is not fulfilled, "Death is swallowed up in victory," but in the elect alone; just as also that statement there, that "this mortal must put on immortality." For that immortality is impassibility (*impassibilitas*), which is reckoned among the endowments of the bodies of the blessed. Therefore, in this respect the reprobate will so little be immortal that they will always be in death. For as the elect will enjoy eternal life, so the reprobate will suffer eternal death.

§ 45. Whether, however, the bodies of the damned will suffer on account of a real reception of a contrary quality impressed by an agent, or only by a change of sense through sensible forms, as the eye suffers from color, is disputed as a problem among the Scholastics; although the latter position seems more probable from the reasons which Dominicus adduces (on the last Distinction, art. 3).[64] But that it ought not to seem incredible that the bodies of the damned should always suffer from fire and yet not at some time be consumed, Augustine tries to show by many examples, Book 21 of the City of God (ch. 1–4).[65] Among which examples that seems principal which is adduced about the soul of man: although it be placed in the body, however intensely it may suffer pain from an externally inflicted passion, nevertheless it cannot be corrupted. To which passion a like passion of the bodies in hell will correspond—since we said it is more probable that they are said to suffer, not by a real reception of contrary qualities, but by a change of sense alone through sensible species (*species sensibiles*). For these species, in themselves and with a real impression of contraries excluded, are more apt to perfect a sentient body than to corrupt it.

§ XII — Whether the fire of hell is bodily and like our own (Ignis Inferni sitne corporeus & nostro similis)

§ 46. The statement of the Lord concerning the damned: "Their worm does not die, and the fire is not extinguished" (Mk. 9, which is taken from Is. 66), gives occasion to ask of what sort is the fire (*ignis*) in hell

and of what sort the worm (*vermis*). For, as is in St. Augustine, Book 20 of the City of God (ch. 22), some refer both to the body, others both to the soul, and others finally the one to the body, the other to the soul. For they understand the fire as bodily, but take the name "worm" as signifying tropically the remorse of conscience (*conscientia*). That both were referred to the body certain Fathers seem to have done, as St. Basil on Psalm 33 over that verse, "I will teach you the fear of the Lord": for he places in hell not only bodily fire but also a certain kind of worms, injecting poison and devouring the flesh and, with an insatiable torment, rending it and torturing it without measure.[67] Likewise Prudentius also sings thus (in the Hamartigenia): "Vermibus et flammis totis cruciatibus, quum Immortale dedit, senio ne poena periret, Non pereunte anima.",[68] But Origen referred it to the soul; of whom St. Jerome (Ep. 59, to Avitus, ch. 2) thus writes: "He does not place the fire of Gehenna also, the torments which Holy Scripture threatens to sinners, in outward punishments, but in the conscience of sinners, when by the power and might of God the whole memory of sins is set before our eyes, and whatever we had done in life either base or impious, the whole picture of these is described in our sight; and the mind, looking on past pleasures, is punished by the ardor of conscience and is pierced with the goads of repentance." These are his words about Origen's opinion.[69] Whom in this matter John Calvin follows, teaching that hell is nothing other than the horror of conscience, Book 3 of the Institutes, the last chapter; and that the fire which Scripture threatens to the reprobate is the torment of an evil conscience (on Heb. 10).[70] But Augustine in the place cited, St. Thomas (Opusc. 10, art. 41), and many others, both the Ancients and the Scholastic Doctors, embrace the third member of the division, referring the worm to the soul and the fire to the body.[71] Therefore the opinion of all these is that the fire by which the damned are afflicted is bodily, by which not only the bodies of the damned after the resurrection are tortured, but also the demons and the spirits of reprobate men.

§ 47. Before we prove this opinion by arguments, one must know that, when it is asked whether that fire be bodily, the question is not stirred concerning the grievousness or bitterness of the pains of hell, but only concerning the mode of punishing and concerning the instrument of punishment. For it is clear that even without bodily fire God can most grievously punish both bodies and souls and any spiritual substances whatsoever. Wherefore, if someone were to call into doubt whether that fire is bodily, he ought not on that account to be judged to call into doubt the magnitude of the pains of hell.

§ 48. In favor of bodily fire there are, first of all, the frequent statements of Scripture, in which the punishment of the damned is designated by the name of fire, and most plainly in Matt. 25, where the Judge says to those who shall be on the left: "Depart from me, you cursed, into everlasting fire." Lest anyone think that only the bodies of damned men are to be cast into the fire, He subjoins: "which is prepared for the devil and his angels." Whence it follows that, by the sentence of the Judge, into the same fire there are to be sent reprobate men—who indeed shall be bodily—and demons, who are incorporeal. But since to bodies that are to be punished a bodily instrument is suitable, it is altogether congruent that the fire, by which the bodies of the damned are to be burned, be understood as bodily. And since Scripture makes the fire common to the demons, therefore the demons also shall be tormented by bodily fire. If the demons, then also the separated souls before the day of judgment. For the reason is the same, because the nature both of the demons and of souls is spiritual, and to both the place of hell (*infernus*) is common. Another place no less manifest is Matt. 10: "Fear him," says the Lord, "who can destroy both soul and body in Gehenna." Where assuredly, if anyone should wish to interpret "Gehenna" as the torment of an evil conscience, he would be raving. For to souls perhaps that interpretation could fit; but how will the body be cast into that Gehenna? Therefore it is necessary that there it be understood in a bodily sense, by which bodies are punished. Again, that bodily fire

be understood they prove thus: whenever in Scripture, especially historical, there occurs a word which can clearly be taken in its proper sense, it ought to be so taken—as "heaven," "earth," "water," in Gen. 1. But fire can be taken properly wherever Scripture, speaking of the pains of the infernal regions, names fire; therefore it must be taken properly. But this proof is not altogether efficacious. For, speaking of hell, Scripture sometimes also names water, and snows, and worm; which, if we regard the omnipotence of God, can doubtless be properly had in hell, and yet they are not thought to be there except according to a metaphorical sense. Nevertheless, because when Scripture wishes to signify the punishment of hell it frequently and, as it were, ordinarily names fire and the Gehenna of fire, from that it becomes very probable that fire ought to be understood properly and not metaphorically. Now in truth it rightly follows: fire is taken properly, therefore it is understood as bodily. For no fire, properly so called, is incorporeal. For every incorporeal substance is intellectual.

§ 49. Another argument for bodily fire is taken from the Evangelical history (Lk. 16) about the rich feaster, whose soul said, "for I am tormented in this flame." For that soul was not in a body, but outside the body, because both the rich man and the beggar are narrated to have died. But Augustine thinks that this argument is not insoluble, Book 21 of the City of God (ch. 10). For he says it can suitably be answered to that, that such was that flame as were the eyes and such as was the tongue of the rich man, and such as was the finger of Lazarus, which members are mentioned in the same place. Thus an incorporeal flame can be understood, just as those members are incorporeal and necessarily to be understood by a trope. And hence also in Book 12 On Genesis ad litteram (ch. 32) he leaves undiscussed how those things which are narrated about the rich man and Lazarus are to be understood.[72] Nevertheless it can be answered that, since it is established that the separated soul does not have bodily members, it is sufficiently manifest of itself that the members there named ought to be understood spiritually: but that about the flame this is not a consequence, since God can, just as by bodily sacraments He cleanses and sanctifies the soul (whence also we take "water" properly, when it is said, "Unless a man be born again of water"), so also by bodily things afflict the soul and incorporeal spirits.'[73] But yet let us see what Augustine's opinion is on this matter. First then, in Book 20 (ch. 22), he says that in that place of Scripture where it is said, "Their worm does not die, and the fire is not extinguished," it is more credible that the fire be referred properly to the body, but the worm tropically to the soul. Then in Book 21 (ch. 2 and the following) he proves that it ought not to seem incredible that bodies in the burning of fire can remain perpetual and living; and that, even if no examples of this existed among us, yet for believing this the omnipotence of the Creator ought to suffice us. And (ch. 9), discoursing about Gehenna and the quality of eternal punishments, again he prefers the opinion of those who understand fire properly, worm tropically. Finally (ch. 10), plainly explaining his own opinion, thus he says: "But that Gehenna, which is also called a pool of fire and sulphur, will be corporeal fire; it will torture the bodies of the damned, whether of men or of demons—solid bodies of men, airy of demons—or at least it will torture only the bodies of men together with their spirits, while the demons, spirits adhering without bodies, will receive punishment; not, forsooth, will there be a twofold fire, as the Truth said." These are his words.'[74]

§ 50. And elsewhere he sufficiently indicates the same opinion on the same matter, as on Ps. 49 and 57, and in Book 1 On the Lord's Sermon on the Mount, treating that saying of Matt. 5, "He shall be liable to the Gehenna of fire." In the same opinion writes St. Gregory, Book 15 of the Moralia (ch. 17) on that of Job 20, "A fire that is not kindled shall devour him": "The fire of Gehenna," he says, "since it is bodily, and bodily burns up the reprobate cast into it, is neither kindled by human skill nor fed by wood; but, once created, it lasts unquenchable, needs no kindling, and does not lack heat," and the other things that follow. Where it

must be noted that in some copies "incorporeal" is read amiss; for the context of the place sufficiently convinces that it must be read in the way we have said.[75] The same, Book 4 of the Dialogues (ch. 28): "Just as," he says, "beatitude gladdens the elect, so it must be believed that from the day of their departure the fire burns up the reprobate." And when Peter asks: "By what reason is it to be believed that a corporeal fire can hold a thing incorporeal, namely a soul separated from the body?" he replies: "If the incorporeal spirit of a living man is held in a body, why, after death, when the spirit is incorporeal, is it not also held by corporeal fire?" and so forth, adducing to prove this the Scripture (Lk. 16) about the soul of the rich feaster placed in hell. Finally, when Peter replies, "I do not doubt that the fire of Gehenna is bodily, in which it is certain that bodies are tortured," Gregory subjoins: "Surely the Truth will say to the reprobate at the end, 'Depart into everlasting fire which is prepared for the devil and his angels.' If therefore the devil and his angels, since they are incorporeal, are to be tortured by bodily fire, what wonder if the soul also, before they receive bodies, can feel bodily torments?" Thus he. This same opinion, and even in the very words extracted from him, Julian, bishop of Toledo, set forth, Book 2 of the Prognosticum of the future age, ch. 17, which are cited by the Master in the Text.'[76] Nor does Cassian think differently about the punishment of separated souls (Conference 1, ch. 14), likewise cited by the Master. Haymo also (Homily for the Second Sunday after Pentecost), when the question is set before him whether the fire of Gehenna is bodily or incorporeal, answers that one must say it is so believed to be bodily as to be able to torment an incorporeal soul. Then he subjoins: "That it can torment is not wonderful, since, while any man whatever is living, the spirit is held in the body. For who would doubt that apostate angels are incorporeal spirits? and yet they are tormented by the fire of Gehenna without intermission, as the Truth is to say to the reprobate, 'Depart, you cursed,' and so on. Therefore it is not doubtful that an incorporeal soul before the judgment can be tormented by bodily fire, since in unclean spirits this is shown to be possible." These are his words.'[77] Moreover, over and above all these, Tertullian (Book On Penance, ch. 12) and Cyprian (in the Epistle to Demetrianus) speak of this fire as bodily—Basil and Prudentius already cited being passed over; and Lactantius (Divine Institutions VII, ch. 21) at least seems not to have doubted that reprobate men, after the resurrection, would be tortured by bodily fire.'[78]

§ 51. Finally, for this opinion a great argument is taken from purgatorial fire. For in the Council of Florence the Latin Fathers say that they believe there is fire in this world by which souls, liable for lighter sins, are purified. And that they mean bodily fire is clear from this, that in the same place the Greeks, on the contrary, acknowledge not fire but a dark place full of afflictions, in which such souls are detained. If, then, according to the confession of the Latin Fathers there is bodily fire in which souls alone, without bodies, are purified, nothing hinders that that fire also in which souls alone, without bodies, are tortured before the judgment together with the demons, be bodily; and much more that fire in which after the resurrection souls again united to their bodies shall be tormented.[79] Yet neither does this argument produce altogether certain conviction. For near the end of the same Council the Fathers declare that it makes no difference whether it be believed that it is fire, or darkness, or something else in which souls are purified. And hence in the very definition of the dogma they name purgatorial pains, not fire. Nevertheless, since the Latins had already before in the Council professed that they believed that that by which souls are purified is fire, and had undoubtedly understood it as bodily, and since the words of Gregory cited above about the punishments of the souls of the damned signify that the same thing is to be believed, it is sufficiently plain that the doctrine which hands down that the fire by which the demons and likewise by the same both reprobate men—whether before the day of judgment without bodies, or after with bodies—are punished, is bodily, is common and indeed ecclesiastical; to which therefore one ought not to resist. For among condemned propositions this is

read as the eighth in number: "That the soul separated after death does not suffer from bodily fire." And indeed this doctrine is by no means repugnant to reason. For it is just that both spirits and separated souls, which by sinning have withdrawn from God their Creator, be punished by a creature, and that creature bodily: in order that, because through pride they sought what is above, they be compelled to pay by what is beneath them—that is, by a bodily thing as an instrument of divine justice; just as the Egyptians and the Canaanites are read in Exodus and the Book of Wisdom to have been gravely afflicted and exterminated by certain vile little animals. There is also another reason for congruity, indicated above and peculiarly fitted to fire. For just as God, although He can cleanse the soul from sin without employing a bodily thing, nevertheless wills to cleanse it by a bodily element—and not by just any, but by that most cleansing one, namely water—so too, although He can punish spirit and soul for sin without employing a bodily element as instrument, nevertheless He wills to punish each by a bodily element, and not by just any, but by that which is most active and therefore most afflictive, namely fire.

§ 52. But now furthermore, whether that fire is of the same nature and species with our elemental fire or of a different, the Scholastics ask and dispute. On which matter Alfonso de Castro, Book 1 Against Heresies (ch. 9), says: "If anyone believes that the fire of hell is like or unlike this fire which we behold here among us, he will not be judged a heretic, because the case is still under judgment." Thus he. Nevertheless, they judge it probable who think it to be of the same nature, although according to accidents it is very different. For the name "fire" is specific, just as the name "water." Wherefore whatever is truly and properly fire cannot but be of the same species as our elemental fire. But that according to accidents the fire of Gehenna is very different from ours, there is no doubt, because it both burns far more keenly and is not luminous but dark, and, in order that it may last perpetually, does not need fuels, just as the Fathers testify about it, as Gregory (Moralia XV, ch. 17), Lactantius (Divine Institutions VII, ch. 21), and others.[80] But that which Lactantius adds as proper to that fire, namely that, unlike ours, it should live always by itself and not need fuel, but be pure and limpid and, after the manner of water, fluid, does not seem to be referred to a diversity of species. For to elemental fire established in its natural place, the things which Lactantius records seem really to agree; but he signifies that it is different in many qualities from that which is in human use, inasmuch as that necessarily adheres to gross matter. In the same vein in which Augustine says in Book 20 of the City of God (ch. 18) that no mortal knows of what sort that fire is, this is to be taken as speaking rather about its qualities and the mode of burning incorporeal spirits than about its specific nature.'[81]

§ XIII — Reply to certain arguments for the contrary (Responsio ad argumenta quaedam in contrarium)

§ 53. A reply to certain arguments for the contrary. The foregoing doctrine is commonly attacked by nearly these arguments. First: The demons and the souls of the damned are incorporeal; therefore they cannot suffer from corporeal fire, both because corporeal fire acts by qualities of which an incorporeal nature is not capable. And indeed, as to the soul, in that it is immaterial and infused by God, this is disputed by Prudentius in the Apotheosis, in the chapter on the nature of the soul. He objects: "Does faith receive that the substance of the soul, inspired by God, should feel torments, should suffer some punishment of Hell's depths, and be boiled in the abyss?"[83] Second: The demons and separated souls do not have sense; but corporeal fire inflicts only sensible punishment. Nor does the reply seem sufficiently apt to these two reasons, if one says that God makes miraculous use of corporeal fire to punish incorporeal natures, since miracles are not to be posited without

just necessity, especially in the prison of the damned. For God can also torture those damned spirits most grievously without a miracle, by inflicting only spiritual punishment. Third: If the fire is to be understood as corporeal wherever in Scripture the fire of Gehenna is named, in like manner it will be necessary to understand the worm as corporeal, since the Prophet and Christ conjoin these two by a like turn of speech; but this is rightly held to be improbable, and is denied by most, because it is absurd to attribute to worms or to any beasts, after the day of judgment, a life which they did not have in this age. This argument is Calvin's (on Heb. 10).[84] Fourth: In the Sacred Writings fire often metaphorically signifies any grievous affliction, as in the Psalms: "We have passed through fire and water," and again: "Thou hast tried me by fire," and in Ecclesiasticus: "In the midst of the fire I was not heated"; therefore, to designate that most grievous bitterness of the pains of hell, fire seems to have been named, whose torments in this life are most bitter.[85] Fifth: The demons were condemned and assigned to punishments before man sinned; therefore, since they were incorporeal, a spiritual and not a corporeal punishment was decreed for them from the beginning. But that has not been changed by man's sin; rather the same punishment was afterwards appointed for man which had already previously been assigned to the demons, according to that saying: "Depart into the fire," etc.[86] Sixth: Wherever the demons are, they are tormented by the fire to which they were once assigned; for, as Bede says (on Jas. 3), "Wherever the demons go, they carry hell with them"; and yet they do not carry corporeal fire with them. For so it would follow that, wherever they move, they carry a body around. Whence it would further follow that demons cannot be moved in an instant, because a body cannot be moved in an instant. Next, since this air is filled with contrary Powers, it would follow that it is filled with corporeal fire, and supremely hot. Wherefore it could not but be that this very air also would be perpetually hot. Finally, it would follow that those who are possessed by demons are miserably tormented by the same fire, especially when one man is possessed by many. But this is against experience. For the possessed feel nothing of the sort.[87]

§ 54. Seventh: Corporeal fire acts naturally; therefore, if the fire of Gehenna were corporeal, it would torture all the reprobate equally and without distinction. But it is established that this is false. Eighth: Jerome (on Is., the last chapter), treating the passage about the fire and the worm, says that many refer both to the conscience of sinners, that is, to the soul, not to the body. Ninth: Augustine, Book 12 of the Literal Meaning of Genesis (ch. 33), says that when the soul has departed from the body, since it is spiritual, it is not borne to corporeal places but to spiritual ones; therefore the punishment that afflicts souls is not corporeal but spiritual; for corporeal fire would necessarily require a corporeal place. The same, writing on Psalm 57, distinguishes the punishment by which the Rich Man, the Banqueter, is tormented in the lower regions, and the eternal fire into which the reprobate will be sent at the end of the age. Whence it appears that, according to Augustine's opinion, separated souls are not tormented by that corporeal fire into which they will be sent when their bodies have been resumed, but by a certain spiritual punishment. And in the book On the Knowledge of the True Life (ch. 40): "Hell," he says, "is incorporeal, a spiritual substance, whose punishment becomes the more intolerable, the subtler the spirit is than body"; which opinion he then tries to prove by the words that follow.[88] Tenth: John Damascene, Book 4 of the Orthodox Faith, last chapter, writes in this way: "The Devil and his demons and his man, that is, Antichrist, and the impious and sinners will be handed over into eternal fire, not material, such as is among us, but such as God knows."[89] Lastly: Lactantius, Book 7 (ch. 21), although he admits that souls after the judgment, clothed with flesh, are to be punished by a certain corporeal fire, nevertheless denies that, when separated and alone, they can suffer any force from solid and corporeal things.[90]

§ 55. That we may reply to these objections, before all else it must be noted that those err gravely who attribute to spirits and separated souls certain subtle bodies together with bodily senses—or else senses themselves without a body. In which error Cassian seems to have been (Conferences, ch. 14), where he says that souls separated from the body are not deprived of their senses, but through them feel and, as it were, foretaste the punishments which are reserved for them in that general assize. To this error there also approaches in some way the Author of the booklet On the Spirit and the Soul, attributed to Augustine, saying that the soul departing from the body draws sense along with it, namely the imagination, by which at once, and by the concupiscible power, the blessed soul is affected to gladness, and the damned to sadness.[91] We, on the contrary, must confess according to the truth that spirits and separated souls neither carry bodies nor have any sense, whether exterior or interior; and therefore, strictly speaking, when we speak of sense, they feel no punishments at all, because to feel is not without sense. Nevertheless, God uses corporeal fire as an instrument (*instrumentum*) to punish them, and that in a certain supernatural way and unknown to us, about which Augustine says that souls are tortured by fire in "strange, yet true, ways"; and, by a like manner of speaking, he says elsewhere that even incorporeal spirits can be afflicted by the punishment of corporeal fire, if the spirits of men—incorporeal as they are—both now could be included within corporeal members, and then can be bound by the indissoluble fetters of their own bodies. Gregory, moreover, Book 4 of the Dialogues (ch. 29), intimates certain modes of this matter.[92]

§ 56. For first he says that the soul suffers the fire by the very fact that it sees it. But this certainly does not suffice. For to see fire is not to suffer from the fire with an afflictive passion, especially since the vision that befits the separated soul is not sensitive but only intellectual, and as such is perfective of the intellect itself, as every other cognition is. He then says that the soul, because it beholds itself burnt, is burnt. By which words he seems to indicate that the mere apprehension by which the soul apprehends the fire as troublesome to itself and as its torment, suffices to inflict trouble and pain upon it. But neither is this really sufficient. For in that way the soul would indeed suffer from its own deceptive apprehension, yet not from the fire. Thirdly, he says that the soul suffers the conflagration not only by seeing it but even by experiencing it; for that corporeal fire can be considered in a twofold way: in one way insofar as it is a certain corporeal thing, and in this respect indeed it cannot act upon the soul; in another way insofar as it is the instrument of God's avenging justice, which requires that the soul which by sinning subjected itself to corporeal things should in like manner, by suffering punishments, be subjected to them. But in what way and according to what mode God uses fire as an instrument for the punishment of the soul, he does not explain—nor that other point, how the soul, lacking the sensitive faculty, is said to suffer the conflagration by experiencing it.

§ 57. Therefore, among the Scholastic Doctors the common opinion, elicited from the words of Augustine and Gregory, is this, namely, that the separated soul suffers from the fire by this, that it is held fast by it, not indeed as a natural form by matter, or rather in matter, to which it is so joined as to constitute one thing—after the way the soul is held fast in the body—but in nearly that way by which what is located is held by place. For although incorporeal spirits are thus defined by place that nevertheless they are not held by it, but by their own natural power can abandon whatever place they are in whenever they wish, yet by divine justice the demons and the souls of the impious are so conjoined to the fire and are in the fire, as if they were bound by certain chains, and are violently bound, just as naturally the soul is held in the body and is in some sense bound to it.

§ 58. And this violent detention, since it deprives those spirits of their natural liberty and most of all derogates from their natural dignity, brings about the greatest sadness in their will. They therefore say that this sadness is the punishment of the demons and of souls, which without body they suffer from the fire. Yet this way of speaking, although common, does not satisfy Domingo, but he thinks it must further be said that demons and souls alike suffer sadness from corporeal fire as an instrument of divine justice, of the same formal character as that which souls united to bodies suffer from corporeal fire through the sense of the body; and that there is only this difference, that the soul conjoined suffers that sadness by the mediation of bodily pain, but when separated, without such a means, since it is without a body. And indeed it does not seem to be denied—as they say—that just as a spirit can be united to a body so as to communicate life to it, so a spirit can be united to fire so as to draw punishment from it, and a punishment altogether similar to that which it would draw from fire if it were in a body, although we are not able to explain the mode either of both unions or of this action and passion. Which Durandus frankly admits (the last question on this Distinction). The same was willed by Augustine when he said that the soul is tormented by fire in "strange yet true ways," and Gregory when he says that souls draw from visible fire an invisible punishment, that is, hidden from and imperceptible to our intellect.[93]

§ 59. These things premised, to the first and second arguments it is answered that corporeal fire does not act upon spirit naturally, but, as has been said, as a supernatural instrument of the power and justice of God. And why this supernatural action is not posited in vain can be sufficiently understood from the statements made above (in the previous chapter). For God also willed to punish the Egyptians by Moses, and the Assyrians by an Angel, wonderfully and in an extraordinary way.[94] Then too it is very fitting that, just as the fire restrains its nature on account of the pious—as in the Babylonian furnace, where it singed neither the bodies nor the garments of the youths—so also it should transcend its nature on account of the impious, as in the furnace of hell, burning the spirits themselves in a way which naturally it could not.'[95]

§ 60. To the third it is answered, that when Scripture speaks of the punishments of hell it does not keep the same order about fire and about the worm; whence also the reply to the fourth. Nor does any necessity of consequence require that a word which in one or more places is taken figuratively must therefore be taken thus also elsewhere. To the fifth we reply from Gregory, Book 15 of the Morals (ch. 17), that the omnipotent God, His justice foreknowing future things, created the fire of Gehenna from the very origin of the world. But God knew not only that Angels but also that men would be sinners. Then too, even if only the Angel had sinned, a fitting punishment to him would have been corporeal fire, as from what was said above can be sufficiently understood.[75]

§ 61. To the sixth St. Thomas answers (I, q. 64, a. 4, ad 3) that the demons who are outside of hell, although they are not actually bound to the infernal fire, are not on that account under a lesser punishment, because they know that that punishment is owed to them; and from this they suffer a sadness equally grievous. And in this sense only are the demons said, wherever they go, to carry hell with them. Whence it is clear that nothing of what was being gathered follows.[96]

§ 62. The seventh argument is resolved from what has already been said, that that fire does not act naturally, but as the supernatural instrument of God willing by it to punish each one according to his merits. Although even natural causes do not act equally if the subject matter is not similarly disposed. With which comparison to the matter proposed Gregory uses Book 4 of the Dialogues (ch. 43), and Haymo.[97]

§ 63. To the eighth, Jerome does not deny that the fire of Gehenna is corporeal, but indicates what some have thought. For this was the opinion of Origen, as Jerome himself reports (in the Epistle to Avitus). And on the same place (on Isaiah) he also reports another opinion of Origen. It can also be said that Jerome had regard to the opinion of Ambrose, which is in Book 7 on Luke (on ch. 14), where he thus says: "Therefore there is neither any gnashing of corporal teeth, nor any perpetual fire of corporal flames, nor is the worm corporal," and the things that follow, in which he interprets the fire and the worm spiritually, as of the burning and gnawing conscience. Yet to that passage of Ambrose a reply could be made, that he interprets the fire and worm of the punishment which is chief among the lower regions, yet does not absolutely deny a torment both of souls and of demons from corporeal fire.[98]

§ 64. To the ninth, Augustine admits (in the Retractations) that in those books (On the Literal Meaning of Genesis) he said many things by way rather of inquiry and disputation than of definition. To the other passage it is answered that punishment is not thereby constituted different, from the fact that the soul before judgment suffers from the fire without the body, but after the judgment through the body and the body's sense. Which two modes of suffering are very different, though from one and the same fire. The third passage is not Augustine's, but that of a well-known Author, whose opinion we do not approve.[99]

§ 65. To the tenth, Damascene means nothing other than that that fire will not be impure and gross such as ours here is. In truth, this is what he seems to have called "material," but rather pure, fluid, subtle, and perpetual without fuel, such as Lactantius describes.[100]

§ 66. To the last I reply that Lactantius's argument proves only with respect to natural action and passion. For he clearly acknowledges and writes (in the same chapter) that there is corporeal fire of hell, although he seems to have doubted whether souls stripped of bodies suffer from it.[90]

§ XIV — What use of the members and senses after the resurrection (Quis usus membrorum & sensuum post resurrectionem)

§ 67. Certain people have attacked the truth of the resurrection from this, that very many members of the human body seem to be going to have no function, no use at all, after the resurrection—especially if that resurrection is believed to be of the sort which the Catholic Faith promises, that is, one in which there will not be an animal life but a spiritual life, with every vital operation ceasing which pertains to nutrition and to the conservation both of the species and of the individual. For, as the Apostle says in Rom. 14, "The kingdom of God is not food and drink, but justice and peace and joy in the Holy Spirit"; and in 1 Cor. 15: "It is sown an animal body, it will rise a spiritual body; and the first man was of the earth, earthy; but the second man"—whose image all the elect will bear—"from heaven, heavenly"; and it has been defined by the Lord that "the sons of the resurrection neither marry nor are given in marriage, but will be equal to the Angels of God" (Lk. 20). But if they neither marry nor are given in marriage, because there will be no generation, therefore neither will they eat nor drink, because there will be no nutrition. For what is said in Is. 65 about the felicity of the elect, "Behold my servants will eat; my servants will drink," must be taken spiritually about the full satiation of every holy desire; as also that (Lk. 22), "That you may eat and drink at my table in my kingdom." That satiation was being desired by the man who said, "Blessed is he who will eat bread in the kingdom of God" (Lk. 14). Since these things are so, the use of the members of the body seems to be taken away by which those actions are wont to be exercised. About the senses also, which principally subserve animal life—that is,

about taste, touch, and smell—and about the vegetative powers, the same difficulty is moved. For if those faculties of the soul will there have no operation nor use, then they will be pointless, and therefore they will not be. For in that most blessed and most perfect state there could be nothing pointless or superfluous.

§ 68. But to these things one must answer that God, who made man—seeing that He from the first institution of nature fashioned and assigned all his members to certain uses—can attribute to those same members other operations or uses. Hence, although those who will be judged worthy of that age will neither use the generative nor the nutritive power which a carnal and impure religion taught by Mohammed prescribed, nevertheless even those members will also exist, and the natural faculties of the members which existed in this life, not indeed all to their former use, yet at least universally, and so that nothing is lacking to the perfection of human nature such as it was created by God; and at the same time also to show forth the excellence of the soul itself, which has a power of moving the members as instruments toward certain actions; and finally, that the Wisdom of God may appear in a work so wonderful, that is, in the whole man according to body and soul.

§ 69. Whether, however, each and every member of the human body is going to have, in addition, some peculiar use—just as we do not assert this, so neither should it be rashly denied. For as it happens to us when we enter the workshop of some artisan, that we are ignorant of the use of many instruments and think them superfluous and useless, which nevertheless all have their own use known to the craftsman, so perhaps it happens to us, as if contemplating through a gloom, with respect to that state of the blessed resurrection and the heavenly dwelling—that is, of the immortal body, whose maker will be God in that work—in which the use that each member will there have is known to Him who will refashion the body of our lowliness, made like to the body of His brightness, although we for the most part are ignorant of it.[102] And this is not a wonder, since not even for this animal life is the use of all the parts of the human body sufficiently known and well ascertained to physicians: for about some there is still doubt, about others for a long time there was doubt what use they had.

§ 70. Thus, then, about the operations of certain members in the future life—of the eyes, ears, tongue, hands, and feet—we in some manner know certain functions. For there will be there local and progressive motion; there will be the mutual sight of the Saints, the same most joyful; and above all of Christ the Redeemer, who assuredly, according to His human nature, will be supremely desirable to see with bodily eyes, and He will also show the signs of His Passion, by which He wrought our salvation, shining with wondrous light. There the praise of God will be uttered from the mouth of all, and will be heard by the ears of all, and the everlasting "Alleluia" will resound—and so with respect to some other things.

§ 71. But the operations of those members whose operations there to come we do not yet know, we will there learn by experience, when there will be fulfilled what was said by a Prophet and repeated by the Apostle: "What eye has not seen nor ear heard nor has entered into the heart of man—what things God has prepared for those who love Him" (Is. 64; 1 Cor. 2).

§ 72. And, as with the members of the body, so also their proper powers, such as the progressive, the speech-power, and so on, will have their own use. For members do not exercise their acts without powers; and since among the powers are the senses as much interior as exterior, it is obvious that in that life there will be certain operations of the sense of both kinds. Nor must there by any means be any doubt about this.

Otherwise that resurrection of bodies would seem to be appointed rather for a certain perpetual sleep than for life, which appears chiefly in waking, that is, in the exercise of the senses.

§ 73. Nay more, it is very probable that all the senses will have some operation. This indeed about sight has already been proved; and it is proved more fully also about hearing: because it is most absurd to imagine men in that state to be mute and deaf; and even the shouts of those who will be tormented among the lower regions will be perceptible to hearing.

§ 74. But touch will perceive its objects by touching and handling; which, inasmuch as they will be various, will affect the sense of touching variously, albeit pleasantly. It is probable also that most sweet odors will there not be lacking, by which smell will be agreeably affected. But about taste it may indeed seem less probable, from this, that with us this sense serves only for nutrition, which there will not be. Nevertheless, if we look to the exemplar of our resurrection, which is Christ, of whom we read that after the resurrection He ate and drank with His disciples, so that He might manifest the truth of His resurrection, there is surely nothing to be doubted that the same sense will also be in us after the resurrection, as it was in Christ, though not for this use, that it should judge about drink or food, because in that spiritual life there will be no bodily drink or food.[103]

§ 75. If you ask, therefore, what use the faculty of tasting will there have, I answer, according to the common opinion of the Doctors, that nothing external at all will be taken by the blessed man with whose savor he might be delighted, but that there will be some perpetual moisture of the best temperament in the organ of taste, which, with a certain honeyed sweetness of flavor, will pleasantly affect that sense. Yet it will not on that account follow that taste there will cease from its proper act, if to all the other senses we grant certain proper acts. But if to someone this about taste in that spiritual life is less approved, one must return to what we said above—namely, that this sense, as also certain other powers, such as the nutritive and generative, will there at least remain on account of the perfection of man in soul and body, and the ornament of the universe, and the demonstration of the wisdom of the Maker, God. This reply St. Augustine confirms in book 22 of the City of God, chapter 24, from this: because we even see in this life certain members so placed in the human body that they seem to have beauty only, not also any proper use.[104]

§ 76. Although, moreover, what we have said about the proper use of each of the senses can from this also be made exceedingly probable—that so it is believed among the reprobate. For in them, indeed, especially touch, but besides also all the other senses, will be affected by harmful sensibles; wherefore it is just and suitable to the state of the elect that in them conversely all the senses be affected by pleasing sensibles.

§ 77. Someone will say that therefore the operations of the senses are not to be posited in the future life, lest they impede the intention of the mind from tending freely and perfectly wholly into God. I reply that by no means is this to be feared. For whenever two things are so related that one of them is of some auxiliary cause of the other—as inspection or reading of letters and the thought of the things signified by them; likewise in a sheep the sight of a wolf and the imagination of hostility; and in the medical art the inspection of urine and the consideration of the precepts of the art about the signification of the color of the urine—in such cases, of itself, the later does not happen to be impeded by the former, but rather to be helped. For also a voice sounding in our ears does not impede us from the consideration of the thing signified, but by the sense of hearing rather thrusts it upon our mind.

§ 78. Therefore, since in every creature known by us by sense or intellect the divine goodness, power, and wisdom shine forth, the mind of the blessed man will not be impeded from perfect and intimate contemplation of God by sensible perception; but that very thing which the man will always see by mind without a medium, that same thing he will perceive by sense by a medium, that is, by bodily and sensible things—just as Augustine attests in book 22 of the City of God, chapter 29, explaining how they will also see God with bodily eyes, when the things that occur to the external senses will in some way speak inwardly to our mind the very God.[105]

§ XV — How many and which will be the future endowments of the bodies of the blessed (Quot & quae sint futurae dotes corporum beatorum)

§ 79. The conditions of the bodies of the blessed, which by a peculiar name theologians call "endowments" (*dotes*), because by them, as by certain ornaments, Christ will be about to endow the bodies of His elect, are commended in the Holy Scriptures and in the writings of the Fathers as four in number, namely, impassibility, subtility, agility, and brightness. As these will be common to all the elect, so to the reprobate neither will all together nor will any one of them by itself be suitable. We include them in this distich: "Bright, subtle, agile, and impassible—by a fourfold endowment all the blessed will be endowed."

§ 80. Of these the first, impassibility, is not to be understood as that which excludes corruptive passion properly so called. For the bodies of the damned, too, will be without experience of such a passion; for above it has been shown that they will be incorruptible and immortal. Rather, it is that which excludes from the body whatever is troublesome, sad, penal, afflictive, and altogether evil. Of this endowment the Apostle speaks in 1 Cor. 15, saying: "It is sown in corruption, it will rise in incorruption. It is sown in weakness, it will rise in power"; and again, "Neither will corruption possess incorruption," and many other things in the same chapter; all of which are to be understood more than probably of the bodies of the blessed alone. In which place, just as he wished by the name "corruption" to be understood every bodily misery, so by the name "incorruption" he wished to signify the state of the body free from all misery. Thus in Rom. 2 the just are said "through patience in good work to seek glory and honor and incorruption." Of the same it has been said in Rev. 21 that "God will wipe away every tear from the eyes of the Saints, nor will there be pain any more."

§ 81. The second, subtility, is not to be taken in the sense of Eutychius of Constantinople, who said that the bodies of the Saints would be like air, which could neither be handled nor seen. For this sense, as we showed in its place, is repugnant to the truth of the resurrection, and much more that according to which some thought that bodies are going to be converted into spirits—which error Augustine refutes in book 13.[107] Rather, subtility is to be taken as that quality by which it will come to pass that the soul will fully and perfectly rule the body without impediment, exercising through it its operations of every sort. For the body of Christ also, such as after the resurrection He offered to the Apostles to be seen and handled, had perfect subtility.

§ 82. The Apostle remarked this endowment when he said: "It is sown an animal body, it will rise a spiritual body." For it is called spiritual from the spirit that gives life, or on this account, because it will be like to spirit with respect to the perfection of the operations of the soul, or because it will be perfectly subject to the spirit, that is, to the soul, even without the necessity of food; and thus the objection about man in the state of integrity is solved. Likewise, in that state there was a necessity of sleep; but after the resurrection the

presence of the soul will of itself suffice both for the conservation of the body and for the carrying out of every operation without impediment and with no other requisite. Hence, by another name spirituality can be called this endowment, which again the Apostle designated when he said: "The first man was of the earth, earthy; the second man, from heaven, heavenly. Such as is the heavenly, such also are they that are heavenly." For the heavenly bodies—sun, moon, stars, and the very celestial spheres—are in a certain most perfect way subject to their substantial forms for their proper motion.

§ 83. Yet by that subtility the glorious body will not attain this—that it can be at the same time with another body, whether glorified or not glorified. For since these endowments perfect a nature, they do not take it away, and since it naturally belongs to a body to have bodily dimension, by which the body is so placed in its own place that it does not admit another at the same time in the same place, it cannot be said that the endowment of subtility accomplishes this for the glorious body, that it can penetrate other bodies and be together with them at once.

§ 84. However, what the mode of nature does not allow, God can do beyond nature by a miracle; as also was done when Christ, the sepulchre being closed, went forth living again, and when, the doors being closed, He entered to the disciples. Nay, it can be done also in bodies not yet glorified, as the Fathers testify to have been done in the body of Christ being born, when, the mother's womb being closed, He came forth into the light. For although the diversity of matter, on account of the quantity coeval with it, so requires the distance of place that, if two bodies come together into one, a confusion of matter and quantity is made, as is evident in mixtures, nevertheless God, by His omnipotent power, can preserve to each body its proper being, although by place and position one is not distinguished from the other. For since no contradiction is included in this—for it is not necessary that what is later be taken away when what is prior is taken away, and therefore when some natural property of a thing is taken away it is not necessary that the thing itself, that is, the essence of the thing, be taken away—there should be no doubt that this very thing is subject to the divine power; as also that other: that, the subject having been taken away, the accidents remain safe; as the Catholic Faith teaches us to happen in the Eucharist.

§ 85. The third condition of the glorified body, that is, agility, consists in this: that by it the body will be most perfectly subject to the soul, not indeed as to the form which gives being to the body, but as to the movable to the moving principle. For by it there will come to pass that the body will be where-so-ever the soul will have willed it to be; not indeed without successive motion, nor in such a way that the body may make itself to be at once in different places, but that with the highest swiftness and, as it were, in an imperceptible time the body be moved, and that to the bidding and nod of the soul, wherever that will, according to every difference of position. For it will not be moved more difficultly upward than downward, or to the right than to the left, or the contrary; nor will any toil or weariness at all intervene in the motion; but with equal—that is, with the highest—easiness it will be moved into any part whatsoever, as it shall have pleased the soul, to which nothing can please which is not honorable and fitting.

§ 86. About which Augustine thus says in book 19 of the City of God, chapter 10: "God will command the soul, the soul the body; and there will be there as much sweetness and easiness of obeying as of living and reigning felicity." And in the last chapter of the whole work: "What motions of such bodies there will be there, I do not dare rashly to determine, which you are not able to imagine. Nevertheless both motion and rest, as the very appearance itself, will be seemly. For wherever he shall be, where what is unseemly is not, certainly the body will be where at once the spirit will have willed; nor will the spirit will anything which could be

unseemly either for the spirit or for the body," and so on. He teaches the same (in the last book, chapter 11), but more fully in book 13, chapter 18; and Sermon 102 on Various Subjects, where he treats not of this endowment only but also of the others.[108]

§ 87. Moreover, the Scriptures openly hand down and promise this endowment of agility, as in Is. 40: "They will take wings as eagles, they will run and not labor, they will walk and not faint." Wis. 3: "The just will run about like sparks in straw." Lk. 20: "The sons of the resurrection will be equal to the Angels of God," namely, as far as the nature of the body allows. 1 Cor. 15: "It is sown in weakness, it will rise in power; it is sown an animal body, it will rise a spiritual body." 1 Thess. 4: "We will be caught up in the clouds, to meet Christ into the air." But he says "we will be caught up," not because the motion will be violent, but either in view of our body such as it now is, or on account of the highest swiftness. For what is done swiftly is said to be done "raptim," or because the members will be, as it were, attracted by Christ the Head. "For wherever the body will be, there the eagles also will be gathered together" (Matt. 24). Whence it is said: "We will be caught up to meet Christ." See our notes at that place. Hence, too, it is clear that this rapture is not repugnant to this endowment nor does it exclude it.

§ 88. But an example of this endowment was pre-shown in the body of Christ, which after the resurrection with most swift motion often presented itself as present to His disciples, and again withdrew itself from their sight—so much so that five different apparitions of His are read to have been made on the very day of the resurrection. Most truly indeed He then used it when He ascended from the earth into heaven, nay, above all the heavens (Eph. 4), "made higher than the heavens" (Heb. 7). And the ascension of Christ indeed was not a bare assumption, but a properly so called ascension, as having been done by the power of His own soul, not by a miracle nor by the ministry of Angels, as if helping the weakness of nature.

§ 89. But just as that translation of bodies to another place at the nod of the soul will not be done without successive motion, so neither without a passing through the medium. For neither can it come to pass that a body be moved from place to place without passing through the medium, as this is rightly demonstrated by Dominicus. Brightness, which is the last endowment of the glorified body, will proceed from this: that the glory of the soul will thus overflow into the body, that what belongs to the soul spiritually will appear in the body corporeally. For something of this sort, although imperfectly, happens to us even in this life.

§ 90. A serene and in a certain manner lucid countenance; and altogether the face of the body is wont to be changed according to the affections of the mind. Therefore in the bodies of the Saints there will be a certain splendor visible to the eyes, which will be an indicator of the spiritual glory existing in the soul. Of this it has been said in Wisdom 3: "The just will shine out, and will run to and fro like sparks," and in Matt. 13: "The just will shine as the sun in the kingdom of their Father"; and in Phil. 3: "He will reform the body of our lowliness configured to the body of His brightness"; and 1 Cor. 15: "It is sown in ignobility, it will rise in glory," that is, in brightness.[109] For among the Greeks the same word signifies glory—namely, doxa—which the interpreter a little earlier rendered as brightness, saying: "One brightness of the sun, another brightness of the moon, and another brightness of the stars";[110] from which passage too it is evident that this endowment (*dos*) will not be equal in all the elect, but unequal according to merits. For since the glory of the body is derived from the glory of the soul, it follows that it will be diverse according to the diversity of spiritual glory in the soul, as the Apostle says in the same place, that as "star differs from star in brightness, so also it will be in the resurrection of the dead."[111] And Daniel bears witness (ch. 12), when he says: "They who are learned will shine as the splendor of the firmament; and they that instruct many unto justice, as stars for perpetual eternities."[112] By

which sentence he undoubtedly willed to ascribe to those who will have taught others the way of justice a certain remarkable brightness beyond others. But what we have said about disparity of brightness, whether the same must likewise be said about subtlety and agility, can be doubted. For as to impassibility, because it consists more in a negation than in an affirmation, it appears less. Whence St. Augustine says (Ep. 57 to Dardanus): "Immortality is as full in a part as in the whole: and although some members are greater than others, yet the members are not more or less immortal."[113] So he. Moreover, a foretaste and example of this brightness preceded in Christ when He was transfigured on the mountain: "and His face did shine as the sun" (Matt. 17); but "His raiment, by reason of the brightness of His whole body, was made white and glistening" (Lk. 9).[114] Which glory at that time Christ willed to admit for a brief while in His body still mortal, so that by that vision He might fortify the souls of the disciples against the future temptation and the scandal of the Cross.

§ 91. Moses's face too, from colloquy with God, so shone and radiated that the children of Israel could not gaze upon it. Whence it must not be doubted that something of this kind will much more be in the bodies of the Saints from the perpetual and complete vision of God.[115] Moreover, concerning this endowment (*dos*) of brightness (*claritas*), certain considerations worthy of notice are handed down by St. Gregory in book 18 of the Morals, ch. 20, § 31, upon that of Job 28, "Gold or glass shall not be equal to it," where among other things he says that in the gold is understood the brightness of the blessed, but in the glass transparency.[116] But this latter is referred to the soul, so that it may be signified that to the blessed their thoughts are perspicuous one to another. For the transparency of the body neither agrees with splendor, which requires opacity, as in the sun and the stars, nor does it sufficiently fit the nature of the human body, nor does it seem to contribute anything to the felicity of the state of the future age. Finally, it must be noted that by the benefit of the blessed resurrection sight itself will be so restored that the brightness of the body of Christ and of all the elect will not only bring no annoyance, but will be most delightful to the eyes of those who look. Yet this will be otherwise in the eyes of the reprobate, by the example of the carnal sons of Israel, who could not direct the keen glance of their eyes at the splendor of Moses's countenance. For this whole argument see Dominic "On Distinction 49," who copiously treats through many articles both of the three endowments of the blessed soul and of the four endowments of the glorious body.[117]

§ I — What and how many are the receptacles of souls after death (Quot & quæ sint animarum receptacula post mortem)

§ 92. The general resurrection of bodies, in which the felicity or misery of all men will be consummated, is preceded by the state of souls stripped of bodies, as being middle between the death of bodies and the resurrection. Concerning which one must first flee the errors of those who either took away the immortality of souls, or feigned that, freed from bodies, they were idle up to the day of the general judgment and, as it were, detained by sleep, and that they neither do nor suffer anything according to the merits of this life. Against whom we have spoken sufficiently above at Distinction 43, although also from those things which are now to be said the same errors are clearly refuted.[119]

§ 93. The state of souls after the death of bodies is not one but diverse, according to the diversity of time and of merits. Wherefore, that we may understand what are the receptacles (*receptacula*) of souls, as St. Augustine calls them in the Enchiridion 109—that is, into what places they are received either immediately or

mediately after the death of bodies—two times must first be distinguished: one of which is from the beginning of the human race up to the death of Christ; the other after the death of Christ up to the end of the age, when they will again be united to their bodies.

§ 94. And indeed before the death of Christ, when, as the Apostle testifies (Heb. 9), "the way of the Saints was not yet made manifest," there were three receptacles of souls. Those which had been purged from sins to the full were received into that place which the Doctors call the Limbo of the Fathers, which Christ in the Gospel calls the bosom of Abraham (Lk. 16), and into which He relates that the soul of Lazarus the beggar was carried by the Angels. And that it was a place of rest and consolation is indicated not only by the name of bosom or lap, but Abraham himself bears witness, saying to the Rich Man placed in hell: "But now here he is comforted, and thou art tormented."[120] Yet the same place is sometimes designated, or rather included, under the name of the lower regions, as in Gen. 37, where Jacob says: "I will go down to my son mourning into hell." For the holy man did not fear for himself or his son—whom he knew to be innocent—hell of the damned in such wise as to burst forth into words of this sort. Nor can the sepulcher be understood under the name of hell in those words. For Jacob did not think his son to be buried, but he lamented that he had been devoured by a wild beast, and he was so far from hoping for a common sepulcher with him. Therefore by hell he said the state or place of the dead, even of those who depart from this life in piety. In which signification also elsewhere often in the Scripture of the Old Testament the name of hell is found. Thus in the Creed we profess that Christ descended to the lower regions, namely chiefly for this reason, that from the places of the lower regions He might snatch forth the souls of the just.

§ 95. But in the Scripture of the New Testament we nowhere read this of the souls of the just fully purged —that they descended to the lower regions or are detained in the lower regions—nor is it the usage. From the same it is sufficiently understood that the state and place of holy souls were not the same before and after Christ's coming; but before indeed they were in a place of rest and consolation, yet so that much was still lacking to them for perfect felicity. For which cause their place was called "hell." For the name of the lower regions or of hell is nowhere put by Scripture in a good sense, as St. Augustine testifies in book 11 On Genesis to the Letter, ch. 33.[121] Therefore when those Saints are said to have been among the lower regions, it is signified that something was lacking to their felicity. But when the same are placed in the bosom of Abraham, it is shown that they were in a place of refreshment, immune from the torments of hell. For the bosom of Abraham generally signifies a tranquil and pleasant place, free from punishments, terrors, and perturbations, into which the souls of the just are received. Such a place before the death of Christ was the Limbo of the Fathers, but now is heaven, as will be explained more fully below. Whence it follows that "hell," taken in the said manner, and "the bosom of Abraham," differ in formal character only, not in reality. Nor is it an objection that in the place cited Augustine seems to think otherwise. For there he speaks rather by way of disputing than of defining. For elsewhere, as in The City of God, book 20, ch. 15, he bears witness that the ancient Saints were indeed in places farthest removed from the torments of the impious, yet nevertheless were among the lower regions, until Christ would set them free therefrom. And he says "farthest removed," namely with reference to that of the Gospel: "He saw Abraham afar off." And in the exposition of Psalm 84 he says that in the lower regions to which Christ descended there were Abraham and other Saints of the earlier time, until they were led out thence by Christ.[122] The same is had in Gregory, Morals, book 4, ch. 32, and other Fathers in many places.[123]

§ 96. And that the name of hell in the Sacred Letters is not always taken for the prison of the damned, from which there is no redemption, can easily be shown from many places of Scripture, as in Ps. 15: "Thou wilt not leave my soul in hell"; Ps. 29: "Thou hast brought up my soul from hell"; Ps. 48: "God will redeem my soul from the hand of hell"; Ps. 85: "Thou hast delivered my soul from the lower hell," and so forth.[124] In which places partly prophetically there was pre-signified the deliverance of the soul from that place which is called the Limbo of hell and the translation into the state of beatitude, partly tropically the deliverance of the very one upon whom danger was impending. And indeed many things about this receptacle of souls—that is, the Limbo of the Fathers—could be said here by us; but its more proper treatment is at Distinction 21 of book 4, where we treated of it, and around that article of the Creed, "He descended to the lower regions."[125]

§ 97. Furthermore, the second receptacle of souls was the place of purgatory, into which were received those souls which stood in need of purgation before they were admitted to the fellowship of the holy souls who were in the Limbo. Of this place we treated expressly at Distinction 21 of this book; below also, at this Distinction, we will speak further about the same.[126] Finally, the third receptacle was the hell of the damned, of which it is said in Job 21: "They spend their days in good things, and in a moment they go down to hell"; and in which same hell, in Lk. 16, that rich man arrayed in purple is held to have been tormented according to the soul.[127] These last two receptacles were surely common to the time both which preceded Christ's Passion and which followed it. But what the first became after Christ and through Christ is to be explained somewhat more at large.

§ II — That the souls of the saints see God is proved from the Scriptures (Sanctorum animas Deum videre probatur ex scripturis)

§ 98. Concerning the state (*status*) of the souls of the saints after the death and the ascension of Christ into Heaven there has not always been the same judgment of all ecclesiastical writers. For indeed the later Greeks thought that the souls of the just, even those perfectly purged, are not admitted to the beatific vision of God (*beatificam Dei visionem*) before the general resurrection of bodies and the last judgment, but meanwhile are conversant in a certain imperfect felicity, which would exclude every pain, and would afford refreshment, rest, light, joy, and pleasantness, yet would not as yet satisfy their desire. But the Latins, almost all of every age, together with the more ancient Greeks, say not only that they are in Heaven and reign with Christ, but testify that they are simply blessed and enjoy the sight of God. Therefore we shall first establish this judgment from the authority of Scripture, then we shall confirm it by adducing the testimonies of the very Fathers and by bringing forward some reasons.

§ 99. The first passage of Scripture is 1 Cor. 13: "Videmus nunc per speculum in aenigmate: tunc autem facie ad faciem." To see "facie ad faciem" is to behold clearly the divine mysteries and chiefly God Himself, in the manner in which one beholds with bodily eyes the face of one's neighbor, and not through a mirror or image. For it is set in opposition to what is "videre per speculum et in aenigmate." Then both the words that precede in the Apostle and those that follow signify the clarity of that vision. For this precedes: "Cum venerit quod perfectum est, evacuabitur quod ex parte est," that is, by clear and perfect cognition I shall know. Now that the Apostle said those words not only about the time which will be after the universal judgment, but about the whole time which is spent after the death of the body by spirits just and fully purged, is clear from this: because he speaks of that time in which "prophetiae evacuabuntur, linguae cessabunt, scientia

destruetur." And these three pertain only to the use of the present age. Wherefore he understands there the whole future age in the words: "Cum autem venerit" etc., and there: "Tunc autem facie ad faciem," and again there: "Tunc autem cognoscam" etc.

§ 100. The second passage is 2 Cor. 5: "Scimus quoniam si terrestris domus nostra huius habitationis dissolvatur, quod aedificationem ex Deo habemus domum non manufactam aeternam in caelis." By "domum aeternam" and "caelestem" is not understood the immortal body, as some have understood; but eternal beatitude (*beatitudo aeterna*). For of the immortal body the Apostle would not say "we have," but "we shall have." For we look for the immortal body only at the end of the age. But the Apostle's meaning in this sentence is that as soon as this earthly and frail house shall have been dissolved, another house far more excellent will not be lacking to us, namely heavenly and eternal. But it would be lacking, and indeed for a very long time, if one had to be without it until the day of the last judgment. More rightly therefore by the eternal and heavenly house, according to Photius, Anselm, St. Thomas, and others, eternal and heavenly beatitude to be acquired immediately after death is understood—what at the end of the preceding chapter the Apostle had called "aeternum gloriae pondus," and in the words that follow "speciem," that is, a vision opposed to faith.

§ 101. Now this third passage is the same and more evident than the others: "Qui sumus," he says, "in hoc tabernaculo, ingemiscimus gravati eo quod nolumus exspoliari sed supervestiri," and straightway it follows: "Scientes quod."

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1. St. Ambrose, In Lucam, bk. 2.
2. St. Paul, Eph. 4:13–14: "donec occurramus omnes in unitatem fidei ... in virum perfectum, in mensuram aetatis plenitudinis Christi ... ut iam non simus parvuli fluctuantes."
3. St. Anselm, as cited above; cf. St. Augustine and Hugh (of St. Victor) [no specific work named in the source].
4. Ezek. 27.
5. St. Thomas, Summa theologiae, Suppl., q. 81, a. 3.
6. Eph. 4:13: "in virum perfectum."
7. 1 Cor. 15:24: "Cum evacuaverit omnem principatum, et potestatem, et virtutem."
8. Athanasius, De virginitate [attributed].
9. St. Augustine, De civitate Dei XXII, ch. 17; St. Jerome, Epistula ad Pammachium contra errores Ioannis Hierosolymitani, chs. 3, 11; St. Jerome, Epitaphium Paulae; St. Hilary, In Matthaeum, canon 23; Fulgentius, De fide ad Petrum, ch. 3; Justin, Quaestiones ad Orthodoxos, q. 53; Athanasius (or the author of the Quaestiones), q. 24.
10. Pliny and other historians [abbreviation as in source].
11. St. Jerome, Epitaphium Paulae, ch. 11, citing Matt. 22:30: "In resurrectione enim neque nubent neque nubentur."
12. 1 Cor. 15:25: "Oportet autem illum regnare, donec ponat omnes inimicos sub pedibus eius."
13. Gal. 3:28.
14. St. Thomas, Summa theologiae, Suppl., q. 79, a. 1.
15. Job 19:26–27: "Rursum circumdabor pelle mea, et in carne mea videbo Deum; quem visurus sum ego ipse, et non alius."
16. Matt. 27:52–53.
17. St. Jerome, Epistula ad Pammachium contra errores Ioannis Hierosolymitani; St. Jerome, Epitaphium Paulae, ch. 11; St. Jerome, In Matthaeum on ch. 17; St. Gregory the Great, Homiliae in Evangelia, hom. 26; St. Gregory the Great, Moralia in Iob XIV, ch. 31; St. Augustine, Sermo 4 de verbis Domini (in the Easter sermons); Prudentius, Apotheosis, at the end.

18. St. Gregory the Great's dispute with Eutychius and the latter's recantation: St. Gregory, Moralia in Iob XIV, chs. 31–32; John the Deacon, Vita S. Gregorii Magni I, chs. 28–30.

19. Lk. 24:39.

20. "Dominicus (Super hac Distinct.)" [abbreviation as in source]. On Durandus's thesis, see Durandus of Saint-Pourçain, In IV Sent., dist. 44 (passim).

21. On the power of God to reproduce numerically the same after total perishing, see Domingo de Soto, Super IV Sent. (on this Distinction), following St. Thomas and Peter of Palude (Paludanus).

22. St. Thomas, Summa theologiae, Suppl., q. 79, a. 1, ad obj.

23. 1 Cor. 15:50.

24. 1 Cor. 15:37, 44, 47–48.

25. Lk. 20:36.

26. Lactantius, Epitome, bk 8.

27. St. Cyril of Jerusalem, Catecheses, 14 (for the enlightened).

28. St. Jerome, In Epistolam ad Ephesios 5; and In Isaiam (on the place cited).

29. St. Augustine, Enarrationes in Psalmos 56 and 85; De diversis quaestionibus octoginta tribus, q. 47; De fide et symbolo, ch. 10; De agone christiano, ch. 32; Epistola 3 de spirituali corpore [abbreviation as in source].

30. On the form of corporeity, see Scotus, In II Sent., dist. 12 (and elsewhere), and those who posit a proper form of the mixed body.

31. 2 Cor. 5:2–4.

32. St. Augustine, Retractationes I, chs. 17, 26; II, ch. 3; Enchiridion; De civitate Dei XXII.

33. St. Thomas, Summa theologiae, Suppl., q. 80, a. 4.

34. 1 Cor. 15:42, 52, 54.

35. 1 Cor. 15:48–49; Lk. 21:18. See also St. Augustine, Enchiridion, chs. 91–92; St. Anselm, "super Eph. 4" [abbreviation as in source].

36. 2 Macc. 7; 2 Macc. 14:37–46.

37. Prudentius, Apotheosis, on the resurrection of the human flesh, at the end.

38. Gen. 2:21–22; see Estius, ad Dist. 18, book 2.

39. St. Augustine, Enchiridion, chs. 91–92; Durandus of Saint-Pourçain, In IV Sent., dist. 44 (passim).

40. St. Thomas, Summa theologiae, Suppl., q. 80, a. 1 and a. 3; St. Bonaventure, In IV Sent., dist. 44; Richard (of St. Victor) [as cited by Estius]; Domingo de Soto, Super IV Sent. (on this Distinction). Wis. 11:16.

41. Lk. 16:24.

42. St. Thomas, Summa theologiae, Suppl., q. 79, a. 1; Job 19:26–27; Lk. 24:39–40; Jn. 20:27; 2 Macc. 7; 2 Macc. 14:37–46; Eutychius Patriarch of Constantinople [as in the source]; Gospel resuscitations: Lk. 7:11–15; Mk. 5:41–42; Jn. 11:43–44.

43. St. Augustine, De civitate Dei XXII, ch. 19; Enchiridion, ch. 89.

44. Lk. 21:18 (Vulgate); cf. Matt. 10:30/Lk. 12:7: "The hairs of your head are all numbered."

45. St. Augustine, De civitate Dei XXII, chs. 15, 19–20; Enchiridion, ch. 89.

46. St. Thomas, Summa theologiae, Suppl., q. 80, a. 4, ad 3–5.

47. St. Augustine, De civitate Dei XXII, ch. 20; Enchiridion, ch. 88.

48. St. Thomas, "ubi supra" [abbreviation as in source].

49. St. Augustine, De civitate Dei XXII, ch. 13; Enchiridion, chs. 35, 86–87.

50. St. Augustine, Enchiridion, ch. 87.

51. St. Thomas, Summa theologiae, Suppl., q. 86, a. 1.

52. St. Augustine, Enchiridion, ch. 91.

53. Zach. 12:10; Jn. 20:27 (cf. 19:37): "They shall see Him whom they pierced."

54. St. John Chrysostom, Homilia de Cruce et Latrone, in vol. 3.

55. St. Ignatius of Antioch, Epistle to the Smyrnaeans; St. Cyprian (or the Pseudo-Cyprianic author), Sermon de Baptismo Christi; St. Leo the Great, Sermon 1 on the Ascension of the Lord; Rupert of Deutz, De divinis officiis, bk. 13 (on Matt. 19, as some have it).

56. St. Augustine, De civitate Dei XXII, ch. 20; St. Ambrose, In Lucam XIV.

57. St. Augustine, Enchiridion, ch. 92.

58. "Tract. De Urbis excidis, cap. 4."

59. Editorial note on the "Tractatus de Urbis Excidio": "The Treatise on the Destruction of the City was once placed in the edition of the works of the same holy Doctor under Augustine's name; but the Benedictine Fathers have at last removed it from Augustine, either in the Preface to that treatise, in the Sermons on the Creed to the Catechumens, or in the note to that same treatise, col. 466, letter A (on ch. 10 of the First Epistle to the Corinthians). Whatever it be, truly one must keep before one's eyes the Commentary cited under Augustine's name ought not to be ascribed to him; but John the Deacon flourished in the ninth century, and the genuine excerpt written on parchment is to be restored. Whether, indeed, the aforesaid Bede found that treatise cited is known to be doubtful. Louis Ellies Dupin in the Bibliotheca Scriptorum Ecclesiasticorum bears witness that the Benedictine Fathers have among themselves Gregory's book against Julian (vol. X of his works), both the published and the as-yet-unpublished; but they themselves do not indicate, nor do we, that in the sixth and last volume under Augustine's name it is placed, nor in the Admonition in the so-called sixth volume have they indicated what is placed; nay rather they observe that in Bede's Commentary on the Epistles of Paul that same treatise is cited (vol. 1 of the Veterum Analectorum). In short, by many documents it is shown that the Commentary under Augustine's name is not to be assigned to him, but to John the Deacon; see also Gregory's letter to the Roman Church's Deacon, who wrote the same Gregory's life as Deacon; also Rupertius in his commentary on Matt. ch. 13 (and others) attest the same." [editorial excursus, abbreviation and wording as in source]

60. St. Thomas, Summa theologiae, Supplement, q. 86, a. 2.

61. St. Thomas, Contra Gentiles IV, ch. 89.

62. St. Thomas, Opusculum 10, arts. 25–26; Opusculum 11, art. 21.

63. St. Augustine, Enchiridion, ch. 92; St. Augustine, De civitate Dei XXI, ch. 5; Lactantius, Divinae Institutiones VII, ch. 21.

64. "Dominicus (super ultima Distinct. art. 3.)" [abbreviation as in source].

65. St. Augustine, De civitate Dei XXI, chs. 1–4.

66. St. Thomas, Summa theologiae, Supplement, q. 97, a. 5–6.

67. St. Basil, In Psalmum 33, on "I will teach you the fear of the Lord."

68. Prudentius, Hamartigenia.

69. St. Jerome, Ep. 59 (to Avitus), ch. 2.

70. John Calvin, Institutio christianae religionis III, cap. ult.; Commentary on Heb. 10.

71. St. Thomas, Opusculum 10, art. 41.

72. St. Augustine, De Genesi ad litteram XII, ch. 32.

73. Cf. Jn. 3:5: "Unless a man be born again of water and the Spirit."

74. St. Augustine, De civitate Dei XX, ch. 22; XXI, ch. 2–4; ch. 9; ch. 10.

75. St. Gregory the Great, Moralia in Iob XV, ch. 17.

76. St. Gregory the Great, Dialogi IV, ch. 28; Julian of Toledo, Prognosticum de futuro saeculo II, ch. 17.

77. John Cassian, Collationes I, ch. 14; Haymo, Homilia Dominica II post Pentecosten.

78. Tertullian, De paenitentia, ch. 12; St. Cyprian, Ad Demetrianum; Lactantius, Divinae Institutiones VII, ch. 21.

79. Council of Florence, Decree for the Greeks (Laetentur caeli), on purgatory.

80. St. Gregory the Great, Moralia in Iob XV, ch. 17; Lactantius, Divinae Institutiones VII, ch. 21.

81. St. Augustine, De civitate Dei XX, ch. 18.

82. "St. Thom. ubi sup." — i.e., St. Thomas, Summa theologiae, Supplement, q. 97, a. 5–6.

83. Prudentius, Apotheosis, cap. de natura animae.

84. John Calvin, Commentary on Heb. 10.

85. Ps. 65[66]:12: "We have passed through fire and water"; Ps. 16[17]:3: "Thou hast tried me by fire"; Sir. 51 (Vulg.): "In the midst of the fire I was not heated."

86. Matt. 25:41: "Depart into everlasting fire."

87. The Venerable Bede, In Iacobi Epistolam, on Jas. 3.

88. St. Augustine, De Genesi ad litteram XII, ch. 33; Enarrationes in Psalmum 57; De cognitione verae vitae, ch. 40 [attribution as in source].

89. St. John Damascene, De fide orthodoxa IV, ch. ult.

90. Lactantius, Divinae institutiones VII, ch. 21.

91. John Cassian, Collationes I, ch. 14; "Auctor libelli De spiritu et anima" [as in source], attributed to Augustine.

92. St. Augustine, De civitate Dei XXI, ch. 10: "strange, yet true, ways"; St. Gregory the Great, Dialogi IV, ch. 29.

93. Durandus of Saint-Pourçain, In IV Sent., this Distinction, quaest. ult. [abbreviation as in source]; St. Augustine, De civitate Dei XXI, ch. 10; St. Gregory the Great, Dialogi IV, ch. 29.

94. Exod. 7–12 (the plagues upon the Egyptians by Moses); 2 Kgs 19:35 (the Assyrians slain by the Angel).

95. Dan. 3: the Babylonian furnace and the Three Youths.

96. St. Thomas, Summa theologiae I, q. 64, a. 4, ad 3.

97. St. Gregory the Great, Dialogi IV, ch. 43; Haymo of Halberstadt, ad loc. [abbreviation as in source].

98. St. Jerome, In Isaiam, on Is. 66; Ep. 59 (to Avitus); St. Ambrose, Expositio Evangelii secundum Lucam VII, on Lk. 14.

99. St. Augustine, Retractationes; St. Augustine, De Genesi ad litteram; "De cognitione verae vitae," ch. 40 [as in source]. Editorial note in the printed edition: "Rightly does the Author reject the booklet De spiritu et anima, since now all the learned, as also before, reject it; the same book is placed in the Appendix of the Sixth Volume in the Benedictine edition; and in the notice there, although they hold the same in honor, they judge that in many places it imitates Anselm and sometimes uses his very words. Hence we think it happened that the very highly praised book, De cognitione verae vitae, was attributed to Anselm (Summa, I, q. 1, a. 2, in the body). Other extracts of certain Latin writers appeared at Basel in 1578, edited by Leunclavius; a fragment exists in the Munich Library, Cod. A., as can be seen in the index of the same Library; the fragment's title in Greek is: 'Of St. Augustine, On the Trinity'; in Volume XI of the Great Paris Library there is written a brief Treatise On the Trinity attributed to Augustine, in which, as in a dialogue, brothers ask questions.")

100. St. John Damascene, De fide orthodoxa IV, ch. ult.; Lactantius, Divinae institutiones VII, ch. 21.

101. St. Thomas, Supp., q. 82, a. 4.

102. Phil. 3:21.

103. Lk. 24; Acts 10 (sc. the post-resurrection eating); cf. Lk. 22:30.

104. St. Augustine, De civitate Dei XXII, ch. 24.

105. St. Augustine, De civitate Dei XXII, ch. 29; cf. Is. 64:4; 1 Cor. 2:9.

106. St. Thomas, Supp., qq. 82–85.

107. St. Augustine, lib. 13 [abbreviation as in source].

108. St. Augustine, De civitate Dei XIX, ch. 10; De civitate Dei XXII, ch. 30; De civitate Dei XXII, ch. 11; De civitate Dei XIII, ch. 18; Serm. 102 de Diversis.

109. Wis. 3:7; Matt. 13:43; Phil. 3:21; 1 Cor. 15:43.

110. 1 Cor. 15:41.

111. 1 Cor. 15:41–42.

112. Dan. 12:3.

113. St. Augustine, Ep. 57 (to Dardanus).

114. Matt. 17:2; Lk. 9:29.

115. Exod. 34:29–35.

116. St. Gregory the Great, Moralia 18, ch. 20, § 31, on Job 28:17 ("Gold or glass shall not be equal to it").

117. "Dominicum (Super Distinct. 49.)" [abbreviation as in source].

118. St. Thomas, Supplement, q. 69, a. 1.

119. See above, Distinctio 43.

120. Lk. 16:22–25.

121. St. Augustine, De Genesi ad litteram XI, ch. 33.

122. St. Augustine, De civitate Dei XX, ch. 15; Enarrationes in Ps. 84.

123. St. Gregory the Great, Moralia IV, ch. 32.

124. Ps. 15:10; Ps. 29:4; Ps. 48:16; Ps. 85:13 (Vulgate numbering).

125. See above, book 4, Distinctio 21, on the article of the Creed "Descendit ad inferos."

126. See above, book 4, Distinctio 21; and below at this Distinction.

127. Job 21:13; Lk. 16:23–24.

128. St. Thomas, Supplement, q. 69, a. 2.

DISTINCTIO XLV — ON THE BEATITUDE OF THE SOULS OF THE SAINTS BEFORE THE RESURRECTION

§ 1. "...and to be present with the Lord (for we walk by faith and not by sight). But we are confident, and have good will rather to be out of the body, and to be present with the Lord." In which words it must be well noted that it is said that therefore we have the will to be away from the body, that we may be present with the Lord, and that now we may not walk by faith but by sight. For here manifestly this is the sense of the Apostle's words, as if he said: As long as we are in this body, we are pilgrims from the Lord, because in this life we walk by faith, not by sight, that is, not by clear vision. Therefore, that we may be present with the Lord, and that we may no longer walk by faith but by sight, it is to be desired by us to be away from the body. Which certainly would not be to be desired, if we were not to attain to sight except after the resurrection; because we would not in the being-away from the body, but only in the reassumption of the body, obtain that good which we hope for. But that by "sight" there is understood clear vision, is plain from this, that he opposes sight to faith, that is, to obscure cognition, just as in 1 Cor. 13 he had opposed these two things, "to see through a glass in a riddle," and "to see face to face."[1]

§ 2. The fourth passage (Lk. 23): "Today thou shalt be with me in Paradise." For a terrestrial paradise is not understood there, which perhaps had already perished, and was the place not of souls but of bodies, but the heavenly Kingdom and Glory. Into which place Paul writes that he was caught up (2 Cor. 12), and he explains it to be the third heaven, that is, the heaven of the blessed.[2] That "Paradise" is to be so understood in the words of Christ is proved from the petition of the Thief saying: "Remember me, Lord, when Thou shalt come into Thy Kingdom." For it is not to be thought that the Lord promised him something less than he was asking, since the Church bears witness that "by the abundance of His lovingkindness God surpasses the merits and the prayers of suppliants." Therefore the Thief, according to his soul, received fellowship of the Kingdom with Christ, which he had asked. And this, too, is signified in that the Lord says to him, "with me," that is, sharer of my goods according to the humanity; for divine [goods] cannot be communicated. Now, to the goods of Christ's humanity it belongs to see God; nay rather, this is the chief among His goods. Wherefore the soul of the Thief on that very day, according to the word of Christ, was admitted to this, Christ saying: "Today thou shalt be with me," etc. And this is the interpretation of Photius, Theophylact, Oecumenius, of the Greeks.[3]

§ 3. The fifth passage (Phil. 1): "I am straitened between two: having a desire to be dissolved and to be with Christ, a thing by far the better; but to remain in the flesh is needful for you." Which words again openly signify that immediately after the dissolution of this earthly dwelling the souls of the Saints are with Christ; nor is it in any sort whatsoever, because even while remaining in the body Paul was in some manner with Christ; but in that manner in which Scripture attributes to the just after this life to be "with Christ," that is, to live blessedly with Christ in the Kingdom of His Father; in the same way as it is said in 1 Thess. 4 of the Saints after the resurrection, "and so we shall be always with the Lord," where there is no doubt that the eternal beatitude is understood, which consists in the clear vision of God.[4] Since therefore Paul speaks similarly of the

Saints before and after the resurrection, it is sufficiently clear that beatitude of the same kind befits them at both times.

§ 4. The sixth (Lk. 16): "Make unto yourselves friends of the mammon of iniquity; that when you shall fail, they may receive you into everlasting tabernacles," that is, into a perpetual and unfailing habitation.[5] If therefore the tabernacles are everlasting, into which, as soon as we fail, that is, as soon as we emigrate from this life, we are to be received by the help of our friends, then they are not to be changed. But they would have to be changed if in them there were not yet the vision of God. For the Limbo of the Fathers was not an everlasting tabernacle, because it was to be changed into a far better state. Thus therefore here "everlasting tabernacles" are named as by the Apostle (2 Cor. 5) "an everlasting house," that is, the heavenly Kingdom.'[6]

§ 5. The seventh (Eph. 4): "Ascending on high he led captivity captive," where by "on high" the Apostle understands Heaven, into which, ascending, Christ also lifted up and introduced the souls of the just. For that "heaven" is understood is plain from what follows: "He that descended is the same also that ascended above all the heavens." Therefore the souls of the just are in heaven, which place is properly assigned to eternal beatitude, that is, to the vision of the Deity, according to that saying: "Their Angels in heaven always see the face of my Father."[7] And in truth it would have been a little thing that had been bestowed upon the just, who previously were in Limbo—a place of quiet and consolation in hell—if they had only changed place and had received a place in common with the Angels, while meanwhile excluded from fellowship in their felicity. Such [souls] would also with good right have said (2 Kgs 14): "Why am I come from Geshur? it had been better for me to be there. I beseech therefore that I may see the king's face."'[8] Lest this be said, we do not doubt that by sharing the place Scripture willed us to understand communion in beatitude.

§ 6. The eighth (Heb. 9): "The Holy Ghost signifying this, that the way of the holies was not yet made manifest, whilst the former tabernacle hath yet its standing." By which words it is signified that through Christ the way has been opened to the Holy of Holies, that is, to the heavenly Kingdom, into which even the most just could not enter while the state of the former tabernacle endured.[9]

§ 7. The ninth (Heb. 12): "You are come to mount Sion, and to the city of the living God, the heavenly Jerusalem, and to the company of many thousands of Angels, and to the Church of the firstborn who are written in heaven, the spirits of the just made perfect," that is, perfected by death. Where the Church is described, not as to be triumphant after the resurrection, but as already now triumphant in the heavens, and in that Kingdom the spirits of the just are reckoned together with the Angels in the same order. Therefore both share the same beatitude.[10]

§ 8. The tenth (Rev. 6): "And there were given to them (namely, to the souls of the slain) white stoles, to each one." By the several stoles the Fathers most plainly understand the glory of the soul. With which stole the souls of the Saints, content for the time being, await another stole, that is, the glory of the body to be given at the resurrection. For this is what immediately follows: "And it was said to them that they should rest yet for a little time," etc.[11]

§ 9. The eleventh (Rev. 5 [sc. 7]) concerning the same [souls] it is said: "Therefore are they before the throne of God, and serve him day and night in his temple," that is, in Heaven. For in the Apocalypse by the temple of God Heaven is commonly understood. But by this, that they are said to be "before the throne of God," the manifest vision of God is signified; for the very phrase demands this. Hence in its place it is said (in the last chapter): "And his servants shall serve him, and they shall see his face."[12]

§ 10. The twelfth (Rev. 14): "Blessed are the dead who die in the Lord." "For their works follow them," that is, the reward of their works follows them. Which reward the Lord expressed when He said: "Blessed are the clean of heart, for they shall see God."[13]

§ 11. The thirteenth (Rev. 20) again concerning the souls of those slain: "And they lived and reigned with Christ a thousand years ... but the rest of the dead lived not, until the thousand years were finished."[14]

§ 12. The fourteenth (Acts 7): "Stephen, looking up to heaven, saw the glory of God, and Jesus standing at the right hand of God, and said: Behold, I see the heavens opened," etc. The Church moreover adds in the Divine Office: "He saw and he entered in, the blessed man, to whom the heavens were opened." For to this end he saw them opened, that he might enter. Whence also, when he was about to die, he said: "Receive my spirit," namely begging this, that his spirit might be received into that place and glory which a little before had been shown to him.[15]

§ 13. The fifteenth, from the Old Testament (Ps. 126): "When He shall have given sleep to His beloved: behold the inheritance of the Lord," that is, immediately from the sleep of death God's beloved receive the inheritance of the heavenly fatherland. Thus Gregory expounds (Homily 36 on the Gospel). Lastly also from the Old Testament (Sirach 11): "It is easy before God in the day of death to repay every one according to his ways." But the repayment of good works is the reward of eternal life.[16]

§ III — The same doctrine is proved from the Fathers (Ex Patribus eadem doctrina probatur)

§ 14. Let us come to the testimonies of the Fathers, from which what the Church has perpetually thought and handed down concerning the felicity (*beatitudo*) of the souls of the Saints may be more surely understood; especially if we shall show that in this matter the Greek Fathers by no means disagree with the Latins. Whom, accordingly, we shall cite indiscriminately according to the ages of the times in which they lived.

§ 15. Dionysius the Areopagite, Ecclesiastical Hierarchy, book 7, part 1, attributes to the Saints who have died in this life most exact rest and immortality, that is, eternal life. For it is plain that there he is not speaking of the immortality of the body nor of the natural immortality of the soul. For (in part 3) he describes the same blessed immortality more openly, and calls it "the most blessed rewards of the Saints, which eye hath not seen, nor ear heard, nor have entered into the heart of man," etc.[18] Ignatius (in the Epistle to the Romans) says that by martyrdom he is setting out to God, and that he will be with Christ, where he will behold pure light—plainly signifying the light of the Divinity.[19] Justin says that from death [the faithful are] led into Paradise, "where there is the familiar intercourse and sight of the Angels and the vision of Christ the Savior," and where, according to the Apostle, when they have been stripped of the body, they are present to the Lord.[20] Irenaeus, book 1 (Against Heresies, ch. 13), bears witness that the just, fully purged, are encompassed by eternal brightness.[21] Origen, book 2 (On First Principles), says that after this life the Saints are led above the heavens to Christ, and in God perfectly see the causes of all things; and the same (Homily 5 on Various Saints) says that the Prophets, Apostles, and Martyrs now recline in the Kingdom of God and enjoy eternal glory.[22]

§ 16. Cyprian, book 4 (Epist. 1 to Antonianus), says that the Saints come at once to glory, and receive the reward of faith and of virtue; and in the book On the Exhortation to Martyrdom, last chapter, among other

things he says that the martyrs, while they are being slain, in a moment shut the eyes with which men and the world were seen, and open those very eyes immediately, that God may be seen and Christ; and (in the Treatise On Mortality) that the faithful who have migrated from here are with Christ in the heavenly Kingdom, and that they have already received the recompense, which he interprets as the highest and perpetual felicity. See also of the same Cyprian, under the title, the Sermon on the Star and the Magi.[23] Athanasius in the Life of Antony writes that the soul of a certain monk was seen by Antony to be borne by Angels into heaven.[24] Hilary (on Ps. 64) attributes to God's elect after this life the heavenly mansions of which Christ says: "In my Father's house are many mansions"; similar things he writes on Pss. 60 and 124.[25] Basil (Homily on the Forty Martyrs) assigns to them heaven and paradise.[26] Gregory Nazianzen (Oration on Basil), invoking him, prays that after death he may be able together with him to contemplate the Blessed Trinity in that manner in which It is; and (Oration on Gorgonia) he says that she, together with the Angels, enjoys the most pure illumination of the Trinity, which presents Itself wholly to the whole mind for contemplation.[27] Gregory of Nyssa (Oration on St. Ephrem) says that his soul has ascended where the Orders of Angels are, where are the peoples of the Patriarchs, where the choirs of the Prophets, where the seats of the Apostles; likewise that together with the Angels he stands and offers sacrifice to the Most Holy Trinity.[28]

§ 17. Ambrose, book On the Good of Death, ch. 1—after other things, where he had said that souls stripped of bodies possess the promised inheritance, hastening to see the face of God, etc.—then subjoins thus: "This is the recompense they have, that they may see the face of God and that light which enlightens every man"; and again: "Then, the face being revealed, it will be permitted to behold the glory of God," etc. Similar things he has in ch. 2 of the same book; likewise book 2 On Cain and Abel, ch. 9; and in Epistle 59, where he says that a certain Bishop in heaven sees face to face that light without sun and perpetual; and there also in Epistle 10 (the last). And consonant is the Commentary ascribed to him (on chap. 1 of the Epistle to the Philippians).[29] Prudentius, everywhere in the Hymns in which he celebrates the passions of the martyrs, attributes to them heaven, the heavenly Kingdom, heavenly and eternal beatitude, and the fellowship of Christ and the Angels.[30] Jerome against Vigilantius: "Wilt thou," he says, "lay chains upon the Apostles, that they be held in custody until the day of judgment, and be not with their Lord, of whom it is said, 'They follow the Lamb whithersoever he goes'?" And in the Epistle to Marcella on the death of Laeta: "Now," he says, "for a short labor, she enjoys eternal beatitude, she is received by the choirs of Angels, she follows Christ," and he says: "whatsoever things we have heard and seen in the City of the Lord of hosts." And in the Epitaph of Lucinius to Theodora, Ep. 29: "Whom I know," he says, "to have passed to better things," Moses saying, "Passing by I will see this great vision"; and below he says that he reigns with Christ. With him too similar things are read in other epitaphs composed by him.[31]

§ 18. Chrysostom (Homily 3 on the Epistle to the Philippians 1), treating that text, "I desire to be dissolved and to be with Christ": "The just," he says, "whether here or in the future age they may be, are with the King; there, however, more and nearer, not by approach and faith, but face to face." The same words are found (in Homily 69 to the People of Antioch and in the homily on that text Wis. 5, "The souls of the just are in the hand of God"). Like things too are repeated by him (Homily 4 on the Epistle to the Philippians), where he more broadly handles the passage of Scripture just cited. The same (Homily 10 on 2 Corinthians) attributes manifest comprehension to the souls of the Saints, whom therefore he calls blessed and thrice-blessed; (Homily 32 on the Epistle to the Romans) he says that the soul of Paul is conversant in the highest heaven near the very Throne of the King, where the Cherubim and Seraphim...[32]

§ 19. Eusebius of Caesarea, earlier than some already cited, book 7 (History, ch. 5), says that the virgin Potamiana migrated from earth to heaven; and book 10 (ch. 1) he bears witness that the martyrs enjoy divine delights in heaven itself and in Paradise.[33] Sozomen, book 2 (ch. 10), relates that a certain Christian said to another who was wavering in martyrdom: "Shut your eyes: be of good courage; immediately you will see the light of God."[34] Cyril, Bishop of Jerusalem (Catechesis 13), assigns the Thief to the heavenly Paradise, into which Abraham had not yet entered.[35] Epiphanius (Heresy 78), at the end, places the souls of the Saints in heavenly glory and honor and beatitude with the Angels and with Christ.[36] Sulpicius Severus (in the Little Work or Epistle III to Bassula his mother-in-law On the Passing of Saint Martin) says that to him the crown of righteousness has now been restored; and at the end: "Martin is joyfully received into the bosom of Abraham, the rich man enters heaven." Which same words, sung by the Church, sufficiently declare that she now holds for the same reality heaven and the bosom of Abraham.[37] Cyril of Alexandria, book 11 (on John, ch. 36), says that the souls of the Saints fly into the hands of God the Father, and have perpetual life with Christ.[38] Theodoret, book 8 (To the Greeks), affirms that heaven is the seat of those who have lived piously, and that martyrs are already marked with eternal crowns.[39] Maximus, the Homily (On the Birthday of Eusebius of Vercelli), attributes the joy of Angels to the souls of the just, as also the palm of their labors (in the Homily of Saint Agnes).[40] Prosper, book On the Contemplative Life.[41]

§ 20. He writes that, after this pilgrimage is finished, the pious reign happily in their fatherland, whose, he says, this will be the whole reward: that, once for all established in the contemplative life, it may unspeakably behold the Author of its own beatitude, rejoice in Him, obtain from Him what it hoped for, and in Him, unto which it has come by holy living, remain without end. Gennadius, On Ecclesiastical Dogmas, ch. 79, says: After the ascension of the Lord into the heavens the souls of all the Saints are with Christ, and going forth from the body they go to Christ, and so forth.[42] Pope St. Gregory, Moralia, book 12, ch. 13, says that the holy souls see the brightness of almighty God; and in Homily 37 on the Gospels he says that after this life the blessed spirits stand by the glory of their Maker, behold the present face of God, see the uncircumscribed light, and so forth; and on the penitential Psalm 4: "Beatitude," he says, "is bestowed upon the souls of the Saints before the resurrection of the bodies; nevertheless, after the judgment it will be conferred upon the bodies as well." Which same doctrine he delivers at greater length and expressly in Dialogues, book 4, ch. 25. To these add, moreover, among the Latins: Leo I (in the Sermon on St. Lawrence), Fulgentius (Sermon on St. Stephen), Primasius (on Heb. 9), Bede and Haymo (on Rev. 6), Anselm (on 2 Cor. 5), Rupert, book 13 on Matthew, and book 7 On the Divine Offices, ch. 12, and as many as have followed these. For that all the Scholastic Doctors think the same is evident from their Commentaries on the present Distinction and on Distinction 49. But among the Greeks, John Damascene (at the end of the History of Barlaam and Josaphat), Photius and Theophylact (on Lk. 23), and Oecumenius (on the Epistle to the Hebrews, ch. 9).[43] Moreover, Bernard is by no means to be separated from these Fathers, although somewhere he has spoken more obscurely; in truth he thinks the same as all the foregoing. For at the end of the book On Loving God he says that the martyrs partake of the light and of the luminous eternity; and in the Letter to the Brothers of Ireland, which is placed after the sermons on the Feast of All Saints, he writes that the soul of St. Malachy no longer "walks by faith, but reigns by sight." And in the Sermon on the same Saint he says that he reigns in like glory and happiness with the Angels. Likewise, in Sermon 6 on the Song of Songs, he says that certain persons have already deserved to be introduced into the Holy of Holies, where they see the face of the Standing One, that is, the brightness of the immutable God. Things of a similar sort he witnesses generally concerning the souls of the Saints in Sermons 4 and 5 on All Saints, in the Sermon on the death of Umbert, and in Letter 266. Now

this opinion is not a little confirmed by three decrees of Innocent III, namely: the chapter Cum Marthae, Title On the Celebration of Masses; the chapter Majores, Title On Baptism and its effect; the chapter Apostolicam, Title On a Priest not baptized; to which add a Sermon of the same Pontiff delivered on Laetare Sunday, where he expressly delivers this doctrine. But when afterwards the matter was called into controversy, Benedict XII defined it in the Extravagant which begins Benedictus Deus (all of which may be seen in Alfonso de Castro, in the heresy "De Beatitudinis").[44] To all these there at length was added the most open definition of the Church in the Council of Florence, in which, after mutual conferences between the Greeks and Latins on this article, finally on both sides this sentence was adopted: that the souls of the Saints enjoy perfect happiness, yet that they will enjoy a more perfect happiness with their own bodies after they have risen again. And in the decree itself the Fathers define that the souls that have been purged are forthwith received into heaven and clearly behold God Himself, Three and One, as He is. There was added also most recently the decree of the Council of Trent (Session 25), affirming that the Saints reign with Christ and enjoy eternal happiness in heaven.[45] Finally add the concordant voice of all the faithful, who call Saints that have been fully purged "blessed," a thing also customary among the Greeks — "blessed," I say, not in hope but in reality. For even we are blessed in hope; but in reality they could not be said to be blessed absolutely, unless they had already obtained that — namely, to see God.

§ IV — By arguments the same doctrine is confirmed (Rationibus eadem doctrina confirmatur)

§ 21. The same doctrine is finally proved by reasons taken from Scripture. First, from the state of the holy Angels, who have already obtained that eternal and highest beatitude which consists in the vision of God, according to the saying of the Savior (Matt. 18): "Their Angels in heaven always see the face of my Father." Hence St. Augustine, Retractations, book 1, ch. 14, on the holy Angels, says that there is no question that they are already in that possession to which this way leads, and therefore are most blessed. This very thing has been more copiously proved by us above, on Distinction 7 of book 2.[47] But the Fathers very often attribute to the souls of the Saints the same happiness and glory as to the Angels, as is clear from their testimonies adduced above; therefore those souls too see the face of the Father.

§ 22. Second, from the state of wicked men after death, whom, according to the Catholic faith, there is no doubt descend straightway from death into hell and there are tormented with both the punishment of loss and of sense, as they call it; which, among other things, the example of the Rich Man in the Gospel proves (Lk. 16). Since, therefore, God is not more prone to punish than to reward, and since souls stripped of bodies are capable as well of reward as of punishment, it follows that the souls of the Saints also straightway wing their flight to heaven, and there enjoy the essential joy which consists in the vision of God.

§ 23. Third: If the souls of the Saints do not now see God, there will be no difference between the time of the Old Testament and of the New as regards the state of those souls, but only perhaps as regards the place. For even before they were in Abraham's bosom, in a place of rest, refreshment, peace, and consolation. But if the state has not been changed, little indeed does the place matter, especially since spiritual substances are not properly in a place.

§ 24. Fourth: If they do not see God, not much seems to have been bestowed upon them by the descent of Christ into hell, seeing that, as has been said, even in the lower regions they were enjoying consolation and joy.

For Christ descended to those regions for this purpose alone, that He might lead souls from there to the higher places; wherefore the Church celebrates the descent of Christ into hell among the twelve first articles of the faith from Apostolic tradition.

§ 25. Fifth: The Church, finally, after Christ's passion began to invoke the Saints; for before Christ's advent we do not read that this was done. The chief reason of which seems to be that then, not yet seeing God, they could not by some ordinary manner know the prayers of the living directed to them, as now they know them in the Word.

§ 26. Sixth: The Church calls the day of the Saints' death their birthday, namely on this account, that by death they are translated into another life, which is eternal life and the kingdom of heaven; whence she celebrates such days with joy, whereas before Christ's advent the death of Saints used to be bewailed, as Basil testifies at the beginning of the Oration on Saint Barlaam.[48]

§ 27. Seventh: No impediment hinders the souls of the pious, when fully purged, from being straightway endowed with the reward of the beatific vision (*visio beatifica*), since both heaven, previously shut, Christ has opened by His death, and no new merits remain to be acquired for them, since they have already been set in their end.

§ V — Reply to the adversaries' objections taken from Scripture (Ad objectiones adversariorum e Scriptura petitas responsio)

§ 28. The arguments which are brought forward by the adversaries against perfect beatitude (*beatitudo*) are drawn partly from Scripture, partly from the Fathers, and partly rely on reason. From Scripture are these. First: Ecclesiastes 11, "Send your bread upon the passing waters, for after many days you shall find it." Therefore the fruit of almsgiving and the reward of a good work is not found immediately after death, but after many days, that is, at the end of the world. Second: Matt. 20. The householder commanded the wages to be paid to all the laborers together "at evening." But evening signifies the end of the world. Third: Matt. 25. The Judge on the day of judgment will say, "Come, receive the Kingdom," etc.; therefore before that day they do not receive the Kingdom. Fourth: Heb. 11 it is said of the Saints, "But now they desire a better country, that is, a heavenly one." But if they desire it, therefore they do not yet have it. Fifth: at the end of the same chapter it is said, "They did not receive the promise, God providing something better for us, that they should not be consummated without us." Sixth: 1 John 3, "It has not yet appeared what we shall be. We know that when He shall appear, we shall be like Him, because we shall see Him as He is." Now John is speaking of the second coming of Christ, as also a little before when he says: "That when He shall appear, we may have confidence and not be confounded before Him at His coming." Whence it appears that before that time God will not be seen by us as He is. Seventh: Acts. Peter denies that David ascended into heaven. Eighth: Rev. 6. John sees, not in heaven but "under the altar," the souls of those slain for the word of God; and to them, while they are asking vengeance for their blood, it is said that they should rest yet "for a little time," until their fellow-servants should be fulfilled, etc. Ninth: there are also other Scriptures which refer the recompense of good works to "the day of the Lord," or to "the day of the coming of the Lord," or simply to "that day," as in Rom. 2; 1 Cor. 5; 2 Cor. 1; 2 Tim. 1 and 4; and elsewhere. Thus the Lord (Lk. 14) says, "It shall be repaid to you in the resurrection of the just." All of which signify that the reward hoped for will not be rendered to the Saints before the day of the last judgment.

§ 29. But to these we reply regarding beatitude. To the first, indeed, that those words were written long before the coming of Christ, when the just, with the reward of beatitude deferred, were descending to the lower regions; although the plain sense of that passage seems to be that one ought to give generously to the needy, because what you shall have given, if not immediately, yet after a long time you will assuredly receive back. For some are called sooner than others from this life, and again some are freed from Purgatory sooner than others. To the second it is answered: it is not necessary in parables that all things should correspond with the thing signified, as St. John Chrysostom rightly warns at this passage; rather, one must consider the point for the sake of which the parables are brought forward.[50] Although what is said about "evening" can be referred to the evening, that is, the end of each man's life. If, however, you refer it to the end of the world, the sense will be: then at length the reward of consummate beatitude is to be paid to all the just, by which namely the whole man, in body and soul, is blessed. To the third: those words are not to be referred to souls, but to men. For the souls of the just do now indeed "reign with Christ a thousand years" (Rev. 20), that is, while this age lasts; but when it is finished there will be the resurrection of the dead, when men will begin to reign with Christ. To the fourth: those words must be referred to that time when those holy Patriarchs, of whom Paul is speaking, were still on earth, as is clear to one who considers the text. For the Apostle is looking back to that (Gen. 47) which Jacob said to Pharaoh: "The days of my sojournings." And note that "now" is not taken there to designate time, but is set for "but," "yet," "on the other hand," "and so." Thus it is taken in 1 Cor. 12, "But now indeed there are many members"; and 1 Cor. 15, "But now Christ is risen." For it has the force at once of an adversative and an illative conjunction. To the fifth: according to the various commentaries on that place, various answers can be given. In one way, the "promises" are there understood as made to the Fathers concerning the coming of Christ, as Primasius explains. In another way, the "promise" is understood of the heavenly fatherland, but in this sense: that the Fathers of the Old Testament did not receive it immediately at death as the Saints now receive it, but had to wait for the time of the New Law, "that they should not be consummated without us," that is, without the sons of the New Law. In a third way, the same "promise" is understood, but to be received perfectly, namely according to body and soul. For thus the ancient Fathers have not yet received it, but together with us they will receive it at the end of the world. Whence it is said, "that they should not be consummated without us," that is, that they should receive their remuneration consummated. And this exposition, as it is more common than the others, so also is it more probable. And indeed that by "promise" the heavenly fatherland is understood, other things in the same chapter show, as this: "For he was looking for the city which has foundations, whose builder and maker is God"; and this: "For they who say such things, signify that they seek a fatherland," which he immediately interprets as "heavenly," etc. To the sixth: John does not deny that the Saints will see God before the day of judgment, but he signifies that the glory of the Saints is not to be manifested to the whole world before that day. For the sense is not, "When Christ shall appear," but "when what we shall be shall appear, we shall be like Christ," namely according to the glorious body— which glory will be caused by this, that according to the soul we shall see Him "as He is." To the seventh: "ascension"—such as Christ's, namely according to the body. Thus does Peter prove that David had not yet ascended into heaven, because his sepulcher (understand, not empty, but containing the remains of his body) was with them even to that day. To the eighth it must be said that most fittingly by "the altar" the Body of Christ is understood, so that the souls of the Saints are said to be "under the altar" because they are beneath the condition of Christ's glorious body, in that they have not yet attained the glory of their own bodies. But after the resurrection they will be "above the altar," because then they will have obtained glorious bodies, and they will command them at a nod. To the last, a general reply is given that Scriptures of this sort

speak of the perfect recompense, by which namely the whole man, consisting of body and soul, is going to receive rewards or punishments according to merits. Although in certain places by "the day" one can not inaptly take not the day of the universal judgment but the particular [judgment].

§ VI — Objections from the Fathers are resolved (Objectiones ex Patribus solvuntur)

§ 30. From the Fathers, first place is given to Tertullian, who in book 4 (Against Marcion) says that the region which is called the bosom of Abraham, although not heavenly, nevertheless affords, higher than the lower regions, for the meantime a refreshment to the souls of the just, until the consummation of things shall wipe out, by the resurrection of all, with the fullness of recompense. He has similar things in the book (On the Soul, the last and the penultimate chapter).[51] Second: Justin (Questions to the Gentiles, q. 60) denies that what is had in the Gospel about the Poor Man Lazarus and the Rich Man is a history, that is, a thing done, and proves it because not before the resurrection is a reward rendered to each for the things he has done in life. And (q. 76) he says that the Thief obtained only this, that he be in the company of the just, and see himself, and the things that are beneath himself, and beyond that Angels and Demons, because before the resurrection there are no rewards of works.'[52] Third: Irenaeus (at the end of book 5 Against Heresies) says that the souls of the Saints depart to an invisible place, appointed for them by God, and there remain until the resurrection, thus at length to come to the sight of God.'[53] Fourth: Origen (Homily 7 on Leviticus) says that they wait until we are made partakers of their joy, and in book 2 (On Principles, toward the end) says that the Saints after death are carried to the earthly Paradise, and from there those who are more pure climb to the regions of the air.'[54]

§ 31. Fifth: Lactantius, book 6 (ch. 21), writes thus: Let no one think that souls are judged forthwith after death. All are held in one common custody, until the time shall come when the greatest Judge shall make an examination of merits.[55] Sixth: Victorinus (on Rev. 6) interprets the souls of the slain placed under the altar as under the earth, although in a region removed from punishments and fires, where there is the rest of the Saints. And he adds that at the last time there will be the remuneration of the Saints and the damnation of the impious.'[56] Seventh: Hilary (on Ps. 138) said that this is a law of human necessity, that when bodies have been buried souls descend to the lower regions, to such a degree that not even Christ refused that law.'[57] Eighth: Ambrose, book (On the Good of Death, ch. 10), says that the souls of the just go to hell, and he cites Scripture (4 Esdras 7), where the dwelling-places of souls are called storehouses, and he resolves the objection of human complaint about the postponement of the remuneration of the former just (from ch. 5 of the same book: where God says: "As a crown I will liken my judgment, as neither the slowness of the last, so neither the swiftness of the first." Whence he infers: Therefore while the fullness of time is awaited, souls await the due remuneration; to some there remains punishment, to others glory, and so forth). Then (ch. 11) again from 4 (Esdr. 7) he gathers seven orders of the progress of the joy of the souls of the just, ascribing to the fourth order that they begin to foresee their future glory, and with that consolation they soothe themselves, but to the seventh that they exult with confidence, hastening to see the face of God. The same, book 2 (On Cain, ch. 2): "The soul," he says, "is released from the body, and after the end of this life is still suspended in an uncertainty of the future judgment. Therefore the reward of beatitude is not straightway rendered to it."'[58]

§ 32. Ninth: Prudentius (Hymn 10) bears witness that pure souls are received into Paradise—whence man was expelled, that is, the earthly (Paradise).[59] Tenth: Chrysostom (Homily 29 on 1 Cor. 15) denies that the soul, although immortal, will without flesh enjoy those wonderful goods, or be affected by punishments; and he adds: "For if the body does not rise again, our soul will lie uncrowned, and will be outside heavenly beatitude." Which indeed faith admits not—for then at last in general we shall enjoy the reality. And in Homily 28 on Heb. 11 he says: "Lest they should seem to have something before us, if the first were crowned before us, He has fixed one time of all crowns; and he who conquered so many years before will receive the crown together with you." And this sentiment of Chrysostom was followed by Theodoret, Theophylact, and Oecumenius commenting on the same place.[60]

§ 33. Eleventh: Augustine in the book (On the Care for the Dead, ch. 3; Enchiridion 108; book 12 On the City of God, ch. 9; and elsewhere) places the souls of the just in hidden abodes, in secret and concealed receptacles. And (Tract. 49 on John) among the things that have been promised to them and not yet bestowed he numbers eternal life with the Angels. "This," he says, "we shall all receive together." And book 1 (Retractions, ch. 14) he says that it is reasonably asked about the Holy Men already deceased whether at least they are to be said already to stand in that possession in which the Holy Angels are not doubted to be. And book 22 (On Genesis to the Letter, ch. 35) he says that it must in no way be doubted that a soul released from flesh cannot so see the unchangeable substance as the Holy Angels. The same (on Ps. 16): "After this life," he says, "you will not yet be where those Saints will be to whom it will be said: 'Come, you blessed,' and so on—you will not yet be there, who knows not this?—but already you will be able to be there where the Rich Man, amid torments, saw afar off the poor man covered with sores at rest." Also these places of the same Augustine are noted (Epistle 111 to Fortunatianus; Tractates 5 and 111 on John; in the Exposition of Psalm 35; the second Discourse on Psalm 8.4; and the book On the Spirit and the Letter, ch. 24). In which places he signifies that the pious are not to be admitted to the beatific vision of God (*visio beatifica*) before the last judgment. Likewise in Sermon 1 on All Saints, where he sets in the Kingdom of Heaven the ranks of the Patriarchs shining with faith, and of the Prophets rejoicing in hope. But where faith and hope are, there is not yet vision. But that statement—"that on account of extraordinary faith and hope they receive outstanding rewards"—is not Augustine's, and seems to be false.[61]

§ 34. Twelfth: Aretas of Caesarea (on Rev. 6) says that the Saints rest in the bosom of Abraham, and that each has been allotted a fitting place, whence he also attains some sure conjecture of his future glory. Thirteenth: Euthymius (on Lk. 16) says that the story about Lazarus and the Rich Man is a parable by which it is signified what will be after the day of judgment. Which also before him Theophylact wrote on the same place. The same Euthymius (on Lk. 23) contends that the Paradise promised by Christ to the Thief is not heavenly but earthly, because Christ did not answer him, "You shall be with me in my Kingdom," which he had asked for, but "in Paradise"; which he says is as it were an earnest of the Kingdom, in which there will be the enjoyment of ineffable goods. Fourteenth: Bede, book 5 (Ecclesiastical History, ch. 13), recounts a certain vision as worthy of faith, in which, besides Hell, and Purgatory, and the Kingdom of Heaven, there was shown a certain as it were pleasant meadow, of the kind which the Ancients fashioned as the Elysian fields, in which the souls of the pious living there suffer nothing, but remain there in quiet and free of pain, until they are admitted to the blessed vision of God. Nor are dissimilar things read in Gregory, book 4 (Dialogues, ch. 36), and in Ricelius (in the Dialogue on the particular judgment, art. 31). Fifteenth: Bernard (Sermon 2 on All Saints) says that upon them there is still imprinted the light of the Lord's countenance, and therefore that they do not yet have full knowledge. And (Sermon 3) he posits three states of the souls of the Saints: the first in a

corruptible body, the second without a body, the third in consummated beatitude. The first in the tabernacles, the second in the courts, the third in the house of God, into which house he denies that they will enter without bodies. And (Sermon 4) he says that the souls of the Martyrs are under the altar, because they see only Christ's humanity, but after the resurrection of bodies they are to be exalted above the altar to see His divinity. A like passage is (Sermon 4 on the Dedication of a Church). Sixteenth: John XXII taught, preached, and declared that the Holy Souls before the resurrection do not clearly behold God, and therefore are not yet blessed with the beatitude which consists in the clear vision of God. And he is said to have commanded the Parisians not to teach otherwise, nor to promote anyone to degrees in Sacred Theology who had not first sworn to this opinion. Such things are reported by William Ockham, who lived then; John Gerson (in the Sermon for Easter); Marsilius in the Fourth Book (Question 13, art. 3); and Adrian in the Fourth Book, Treatise On the Sacrament of Confirmation. Lastly: the Greek Fathers everywhere deny that God can be seen by a creature, even an angelic one; therefore that is not to be attributed to the souls of the just. To these there might be added that frequently both the Greeks and the Latins say that they rest in the bosom of Abraham. But already above we have shown that this word is general, by which the seat or receptacle of the Pious is signified, free from every torment and misery, which is common to the Limbo of the Fathers and to the heavenly Fatherland. Therefore, omitting this, let us reply to the rest.[62]

§ 35. And indeed it seems that some of the Authors now cited truly thought that the souls of the just after this life, before the common resurrection, do not attain that beatitude which consists in the vision of God. Whose opinions therefore are not to be dwelt on for interpretation—such as those of Tertullian, Lactantius, Victorinus, Aretas, Euthymius, and the Author of the Questions under the name of Justin. Since in this matter they dissent from very many and the chief Fathers of the Church, and otherwise of themselves are not of great authority, and among them Euthymius the Greek wrote around the year 1200, at the time of the schism of the Greeks against the Latins—we have little reason to labor over their view; especially since the same Euthymius, writing (on Lk. 16) about the Rich Man and Lazarus, not obscurely signifies that even that retribution of goods and evils, of which the discourse there is, is described as present, whereas it is not yet present, but future only at the end of the age.[63]

§ 36. Let us therefore come to explain the words of the other Fathers. Irenaeus seems to have understood by the invisible place nothing other than heaven itself. For that he did not understand the lower regions is clear. For he says in the same place that Christ descended to the places of the lower regions, in order to draw out and save the souls of the Saints from there. But what he says, that they, having received their bodies, will come to the sight of God, is not to be taken as though before they do not see God, but because then at last souls come to the sight of God with their bodies—that is, men raised from the dead.[53]

§ 37. In the former place Origen speaks expressly of perfect joy, which he denies that the Saints have yet received—not on account of a defect of essential joy, but of a certain accidental joy which they will have at the end of the age, from the fact that that heavenly city will be full and perfect, consisting of all the elect, as a body of all its members. Which joy not even Christ Himself yet has, as Origen affirms in the same place. In the latter place he erred indeed in this, that he posits certain grades for the souls of the Saints before they reach heaven and the sight of God; yet he openly says that many souls have already arrived there.[64]

§ 38. Hilary's words must be taken as spoken for that time when heaven was closed, that is, from Adam to Christ—who loosened that law of human necessity when He opened heaven to the just souls. But that he does

not intend to exclude the beatific vision is clear, because he says that not even Christ refused that law—whom, however, no one doubts to have seen God according to the soul.[57]

§ 39. In the former place Ambrose reports the opinion of the philosophers about the descent of the pious souls to the lower regions, and he commends it as true for the time in which it was said, not however absolutely. For (in the same chapter) he openly teaches that the dwelling-places of the just souls are higher, and (ch. 9) says that they fly on high to God, and (ch. 12) he assigns to them the companionship of the heavenly Kingdom; and in the same places he has other things like these. But what he says about the crown and glory and remuneration to be expected at the end of the age is to be understood of that perfect retribution which will be given to the whole man, and that openly on the day of the general judgment, in the way in which a crown is wont to be given publicly and solemnly to victors. In the latter place he intends nothing else than that souls after this life, whether good or evil, do not know when the future judgment is going to be.[65]

§ 40. Speaking poetically, Prudentius makes mention of the earthly Paradise for this reason, that that place was a type of the heavenly Paradise, into which the Holy Souls are received.[59] In the former place Chrysostom does not say that the soul will not enjoy the eternal goods before the resurrection of its body, but he simply denies that it will enjoy any heavenly goods if the body should not rise. The reason of which is that each part of man ought in justice to be remunerated, since each has labored; and therefore if one part, namely the body, be frustrated forever of the reward, it follows that the other also, namely the soul, be likewise defrauded of the promised goods. In the latter place he speaks of the crown of perfect retribution, namely according to both body and soul. And in the same way the other Greeks speak who followed Chrysostom's commentary.[66]

§ 41. Those places of Augustine which sometimes call them hidden abodes and concealed receptacles he elsewhere calls the bosom of Abraham, elsewhere the secret of the Father, elsewhere Heaven and the Kingdom of Heaven. These things are not at all at variance among themselves, but rather the one ought to be made clear and expounded by the other. For thus also in the Church's Office we read that St. Agnes at one time said: "With these all I have received bright seats," at another that she is "joined to her Spouse in heaven"—namely, with each sentence intending to signify the heavenly beatitude.[67]

§ 42. Now as to the other statements brought from Augustine, some think that Augustine at some time doubted about the place of the souls of the just, namely whether they are in Heaven or elsewhere. Yet that doubt does not seem able to be gathered with sufficient certainty from his words, since all those things seem to be referred rather to the state than to the place. For nowhere does he openly signify that he doubts about the place, but rather, on the contrary, he not rarely names Heaven and explicitly denies that the lower regions are their place, book 20 (On the City of God, ch. 15). Therefore one must say that Augustine thought that the souls of the Saints do indeed see God face to face, but not so perfectly as they will see after the resurrection; and that on account of this, that their natural appetite, by which they are borne toward the body so as to be reunited to it and to govern it again, retards them from being borne toward God with their whole intention; and hence they have not yet arrived at the equality of the Angels, who are hindered by no impediment from being borne wholly into God. Yet Augustine did not so think this as to hold it for certain. For although in book 12 (On Genesis to the Letter, ch. 35) he seems to affirm it, nevertheless afterward in book 1 (Retractions, ch. 14) he indicates that about the same matter he still doubts. And indeed this question is not even now wholly determined, except that the Council of Florence, when it says that the souls of the Saints enjoy perfect happiness, but will enjoy a more perfect happiness with their bodies after they have risen, could seem to someone to bend toward Augustine's opinion—although others more rightly think that this must be

understood not of a more intense but of a more extensive beatitude. For if a separated soul, on account of the natural inclination by which it is drawn to the body, were to see God less intensely than when conjoined, it would also follow that the soul of Christ saw God less intensely in the three days of death than it now sees Him. Which it is absurd to think, because Christ, according to the soul, was from the beginning perfectly blessed in such wise that no grade afterward was added to that perfection, nor did it diminish by the death of the body. And the same reply is to be given to the things objected from Bernard. For Bernard only denies that the souls of the Saints see God now as perfectly as they are going to see after receiving their bodies. That he thinks this is proved by those words (Sermon 3 on All Saints) with which he thus addresses the flesh: "The holy souls desire thee; without thee their joy cannot be fulfilled, their glory perfected, their beatitude consummated. To such an extent does desire flourish in them that not yet does their whole affection go freely into God, but is in a certain manner drawn together and, as it were, wrinkled, while it leans toward desire of thee." Thus Bernard followed Augustine's opinion in this matter; which also Haymo follows writing (on Rev. 6), and among the Scholastics St. Thomas, Bonaventure, Richard, and Marsilius, writing (on Distinction 49), although St. Thomas afterward changed his opinion. For in I-II (q. 4, a. 5) he openly teaches that when the body has been resumed, the beatitude of the soul increases not intensively but extensively. But on this matter (on the said Distinction 49) there will be a special treatment.[68]

§ 43. To the objection from Bede we reply that that pleasant place of souls outside the Kingdom of Heaven—if there is any such—is to pertain to purgatory, because although there is not there a punishment of sense, yet there is a punishment of loss from deferred beatitude, to the seat of which at length fully purged souls are transferred.[69]

§ 44. Further, about John XXII we reply that indeed that was his opinion, yet it was never defined by him, as his immediate successor Benedict XII openly attests (in the Constitution which begins Benedictus Deus). Nay rather, the historian of that time, John Villani, book 11, ch. 19 (of the Florentine Affairs), writes that Pope John, the day before he died, declared that it had never come into his mind to determine that, still less to teach it, but that he had only proposed that opinion for disputation; and that about that matter for many years he had sought the truth, and had finally found the contrary to be truer and more probable, and so that he wished to embrace and retain that opinion, unless the Church should sometime define otherwise. But the authority of William Ockham, who asserts that John defined thus (from whom others later have that), ought to move no one, since he was a declared enemy of the Roman Pontiffs.[70]

§ 45. To the last we reply with St. Thomas (I, q. 12, a. 1) that the Fathers who deny that God can be seen by a creature understand by the name of vision comprehension—that is, that most perfect vision by which the thing is wholly comprehended. In which way God can be seen by no glorified man, nor by an Angel, nor by the soul of Christ itself, but only by Himself.[71]

§ VII — The arguments drawn from reason are resolved (Solvuntur argumenta petita ex ratione)

§ 46. St. Thomas in the place alleged above. By which the foregoing doctrine is impugned, the arguments are these. First: The just of the Old Testament, although most holy—such as Abraham and the other Patriarchs and Prophets—did not see the essence of God; therefore neither do the Saints of the New Testament see it. For there is parity of merits in both. Second: Christ Himself, straightway after death, did not ascend into

heaven according to the soul, but descended to the lower regions, nor did He at all ascend into heaven without the body. Since therefore the Saints ought to be conformed to Christ as members to the head, and the servant is not above his Lord, it follows that neither ought they to be admitted to heavenly glory before they have received their bodies. Third: After the resurrection judgment will be exercised over all; therefore then at length rewards and punishments will be rendered to all. For rewards and punishments are decreed in the judgment, and not before. Fourth: The soul did not merit without the body; therefore it ought not to be crowned without the body. Fifth: The soul without the body is miserable, as being separated and divided contrary to its own inclination from that with which by nature it constitutes one thing; therefore it is not blessed, and hence does not enjoy the beatific vision of God. To the first it is answered that parity can indeed hold between the just of the Old and of the New Testament on the side of merits, but there is diversity on the side of time. For —

§ 47. Reply to the second: Although the Soul of Christ did not ascend into the corporeal heaven without the body, nevertheless it beheld God most perfectly already from the beginning of the conception, and was therefore in the spiritual heaven, which also the holy Angels, wherever they are sent, never leave—since the Lord says of the Angels who are guardians of men that they always see in the heavens the face of the Father—so that in this truest sense that saying stands: "Where God is, there is heaven." Next, although the Saints ought to be conformed to Christ in many things, yet not in all, of the sort that He descended to the lower regions. For He did not do this in order to open a way to us to the lower regions, but to lead forth from there the souls of the just. So too that He rose on the third day, that His body did not see corruption, that crying out He expired, that He wrought miracles—these were not done for our imitation, but for doctrine and mystery. Reply to the third: Before the general judgment, a particular judgment is exercised upon individuals immediately at death, in which each receives according to merits not in the body but in the soul alone. For the whole man will be judged—and that publicly—at the universal judgment. Reply to the fourth: It is not unfitting that the soul be crowned without the body and before the body, both because the soul is the principal cause of good works, using the body as an instrument, and because the soul does not perform all good works through the body, but some by thought and will alone, whereas on the contrary the body can accomplish nothing without the soul, and also because the separated soul is capable of glory, but not so the separated body. Reply to the last: Although it belongs to a certain measure of the soul's misery to be separated from the body, nevertheless absolutely speaking the soul that sees God is to be called not miserable but blessed, yet to be more blessed when it will afterwards have been reunited to the body.

§ XIII — The not-yet-purged souls are helped by the suffrages of the living (Animas nondum expurgatas viventium suffragiis adjuvari)

§ 48. We said that, besides, after this life there is another receptacle of souls, which is called purgatory (*Purgatorium*), that is, a place in which the souls of the faithful are purged by certain pains until they are admitted to the sight of God and the fellowship of the Blessed. But because, above (around Distinction 21 of this book), where there was treatment of the sins which are remitted after this life, we showed sufficiently that there is some such place and state of souls, hence, this being here passed over and presupposed, we shall now teach (which is next to that doctrine) that the souls which are in purgatory are helped by the suffrages (*suffragia*) of the living. For each is a Catholic dogma and with equal zeal is attacked by the heretics of our time. And the arguments, too, by which this latter is established, all make for the assertion of the former,

although not conversely. Whence almost all the testimonies both of Scripture and of the Fathers which should be used here were there produced. Therefore only this now remains, that the chief ones, briefly indicated again, we should apply to the present doctrine, adding moreover some others by which those very ones may be confirmed.

§ 49. Therefore there is a most clear testimony of Scripture, which is had in 2 Maccabees 12, where that deed of Judas Maccabaeus is recounted, who, a collection having been made, sent twelve thousand drachmas of silver to Jerusalem that a sacrifice might be offered for the sins of those who had fallen in war, and it is at the same time vehemently praised; with this epiphonema subjoined: "It is therefore a holy and wholesome thought to pray for the dead, that they may be loosed from sins." There also it is held as an absurdity, if to anyone it should seem superfluous and vain to pray for the dead. It was therefore publicly held as a persuasion that the prayers of the living for the dead are not superfluous nor vain. And indeed Judas, since he was of the priestly stock, is to be believed to have ordered this which he knew had been wont to be observed, received from the ancestors as an ancient custom of sacrifices, although it is not read that it was expressly written. Whence it is understood that even if we attribute to the author of the book of the Maccabees nothing other than a human credence as to history, nevertheless from it there is sufficiently proved the pious custom of the priests and other faithful of that time, together with a certain persuasion, since they believed such things were not done to no purpose nor in vain. For that which is objected by a certain one of the Sectaries (Tremellius), namely, ignorance of the law in this writer, who thought that sacrifices had been offered for those who had polluted themselves by the anathema—for, he says, this plainly is contrary to the law, namely by having regard to the law (Deut. 7) by which, under an anathema, it is prohibited that anyone should take for himself anything from idols—this is not expressly in the text alleged by the author, of whom, he says, he criticises the ignorance of the law. Then I ask: was even Judas, who is narrated to have ordered that this be done, ignorant of the law? Were even the priests who carried it into execution? Therefore I reply that they all were not ignorant, that even if those who had fallen were under the anathema, they could nevertheless obtain the pardon of that sin, if, since in piety they were fighting for the laws of their fathers, they had either received true repentance of the sin before death, or on account of ignorance of the law could be excused from the sin, or finally that they did not know that the spoils which they were seizing were of idols. Finally, even if we grant that either they or the historian erred about the quality of the sin, so that they thought expiable what was mortal and now could not be expiated, still there remains what we said, which in the present is sufficient for us, that from the history there is proved the custom of the priests and also of other faithful of that time, together with a pious persuasion, by which they believed that the souls of the departed, who had received with piety the sleep of death, were by the oblation of sacrifices absolved from sins. But that the care of the faithful for helping the dead is much more ancient is shown from this, that they are read to have decreed a fast for themselves on account of those who had died, as in 1 Kings (at the end) and 2 Kings 1. For fasting avails in order to procure something for another just as prayer does, according to Matt. 17: "This kind of demons is not cast out except by prayer and fasting." Hence Bede, upon that in 1 Kings, that they fasted seven days, writes that the men of Jabesh fasted for seven days so that those who had died might be able to return to the rest, which is signified by the seventh day.[74] To the same pertains what Tobias (ch. 4) commands his son, that he establish bread and wine over the burial of the just. For that was not done by any superstition like the Gentiles, but for the refreshment of the soul of a just man, which might be effected by this alms, inasmuch as by the largess of alms to the poor he was commended, and that the alms of the poor, after the manner of satisfaction,

might profit to the salvation of the deceased. To this also there seems to be referable that of Sirach 7: "Do not withhold grace from the dead," the sense being, "Show mercy to the dead through alms."

§ 50. We have therefore in the Old Scripture by what the dead are helped, namely sacrifice (*sacrificium*), prayer, and penal or satisfactory works (*opera penalia seu satisfactoria*), under which are comprised alms, fasting, and the like. To which last kind, although prayer also pertains in so far as it is a penal work, nevertheless it has besides its own proper efficacy, namely according as it is impetratory, which indeed is proper to it, even the penal and satisfaction-making consideration having been set aside. This is clear in the prayers of Christ and of the Saints—both of Angels and of Souls in heaven—which profit those for whom they are made, even if they are not satisfactory. But that all these kinds of works have always been frequented in the Church of Christ for the dead is most fully evident from the writings of the Fathers and from ecclesiastical histories. Furthermore, from the Scripture of the New Testament the purgatorial pain of souls and the remission of sins after this life is manifestly proved, as is clear from the things which we said (at Distinction 21). Prayers indeed made for the dead we do not read there, perhaps because the chief care of the Apostles then was that they should inculcate to the new Christians both the resurrection of bodies and the felicity of souls after this life. By which hope they had to animate the faithful to despise the goods of this age and to bear persecutions with even mind, most of all to endure bravely martyrdoms, of which at that time there were daily occasions; and also because, the more fervent those Christians were then in piety, the less they needed prayers after death; and finally because, if at any time they sinned more gravely, severe and complete satisfactions for sins were exacted of them in this life, and they were ordered to forestall the future judgment of God by voluntary castigation. However the Scripture of the New Testament is not to be thought to have been altogether silent on this matter. For what the Apostle says in 2 Tim. 1—"May the Lord grant to him to find mercy in that day"—has the appearance of a prayer in which mercy is asked of God for the state of future life.[75] Likewise that in Luke 16—"That when you shall fail, they may receive you into eternal tabernacles"—is understood not only through the merits by which a man provides mercy, but also through the prayers of the poor by whom he has done good. And even if in the Scripture of the New Testament nothing of this kind should stand out, nonetheless that in the Apostles' times sacrifices for the dead were frequent is clear from all antiquity, especially from Dionysius the Areopagite who, in the book On the Ecclesiastical Hierarchy, last chapter, describes the bishop praying that to the deceased there be remitted all the sins which he committed by human frailty.[76] Also Arnobius, an old author, at the end of book 4 Against the Gentiles, writes that in the assemblies of the Christians peace and pardon were wont to be asked of God for the dead.[77] Like things can be seen in Tertullian, in the book On the Soldier's Crown, in the book On Monogamy, and in the book Exhortation to Chastity; in Origen, homily 6 on Exodus and in some other places; in Cyprian, book 1, ep. 9, and book 4, ep. 5; and one more ancient than these, Clement, in the Epistle to James.[78] These most ancient authors were then all followed with greatest consensus by the rest, so that it is superfluous to dwell either on reciting their opinions or even on noting all the places. The chief ones, however, are these: St. Ambrose (the Oration on the Death of his brother Satyrus; another on the Death of Valentinian); Prudentius (Hymn 10); Gregory Nazianzen (the Funeral Oration for his brother Caesarius); Epiphanius (Heresy 75); and after him St. Augustine (Heresy 53), which in both places is that of the Aerianists, whom he teaches to have been heretics on this account, that they said one ought not to pray or offer for the dead.[79] The same Augustine, Confessions, book 9, ch. 11, writes that he was asked by his mother that after her death he would be mindful of her at the altar of the Lord, and ch. 12 says that "the sacrifice of our price" was offered for her; and then, ch. 13, he himself prays to God for her, and asks also the readers that they remember both his parents at the altar

of God.'[80] Other places in Augustine are Epistle 6; Sermon 17 and 32 on the Words of the Apostle; Enchiridion 19; Tractate 84 on John; Questions 2 to Dulcitius; book 1 On the Care of the Dead, ch. 9 and 11; the book On Holy Virginity, ch. 45; City of God, book 20, ch. 9, and book 21, chs. 13, 16, 24. He also wrote a special book on this matter, titled On the Care for the Dead. In the beginning of which, relating the words of Paulinus, to whom he writes, namely that the mystery cannot be void which the universal Church has been accustomed to supplicate for the dead, he confirms that opinion with these words: "In the books of the Maccabees we read that sacrifice was offered for the dead; but even if nowhere at all in the old Scriptures it were read, not small is the authority of the universal Church, which in this custom shines forth, where in the prayers of the priest, which are poured out to God at His altar, their place also has the commendation of the dead." And, ch. 4, after he had said that the pious affection of one who prays, which is shown to the dead, without doubt profits them, afterwards he subjoins: "Let not be omitted the supplications for the spirits of the dead, which are to be made for all who have died in the Christian Catholic society, even with names unspoken, whom under a general commemoration the Church has undertaken, so that to those who lack parents or sons or any relatives for these things, they be exhibited by the one common mother." Finally, in the last chapter, he repeats what he had said about the universal custom of the Church.'[81]

§ 51. And that custom is attested to have flowed from the Apostles by Chrysostom, Augustine's contemporary, Homily 69 to the people of Antioch: "Not rashly," he says, "were these things sanctioned by the Apostles, that in the tremendous mysteries the commemoration of the dead be made. For they know that much gain, much utility, comes to them from this." The same things are read Homily 3 on the Epistle to the Philippians. Moreover, that the dead are to be helped by prayers and by alms he commends Homily 41 on 1 Corinthians, Homily 32 (otherwise 33) on Matthew, and Homily 21 on Acts, where he says thus: "Not in vain are the offerings for the dead made, not in vain the prayers, not in vain the alms: all these the Spirit has disposed, willing that we help one another," etc.[82] Besides, this doctrine is taught by Athanasius or whoever is the author (Question 34 to Antiochus), by Eusebius, book 4 of the Life of Constantine, ch. 71; by Cyril of Jerusalem, Mystagogical Catechesis 5; by Jerome (in the Epistle to Pammachius on the death of his wife); by Paulinus (in the Epistle to that same Pammachius); by Victor, book 2 On the Vandalic Persecution; by Possidius (in the Life of Augustine, near the end); by Theodoret, book 5 of Ecclesiastical History, ch. 26; by Gregory, book 4 of the Dialogues, ch. 40, 50, 55; by Isidore, book 1 On the Offices, ch. 14; by Bede, book 4 of the English History, ch. 22, and book 5, ch. 13, and also on Luke 3, and in the Homily for the Fourth Sunday of Advent; by Theophylact (on Luke 13); by John Damascene, in the book On those who have migrated in the faith, proving this doctrine from the testimonies of the Ancients; finally by Bernard (Sermon 66 on the Song of Songs), who openly condemns and attacks the heresy, re-sprouting in his time, of those who deny that the suffrages of the living profit the dead.'[83] To these there is added a most certain confirmation from the authority of Particular and General Councils. Particular are: the Third Council of Carthage (ch. 29) and the Fourth (ch. 79); the First Council of Braga (ch. 34, 39); the Council of Chalon, cited by Gratian (On Consecration, Dist. 1, chapter Visum est); the Second Council of Orleans (ch. 14) and that of Worms (ch. 10). General indeed are three: Lateran under Innocent III (can. 66); the Council of Florence, in the concluding decree in which, the Greeks approving and raising no question at all about this matter, it is defined that the suffrages of the living profit the dead, namely the Sacrifices of Masses, prayers, alms, and other offices of piety which are wont to be done by the faithful for them; and Trent (Session 22, ch. 2 and can. 3) where the Sacrifice of the Mass is treated, and again (Session 25) where it is defined that the souls detained in Purgatory are aided by the suffrages of the faithful, and most of all by the acceptable Sacrifice of the Altar.'[84] Nor is there a less certain

proof from all Liturgies, even the most ancient, in which their own place has (as Augustine says) the commemoration and commendation of the dead. Moreover, if a reason be sought for this apostolic tradition and ecclesiastical custom, this one can suffice: because there is a communion or communication of all the Saints wherever they act among themselves in charity, so that they be solicitous one for another's salvation (so far as each one has need) as the members of one body. Therefore, since those who are in the pains of purgatory without doubt pertain to that body of the Saints, who have departed in charity, and since they need mercy and help, because they are in misery and pains, it is just that they be aided by the pious offices of the living. Which reason has its foundation not only in the communion of the Saints, which we confess in the Symbol, but also in the words of the Apostle in 1 Cor. 12, where he says that the members of the same body are solicitous for one another: "And if one member suffers," he says, "all the members suffer together." But if they suffer together by an affection of charity, then so far as they can they strive for the liberation of that same member from the misery in which it is detained. Which indeed happens in the matter proposed by the suffrages mentioned above. And this is the best and most certain reason on which is founded both this dogma and the other, about the intercession of the Saints for us, about which below.

§ IX — Whether the suffrages of the living profit the Saints (An viventium suffragia prosint Sanctis)

§ 52. Since there are three receptacles of souls, it is asked whether the suffrages of the living profit not only those who are in Purgatory but also the others; and hence whether they can also rightly be made for them. And as to the damned (the next Distinction) will treat. Here, however, one must ask whether the suffrages of the Church Militant profit the Saints reigning with Christ. There are indeed arguments which seem to prove this. First: In every Sacrifice of Mass the priest prays that the oblation may profit the Saints for honor. And a certain Prayer of the Church after Communion has thus: "We have received, O Lord, the holy Mysteries, which, as they profit Thy Saints unto glory, so we beseech, may they profit us unto healing"; and again another, on the feast of St. Andrew: "Which, as they profit Thy Saints unto glory, so mayest Thou bring it about that they profit us unto pardon." Second: Innocent III attests (Extra, On the Celebration of Masses, chapter Cum Marthae) that on the day of St. Leo, according to the ancient Missals, there was wont to be read this Secret: "Grant to us, O Lord, that this oblation may profit the soul of Thy servant Leo," etc.—namely, the same which today is read for one deceased. Wherefore the prayer, although it was afterwards changed into this: "Grant to us, we beseech, O Lord, that by the intercession of blessed Leo this oblation may profit us," as Innocent writes in the same place, nevertheless that change has not yet been received by all Missals. For in many outside the Roman use the prior prayer is still read, not only on the feast of Saint Leo—whom indeed Innocent understands as the second of that name, not the first—but also of Gregory I. Third: There is another Secret Prayer which even to this day in all Missals is read on the feasts of Athanasius, Basil—[86]

§ 53. The third is this, in which the priest so prays: "We beseech, O Lord, that the yearly solemnity of Thy holy Confessor and Bishop may render us acceptable to Thy pity, that by these offices of pious propitiation both blessed retribution may accompany him and may win for us the gifts of Thy grace." The fourth: the Fathers sometimes speak in such a way as to say that the Sacrifice is offered to God for the Apostles, Martyrs, Prophets, and the rest. Thus St. Cyril of Jerusalem,[87] St. Epiphanius,[88] St. John Chrysostom (in the Liturgy),[89] and before all these St. Cyprian, book 4 (Epistle 5), where about certain Martyrs he thus writes to the clergy and people: "We offer sacrifices for the same persons, as you remember, as often as we with yearly

commemoration celebrate the days of the passions of the Martyrs." The same author, book 3 (Epistle 6), wishes the day of the death of the Martyrs to be noted and reported to him, so that on the anniversary day of their passion he may be able to offer the Sacrifice for them by name.'[90] The fifth: St. Chrysostom (Homily 33 on Matthew), exhorting a parent to alms for a son who has died: "Do you suppose," he says, "that he was stained with blemishes? Give yours to him, that by those he may cleanse himself from blemishes. Do you suppose that he departed in righteousness? Provide to him yours, for the adding of the recompense of reward."'[91] The sixth: the Church celebrates the Office of the Dead for baptized infants, whom nevertheless there is no doubt to be immune from the pains of purgatory and to reign with Christ. The last: the accidental glory of the Saints can be increased up to the day of judgment; therefore it is not absurd, but pious, to pray to God for its increase.

§ 54. But notwithstanding these things, it must be answered to the question that the suffrages of the Church, in the mode of suffrages (suffrages, that is, as a help), do not profit the Saints reigning with Christ, and therefore ought not to be made for them. The reason for this is that the Saints, since they are already blessed and have arrived at their end and are near to God, have no need of the Church's suffrages. Nor is anything lacking to them, for the attaining of which they would need our intercession or aid. Whence St. Augustine in many places says that in the Church there is prayer for the dead not for just any persons, but only for those who were neither very good nor very bad. The places are: Enchiridion, 110; On Care for the Dead, ch. 1; Epistle 64; Sermon 17; Sermon 32 On the Words of the Apostle; and City of God, book 21, chs. 13, 16, and 24.[92] But understand this as far as concerns the Church's public knowledge. For Augustine is saying this chiefly on account of the Martyrs, for whom the Church does not pray because of their outstanding and publicly known confession of faith even unto death. For for other most eminent Saints also —such as Augustine's mother, and Augustine himself, and many other holy Confessors—it is manifest that prayer was made by the faithful, from Augustine's Confessions, book 9, and from his Life by Possidius, and from elsewhere.'[93] For it was not sufficiently established that they had so departed from this life as to bring with them nothing to be purged, and therefore that they had no further need of the suffrages of the living. Nevertheless the suffrages which are made for such, that is, for the very good, are thanksgivings, just as for the very bad they are, as it were, consolations for the living—the same Augustine testifies (in the Enchiridion and in On Care for the Dead in the places already noted).'[94] But particularly of the Martyrs he thus speaks (Tractate 84 on John): "Therefore at the table of the Lord we do not so commemorate them as we do others who rest in peace, that we should also pray for them, but rather that they themselves may pray for us."[^95] Which words, almost reciting (Sermon 17 On the Words of the Apostle), he subjoins: "For it is an injury to pray for a Martyr, whose prayers we ought to commend ourselves to." From which place was taken the common saying: "He does an injury to a Martyr who prays for a Martyr." But this is equally true of the other Saints, in so far as it is established for us that they reign with Christ—which piously is believed to be the case with all those whom the Church has enrolled in the catalogue of the Saints. Whence Innocent III, when in the place cited above he raised this same question, says in reply: "We answer that, since the authority of Holy Scripture says that he does an injury to the Martyr who prays for a Martyr, by like reasoning the same judgment must be given of the other Saints, because they have no need of our prayers, for the reason that, since they are perfectly blessed, all things turn out for them according to their desire; rather do we need their prayers."[^96] Where what he alleges as if from Holy Scripture is to be understood in this way, that by the name "Holy Scripture" he comprehends the writings of the holy Fathers. For so also the Master of the Sentences and certain other authors sometimes use the expression.'[97]

§ 55. Now it remains that we dissolve the arguments brought on the other side. To the first, therefore, Innocent answers in the same place with these words: "Whence what is contained in most prayers—'May this offering be for the profit or advantage of this Saint or of those, to glory and honor'—ought to be understood in this way, that it may profit to this end, that he may be more and more glorified by the faithful on earth; although many think it not unfitting that the glory of the Saints should be augmented until the judgment, therefore in the meantime the Church can properly desire an increase of their glorification." Thus he. Which words are to be taken of the increase of accidental, not of essential, glory. Others answer that by such prayers we are not so much asking something for the Saints as for ourselves—namely, the grace to offer the Sacrifice so piously that the Saints may rightly rejoice in heaven, and that their glory may grow on earth. In truth both are rightly said, because both are good and to be expected from the divine goodness, namely, that the joy and the glory of the Saints alike increase, and that we handle the divine mysteries holily. Wherefore, just as when we say to God "Hallowed be Thy name," we ask that the name of God be glorified and, besides that, that Christians live holily—namely, that as the end, this, however, as the means—so also when offering for the glory of the Saints, we both ask their glorification and the piety and devotion of the faithful people in offering. And although from this it follows that we in some manner pray for the Saints, as also for Christ and God, because we ask that God be everywhere glorified with His Saints, and that the kingdom of Christ be amplified, and other things of this sort; for this same reason it is not absurd to ask from God for the Saints the glory of their bodies, which they will receive on the day of the resurrection, as they themselves ask for themselves (Rev. 6), although they will most certainly receive it according to their merits; nevertheless it is not to be said that the suffrages of the Church profit them or are made for them—namely, as we have said, in the mode of suffrages—because a suffrage signifies a help bestowed upon one who needs it or is thought to need it. But the Saints, for whom, as Innocent says, "all things turn out according to their desire," that is, all things are granted whatsoever they ask, have no need of our help; much less does God need it, of whom it is written: "Thou hast no need of our goods" (Ps. 15), who both is the hearer of our prayers and the author of His own glorification in us. But those stand in need of another's aid who are in purgatory, just as we too in this life have need of their helps and suffrages.

§ 56. From these things, moreover, there is also evident the solution of the second, the fifth, and the last argument, all of which prove some sort of prayer for the Saints, but not, however, a suffrage. Yet, as regards that prayer which Innocent mentions according to the more ancient codices, the Gloss not improbably answers that it was therefore changed, because of old—as before canonization—there was prayer "for Saint Leo," whereas today he himself prays for us. The same can be said of Saint Gregory. And that fact serves to show how general in former times was prayer for the dead, when not even very holy Confessors and Pontiffs were exempt from it, before they were by public judgment enrolled among the Saints; in which way also Blessed Augustine for Monica his mother, a most holy woman, both himself offered prayers and sacrifices, and asked that they be offered by others, long after her death.[93] But those missals which have not received this change—there, the said prayer ought to be taken according to the sense now explained.

§ 57. Moreover, whether something like this also happened in the Prayer which is objected in the third place—namely, that it was at some time recited for one not canonized—appears less clear, because in it these two things are conjoined, "that both blessed retribution may accompany him, and that he himself may win for us the gifts of Thy grace." Certainly we read nowhere that anything such as this was prayed for a Martyr. Yet the sense can easily be taken from what has now been said, either of accidental glory, which is increased before the judgment, or of the perfect retribution in the resurrection of the body. To the fourth, some answer that by

the Fathers there is understood the eucharistic Sacrifice, that is, of thanksgiving for the victory or blessed end of the Martyrs and of the other Saints; and to this they wish to refer what Augustine says, that the Church's suffrages for the very good are thanksgivings.[98] Others, however, thus interpret "that the Sacrifice is offered for the Martyrs," that is, for their commemoration. Which sense they prove from the same authors—Cyprian, book 3 (Epistle 6), and Cyril, and Epiphanius in the places cited—indeed also from Augustine (Tractate 84 on John) and from the present Canon of the Mass, all of whom make mention of commemoration. But these two responses agree well together. For that commemoration, just as it is made for their honor, so it has conjoined with it the thanksgiving which is rendered to God for their victories, as the Council of Trent teaches (Session 22, ch. 3).'[99]

§ 58. To the sixth it is answered that the Church does not pray for dead baptized infants that they may arrive at rest and beatitude, which she surely believes that they have already received, as is evident from the Office of the Burial of such little ones, appointed properly for this, in which there are recited eucharistic prayers, by which the priest gives thanks to God for their salvation. But in those places where a Requiem Mass is celebrated at the funeral of baptized infants, it must be understood not to be made for the infants themselves, as though the Church were asking rest for them, but for other departed who need that suffrage—since from those who have already arrived at rest they are not separated by the communion of the mystical body and of charity; although, to profess the Church's faith concerning the beatitude of little ones who have died in Christ, perhaps it would be better, with the customary Office of the Dead omitted, to recite the Mass of the Angels, as in some places it is the custom, in thanksgiving.

§ X — Whether the Saints pray for the souls in Purgatory (Utrum Sancti orent pro animabus in Purgatorio)

§ 59. Although below there will be a treatment of the intercession and prayers of the Saints for us, nevertheless, in this place where there is discussion of suffrages which are made for souls detained in Purgatory, the question fits in, whether the Saints pray for those who are in Purgatory. The reasons for doubting are these. First: because if they pray for them, they do not pray for only some of them, but for all, since all are in charity; and hence, since that Church triumphant is heard more quickly and more efficaciously than the militant, the prayers of the Saints would avail to empty out Purgatory. Second: the Saints are not in the state of making satisfaction as we are; but suffrages do not profit those existing in Purgatory, except by way of satisfaction: therefore the Saints do not pray for them.

§ 60. Persuaded by these two reasons, Dominic Soto, writing in this Distinction (Question 3, article 2), embraces the negative side.[101] Yet in this matter he is gravely mistaken, since both a most efficacious reason and the authority of the whole Church are to the contrary—a surprising thing indeed.

§ 61. The reason is that which is taken from the communion of the Saints and the unity of the body of the Church (*Ecclesia*). For since the whole Church is one body, whose head is Christ, it is necessary that in it there be a communication not only of the head with the members, but also of all the members among themselves, so that, according to the Apostle, the members be solicitous for one another, and if one member suffers anything, all the members suffer with it (1 Cor. 12). Peter the Abbot of Cluny presses this argument against the Petrobrusian heretics.[102] Therefore, just as it follows from there that the Saints are solicitous for us, that we may be delivered from the dangers of this age, and that we in turn ought to be solicitous for those who

are in the pains of Purgatory, that they may be freed from there: so too it follows that the Saints, with the same pious solicitude, suffer-with them. Now this compassion in the Blessed is nothing other than the will and affection of helping, which is done through prayers to God.

§ 62. That this is the mind of the whole Church is evident from her public Prayers. For a certain Prayer for the living and the dead runs thus: "And those whom either the present age still keeps in the flesh, or the future has now received stripped of the body, by the intercession of all Thy Saints may the clemency of Thy pity obtain for them the pardon of all their offenses." The same is asked in the Secret and the Postcommunion which correspond to that Collect in the Office of the Mass. Also in another Prayer, which begins, "O God, Giver of pardon," we beseech God that He grant to those who have passed from this age—Mary the Blessed interceding, and all the Saints—to come to the fellowship of perpetual beatitude. This very thing is proved by the public Litanies, in which all the Saints are invoked to obtain all those things which are there recited in detail, among which is this, that God deign to grant eternal rest to all the faithful departed. Add to these that, in the commendation of the soul of the departed, there is also sung, according to the Roman use: "Come to his aid, all ye Saints of God."

§ 63. Likewise, a certain ancient token which in our Church of St. Peter at Douai is distributed has inscribed on one side, "distribution for those present and for the sick," and on the other, "Holy Mary, intercede for their souls."

§ 64. That passage of Scripture (Lk. 16) also avails to prove this: "That when you shall fail, they may receive you into everlasting tabernacles." For there is signified that those who receive are themselves in the everlasting tabernacles, that is, in heaven. But if those reigning in heaven could not profit the departed, then, by the fact that the poor to whom alms have been given die and migrate into heaven, much is lost to the givers while they are in Purgatory; for living poor could have helped them, whereas dead poor, received into heaven, now cannot. Against this absurdity one may use the argument of Jerome against Vigilantius concerning Moses, Paul, and other Saints: who, if while living they could appease God angered against men, much more can they do this now that they are dead to the world and joined to God.[103]

§ 65. This argument has a place not only with respect to the poor who have received benefits, but it is general for all the Saints—who, since in this life by their prayers they could help the souls that are in Purgatory, it is exceedingly absurd to say that now, reigning with Christ, they cannot do this.

§ 66. The doctrine of the Fathers confirms this opinion openly. For Augustine, in the book On Care to Be Had for the Dead, chapter 4, says that burial in the Basilicas of the Martyrs is of profit to the dead for this, that he who remembers the dead person may at the same time remember the Martyr and commend the soul of the dead by his prayers and patronage.[104] And this too has been set down in the Decretum, Cause 13, question 2, chapter Non estimemus.[105] In that same place (chapter Animae defunctorum, from the Letter of Gregory II to Boniface, Archbishop of Mainz) it is written that, among other ways, the souls of the departed are loosed by the prayers of the saints.[106] Cyprian also, in the book On the Lapsed: "We believe that with the Judge God the merits of the Martyrs and the service of the just can do very much—but when the day of judgment shall have come," that is, after this life. But what he says about merits must likewise be understood about prayers.[107] Which Gregory expressed more clearly (Homily 40 on the Gospels) in these words: "Provide for yourselves advocates in the day of judgment, the poor." And below, alluding to that Gospel, "that when you shall fail, they may receive you," etc.: "Those ask us," he says, "who will then come as our intercessors," where he cites

that text of 2 Corinthians 8, "that their abundance may be a supply for your want."[^108] Prudentius (in the Hymn on Saint Fructuosus) thus sings: "Perhaps he will deign also to give healing to my torments, with Christ prospering." He speaks of torments after this life.'[109] The same is the doctrine of St. Thomas, reported in the Supplement to the Third Part, question 72, article 3, as is set down in the arguments.'[110] And in the Censure of the Orientals published a few years ago (chapter 21) it is expressly affirmed that all the Saints, reigning with Christ, pray for the souls of the departed.'[111] Add to these Jerome (Against Vigilantius), Ambrose (on Luke 16), and Augustine, City of God XXI, chapter 27, who understand by the "friends" by whom, according to the Gospel, we are received into the everlasting tabernacles, the Saints reigning with Christ, who help us by their prayers even after death—"the dead," that is, "for the dead."'[112]

§ 67. This matter is also proved by an argument of this sort: Christ, who is the head of the whole body of the Church, not only while living profited the living, but also, when dead, the dead; and, moreover, while living, the dead; and, when dead, the living. Therefore it is fitting that all these things be found also in the members. If this is so, then those already dead and blessed help by their prayers those dead who have not yet arrived at their fellowship.

§ 68. Moreover, the reasons brought forward on the contrary side are easily dissolved. To the first it is answered that the prayers of the Saints, even if they are made for all who are in Purgatory, nevertheless do not avail to empty out Purgatory, because they avail only so far as God wills them to avail; and in this will of God the Saints willingly acquiesce, nor do they ask anything against it. But God wills the prayers of the Saints to avail with His justice saved, which has established that place, Purgatory, to last until the day of the final judgment. Nor indeed need one fear that Purgatory be emptied, into which even now so many descend daily.

§ 69. But what the latter reason assumes—that suffrages do not profit those existing in Purgatory except by way of satisfaction—must be denied; for above, from Sacred Scripture, we showed that there is a threefold kind of works by which the dead are helped: Sacrifice, Prayer, and Satisfactions. For prayer, even if it be not satisfactive, as in the Blessed, nevertheless has its own formal character (*ratio*) of usefulness, inasmuch as it is impetratory when it proceeds on behalf of one who is a friend of Him who is asked. Thus the prayers of the Saints reigning in heaven are of profit to us. For the same reason it must not be denied either that the holy Angels, who have suffered nothing at any time, pray for those who are in Purgatory, just as it is certain that they intercede for the living. And in both cases alike they ask remission of punishment for the departed; for it does not follow from this that the prayers themselves should have the formal character of satisfaction, but only that by them this be asked, that the sufferings of Christ and of His Saints be applied to the departed for the remission of punishment. Now this the Angels can ask, although they have suffered nothing; therefore others of the Saints too can do so, who in this life had sufferings of their own. Whence it also follows that it is by no means necessary that any merits at all, whether present or past, be required in him who intercedes and prays for another, provided, however, that he be a friend. For if God were to make an Angel or some human being blessed who had never previously been a wayfarer, he could pray for us, living and dead, and, by praying, be of profit by the right of charity and of the communion of the same body, because the members are solicitous for one another.

§ XI — Reply to the arguments by which suffrages for the dead are attacked (Respondetur ad ea quibus impugnantur suffragia pro defunctis)

§ 70. The heretics try to disprove and destroy the Catholic doctrine which maintains and proves the suffrages (*suffragia*) of the living for the dead, by arguments of nearly this sort. First, Ecclesiastes says (ch. 9): "The dead know nothing more, neither have they a reward any more, for the memory of them is given over to oblivion. Love also and hatred and envy have perished together, neither have they a part any longer in this world, in all that is done under the sun"; therefore the prayers of the living or any other works whatsoever do not help them at all.[114] Second, the Apostle says in 2 Cor. 5: "Each shall receive the things proper to the body, according as he has done, whether good or evil"; and in Gal. 6: "Each shall bear his own burden," and there again: "Whatsoever a man shall sow, those things also shall he reap." Upon which place St. Jerome comments thus: "By this sentence we are taught that, while we are in this present world, whether by prayers or by counsels we can help one another. But when we shall have come before the tribunal of Christ, neither Job, nor Daniel, nor Noah can pray for anyone; but each shall bear his own burden." These words of Jerome are reported in Gratian's Decretum, Causa 13, q. 2, cap. In praesenti.[115] Third (Matt. 5 or Lk. 12), it is said to him who is sent into the prison of Purgatory (*Purgatorium*): "Thou shalt not go out from thence until thou hast paid the last farthing," or, as Luke has it, "the very last mite." By which is signified an exact punishment without remission. Therefore in vain are prayers poured forth for those who are in Purgatory. Moreover, Ambrose and Jerome (in their Commentaries), Tertullian, Cyprian, Origen, Eusebius of Emesa or whoever is the author, and Bernard understand that place of Purgatory.[116] Fourth: Ambrose, treating the place (Gen. 23) where Abraham arranges the burial of Sarah his wife, says: "We are taught not to linger overlong with the dead, but to render the duty so far as is enough"; by which argument the heretics assail the anniversaries of the dead.[117] Fifth: Augustine, in a Sermon on the Words of the Lord, says: "Nothing will avail you which you shall not have done here," and so forth.[118] Sixth: Fulgentius, in the second book On the Remission of Sins, teaches that the world to come is not a time of remission, but of retribution.[119] Seventh: The living are not helped by the prayers of the souls which are in Purgatory; therefore neither are those souls helped by the prayers of the living; because the communion of charity (*caritas*) holds on both sides, and hence the prayers ought to be mutual. Nor is it of any avail if you say that those souls are outside the state of meriting, since blessed souls also are outside that state, and yet they pray for us. Eighth: It is better to satisfy by oneself than through another, because he who satisfies by himself obtains a greater glory; therefore, lest we lessen the glory of the dead, we ought not to redeem their punishments by our works. Ninth: We are uncertain about the state of the dead—whether they are in Purgatory, in heaven, or in hell. Therefore it often happens that we pray for them in vain; wherefore it is enough simply not to pray for them at all. Tenth: The souls of the dead cannot be helped by their own works and prayers; therefore much less by those of others. Eleventh: The works of the living cannot profit the dead to the increase of their glory; therefore neither to the diminution of their punishment. Twelfth: Souls immediately after death receive from God a sentence by which there is determined not only heaven, but also a fixed measure of punishment in Purgatory; and since this divine sentence is irrevocable, it cannot be changed by the intercession of the living.

§ 71. To these we reply; and to the first, indeed, Ecclesiastes wishes no other thing than that the dead do not know, namely by experience, what is being done here on earth, nor are they sharers in the goods or the evils of this world by their own action or passion—in such a way, to wit, that they should enjoy goods by eating, drinking, and the like, or suffer evils, that is, labors and annoyances. And this is so true that both the

memory of them perishes as to sense, and what they did or suffered in this life is handed over to oblivion. This sense is indicated by that which follows: "Go then, eat thy bread with joy." But the Wise Man does not deny that some fruit of the former works which are done by the living for them can pass over to the dead.

§ 72. To the second argument Augustine long ago replied (in the Enchiridion, chs. 109–110; in the Questions to Dulcitius, question 2; in the book On Care to Be Had for the Dead, ch. 1; in Sermon 32 On the Words of the Apostle; and elsewhere), and Gregory likewise (Dialogues IV, chs. 39, 40, 57), and before both Dionysius the Areopagite (Ecclesiastical Hierarchy, last chapter). The sum of the reply is this: the dead who are in Purgatory, when they are helped by the suffrages of the living, receive the things proper to the body and reap what they have sown, because they merited while living that they should be thus helped—namely, by good works, especially of mercy toward neighbors, on account of which it is just with God that they too should obtain mercy. Whence Augustine (On Ps. 32, Discourse 1) calls this a just mercy, and in the book On Rebuke and Grace (ch. 13) says that it is granted by a just judgment.[120]

§ 73. For a fuller understanding of this matter, it must in general be noted that whoever persevered in Christ unto the end of this life, by that perseverance merited this, that by reason of the communion of the members of the same body there might profit them whatever works of piety are done in the Church either in common for the faithful departed, or specially for them. Therefore, just as in this life, according to justice, citizens and those who enjoy the privileges of citizens are judged otherwise than those who are alien from this privilege; so also in the life to come those will be judged otherwise who, remaining in Christ's body unto the end, kept the citizenship of the saints, than those who were or are made aliens from Christ's body. For the former, by the merit of the good works in which they persevered, even from the good works of others, by the right of the communion of saints, obtain fruit. Yet that merit of theirs, says Augustine in the Enchiridion, was wholly acquired in this life. But the latter, because they are alien from the body of Christ, are judged unworthy in that judgment of God not only to be helped by the works of others, but even by their own, as being extinguished by subsequent injustice. But someone will say: If good faithful people merited that mercy, therefore they will assuredly obtain it, whether prayers be made for them or not. It is answered: they did not merit simply that they should be helped, but that the suffrages of the living should profit them—if they should be made. And because at least general suffrages are always made for all the departed, hence there is no doubt that all of them are in some way helped. Which reply is sufficiently gathered from the passages of Augustine cited above. Moreover that saying of the Apostle, "Each shall bear his own burden," has this sense: each, in God's judgment, shall receive the stipend of his own sin, not of another's. But this happens both in Purgatory and in hell: there indeed with mercy, here without mercy, as has already been said. And Jerome's sentence is interpreted by Gratian concerning those who sin mortally and die without penance; for Jerome touches upon the dogma of Origen, who promised to the impious after this life, at some time after a long time, liberation by the intercession of the Saints.[121]

§ 74. To the third: according to those who take that Scripture of Purgatory, it must be replied—out of what has been said already—that the souls in Purgatory "pay the last farthing," because for the discharge of the whole punishment there succor comes to them from their own merits of this life, by which they merited that the works of others should profit them. But because this payment is more constrained, therefore far more rightly is that sentence of the Lord taken of the damned in hell, as we have noted elsewhere.[122]

§ 75. To the fourth: Ambrose is not treating of the prayers which are made for the departed, but of mourning and the pomp of a funeral, which he wishes to be moderate and not prolonged over a long time.

For that no limit of time is to be fixed to prayers and oblations is clearly proved by the words of the same Ambrose at the end of the Oration On the Death of Valentinian.[123]

§ 76. To the fifth and sixth the solution is now plain from the things which were said to the second argument, even though, according to Fulgentius's own mind, his words present no difficulty at all. For in that whole book he speaks of the remission of mortal sins for which in this life there did not precede penance.[124]

§ 77. To the seventh it is answered that those seem to think very plausibly who hold that the souls which are in Purgatory are solicitous for the salvation of the living and pray to God for them. For if the Rich Man, the feaster, placed among the dead, was solicitous for his brothers—toward whom, however, he did not have true charity—how much more do the souls in Purgatory, now secure about their own salvation and having true charity toward us, pray for us? For the communion of the members of the same body in charity requires this too, especially since they do not ignore, indeed they know with certainty, that we stand in need of others' suffrages. And so we and they thus render mutual service, while we pray for them and they for us—just as the living pray for one another that we may be saved. Nor does the bitterness of punishments more hinder them from that office of charity than it hindered the rich feaster from having solicitude for his brothers. For although the souls of Purgatory are in very great pains, nevertheless the intention of mind is not hindered in them for whatever they wish, as happens to us in this life. For they are in great tranquility of soul. Whence also the sleep of peace is attributed to them, and they are said to rest in Christ and in peace by Augustine (Tractate 84 on John, and in the Canon of the Mass). Then it is proved from this, that souls existing in Purgatory sometimes shine forth by miracles on earth, as is evident from the examples of the saints Paschasius and Severinus, of whom Gregory speaks (Dialogues IV, ch. 40), and Peter Damian (in the Letter on the miracles of his time). But the reason which St. Thomas brings on the contrary side (II-II, q. 83, a. 11, ad 3) can easily be solved from what has been said.[125]

§ 78. To the eighth: those who make satisfaction in this life at the same time add something unto merit (*meritum*); and therefore in this life it is better to satisfy by oneself than through another. But in Purgatory, where merit ceases, that is not better; rather, simply, it is better for them to be quickly delivered from punishments and to be with Christ and with the blessed to enjoy beatitude in glory.

§ 79. To the ninth: Prayer is never, nor is any good work, in vain. For by it there is always pleasing to God, and it contributes to the heap of piety and merit, even if sometimes it be in vain as to the hoped-for fruit in him for whom it is made. But it is better that suffrages abound for those who have no need, than that they be lacking for those who have need, as Augustine rightly advises (On Care to Be Had for the Dead, last chapter).[126]

§ 80. To the tenth: The souls of the departed are helped by their own works which they did in this life, by which they merited that after death the works of others could profit them. But now in Purgatory they cannot make satisfaction for themselves in the way in which the living could, because they are not in the state of satisfying for punishment, but in punishment. Whether, however, by praying they can help themselves, as we have said probably that they can help others, may be doubted. Truly, in the ecclesiastical Office of the Dead they are introduced as praying for their deliverance. And this is very reasonable and agreeable to piety, that every faithful soul in its tribulation should cry out to the Lord. And of such a cry and prayer it must be believed that it is not made in vain.

§ 81. To the eleventh it is answered that it is not the same as to the merit of glory and the discharge of punishment (*poena*). For it has been divinely ordered thus, that out of his own merits alone each one should obtain glory and a fixed degree of glory—though those merits can be obtained by the prayers of others; but that temporal punishments, to be paid both in this age and in the future, can be borne by others on behalf of others.

§ 82. To the last, some reply that the divine sentence is not changed, inasmuch as it decrees what and how much he who has sinned deserves, but does not determine that all this is to be inflicted upon him without remission: for God may reserve to Himself the power of relaxing the decreed punishment at the intercessions of others. But assuredly it is not likely that a sentence concerning a fixed punishment as to its gravity and duration is intimated to souls when they depart from the body; rather they are left altogether in suspense and uncertainty about this whole matter. Wherefore it is more correct to reply that the irrevocable sentence of God is the eternal decree of God, by which He has decreed to inflict upon this or that soul just so much and such punishment, presupposing the future prayers of the pious, through which He foresaw and preordained how much should be taken away from the punishment otherwise due. And this sentence indeed has cleaved from eternity in the divine mind, but in time it becomes known to Angels and to souls, when and how God Himself shall have willed.

§ XII — Two questions concerning the foregoing are resolved (Solvuntur duae quaestiones circa praedicta)

§ 83. The Master (of the Sentences) raises two questions about the foregoing doctrine. One concerns two equally good persons, but for whom unequal suffrages (*suffragia*) are offered by the living after their death. For it is asked whether those who equally merited to be helped are helped equally. The other concerns those who at the end of the age will be found alive and yet were in need of purgation (*purgatio*). For the doubt is whether, and by what suffrages, they are to be helped, so that, purged at once, they may pass over to the fellowship of the Blessed.

§ 84. To the first question an answer can be taken from the things said on the second argument above. For it was said, on the authority of St. Augustine, that all pious believers merited this in life, that after death they should be helped by the suffrages of the living, if any are offered for them.[128] But since at least general suffrages are offered for all, hence one must also admit that all are helped in some way, yet not equally—even those, indeed, who were equally good—because it may happen that one is helped by more special suffrages than the other, and so obtains a speedier liberation from pains.

§ 85. Nor does the equal merit (*meritum*) of each stand in the way, because the merit had an annexed condition, which is more fully fulfilled in one than in the other. But you will object: Good works merit absolutely and not conditionally; therefore it ought to have been that each be helped equally, even if equal suffrages were not offered for each. I reply that works absolutely merit their essential reward, and for this cause the reward of souls of the departed is not increased by the prayers of the living; but they do not absolutely merit those things which are contingent or not necessary—just as one who is a member of some community shares in the accidental goods and privileges which are obtained for that community, and merits to share in them provided they exist or come to exist, not however absolutely. Thus, then, one must speak of the suffrages of the living that are offered for the dead: they are, as it were, certain accessory goods.

§ 86. To the latter question it must be answered that it is not improbable that those whom the last day will find alive will be purged at once, yet in such a way that the weight and bitterness of the punishment (*poena*) makes up what is lacking on the part of the duration or length of the same. Moreover, to this there will be added the fact that that punishment will be of this age, not of the future, and for this reason it will avail more for hastening the purgation of those who are to be purged—both because the present age is the time of grace and mercy, whereas the future age is the time of just retribution; and because the elect, by bearing that punishment voluntarily, will satisfy not so much in the punishment as for the punishment, in the way in which penitents satisfy in this life; and then because, with merit increasing through patience, it will be just that part of the punishment be remitted. For, with charity increased, it is merited that the punishment be diminished. Nor will the suffrage of the heavenly Church be lacking to them, which ever intercedes for the faithful by desire and by merit—as the Master most rightly notes in the Text.[129]

§ 87. And this too is signified by St. Augustine, Book 21 of the City of God, where (in chs. 18 and 24) he holds that at the very time of the last judgment some will be delivered from pains through the intercessions of the Saints; and in Book 20 (ch. 25, on that place Mal. 3: "and he shall purge the sons of Levi") he says more clearly that in that extreme judgment there will be certain purgatorial pains of certain persons; and below, speaking of the Church: "Such," he says, "as it will then be, like a threshing-floor purged by winnowing, so by the last judgment, with those also cleansed by fire to whom such cleansing is necessary."[130]

§ 88. Yet the words of Augustine are to be taken in such a way that purgatorial pains be completed in the very last judgment, and not extended beyond it—nay rather, that they precede the final sentence of the Judge, whereby he will call the good into the Kingdom and send the evil into the eternal fire. For this is openly testified by the same Augustine, Book 21 (chs. 13 and 16), saying that there will be no temporal and purgatorial pains except before that last and most dreadful judgment; although from the places already cited it appears enough that Augustine acknowledges a purgation of this sort even after the resurrection has already taken place. How, however, this stands with the impassibility of the bodies of the elect has its difficulty. But one can answer according to this opinion that for the just who still need purgation the body after the resurrection will for a time be passible—just as now the soul separated from the body suffers for a time in Purgatory (*Purgatorium*), until, snatched thence and received into heaven, it is endowed with its gift.

§ 89. But if this opinion—that there will be a purgatorial punishment of certain just after the resurrection, at the very last judgment—is found less probable, and if what we said before, about the sudden purgation of those who will be found in this life, does not seem enough for settling the present question, whether because the punishments of the present age do not fully cleanse the just from sins, or because thus there still remains a similar question about souls which are in Purgatory not yet fully purged—finally it can be said that, just as Christ by descending into hell freed all the souls of the just, not only from the Limbo but also from Purgatory, granting all a full indulgence of sins (as not absurdly some think, and among them Domingo, on this Distinction, q. 1, a. 2), so the same Lord himself, descending gloriously from heaven to the judgment, will remit altogether to all the souls of the just to whom there yet remain some punishments; with all the Saints, who together with Christ are to come to the judgment, interceding then more instantly and vehemently for their liberation—so that straightway after the bodies have been received nothing at all will remain in them to be purged or punished.[131]

§ XIII — What commendation of burial bestows upon the dead (Sepulturae commendatio quid conferat mortuis)

§ 90. Holy Scripture commends in many places the burial (*sepultura*) of the bodies of the dead and the care of funerals as a good and pious work, as in Tobit 1 and 12, 2 Kings 2, Matt. 26.[132] This is also proved by the examples of the Patriarchs and other just men, who were solicitous about their own burial and diligently and religiously buried their dead, as in Gen. 23, 49, 50; 1 Macc. 13; Acts 7 and 9, and elsewhere.'[133]

§ 91. And indeed not without cause does the office of burial have so frequent commendation in the Sacred Letters. First, because to bury the dead is an office of humanity and a corporal work of mercy. For if it is utterly barbarous and inhuman to cast away the bodies of the dead unburied, it is an act of humanity to cover them with earth and lay them in sepulchres. And this the custom of all nations sufficiently proves, sprung from nowhere else than from the very law of nature. Whence it is said of Tobit that he feared God more than the king, when he did not wish to leave the bodies of those slain unburied.[134] Nor, in former times, did Christians fear to take up the bodies of the Martyrs and to bury them honorably, notwithstanding the most severe prohibition of tyrants and the certain peril. From which it is understood to be of precept and not of counsel only that the dead be buried, unless at times something else be appointed by way of punishment with respect to certain criminals.

§ 92. Another cause is that burial conducted with honor is a kind of testimony to the resurrection of the dead. For this reason we lay the bodies of the faithful in sepulchres with such care and veneration, because, as they were temples of the Holy Spirit, so we believe they will rise again to the same or even to a greater dignity. And truly this was the cause why the holy Patriarchs not only took religious care of the funerals of their own, but also anxiously gave commands about their own burial. Which Jacob and Joseph and Tobit and others did. This cause is set forth more at large by Augustine, De cura pro mortuis, ch. 3; and likewise in the City of God, Book 1, ch. 13.[135]

§ 93. Moreover it must be noted that although the pomp of funerals and the sumptuous adornment of sepulchres bestow of themselves nothing upon the dead (and therefore it has been rightly said by Augustine, in the places noted by the Master in the Text, that these are certain solaces of the living rather than aids of the dead), yet they can profit per accidens, while many are gathered to pray for the dead and the prayers of the ministers of the Church are multiplied, and while a conspicuous and piously adorned tomb arouses the devotion of the faithful to pray well for the dead.

§ 94. Nay rather, in a still more important way burial without doubt confers something on the dead if they are buried in sacred places to which the faithful are wont to gather for prayer, or in which there is the memorial of the Saints. For the very presence of sepulchres arouses the devotion of the faithful, and especially of relatives, to pray for those buried in those places and to commend them to the prayers and merits of the Saints whose memorial stands there. Finally, the dead themselves, by the proper and religious will whereby they chose burial in such a place, become sharers of the prayers which the Church makes for all who are buried in such a place. This is the doctrine of Augustine (De cura pro mortuis, chs. 1, 4, 5), where he learnedly explains it at length; and after him Gregory, Dialogues IV, ch. 50 and the following, teaches it, showing both to whom and how far it profits that their bodies be buried in churches.[136]

§ 95. To the same point tends the opinion of Ambrose in De officiis II, ch. 2: he is able to grieve, because in sepultures is the rest of the dead.[137] And perhaps for this cause that prophet (3 Kgs 13) commanded himself to be buried in the sepulchre in which the other prophet was buried, and his bones to be placed beside his bones.'[138] Above all, this is confirmed by the Catholic custom of the faithful, whereby they choose burial for themselves and theirs in sacred places, that by the prayers of the living and the merits and intercessions of the Saints their souls may be commended. To which end also cemeteries, or dormitories, have been consecrated with the more solemn prayers of the Church. And there is no room for doubting that these prayers, offered to God for the rest of the souls whose bodies are there, are not in vain.

§ XIV — That the Saints intercede for us before God (Sanctos pro nobis apud Deum intercedere)

§ 96. Just as it is certain according to the Faith that the living can rightly pray for the dead, as was shown above, so too that certain of the dead—that is, the Saints reigning with Christ—are solicitous for the salvation of the living and pray to God for them, is Catholic doctrine. And this the Scripture proves by very many modes or ways.

§ 97. The first mode of proving is from the office of the holy Angels, whose solicitude and intercession for men the Scriptures everywhere set before us, as in Tob. 12, Ps. 90, Dan., Zech. 1, Matt. 18, Heb. 1.[140] For these things are to be referred not only to the custody of men—which is not entrusted to the holy Saints as to the Angels—but also to their prayers and intercessions (in which point one must not distinguish among the Blessed between Angels and men), as that place Zech. 1 plainly shows, where the Angel thus intercedes with God for the safety of the Jews: "Lord of hosts, how long wilt thou not have mercy on Jerusalem and the cities of Judah, against which thou hast had indignation?" Whence Hilary, commenting on Ps. 129, says: "The intercession of the Angels is not needed by the nature of God, but by our weakness." And Jerome, on Daniel, openly testifies that the Angels pray to God for men.'[141]

§ 98. Although these things are in the common consent, nevertheless there is a stronger proof that the Saints of heaven, of the same Christian charity and of the same will with the Angels, pray for the living—and this the more because they are of the same nature with us and together partakers with us of redemption through Christ, and so are bound to us by a closer bond of fellowship than the Angels are, whom both the sublimity of nature and immunity from redemption distinguish from us. Bernard uses this argument (Sermon 2 on St. Victor).[^142]

§ 99. The second mode of proving is from the prayers of the faithful in this life, while they pray either for themselves mutually, or some for others, especially the just for sinners. Thus, indeed, we read that the Prophets and priests of old—Moses, Aaron, Samuel, Jeremiah, and others—often prayed to God for the people. Thus in Gen. 20 it is said from the Lord to Abimelech about Abraham: "He shall pray for thee, for he is a prophet, and thou shalt live;" and in Job to his friends in the last chapter: "But my servant Job shall pray for you; his face I will accept, that folly be not imputed to you." And in Joel 2 the priests are commanded to supplicate between the porch and the altar for the people and to say: "Spare, O Lord, spare thy people," etc. And in Leviticus it is most frequent where it is said: "The priest shall pray for him, and it shall be forgiven him." Finally, in Ezek. 22 the Lord signifies that the intercession of the just for sinners is most pleasing to him, to such a degree that he says he sought a man who would stand opposed between himself and the people to

avert the vengeance that was imminent. Moreover the Apostle Paul in all his Epistles professes that he prays without ceasing for those to whom he writes, and in turn earnestly begs their prayers for himself and for the prosperous course of the Gospel. And, to embrace many things in one word, there is the general precept of the Apostle (Jas. 5): "Pray for one another that you may be saved." Finally, the Lord's Prayer most clearly proves it, which our Master Christ composed for us in such a way that not only each should pray for himself, but also for others what is prescribed to be asked, as when we say: "Give us this day our daily bread. Forgive us our debts. Lead us not into temptation. But deliver us from evil." It is the common prayer of all the faithful in the Church for all.

§ 100. From these things, therefore, it is established by a most plain argument that the Saints reigning with Christ render the same office for us—both because now they are secure about their own salvation, and because they have charity confirmed and in our regard much greater and more perfect than when they were still living with us. Cyprian uses this mode of proof (in the Treatise On Mortality), and Jerome too (Contra Vigilantium). And the Church indicates it when she thus prays: "We beseech, O Lord, that we may be helped by the suffrages of blessed Mary Magdalene, at whose prayers, appeased, thou didst raise alive from the lower regions her brother Lazarus after four days." As if to say: thou who didst then hear her praying on earth for the temporal life of her brother, now, by her suffrages reigning with thee in heaven, help us, that we may come to eternal life.[143]

§ 101. These two things, then, which we have said—both about the care of the Angels for us and about the mutual prayers of the faithful in this life—are so manifest that they cannot be called into doubt even by the Adversaries. But what Catholics conclude and demonstrate from this, namely that the souls of the Saints reigning with Christ intercede with God for those who are still toiling in this mortal life, they call into controversy and even strive in every way to explode, giving too little consideration that almost all their reasons which they put forward to destroy this Catholic dogma, if they have any force, avail equally against the other two heads which are outside controversy. Whether therefore they object that God alone is to be invoked, because it is written: "How shall they invoke him in whom they have not believed?" (Rom. 10); or they oppose to us the one mediator Christ; or they exaggerate the sufficiency of the price paid on the cross; straightway, on the other side, there must be objected to them the prayer and intercession of the holy Angels for men, together with the pious and holy zeal of the faithful to pray mutually for one another—so commended in the Scriptures and so frequently used that hitherto it has been attacked by no heretics. For if the said reasons do not avail for breaking those two heads, which even the Adversaries themselves must admit—especially the latter, about which there is no room at all for evasion—by no means will they avail for overthrowing this third, which has equal bearing in our proposition with those two.

§ 102. Although even this can be proved directly and immediately from the Scriptures, namely that the Saints after this life—whether formerly in Limbo or now in heaven—have prayed and pray for the living. This is the third and the same most open way of proving. But here it must be noted that for this reason the intercessions (*intercessiones*) of the dead for the living have a less frequent commendation in the Scriptures: because the Old Scripture was delivered to that people who were very prone to the worship of idols and to the superstition of many gods; for whom, accordingly, there would not have been a little danger if this doctrine of the intercession of the Saints had been more zealously inculcated upon them, lest they should easily have slipped into paying divine honors to the dead—honors which they are also accused of having often paid to woods and stones.

§ 103. But the Scripture of the New Testament, in laying the foundation of salvation—that is, in delivering the doctrine of faith in Christ the Redeemer—is chiefly occupied. Nor was it very expedient that to the Gentiles, lately converted from the worship of the gods to the faith of the one God, many things at once in the beginning should be proposed about the patronage and invocation of dead men, lest perhaps, either to themselves or to the unbelievers who were still to be brought to the Christian Faith, they might seem not so much to have cast away as to have changed their gods, and for that reason those men should be made alien from the true Religion. Since these things are so, nevertheless the testimonies of both Scriptures are not lacking here.

§ 104. Of which that from the Old Testament is most evident, 2 Macc. (last chapter), where Judas Maccabaeus recounts that in a vision he saw Onias the High Priest with outstretched hands praying for the whole people of the Jews, and that by him there was shown to him another, of whom he said: "This is the lover of the brethren and of the people of Israel; this is he who prays much for the people and for the whole holy city, Jeremiah the prophet of God." Now both of these had already died.[144]

§ 105. Another place is 1 Kgs 12, where Samuel, asked by the people to pray for them, answered: "Far be it from me that I should sin against the Lord by ceasing to pray for you." Therefore he never ceased to pray, not even after death.[145]

§ 106. Again, another place is Jer. 15, the Lord saying: "If Moses and Samuel shall stand before me, my soul is not toward this people." Whence it follows that Moses and Samuel, even after death, can stand and pray for the people, and that they did not do that only while they were living. Which sense is confirmed by the preceding testimony about Samuel, so that here there is in a certain manner signified as being fulfilled what there Samuel had promised, although the Lord denies that He will be heard with respect to averting the temporal captivity: for which, therefore, he would not have been going to pray, not ceasing meanwhile to pray for salvation.

§ 107. Therefore, if God was present to that people and bestowed goods upon them by the prayers of the Saints of the Old Testament, even when, being in the underworld, they prayed to God, by so much the more must the same be thought of all those same Saints now, because they are present [to Him], and according to the soul live with God. But there is a place on this matter in the Apocalypse (Rev. 5), where the four living creatures and the twenty-four elders are read to have fallen down before the Lamb, having golden vials full of odors, which are the prayers of the Saints. Where, whether you understand by the prayers of the Saints the prayers of those reigning, which sense Victorinus and Richard hold, and the whole Greek school with Oecumenius, it is shown that they pray for us; or whether you understand by the prayers of the Saints the prayers, that is, of the Faithful acting upon earth, which sense also seems not less certain, it is signified that, just as the Angels, as we have (Tob. 12), so also the souls of the Saints offer our prayers to God by commending them and by helping us with their intercessions (*intercessiones*).[146]

§ 108. The fourth way of proving is from the prayers that they make for vengeance against enemies. For the holy Martyrs, as is had in the Apocalypse (Rev. 6), crying out with a loud voice, ask vengeance for the shedding of their blood upon those who dwell on the earth; therefore by so much the more do the same Martyrs, indeed all the Saints, ask of God for their brothers who are living upon the earth aid and salvation.

§ 109. The fifth proof is from the affection (*affectus*) of those who are in hell. For if the Rich Man (Lk. 16), in the midst of torments, was solicitous for his brothers and interpellated Abraham on their behalf, lest

they should come into the same place of torments, by so much the more do the Saints in heaven, with most ardent love following those dear to them in this life, show concern and ask God that He may make them sharers of their own felicity. Haymo employs this argument (after the Octave of Pentecost).[147]

§ 110. The sixth [proof is] from the communion (*communio*) of the Church triumphant with the militant. For this the Scripture hands down and commends in many places (Gal. 4; Eph. 4; Col. 1; Heb. 12), and we also among the articles of our faith confess it when we say that we believe "the Communion of Saints." To this there also pertains the Canon of the Mass, where, when one comes to the commemoration of the Saints, the priest says in the "Communicantes": "Communicating, and venerating the memory..."[148] But charity (*caritas*), as the Apostle bears witness, never falls away, but in the future age remains. Now by no other thing can the just departed more declare their charity toward us than by deigning to help us by their prayers, since already they are blessed, and they are now near to God and secure of their own salvation, while we, still set amid the perils of this warfare, stand in most special need of their suffrages. This reason for the intercession of the Saints was not obscurely signified by Onias the Priest when he said to Judas about Jeremiah concerning Christ: "This is a lover of the brothers. This is he who prays much for the people..." as though he were to say: Therefore, clearly he prays for them because he loves them. By which argument it is proved that all the Saints still pray for us, because all the Saints love us.[149] And a more probable and fuller way of confirming this manner of proving is that analogy of the natural and mystical body which the Apostle sets forth (1 Cor. 12). For after he had said that they are solicitous for one another, and that they bear to be members of the same body, and that if one member suffers or rejoices, all the members suffer with it or rejoice together, he subjoins a petition of this sort, that such a body is the Church, namely, composed out of the multitude of the Faithful like as it were of many members (1 Cor. 12). Since therefore those who have died in Christ are not separated from the compact of this body—most of all those who are in the heavens, indeed not even the Angels, as is clear (from Eph. 2; Col. 1; Heb. 12)—nay rather they are the very chief and most noble members of the Church, being now more closely and firmly conjoined to the Head Christ through the spirit of charity than when they still lived mortally, it follows that they are solicitous for us as for their fellow-members, and for their inferiors and weaker ones, that is, that they promote our salvation by pious affections and prayers to God. For that solicitude of those who pray does not so much signify an anxiety of soul (which is farthest removed from the Blessed) as a zeal of charity and a most earnest endeavor to help, especially through prayers (*orationes*). Which endeavor can and ought to be common to all the members, as St. Augustine teaches on 1 John 2 at that text: "He Himself is the propitiation for our sins," namely, that, as the Head prays for all, so the members pray for one another; and the Apostle "makes intercession for us all" (Heb. 7).[150]

§ 111. The seventh [proof] he proves from this, that not only are the Faithful in this life ruled and governed by Angels, but also by the blessed spirits of dead men. For Christ says (Rev. 2): "He who conquers, I will give him power over the nations, and he shall rule them with a rod of iron, as I have received from my Father." Now it is evident that by the "rod of iron" is signified the rod of inflexible justice. Likewise (Matt. 24) He says of the faithful servant that his Lord has set him over all His goods. Hilary interprets those goods to be the Church itself. So also what is said (Lk. 19) to the good and faithful servant: "You shall have power over ten cities," Ambrose in the eighth book (on that same matter of the Prefect of the Saints) takes as said about the Church, because, "as Angels preside," he says, "so too do those who have deserved the life of Angels." The same is testified by the Preface of the Apostles, which Pelagius II writes to be one of the most ancient (Letter 4). In it the Church prays thus: that Thou wouldst not desert Thy flock, eternal Shepherd, but wouldst guard it by the continuous protection of Thy blessed Apostles, so that it may be governed by the same rulers whom as

vicars of Thy work Thou didst establish. The same is testified also by other Ancients, who sometimes call the Saints our rulers, sometimes our guardians, sometimes our guides and companions: as St. Basil (Oration on the Forty Martyrs), St. Gregory of Nazianzus (Oration on Cyprian), Hilary (on Ps. 124), Maximus (Sermon on the Tauric Martyrs), Leo (Sermons 1, 2, and 3 on the Anniversary of his Assumption). But if they rule the Faithful acting on earth, then therefore they also pray for them, and commend their salvation to God. For this is necessarily required by the office of any ruler under God, that he expect from God by prayers the success and outcome of his governance. And thus far indeed from Scripture.

§ 112. Moreover, the testimonies of the holy Fathers, by which these same doctrines may be confirmed, are almost without number and occur everywhere in their writings. From which we shall mark down certain principal places. St. Irenaeus, book 5 (Against Heresies), where he calls the Virgin Mary the advocate of the virgin Eve, that is, of the human race propagated from Eve and corrupted through Eve. Origen, book 8 (Against Celsus); St. Cyprian (in the Letter to Pope Cornelius, which is 116, and in the Sermon on Modesty); Eusebius, book 6 (Ecclesiastical History, ch. 5); St. Gregory Nazianzen (Oration 14, which is on the death of his father Gregory); St. Ambrose (in De viduis; book 5 on Luke where it is treated about the paralytic healed; and in the Exhortation to Virgins; and book 2 on Jacob and the Blessed Life, ch. 10); St. John Chrysostom (Sermon on the Saints Juventius and Maximus; Homily 44 on Genesis; Homily 66 to the People of Antioch; and Homily 5 on Matthew); Prudentius (in the Hymns on St. Lawrence, on St. Vincent, on St. Eulalia, on the Saints Emeterius and Chelidonius, on the Martyrs of Saragossa, on St. Fructuosus, on St. Hippolytus, on St. Cyprian, and others); St. Jerome expressly (Against Vigilantius; and in the Letter to Paula on the death of Blæsilla; and in the Epitaph of Paula). St. Augustine, book 7 Against the Donatists, ch. 1; book 20 Against Faustus, ch. 21; book 9 of the Confessions, ch. 3; in the exposition of Ps. 85 and 88; the book On the Care to Be Had for the Dead, ch. 16 and the last; Question 108 on Exodus; Sermon 12 On the Words of the Lord; Sermon 29 On the Saints; and Sermons 49, 99, and the last On Divers Matters. St. Leo (Sermons 1 and 3 on Saints Peter and Paul; and Sermon 3 on the anniversary of his Assumption; and the Sermon on St. Lawrence; and Sermon 1 on the Fast of the Tenth Month). St. Cyril, book 12 (of the Thesaurus, ch. 10), where he calls all the Prophets and Apostles our mediators. St. Gregory the Great (Homilies 27 and 32 on the Gospels). Bede (Homily for the Fifth Sunday after Easter). Arnobius (on Ps. 31). Salvian (Sermon on the Star of the Magi). St. Bernard (the last Sermon on the Assumption of Blessed Mary); and the Author of the Sermon "de Casis," Sermon 203 among the Sermons of the Third Class; in the Sermon of the Third Class, Sermon 214; among the Sermons 303 of the Third Class in the Benedictine Edition.[151]

§ 113. Add to these the public Prayers of the Church, which of old were wont to be recited amid the solemnities of Masses, by which she asks to be helped by the prayers and intercession of the Saints; and that from the Canon of the Mass: "By whose merits and prayers grant, etc."; and that exclamation of the Fathers of the Council of Chalcedon (Act 11) about St. Flavian: "Flavian, after death, lives; let the martyr pray for us." Lastly, the Fathers of the Council of Trent have sealed this doctrine with their decree (Session 25), where they order the faithful people to be taught that the Saints, reigning together with Christ, offer their prayers to God for men, and that those who deny this think impiously.[152] Here also are relevant whatever things prove that the Saints are rightly invoked by us. For if they are not invoked by us in vain, it is most certain that it follows that they pray for us. But about invocation we shall speak below, where also we shall solve the arguments that are objected by adversaries both to this and to that dogma.

§ XV — The faithful are helped by the merits of the Saints (Sanctorum meritis adjuvari fideles)

§ 114. That the faithful are helped not only by the Saints' prayers (*orationes*), but also by their merits (*merita*), the Prayers of the Church openly show, which sometimes make mention of the one, sometimes of the other, and sometimes also join both together, as likewise in the Canon of the Mass, in which the priest prays that by the merits and prayers of all the Saints the Faithful may be fortified by the help of divine protection. And this is what in this Distinction the Master not less aptly than truly distinguishes: that the Saints intercede for us, by merit—when their merits plead for us—and by affection—when they desire our vows to be fulfilled.[154]

§ 115. Moreover, the less holy (*minus sancti*) are helped by the merits of the Saints, when these, by pious devotion either praying or giving alms, or exercising any other good work, make themselves sharers in the goods and in many good deeds that have been done by the Saints, according to that precept of the Lord (Lk. 16): "Make to yourselves friends of the mammon of iniquity, that when you shall fail, they may receive you into the eternal tabernacles." For that this ought to be understood of the merits of the Saints, by which the less holy are helped, St. Augustine teaches (De civitate Dei XXI, ch. 27, and elsewhere).[155] Also the merits of the Saints help even sinners to this, that God have mercy on them and not at once punish them as they deserve, but wait for them to repentance, nay even inspire repentance and grant other benefits, both spiritual and temporal. Here therefore pertain all those passages of Scripture which teach that God has mercy and spares those in whom there were either no merits of good works or only slight ones, and this on account of others more just and more distinguished His friends. The places are (Gen. 18; 19; 22), where it is read that the merits of Abraham, the most holy Patriarch, were beneficial to others in many ways, where also the Lord affirms that He would spare the five cities destined to destruction, if in them there could be found even ten just men. Likewise (Exod. 32), where Moses says in prayer: "Remember Abraham, Isaac, and Israel Thy servants," where also the merits of Moses himself were profitable to that people lest it should be destroyed—who by their own merits deserved to perish for their evils—which very thing about Moses St. Augustine (Question 149 on Exodus) and St. Jerome (Against Vigilantius) testify to have been so; and of the Patriarchs adduced into patronage Theodoret testifies (Question 67 on Exodus). Furthermore, how much the merits of David contributed to that same people, Scripture often declares: as 3 Kings [1 Kings] 11; 15; 4 Kings [2 Kings] 19; 20; 2 Paralipomenon [2 Chronicles] 6; Ps. 131; Is. 37.[156]

§ 116. One may see St. John Chrysostom (Homily 2 on Ps. 50), and likewise concerning the merits of Elijah in the homily which is entitled On Elijah.[157] Again, in Dan. 3 Azariah, standing in the furnace of fire, prays God not to take away His mercy from the people for Abraham His beloved and Isaac His servant and Israel His holy one.[158] Add that Moses (Exod. 34; Jer. 32; and others) beseeches God with words of this sort: God who showest mercy unto thousands to those who love Thee—that is, that on account of the justice and merits of those who have loved Thee Thou hast mercy upon their posterity and nation unto many generations.[159] Moreover, in the Scripture of the New Testament, the faith of those carrying the paralytic obtains for him health and the remission of sins; in which sense St. Ambrose has expounded that passage at length in book 5 on Luke.[160] So too (Acts 27) by the merits of Paul two hundred and seventy-six souls were granted that they should not perish in the shipwreck; which St. Jerome, writing against Vigilantius, also noted.[161] The same Apostle, in the hope of a sharing of merits (*participatio meritorum*), invites the Corinthians to bestow generous alms upon the needy brethren (2 Cor. 8): for thus it will come about that the spiritual abundance of the poor becomes a supply for their spiritual indigence; which is much like that saying

of the Lord: "Make to yourselves friends from the mammon of iniquity, that when you fail they may receive you into eternal tabernacles" (Lk. 16:9).[162]

§ 117. From what has been said it is shown that not only the merits of the living but also those of the dead —such as of David and of the Patriarchs—yet acquired, however, in this life, have profited those living. And hence the doctrine of the Church is consonant with the word of God and founded upon the Scriptures, namely, that the faithful are helped by the merits of the saints reigning with Christ.[163] For the confirmation of this same doctrine, see St. Augustine, Contra Faustum, book 20, ch. 21; De cura pro mortuis, ch. 5; and De vera religione, the last chapter; St. John Chrysostom, Homily 42 on Genesis, Homily 27 on Matthew, Homily 69 to the People of Antioch; and Leo, Sermon 2 on the Anniversary of his Assumption [to the pontificate], and Sermon 1 on Peter and Paul.'[164] Finally, we add that, just as the prayer of the Saints on our behalf, so also the sharing in merits (*meritorum participatio*) is founded chiefly upon the communion of Saints (*communio Sanctorum*), by which it comes about that through charity the goods of all are, in a certain manner, communicated to all the members of the Church—although to some in one way more perfectly, to others less perfectly—whereas those who are not yet in the Church are not helped.

§ XVI — The Saints are rightly invoked by us (Sanctos recte a nobis invocari)

§ 118. Now, that we may establish against the heretics the Catholic dogma concerning the invocation of the Saints (*invocatio Sanctorum*), this is the point: that both the holy Angels and the souls of holy men reigning with Christ are rightly, piously, and profitably invoked by Christians. The first proof is from the Scriptures, and it is partly direct, partly indirect. The direct proof is from the passage (Gen. 48) where the Patriarch Jacob, blessing his grandchildren, the sons of Joseph, is read to have invoked his Angel in these words: "The Angel who delivered me from all evils, bless these boys."[166] That in those words there is contained an invocation of the Angel is proved from the words that precede: "God, who feeds me from my youth until this day." For there one must understand that which follows thereafter, "let him bless these boys." Since therefore in those words which precede there is without doubt contained an invocation of God, it follows that in those which follow, and are said quite similarly, there is contained in like manner an invocation of the Angel. Just as also today, if someone should say, "May Saint Peter bless them," he invokes Saint Peter for the effect of the blessing, although he does not use the second person—just as he who says, "May God bless them," without doubt invokes God; such is that opening (of Ps. 66): "May God have mercy on us and bless us, may he make the light of his countenance to shine upon us, may he have mercy on us."'[167] Likewise (from Job 5), where it is said: "Call now, if there is anyone who will answer you; and turn to some one of the saints," that is, invoke some one of the holy Angels.'[168] For that Angels are there understood by the name of Saints is proved both from chapter 15, where it is said of Angels: "Behold, among his holy ones no one is unchangeable"—for this sentiment is like that of chapter 4, "And in his Angels he found perversity"—and from chapter 33, where in conformity with the present place it is said thus: "If there shall be for him an Angel speaking, one of a thousand, he will have mercy on him, and he will say: Deliver him."'[169] And from the annotations of St. Augustine on Job, where he interprets this place of Angels; for at chapter 19, where he says, "Have pity on me, have pity on me, at least you my friends," the same Augustine understands that the holy Angels are invoked by Job—although others more probably think that this was said by holy Job to his friends present.'[170] Nor does it overturn this proof that those words (chapter 5) were not spoken by St. Job but by his friend Eliphaz; for it suffices from that place to show that at that time there was among the Faithful a custom of invoking the holy Angels. Why

indeed we read of nothing similar having been done in the Scripture of the New Testament, we gave the reason above when we were treating of the intercession (*intercessio*) of the Saints.

§ 119. Moreover, a far more certain and fuller proof is had from the Scriptures indirectly. It is as follows: In the Scripture of both Testaments we often read that holy and just men, while still living in this mortality, were invoked by other living men, that by their prayers and intercession with God they might obtain good things for them or avert evils. Therefore rightly do we also invoke both those same Saints and any others whatsoever who now reign with Christ, we who are placed in this life; and we do this so much the more usefully, the more closely they are joined to God, and the more they love our salvation, and so much the more securely, the more certain we are of their perfect and confirmed charity. Here again it must be noted that almost all the principal arguments of the heretics, by which they attack the invocation of the Saints, can equally be urged against the pious practice, everywhere and most highly commended in the Scriptures, whereby all the devout ask to be helped by mutual prayers, whether by word or by writing—which is nothing else than to invoke one another. Whence the Church sometimes conjoins both, that is, the invocation of the Saints reigning in heaven and the invocation of men still mortal, as in the confession at the entrance of the Mass, the Priest saying: "Therefore I beseech all the Saints, and you, brethren, to pray for me to the Lord our God." Likewise before the Secret, when after the intercession of all the Saints has been implored, straightway he subjoins: "Pray for me, brothers and sisters." To this head, then, pertain all the Scriptures in which some beg and implore the prayers of others for themselves. Such are these and the like: 1 Kgs 7; Job, the last chapter; Jer. 37; Jer. 42; Acts 8; Rom. 15; 2 Cor. 1; Eph. 6; 1 Thess. 5; 2 Thess. 3; Col. 4; Heb. 13.[171] This is confirmed by the deed of the Gospel Centurion, who, reckoning himself unworthy to approach Christ, sent elders of the Jews as intercessors to Christ. Nor can that act rightly be blamed, since he merited from Christ such a testimony that He said of him: "I have not found so great faith," and so forth (Lk. 7).'[172] Therefore by that example we are taught that it pertains to the virtue of humility that the faithful, acknowledging their own unworthiness, desire to be commended to God by the prayers of others. Furthermore, to the inference which we draw from the invocation of the living to the invocation of the dead who reign with Christ, nothing else of any weight is said or can be objected by the heretics, except this—that they deny that our prayers are heard by the dead; to which we shall reply below in its proper place.

§ 120. The next proof is from the perpetual tradition of the Church, which is known from the testimonies of the Greek and Latin Fathers, some of whom touched the apostolic times, so that there is no room to doubt that from the Apostles themselves, instructed by the Spirit of Christ, the Church received this very custom of invoking the Saints. Out of many we shall adduce a few places of the Fathers: Dionysius (Ecclesiastical Hierarchy, last chapter); Irenaeus, book 5 (Against the Heresies, toward the middle); Pope Cornelius (Epistle 1, which is concerning the translation of the bodies of Peter and Paul); Eusebius, book 13 (Preparation for the Gospel, ch. 7); Athanasius (Sermon on the God-bearing Virgin); Hilary (on Ps. 124, and on Ps. 129); Basil (on Ps. 33; the Oration on the Forty Martyrs; and on the Martyr Mammas); Gregory of Nazianzus (Oration on Cyprian, on Athanasius, and on Basil); Ephrem the Deacon (Sermon on the Praises of the Martyrs); Cyril (Catechetical Lecture 5, Mystagogical); Gregory of Nyssa (Oration on St. Theodore); Ambrose (book On Widows, and book 10 on Luke, ch. 22); Jerome (book Against Vigilantius, and the Epitaph of Paula under that name); Rufinus, book 2 (Ecclesiastical History, p. 33); St. John Chrysostom (Homily 66 to the People of Antioch; Homily 43 on Genesis; Homilies 5 and 8 on Matthew; Homily 26 on 2 Corinthians; Homily 1 on 1 Thessalonians; and, again and again, others); Paulinus (Epistle 12 to Severus; at the end of the poem on St. Celsus); Prudentius (in the Hymns on Sts. Lawrence, Cassian, Romanus

Hippolytus, and Agnes, and other Martyrs); Augustine (Tractate 84 on John; On Care to Be Had for the Dead, ch. 4; book 7 Against the Donatists, ch. 1; Sermon 17 On the Words of the Apostle; and On Various Subjects, Sermon 94, and others); Maximus (Sermon on St. Agnes; and in book 3 On the Vandal Persecution, near the end); Fulgentius (in the Sermon on the Praises of Blessed Mary); Leo (Sermon 5 on Epiphany; Sermons on St. Lawrence, and on Saints Peter and Paul); Theodoret, book 8 (To the Greeks; and in the Histories of the Holy Fathers, namely at the end of each); Gregory (Homily 32 on the Gospels; book 2 of the Dialogues, last chapter); Bede, book 4 (on the Canticles, ch. 24; and in the Commentary on Luke 7 and on Matthew 15); Damascene, book 4 (ch. 16); Theophylact (on Heb. 11); Bernard (Sermon 2 on the Gospel "The angel was sent"; Sermon 4 on the Assumption of the Virgin; Sermon 66 on the Canticles; Epistle 78).[173] And these Fathers in the places cited partly make mention of the invocation of the Saints as of a customary thing, partly teach that it is a pious thing and useful for the faithful, partly exhort others to it, and partly direct their own prayers to the Saints and invoke them. To these add the Acts of certain Martyrs, and the Ecclesiastical Offices concerning them, as about Sts. Clement, Lawrence, Agatha, Lucy, and others, where we read that Saints already departed this life were invoked by the living not without fruit. Add also the miracles, by which it has very often been shown by God that the Saints, by their intercession with God, help those by whom they are invoked. On these, let Theodoret be consulted (book 8 To the Greeks, which is On the Martyrs; and Ecclesiastical History V, ch. 24); Gregory of Tours in the books On the Glory of the Martyrs and of the Confessors; Gregory the Roman in book 3 of the Dialogues, chs. 22, 24, 25, 27; Ambrose (Sermon 90 on holy Agnes); Augustine, book 22 of The City of God, ch. 8; and Nilus the Abbot (in an Epistle read publicly in the Seventh Synod, Act 4).[174] But the chief miracle is that which Blessed Bernard worked directly for the confirmation of this Catholic doctrine against the heresy of the Henricians, as is reported in his life, book 3, ch. 5.[175]

§ 121. And since the holy Councils also, each of them, are as it were the judgment of many Fathers, from them, finally, let us subjoin a most firm proof. They are these: the Council of Chalcedon (Act 11), and the Bishops of that same Council in an Epistle written to the Emperor Leo, which is found after the end of the Council; the Sixth Synod (ch. 7); the Seventh Synod (Acts 4, 5, or 6); the First Council of Orléans (can. 29); the Council of Mainz under Charlemagne (can. 33); the Fifth Council of Toledo (ch. 1; and the Sixth, ch. 2); the Council of Girona (can. 3) and the Second of Braga (can. 9). In these latter Councils public Litanies are appointed, in which the Saints are wont to be invoked by the faithful by name and one by one. Of the same kind Gregory the Pope also appointed at the time of a plague, as John the Deacon testifies concerning him (in his Life, book 1, ch. 42), and Strabo (ch. 28).[176] But to these there was at last, on account of the heresies that had arisen, added the most plain definition of the Ecumenical Council of Trent (session 25), in a special decree on the invocation of the Saints, by which the Fathers of the Council exhort and command that the people be taught that "it is good and useful to invoke the Saints suppliantly, and to flee to their prayers, help, and aid, for the obtaining of benefits from God through His Son, Jesus Christ our Lord"; and that "they think impiously who deny that the Saints are to be invoked, or assert that it is idolatry to ask them to pray for us also individually, or that this is at variance with the word of God, and opposed to the honor of the one Mediator," and the rest that are contained in that decree.[177]

§ 122. The last proof is from clear natural reason. For the law of nature dictates—of which even in the beasts a kind of image shines forth—that each one seek help from him who is willing and able to help. But the Saints will to help us, because they love us; and they are able, because they are beloved by God, having besides

this promise of Christ: "Whatever you shall ask the Father in my name, He will give you" (Jn. 16). Therefore, that they may aid us with God by their intercessions, they are to be invoked by us.[178]

§ XVII — Reply to the adversaries' arguments (Respondetur ad argumenta adversariorum)

§ 123. The objections which are brought by the heretics against the invocation of the Saints (invocation, that is, to call upon the Saints to intercede: *invocatio Sanctorum*) can be reduced to several heads of arguments; and when these are explained and dissolved, it will be easy to answer whatever else of a like sort. The first kind of arguments are those by which they contend that an injury is done to God by the invocation of the Saints. This they prove in various ways. First, because the Apostle says (Rom. 10): "How shall they call upon him in whom they have not believed?" But belief is in God alone, as is clear from the Creed; therefore God alone is to be invoked.[180] Second, they prove it from Ambrose, who, writing (on the Epistle to the Romans 1), among other things has this: "For this reason one goes to a king by tribunes or counts, because he is a man indeed, and does not know to whom he ought to entrust the commonwealth; but to God (whom indeed nothing escapes, for He knows all merits) for winning favor, there is no need of a supporter, but of a devout mind."[181] Third, from Augustine, who in book 10 (City of God, ch. 26) says that Angels are to be imitated rather than invoked, and in book 22 (ch. 10) says that the holy Martyrs are named by the priest at the altar, but not invoked, and in the book (On the Quantity of the Soul, ch. 34) that every creature, however most wise and most perfect, is only to be loved and imitated.[182] Fourth, from Theodoret, who in book 8 (On Healing the Diseases of the Greeks among the Greeks) says that the Martyrs were introduced into the temples in place of the gods of the Gentiles, and that the honors of the gods were attributed to them. But this seems to be said for no other reason than because Christians invoke the Martyrs, whereas that honor is owed to God alone.[183] One must answer that in the invocation of the Saints there is no injury to God, but rather honor and glory. For God is honored and glorified in His Saints when we invoke them as the friends of God, asking that they help us by their prayers (*orationes*) with God; just as he does not inflict an injury upon God, but rather honors Him, who asks the living to pray for him — which we showed above that Paul and others did. For it pertains to the commendation of God's goodness that His benefits come to us through the intercession (*intercessio*) of others, as it were through certain secondary causes. It also pertains to His glory that He be besought by many, and that in a certain order — so that among these, some ask for others prayers on their behalf; likewise, that through many persons thanksgiving be made to God, as in 2 Corinthians. And therefore it cannot be said that he does an injury to God who employs others for himself as fellow-supplicants to God, whether living or dead.[184]

§ 124. To the first, therefore, it is answered that in the apostolic question the name of the Lord must be repeated from the preceding sentence in this manner: "How shall they call upon the name of the Lord in whom they have not believed?" For immediately before there precedes: "Whosoever shall call upon the name of the Lord shall be saved." But you will say that the word "invocation" (*invocatio*) even when set down by itself in Scripture is always referred to God, and never to men. I answer: even if this be granted, nevertheless it does not follow that outside the Scriptures it cannot be referred to another, provided the signification of the name does not resist — just as we are rightly said not only to "worship" God, but also parents and friends, although these are not had in the Scriptures; and yet sometimes Scripture too extends the name "invocation"

elsewhere, as when it is said (Deut. 4): "I call heaven and earth to witness," and in Hosea 7: "They called upon Egypt," that is, they sought help from Egypt; and elsewhere.[185]

§ 125. To the second, it is answered that that work is not Ambrose's; yet the meaning is true, provided it be rightly understood. For that author wills nothing other than that one must not approach God through supporters in the way one goes to a man — as if that heavenly King needed admonishers to explain and at the same time to commend to Him the causes of suppliants, as earthly kings need them, whereas God not only hears the prayers of individuals, but even looks into the inmost of the heart. Whence the author adds that only a devout mind is needed — namely, as necessary to this, that God may hear us. Yet such a devout mind does not omit, in place and time, to implore also the suffrages of others for itself.[186]

§ 126. To the third, Augustine in those places understands by "invocation" not any sort whatsoever, but that by which one is invoked as God. For he intends only to remove from Angels and holy Martyrs the worship of latria (*latria*), which is proper to God. In like manner too he opposes love and imitation to the worship of latria, not, however, to the invocation by which the intercession of the Saints is asked of God — by which invocation we manifestly profess that him whom we thus invoke is not God, seeing that we call upon him as an orator and patron, a friend indeed of God, not God. Thus we say: "Pray to God for us," as did those who sent Samuel and Jeremiah as orators to God with these same words.[187]

§ 127. To the fourth it must be said that indeed the Martyrs were introduced in place of the gods of the Gentiles into their temples — yet not to be worshiped with those identical honors, but with those which befit the friends and household of God. But when Theodoret says that God gave to His Martyrs the honor of the gods of the Gentiles, he understands honor in general, so that the sense is: formerly false gods were honored in the temples, but now in those same temples the true God's Martyrs are honored, so that in a certain manner the honor of the gods seems to have been transferred to the Martyrs; but one must understand that the Martyrs are honored with that honor which true Religion allows and approves.[183]

§ 128. The second kind of arguments are those from which it appears that the invocation of the Saints touches upon an injury to Christ the Mediator (*mediator*), since He alone is the one Mediator of God and men, as the Apostle bears witness in 1 Timothy 2. Wherefore, just as they obscure the glory of the one God who worship besides Him other gods, so they derogate from the honor and office of the one Mediator who, besides Him, make for themselves other mediators, intercessors, patrons, advocates, and the like, through whom they approach God. Then they prove this very thing from the words of the same Apostle (Col. 2), saying: "Let no man seduce you, willing in humility and religion of Angels, not holding the head," where those seem to be signified who worship Angels as their intercessors with God (for of Angels as mediators Chrysostom and most others interpret that place); such men are no longer holding the one Mediator Christ, who is the head of the Church. Third, they prove it because the same Apostle (Rom. 5; Eph. 2) makes it proper to Christ that "through Him we have access to the Father." Fourth, from Augustine, who in book 2 (Against the Epistle of Parmenian, ch. 8) reproves Parmenian because he made the Bishop the mediator between the people and God. And later he subjoins: "If Paul were a mediator, assuredly his fellow Apostles also would be so, and thus there would be many mediators, nor would even Paul's own reason stand, because he had said: 'One God, one Mediator of God and men'." Whence the same Augustine, writing on Ps. 108, says: "A prayer which is not made through Christ not only cannot blot out sin, but even..." and that saying in 1 Cor. 3: "For other foundation no one can lay..."; "Let there be no medium," he says, "between us and Christ; for if any medium shall have intervened, straightway we perish."[188]

§ 129. We answer that, just as he does not wrong Christ who asks the living to pray for him, so neither does he who asks the Saints reigning with Christ. For from neither set do we ask that they assume the parts of Christ the Mediator, or that they help Him, but that by praying they help us and, on our side, take their stand — so that just as our prayer is not to be heard except through Christ, so neither is their intercession either to be asked by us or to avail with God except through Christ. For the same account holds also of the prayers which we ourselves pour forth for us, and from these the matter proposed can be declared in the same way. For if each one praying God for himself does not injure the one Mediator Christ, neither likewise will he injure Him if he desires that this be done for him by another. That therefore through this kind of intercession for us — whether of the living or of the dead — no injury is done to Christ the Mediator is clear, because Christ in a certain singular way, which cannot befit others, is our Mediator: both because He alone paid the price to the Father by which we were to be redeemed — which reason the Apostle seems to have had in view when he immediately added: "Who gave Himself a redemption for all" — and because Christ is by Himself pleasing to the Father, and needs no other mediator. For holy men are not pleasing to God except through Christ, and the prayers of the Saints, both Angels and men, obtain nothing for us nor can obtain except through Christ. For which cause nearly all the prayers of the Church are terminated by a clause of this sort: "Through Christ our Lord." Whence Augustine (in the place cited against Parmenian), explaining of what mediator he speaks, says: "All Christian men commend one another to their prayers; but as for Him for whom no one intercedes, but He Himself is the Mediator..." and so on.[189]

§ 130. To the second, it is answered that the Apostle in that place is dealing against the sect of Simon and of the Gnostics, who said that one must approach God the Father not through Christ, but through Angels as lesser gods. Whence they also sacrificed to Angels as to gods; concerning which heresy write Irenaeus book 1 (ch. 20), Tertullian (On the Prescription of Heretics), and Epiphanius (on the heresy of Simon Magus). Thus Chrysostom, Oecumenius, Theophylact, and Haymo have understood this Pauline place (in their commentaries). Jerome too (in the Epistle to Algasius, q. 10) and even Theodoret himself clearly confirms this. It is also proved from the very words of the Apostle, when he says: "and not holding the head," that is, leaving Christ the Mediator and adding [others]. It is likewise evident from the words of the Laodicean canon (number 35), where that religion is called idolatry, by which the worship proper to God was transferred to Angels. But what Theodoret adds in argument — that among the Phrygians there still remain oratories of St. Michael as a sign of the old superstition — this rather confirms our point. For he signifies that by the zeal of the Bishops it was afterwards brought about that the temples which had been set up to Angels as to certain gods (for by this name nearly all shrines of gods were called) were changed into Oratories which would have the title of St. Michael or of the Angels, and that the old superstition was changed into right and lawful worship, with which it befits to worship the friends of God and our intercessors with God.[190]

§ 131. The third kind of arguments contend that the invocation of Saints together with their intercession is superfluous, nay even a sign of a certain diffidence. First, because Christ is most acceptable to the Father, to which the Saints can add nothing. Then, because we hold Christ's promise saying: "Whatever you ask the Father in my name He will give you" (Jn. 16). Third, because the Apostle says (Rom. 8): "He who spared not His own Son, but delivered Him up for us all, how has He not also with Him given us all things?" Fourth, because Christ has handed on to us the Lord's Prayer as a sufficient and complete instrument of praying; in which, however, we are not referred to the Saints. Fifth, because Christ not only gave a sufficient price of redemption for us, but also by His passion and intercession with the Father sufficiently and abundantly supplies what is lacking on our side, so that for this supplement it is not necessary to call upon the Saints.

Lastly, because Chrysostom says (in the Homily on the Progress of the Gospel, vol. 3) that there is no need of patrons with God, nor of much running about to caress others; but "even if you are alone," he says, "and lack a patron, if you ask God through yourself, you will nevertheless altogether obtain your desire. For God does not so readily grant when others pray for us, as when we ourselves pray, even if we are filled full of very many evils." The same things are read in him (the Preface to Ps. 4, and similar things upon Matt. ch. 15), where the matter of the Canaanite woman is dealt with.[191]

§ 132. To this kind there is again a general answer — that the invocation or intercession of the Saints reigning with Christ can no more seem superfluous than the prayers of the living of some for others, and of the whole Church for her children, indeed for every state of men, which certainly are held in the greatest commendation in the Scriptures. For prayers of this sort are not asked or made to this end, that others should supply what is lacking on the part of Christ the Mediator, as if He by Himself were not sufficient (otherwise the prayers of the living for us would be superfluous), but that they may join themselves to the suppliants, and may supply what is lacking on the part of those who are to be disposed — as being those whose prayers are for the most part unworthy of God's ears, or at least less likely to prevail than if they had taken to themselves other friends of God as fellow-suppliants. But what they thus ask, they ask not otherwise than in the name of Christ — without whom they know and profess that neither their own prayers nor the Saints' prayers for them can be acceptable to God. Whence the solution of the first and second is evident.

§ 133. To the third it is answered that God the Father gives to the elect, together with the Son, all things necessary for salvation — but some indeed without their previous prayer, as faith and repentance; others, however, not except through their own prayers or even the prayers of others for them, as the forgiveness of sins, the increase of virtues, perseverance, eternal life.

§ 134. To the fourth: by that prayer which He prescribed to His disciples as a brief reminder, Christ willed to embrace the things which are to be asked from God, not, however, to teach through whom they are to be asked. Otherwise, not even through Christ would the Father be to be prayed — since there is no mention made of Him in that prayer. But just as elsewhere we are admonished to pray in the name of Christ, so also elsewhere Scripture teaches that the prayers of others for others are rightly both asked and made.

§ 135. To the fifth: Christ supplies the defect of our insufficient nature through certain means, among which are the merits and intercessions of the Saints — all of which flow from the fount of the benefits of the grace of Christ.

§ 136. To the last: Chrysostom is speaking of those who were asking the prayers of other living persons for themselves. He reproves those rich men, who, fleeing the toil of praying, were relying only upon the prayers of others, whom to this they induced, or rather hired, by alms or gifts; but he consoles the poorer, who could not do this, and in preference to those rich men he sets them forth as praying for themselves — and that deservedly. Yet those are to be preferred to both classes who do both things together — both praying for themselves and at the same time seeking the suffrages of others — just as the same Chrysostom teaches (Hom. 38 on Matthew; Hom. 1 on 1 Thess.; Hom. 43 on Genesis).[192]

§ 137. A fourth argument: The Saints no longer merit anything, for they are not in the state of merit but of recompense; therefore by praying for us they can obtain nothing. I answer: although they do not now merit for themselves or for us, nevertheless they can impetrate for us from God — both because of the merits (*merita*) that have preceded, and because of the present friendship. Otherwise not even Christ would now

obtain anything for us from the Father, because He no longer merits. Of whom, however, the Apostle writes (Rom. 8) that "sitting at the right hand of God He intercedes for us." Moreover I add that neither are preceding merits strictly so called necessary, but the friendship of the one praying with God suffices. For since the Church universally says: "All Saints, intercede for us," there is no room to doubt that even the souls of baptized infants intercede for us — although in this life they had no merits, because they had no works. And if God were to create someone blessed, nothing would hinder him from being able to pray and by praying to impetrate something both for himself and for others.

§ 138. A fifth argument: The Saints are either certain that what they ask will be, or uncertain: if certain, they ask in vain; if uncertain, therefore they are miserable, as those who sometimes when praying are not heard. I answer: notwithstanding the contrary opinion of some, it seems more probable that the Saints are always certain of the hearing of their prayers, and therefore also of the event of the thing asked. For Innocent III says (cap. Cum Marthae, in the Decretals, On the Celebration of Masses) that "to the Saints all things succeed according to desire"; and before him Gregory (Moral. book 17, ch. 8) that "the heavenly spirits, since they always behold the will of God, never will what they cannot obtain"; and Prudentius (Hymn 1 on the Martyrs) sings thus: "Never has the Good denied anything to Christ's witnesses." On which matter see the Supplement to St. Thomas (q. 1, a. 3), and Cajetan on II-II (q. 83, a. 4). It is also proved by the example of the Angel in Zechariah praying in these words: "How long, O Lord, wilt Thou not have mercy on Jerusalem and on the cities of Judah, against which Thou hast been angry? This is the seventieth year." For certainly although the Angel was not ignorant of what had been foretold by the Prophets Jeremiah and Daniel — that after seventy years were passed the people would be freed from captivity and would return to their own land, and so forth — nevertheless he prays God that this be done. But from this it in no way follows that the Saints pray in vain, because just as they are certain of the event, so also they are certain that God will accomplish it through their prayers — just as also many other future things would not be future unless they were to be made so when besought. The Saints, then, although foreknowing future goods, still pray to God concerning them: as St. Thomas testifies (II-II, q. 83, a. 11, ad 1). Christ too, prescient of all future things, prayed many things, and even now prays to the Father.[193]

§ XVIII — That the Saints know the prayers directed to them (Quod Sancti preces ad se directas cognoscant)

§ 139. Another kind of argument by which the invocation of the Saints (*Sancti*) is, or at least most commonly, attacked, is taken, namely, from this: that the souls of the Saints, removed from us by a very great interval, can neither hear nor know our prayers (*preces*), to whom therefore to supplicate in mind or voice seems foolish and ridiculous. Against which objection we must first prove that the Saints who reign with Christ know the prayers of the living directed to themselves; and then explain by what mode this takes place; and finally resolve what things are brought forward by the adversaries to prop up the said objection. Now since that Church Triumphant (*Ecclesia triumphans*) consists partly of Angels and partly of the spirits of holy men, there is no great labor to be spent about the Angels in order that it be proved that they know the prayers of men either directed to themselves or immediately to God. For Scripture signifies this not obscurely, both in that the Angels are said to offer to God our prayers, as in Tobit 12 and Revelation 8,[195] and in that they, being continually present with us, take care for us and therefore know our actions and pursuits, nay even perceive in some measure the hidden thoughts in our souls. Whence in Luke 15 the Angels in heaven know the

repentance of a sinner; and in Psalm 90 they are said to guard a man in all his ways, that is, his actions. Hence it follows that they know all our ways, that is, our actions, and among these also our prayers. So far is this from being denied that even to the demons, who busy themselves around us, St. Augustine assigns a certain similar knowledge in the book On the Divination of Demons.[196] Add that it is said openly of the Angels in Psalm 137: "In the sight of the Angels I will sing psalms to thee," where "sight" signifies knowledge, and "psalm" embraces every kind of praise and prayer. To this knowledge of the Angels there also pertains what is written in 1 Corinthians 4: "We have been made a spectacle to the world and to Angels and to men"; and what in chapter 11 of the same Epistle the Apostle prescribes, that women be veiled because of the Angels.[197]

§ 140. But the greater question is about the Blessed Souls (*animae beatae*): whether a similar knowledge ought also to be ascribed to them. And although this cannot in equal measure be taught by manifest testimonies of Scripture, nevertheless the authority of the holy Fathers plainly confirms it. Let us bring forward some passages of them—if, however, we shall first have shown that this very thing is very much in keeping with Holy Writ and is to be gathered from it probably.

§ 141. For in these we read that the hidden actions, words, and thoughts of others became known by divine revelation to certain Saints while still living in this mortality. For in 1 Kings 9 Samuel says to Saul: "All that is in thy heart I will declare to thee." But this he said because the Lord had revealed it to his ear, as is had there; and Elisha in 2 Kings 5, although absent in body yet present in heart, knew what his servant Gehazi did; and in chapter 6 the same prophet is related to have known all the words which the king of Syria spoke in his bedchamber. Peter also in Acts 5 knew in spirit the hidden fraud of Ananias and Sapphira. St. Gregory writes something similar about St. Benedict in book 2 of the Dialogues, chapter 20; and others everywhere the like about other Saints still mortal. Much more therefore must we believe that the Saints, now loosed from the bonds of the body and present to God, are endowed with this grace, to see and know the things which are done among us—especially those which pertain to themselves, such as the prayers by which we implore their aid. For that the Saints who are in heaven at least in general know the state of the Church Militant is more than sufficiently evident from those things which are related in Revelation 11 and 19. Besides, in Luke 16 it is read that Abraham, although placed in a place of rest and consolation, and not yet, however, received into heaven, heard the prayers of the Rich Banqueter lying in hell, already condemned and to obtain nothing—who bears witness that a great chasm has been fixed between him and himself; how much more does that same holy Patriarch, and the other Saints now blessed in heaven, hear the prayers of their brethren laboring here on earth and tending in hope to that same happiness, with whom, although now for a time separated in place, yet are they joined by charity? To this is added that, just as to the Angels, so also to the spirits of blessed men there is attributed a certain prefecture set over men, as above when we treated of the intercession (*intercessio*) of the Saints; and the notion of guard and prefecture is that the prefect should know the state and the actions of the men committed to him. Wherefore it is consonant that the Saints be ignorant of nothing the knowledge of which so excellent a prefecture demands, among which especially are the petitions of suppliants.

§ 142. But now let us subjoin from the Fathers certain passages by which it is openly taught both that the affairs of mortals are by no means unknown to those blessed spirits and, most of all, that the prayers which we pour forth to them are known by them. Origen, book 8 Against Celsus (near the end), book 2 of the Periarchon, Homily 26 on Numbers, likewise Homily 16 on Joshua, and elsewhere, teaches that the Saints see what we do and know our prayers. Basil, in the book On Virginity (before the middle), warns the virgin to revere not only God but also the Angels, and together with these the spirits of the holy Fathers, whom he says

see all things—namely the things that pertain to them in any manner. Gregory Nazianzen, in the Oration on Athanasius, says that he already from on high inspects our affairs and stretches out a hand to those who labor. Ambrose, in the book On Widows (after the middle), says that the Martyrs are watchers of our life and of our conduct. Prudentius (in the hymns on St. Lawrence, Vincent, Agnes, Eulalia, Cassian, Hemeterius, Chelidonius, and others) writes that the holy Martyrs hear our prayers and discern and foster human affairs; and indeed, among many, let that single little verse in the hymn on Cassian suffice: "Believe it, the most prosperous Martyr hears all prayers." Jerome, in Against Vigilantius, inveighs vehemently because he thus shut up the blessed spirits in their receptacles as if in prisons, so that they could not hear the prayers of suppliants; adding this sentence: "If the Lamb is everywhere, therefore those who are with the Lamb must be believed to be everywhere. For they follow the Lamb wherever he goes." But the understanding of this sentence we shall open below. The same, in the Epitaph of Lucinius, which is Epistle 29, says: "He already, a secure victor, looks on thee from the height, favors thee as thou laborest, prepares a place near himself," with the same love, the same charity with which before. Augustine, in the book On Care for the Dead, chapters 15 and 16, although he does not dare to affirm that the souls of the Martyrs ordinarily take part in the affairs of the living, nevertheless points out one and another mode by which it can be that they know the prayers and other things which are done among the living. Writing, moreover, on Psalm 88, he says that the holy Martyrs rejoice over the piety of those for whom they pray. Whence it follows that the life and morals of the living are known by them. The same, Sermon 94 de Diversis, speaking to Stephen and Paul now possessed of the heavenly kingdom, says: "You both there see us, you both now hear our speech, you both pray for us." And in book 22 of the City of God, chapter 29, from that place of the Apostle, 1 Corinthians 13, "We know in part," he proves that the Saints understand our affairs more perfectly now in heaven than they once understood on earth. Maximus, in the Sermon On the Tauric Martyrs, most openly asserts not only the knowledge but also the presence of the Martyrs among men. Gregory, book 12 of the Moralia, chapter 13, concerning the holy souls, says: "Those who within see the brightness of God—by no means must it be believed that there is anything without which they are ignorant of." A similar sentence is found in him, Homily 40 on the Gospels. But understand both places of those things which pertain to the state or office of the heavenly spirits; for so he expounds himself, book 2 of the Moralia, chapter 3. He likewise, in book 3 of the Dialogues, chapter 24, relates a certain vision by which the Apostle Peter wished to show to those who served him that, whatever they did for his veneration, he himself, for the reward of retribution, without intermission would always behold it. Bernard, Epistle 77, writes that the Martyrs hear the cries of those who pray. Likewise the Master, in this Distinction, the last section, says that the souls of the Saints who contemplate the face of God understand in His truth the prayers of men and the other things which are done without, so far as either pertain to their joy or to our help; to which sentence subscribe as many as afterwards commented upon the same. It is also read in the ancient acts of blessed Lucy that to her, as she prayed at the sepulcher of St. Agatha on behalf of her mother, there appeared that same blessed Virgin, saying: "Virgin Lucy, what dost thou ask of me...," and the rest which is there added.[198]

§ 143. To this the Litanies also are allied, which from ancient times have been read in the Church with solemn custom. In them, speaking in the second person to all and each of the Saints, we beseech them to pray for us. Which indeed would seem to be done ineptly if our prayers did not come to their knowledge. Finally, the Catholic dogma of the invocation of the Saints confirms it. For if the Saints are rightly invoked, as is the faith of the whole Church, then it is very probable—nay, more than probable—that they know the prayers of those invoking them. And although the Fathers of the Council of Trent did not wish to define this as a matter

of faith, nevertheless they teach (session 25) that those think impiously who assert that it is foolish to supplicate in voice or in mind those who reign in heaven, and who say that the invocation of the Saints, that they may pray for us even individually, is idolatry.[199]

§ XIX — How the Saints know the prayers of the living (Quo modo Sancti viventium preces cognoscant)

§ 144. With the testimonies of the Fathers having been recalled, one may gather certain ways by which it can be understood how it is possible that the souls of the Saints should know our prayers. The first way is by presence, in the manner in which it is certain that the Angels know many—indeed almost all—of our affairs. This way seem to be affirmed by St. Jerome and Maximus in the places cited above;[200] for both say that the Saints are everywhere, and Jerome proves this from what is said in Rev. 14: "These follow the Lamb whithersoever He goes." Yet this is not to be taken as though those Fathers attribute to the Saints what is proper to God, namely to be everywhere properly and simply; rather, they willed only this, that the souls of the Saints, just as the Angels, by a certain marvelous swiftness of their spiritual nature are, as it were, everywhere, because they do not need movement in order that they may at once be present to whatsoever suppliants they will, calling upon them and imploring their help. But this way is insufficient, both because agility of nature does not grant to them that they should be at the same time in many places, whereas nevertheless they are very often invoked in many places at once; and because, even if they are present, nevertheless they cannot by nature know prayers that are purely internal, which are made by thought alone: indeed, perhaps by nature separated souls cannot know them except by the report of Angels, as St. Augustine teaches can happen.[201] But neither does this way suffice. For from this it would follow that the Saints do not know our prayers when we invoke them, but afterwards, when the Angels report them. Then too, according to this way there still remains a question attributed to the blessed souls, namely how the Angels themselves know. Therefore the third way is that they are said to see in the Word (*Verbum*), from the beginning of their beatitude in God, all things whatsoever that pertain to them in any way, among which are prayers directed to them directly. Thus St. Thomas holds,[202] whom Cajetan follows there.[203] Although to some this way seems by far the most probable and in agreement with St. Gregory in the places cited above, nevertheless it does not lack considerable difficulties. For if the Saints, straightway from the beginning of their beatitude, know all things that pertain to themselves, therefore they know after how much time they are to rise again, and that they are to be judged, or to judge, in bodies; and thus they will know determinately the day of judgment, which the Lord denies in the Gospel.[204] The same difficulty—and similar ones—will follow, if they see from the beginning the prayers of all men at whatsoever time in the future to be directed to them. For since that knowledge ought not to be confused but ordered, it will be necessary that they also know the order and succession of times even to the consummation of the world. Nay more, it will follow that the Angels, from the beginning of their beatitude, knew the prayers of the faithful, and therefore the creation and the fall of man and all the mysteries of our redemption—which seems to be against evangelical and apostolic doctrine. The fourth, therefore, way is that in the Word, as in a certain mirror, the Angels and the blessed souls are said to see our prayers and all things whatsoever that pertain to them—not, to be sure, from the beginning, but at a certain time when it is needful that these things be revealed to them and, in the mirror of the divine brightness, as it were, uncovered. For that mirror is voluntary, representing in itself to those who look the things that it wills and when it wills. Thus too the holy Prophets, although not yet blessed, yet in the divine

light saw future things and at times the thoughts of men and other most hidden actions—of which matter we set forth examples above from Holy Scripture; and the same is Augustine's opinion.[201] Nor did those Fathers mean anything else who said that the Saints see in God; and so Origen (book 2), elsewhere Basil and Gregory, in the places long since alleged.[205] Nor does it disagree with the state of the Saints' beatitude that they should come to know such things at a determinate time. In this, then, most probable way, the Saints also know the most inward desires of those who sing their praises and of their clients, even if they have been expressed neither in words nor by signs. Which certainly ought not to be thought marvelous, since Augustine teaches, in Tractate 77 on John, and likewise in City of God book 22, chapter 29, that to all the blessed in heaven one another's thoughts are mutually open, even though betrayed by no outward token, and thus that nothing of theirs lies hidden from one another.[206]

§ XX — Reply to the things that seem opposed to the foregoing doctrine (Ad ea quae superiori doctrinae videntur, responsio)

§ 145. Although the heretics' argument, by which they contend against the invocation of the Saints (*invocatio Sanctorum*), on the ground that they do not know our prayers (*preces*), can be met by denying the consequence. For just as someone does not beseech a king in vain, even if that king is neither going to read his petition nor know it of himself, because there are others who will do it in his name, so it is by no means certain that the Saints are not to be invoked by us, whether the suppliants' prayers are heard by them individually of themselves or not: since the whole business of coming to know prayers and of hearing them, that is, of assenting to the requests, can, by divine dispensation, be supplied through other Angels. However, because we have already shown above, from the teaching of St. Thomas and of the Fathers of the Church, and from ecclesiastical practice, that it is probable that the Saints know our prayers, it is therefore safer and more secure to persist in denying the antecedent of the aforesaid argument. Accordingly, we now set forth the things which the heretics adduce for the establishment of that same antecedent. First, they object places of Scripture which state that it is proper to God to know the thoughts of men, as in 3 Kings 8, 1 Paralipomenon 28, and elsewhere. Second, because in Isaiah 63 God says to the faithful people: "Thou indeed art our Father; ... Abraham does not know us, and Israel has not acknowledged us." Third, because it is said in Ecclesiastes 9: "The living know that they shall die, but the dead know nothing more." Fourth, because Job 14 says of a man who has died: "Whether his sons be in honor, or whether they be brought low, he does not understand." Fifth, because 4 Kings 22 says that the Lord said to King Josiah: "I will gather thee to thy fathers, that thine eyes may not see all the evils which I am about to bring upon this place." Sixth, because the Apostle says in 1 Cor. 2: "For what man knows the things of a man, except the spirit of the man which is in him?" Seventh, Origen in book 2 on the Epistle to the Romans, at the beginning, wishes it to be held among the hidden mysteries of God whether the Saints who are with Christ do anything or labor for us after the likeness of the Angels. Eighth, St. Jerome, in the Epitaph of Nepotian to Heliodorus: "Whatever you may have said," he says, "he does not hear; he seems much not to hear"; and again, speaking of the evils of this age: "Happy Nepotian who does not see these, happy who does not hear these." Ninth, St. Gregory Nazianzen, in the Oration on Gorgonia his sister now deceased, at the end speaks in a manner wholly doubting thus: "If to thee, as is the tenor of our speech, there is also this gift from God for souls to know such things, receive our speech," etc. Likewise St. Augustine, in book On True Religion, chapter 55, seems similarly to speak doubtingly when he says: "Whoever of the Angels or men abides in God, and is able to sense human prayers, is able in Him to hear me."

Tenth, the same Augustine in the book On Care to be Taken for the Dead, chapter 13, citing that passage from Isaiah, "Abraham does not know us," etc.: "If parents," he says, "are not present to the affairs of the living, how much less are the other dead present, who do not know what we are doing or what we are suffering?" The same also proves it from the fact that his holy mother Monica, by whom he knew himself to be loved exceedingly, never came to him to console him; and in the following chapters he writes also to the same purport. Likewise he signifies that he doubts whether the Martyrs pray generally for the necessities of suppliants, or rather particularly for individuals. Eleventh, the same (Sermon 171 on the Season) has thus: "No one of the doorkeepers answers, because slumber held them all—neither Angels, nor Archangels, nor Prophets, nor Ministers." And later: "But if thy boys are asleep, Thou dost not sleep, who keepest Israel." Twelfth, Hugo Victorinus (Question 228 on the Epistle to the Romans): "It is asked," he says, "whether the Saints whose patronage we ask, intercede for us, and how." Then thus he answers: "For the Saints to intercede for us is nothing else than that God, on account of their merits, should reward with good the affections which we have toward Him for God's sake; and therefore it matters not whether they hear us or not." The same, book 2 On the Sacraments, part 16, last chapter, again enquiring whether the Saints hear the prayers of suppliants, leaves the matter entirely undecided, and says that it ought to be enough for us that God hears. Thirteenth, they say: It is not very likely that all the Saints of the whole heavenly court know it whenever someone prays saying, "All ye Saints, pray for me"; and much less is it likely that then all those same Saints would pray particularly for the one who has so prayed. Lastly, they argue thus: It is uncertain how the Saints come to know our prayers; therefore it is also uncertain whether they know them at all.

§ 146. We answer these objections in order. To the first: God alone is the searcher of hearts, and He alone knows the secret thoughts of men—in this sense, namely, that He alone, by Himself and by His own power, always and most exactly knows all the thoughts of all hearts. But the Saints are able to know them by divine revelation, and they do know as much as God reveals, as He revealed to Samuel, to Elisha, and to others even in this life.[208]

§ 147. To the second it is answered with St. Jerome, commenting upon that place, that an ignorance opposed to the knowledge of love or approval is signified, so that the sense is: "Abraham and Jacob do not know us," that is, they do not acknowledge us as sons, they do not love but turn away as from degenerates, because they know that we have forsaken the Lord—just as Christ in the Gospel threatens that He will say to certain persons, "I do not know you." Whence rather the contrary is gathered from this place, namely, that even the deceased Saints of the Old Testament knew the state and the morals of their people; just as also it is certain that Jeremiah and Onias knew, when they prayed for the People of God (2 Macc. 15).

§ 148. But you will say: Granted that in general they knew the condition of mortal affairs and of their own people, yet they could not have known the prayers and desires of individuals directed to them; and therefore at that time they were not invoked by those who were alive. I answer that this can be conceded; and the reason of it is that they were not yet enjoying the vision of the Word, in which they now, as Blessed, see all particulars that in any way pertain to themselves. Although another reason also can be rendered why they were not then invoked by the pious—namely, because it was not expedient to propose to the Israelite people the invocation of Saints who had died, lest a people prone to superstition should worship them as gods. For this reason also it is believed that the body of Moses was withdrawn from them (Deut., last chapter; and in the Epistle of Jude).

§ 149. To the third and fourth it is answered that nothing else is signified by those sentences than that the dead do not know naturally what the living do, just as the living do not know naturally what the dead do. For

this is what those words of Ecclesiastes signify: "The living know that they shall die," as if he said, their knowledge is extended up to death and not beyond. For what is done after death, they do not know naturally. But indeed, just as the living know many things about the state of the future age from the report of Faith, so also those who have died in Christ and enjoy the brightness of God see all things in God, as St. Gregory, expounding that same passage of Job, teaches, book 12 of the Morals, chapter 13.[209]

§ 150. To the fifth, "to see" in that place is "to know by experience." For this was promised by the Lord to the most pious king as the reward of his piety—that, being taken away by death, he would not see by experience and participation the calamities immediately impending over the people. Thus Judas Maccabaeus said: "It is better for us to die in battle than to see the evils of our nation and of the Saints" (1 Macc. 3).

§ 151. The sixth argument has a solution similar to the first. For the Apostle wishes to say nothing else than that the secrets of another's heart are not exposed to any man naturally, but only to God.

§ 152. To the seventh: Origen only doubts whether the spirits of holy men are conversant with us and attend to our affairs in the same manner as the holy Angels. For that they know our affairs and our prayers and see them in God, he teaches openly elsewhere.

§ 153. To the eighth: The former sentence of St. Jerome is to be understood of the auditor—that after death there was no need of work, when Nepotian was drawing in wisdom with full mouth from the eternal fountain of God, as Augustine also says about his Nebridius, Confessions, book 9, chapter 3.[210] But the latter sentence is similar to the words of the Lord spoken to King Josiah, the understanding of which we gave a little above.

§ 154. To the ninth: The conjunction "if" in the words of Nazianzen is not so much the mark of one doubting as of one presupposing something as undoubted, so that something further be added—just as one says to a friend: "If you love me, do this for me"; and as the Lord (Mal. 1) says, "If I am a father, where is my honor? And if I am a Lord, where is my fear?" Nor does Augustine speak in the manner of one doubting; but because, after he had said "whoever abides in Him," he added, "is able to sense human prayers," for not all who abide in God can do this, but only those who reign with God. For "all who abide in charity abide in God" (1 Jn. 4), of whom, however, many are not yet Blessed.

§ 155. To the tenth: Augustine in that place merely intends this—that the dead do not assiduously or ordinarily attend to the affairs of the living, nor are they ordinarily present among men; and this he rightly proves by the example of his mother. But that these same persons by divine revelation know the things that are done here, and among these especially the pious prayers of the living that are directed to them, and that also sometimes extraordinarily they are present to men—he teaches in the same book (chapters 15 and 16), although he does not explain whether they perceive, individually and in detail, the prayers of each.

§ 156. To the eleventh it is answered that that sermon is neither by Augustine nor by any certain Author; nor can it in any way be received, since it says that Angels and Archangels are held by sleep and do not care for our affairs.

§ 157. To the twelfth: Hugo in the former place solves the question insufficiently. For God has regard not only to the merits of the Saints but also to their prayers and intercession, when He bestows benefits upon us in view of them. But in the latter place he openly affirms that the Saints pray for us, whether they hear our prayers or not, because he says that it is enough if God hears, who can give effect to our prayers. Therefore

Hugo answers the principal argument of the heretics in such a way that he seems rather to defend the consequence than to deny the antecedent. But we, with the Master and with St. Bernard, contemporaries of Hugo, and with other Doctors of the Church, by no means think that the antecedent of the above argument ought to be granted to the adversaries.[211]

§ 158. To the thirteenth: It is not necessary to affirm that at all times all the Saints who reign with Christ know, in particular, the prayers of all and each, however generally addressed to them. And perhaps on account of doubts of this kind it did not seem good to the Fathers of the Council of Trent to define absolutely this question, whether the Saints know the prayers of the living.[212]

§ 159. The final argument is altogether invalid and trifling. For there are many things which we most certainly know to have been done or to be done, yet we are not equally certain in what manner they were done or are done—which can be shown by examples of hail, lightning, winds, and very many other things.

§ XXI — That the rewards of the good and the punishments of the wicked will be eternal (Eterna fore praemia bonorum et supplicia malorum)

§ 160. Just as, concerning the punishments of the reprobate, so also concerning the joys of the Blessed, it must be held with certain faith that they will endure forever—that is, that they will never have an end of their duration. Holy Scripture teaches this most clearly in many places; as in Matt. 25, where it is foretold that the Judge will say to the reprobate: "Depart from me, you accursed, into everlasting fire." And lest someone should take this as said of the fire only, and not of the punishment, afterwards the Lord added: "And these shall go into everlasting punishment, but the just into life everlasting." Note here that for "punishment" the Greeks have a word that signifies "chastisement" or "punitive correction," so that from this it may be plain that not only the fire but also the punishment which is through the fire will be eternal—as Augustine has observed more than once.[214]

§ 161. Thus in Daniel 12 it is said: "They who sleep in the dust of the earth shall awake, some unto life everlasting, and others unto reproach that they may see always," or, as I judge it should rather be read, "that they may be vile always," that is, that they may be in perpetual confusion and contempt. For this reading is more conformable both to the Greek and to the Hebrew text; and it is added, concerning those who instruct many unto justice, that "they shall shine like stars unto perpetual eternities," that is—

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1. 2 Cor. 5:7: "For we walk by faith, and not by sight."; 1 Cor. 13:12: "We see now through a glass in a riddle; but then face to face.".

2. Lk. 23:43; 2 Cor. 12:2–4.

3. Photius; Theophylact; Oecumenius, on Lk. 23:43.

4. Phil. 1:23–24; 1 Thess. 4:17.

5. Lk. 16:9.

6. 2 Cor. 5:1.

7. Eph. 4:8–10; Matt. 18:10.

8. 2 Kgs 14:32 (Vulgate numbering).

9. Heb. 9:8.

10. Heb. 12:22–23.

11. Rev. 6:11.

12. Rev. 7:15; Rev. 22:3–4.

13. Rev. 14:13; Matt. 5:8.

14. Rev. 20:4–5.

15. Acts 7:55–59; Antiphon from the Divine Office for St. Stephen: "He saw and he entered in, the blessed man, to whom the heavens were opened.".

16. Ps. 126:2–3 (Vulg. 127); St. Gregory the Great, Homilies on the Gospels, hom. 36; Sir. 11:26.

17. St. Thomas, Summa theologiae, as cited above ["loco jam allegato"].

18. (Pseudo-)Dionysius, Ecclesiastical Hierarchy VII, part 1; part 3.

19. St. Ignatius of Antioch, Epistle to the Romans.

20. Justin, "Gentilium Quaestionum 75" [abbreviation as in source].

21. St. Irenaeus, Adversus haereses I, ch. 13.

22. Origen, De principiis II; Homily 5 "in Diversos."

23. St. Cyprian, Ep. 1 (book 4) to Antonianus; De exhortatione martyrii, last chapter; Tractatus De mortalitate; also the Sermon "De Stella et Magis."

24. St. Athanasius, Vita Antonii.

25. St. Hilary of Poitiers, In Psalmos, on Pss. 64, 60, and 124.

26. St. Basil, Homily on the Forty Martyrs.

27. St. Gregory Nazianzen, Oration on St. Basil; Oration on Gorgonia.

28. St. Gregory of Nyssa, Oration on St. Ephrem.

29. St. Ambrose, De bono mortis, chs. 1–2; De Cain et Abel II, ch. 9; Ep. 59; Ep. 10 (last) [as in source]; the Commentary ascribed to Ambrose on Phil. 1.

30. Prudentius, Hymns on the passions of the martyrs.

31. St. Jerome, Contra Vigilantium; Epistle to Marcella on the death of Laeta; Epitaphium Lucinii ad Theodoram, Ep. 29.

32. St. John Chrysostom, Hom. 3 on Phil. 1; Hom. 69 ad populum Antiochenum; Hom. on Wis. 5 "Justorum animae"; Hom. 4 on Phil.; Hom. 10 on 2 Cor.; Hom. 32 on Rom.

33. Eusebius of Caesarea, Historia ecclesiastica VII, ch. 5; X, ch. 1.

34. Sozomen, Historia ecclesiastica II, ch. 10.

35. St. Cyril of Jerusalem, Catechesis 13.

36. St. Epiphanius, Panarion (Haer.) 78.

37. Sulpicius Severus, Epistula III ad Bassulam ("De transitu Sancti Martini").

38. St. Cyril of Alexandria, In Joannem XI, on ch. 36.

39. Theodoret, "ad Graecos" [abbreviation as in source].

40. Maximus of Turin, Homily on the Birthday of Eusebius of Vercelli; Homily on St. Agnes.

41. Prosper of Aquitaine, De vita contemplativa.

42. Gennadius, De ecclesiasticis dogmatibus, ch. 79.

43. John Damascene, at the end of the History of Barlaam and Josaphat; Photius and Theophylact, on Lk. 23; Oecumenius, on Heb. 9. On the Damascene attribution: Some doubt whether the Damascene is the author of the narrative of Barlaam and Josaphat; but the learned almost all, by common judgment, vindicate it for Damascene. There is likewise controversy whether that

narrative of the two noble youths (as in the "Vita Cyr[...]" [abbreviation as in source]) be fictitious or true; but that it is true, not concocted, is proved by very clear arguments by Bellarmine in his book De scriptoribus ecclesiasticis, in the entry on John Damascene.

44. Alfonso de Castro, De haeresibus, under the heresy "De Beatitudinis" [abbreviation as in source], citing the constitution of Benedict XII, the Extravagant beginning Benedictus Deus.

45. Council of Florence, Decree on the Greeks (Laetentur caeli); Council of Trent, Session 25, Decree on the invocation, veneration and relics of the Saints and on sacred images.

46. St. Thomas, ibidem [abbreviation as in source].

47. See above, Distinction 7 of book 2.

48. St. Basil, Oration on St. Barlaam.

49. St. Thomas, ubi supra [abbreviation as in source].

50. St. John Chrysostom, on this passage [abbreviation as in source].

51. Tertullian, Contra Marcionem IV; Tertullian, De anima, last and penultimate chapters.

52. [Pseudo-]Justin, Quaestiones Gentilium, q. 60; q. 76 [abbreviation as in source].

53. St. Irenaeus, Adversus haereses V, at the end.

54. Origen, Homiliae in Leviticum, hom. 7; Origen, De principiis (Periarchon) II, toward the end.

55. Lactantius, Divinae institutiones VI, ch. 21.

56. Victorinus, In Apocalypsim 6.

57. St. Hilary, In Psalmum 138.

58. St. Ambrose, De bono mortis, ch. 10; cf. 4 Esdras 7; and ch. 5 of the same book; St. Ambrose, De bono mortis, ch. 11; De Cain et Abel II, ch. 2.

59. Prudentius, Hymnus 10.

60. St. John Chrysostom, Hom. 29 on 1 Cor. 15; Hom. 28 on Heb. 11. See also Theodoret, Theophylact, and Oecumenius, on the same passages.

61. St. Augustine, De cura pro mortuis gerenda, ch. 3; Enchiridion, ch. 108; De civitate Dei XII, ch. 9; Tractatus 49 in Ioannem; Retractationes I, ch. 14; De Genesi ad litteram XXII, ch. 35; Enarratio in Psalmum 16; Ep. 111 to Fortunatianus; Tractatus 5 and 111 in Ioannem; Expositio in Psalmum 35; Concio 2 super Psalm. 8.4; De spiritu et littera, ch. 24.

62. Aretas of Caesarea, In Apocalypsim 6; Euthymius Zigabenus, In Luc. 16; Super Luc. 23; Theophylact on the same places; The Venerable Bede, Historia Ecclesiastica V, ch. 13; St. Gregory the Great, Dialogi IV, ch. 36; Ricelius, Dialogus de iudicio particulari, art. 31 [abbreviation as in source]; St. Bernard, Sermones de omnibus Sanctis, sermons 2–4; also Sermo 4 in Dedicatione Ecclesiae; Pope John XXII; cf. Pope Benedict XII, constitution Benedictus Deus (Extravagant); William of Ockham; John Gerson, Sermo de Pascha; Marsilius, In IV Sent., q. 13, a. 3; Adrian [of Utrecht], In Quartum, Tractatus De Sacramento Confirmationis [abbreviations as in source]; On the phrase "bosom of Abraham": see above in this distinction for its general sense as the seat or receptacle of the pious.

63. Euthymius, In Luc. 16.

64. Origen, Hom. 7 in Levit.; De principiis II, at the end.

65. St. Ambrose, De bono mortis, chs. 9–12; De Cain et Abel II, ch. 2.

66. St. John Chrysostom, Hom. 29 on 1 Cor. 15; Hom. 28 on Heb. 11; and the Greek commentators Theodoret, Theophylact, Oecumenius.

67. Ecclesiastical Office, responsories and antiphons of St. Agnes [liturgical allusion].

68. Haymo of Halberstadt, In Apoc. 6; St. Thomas Aquinas, In I Sent., dist. 49; St. Bonaventure; Richard of St. Victor; Marsilius of Inghen [abbreviations as in source]; St. Thomas Aquinas, Summa theologiae I-II, q. 4, a. 5; On the fuller treatment promised "on Distinction 49" see below in this work.

69. The Venerable Bede, Hist. Eccl. V, ch. 13.

70. Pope Benedict XII, Benedictus Deus (Extravagant); Giovanni Villani, Rerum Florentinarum XI, ch. 19.

71. St. Thomas, Summa theologiae I, q. 12, a. 1.

72. St. Thomas, in the place alleged above.

73. St. Thomas, Supplementum to the Summa theologiae, q. 71, a. 2 and a. 6.

74. The Venerable Bede, In 1 Kings (1 Sam.) at the end; and on 2 Kings 1; cf. Matt. 17: "Hoc genus Daemoniorum non ejicitur nisi per orationem et jejunium."

75. 2 Tim. 1:18: "Det illi Dominus invenire misericordiam in illa die."

76. (Pseudo-)Dionysius, De ecclesiastica hierarchia, cap. ult.

77. Arnobius, Contra Gentes IV, at the end.

78. Tertullian, De corona militis; De monogamia; De exhortatione ad castitatem. Origen, Hom. 6 in Exod.; and other places. St. Cyprian, Ep. I, 9; Ep. IV, 5. Clement, Epistola ad Jacobum.

79. St. Ambrose, Oratio de obitu Satyri; Oratio de obitu Valentiniani. Prudentius, Hymnus 10. St. Gregory Nazianzen, Oratio funebris in fratrem Caesarium. Epiphanius, Haeresis 75. St. Augustine, De haeresibus 53 (on the Aerianists).

80. St. Augustine, Confessiones IX, chs. 11–13.

81. St. Augustine, Ep. 6; Serm. 17 and 32 de verbis Apostoli; Enchiridion 19; Tract. 84 in Joann.; Quaest. 2 ad Dulcitium; De cura pro mortuis gerenda I, chs. 9, 11; De sancta virginitate 45; De civitate Dei XX, 9; XXI, 13, 16, 24. Id., De cura pro mortuis gerenda, proemium and cap. 4 and cap. ult. (quotations cited in the text).

82. St. John Chrysostom, Hom. 69 ad populum Antiochenum; Hom. 3 in Ep. ad Philippenses; Hom. 41 in 1 Cor.; Hom. 32 (alias 33) in Matt.; Hom. 21 in Act.

83. Athanasius (or Pseudo-Athanasius), Quaestiones ad Antiochum, q. 34. Eusebius, De vita Constantini IV, ch. 71. St. Cyril of Jerusalem, Catechesis mystagogica V. St. Jerome, Epist. ad Pammachium de obitu uxoris. St. Paulinus, Epist. ad Pammachium. Victor of Vita, De persecutione Vandalica, book 2. Possidius, Vita Augustini (at the end). Theodoret, Historia ecclesiastica V, ch. 26. St. Gregory the Great, Dialogi IV, chs. 40, 50, 55. St. Isidore, De officiis I, ch. 14. The Venerable Bede, Historia ecclesiastica IV, 22; V, 13; also on Luke 3; Homilia Dominica IV Adventus. Theophylact, In Lucam 13. St. John Damascene, De iis qui in fide dormierunt. St. Bernard, Serm. 66 super Cantica.

84. Council of Carthage III, ch. 29; Council of Carthage IV, ch. 79; Council of Braga I, chs. 34, 39; Council of Chalon (as cited by Gratian, De consecratione, Dist. 1, cap. Visum est); Council of Orleans II, ch. 14; Council of Worms, ch. 10. Fourth Lateran Council (under Innocent III), can. 66; Council of Florence, Decree for the Greeks (on suffrages for the dead); Council of Trent, Session 22, ch. 2 and can. 3; Session 25 (on purgatory and suffrages).

85. St. Thomas, Supplementum to the Summa theologiae, q. 71, a. 8.

86. Pope Innocent III, De celebratione Missarum, cap. Cum Marthae (in the Decretals). The Secret prayers cited are those in the Roman and other Missals on the feasts mentioned.

87. St. Cyril of Jerusalem, Catechesis mystagogica V.

88. St. Epiphanius, Panarion (Haer. 75).

89. St. John Chrysostom, in the Liturgy [abbreviation as in source].

90. St. Cyprian, Epistle 5 (book 4); likewise Epistle 6 (book 3).

91. St. John Chrysostom, Homily 33 on Matthew.

92. St. Augustine, Enchiridion, ch. 110; On Care for the Dead, ch. 1; Epistle 64; Sermon 17; Sermon 32 On the Words of the Apostle; City of God XXI, chs. 13, 16, 24.

93. St. Augustine, Confessions IX; Possidius, Vita Augustini.

94. St. Augustine, Enchiridion; On Care for the Dead (in the places cited).

95. St. Augustine, Tractate 84 on John.

96. Pope Innocent III, De celebratione Missarum, cap. Cum Marthae (in the Decretals).

97. The Master of the Sentences; other authors who sometimes use the term "Holy Scripture" for the Fathers' writings [as in the source].

98. St. Augustine, Enchiridion (on suffrages for the very good as thanksgivings).

99. Council of Trent, Session 22, ch. 3.

100. St. Thomas, Supplement to the Summa theologiae, q. 72, a. 3, ad 6.

101. Soto (Domingo de), on this Distinction, q. 3, a. 2.

102. Peter the Venerable, Epistle against the Petrobrusian heretics.

103. St. Jerome, Contra Vigilantium.

104. St. Augustine, De cura pro mortuis gerenda, ch. 4.

105. Gratian, Decretum, Causa 13, q. 2, cap. Non estimemus.

106. Gratian, Decretum, Causa 13, q. 2, cap. Animae defunctorum (from the Letter of Pope Gregory II to St. Boniface, Archbishop of Mainz).

107. St. Cyprian, De lapsis.

108. St. Gregory the Great, Homilies on the Gospels, hom. 40; with citation of 2 Cor. 8 ("that their abundance may be a supply for your want").

109. Prudentius, Hymn on Saint Fructuosus.

110. St. Thomas, Supplement to the Summa theologiae, q. 72, a. 3 (as proposed in the arguments).

111. Censure of the Orientals (Cap. 21), published a few years ago.

112. St. Jerome, Contra Vigilantium; St. Ambrose, on Luke 16; St. Augustine, City of God XXI, ch. 27.

113. St. Thomas, Supplement to the Summa theologiae, q. 71, a. 2 and a. 6.

114. Ecclesiastes 9.

115. 2 Cor. 5; Gal. 6. St. Jerome, Commentary on Galatians 6, ad loc.; Gratian, Decretum, Causa 13, q. 2, cap. In praesenti.

116. Matt. 5:26; Lk. 12:59. St. Ambrose and St. Jerome, Commentaries on those passages; Tertullian, De anima, ch. 29; St. Cyprian, Epistles, book 4, ep. 2; Origen, Homilies on Luke, hom. 35; Eusebius of Emesa (or the author under that name), Homily 3 De Epiphania Domini; St. Bernard, Sermon On the Death of Humbert.

117. St. Ambrose, De Abraham I, ch. 9; cf. Gen. 23.

118. St. Augustine, Sermon 21 (a) De verbis Domini.

119. St. Fulgentius, De remissione peccatorum II.

120. St. Augustine, Enchiridion, chs. 109–110; Quaestiones ad Dulcitium, q. 2; De cura pro mortuis gerenda, ch. 1; Sermon 32 De verbis Apostoli; St. Gregory the Great, Dialogues IV, chs. 39, 40, 57; (Pseudo-)Dionysius, Ecclesiastical Hierarchy, last chapter; St. Augustine, Enarrationes in Psalmos (On Ps. 32), Discourse 1; De correptione et gratia, ch. 13.

121. Gratian, Decretum, Causa 13, q. 2, cap. In praesenti; for Jerome against Origen's opinion on post-mortem liberation by the intercession of the saints.

122. On the interpretation of "the last farthing" as referring to the damned in hell rather than to Purgatory, see Estius's remark elsewhere.

123. St. Ambrose, Oratio de obitu Valentiniani, at the end.

124. St. Fulgentius, De remissione peccatorum II, on the non-remission of mortal sins without prior penance in this life.

125. St. Augustine, Tractates on the Gospel of John, tract. 84; "in canone missae" (the Roman Canon). St. Gregory the Great, Dialogues IV, ch. 40; Peter Damian, Epistle on the miracles of his time; St. Thomas, Summa theologiae II-II, q. 83, a. 11, ad 3.

126. St. Augustine, De cura pro mortuis gerenda, last chapter.

127. St. Thomas, Summa theologiae, Supplement, q. 71, a. 11.

128. St. Augustine is cited for this conclusion; see, e.g., his many places on the profit of suffrages for the dead.

129. The Master (Peter Lombard), Sentences IV, dist. 45, in the Text on the heavenly Church's intercession.

130. St. Augustine, De civitate Dei XX–XXI, esp. XX, ch. 25 (on Mal. 3), and XXI, chs. 13, 16, 18, 24.

131. Domingo [Soto], "on this Distinction, q. 1, a. 2" [abbreviation as in source].

132. Tob. 1; Tob. 12; 2 Kgs 2; Matt. 26 (the anointing "for my burial").

133. Gen. 23; Gen. 49–50; 1 Macc. 13; Acts 7; Acts 9.

134. Tobit's defiance of the royal edict to leave the slain unburied: Tob. 1.

135. St. Augustine, De cura pro mortuis gerenda, ch. 3; De civitate Dei I, ch. 13.

136. St. Gregory the Great, Dialogues IV, ch. 50 and following.

137. St. Ambrose, De officiis II, ch. 2.

138. 3 Kgs (1 Kgs) 13:31: the prophet commands, "Bury me in the sepulchre wherein the man of God is buried, and lay my bones beside his bones."

139. St. Thomas, Summa theologiae, Supplement, q. 72.

140. Tob. 12:12; Ps. 90:11; Dan. (angelic intercession); Zech. 1:12; Matt. 18:10; Heb. 1:14.

141. St. Hilary, In Psalmum 129; St. Jerome, In Danielem.

142. St. Bernard, Sermon 2 on St. Victor.

143. The Roman liturgy's address to St. Mary Magdalene cited by Estius.

144. 2 Macc. 15:12–16 (vision of Onias and Jeremiah).

145. 1 Kgs (1 Sam.) 12:23.

146. Rev. 5:8. On the interpretation that the "prayers of the Saints" are of the reigning Saints: Victorinus; Richard [of St. Victor]; Oecumenius; the "Greek school" [abbreviation as in source].

147. Haymo, Homily after the Octave of Pentecost [abbreviation as in source].

148. Gal. 4:26; Eph. 4:3–16; Col. 1:18; Heb. 12:22–24. The Roman Canon, "Communicantes: Communicantes, et memoriam venerantes…" [Roman Missal].

149. 2 Macc. 15:12–16, esp. the words of Onias about Jeremiah: "This is a lover of the brothers; this is he who prays much for the people."

150. St. Augustine, In Epistolam Ioannis ad Parthos, tract. 2 on 1 Jn. 2:2; cf. Heb. 7:25.

151. St. Irenaeus, Adversus haereses V; Origen, Contra Celsum VIII; St. Cyprian, Ep. 116 ad Cornelium; Sermon De habitu virginum [as in source "de Moralitate"]; Eusebius, Historia ecclesiastica VI, ch. 5; St. Gregory Nazianzen, Or. 14 (on his father Gregory); St. Ambrose, De viduis; Expositio in Lucam V (on the paralytic); Exhortatio ad virgines; De Jacob et vita beata II, ch. 10; St. John Chrysostom, Sermon on SS. Juventius and Maximus; Hom. 44 in Gen.; Hom. 66 ad pop. Antioch.; Hom. 5 in Matth.; Prudentius, Hymns on Sts. Lawrence, Vincent, Eulalia, Emeterius and Chelidonius, the Martyrs of Saragossa, St. Fructuosus, St. Hippolytus, St. Cyprian; St. Jerome, Contra Vigilantium; Ep. ad Paulam de obitu Blæsillæ; Epitaphium Paulæ; St. Augustine, Contra Donatistas VII, ch. 1; Contra Faustum XX, ch. 21; Confessiones IX, ch. 3; Enarrationes in Ps. 85; 88; De cura pro mortuis gerenda, ch. 16 and the last; Quaestiones in Heptateuchum, on Exod. q. 108; Sermo 12 De verbis Domini; Sermo 29 De Sanctis; Sermons 49, 99, and the last De Diversis; St. Leo the Great, Sermons 1 and 3 on SS. Peter and Paul; Sermon 3 on the anniversary of his Assumption; Sermon on St. Lawrence; Sermon 1 on the Fast of the Tenth Month; St. Cyril, Thesaurus XII, ch. 10 (where he calls all the Prophets and Apostles our mediators); St. Gregory the Great, Hom. 27 and 32 on the Gospels; Bede, Hom. for the Fifth Sunday after Easter; Arnobius, In Ps. 31; Salvian, Sermo de Stella Magis; St. Bernard, the last Sermon on the Assumption of the Blessed Mary; and the Author of the Sermon "de Casis," Serm. CCIII among the Sermons of the Third Class, and other Sermons cited [abbreviation as in source].

152. Council of Chalcedon, Act 11 (acclamation for St. Flavian); Council of Trent, Session 25, De invocatione, veneratione et reliquiis Sanctorum et de sacris imaginibus.

153. St. Thomas, Summa theologiae, Supplement, q. 72, a. 3.

154. Peter Lombard, Sentences IV, dist. 45, where he distinguishes: "The Saints intercede for us: by merit, while their merits plead for us; and by affection, while they desire our vows to be fulfilled."

155. St. Augustine, De civitate Dei XXI, ch. 27 (and elsewhere), interpreting Lk. 16:9 of being helped by the merits of the Saints.

156. Gen. 18–19; 22; Exod. 32; St. Augustine, Quaest. in Hept. on Exod., q. 149; St. Jerome, Contra Vigilantium; Theodoret, Quaestiones in Exod. 67; 3 Kgs [1 Kgs] 11; 15; 4 Kgs [2 Kgs] 19–20; 2 Par. [2 Chr.] 6; Ps. 131; Is. 37.

157. St. John Chrysostom, Homily 2 on Psalm 50; and the homily On Elijah.

158. Dan. 3.

159. Exod. 34; Jer. 32; and others [abbreviation as in source].

160. St. Ambrose, Exposition of the Gospel of Luke, book 5.

161. Acts 27; St. Jerome, Contra Vigilantium.

162. 2 Cor. 8; Lk. 16:9.

163. On saints reigning with Christ, cf. Rev. 20.

164. St. Augustine, Contra Faustum 20, ch. 21; De cura pro mortuis, ch. 5; De vera religione, last chapter; St. John Chrysostom, Homily 42 on Genesis; Homily 27 on Matthew; Homily 69 to the People of Antioch; Leo the Great, Sermon 2 on the Anniversary of his Assumption; Sermon 1 on Peter and Paul.

165. St. Thomas, Supplement to the *Summa theologiae*, q. 72, a. 2.

166. Gen. 48:16.

167. Ps. 66[67]:2–3 (Vulgate numbering).

168. Job 5:1 (Vulgate).

169. Job 15:15; Job 4:18; Job 33:23–24.

170. St. Augustine, annotations on Job [abbreviation as in source]; Job 19:21.

171. 1 Kgs 7; Job 42; Jer. 37; Jer. 42; Acts 8:24; Rom. 15:30; 2 Cor. 1:11; Eph. 6:18–19; 1 Thess. 5:25; 2 Thess. 3:1; Col. 4:3; Heb. 13:18–19.

172. Lk. 7:1–10.

173. (Pseudo-)Dionysius, *Ecclesiastical Hierarchy*, ch. 7 (last chapter); St. Irenaeus, *Adversus haereses* V; Pope Cornelius, Epistle 1 on the translation of the bodies of Peter and Paul; Eusebius, *Praeparatio evangelica* XIII, ch. 7; St. Athanasius, Sermon on the God-bearing Virgin; St. Hilary, on Ps. 124; on Ps. 129; St. Basil, on Ps. 33; Oration on the Forty Martyrs; On the Martyr Mammas; St. Gregory of Nazianzus, Orations on St. Cyprian, on St. Athanasius, and on St. Basil; Ephrem the Deacon, Sermon on the Praises of the Martyrs; St. Cyril of Jerusalem, Catechetical Lecture 5 (Mystagogical); St. Gregory of Nyssa, Oration on St. Theodore; St. Ambrose, *De viduis*; Exposition of the Gospel of Luke X, ch. 22; St. Jerome, *Contra Vigilantium*; Epitaph of Paula; Rufinus, *Historia ecclesiastica* II, p. 33; St. John Chrysostom, *Ad populum Antiochenum* hom. 66; *In Genesim* hom. 43; *In Matthaeum* hom. 5 and 8; *In 2 Corinthios* hom. 26; *In 1 Thessalonicenses* hom. 1; Paulinus of Nola, Ep. 12 to Severus; poem on St. Celsus (at the end); Prudentius, Hymns on Sts. Lawrence, Cassian, Romanus Hippolytus, Agnes, and other Martyrs; St. Augustine, Tract. 84 on John; *De cura pro mortuis gerenda* ch. 4; *Contra Donatistas* VII, ch. 1; Sermon 17 On the Words of the Apostle; *Sermones de diversis* 94; Maximus of Turin, Sermon on St. Agnes; and book 3 on the Vandal Persecution, near the end; Fulgentius, Sermon on the Praises of Blessed Mary; St. Leo the Great, Sermon 5 on Epiphany; Sermons on St. Lawrence and on Saints Peter and Paul; Theodoret, *Ad Graecos* VIII (On the Martyrs), and the *Historiae Sanctorum Patrum* (at the end of the individual lives); St. Gregory the Great, Hom. 32 on the Gospels; *Dialogi* II, last chapter; the Venerable Bede, *In Canticum canticorum* IV, ch. 24; Commentary on Lk. 7 and on Matt. 15; St. John Damascene, *De fide orthodoxa* IV, ch. 16; Theophylact, on Heb. 11; St. Bernard, Sermon 2 on the Gospel "Missus est"; Sermon 4 on the Assumption of the Virgin; Sermon 66 on the Canticles; Ep. 78. [The titles and placements are given as in the source.]

174. Theodoret, *Ad Graecos* VIII (On the Martyrs); *Historia ecclesiastica* V, ch. 24; Gregory of Tours, *De gloria martyrum* and *De gloria confessorum*; St. Gregory the Great, *Dialogi* III, chs. 22, 24, 25, 27; St. Ambrose, Sermon 90 on St. Agnes; St. Augustine, *De civitate Dei* XXII, ch. 8; Nilus the Abbot, Epistle read publicly in the Seventh Ecumenical Council, Act 4.

175. Life of St. Bernard, book 3, ch. 5.

176. Council of Chalcedon, Act 11, and the Bishops' Epistle to Emperor Leo appended after the Council; Third Council of Constantinople (Sixth Ecumenical), ch. 7; Second Council of Nicaea (Seventh Ecumenical), Acts 4–6; First Council of Orléans, can. 29; Council of Mainz under Charlemagne, can. 33; Fifth Council of Toledo, ch. 1; Sixth Council of Toledo, ch. 2; Council of Girona, can. 3; Second Council of Braga, can. 9. On Gregory's public Litanies during the plague: John the Deacon, *Vita Gregorii Magni* I, ch. 42; Walafrid Strabo, ch. 28 [abbreviation as in source].

177. Council of Trent, Session 25, Decree on the Invocation, Veneration, and Relics of Saints, and on Sacred Images.

178. Jn. 16:23.

179. S. Thom. ubi sup. [abbreviation as in source].

180. Rom. 10:14; the Creed.

181. Ambrose (attributed), Commentary on Romans 1 [Ambrosiaster].

182. St. Augustine, City of God X, ch. 26; XXII, ch. 10; On the Quantity of the Soul, ch. 34.

183. Theodoret, On Healing the Diseases of the Greeks, bk. 8.

184. Cf. 2 Cor. 1:11.

185. Deut. 4:26; Hos. 7:11.

186. The spurious work ascribed to Ambrose; see the passage on Rom. 1 cited above.

187. On the restriction of latria to God in St. Augustine, see the places cited in the previous note; for the formula "pray to God for us," cf. the requests made to Samuel and to Jeremiah in the Old Testament (e.g., 1 Sam. 7:8; Jer. 37:3).

188. 1 Tim. 2:5; Col. 2:18–19; Rom. 5:2; Eph. 2:18; St. Augustine, Against the Epistle of Parmenian II, ch. 8; St. Augustine, on Ps. 108 [Enarrationes in Psalmos]; 1 Cor. 3:11.

189. St. Augustine, Against the Epistle of Parmenian II, ch. 8: on mutual commendation in prayers and the unique mediatorship of Christ; the liturgical conclusion "Through Christ our Lord."

190. Irenaeus, Against Heresies I, ch. 20; Tertullian, On the Prescription of Heretics; Epiphanius, Panarion, on the heresy of Simon Magus; Chrysostom, Oecumenius, Theophylact, and Haymo, Commentaries on Col. 2:18–19; St. Jerome, Epistle to Algasius, q. 10; Theodoret, Commentary on Colossians 2; Council of Laodicea, can. 35.

191. Jn. 16:23; Rom. 8:32; the Lord's Prayer (Matt. 6:9–13); St. John Chrysostom, Homily on the Progress of the Gospel (vol. 3); Preface to Ps. 4; Homily on Matt. 15.

192. St. John Chrysostom, Hom. 38 on Matthew; Hom. 1 on 1 Thess.; Hom. 43 on Genesis.

193. Rom. 8:34; Innocent III, cap. Cum Marthae (Decretals, De celebratione Missarum); St. Gregory the Great, Moralia XVII, ch. 8; Prudentius, Hymn 1 on the Martyrs; St. Thomas Aquinas, Supplementum, q. 1, a. 3; Cajetan on St. Thomas, II-II, q. 83, a. 4; Zech. 1:12; Jer. 25:11–12; Dan. 9:2; St. Thomas Aquinas, II-II, q. 83, a. 11, ad 1.

194. St. Thomas, Supplementum, q. 72, a. 1.

195. Tobit 12; Revelation 8.

196. St. Augustine, De divinatione daemonum.

197. 1 Cor. 4:9; 1 Cor. 11:10.

198. St. Gregory the Great, Dialogues II, ch. 20; Revelation 11 and 19; Luke 16. For the patristic testimonies cited in this paragraph: Origen, Against Celsus VIII (near the end); Origen, Periarchon II; Origen, Hom. 26 on Numbers; Origen, Hom. 16 on Joshua; St. Basil, De virginitate (before the middle); St. Gregory Nazianzen, Oration on St. Athanasius; St. Ambrose, De viduis (after the middle); Prudentius, hymns on Sts. Lawrence, Vincent, Agnes, Eulalia, Cassian, Hemeterius, Chelidonius, and others; St. Jerome, Against Vigilantius; St. Jerome, Epistle 29 (Epitaphium Lucinii); St. Augustine, De cura pro mortuis XVI–XVII [= chs. 15–16]; St. Augustine, Enarrationes in Psalmos, on Ps. 88; St. Augustine, Sermon 94 de Diversis; St. Augustine, City of God XXII, ch. 29; Maximus of Turin, Sermon on the Tauric Martyrs; St. Gregory the Great, Moralia XII, ch. 13; St. Gregory the Great, Hom. 40 on the Gospels; St. Gregory the Great, Moralia II, ch. 3; St. Gregory the Great, Dialogues III, ch. 24; St. Bernard, Epistle 77; the Master [Peter Lombard], in this Distinction, last §; Acts of St. Lucy at the sepulcher of St. Agatha.

199. Council of Trent, Session 25 (De invocatione, veneratione et reliquiis Sanctorum, et sacris imaginibus).

200. St. Jerome and Maximus of Turin, in the places cited above [abbreviation as in source].

201. St. Augustine, De cura pro mortuis gerenda, ch. 15.

202. St. Thomas, Summa theologiae III, q. 10, a. 2; II-II, q. 83, a. 4.

203. Cajetan, commentary on ST III, q. 10, a. 2, and II-II, q. 83, a. 4.

204. Matt. 24:36; Mk. 13:32.

205. Origen, De principiis II; St. Basil, De virginitate; St. Gregory Nazianzen, Oration on St. Athanasius — in the places cited above [abbreviation as in source].

206. St. Augustine, Tractatus in Ioannem 77; City of God XXII, ch. 29.

207. St. Thomas, "loco superius alleg." [abbreviation as in source].

208. For Samuel and Elisha as recipients of revelation, see 1 Sam. 9; 2 Kgs 6.

209. St. Gregory the Great, Moralia in Iob XII, ch. 13.

210. St. Augustine, Confessions IX, ch. 3.

211. The Master (of the Sentences); St. Bernard; Hugo Victorinus, Quaestiones in Epistolam ad Romanos, q. 228; idem, De sacramentis II, part 16, last chapter.

212. Council of Trent, Session 25 (on the invocation and veneration of the Saints).

213. St. Thomas, Summa theologiae I-II, q. 5, a. 4; Supplement, q. 99.

214. Matt. 25:41, 46; on the Greek term for punishment (kolasis) noted by St. Augustine in various places [abbreviation as in source].

DISTINCTIO XLVI — ON THE ETERNITY OF GLORY AND OF PUNISHMENT (*DE AETERNITATE GLORIAE ET POENARUM*)

§ 1. Absolutely and endlessly infinite, as it has been said (Exod. 15), that "the Lord shall reign for ever and beyond."[1] For of the just too it is said in a like phrase (Mic. 4), that they "walk in the name of God for ever and beyond,"[2] because, to wit, they will be so occupied and will live in the name and worship of God, that they will never depart from Him to eternity, but will remain in His praise unceasingly and without end with Christ, according to that (Ps. 83): "Blessed are they who dwell in thy house, O Lord; they shall praise thee for ever and ever," and that of the Apostle (1 Thess. 4): "so shall we be always with the Lord."[3]

§ 2. Moreover the other places about the punishments of the impious are equally manifest: (Is. 33) "Who among you shall dwell with everlasting burnings," that is, with God, because He punishes the wicked for ever; (Rev. 14) that "the smoke of their torments shall ascend for ever and ever"; (Is. at the end), (Matt. 3 and 18), (Mk. 9), in which there is "the fire of Gehenna" and the "inextinguishable" and the "immortal" worm.[4] And indeed in Mk. 9 it is well to note that, about "the Gehenna of fire," there are for the third time repeated these words: "Where their worm dieth not and the fire is not extinguished"; namely, lest anyone doubt that what is said is true in very truth and properly so called. St. Augustine too has observed this somewhere.[5]

§ 3. So (Rev. 20) it is said that "the beast and the false prophet"—under whom the totality of the impious is understood—"shall be tormented in a lake of fire and sulphur day and night for ever and ever," just as conversely of the just it is said (ch. 22) that "they shall reign for ever and ever"; where, lest anyone should suspect a promise hyperbolic and greater than the thing itself, John added that it had been said to him: "These words are most faithful and true."[6] But elsewhere too everywhere the happiness of the Saints is called eternal life, both by Christ the Lord in the four Gospels, and by His disciples both in the Acts and in the Apostolic Epistles. Finally, that we believe thus we openly profess—indeed in the Apostles' Creed, "life everlasting," where conversely the death of the impious also is understood as eternal; but in the ecclesiastical Symbol which is called that of Athanasius, expressly both, namely eternal life and eternal fire.[7]

§ 4. Now that this has been the perpetual sentence and doctrine of the Church is proved even from this, that that opinion of Origen—by which he taught that both the happiness of the pious and the misery of the impious, whether of men or of Angels, would sometime come to an end, and that vicissitudes would intervene in a certain change—was always by the Fathers with the highest consensus rejected and detested as utterly contrary to sound and Catholic Faith; which, accordingly, Epiphanius, Philastrius, Augustine, and as many others as have written about heresies, have counted among heresies.[8] In particular and at length Epiphanius (Her. 64, which is of the Origenists), Augustine book 21 (De Civitate, ch. 17 and the following up to ch. 24), and Jerome (both elsewhere and in the Epistle written against the errors of John of Jerusalem) act against it; Gregory also book 4 (Dialogues, ch. 44), setting forth the Catholic doctrine on this matter, dissolves certain contrary arguments.[9]

§ 5. But this doctrine can also be proved manifoldly by reason. First, because true and perfect beatitude (*beatitudo*), which is promised to the just as the reward of justice by the Grace (*gratia*) of God, does not consist without eternity and the security of a good never to be lost. If therefore the Glory (*gloria*) of the Saints will at some time have an end, and if they are not certain that they will enjoy perpetually that glory which they have, it follows that they are not truly blessed, but rather on the contrary truly miserable—either by error, if they think their glory will be perpetual; or by fear, if they know or suppose it will sometime end. Second, from the despair of the damned: for these are supremely miserable because they are never to be freed from that misery in which they are, and, what is more, because they are certain that they will never be freed therefrom. Which that rich man the Banqueter did not ignore (Lk. 16), not daring indeed to hope for liberation from torments, but to ask only for a mitigation of the burning.[10] Third, because God is an infinite good: therefore rightly and justly the enmity taken up through sin against God is punished with a punishment never ending. Fourth, because the state of man after death is unchangeable from good to evil and conversely. "For if the tree shall fall to the south or to the north, in the place where it shall fall, there shall it be" (Eccl.). The reason of which is that by death man is established at a terminus (*terminus*), where there is now no change from one to another. If therefore man is no longer changed with respect to goodness and malice, it is just also that man's state with respect to happiness and misery should no longer be changed, nay rather that in the other it is necessarily consequent. For beatitude can in no way at all consist with perversity of mind. Fifth, because it is not permitted to pray for the damned, nor to offer sacrifice, as Augustine teaches book 21 (De Civitate, ch. 24) and Gregory book 4 (Dialogues, ch. 44), and the other Gregory too (in the Epistle to Boniface the Archbishop, in Gratian's Decretum, Causa 3, Question 2, cap. Pro obeuntibus in fine); and more fully, from the custom and consensus of the whole Church, it is proved that it is no more possible to pray that the damned be saved than to pray for the Devil and his Angels. Yet it would be permissible to pray for them, if their damnation could sometime have an end.[11]

§ 6. Lastly, because with the damned, whether demons or men or the spirits of men, it is permitted us to have no society. Which surely would not seem unlawful if there were still hope that the damned could be turned from misery to happiness, and thus also from evil to good.

§ I — The objections in the contrary are resolved (Solvuntur objectiones in contrarium)

§ 7. To these things one must now reply, namely to those which from Scripture and the Fathers, and from reason itself, are wont to be objected against the foregoing doctrine. And these indeed are of this sort. First: (Ps. 76) it is said, "Will God cast off for ever?" and again, "Will God forget to be merciful?" and Ps. 102: "The Lord is very merciful; He will not be angry for ever, nor will He threaten to eternity."[13] Second: (Ps. 139) about those to be damned it is said, "Coals shall fall upon them; thou wilt cast them into the fire. In miseries they shall not subsist": therefore sometime they will cease to be in miseries, either through destruction or through liberation.[14] Third: Isaiah (ch. 24) writes thus about the same: "They shall be gathered together into the pit, and there they shall be shut up in prison; and after many days they shall be visited." From which it appears that at length, with God visiting them, they will be freed. Origen used this argument.[15] Fourth: (Mk. 12) of certain evil men the Lord says that "they shall receive the longer judgment." But where one thing is longer than another, there it is necessary that both, or at least the one, be finite, because what is infinite is not exceeded by what is infinite.[16] Fifth: In the Scriptures "eternal" is frequently taken for "very long"; therefore

the Scriptures which name "eternal life" and "eternal fire" do not sufficiently prove that the eternity of glory or of damnation is absolute and without end.

§ 8. Sixth: Hilary, on Ps. 68, speaking of the Sodomites and Gomorrheans, says: he has "found that to the reconciliation of mercy that in which they were smitten has profited," since "it will be more tolerable for them in the day of judgment" than for those cities in which "the dust from the apostles' feet was shaken off." And afterwards he places among the creatures to be delivered even those which dwell in hell, according to that of the Apostle: "In the name of Jesus every knee shall bow, of those that are in heaven, on earth, and under the earth."[17] Seventh: Jerome in the Commentaries (On Isa. 14, 24, at the end) speaks as though either only the demons, or together with them only unbelieving men and utterly impious men, are to be in perpetual punishments, but all the rest at some time to be delivered by the mercy of God. The same he teaches at greater length book 1 (Against the Pelagians, ch. 9), adducing for this certain testimonies of Scripture which, interpreted by him in a different way, speak of "the sinner" and "the impious." Elsewhere he excepts only the Devil from the hope of liberation, as in the Commentary on Ecclesiastes upon that (ch. 1) "the perverse with difficulty are corrected": "To all," he says, "restored to completeness through repentance, the Devil alone shall remain in his own error." But writing (on the Epistle to the Ephesians on that of ch. 1, "who have first hoped in Christ"), he seems even for the Devil and his Angels after the judgment to make some hope of salvation: and in the Commentary (on Heb. 3) he says thus generally: "The wrath of God has measures, how great, for how long a time, and for what causes, it is inflicted upon whom." If it has a measure of time, therefore He does not punish to eternity, because eternity is without measure.[18] Eighth: Augustine book (On the Morals of the Manichees ch. 7) says that all things which have fallen away at length return thither whence they fell away. From which it seems to follow that all things at length are converted to God.[19] Ninth: Prudentius (in the Hymn "Before Sleep") says that God allows few of the impious to perish to eternity, and (in the Hymn "On the Miracles of Christ") that there is an open return from hell through Christ, and (at the end of the Hymn "On the Roman Martyr") he prays by his intercession in the day of judgment to be transferred from the part of the goats to the part of the lambs.[20] Tenth: To the measure of sin there ought to respond the measure of punishment, according to that (Deut. 25): "According to the measure of the sin shall also be the measure of the stripes"; and Matt. 7: "In what measure you shall have measured, it shall be measured back to you"; and Rev. 18: "In as much as she hath glorified herself and lived in delicacies," namely the vindicative justice (*justitia vindicativa*), which consists in the paying back of punishments, requiring this very thing. Therefore it does not seem just that for a brief and momentary sin an eternal punishment be inflicted. Eleventh: To no sin is a punishment infinite in intensity owed; therefore neither in extension.

§ 9. The antecedent is proved both because God inflicts no such punishment on anyone, and also because a punishment of that sort is impossible, as being actually infinite according to degrees of intensity, which accordingly is owed to no sin. For otherwise it will follow that God cannot inflict some punishment owed. The consequence is proved both from a likeness and from reason; because in punishments extension compensates intensity and conversely, as in Purgatory and in human matters. For there answer to each other both a very sharp and brief punishment, and in turn a long and gentler punishment: therefore likewise an infinite extension will compensate an infinite intensity, and conversely. Wherefore if an infinite punishment in intensity cannot be inflicted, therefore neither in extension. Twelfth: The Saints are read to have prayed for the damned, and indeed to have obtained their liberation. A famous example of which is in Gregory the Roman, who by his prayers obtained salvation for Trajan, damned among the lower regions. John of Damascus has this (Sermon for the Dead), and he adds that the whole East and West do not doubt it. In the

same place is read of a certain Falconilla saved by the prayers of the first Martyr, that is, Thecla, although she had died in unbelief. And Gregory himself book 2 (Dialogues, ch. 23) records that Saint Benedict ordered that for two women, dead in excommunication and in the sin for which they had been excommunicated by him, the Sacrifice of the Mass be offered, and that, this having been done, those women had been loosed from excommunication and accordingly restored to the Church. Augustine also relates book 3 (On the Origin of the Soul ch. 9) that Saint Perpetua obtained salvation for her brother Dinocrates who had died in unbelief. Likewise Saint Otilia the virgin, as Thomas of Argentorate has it in I (Distinction 41), for the soul of her father so long fasted and prayed until God delivered that soul from hell. And these deeds indeed are read without recall to the present life, in which they could do penance and receive the sacraments of salvation. But that others were recalled from hell to this life, and thus either by Baptism or by penance obtained salvation, the appended examples make plain. Augustine (Sermons 32 and 33 on Various Matters) and Eulogius book 1 (On the Miracles of Saint Stephen, last chapter) relate how a certain woman, by her prayers, obtained from Blessed Stephen that her little son, dead without Baptism, returned to life for an hour that he might receive Baptism—the child whom the mother herself confessed to have already perished. Something of the sort is said also to have been done at the invocation of Saint Thomas Aquinas, as Antoninus relates (in the History, fol. 194). Likewise, at the invocation of Blessed Mary of Halle, similar things were done, as Lipsius relates (ch. 19 and 21 of the book on the Miracles of the same Virgin). In the Life of Saint Nicholas it is read that by his prayers a certain Jew, dead in the crime of perjury, returned to life. Sulpicius narrates of Saint Martin that he raised up again a certain catechumen who had suddenly died without Baptism; likewise another man who had taken away his life with a noose. Saint Agnes, as is read from her deeds in the Roman Breviary, by her prayers recalled to life the son of the Prefect, who had died at the will of a fornication, who straightway began to proclaim the praises of the one true God, the idols being despised. Gregory of Tours relates that Saint Arnulph, bishop of Tours, obtained life likewise and salvation for a certain dead man whom he saw being dragged to hell. And other examples of this sort from those who read the Histories of the Saints occur at times. From which it appears that men who have died in mortal sin or original sin and hence have been condemned can still be saved. Which if it be conceded about some, the same can by equal reason be hoped of all the rest.[24]

§ 10. But to these arguments we reply. To the first indeed, that in each Psalm the discourse is about the punishments and afflictions of the Faithful or People of God in this life, which the Psalmist denies will be perpetual for those who by true repentance are turned to God. This sense is plain from the context of each place, most of all of the latter, where for the third time there is repeated the commendation of the mercy of God upon those who fear Him.

§ 11. To the second some reply that the sense is: "In miseries they shall not subsist," that is, in punishments they shall have no fixed state and term. For he is said to subsist who after some motion rests; and thus, on the contrary, they say rather that the opposite is gathered from this place. But this exposition does not answer to the Hebrew source, from which Jerome thus translates: "Coals of fire shall fall upon them; thou wilt cast them into pits so that they rise not," that is, thou wilt cast them into the pit of eternal destruction, from which to rise or to come forth they can never. Which version and exposition also manifestly proves the contrary.[25]

§ 12. To the third it is answered that "visitation" in that place is not taken in a good sense but in an evil one, so that the sense is: After however great a space of time they will still be visited, namely by the perpetual continuation of punishments; because, according to that same Prophet, "their worm shall not die" and "their

fire shall not be quenched." Thus Jerome understood it in the Commentary. Which understanding also is confirmed from that very place by the preceding words when it is said: "In that day the Lord shall visit upon the host of heaven," etc., where without doubt "visitation" is taken in an evil sense, as the following things declare. Thus with the same Prophet (ch. 27): "The Lord shall visit with His hard sword upon Leviathan." But you will object the version of the Seventy, in which these words follow: "and the brick shall become liquid and the wall shall fall," by which it seems to be signified that the prison will collapse and the captives will be freed. But see the solution in Jerome, who gives the reason for the error, saying that the Seventy were deceived by the ambiguity of the words. Therefore the contrary is signified here too.[26]

§ 13. To the fourth, "longer" is the same as "graver, harder, more bitter." The Lord used this word in order to allude to the long prayers of hypocrites, as is plain from the very place. Note, however, that the Greek word, which is the same in Matthew and Luke, signifies only "more excellent, greater, graver," nor is it referred to time.[16]

§ 14. To the fifth it is answered that "eternal fire" and "eternal punishment" are said in the same way as "eternal life." For absolutely in the same way the Lord says of both: "And these shall go into eternal punishment, but the just into eternal life." If therefore the punishment be not properly eternal, neither will life be properly eternal. Thus Augustine answers those who, flattering themselves in their sins, were saying that "eternal punishment" was set down by way of threat for "very long," who nevertheless themselves believed life to be properly eternal. Augustine's places are book 21 (De Civitate, ch. 23 and 24), the Enchiridion 112, and the book Against the Origenists, ch. 5.[^24] But to those who would with Origen contend that eternity is taken on both sides improperly, it is otherwise to be answered; namely, that from innumerable other places of Scripture it is fully established that through Christ life and happiness are promised to us as properly eternal, that is, never to be ended; just as also the Kingdom of Christ in His elect is proclaimed eternal, that is, never to be ended, according to that of the Archangel to the Virgin: "He shall reign in the house of Jacob for ever; and of His kingdom there shall be no end" (Lk. 1). Which too we profess in the Constantinopolitan Creed.[^25]

§ 15. To the sixth: in the former place Hilary seems to think that in the very smiting, that is, in the Sodomitic conflagration, many suddenly conceived sorrow for their sins, as also in the general deluge. Which opinion has its probability from the Scriptures. But the latter place has truth in those who are in Purgatory.

§ 16. To the seventh there is a general reply from the Apology of Jerome against Rufinus, who was objecting certain such things to Jerome. For he replies that in his Commentaries, as the law and custom of Commentaries has it, he said many things from the opinion of others, not approving but only reporting them. And in the same way he replies (in the Preface to the Commentaries on Jeremiah). For what Jerome's sentence was on this matter we have already shown above from other places where he expressly attacks the error of Origen; to which we now add the Commentary (on Matt. 25), book 1; the second; the Apology against Rufinus.[^26]

§ 17. To the eighth Augustine himself replies book 1 (Retractations, ch. 7), saying that his words are to be understood thus accommodated: that all things which, having fallen away, return, return thither whence they fell away, and hence that he said nothing here for the error of Origen.[^27]

§ 18. To the ninth: Prudentius seems to have held not quite a right sentence about this dogma. And indeed what he says, that few of the impious perish to eternity, directly fights with the Gospel, which bears witness that the elect are few and that few are they who are saved, but many perish; nor do some of the

impious perish and others at length be saved, but all the impious without exception, unless in this life they shall have done penance, perish to eternity. The second place can be taken of the Fathers' Limbo and of Purgatory. In the third place he seems only to have wished to signify that on the day of judgment some are by prayers to be to a certain degree commended and thus to be associated to the Blessed. Which too Augustine indicates book 21 (De Civitate, ch. 24 and 27).[^28]

§ 19. To the tenth it is answered: if equality of time must be observed between the sin and the punishment of the sin, so that the punishment is never longer than the fault, but, for example, for the sin of one hour the punishment be referred to one hour, and for a momentary sin a punishment—

§ 20. If punishments must be weighed by lengths of time, then hardly any justice at all will any longer be kept even among men in punishments exacted for crimes, seeing that for the most part, if a punishment be considered as a whole, it is much longer-lasting than the crime which is punished. But this is not what Origen himself meant, who in the end, after many revolutions of ages, made a hope of salvation for the apostate Angels and impious men. Therefore one must say that, just as among men it is not unjust, for one sacrilege, adultery, or homicide—though perhaps momentary—to deprive someone perpetually of life, or to mulct him with perpetual exile or prison, that is, never to end it, so far as regards the side of the judge and the sentence pronounced by him (for it is irrelevant to human judgments that the dead at some time receive back life; also exile and prison are brought to an end per accidens by the man's death), so it is not unjust with God that, on account of mortal sin, however brief if the delay of time be looked at, someone be consigned to eternal punishments. For the equality of sin to punishment is to be considered not from duration but from the gravity and, as it were, the weight of the sin itself—just as, conversely, the equality of a good work to a reward is to be estimated not from time but from the dignity of the work. Wherefore, just as a good work (for example martyrdom), however brief, deserves with the just Judge God an eternal crown, so an evil work, such as fornication or blasphemy, deserves eternal punishment. Now the account of so great a demerit seems to proceed from this, that sin deprives a man of grace and friendship with God (grace and friendship with God—*gratia* et *amicitia* Dei), which is the greatest, eternal, and infinite good, and makes him the enemy and adversary of so great a good, so that deservedly, as St. Augustine says, man becomes worthy of eternal evil who has set aside this good which could be eternal in him.[27] Augustine hands on this exposition.[27] Add that each man, while he sins, is altogether so disposed as to wish the sin to be perpetual, so as, for instance, always to enjoy the pleasures in which he sins. Therefore a punishment answers justly to the affection and will to sin. For even the just man, for the good will which he wished to retain as perpetual, will receive an eternal reward. St. Gregory hands on this reason.[28]

§ 21. The consequence of the eleventh argument is not good, nor is it rightly proved by a parity, because one punishment is possible, the other impossible. For one consists in continuous succession, and therefore is infinite only in potency; but the other has infinite degrees at once, and so is infinite in act. If, however, this latter were possible, perhaps it would be owed to mortal sin, on account of the reason alleged in the argument. But this must be weighed more subtly; and one must rather say that no sin merits a punishment infinite in intensity, because, since that cannot be inflicted, it would follow that God could not satisfy His justice. Nor does it follow: man sins against God infinitely intensively or perfectly, therefore the sin is infinite and hence merits a punishment actually infinite. For the prior consequence must be denied, because just as charity is not actually infinite although it is exercised about God, nor does it merit a reward infinite in intensity, but is a certain finite form by which man is acceptable to God and received to the reward of eternal life, so sin,

although it be against God, is nevertheless finite in itself, and it merits a punishment actually finite. For neither, if the object is infinite in perfection, must the act or habit—be it good or evil—which is exercised about that object be likewise infinite, because all the conditions of the object need not be found in act or habit about it, as is clear.

§ 22. To the last point it is answered that the Saints did not pray for those whom they knew or judged to be damned. And indeed the examples of the first kind must be altogether rejected as contrary to the Christian faith, which teaches that none of mortals can be saved unless first in life he has been joined to Christ by faith, hope, and charity—something that cannot be said of those who, having died in unbelief, are not read to have been recalled again to this life. Therefore what is alleged about Trajan is fabulous. Nor is it in any way probable that Gregory prayed for a man damned, who in the place cited above clearly teaches that it is altogether not permitted. His also is that sentence: "By no means does Mercy, in showing indulgence beyond due measure, free those whom the Justice of the Judge condemns to penal places."[29] Nor must faith be given to the Sermon which falsely bears the title of Damascene,[30] since it manifestly deceives in that it says that the whole East and West receive that story of Trajan as undoubted; for John the Deacon indeed remembers, in the Life of Gregory, Trajan saved by Gregory's intercession, but in such a way as to say that that story came forth from uncertain Authors, and was not approved among the Romans.[31] But as to what Gregory narrates concerning St. Benedict, one must say that those women departed in the state of grace, either because they had contrition for the sin at the end of life, or because their sin was not mortal but a grave venial. For the excommunication was not properly so called, nor pronounced by an ecclesiastical judge, but only followed upon the excommunication of St. Benedict, as Gregory himself reports, which however God willed to manifest by a miracle.[32] Concerning Dinocrates it is answered that Augustine does not acknowledge the truth of the story, but rather makes light of its credibility, while he responds to the argument about him that was objected to him by an adversary.[33] And similarly one must answer about the virgin Otilia, unless perhaps (which is not read in the Argentinensian) she obtained for her father a return to this life, that so he might be saved through penance.[34] About all the rest (insofar as the examples are true) it must be said that they were not simply damned, but that extraordinarily the sentence of their damnation was suspended by the Judge; and that the Saints, by a certain divine prompting, by which also they wrought miracles, prayed for them, in order that, recalled to life, they might be saved through faith and penance—inasmuch as they either had a revelation, or had conceived confidence, that those for whom they thus prayed had not yet been irrevocably assigned to the pains of hell.

§ III — Whether there is in hell an intermission or remission of punishments (Utrum sit in inferno pœnarum interm issio vel remissio)

§ 23. The eternity of the punishments of hell being established, it is commonly asked: Whether there is in hell some mitigation or relaxation of punishments either by justice or by the divine mercy, that is, whether God's justice require this, that the punishments be in some measure relaxed, or whether it be obtained from His mercy. For about this question various positions of those opining have been devised. For some have set intermissions of punishments and, as it were, certain holidays in hell at fixed intervals of times, as Prudentius in the Hymn that begins, "Pœnarum celebres sub aestivæ feriæ..."[36] Others think only a mitigation of punishments will occur at the same intervals, such as the Rich Man expected when he asked that Lazarus be sent to him to dip the tip of his finger in water to cool his tongue. This opinion seems to be favored by a

variety and vicissitude of punishments about the same damned man, according to that (Job 24): "Let him pass from the excessive heat to the waters of snow." Hence St. Thomas proves that there is in the punishments of the damned a certain transmutation;[37] and again he posits that same succession of punishments in the damned.[38] Others think that punishments by the passage of time will be diminished, so that, once diminished, afterwards they are no more increased. But for holding this different men have been induced by different reasons. For those of the Scholastics who hold that the venial sins of the damned are not punished forever, consequently of necessity concede that their punishments are diminished as often as the punishment owed to venial sin has been paid. And this also seems to be proved from the remaining punishment for mortal sins whose guilt has been remitted, if someone, with temporal punishment not yet paid, should sin mortally again and perish. For such punishment seems to have to be paid in hell, and finally to be ended, since it is a temporal punishment. But some have thus opined on account of the prayers of the Faithful, which, whether knowingly or unknowingly, are made for the deceased who are damned. For although they admit that one must not pray for the damned that they be freed from hell, nevertheless they think it is not amiss to pray for, and to offer the Sacrifice for, a mitigation of their damnation, because Augustine says, about the suffrages of the Faithful: "But for those to whom they profit, they profit either to this, that there be full remission, or at least that the damnation itself be more tolerable."[39] In this opinion were a certain ancient Scholastic Doctor by name Praepositivus, and the Glosser of the Decretals writing on the chapter "Cum Martha," Extra De Celebratione Missarum.[40] These, lest they be compelled to concede that, with suffrages multiplied, it will at length come about that the whole punishment be taken away and so the damnation have an end, imagined that in a certain proportion punishments are diminished, so that if one denarius given in alms takes away some part of the punishment, whether a fourth or a third, the second takes away just as much in proportion, not in quantity, that is, of the remaining punishment the same fraction, as they speak. On which reckoning it would result that, even if the whole world were poured out in alms, the whole punishment would never be removed, as the Glosser has in the place now cited. Hither moreover may be referred the opinion of Prudentius, who, at the end of the book whose title is Hamartigenia, writes that he hopes for lenity, warmth, and clemency of the punishments of hell.[41]

§ 24. Now of these opinions the first is utterly to be fled from as dissenting from right faith. For neither does it differ from Origen's opinion, except that he posited vicissitudes of happiness and misery, whereas they posit vicissitudes of punishments and intermissions or pauses of them. Which doctrine is refuted by almost all the things which were said above against Origen concerning the eternity of punishments according to the Scriptures. For vicissitude and intermission of anything prevent it from being perpetual. Whence St. Cyprian, speaking of the punishments of Hell, says: "Nor will there be whence they can ever have torments or rest or an end."[42] Add that the principal punishment of the damned consists in the privation of the divine vision, which, as Augustine testifies, is so great a punishment that no torments can be compared to it.[43] Since that is never to be intermitted—for neither in those intervals of times will the reprobate enjoy the sight of God—it is evident absolutely that an intermission of punishments cannot be posited.

§ 25. But the second opinion, since it too posits a certain vicissitude which Scripture does not seem to acknowledge but rather to exclude, and which is less congruent with the stability of the future age, has not much probability. For not even that Rich Man, the Feaster, could obtain what he asked, namely, that even the least of his torment be mitigated by the instilling of a single drop upon his tongue (Lk. 16). And Scripture says not only that the damned will be sent into eternal fire, but also that they will go into eternal punishment—or, as Augustine reads, into eternal combustion. This also has been signified (Rev. 20), where it is said that the

reprobate, sent into the pool of fire and sulfur, "will be tormented day and night for ever and ever." But what is alleged in the contrary from the Prophet Job, about the punishment of the impious in this life, is said by a certain trope of speech. For straightway after, speaking of hell, it follows: "And his sin shall descend even to hell."

§ 26. But the third opinion, whose foundation is taken from the remission or rather the paying off of venial sins and of the punishment remaining for mortal sins remitted as to guilt, which indeed is the opinion of Scotus writing on IV, dist. 22, and of certain others, although because of the alleged reason it is plausible, nevertheless seems to be refuted by this, that since in hell there is the persevering malice of the will, a diminution of punishment does not seem to be acknowledged after any space of time whatsoever. And to the argument it is answered that it comes altogether per accidens that venial sins are never remitted to the damned, namely because they are found in them conjoined with mortal sins, as we said above (to Distinct. 42 of Book II). And the same must be said of the punishment remaining for mortal sins remitted, as we said (to the 15th Distinction of this Book). For if one cannot satisfy God in this life while he is in the affection of mortal sin, much less will he be able to satisfy in Hell; since there cannot be any friendship with God for those who are in hell, nor any desire of friendship, without which, however, it cannot come to pass that someone satisfy God—as in the same place it has been more fully explained.

§ 27. Moreover, in that part in which the opinion just mentioned leans upon the prayers of the Faithful which are made for the damned, it is to be utterly rejected, and already above we rejected it by those arguments which prove that by no means is one to pray for the damned. And if at some time it happen that the Faithful pray for them, being ignorant that they are damned, this profits them nothing, as Augustine says, that the sacrifices of the altar or of any alms whatsoever for the very evil, that is, the damned, are no helps to the dead, but only certain consolations of the living.[39] Whence it is evident that Augustine does not support the said opinion; and to his words objected from that same chapter one must answer that he is speaking of damnation, that is, of the punishment of souls in Purgatory. For temporal punishment is also called damnation, as in Lk. 23: "Do you not fear God, seeing that you are in the same damnation?" and in Matt. 12: "By your words you will be justified, and by your words you will be condemned," when he was speaking of the punishment owed for an idle word. Thus we say that some are condemned to prison, exile, death. But Augustine wishes to say that the suffrages of the faithful profit the souls detained in Purgatory, either to this, that they be forthwith freed, or that they be punished more tolerably until at length even they, at the end of the age, receive full remission. Here too a passage from Bede could be objected, who says that suppliant prayers are poured out for those that, by their prayers, the torments of Tartarus may be tempered for them; but I answer that Bede does not say that by those prayers of theirs they will obtain some mitigation of punishments. For he adduces the example of the Rich Feaster, who indeed sought some refreshment, but could not obtain it. Now as to what the Authors of the same opinion think, namely, that it would not follow that at length the whole punishment be taken away—rightly indeed this can be said in this sense, because such prayers can only avail to diminish the punishment of sense, not, however, to diminish or to take away the punishment of loss. But if they deny that from their opinion it follows that the punishment of sense be at length taken away, on the ground that the diminution of punishment is made according to proportion, not according to equality, this seems to be said without reason, indeed contrary to reason. For thus it would follow that by the prayer of equal devotion and merit more would be taken away of the punishment of a worse damned man than of a less evil one; whereas it would seem more reasonable that the thing be done in the contrary way. But against opinions of this kind

which in a certain way set the punishments of the damned within the limit of merit there are also other arguments, which we will set forth presently.

§ IV — Whether the damned are punished beneath their merit (Utrum damnati punientur infra meritum)

[44]

§ 28. Besides the opinions already refuted, there is another which posits that the punishments of the damned, although always future as uniform—at least after the paying off of venials and of mortal sins remitted as to guilt—are nevertheless less than their merits. And this is the fairly common doctrine of the Scholastics, saying that God always punishes beneath condignity, because in every work of divine justice mercy concurs, and conversely. Thus St. Thomas, saying that in the damnation of the reprobate mercy appears, not indeed totally relaxing, but somewhat alleviating, while He punishes beneath condignity.[45] So too St. Bonaventure on IV, at the text, and others.[46]

§ 29. But they prove this by arguments of the following sort. - First, because it is written: "All the ways of the Lord are mercy and truth" (Ps. 24). - Second: "He will not shut up His mercies in His anger" (Ps. 76). - Third: "The Lord is sweet to all, and His mercies are over all His works" (Ps. 144). - Fourth, because the Apostle says (Rom. 11): "God hath concluded all in unbelief, that He may have mercy on all"; and Wisdom 11: "Thou hast mercy upon all, O Lord." - Fifth: Cassiodorus, on Psalm 50, also attests that in the punishment of the evil justice is not without mercy.[47] - Sixth: Leo says (Sermon on the Fast of the Tenth Month): "In works and judgments nothing is void of the truth of justice, nothing of the clemency of mercy."[48] - Seventh: it is said (Wis. 6): "To the little ones He granted mercy, but the mighty shall be mightily tormented." Whence it clearly appears that some, though not all, are punished in hell with mercy. - Eighth: because God always remunerates beyond condignity, therefore He punishes beneath condignity—since of both the ratio seems to be equal, taken from the goodness of God. Now the antecedent is proved both from the common opinion of the Scholastics, and because this chiefly befits the goodness and liberality of God, and because the Ancients teach thus, as St. Jerome on Ezekiel 7,[49] St. Hilary on that "Let Thy mercies also come unto me" in Psalm 118,[50] St. John Chrysostom, Homily 1 to the People of Antioch,[51] and most clearly Fulgentius, book 1 to Monimus, chs. 10 and 11.[52] Finally, because the Lord openly says (Lk. 6): "A good measure, pressed down and shaken together and running over, shall they give into your bosom." About this see article 14,[53] although damnation would seem to be referred only to that "by just judgment." See also our Title On Merits, and Bellarmine, book 5 On Justification, chapter 19, who chiefly grounds article 14 on damnation.[54]

§ 30. Lastly, some Doctors assert that it cannot even be done, that God punish sin to condignity. And they prove it, because in the formal character (*ratio*) of malice the evil of punishment is never equated to the evil of guilt; and thus never is as much repaid to a sinful man by punishment as the amount of evil which he has committed against God. On this side are Adrian in IV, tract On the Sacrament of Penance, and Dionysius the Carthusian on question 1 of this Distinction both in III and IV, and also Altisiodorensis, book 1 [as in the source, about the same matter], adding that even original sins in infants are punished contrary to condignity; and certain others. Michael Baius also has a proposition condemned by St. Pius V, which runs thus: "The good works of the just do not receive on the day of the last judgment a greater reward than that which by the just judgment of God they deserve to receive." See what we will add in the Appendix to this book on the

occasion of that Censure in the first proposition extracted from the book whose title is The Twofold State of Human Life.[55]

§ IV — Whether the damned are punished below their merit (Utrum damnati puniantur infra meritum)

§ 31. The evil of the punishment is not equated to the evil of the fault, and thus the evil man, the sinner, is never repaid by God as much evil as the man has committed. Thus judge Adrian in IV (Treatise on the Sacrament of Penance), Dionysius the Carthusian in IV (on this Distinction, question 1, article 2), and the Altissiodorensis, book 1 (of his Summa, chapter 15, q. 2), adding also that original sin in little children is punished short of condign; and in the same place (q. 3) he concedes that to him who has sinned more God remits more of the punishment in hell than to him who has sinned less; because, says he, where there is the greater misery, there He exhibits the greater effect of mercy.

§ 32. But there are also arguments, not at all to be despised, on the opposite side.

§ 33. First, because Scripture very often attests that God will render to each in the judgment according to his works, as in Matt. 16, Rom. 2, Rev. 22, and elsewhere.[57] But He would not render according to works, if He were to punish short of what is condign, just as neither in what is good would He reward short of what is merited.

§ 34. Whence also St. Augustine and Dionysius the Areopagite, treating of suffrages which are made for the dead, and objecting to themselves that God renders to each according to his works, thus reply, to say that the dead had merited this very thing while they lived, that they might be helped by the suffrages of others. They signify therefore that those who did not merit such a thing in life are to be judged simply and exactly according to the exigency of their works. But he is also reckoned not to have merited who has lost the whole of what he merited, according to that in Ezek. 18: "All his justices which he has done shall not be remembered."[58]

§ 35. Second, it seems clearly to be proved from this sentence of James (ch. 2): "Judgment without mercy to him who has not done mercy."[59] Nor does their reply seem sufficient for this argument, who say that James speaks of the mercy that sets free; because just as in Purgatory there is a judgment with mercy, not only when the punishment is taken away, but also when it is mitigated, so in hell there would be a judgment with mercy, not only if the punishment were wholly taken away, but also if it were less than what is merited; therefore "judgment without mercy" excludes not only the mercy that sets free, but also that which mitigates. Likewise, just as mercy is taken generally in the latter part of the sentence, so it seems it ought to be taken in the former, so that the sense be: He who has done no mercy will by no means be able to obtain that mercy by which some part of a neighbor's misery is removed.

§ 36. Third: Him who is cast by the judge into prison the Lord pronounces not to be coming out from there "until he pay even the last farthing," that is, until he pay the debt most exactly (Matt. 5; Lk. 12). And again (Matt. 18) the merciless servant is handed over to the tormentors, "until he should pay the whole debt." And the Lord adds: "So also my heavenly Father will do to you, unless you forgive," etc. Neither of these seems to pertain to Purgatory, both because the context does not allow it, and because in Purgatory it is certain that there is not an exact exaction of the debt from the souls detained there down to the last farthing.

§ 37. Fourth: It is the voice of the Saints (Ps. 102): "He has not done to us according to our sins, nor has He rendered to us according to our iniquities," that is, we were deserving heavier things than we have suffered; therefore this is not to be attributed to the damned.

§ 38. Fifth: "He will repay abundantly to those who act in pride" (Ps. 30). But he does not repay abundantly who repays short of what is condign.

§ 39. Sixth: Of Babylon it is said (Rev. 18): "As much as she has glorified herself and lived in delights, so much give to her torment and mourning." To the same pertain: "According to the measure of the sin will be the measure of the stripes" (Deut. 25); and, "In what measure you measure, it shall be measured to you" (Matt. 7), although such passages could perhaps be taken of a measure of proportion, not of equality.

§ 40. Seventh: It is altogether alien to the Church's custom, and indeed it is held as simply illicit, to pray for the damned—not even that they may be punished more mildly than according to their merits; therefore the mercy of God does not seem to extend to this.

§ 41. Eighth: A relaxation of punishment is a certain remission of sin. But there is no remission of sin unless through the Blood of Christ, of which those who are in hell can by no means be made partakers, especially if they have never had the faith; therefore with respect to them there is no relaxation of punishment.

§ 42. Ninth: The demons are not tormented short of what is condign; therefore neither are reprobate men. There is the same formal reason: for they constitute one city of the impious. And St. Augustine, book 21 of the City of God, chapters 23–24, indicates sufficiently that, as far as punishments are concerned, the reasoning is the same for both.[60]

§ 43. Tenth: The damned do not consider God as a Father, but only as a Judge; therefore they experience no mercy in punishments.

§ 44. Eleventh: God in this life, where it is the time of grace and clemency, sometimes exacts punishments up to what is condign—as when, although the penitent are absolved from the fault, He exacts full satisfaction for the remaining punishment; therefore much more does He do so in hell, where it is the time and place of the justice and severity of God.

§ 45. Twelfth: God in His just judgment does not take away anything of the punishment, unless something be taken away of the fault: but this does not happen; therefore neither that. The assumption is proved, because it is absurd to relax anything of the merited punishment for a man persevering in his malice and in no way repenting, nor remitting anything at all of his malice.

§ 46. To these, lastly, there are added the sentences of the Fathers. For Jerome says (at the end of book 2 on Ezek. 7): God renders to sinners according to their ways, that He may uphold the truth of the judgment. But in the Saints His clemency exceeds the measure. For "the sufferings are not condign," etc.[61] And Augustine (Sermon 1 on Ps. 32), upon that verse, "He loves mercy and judgment," says that now it is the time of mercy, but afterwards the time of judgment, and he teaches that these two, mercy and judgment, cannot thus far be separated from one another, because God in exhibiting mercy uses judgment, since to those who are converted He forgives sins, to those not converted He does not forgive; and again in the future judgment He has mercy, but towards those to whom He will say: "I was hungry, and you gave me to eat." And citing the passage of James 2, "Judgment without mercy," he says: "Not upon just anyone, but mercy will be upon him who has shown mercy," etc.[62] A like passage is with the same author (Sermon 29 on Ps. 118). The same man, treating

that verse of Ps. 105, "For His mercy is forever," thus writes: "Unless perhaps someone should dare to say that even in those who will be damned with the Devil and his Angels some mercy of God will by no means be lacking—not because they are set free from that damnation, but that it is in some measure mitigated—and thus the eternal mercy of God can be understood to be upon their eternal misery," etc. By which words Augustine signifies that he does not dare to assert this, nay even that there are few who would dare it. Nor does he write otherwise (in the Enchiridion 112–113; City of God 21, ch. 24). For in these places, although he does not resist those who think otherwise, nevertheless he indicates sufficiently that he does not think with them, and he says that they have chosen the milder opinion moved rather by a human commiseration than convinced by a divine authority.[63]

§ 47. "(Homily on the Words of David: 'Who am I?')," he says, that in hell there will now be no indulgence, but the full sentence—although this can be understood of the full execution of the sentence to be pronounced in the judgment, yet so as not to deny that the sentence itself is to be tempered by some mercy.[64]

§ 48. And although the arguments of this part do not absolutely convince, yet they make it very probable, nor do all of them seem able to be resolved as easily as those which were brought on the opposite side. For what is adduced in the first and second place out of the Psalms, we have already warned is to be referred not to all men universally, but to the pious alone or the elect, whom Scripture calls vessels of mercy; the same is taught by Augustine, book 21 of the City of God, ch. 24; and this itself is sufficiently clear from the context. For in the first place there is expressly added, "to those who seek His testimonies," just as also in Ps. 102 it is said: "The mercy of the Lord is from eternity even to eternity upon those who fear Him." In the second place the discourse is of the People of God afflicted temporally.

§ 49. To the third place it is answered that there is commended there the sweetness and mercy, that is, the goodness of God poured out upon the whole creation. For the creature could not even subsist unless God were conserving it; and not only are all goods of grace from God, but also those of nature.

§ 50. To the fourth: Augustine in the place cited and St. Thomas (on the Epistle to the Romans) reply that the Apostle is speaking not of individual men, but of two kinds of men, namely of Jews and of Greeks. For the sense is, as St. Thomas explains, "that mercy be upon all," that is, that in every kind of men the mercy of God may have place. So also that in Wis. 11, "You have mercy on all, O Lord," is not to be extended to all men one by one, but to all kinds of men, etc.[65]

§ 51. Then, passing over the authority of Cassiodorus, which had been objected in the fifth place, but is not of so great moment, it is answered to the sixth that Leo is speaking of the works of God toward the faithful elect, whom by afflictions He either corrects or proves, as is added there.

§ 52. To the seventh it is answered that mercy is there taken improperly for a lighter or more tolerable punishment, which nevertheless corresponds to and is equated with the merits of him who has sinned less.

§ 53. To the eighth it is denied to be similar. For in order to give to the elect rewards above merit there is Faith and Holy Conversation applied to them; but in order to rate the punishment of the reprobate below what is merited, there is neither Faith nor anything similar through which the Passion of Christ may be applied, although in itself it could suffice for this. It must also be considered here that the works of the Saints, by the indwelling Holy Spirit, receive a certain infinite worth. Hence in this respect nothing is detracted from the glory of the Saints, but something is added to their merits.

§ 54. To the last it is answered that, if the reasoning were valid, it would be shown that not even one venial sin could be punished condignly, not even if it were punished by eternal fire; for no evil of punishment, in the formal notion of malice, can equal even the least evil of fault, and even the least venial sin is to be shunned more than every punishment, however grave and of long duration. And indeed the opinion of those who think in such a way seems very absurd, from which there plainly follows that God cannot perfectly satisfy His justice— which is most absurd.

§ 55. One must therefore say that exact vindicative justice does not require that, in the formal notion of malice, the punishment be equated to the fault—which to be done is in no way possible, as has been rightly proved—but that the fault be punished as much as it has merited. For to any fault in the just and exact judgment of God there corresponds a certain measure of punishment; which, if He were to exceed, He would punish beyond merit, as if for a venial sin He were to inflict the punishment of eternal fire.

§ V — Whether the Last Judgment will be carried out by a voice (Judicium extremum an voce peragetur)

§ 56. To the question which the Master raises at the beginning of this Distinction—whether the last and universal judgment will be conducted by an outward voice, or rather will take place only in the minds of those who are to be judged—there seems to be a more fitting reply to be given with a distinction. For in the judgment there are two parts. The former, in which the examination and disquisition of merits is made; the latter, in which the sentence is pronounced by the judge.

§ 57. Therefore, as regards the former part, it is almost agreed among all that it will be carried through not by a voice but in silence in all consciences, according to what the Apostle says (Rom. 2): "Their conscience bearing witness to them, and their thoughts meanwhile accusing or also excusing one another, in the day when God shall judge the hidden things of men." Whence that which is said in Rev. 20, that "the books were opened," is not to be understood of material books, but of the consciences of individuals. For then to each one his own book, from which he is to be judged, will be opened; that is, each one will receive the conscience of all his deeds and a full and actual knowledge of them, not by an outward signification of a voice, but by an inward divine manifestation, of which Augustine says, book 20 of the City of God, ch. 14: "A certain divine power is to be understood, whereby it will be brought about that to each all his deeds, both good and bad, shall be recalled into memory and be beheld by the gaze of the mind with wondrous swiftness, so that knowledge will accuse or also excuse conscience, and thus at once both all and each will be judged." Such are his words.[67]

§ 58. Now that which is said about books not to be thought materially, or—as Augustine speaks in the same place—not to be thought carnally, must also be said likewise about the examination and disquisition of each one's deeds. For just as it would be absurd for anyone to opine that there will be there one book or more of such bulk or in such number as to contain written all the lives of all and each, so, not much less absurd would it be to hold that all the deeds and words of all and each will be brought forth in that judgment with a clamorous noise. For each of these things would require an immense space of time, given the multitude of men and of deeds, words, and thoughts.

§ 59. To the same pertains that which Augustine discusses in the same book, ch. 26; treating that of Mal. 3, "I will be a swift witness against the malefactors," he says that Christ can be understood as a swift witness,

because He will convict the consciences without any prolixity of speech, when without delay He is about to recall into memory that from which He may convict and punish the conscience. There, besides the passage of Rom. 2, he adduces also that of Wis. 1: "In the thoughts of the impious there shall be questioning."

§ 60. Moreover, as regards the latter part of the judgment, that is, the sentence of the judge, St. Thomas, writing on this Distinction and in Opuscule 10, article 27, together with many others, thinks that that too will be not corporeal but spiritual, that is, not to be pronounced by a sound of voice, but to be impressed upon the minds of individuals by the divine power of Him who is the judge of all. And this has the greatest probability, if the question be about the sentences of individuals. For by them for individuals there must be determined individual and diverse rewards or punishments. For, as the merits, so also the rewards and punishments will have a great disparity, as will be taught below in Distinction 49; and therefore to pronounce them one by one would demand a long delay.

§ 61. But as to the general sentence by which the kingdom will be assigned to the elect and the eternal punishment to the reprobate in general, the same reason does not hold. For in that sentence the judge will be able briefly to use the same words which are in the description of that judgment (in Matt. 25), saying: "Come, blessed of my Father," and, "Depart from me, accursed." And thus Richard and Dominic (on this Distinction), and Abulensis (on Matt. 25, q. 333), think; and it is favored by what is read in Augustine, book 20 of the City of God, ch. 24: "Christ," he says, "will appear in an evident voice, who, when He had first come, was silent as to being a judge in the oracle." And also by what is found in Gregory the Great, book 26 of the Moralia, ch. 20, namely, that those who will be judged will hear the judge's words and their interpretation.[68]

§ 62. It is proved also by this reason: Christ is to judge as man; on account of this He will appear to those to be judged in a human and visible form, as was said above in this Distinction. But there will also be other things corporeally. For there will be the corporeal standing of all men before the seat of judgment, and the corporeal separation of those to be judged to the right and to the left; and by the same reason it is very likely that, by an audible voice, the general sentence will be pronounced for both—both for the good and for the evil—and will be insinuated to all who are to be judged, so that He who will show Himself to all in the glory of His Majesty as one contemplating all, may also present Himself to be heard by all as the judge's voice.

§ 63. Note, however, that the argument taken from Matt. 25 does not altogether convince, because it is said there that both the good and the evil will say: "When did we see thee hungering," etc.; which nevertheless it is certain enough and in a certain manner that it must not be interpreted to the letter—especially in the just, who will not be ignorant that they did to Christ whatever of good they did to one of His least ones, His brethren. Nor did all the good do those particular good works, nor did all the evil not commit those particular sins. Whence it is not very likely that those words were pronounced by a voice: "When did we see," etc. But neither is the argument which some bring in the contrary firm, from 1 Cor. 15, where it is said, "In a moment, in the twinkling of an eye, the mystery is to be accomplished"; for since this is not said of the judgment, nothing prevents that the very general sentence be nevertheless pronounced vocally by the judge, because by "moment" and "twinkling of an eye" the Apostle understands not a strict mathematical and indivisible instant, but a very short time. For neither can the resurrection of bodies—which requires the collection and composition of the scattered ashes, and therefore local motion, which of necessity is successive—be done in a mathematical instant; but it will be done "in a moment," that is, with the greatest and almost imperceptible swiftness of time.

§ VI — To what extent the deeds of all are to be manifested on the day of judgment (Quatenus omnium facta in die judicii manifestanda)

§ 64. It is manifest by many places of the Gospel that not only the deeds—whether good or evil—whatsoever a man has done through the whole time of his life, but also those of all others, even up to the most hidden thoughts of minds, will be made manifest, according to the sentence so often repeated in the Gospel: "Nothing is covered that will not be revealed, and hidden that will not be known" (Matt. 10; Mk. 4; Lk. 8; Lk. 12). Likewise according to that of the Apostle: "When the Lord shall come, He will illuminate the hidden things of darkness and will make manifest the counsels of hearts" (1 Cor. 4). Which the opening of the books also signifies (Dan. 7; Rev. 20). For this pertains not only to consciences of individuals, but to the knowledge of all, as is evident from the example of books which, in judgments even of the forum, are opened, from which, to be sure, the acts are read openly and into the ears of all who are present at the judgments.

§ 65. The reason for this is, that the justice of God of the Judge may be clearly and perfectly exposed to all, and every mouth of those who murmur against the justice of God may be shut, and that God may be justified in His words, and the whole world may appear guilty in His judgment, as it is said (Ps. 50) according to the Hebrew truth. Whence also the Apostle (Rom. 2) calls the day of judgment the day of revelation, that is, in which the justice of God judging will appear manifest to all.

§ 66. Since, therefore, in that judgment all are to be judged according to all their works, so that—as has been said— the justice of the Judge may clearly and perfectly, as it has been said, be exposed to all, it will be necessary that the works of all be known to all, not only in general and confused cognition, but also in a particular knowledge of fact and also of right—namely, which works were good or evil, and therefore worthy either of rewards or of punishments. For just as both the good and the evil will carry within themselves as a witness the proper conscience of all their deeds—as was said above from Rom. 2—"And the timid will come into the thought of their sins,"[70]

§ 67. And, "their own iniquities will confront them," "When the just shall stand in great constancy, etc." (Wis. 5), where also the fierce repentance (*poenitentia*) of the impious, which assuredly includes an acknowledgment of sins, is described at length, and indeed in such a way that it is signified that not only in their own consciences, but also otherwise to all, in that judgment their sins and their demerits will be manifestly known. And truly, if the impious—despite the malice in which they will be hardened—shall accuse themselves and, though grieving and hating it, shall acknowledge God's justice (*justitia*) toward themselves, much more will they acknowledge it toward others, whose sins, God revealing them, they will have seen no less clearly than their own. Of this universal manifestation Gregory speaks thus in his Symbol, as reported by John the Deacon in his Life, book 2, ch. 2: "Thence He is to come to judge the living and the dead, about to set before the eyes of all the hidden things of each."[71] Bede likewise, book 4 on Luke, ch. 52, on that saying of ch. 12, "What you have said in the darkness shall be said in the light," says that in the future age all the hidden things of hearts will be brought forth into the light.'[72] And Bernard, in the Sermon to Clerics on Conversion, ch. 16, that God, who knows all things, will make them known to all.'[73] Likewise the Ordinary Gloss on 1 Cor. 4 affirms that the things done and the things thought, good and evil, will then be open and known to all.'[74] And this is confirmed by Lyranus on Joel 3, where he says that on the day of judgment the merits and demerits of all will be made manifest to all.'[75] Whence someone rightly sang about that judgment: "Cunctaque cunctorum cunctis arcana patebunt"—"And all the secrets of all will lie open to all."'[76]

§ 68. Since these things are so, by no means is it to be thought that the Saints and the elect in that judgment, and thereafter for eternity, will have no memory of their sins which in this life they have committed. For if it were so, they would no longer have whence to give thanks to God—namely, having forgotten the misery and that from which by God's grace they had been delivered—just as Gregory rightly argues, Moralia, book 4, ch. 42, after St. Augustine.[77] In which place he beautifully explains how far the Saints are forgetful and how far mindful of past evils, subjoining thus: "Otherwise, if they were going to be unaware that they had been miserable, how, as the Psalm says, will they sing the mercies of the Lord forever?" Therefore what in their person Isaiah says, "the former anguishes have been consigned to oblivion, and they have been hidden from our eyes," understand, according to Jerome, that they will forget past evils not by forgetfulness of memory, but by the succession of goods—according to that saying: "in the good day forgetfulness of evils," etc. Thus the Lord (Jn. 16) says that the woman, once childbirth is ended, no longer remembers her distress because of joy, since a man has been born into the world.'[78] Although the passage of Isaiah treats not so much of sins as of miseries. But what Jerome there subjoins, that this too can be said—that in the new heaven and the new earth the memory of every former way of life is blotted out, lest that very recollection of the former distress be a part of the evil—he does not say as though he himself thought it would be so (since a little before he had said the contrary), but because perhaps he judged that opinion and interpretation could be tolerated; although the Master (Dist. 43), where he treats of this matter, thinks Jerome's words can be taken of a memory of evils that brings sadness, such as in the just there is wont to be a memory of sins—something which, however, will there happen otherwise, because in very truth the Saints in that felicity will receive no pain from the remembrance of former crimes, but rather great joy from their deliverance. There will indeed be a perpetual displeasure and hatred of sins, both their own and others', but without pain and sadness, just as there is in God and in His Angels, to whom our sins are displeasing, yet they do not bring them pain. Nor is the opinion of those to be approved who think that all the sins of the elect—because by penance they will have been covered and blotted out—will at least in that judgment be covered and hidden to others, as well the elect as the reprobate; although the Master inclines to that opinion, saying that it can rationally be said. But it has been set down among his selected errors, and not without cause, because it not only contradicts the testimonies of Scripture and the Fathers cited above, but also clashes with reason. For it is certain that the penance of the Saints will there be manifest to all; but that penance cannot be distinctly known unless the very sins of which it was the penance be known. From which it follows that even sins blotted out by penance will come into knowledge. Indeed, this very thing is unto the glory of the Saints, for by it will be made more brightly evident in them the greatness of Divine justice, which freed them from so many and such sins. Add that, since by penance all the sins of all are utterly abolished, from that opinion it would follow that none at all of their sins would be known to others, not even to the elect, not even those which in this age were most well known from Sacred Scripture—such as those we have just mentioned; which is utterly absurd, and is refuted by this argument. For Augustine in the last book of the City of God says that in that felicity our thoughts will lie open to one another; therefore, if each one will retain the knowledge of his own sins, as was shown above, others too will see it in each one.'[79]

§ 69. But against the said universality of manifestation someone will object: If all the deeds, words, and thoughts of all are to be manifested, there will be need of a very long time to know them—both because, with the Philosopher (Topics 2), one cannot understand many things at once, and because it is not possible that the human intellect, even successively, should within so brief a span of time comprehend all the deeds and thoughts of all men, as many as have lived from the beginning of the world to the end. To which I reply that

naturally indeed it is not possible; but by a divine and supernatural effect it will be brought about that either in a moment or in a very short time all things will be represented as if set before all on a very great tablet. Which mode it is permitted sufficiently to understand from the testimonies long since cited both of Scripture and of the Fathers, especially of Gregory and Bernard.[80]

§ III — On the four orders of men in the Judgment (De quatuor ordinibus hominum iudicio)

§ 70. St. Gregory hands down that in that judgment there will be four orders (*ordines*) of men (*hominum*)[82]—and the same from St. Bede in the Homily which he delivered on the feast of St. Benedict, and from the Master [of the Sentences],[83]—two of the elect (*electi*), the first of those who will judge, and the second of those who will be judged; likewise there are two of the reprobate (*reprobi*), the first of those who will be judged, but the latter of those who, already prejudged by all, will then without judgment be condemned. For the first order the following places of Scripture are to the point: Matt. 19, "You who have followed me, in the regeneration, when the Son of Man shall sit upon the seat of his majesty, you also shall sit upon twelve seats, judging the twelve tribes of Israel"; Lk. 22, "I appoint to you that you may sit upon thrones, judging the twelve tribes of Israel"; and Rev. 3, "He who conquers, I will give to him to sit with me on my throne." St. Gregory understands this "throne" of the throne of judgment[84]—and rightly, since by that name the power of judging is everywhere in the Scriptures of either Testament signified. Likewise Dan. 7: "The judgment sat," that is, the judges sat, just as we say "the senate sat," that is, the senators did so. Is. 3: "The Lord will come to judgment with the elders of his people"; Zech. 14: "The Lord my God will come, and all the saints with him," namely, to judge; Wis. 3: "The saints will judge nations, and rule over peoples." From all of which it is evident that certain persons on that day will judge, and not the Apostles alone, but others too, namely all those who with the Apostles will truly be able to say: "Behold, we have left all things, and have followed thee" (Matt. 19), that is, those who have aimed at that perfection of Christian life to which the counsels of the Gospel lead, which the Apostles followed and in life attained. For all these are understood in that apostolic dozen and in the twelve thrones, just as in the twelve tribes is understood the whole multitude of those to be judged. Thus teaches St. Augustine,[85]; likewise witness St. Gregory and St. Bede in the places noted above.[86] For neither are all, nor are only those, who have left all things in act, but those who have done so in affection and in spirit—in which properly perfection consists, according to that saying of the Savior, "Blessed are the poor in spirit"—to be counted in that grade of eminence which comprises those who will judge. With these, therefore, are to be reckoned Abraham, and especially Isaac, Jacob, Moses, David, and the other saints of the Old and New Testament, having riches as though not having them, who did not set their heart upon them, having attained perfection without having actually undertaken the evangelical counsels.

1. Exod. 15:18: "The Lord shall reign for ever and ever."

2. Mic. 4:5: "We will walk in the name of the Lord our God for ever and ever."

3. Ps. 83:5 (Vulg.): "Blessed are they that dwell in thy house, O Lord: they shall praise thee for ever and ever."; 1 Thess. 4:17: "and so shall we be always with the Lord.".

4. Is. 33:14; Rev. 14:11; Is. 66:24; Matt. 3:12; Matt. 18:8–9; Mk. 9:43–48.

5. St. Augustine, [abbreviation as in source].

6. Rev. 20:10; Rev. 22:5; Rev. 22:6; cf. Lk. 1:32–33.

7. Apostles' Creed; Athanasian Creed (Quicumque vult); Niceno-Constantinopolitan Creed.

8. Epiphanius, Panarion (Haer. 64); Philastrius, Diversarum haereseon liber; St. Augustine, De haeresibus; others on heresies.

9. Epiphanius, Panarion, Haer. 64 (Origenists); St. Augustine, De civitate Dei 21, chs. 17–24; St. Jerome, Epistle against the errors of John of Jerusalem; St. Gregory the Great, Dialogues IV, ch. 44.

10. Lk. 16:24–26.

11. St. Augustine, De civitate Dei 21, ch. 24; St. Gregory the Great, Dialogues IV, ch. 44; Gregory [II], Epistle to Boniface the Archbishop, cited in Gratian, Decretum, Causa 3, q. 2, c. Pro obeuntibus in fine.

12. St. Thomas, "ubi sup." [abbreviation as in source].

13. Ps. 76:8–10 (Vulg.); Ps. 102:8–9 (Vulg.).

14. Ps. 139:11 (Vulg. 140:11).

15. Is. 24:22; cf. Origen, passim.

16. Mk. 12:40; cf. Lk. 20:47.

17. St. Hilary of Poitiers, In Psalmum 68; Phil. 2:10.

18. St. Jerome, In Isaiam 14 and 24 (ad finem); St. Jerome, Contra Pelagianos I, ch. 9; St. Jerome, In Ecclesiasten, on ch. 1; St. Jerome, In Epistolam ad Ephesios, on ch. 1; In Epistolam ad Hebraeos, on ch. 3.

19. St. Augustine, De moribus Manichaeorum, ch. 7.

20. Prudentius, Hymnus "Ante somnum."; Prudentius, Hymnus "De miraculis Christi."; Prudentius, Hymnus "In Romanum Martyrem" (at the end).

21. Deut. 25:2.

22. Matt. 7:2.

23. Rev. 18:7.

24. St. John Damascene, Sermon "Pro defunctis."; St. Gregory the Great, Dialogues II, ch. 23; St. Augustine, De origine animae, ch. 9; Thomas of Argentorate (Thomas of Strasbourg), In I Sent., dist. 41; St. Augustine, Sermons 32–33, De diversis; Eulogius, De miraculis S. Stephani I, last chapter; St. Antoninus, Chronicon (Historia), fol. 194; Justus Lipsius, De Miraculis B. Mariae Hallensis, chs. 19, 21; Sulpicius Severus, Vita S. Martini; Roman Breviary, the acts of St. Agnes; Gregory of Tours, passim (e.g., Historiae), on St. Arnulf.

25. St. Jerome's translation from the Hebrew, Ps. 139(140):11 Vulg.

26. St. Jerome, In Isaiam 24; cf. Is. 27:1; St. Jerome, In Isai.

27. St. Augustine, De civitate Dei XXI, chs. 10–12.

28. St. Gregory the Great, Dialogues IV, ch. 44.

29. St. Gregory the Great, Moralia, book 11 [abbreviation as in source].

30. Pseudo-Damascene, Sermon "Pro defunctis."

31. John the Deacon, Vita S. Gregorii.

32. St. Gregory the Great, Dialogues II, ch. 23.

33. St. Augustine, De origine animae, ch. 9.

34. Thomas of Argentorate (Thomas of Strasbourg), In I Sent., dist. 41.

35. St. Thomas, ibidem [abbreviation as in source].

36. Prudentius, Hymnus beginning "Pœnarum celebres sub aestivæ feriæ...".

37. St. Thomas, In IV Sent., dist. 10, a. 3, ad 2.

38. St. Thomas, Summa theologiae I-II, q. 67, a. 4, ad 2.

39. St. Augustine, Enchiridion 110.

40. Glossa on the Decretals, ad cap. "Cum Martha," Extra De celebratione Missarum; cf. Praepositivus [as in the source].

41. Prudentius, Hamartigenia (at the end).

42. St. Cyprian, Epistola ad Demetrianum.

43. St. Augustine, Enchiridion 112.

44. St. Thomas, Summa theologiae I, q. 21, a. 4; cf. Supplementum, q. 99.

45. St. Thomas, Summa theologiae I, q. 21, a. 4, ad 1.

46. St. Bonaventure, In IV Sent., dist. 46, ad textum.

47. Cassiodorus, Expositio in Psalmum 50.

48. St. Leo the Great, Sermon de Jejunio Decimi Mensis.

49. St. Jerome, Commentarii in Ezechielem, lib. 4, on ch. 7.

50. St. Hilary of Poitiers, In Psalmum 118, "Veniant mihi miserationes tuae."

51. St. John Chrysostom, Homilia I ad Populum Antiochenum.

52. St. Fulgentius of Ruspe, Ad Monimum I, chs. 10–11.

53. The author's Article 14 [abbreviation as in source].

54. Robert Bellarmine, De justificatione V, ch. 19.

55. Condemned proposition XIV of Michael Baius by St. Pius V: "Opera bona justorum non accipiunt in die judicii extremi ampliorem mercedem, quam justo Dei judicio mereantur accipere." Estius refers to the Appendix to this book, under the excerpts from the book titled De duplici statu vitae humanae.

56. St. Thomas, Summa theologiae I, q. 21, a. 4, ad 3; I-II, q. 79, a. 3; cf. Supplementum, q. 99.

57. Matt. 16:27; Rom. 2:6; Rev. 22:12.

58. Ezek. 18:24.

59. Jas. 2:13.

60. St. Augustine, De civitate Dei 21, chs. 23–24.

61. St. Jerome, Commentarii in Ezechielem, book 2, on ch. 7.

62. St. Augustine, Enarrationes in Psalmos, Ps. 32, serm. 1; cf. Jas. 2:13.

63. St. Augustine, Enchiridion 112–113; De civitate Dei 21, ch. 24.

64. Homilia de Verbis David: "Quis sum ego" [abbreviation as in source].

65. St. Thomas, Super Epistolam ad Romanos, on Rom. 11:32; cf. Wis. 11:24.

66. St. Thomas, Supplementum, q. 88, a. 2.

67. St. Augustine, De civitate Dei 20, ch. 14.

68. St. Augustine, De civitate Dei 20, ch. 24; St. Gregory the Great, Moralia 26, ch. 20.

69. St. Thomas, Supplementum, q. 87.

70. Cf. Wis. 17:10.

71. St. Gregory the Great, Symbol (as cited by John the Deacon), in John the Deacon, Vita S. Gregorii, book 2, ch. 2.

72. St. Bede, In Lucam, book 4, on ch. 12, at "What you have said in the darkness shall be said in the light" (Lk. 12:3).

73. St. Bernard, Sermon to Clerics on Conversion, ch. 16.

74. Glossa ordinaria on 1 Cor. 4.

75. Nicholas of Lyra, Postilla on Joel 3.

76. "Cunctaque cunctorum cunctis arcana patebunt"—a verse about the judgment [abbreviation as in source].

77. St. Gregory the Great, Moralia 4, ch. 42; cf. St. Augustine, [cap. ult.] [abbreviation as in source].

78. Is. 65:16–17; Jn. 16:21.

79. St. Augustine, De civitate Dei, last book, ch. [abbreviation as in source].

80. Aristotle, Topics II; cf. the testimonies of St. Gregory the Great and St. Bernard cited above.

81. St. Thomas, Supplement, q. 87.

82. St. Gregory the Great, *Moralia in Iob* 26, ch. 20.

83. The Master [Peter Lombard; abbreviation as in source].

84. St. Gregory the Great, *Moralia in Iob* 26, ch. 25.

85. St. Augustine, *De civitate Dei* 20, ch. 5; idem, on Ps. 49; on Ps. 86; on Ps. 121.

86. St. Gregory the Great and St. Bede, in the places cited above.

DISTINCTIO XLVII — ON THE UNIVERSAL JUDGMENT: WHO WILL JUDGE, AND WHETHER ALL MEN AND ALL DEEDS ARE TO BE JUDGED

§ III

§ 1. They contend that there are most opportune means, yet not simply necessary for acquiring that [state]; among the number of these are also bishops, inasmuch as, being already established in a state of perfection acquired, even if in act they have not left all things, yet if their life answers to that state. And of all these that is understood which He said: "Blessed are the poor in spirit," that is, in affection and will—just as Ambrose interpreted this (on Luke 6), as also Leo (Sermon on the Feast of All Saints), Bede (Homily on the Epiphany of the Lord), and Bernard (Sermon 1 On All Saints).[2] And that interpretation is proved by that saying opposed to this sentence in Luke 6: "Woe to you rich, because you have your consolation." For otherwise in Sirach 31 the rich man is proclaimed blessed "who has not followed after gold, nor put his hope in the treasures of money," and so forth.

§ 2. But it is asked, how will they judge? It is answered that they will judge not only by comparison of themselves with others, whether wicked or less good. For that mode of judging also befits any inferior of the elect and even some of the damned. In this manner, namely, those will judge of whom it is said (Matt. 12): "Therefore they themselves will be your judges"; likewise the men of Nineveh and the Queen of the South, of whom it is said in the same place that with the unbelieving generation of the Jews they will rise in judgment and will condemn it. In this sense also it is said (Wis. 4): "The just man, dead, condemns the impious living," and so forth. Nay, Tyre and Sidon and the Sodomites themselves are signified as going to condemn the Jews in this manner (Matt. 11). Yet neither will they judge by sole consent, whereby they approve the sentence of the judge and venerate it as just and holy; for this mode of judging without doubt will be common to all the just, as they shall say: "Praise and virtue and glory to our God, because true and just are His judgments" (Rev. 19). And of this mode that seems to be understood which is said (1 Cor. 6): "Do you not know that the saints will judge this world?" and again: "Do you not know that we will judge angels?" For these things are said of the good faithful in general; and by angels understand the apostate spirits.

§ 3. But they are said to judge with a certain assessor's dignity. Now some explain this thus: namely, that in that judgment their dignity above the rest will appear to all, so that all will plainly come to know that their life was of so great perfection as not to need judicial discussion, but rather to render them worthy of an honorable sitting around the tribunal of the Judge. Ambrose seems to have signified this (on Luke 22), saying thus: "The Apostles are formed for a spiritual judgment, by the remuneration of faith, by the execration of perfidy; with power refuting errors, with hatred pursuing the sacrilegious."[3] But because Christ (Matt. 19) adds to the session the act of judging, as though it were one thing to sit, another to judge, hence the explanation already

given, although true, nevertheless does not seem sufficient, especially since for us this very "to sit" even of itself, in Scriptural locutions of this sort, tropically insinuates the act or the power of judging. Wherefore, with Richard of St. Victor in the book On judicial power in the final judgment, and St. Thomas writing on this Distinction, it can be said that the Apostles and all followers of evangelical perfection will judge with Christ, because besides the dignity of confession already mentioned, they will also bring forth into the knowledge of others the tenor of the judicial sentence, so that in this way the very revelation of the divine justice and sentence made through them in the minds of others is called judgment.[4] Whence Richard adds: "This will be for apostolic men, of those to be judged, to judge each one: we can call the revelation of the sentence a ministerial judgment, and likewise the power of judging thus a ministerial [power]." Of this power Gregory and the Master speak (in the Text).[5]

§ 4. Furthermore, in the second order, as the aforesaid Authors teach, will be those who, although they shall not have attained evangelical perfection, yet, on account of many stains of life, which however they strove to wipe away by works of mercy, will stand to be judged mercifully, and will be received by those who are of the first order into everlasting tabernacles, to whom the Judge says: "I hungered, and you gave" etc. In the third order will be those who, the faith of Christ received, did not live according to it, nor strove to cleanse their sins by penance and works of mercy. These therefore, to be judged without mercy, will hear that saying: "I hungered, and you did not give." In the last order will be all those who never received the faith of Christ, of whom the Lord says (Jn. 3): "He who does not believe is already judged." Which is not to be taken as if there were not to be pronounced upon them by the Judge a sentence of condemnation—since generally all and in accordance with all their works are to be judged, as will be said in the next chapter—but they are said not to be judged by the judgment of discussion, because men will be judged thus: since both their salvation and the cause of their damnation will be so manifest that there will be no need of inquiry and comparison of the good with the evil; the excellence of sanctity of those closest to Christ, and of those others the work of infidelity and impiety excluding from Christ, will be plainly known. Hence Gregory calls them "pre-judged," not by the pronouncing of a sentence but by the evidentness of their crimes. For all things are said, not properly but after the scholastic manner of speech, after the likeness of those things which are done in human trials. Otherwise, even in their hearts the Judge will work this, that they distinctly understand, both that for infidelity and for other sins they are justly condemned, and that the perfect saints distinctly understand that, remission of all sins received, they are crowned for their good works.

§ IV — Whether all men, and about all things, are to be judged (An omnes homines, & de omnibus judicandi)

§ 5. According to the things which have already been said, the question whether all without exception are to be judged in the last judgment can be answered. For if we speak of the judgment of retribution (*judicium retributionis*), without doubt all will be judged, because all in that judgment will receive, for the merits of this life, either goods or evils. "For we shall all," says the Apostle (Rom. 14), "stand before the tribunal of Christ," to be judged. For it follows: "So then each of us will render account for himself to God"; and (2 Cor. 5): "We must all be made manifest before the tribunal of Christ, that each one may receive the things proper to the body, according as he has done, whether good or evil"; and (Rom. 2) he names the day of the revelation of the just judgment of God, "who will render to each one according to his works." Thus (Matt. 25), while describing the coming of the Judge, the Lord says: "All nations will be gathered before Him," and "He will

separate them one from another." In the Athanasian Creed we confess that all will rise and will render an account of their deeds. For even that resurrection (of which this is the chief cause) is in order that all may receive in their bodies the full distribution of retribution. To the same pertains what in the Creed is said, that Christ is to come to judge the living and the dead, by which phrase the whole universality of men is signified; and those "great and small," whom John saw, risen from death and standing in the sight of the throne, and to be judged according to their works, he describes elsewhere (Rev. 20). Add that elsewhere too Scripture repeats and inculcates that God will render to each one according to his works. Which, beyond doubt, pertains to the judgment of retribution.

§ 6. But not only will all be judged; they will be judged also about every age and about everything which they have done in life. "All the things that are done," says Ecclesiastes at the end, "God will bring into judgment, whether good or evil"; and "the Lord will search Jerusalem with lamps" (Zeph. 1), that is, He will make the most exact inquisition of all works. For they will render an account not only of the greater sins but also "for every idle word that men shall have spoken, they will render an account for it on the day of judgment" (Matt. 12), where by "idle word" certain very minute things are understood. Nevertheless they will not render an account of all sins as if to be punished for all; but some indeed will be found blotted out by penance and sufficiently punished and expiated; others, however, will be reserved to be punished by eternal fire. Likewise, of the good works of men some, dead and extinguished by subsequent mortal sin and not revived again, will be judged unworthy of rewards; but all the rest will be enriched by the just Judge with rewards condign and beyond condignity.

§ 7. Furthermore, if we speak of the judgment of discussion (*judicium discussionis*), not all will be judged, as was said above—namely, both of some good persons and of many evil. By which distinction of a twofold judgment it is clear how one ought to answer the Scriptures and the sentences of the Fathers which seem to exempt certain persons from that judgment as not to be judged; as (Jn. 3): "He who does not believe is already judged"; and (Rom. 2): "Who have sinned without the Law will perish without the Law," namely, so that there is no need that they be congregated to be judged as the others; "but those who have sinned in the Law, by the Law will be judged." Thus Augustine (on Ps. 1), speaking of the impious at that verse: "Therefore the impious will not rise in judgment," says indeed: "The impious will rise, but not that they may be judged, who are already by the most certain punishments destined by the just God." Lactantius likewise (book 7, ch. 20) says that in the extreme judgment only those will be judged who have been conversant in the religion of God, not those who have openly not known God, because they have already been judged and condemned, as the Holy Scriptures attest "judgment."

§ 8. For sentences of this sort are to be taken of the judgment of discussion, according to the sense indicated in the previous chapter; although what is adduced from Psalm 1 does not signify that the impious are not to be judged, but that they will not stand in the judgment, that is, that they will fall in the cause and be condemned. Which cannot be done unless they are judged. But what the Lord says in John (ch. 3), "He who believes in Him is not judged," is said of living faith and of the judgment of condemnation; just as that preceding: "God did not send His Son to judge the world, but that the world might be saved through Him." But what the Apostle says (1 Cor. 11): "If we judged ourselves, we would certainly not be judged," has this sense: If we proved ourselves and punished our sins with condign satisfaction, God would not in this age pursue them with a heavier vengeance. Whence it follows: "But when we are judged by the Lord, we are corrected, that we may not be condemned with this world."

§ 9. But it is asked whether children are to be numbered among those to be judged—whether regenerated or not regenerated—and who died before the use of reason. For they do not seem able to be judged who in the body have done— that is, have performed—utterly nothing worthy of praise or of blame, indeed were not even able to act. It is answered that, according to Scripture, it plainly seems that even such are to be judged, at least by the judgment of retribution. For that the judgment of discussion in no way pertains to them is manifest from what has been said above, since in them there is no mingling at all of good merits with evil.

§ 10. That, however, they are to be judged is proved, first, from general Scriptures which teach that all are to be judged, as above. Then specially, because (Matt. 25) it is said that "all nations are to be gathered before the tribunal of the Judge." But to those, too, the little ones pertain, whether baptized or not. For if they did not pertain, then neither would the promise made to Abraham pertain to the baptized little ones: "In thy seed shall all nations be blessed"—which is certainly false. Likewise, to baptized little ones pertains that saying: "Come, ye blessed"; therefore to the not baptized, that: "Depart, ye cursed." Next (Jn. 5) it is said that "all who are in the monuments shall hear the voice of the Son of God," therefore the little ones also. And (Rev. 20) "the small and the great" are said to be judged; and the Athanasian Creed bears witness that all will render an account of their deeds. Lastly, the Apostle Paul (Rom. 5) says, "Judgment from one unto all unto condemnation." By which sentence it is certain that the not-regenerated little ones are included.

§ 11. And this is the doctrine of Augustine in many places, as in the Epistle 107 to Vitalis, and in book 6 Against Julian, ch. 10, and elsewhere.[7] He also replies to that which is objected in the Epistle to Vitalis in this way: "We know that even little ones, according to the things which they have done through the body, will receive either good or evil. They have done, however, not through themselves, but through those at whose answers for them, and renouncing the devil, they are said to believe in God, whence also they are counted in the number of the faithful." And a little after of the same: "If," he says, "they die in that age, surely according to the things which they have done through the body, that is, at the time when they were in the body, when through the hearts and mouths of those bearing them they believed or did not believe, when they were baptized or were not baptized, etc., they will be judged." Likewise, against Julian he says: "If little ones will be made manifest before the tribunal of Christ, how does each of them receive what he has done, who has done nothing, unless because that pertains to them which, through the hearts and mouths of those bearing them, they either believe or do not believe? For he called it 'proper to his body' which pertains to each one already living in himself," they teach.'[8] Yet this matter seems to us able to be explained more clearly if we say that little ones are judged "according to the things which they have done in the body," that is, according to the things which, existing in the body, they have had, whence they could be judged: of which sort are original sin (*peccatum originale*), Baptism (*Baptismus*), grace (*gratia*), faith (*fides*), hope (*spes*), charity (*caritas*), on account of which they are worthy either of condemnation or of eternal life. Nor does it stand in the way that for the word "have done" in the Greek it is "have made"; for under act habit is easily comprehended, since even adults are to be judged not only according to acts but also according to habits, both good and evil, according to the Scriptures: "Blessed are the meek, the peacemakers, the merciful, the pure of heart, because theirs is the kingdom of heaven." But on the contrary, "the covetous, the impure, drunkards will not obtain the kingdom of God."

§ V — On the order of the things that will take place around the day of Judgment (De ordine eorum quae circa diem Judicii fient)

§ 12. Of those things which are going to happen around the day of judgment according to the predictions contained in Sacred Scripture, and of their order in which they will happen, thus briefly St. Augustine, book 20 of the City of God, the last chapter, says: "In that judgment, or around it, we say that these things will come: Elijah the Tishbite, the faith of the Jews, Antichrist who will persecute, Christ who will judge, the resurrection of the dead, the separation of the good and the evil, the conflagration of the world, and its renovation. All of which indeed must be believed to be going to come; but by what modes and in what order they come, experience of the things themselves will teach more then, than intelligence now avails to attain for the profit of men. Yet I think they will come in the order in which they have been mentioned by me." These are Augustine's words, although concerning the order of these among themselves not a few think otherwise.[10]

§ 13. First, for many are of the opinion that the persecution of Antichrist will, in part, precede the preaching of Elijah and the conversion of the Jewish people; and from the things to be said below this appears much more likely. Then there is a difficulty in that Augustine places Christ as about to judge before the resurrection of the dead, whereas the dead must first be raised before they can be judged in body and soul together; and therefore the resurrection of the dead ought to precede the very judgment — which the passages of Scripture (Dan. 12; Matt. 25; Jn. 5; 2 Cor. 5; Rev. 20) sufficiently signify, and other Doctors feel in agreement.[11] Perhaps someone will answer that Augustine is speaking of Christ judging inchoatively, that is, beginning His judgment by fire upon those who will then be found alive and still in need of purgation. But that Augustine does not mean this is shown from the fact that both in this same place and elsewhere he postpones the conflagration and renovation of the world to the judgment and to the separation of the good from the evil, and teaches that it will be the very last of all.

§ 14. Since therefore this reply does not seem consonant with Augustine's opinion, and yet from other places of Augustine — almost without number — it can be taught that his mind is not that the general judgment will be before the resurrection of the dead, and since reason too does not allow that it be so done, it is necessary that these words be interpreted more suitably, namely, that Augustine does not mean Christ actually judging, but as about to judge, that is, coming to the judgment. For he meant to signify that, with Christ coming to the judgment with great majesty, yet not as yet judging, all the dead will be raised to stand before the tribunal of the Judge, as is had in Matt. 25 and elsewhere. But the judgment itself — whether the act of judging or the pronouncement of the sentence — among those things whose order Augustine has enumerated above, he did not set for this reason, that he was treating of the order of those things which would come around the judgment and therefore would be distinct from the judgment itself, although the judgment of discussion (*judicium discussionis*), with the pronouncement of sentence — which is the same as the judgment of retribution (*judicium retributionis*) — is sufficiently understood in the separation of the good and the evil. For the very separation is a kind of discussion, and it will be done for this: that those who have been separated may forthwith receive the Judge's final sentence.

§ 15. Thirdly, most differ from Augustine, as has already been indicated, in that he places the conflagration and renovation of the world in the last place, whereas they put it in the order before the resurrection of the dead. Concerning which matter it will be said more fully below, when we treat of the fire of the conflagration.

§ 16. Therefore, according to the common and also very probable opinion of the Doctors, the following order of those things which will happen around the universal judgment — the judgment itself also being included — can be set down, namely: First, the persecution of Antichrist; Second, the preaching of Elijah; Third, the conversion of the Jews; Fourth, the conflagration of the world by fire; Fifth, the renewal of this same world; Sixth, the resurrection of the dead; Seventh, the separation of the good from the evil joined with the discussion of merits; Eighth, the pronouncing of the final sentence; Last, the reception of the just into the Kingdom and the casting of the impious into Gehenna.

§ VI — On the coming of Antichrist and that he will be a single man (De adventu Antichristi et quod futurus sit singularis homo)

§ 17. Between the first coming of Christ and the second, the Church having already been founded and propagated by the Apostles and their Successors, there will arise some man exceedingly impious and an adversary of Christ and a most hostile persecutor of His Church, whom Scripture calls Antichrist (1 Jn. 2; 1 Jn. 4) — a thing certain among Catholics and indubitable from the Scriptures and apostolic tradition. The apostolic tradition concerning this matter is openly proved from the writings of the Fathers, who very frequently made mention of Antichrist as yet to come.[13]

§ 18. From those same testimonies of Scripture and of the Fathers it is also clearly evident that Antichrist will be one certain and singular man, upon whom alone all the things foretold of Antichrist will fall — and this against the heretics of our time, who want the Antichrist of whom the Scriptures speak particularly not to be some one man, but a certain one Kingdom and See or Power, in which one individuals succeed others in turn. But let us examine the Scriptures themselves. In Daniel, in the places noted above, Antichrist is not called some one Kingdom or one See, but a certain King who will do the things which are narrated there prophetically. And if you say that Daniel speaks literally not of Antichrist but of Antiochus the illustrious, nevertheless the proof will avail; for whichever Fathers interpret Daniel concerning Antiochus — as St. Cyprian (On the Exhortation to Martyrdom, ch. 11) and St. Jerome (on Dan. 11 and 12) — those same Fathers, allegorically, refer that prophecy to Antichrist, of whom Antiochus bore the type. Since therefore that Antiochus was a certain and singular man, it follows that Antichrist too will be a certain and singular man. For in the Scriptures persons are wont to be prefigured by persons, many by many, and Kingdoms by Kingdoms — as Christ by David, the Apostles by the Patriarchs, the Kingdom of Christ by the Kingdom of Judah, the Church by the Synagogue.[14]

§ 19. Another passage of Scripture is Jn. 5: "I have come in the name of my Father, and you have not received me; if another shall come in his own name, him you will receive." By "another" they understand Antichrist — Irenaeus, book 5 (Against Heresies), Jerome (in the Epistle to Algasius, question 11), Augustine, Chrysostom, Cyril, and Bede on that place, and others — nor have they interpreted this otherwise than as said of one man. And that it ought not to be understood otherwise is easily proved, both because there the Lord opposes person to person when He says: "I have come in the name of my Father; if another shall have come in his own name," etc., and because the Jews to whom the Lord is there speaking — foretelling to them that — are expecting and are going to receive one certain man as the Messiah. Another passage is 2 Thess. 2: "Unless the apostasy shall have come first, and the man of sin shall have been revealed, the son of perdition, who opposes," etc.; and below: "Then that wicked one shall be revealed, whom the Lord Jesus shall kill with the

spirit of His mouth, shall destroy with the brightness of His coming," etc. That all these things are said not of some Kingdom but of a singular person, besides the unanimous interpretation of the Fathers, is shown by the article in the Greek prefixed to those words "man of sin," "son of perdition," "wicked one," so that what the translator renders in the last place "that wicked one," he also could have rendered above after this manner: "that man of sin," "that son of perdition." Likewise another passage is 1 Jn. 2: "You have heard that Antichrist is coming, and now many Antichrists have arisen." In the former clause again in the Greek the article is added, because namely that singular adversary of Christ is signified; in the latter clause, however, it is not added, because there all heretics are designated indefinitely. The same is plainly evident from the antithesis of the one and the many: "The one is coming," that is, is to come; "many have already come." The last passage is Rev. 13 and 17, which, conformably with the things that are in Daniel, the Fathers interpret of Antichrist as of one singular man. The same moreover is proved from the duration of his Kingdom: for it is foretold — both in Daniel and in the Apocalypse, and indeed frequently and with different turns of phrase signifying the same — that it will last not more than three years and a half. Which brevity of time can never suit a Kingdom having a long succession. Besides, to bring forward the proof of this matter from the Fathers is superfluous, since all speak of Antichrist not otherwise than as of one man, who will be the most choice vessel and instrument of the Devil, will work lying signs and prodigies, will reign for a very brief time, and will be slain by the breath of Christ's mouth, and the like.[15]

§ VII — Whether Antichrist has come, or is going to come (Antichristus utrum venerit, an venturus sit)

§ 20. Various opinions have been and are, among writers, concerning Antichrist: who he is, whether he will be in the future, or even whether he has already been. He reports that some think the Apostle, in those words: "For the mystery of iniquity doth already work" (2 Thess. 2), wished Nero to be understood, whose deeds already then seemed as it were those of Antichrist. Whence, he says, not a few suspect that he himself will rise again and will be the future Antichrist. Others, however, do not think him killed, but rather withdrawn so that he might be thought killed; and that, living, he is concealed until in his own time he will be revealed, and the rest. But this opinion about Nero as going to return and be restored to the kingdom St. Augustine, in the same place, calls a presumption, which, nevertheless, is found in Victorinus (in the Commentary on the Apocalypse), and in Sulpicius (in the Life of St. Martin at the end of the second Dialogue, and in the second book of the Sacred History). Some Catholics, moreover, think that Antichrist was Mohammed, the false prophet, who by arms in part, in part by the allurements of pleasures which he permits, led away from Christ to his own sect the greatest part of the world. This opinion they prove especially by this argument, because that sect seems to have had its beginning around the year of the Lord 666, which number John designated (in Rev. 13). Clichtoveus reports this opinion while writing (on the fourth book of St. John Damascene, ch. 28), and John Hentenius, in a certain special writing which he prefixed to his own version of Arethas on the Apocalypse, defends it on the authority of Joannes Annius; but the proof is weakly efficacious. For that number is not of time, but of a name, as is said openly in that very place of the Apocalypse. Certain others think the Prince of the Turks to be Antichrist; but this is said with even less probability than about Mohammed. But the heretics of our time, all blinded by hatred against the Roman Church, blaspheme that the Roman Pontiff is Antichrist; Catholics indeed, almost all of them, according to the things which about Antichrist are predicted in the Scriptures, believe that he has not yet come, but will come at the end of the

world; although some of the Ancients, considering the malice of their own times, or moved by certain other conjectures, suspected that even then the end of the world was imminent, and therefore that Antichrist would be at once about to be present — as St. Cyprian, book 3 (Ep. 1; and book 4, Ep. 6), Lactantius book 7 (ch. 25), St. Jerome (in the Epistle to Gerontia or Ageruchia on Monogamy), Leo (Sermon 8 on the Fast of the Tenth Month), Gregory (Hom. 1 and 15 on the Gospels, and book 4, Epistle 38).[17]

§ 21. First, because before that last persecution which will be stirred up by Antichrist, the Gospel of Christ must be preached through all nations, as is sufficiently indicated (Matt. 24), and the Fathers testify, as Hilary (Can. 25 on Matthew), Cyril of Jerusalem (Catechesis 15), Theodoret (on 2 Thess. 2), Damascene in the place a little before cited, and others.[18] But it is established by experience that not even at this time — when the Gospel has been preached to the most remote peoples — has it come to all nations, since there still remain in the New World, and indeed also in Asia and Africa, not a few nations to whom it has not yet been announced. Second, because Antichrist will not come before the Roman Empire has been laid waste and altogether destroyed. Thus most of the Fathers think and prove it from the Scriptures (Dan. 2, 7; Rev. 17; and 2 Thess. 2). But this has not yet been fulfilled, because the Roman Empire, although much diminished and cut back, still subsists in the Roman Emperor. Third, because Antichrist will not come unless the apostasy comes first, that is, a secession or defection (2 Thess. 2). If by "defection" you understand a defection from the Roman Empire, and that perfect and complete, this argument will be the same as the preceding. But others more rightly understand "apostasy" of a defection from the Roman Church, and that not of persons but of kingdoms — which indeed has already long since been begun, because now not a few kingdoms both of the East and of the West have defected from the obedience of the Apostolic See, yet not all. Fourth, because in the time of Antichrist there will come Elias and Enoch, so that they may set themselves by their preaching against him, as will be said below. But it is established that these have not yet come. Fifth, because the persecution of Antichrist will be the most grievous of all, so that the public exercises of the Christian Religion, and among them the continual sacrifice of the Mass, will cease. Thus of that persecution thinks and writes Augustine, book 20 (City of God, ch. 7 and 9), and other Fathers. And the same is signified by Scripture (Matt. 24; Rev. 20). But Christians have not yet experienced a persecution of this sort. Sixth, because Antichrist, according to the prophecies of Daniel and of John in the Apocalypse above indicated, will reign only three years and a half, and that also according to the common interpretation of the Ancients. But this suits none of those who have come up to now, and before the consummation of the world, as is sufficiently clearly signified (Dan. 7; Matt. 24; 2 and 3 Thess. 2; Rev. 12, 20), which also is the common opinion of the Fathers. From which at least it follows that Antichrist has not come long since, as certain Catholics have opined, and as the heretics impiously contend about the Roman Chair.

§ 22. Lastly, since prophetic Scripture is wont to shine forth by the very events of the things predicted, if already long since he had come who by the Prophets is foretold to be Antichrist, the Church would not be unaware that the prophecies pertaining to him have already been completed — just as about Christ, and His birth, passion, resurrection, and about the conversion of the Gentiles, it at once knew this. In no manner, therefore, is it credible that Antichrist has already long since come. But as to who Antichrist will be, or from what people, what tribe, from what parents he will be born, after how many ages he will come, and where especially he will reign — there are many and uncertain conjectures of many; for a Catholic it should be enough, if — as altogether very likely and more than probable — he has not yet come, to believe that he will come before the day of judgment, will be the head of the impious, will persecute the Church most grievously of all, will do lying signs and prodigies, and will be destroyed by the Spirit of Christ, and other such things are

to be fulfilled in him which Paul (2 Thess. 2), Daniel (ch. 11), John in the Apocalypse (11 and the following), and other Prophets, and Christ Himself the Lord of the Prophets, have foretold about him. But one may see about these things Origen book 6 (Against Celsus), Jerome (on Dan. 7, 8, 11; Question 11 to Algasia), Augustine book 20 (City of God), Gregory book 15 (Morals, ch. 36, 38, and the last two; and book 31, ch. 18; and book 1 of Epistles), Alcuin book 5 (On the Trinity, ch. 19; and again in tome 9 of the Works of Augustine, the Treatise on Antichrist), whose author it is probable is Rabanus, Archbishop of Mainz — although in that treatise, as also in Lactantius book 7 (ch. 17, 19), many things are recounted about Antichrist which can be confirmed neither by the authority of Scripture nor by a certain tradition.[19]

§ VIII — That the Roman Pontiff is not Antichrist (Romanum Pontificem non esse Antichristum)[^20]

§ 23. The impious and blasphemous error of almost all the heretics of our century is that the Roman Pontiff is Antichrist — which, however, before Luther, none of the heretics dared openly to dogmatize. For although John Wyclif (art. 30) among those who in the Council of Constance were condemned, asserts the excommunication of the Pope to be the censure of Antichrist, he did not understand this of that outstanding Pseudo-Christ whom Daniel, Paul, and John have foretold will come, but of him or those who by evil life and doctrine prepare the way for Antichrist, of whom the same John (1 Epistle 2) says: "Now there have been made many Antichrists." Which is evident both from this, that he does not speak of the Pope alone, but also of other prelates of the Church (for thus the article has it: "The excommunication of the Pope or of any Prelate is not to be feared, because it is the censure of Antichrist"), and from article 19 of John Hus, who was a follower of John Wyclif and a champion of his articles. For there Hus says that he prepares the way for Antichrist. Therefore he did not yet hold the Roman Pontiff to be Antichrist — although otherwise the bitterest enemy of the Roman Church, as his articles sufficiently declare. In the same sense, I judge, those heretics spoke of whom Caesarius, a Cistercian monk, book 5 (Dialogues, ch. 22): "They were saying," he says, "that the Pope was Antichrist and Rome Babylon" — understanding by Antichrist the precursor of Antichrist. For as yet there had not been born the opinion, which in our time the Sectaries have brought forth, that Antichrist is not a singular man, but in a Kingdom or in a Chair one of succession. Or if they understood Antichrist himself as foretold by the Apostles, nevertheless they had not produced that dogma, just as neither the other detestable things which in that same place Caesarius reports, into the public. For they were certain obscure men who, at the very outset in their very beginnings, before their dogmas came into public knowledge, were oppressed; and Caesarius, moreover, was still living in the year 1233. Furthermore, the heretics of our time, although they agree in the above-mentioned impiety, yet vary very much about the time when Antichrist first began to appear, who that first one was. For some appoint Gregory I, others Boniface III, others Gregory VII, others this one and that one at a very diverse time. Nor have there been wanting those who rendered Peter the Apostle suspect, so that not a single Roman Pontiff would be alien from this name. But it is easy to refute them all by the evidence of arguments, of which from very many we will here subjoin a few.

§ 24. First: Antichrist is designated for us in the Scriptures as some one and single man, as has been proved above; but the Roman Pontiffs are many, some succeeding others in the same dignity. Second: Antichrist has not yet come, as has been proved above; therefore, up to now no one of the Roman Pontiffs has been Antichrist. Third: Antichrist will take away the continual sacrifice, according to the prophecy of Daniel; but

the Roman Pontiff in the greatest degree establishes, adorns, and protects it. Fourth: Antichrist will oppose and be exalted above everything that is called God or that is worshiped, so that he shows himself as if he were God (2 Thess. 2). But no one of the Roman Pontiffs has wished to be worshiped as God, nor has said that he was Christ, nor has made himself equal or superior to Him. Rather all of them acknowledge themselves to be servants and vicars of Christ, subject to Christ in all things, and indeed they confess and write themselves to be servants of His servants. Fifth: The coming of Antichrist will be "in all power, and in signs, and in lying wonders," as we say in the same place; but about the Roman Pontiff no history has this. For indeed some of them have shone with true miracles, yet not in such a way that certain other Saints, as Nicholas, Martin, Bernard, Dominic, Francis, have not shone far more — perhaps for this reason, lest in any way this calumny about lying prodigies might have any likelihood among the heretics in the case of the Roman Pontiff. And indeed, if they think that of the Roman Pontiffs he is to be judged Antichrist who would be judged so from the greatness and multitude of miracles, this would belong to no one more truly than to Peter the Apostle himself, who first held the Roman See. For he of all men shone most by miracles. Let them then say — that they may increase their blasphemies — that Christ set Antichrist over His Church, and committed to him His sheep to be fed. Sixth: Antichrist will only reign three years and a half, according to Daniel and John in the Apocalypse, and the common interpretation of the Fathers; but this by no means fits the reign of the Roman Pontiff, which, by the confession of the heretics, has now stood 900, or 800, or 700, or at the least 500 years. Seventh: The name of Antichrist, foretold under a riddle by John (Rev. 13), has not yet become known, nor have the wits of the heretics up to now been able to attain it by other conjectures, especially so that it might fit the Roman Pontiff. But it would be known if the Roman Pontiff had already for 500 or more years been Antichrist. For prophecies, immediately after they have been fulfilled, shine forth — as about Christ, His very passion and death, as we said above. Eighth: The character of Antichrist of which John speaks in the same place — what it is — has not yet become known; nor can there be designated by the heretics any character of which it is true that "without it no one is permitted to buy or to sell"; since even in the City of Rome Jews buy and sell publicly, having no mark of that sort such as John describes. Ninth: Antichrist is especially to come on account of the Jews, by whom he will be received as Messiah; and therefore he will be from the nation of the Jews, and will be circumcised, and will observe the sabbath. Nor would the Jews receive as Messiah anyone unless he were a Jewish man and circumcised. And these things furthermore are proved (from Jn. 5; 2 Thess. 2; and from the interpreters of those places). Likewise from Jerome (Question 11 to Algasia, on Dan. ch. 11), Bede (on Jn. 9), Augustine (Sermon 1 on Easter, which is 136 on Time), Irenaeus (book 5), Cyril of Jerusalem (Catechesis 15), Hilary (Can. 25 on Matthew), Ambrose (on Lk. ch. 21), Sulpicius, book 2 of the Dialogues on the Virtues of St. Martin, Gregory, book 29 (Morals, ch. 17; and book 31, ch. 10; and book 11, Ep. 3), and Damascene book 4 (ch. 28). It is established, however, that now for many centuries no Roman Pontiff has been a Jew by race, that not a single one at all has practiced the Jewish religion, and that none of them has been received by the Jews as Messiah; but rather he has been held as the common enemy, as the high priest of all Christians whom they supremely hate. Tenth: Antichrist, according to the Apostle (2 Thess. 2), will sit in the temple of God, which, according to the common exposition of the Fathers, will be the temple at Jerusalem; for neither the Apostles nor the earlier Fathers were wont to call the churches of Christians "temples," but by that name only was called the temple of the true God which was at Jerusalem, and the temples of false gods among the Gentiles. But in that temple of God no one of the Roman Pontiffs is read ever to have sat. Eleventh: If the Pope is Antichrist, therefore Christ deceived the Church when He said to Peter: "Thou art Peter, and upon this rock I will build My Church, and the gates of hell shall not prevail against

it" (Matt. 16); therefore He committed the Church to Antichrist, that is, the sheep to a wolf, when He said to Peter: "Feed My sheep"; therefore He was not heard by the Father in that which He said: "I have prayed for thee, Peter, that thy faith fail not; and thou, being once converted, confirm thy brethren" (Lk. 22). For those Scriptures must not be referred only to the person of Peter, lest we be compelled to think that Christ looked out only for a very brief time of His Church, but to his successors into perpetuity. Whence, whatever they establish about the primacy of Peter and his successors, and about the indefectibility of the same, shows that the Roman Pontiff is not Antichrist. Twelfth: If the Pope is Antichrist, then the whole Church now for 1000 years — that is, from the time of Gregory I, or at least for 500 years, that is, from the time of Gregory VII — has been in a most foul error, namely that it has had and venerated him as its head and as the Vicar of Christ, the shepherd of the sheep, who would be the very greatest enemy of Christ and of the Church. An error of this sort, not even in a temporal kingdom so long lasting, no history reports; how much more is it wicked to attribute such a horrendous error in the spiritual Kingdom of Christ! Finally: No one can be designated from among the Roman Bishops who has introduced into the Church a new doctrine and one repugnant to the doctrine of his predecessors, or at least has proposed it as to be held by the Church, or, finally, for that matter has been rebuked by the foremost teachers and shepherds of the Church for a thing done or attempted. Which, however, we read has often happened in the See of Constantinople and of Alexandria and other sees. Therefore none of the Pontiffs who up to now have sat in the Roman Chair has been Antichrist — since it is most certain that a mark of Antichrist, indicated also beforehand by Daniel, is that he is going to change the doctrine and ordinances of the Ancients. Add to these that not even the Greeks — who now for some ages, separated by obstinate schism from the Roman Church, pursue it with hostile hatred — are read to have come into so great a contumely as to call the Roman Pontiff Antichrist. But how far all the Fathers of the Church have been from that blasphemy is easily proved by the most illustrious epithets with which long since they decked out the Roman Pontiff — they called him the head of the whole Church, the prince, the shepherd, the teacher, the rock, the foundation, the prop, the column, the Bishop of bishops, the father of fathers, the Supreme Patriarch, the Vicar of Christ, most holy, most blessed, and the like.

§ 25. Nay, St. Jerome, from this very point, judges someone to belong to the party of Antichrist, if in doctrine he dissents from the Roman Pontiff. For thus (in the Epistle to Damasus the Roman Bishop, which begins, "Since a long-standing custom"): "Whoever," he says, "does not gather with thee, scatters; that is, whoever is not of Christ is of Antichrist." And Bernard, who lived within the last 500 years, book 2 (On Consideration, to Pope Eugenius, ch. 8), adorns him with these titles: "Thou art," he says, "the great Priest, the Supreme Pontiff; thou, the prince of bishops; thou, the heir of the Apostles; thou art in primacy Abel, in government Noah, in patriarchate Abraham, in order Melchizedek, in dignity Aaron, in authority Moses, in judgment Samuel, in power Peter, in unction Christ," and so forth. Behold, the most holy man — the same also most learned — calls the Roman Pontiff, after other splendid appellations, Christ; so far is he from having suspected him to be Antichrist. And these things in that book in which he neither concealed nor kept silent the vices and abuses of the Roman Curia, but rebuked them most sharply. But that the heretics call the Vicar of Christ "Antichrist" is not so much to be wondered at, when Christ Himself heard: "Thou art a Samaritan and hast a devil" (Jn. 8); and He forewarned His disciples (Matt. 10), saying: "If they have called the master of the house Beelzebub, how much more them of his household?" Whence it may be sufficiently understood by the truly Christian and Catholic mind, from what spirit these blasphemies and curses of the heretics proceed.

§ IX — The heretics' arguments are refuted (Refelluntur argumenta haereticorum)

§ 26. The things which the heretics bring forward to prove that the Pope is Antichrist (*Antichristus*) are almost all not so much arguments as lies, calumnies, and blasphemies. Passing these by, therefore, we shall refute three or four which seem to have some appearance of probability.

§ 27. The first is what they fetch from Rev. 17, where that great harlot, that is, Babylon, is said to be the seat of Antichrist. But they want this to be Rome, because there it is said that she has seven heads, which are seven hills, upon which the woman sits; and those seven hills are Rome's, for which cause of old she was called "the seven-hilled"; and that it is so is known both from histories and even from present experience. Whence Tertullian says (Against the Jews, ch. 9; and Against Marcion, book 3, ch. 13): "Babylon," he says, "even with our John is the figure of the city of Rome"; and Jerome (in the Letter to Paulinian prefixed to the book of Didymus On the Holy Spirit) writes thus, signifying Rome: "When as yet I was dwelling in Babylon and was a tenant of the purple-clad harlot," and the like. The same (in the Letter to Marcella), and Orosius (book 7 of his History, ch. 2), and Aretas of Caesarea (on Rev. 17) interpreted Babylon as Rome; nay more, the Apostle Peter too, saying at the end of the First Epistle, "The Church which is at Babylon saluteth you," designated Rome by the name Babylon, inasmuch as he was writing that Epistle from the City of Rome. If therefore Rome is Babylon, and Babylon the seat of Antichrist, they want it to follow that Rome is the seat of Antichrist, and hence that the Roman Pontiff (*Pontifex Romanus*) is Antichrist, seeing that none other holds the Roman See than the Roman Pontiff.

§ 28. Reply is made that, although by Babylon in John many understand not Rome but the kingdom and city of the Devil, which is often in Scripture so called "Babylon," just as the kingdom and city of God, that is, the Church, is called "Jerusalem"—in which fashion Aretas, Bede, Rupert, and Haymo interpreted the place in the Apocalypse in their Commentaries, and before them Augustine (on Ps. 26)—yet it is right, according to others, to understand Rome, not indeed Christian Rome such as it was from the time of Constantine's empire down to the present day, but pagan Rome such as it was in the time of the Apostles and thereafter down to Constantine; when, to wit, being supremely given to the uncleannesses and abominations of idols and, as Leo says, although she was well-nigh mistress of all the nations, yet served the errors of all the nations, she afflicted the Church of Christ by her rulers, still pagans and idolaters, with most grievous persecutions, and poured forth most copiously the blood of Christ's Martyrs.[21] That John in the Apocalypse speaks of her as such is clear, because he calls the woman, who signifies that great city, "the mother of fornications," "the abomination of the earth," that is, of all idolatry, and as one "drunk with the blood of the martyrs of Jesus," and "having a kingdom over the kings of the earth."

§ 29. That Tertullian speaks of her in this way is no less clear from both the places cited. For when he had said that Babylon is the figure of the city of Rome, he added: "accordingly great, and proud of empire, and the overcomer of the saints of God"—plainly alluding to the words of John just mentioned, and, as it were, pointing with the finger to Rome such as she still was in his own time. For of the Roman Church he thus says in the book On the Prescription of Heretics: "Happy the Church, to which the Apostles poured forth their whole doctrine together with their blood."

§ 30. That Jerome's words also pertain to pagan Rome is not to be doubted, in this sense: "When I was dwelling in that city which once was Babylon and that purple-clad harlot which John describes in the

Apocalypse." For he himself indicates this sense at the end of book 2 Against Jovinian when he thus addresses Rome: "I will speak to thee who hast wiped away the blasphemy written on thy forehead by the confession of Christ." These words also serve as a response to that which Rufinus, in book 2 of the Invective, objected against Jerome from the words set above (from the Preface to the book On the Holy Spirit): "From which," he says, "see how, by God's favor, he says about the city of Rome, the head of the Christians, the things which used to be said when Gentile peoples and persecuting princes dwelt in it." Thus he against Jerome, not understanding that manner of speaking by which things are often called by those names and titles which once they had, although afterwards they changed along with the things—and nonetheless openly indicating for which time and state Rome could be called Babylon and the purple-clad harlot. Rupert beautifully explains this in book 8 On the Glorification of the Trinity, ch. 5, saying that she who once had been Babylon had been made Jerusalem, the daughter of the heavenly Jerusalem and the new Sion, and so on.[22] But if the heretic will altogether insist that Jerome is speaking of his own time, and by the name of Babylon understood Christian Rome, it follows that even then in Jerome's time, twelve hundred years ago, the Roman Church had degenerated and Antichrist had sat in her, which not even the Sectarians themselves grant. The same answer holds moreover for the other authorities. For that the Apostle Peter understood pagan Rome cannot be doubted, since as yet it was not Christian, although there was in it a certain Church of Christians.

§ 31. The second argument they take from the name of Antichrist, which John, signifying under a riddle, says contains the number 666. Now this number is found exactly in the word "Latinus," if it be written in Greek, as was observed by Irenaeus, book 5 Against Heresies.[23] Since therefore Latinus is the same as Romanus, hence they want it to follow that the Roman Pontiff, who presides over the Latin Church, is Antichrist. But this argument is plainly frivolous. First, because no Roman Pontiff ever had the name Latinus, although there was altogether one who was called Romanus. Now John is speaking not of some common or appellative name, of which kind any clever person can easily devise something either way, but of a proper name. Second, because not even among the Greeks does that name make up the designated number unless the letter epsilon be added to the middle syllable—and that contrary to how the Greeks are wont to write it. Third, because Irenaeus gathered only a conjecture of this name from this, that since Antichrist is going to be a most powerful king, he thought he would seize the kingdom of the Latins, which in the time of Irenaeus was the greatest. Which conjecture is nothing today, since that kingdom now is very small, and the name of the realm is almost extinct. Fourth, because not even to Irenaeus himself is his conjecture about that name approved in all respects. For he adds that it is much more probable that the name of Antichrist will be "Titan," which signifies the sun and, written in Greek, gives exactly the number set down by John; but this name is read as attributed to none of the Romans. Other conjectures too are produced by others regarding the name of Antichrist, but they are utterly uncertain, so that it is most prudent even for Catholics to confess their ignorance in this matter, because not even Irenaeus, among his conjectures, put anything assertively; nay rather, he says it is more certain and safer to await the fulfillment of the prophecy than to suspect and to divine whatever names, since many names can be found which have the aforesaid number: "And if," he says, "it were necessary that his name be openly proclaimed at the present time, surely it would have been published by him who also saw the Apocalypse." Thus he. Although neither is this certain, whether that name was revealed even to John himself. All the less, then, ought we to toil curiously in searching for it before the time.

§ 32. The third argument they draw from Dan. 11, where, in the place of that which in our version is foretold of Antichrist, "And the God of his fathers he will not regard, he will be in the desires of women," they read in theirs: "And over the desire of women he will not understand," especially since there again follows:

"and over every god he will understand." And so they say that the very contrary is signified to what our version has—namely, that he will not care for the love of women. For in Hebrew idiom "to understand over someone" means "to care for," as is clear from this very place; just as, conversely, to "understand over someone" means "to care for him and take thought for him," as in Ps. 40: "Blessed is the man who understands over the needy and the poor." And they confirm this from the interpretation of the Seventy, with whom it is read altogether as in the Hebrew. Therefore here they want that mark of Antichrist to be designated, that he will enjoin celibacy upon his ministers and forbid marriages. And this, they say, fits the Roman Pontiff, who has imposed the law of celibacy upon Priests and Monks and altogether keeps them from marriages. But we reply that neither does the Roman Pontiff nor the Church enjoin celibacy upon anyone, nor simply forbid that he contract matrimony, but only exhorts to perpetual continence and to the vow thereof, and does not admit anyone to the Priesthood who has not of his own accord vowed continence. Moreover, from those who have vowed, that they may not incur damnation, she requires that they render their vows to the Lord, and that according to the divine and natural law. And that these things have been done in the Church already from the times of the Apostles can easily be proved.

§ 33. But as to Daniel's words, although they have an incomplete sentence, which therefore can be taken in the contrary sense, yet it seems more correct that Jerome translated affirmatively, supplying the sentence thus: "he will be in the desires of women." The reason of which is taken from the subject-matter. For literally that passage is to be understood of Antiochus, whom histories record to have been given to the loves of women above measure and even to extreme disgrace and shamelessness—which Jerome also reports in his Commentary. But of Antichrist, whose type Antiochus bore, it is in no way credible that he will exact celibacy from his own, since the Jews, of whom he is going to be the Messiah, will expect from him abundance of all temporal goods, and among these a multitude of wives; and them perhaps by his example he will call rather than by his word to that license of a carnal life in the desires of women. Add that it is not likely that anything praiseworthy in itself—such as "not to be in the desires of women"—was foretold by the Prophet of Antichrist, "the man of sin." If, however, the negative sense please anyone, he will be able to say that this is signified, that Antichrist will despise feminine delights, or rather will feign that he despises them, in order that by that pretended sanctity he may draw more persons to himself. Which assuredly there is no reason to twist again against the Roman Pontiff, since he himself and the whole Church, taught by Christ and the Apostles, everywhere preach and commend not pretended but true chastity of mind and body.

§ 34. The fourth argument is taken from Gregory, whom they say to have written as though prophetically that he will be Antichrist who shall have taken to himself the title of Universal Bishop. And since after Gregory's death Boniface III did this, having procured that title from the emperor Phocas, they strenuously contend that it plainly follows from Gregory himself, a Roman Pontiff, prophesying that the Roman Pontiff is Antichrist. And indeed, concerning the name "Universal Bishop," there are many Letters of Gregory, as in book 4 (Ep. 32 and some that follow) and book 6 (Ep. 30), from which John the Deacon inserted the chief sentences into the Life of him, book 3 (ch. 51 and the following). In which Letters he calls that name profane, proud, sacrilegious, diabolical, a name of blasphemy and a forerunner of Antichrist. Whence (in Ep. 38, book 4, which is to John the Patriarch of Constantinople), treating of this name, he exclaims thus: "The king of pride is near" (signifying Antichrist), "and—which also it is wicked to say—there is being prepared for him an army of priests."

§ 35. But to these things it is answered that the title "Universal Bishop" was never usurped either by Boniface III or by any of the preceding or following Roman Pontiffs, although the council of Chalcedon had already before offered that title to Leo I, as the same Gregory attests more than once; it was, however, usurped in the time of Gregory and his predecessor Pelagius by John, Patriarch of Constantinople, and thereafter by his successors down to this very day, against whose intolerable pride Gregory contends in his Letters. Nor indeed did he obtain anything else from the emperor Phocas than that he would uphold by imperial power the primacy of Rome, which belonged to it by divine right, against the presumption of the bishop of Constantinople, who in his own letters openly styled himself "Universal Bishop." Although, as concerns the name "Universal Bishop," if it in no way belonged to the Roman Pontiff, the Fathers of the council of Chalcedon would not have offered it to Pope Leo, as Gregory himself bears witness. In truth, therefore, the Roman Pontiff is a Universal Bishop, if he be called a universal bishop who bears the general care of the whole Church. But if you understand a universal bishop to be one who alone is the bishop of all provinces and cities, in such wise that other bishops are not bishops but the vicar-substitutes of one Pontiff—then in that sense it must plainly be denied that the Roman Pontiff is a Universal Bishop.

§ 36. And because in this sense that appellation can easily be taken, and because the ambition of the Patriarch of Constantinople seemed to tend to this, that as the emperor of Constantinople alone held the empire, so he alone and universally would hold the episcopate, having the other bishops only as his vicars; therefore rightly was that title simply condemned by Gregory with such vehemence of words. Nor, however, does Gregory assert what the adversaries want, that he who has usurped that proud name is Antichrist, but that he is the precursor of Antichrist—two things very different. For Antichrist himself will not style himself Universal Bishop, but, what is much more, "he will exalt himself above every name," whether true or supposed, and "will exhibit himself to be worshiped as God," as Paul is witness. Truly one would apply Gregory's words much more probably to the Patriarch of Constantinople as Antichrist, inasmuch as he to this day writes himself "Oecumenical," that is, Universal Patriarch, than to the Roman Pontiff, who has never usurped that name, and not even accepted it when it was offered by an universal Synod.

§ X — On the coming and preaching of Elijah and Enoch (De adventu et praedicatione Eliae et Enoch)

§ 37. The ancient tradition of the Church is that Elijah and Enoch will come before the day of the last judgment as precursors and heralds of Christ's second advent, who by their preaching will resist Antichrist and convert the Jewish people to the faith of Christ, and at last will be slain by Antichrist.

§ 38. That tradition is made especially probable by the Scriptures which testify that those two Prophets were snatched up or translated out of the society of men, and that without death, as in Gen. 5; 4 Kgs 2; and Sir. 44, 48, 49; 1 Macc. 2; and Heb. 11. Whence it appears that at some time by divine disposition they will return hither to the work divinely enjoined on them, and at length by the common law of mortals will undergo death—since not even the Son of God himself willed to be exempt from that law.

§ 39. But much more certainly do the testimonies of Scripture prove this, which expressly signify their return and coming. The first of these is Mal. 4: "Behold," says the Lord, "I will send to you Elijah the Prophet, before the day of the Lord comes, great and terrible; and he will turn the heart of the fathers to the sons and the heart of the sons to their fathers, lest perhaps I come and smite the earth with anathema." That prophecy

must be taken of Elijah the Tishbite, who will precede the second advent of Christ, and not, as some wish, of blessed John the Baptist, who ran before the first advent of Christ. This is variously proved. First, because concerning the coming of John the same Prophet had already treated above at the beginning (ch. 3), so that it is not likely that the same thing was repeated here more obscurely and under another name. Second, because the Seventy Interpreters translated "Elijah the Tishbite," as if to say Elijah himself in person, and not only in likeness. Third, because it is said: "before the day of the Lord comes, great and terrible," which is wont to be a periphrasis of the great judgment and the second advent of Christ. Fourth, because it is said: "lest perhaps I come and smite the earth with anathema," which also seems altogether to be understood not of the first but of the second advent of Christ and of the last judgment. For Christ at his first advent did not come to judge the world—and this is Chrysostom's argument.

§ 40. The second testimony of Scripture is Sir. 44: "Enoch pleased God and was translated into paradise, that he might give repentance to the nations." The third is Sir. 48, speaking to Elijah: "You who are enrolled in the judgments of times, to appease the wrath of the Lord, to reconcile the heart of the father to the son, and to restore the tribes of Jacob." And since these words are very plain, they can easily be referred to the aforesaid prophecy of Malachi, to which the author of Ecclesiasticus here looked, and they are to be understood of the person of Elijah.

§ 41. The fourth is Matt. 17: "Elijah indeed will come and will restore all things"; and Mk. 9: "Elijah, when he shall have come first, will restore all things; and how it is written of the Son of Man that he must suffer many things and be despised."

§ 42. The fifth is Rev. 11: "I will grant to my two witnesses, and they will prophesy a thousand two hundred and sixty days, clothed in sackcloth. These are the two olive trees," and below: "And when they shall have finished their testimony, the beast that ascends out of the abyss will make war against them and will conquer them and will kill them," and the other things which are added about their rising again after three days and their ascending into heaven, and also that on the very day of their judgment their enemies on earth will be present, looking on and fearing. And although the names of the two witnesses are not expressed in that place, yet that the one of them is Elijah those words seem to prove sufficiently: "These have power to shut heaven, that it rain not in the days of their prophecy," which we know Elijah to have done.

§ 43. But now let us adduce some places of the Fathers, that it may be very clear that this tradition about the coming of Elijah and Enoch was by the Fathers commonly received and approved, and that it was truly said at least about Elijah—most especially by Augustine, book 20 On the City of God, ch. 29—"that by this Elijah many marvelous things will be done," and the rest of what he there sets down. Thus, then, the Greek Fathers teach: Hippolytus, book On Antichrist and on the Last Judgment; Origen (on Matt. 17); Gregory of Nyssa, book Against the Jews, the title "On the coming of Elias"; Chrysostom (Hom. 58 on Matt. 17, and Hom. 4 on 2 Thess.), whom Theophylact and Euthymius follow (on Matt. 17 and on Lk. 1), and Arethas (on Rev. 11); likewise John Damascene, book 4 (ch. 27 or 28), and Theodoret (on the end of Malachi); and with Gregory Nazianzen there is also Caesarius, his brother (Dialogue 3). Among the Latins: Victorinus (on Rev. 11); Lactantius, book 7 (ch. 17); Hilary (Canon 20 on Matt. 17); Ambrose (on Ps. 45; book 1 On Virginity; book 1 On Penance, ch. 7; and the author under his title, the Commentator on 1 Cor. 4; and Haymo on Rev. 11); Jerome (on Matt. 17 and on Ps. 20); Augustine, besides the place already cited, in book 9 On Genesis to the Letter, ch. 6; Tractate 4 on John; book 1 of the Questions on the Gospels, q. 21; book 83 Questions, q. 58; the author, with him, of book 1 On the Marvels of Holy Scripture, ch. 3; and the author of the Commentary

on Rev. 11; Prosper, at last, book On the Promises, ch. 13 and the following; and Primasius (on the Apocalypse).[25]

§ IX — [continuation]

§ ~~44~~. [a] The brother is commemorated by the same St. Gregory with a funeral oration, and by Photius in the Bibliotheca, Codex 210, as having composed several theological questions; and under his name there were also published Theological and Philosophical Questions in the year 1626 by Elias Ehinger, in number [thus and so;] the edition of Johannes Leunclavius, which he emended, and these are found at Paris in the Bibliotheca of the Ancient Fathers, p. 545; and four Dialogues, transformed from the Auctarium of the year 1624 of the Society of Jesus, who first of all published the Greek text; they stand in Francisco Olivarius, Abbot, Bibliotheca, Tom. V (edition of Cologne, year 1677), fol. 741, under the inscription: "Of Caesarius, a distinguished man," with the epigraph: "In which are contained expositions of those things that were proposed." These were communicated to Caesarius by Constantius, Theocaristus, [...], Leontius, at the time when Caesarius was secretary and stayed for some years [...]. Philippus Labbe (in the Dissertation on Caesarius of Arles) wishes that the following about this Caesarius, brother of St. Gregory, be most especially observed: First, from Photius, that the oration is rather of Gregory of Nazianzus, who for this reason wished to commend his brother in this way. Here our Author's diligence is to be noted; for, when citing Gregory of Nazianzus, he does not attribute him to Caesarius; and, in Gregory of Nazianzus, Caesarius the brother is commemorated: in the Eclogues-books the Dialogues seem to have run a hazard, in which certain things of Gregory of Nyssa, of Maximus the Abbot, and some fragments of others were inserted—whence it came to pass that the author of them for seven hundred years after Christ's birth was disputed. The learned for the most part adjudge them to Caesarius; on which matter see also the Tenth Oration of St. Gregory of Nazianzus, and what the editor declaims at greater length. [b] That Jerome wrote a Sixth Tractate on the Psalms, Jerome himself bears witness in the book On Illustrious Men; but a Sixth has crept into some editions of the Book On Illustrious Men, as we have seen; since in Jerome it is observed that the holy Doctor is said to have written on Psalms 14, 15, 16, 17, 18, 19. Sixtus of Siena (Bibliotheca Sancta IV) says that the tractates on the aforesaid Psalms were translated "super Psalmos." Bellarmine observes (reporting the same) that St. Jerome (on Psalm 44; in the Epistle prefixed to the Works of the same Marianus Victorius, Tom. III, p. 39; in the Epistle to Cyprian, in the same Tom. III; and in the Epistle to Marcella, which in the same Tom. is the 141st) testifies that he wrote a first Apology against Rufinus, and that those Commentaries which now stand in Tom. VII of the praised edition are those little Commentaries of which he had spoken in the place a little before cited, which all who follow, even Bellarmine in the aforesaid place, who does not prove them to be not the little Commentaries of Jerome, judge to have been inserted at the end sometimes of a Commentary or Exposition. It is gathered that they were taken from that which the author of these Commentaries notes at those words: "Numquid Sion dicet homo," "according to the Hebrew truth"; although Jerome says "homo dicens," and declares that the (Hebrew) voice is to be inserted in the Greek text, μήτη, that is, "Numquid, Mater," and that he wishes to expound in either way; he says: "Let us now expound according to the Hebrew truth." It is, however, manifest that that "Hebrew, according to the truth, which has 'Numquid, Mater Sion,'" is not "according to the truth"; for Jerome, according to the version of the Septuagint, interprets it, not according to the Hebrew. [c] The books On the Predictions and Promises, which some ascribe to Prosper of Aquitaine, Bishop of Reggio or Rejensis, are approved and shown by Philippus Labbe (in the Dissertation On

the Ecclesiastical Writers), and are inscribed in the Douai edition of the Works of St. Prosper, which we use, to Prosper of Aquitaine; although he confesses that they were interpolated and expanded by a man of the writings and books of this century's stormy times. Most critics who follow him deny them to be Prosper's; yet Philippus Labbe (in the Variants of Readings, chapter 1) notes as genuine, to be read with studious care also in Prosper himself, who comprehended them under fifty-three titles, the place taken from Cassiodorus; nor does Labbe deny that many things were drawn from that work, who confesses that he was deceived by the work of an African man, shipwrecked by the Vandal persecution and, as he himself speaks, "carried over" to Italy. He attributed to Prosper of Aquitaine those things that were inserted, that is, things inserted by interpolators; as also many other Fathers of a later age are read; whence it happened that Caesarius was by some rejected, and afterwards these Dialogues were attributed now to Gregory, now to others. Jacobus Billius, in his Observation on the Argument of the Tenth Oration, where he first fought against Leunclavius, and John Olivarius in the Preface to the year 1577 edition, which he emended more carefully than others, seem to adduce more weighty arguments by which the Dialogues are to be adjudged to Caesarius, who, in the place cited, by Cassiodorus in the book De divinis lectionibus is acknowledged in these words: "St. Prosper produced three books of all divine authority, in which, like fish whom the evangelical net has caught, he retained those whom he had drawn from this tempestuous depth of this age." From the peroration of the aforesaid Prosper this sufficiently appears to one reading the same peroration. It is not denied by Labbe that much has been deceived out of the same work; he says that the author was carried from Africa to Italy by the Vandal storm, and that, although Prosper of Aquitaine scarcely ever saw Africa, he nevertheless cited [...].

§ 45. Among these Fathers are also Chrysostom (on Matt. 24; on 2 Thess. 2; on 1 Jn.; on Rev. 11; homily 7 on Matthew; homily 29; on the Gospel; homily 12 on Ezekiel), Bede (on Mark; on Rev. 11; and in the book On the Reckoning of Time, chapter 67; homily on the Feast of the Nativity of the Lord), Rabanus (in the Tractate On Antichrist), Richard of St. Victor (on Rev. 11), and Alcuin, book 3 On the Trinity, ch. 19.[26] From these Fathers two seem to assert this matter in such a way as to say that it pertains to faith. For Aretas says that it is unchangeably believed by the whole Church that Enoch and Elijah are going to come, so as to oppose Antichrist; and Alcuin says that Christians hold this, that those two are going to come before the day of judgment. But whether these men are speaking of certain and proper faith, or rather of probability, can be doubted; as also whether their authority is so great that, on account of their assertion, this matter must be held as of faith—especially since the ancient and chief Fathers of the Church, although they held this matter as probable from the Scriptures, did not hand it down as one of assertion's weight; and most of them made mention only of Elijah. For about Enoch they speak the more freely from the authors named above: Hippolytus, Augustine, Gregory, Damascene, Alcuin, Bede, Richard, Aretas.[27] And for this reason three anonymous authors are added, namely in Ambrose in the Commentaries on Paul, and the Author of the Commentary on the Apocalypse, and, in Augustine, the Author of the Work On the Marvels of Scripture.[28] Yet, as was said above,[29] those also are to be numbered, who, even if they do not speak expressly of the return of Elijah and Enoch, nevertheless affirm that they are still living. Such are Irenaeus, Tertullian (in the book On the Soul; and in the book Against the Jews, ch. 1), Epiphanius (Heresy 79, and in the Anchoratus), Jerome (in the Epistle to Pammachius, against the errors of John of Jerusalem), Augustine (On Original Sin, ch. 23), Theophylact (on Matt. 17), and others; so much so that by no Father is it read that Elijah and Enoch are already dead. Which fact is a great argument, as we noted at the beginning, that the two Prophets were in so wondrous a way reserved for this purpose, that, when they return to men, they may announce God's will to men, resist Antichrist, and, for the truth, at last undergo a temporal death.

§ 46. Certain men also declare the fittingness of this matter in this way: for just as against Pharaoh and his magicians there were of old sent by God Moses and Aaron, and just as against Nero and his magician Simon there were destined and sent by God Peter and Paul, so it is congruent and credible also that, against Antichrist and his Pseudoprophet, there be sent two distinguished heralds of the truth, by whom the faithful may be confirmed in the faith, and those who have been seduced may be called back from error.

§ 47. In this place there must not be passed over the opinion of certain men who join a third to these two Prophets, namely John the Apostle—on the rationale that, just as against Antichrist there will be sent one of those who were before the Law, and another of those who were under the Law, so also a third ought to be sent from those who were under Grace, so that in the mouth of three witnesses every word may stand. But that the third should be John the Apostle they wish to render probable from this, that there was once a widespread opinion that John was not dead, but was still living, according to that saying of Jn. 21: "Si eum volo manere, quid ad te?" "If I will that he remain, what is that to thee?" whence also "the saying went out among the brethren that that disciple would not die";[30] and there can be added as an argument that to John, as to James, it was said: "Calicem quidem meum bibetis"—"You shall indeed drink my cup," which, said of the cup of the Passion and of death to be undergone for Christ, has not yet been fulfilled in John, and therefore is still to be expected to be fulfilled, lest the truth should be found fallacious in its prediction. Theophylact makes mention of this opinion (on Jn. ult.), but in such a way that he does not assent to it. And that indeed is more correct and far more probable; because that opinion about John's still living was born from the words of the Lord, misunderstood by the brethren—that is, by the faithful—as John himself there very plainly signifies, writing: "Et non dixit Jesus," etc.—"And Jesus did not say," etc.'[31] And against it Tertullian also speaks thus (in the book On the Soul): "Enoch was translated, mortal; and Elijah; nor was their death found—deferred, that is; but, in fact, they are kept to die, so that they may extinguish Antichrist with their own blood. But John has died, of whom there was a vain hope that he would remain unto the Lord's coming." Thus he. After whom very many others also—Jerome (in the Catalogue of Ecclesiastical Writers; on Matt. 20), Augustine (in the place already cited), Epiphanius (Heresy 76), Eusebius, book 3 of the Ecclesiastical History, ch. 25, Bede (in the Preface to the Gospel of John, and on the last chapter)—bear witness that John received the sleep of death. And this is proved from the Divine Office, in which the Church invokes John together with the other saints in heaven as already blessed, and enjoying the clear vision of God. Finally, if John were going to be the third witness against Antichrist, he himself (in Rev. 11) would not have written only of two, and indeed would not have expressed the very number in a peculiar way when he says: "Dabo duobus testibus meis"—"I will give to my two witnesses," and again: "Hi sunt duae olivae et duo candelabra in conspectu Domini terrae stantes"—"These are the two olive trees and the two candlesticks standing before the Lord of the earth," and again: "Quoniam hi duo prophetae cruciaverunt eos qui habitabant super terram"—"Because these two prophets tormented those who dwelt upon the earth."'[32] From these things, then, it is sufficiently clear that there will be not three but two who will stand against Antichrist, so that "in ore duorum testium stet omne verbum"—"in the mouth of two witnesses every word may stand."'[33]

§ XI — Reply to the objections concerning Enoch and Elijah (Respondetur ad objectiones de Enoch & Elia)

§ 48. The coming of Elijah and Enoch is opposed by some with the following arguments. First, because Christ (Matt. 11) interprets the place of Malachi about John the Baptist, when of him He says: "He is Elijah who is to

come."[34] Second: (Matt. 17) of that same John He says, that "Elijah has already come, and they did not recognize him, but did to him whatever they wished."[35] For that which precedes, "Elijah indeed is to come," seems to be understood thus: Truly it was foretold that Elijah would come; and already that prophecy has been fulfilled, because Elijah has already come, etc., just as that saying of the disciples of John to Christ, "Are you he who is to come?" although He Himself had already arrived; and likewise that just now cited about John, "He is Elijah who is to come," although John had already come.[36] Third: (Lk. 1) there are attributed to John by the Angel the words which are said about Elijah in Malachi, namely these, "that he may convert the hearts of the fathers to the sons." Whence he also says that he will come "in the spirit and power of Elijah," as if to say that John would be the Elijah promised by the Prophet, and would be called by the Prophet Elijah because he was to come "in the spirit and power of Elijah."[37]

§ 49. Fourth: St. Jerome (on Malachi 4) now interprets Elijah as the whole choir of the Prophets, "who converts the heart of the fathers to the sons," that posterity may believe in the Savior, in whom also they believed, etc.; now John, according to the testimony of the Savior Himself (Mk. 9), not however Elijah in person—which he says is Judaic and refers it to the opinion of Judaizing heretics.[38] He has something similar (on ch. 3 of the same Prophet); but also in the Commentary (on Matt. 11) he thus recounts that opinion about the coming of Elijah before Christ's second coming, yet he does not approve it. The same (in the Epistle to Marcellus, no. 148, which begins "Magnis nos provocas quaestionibus") says that the coming of Enoch and Elijah is to be understood spiritually, as also all the other things which are contained in that book.[39] Haymo likewise, following Jerome, interprets the place of Malachi about John.[40] Remigius, however, interprets it about the choir of the Apostles.[41] And although he admits that many of ours understand it of Elijah literally, he nevertheless says that he followed the Doctors, and with Christ's testimony (Matt. 17) refutes a different opinion.[42]

§ 50. Fifth: Others have understood the place (Rev. 11) in different ways. For Victorinus interprets the two witnesses as Elijah and Jeremiah.[43] There are those who understand Elijah and Moses, as Joannes Gagnæus. They prove this from these words: "These have power to shut heaven, that it rain not in the days of their prophecy, and they have power over waters to turn them into blood, and to strike the earth with every plague as often as they will." Of which the former suits Elijah; the latter, Moses; neither suits Enoch, who is not read to have wrought any miracle.[44]

§ 51. It is proved likewise from this, that in Moses the Law, and in Elijah the Prophets are signified; by whose testimony, namely of the Law and of the Prophets, the Jews are to be convicted, that they may receive the true Messiah. Whence also on the mountain those two appeared with Christ. And by these arguments Jansen(i)us and Franciscus Lucas (on Matt. 17) are moved, so that they suspect rather of Moses than of Enoch that he is to come.[45] Rupert understands by the two witnesses two orders of witnesses: some in the time of the Church's peace—such a one was Enoch; others in the time of persecution—such a one is Elijah.[46] Others indeed, as Primasius and Bede, interpret them universally of the whole number of witnesses of God; and this on account of the two Testaments, in which the preaching of truth never ceases. Since these things are so, it does not seem that from the Apocalypse the coming of Enoch and Elijah can be solidly established.[47]

§ 52. But to these things we reply; and indeed, to the first: the words of the Lord, "He is Elijah who is to come," have this sense: John is that Elijah promised by Malachi—not indeed literally, but according to allegory, because of the great likeness and proportion which there is between each. Which likeness consists in austerity of life, in the preaching of penance, and in freedom of reproving men's vices. The proportion indeed

is in this, that as Elijah will forerun the second coming of Christ, so John has already forerun the first. To signify the non-proper sense the Lord premised this: "If you are willing to receive it," and subjoined: "He who has ears to hear, let him hear." By this admonition He is wont to say something obscure and enigmatic, as usual. From which things also the reply to the second is evident. But that which is said in the same place, "Elijah indeed is to come," seems to pertain to the true Elijah on account of that which follows, "he will restore all things." For John did not restore all things. The restoration, however, is understood of the restoration of the Jewish People to the religion of the Fathers according to the prophecy of Malachi, following the interpretation of the Seventy.[48]

§ 53. To the third: On account of the said likeness between John and Elijah, those things which (in Malachi) are said about Elijah are transferred to John by the Angel, not, however, all, but a few words. Whence neither does he say that the child will be born Elijah, but that he will come "in the spirit and power of Elijah." To the fourth: Jerome (in the Commentary on Malachi) says that it belongs to the opinion of the Judaizers that, before the Messiah whom the Jews still expect, Elijah is to come. But (on Matt. 11) he does not so much recount the opinion, as, the opinion being presupposed, he adduces the reason why the Lord said that John was Elijah; and yet he explains his mind more clearly (on ch. 17), as we said above.[49] But if there are those who interpret the place of Malachi about John or about the choir of the Prophets, they do not seem to reach the literal sense of the Prophet.

§ 54. To the fifth it is replied, that the different interpretation of certain men does not prejudice Bede's, Rupert's, and the rest's, since those very ones also acknowledged the literal sense about Elijah and Enoch, as is seen in the places noted above. Besides, the words recited from the Apocalypse do not convince about Moses. For it is not said that there are to come those who have done such things, but that those who are to come will do such things. Nor is it said that one will have the power to shut the heaven, and the other the power over waters, etc., but both are attributed to each. And because Enoch is not read to have done any miracles, therefore silence is kept about those. But neither would John have sufficiently observed the order of dignity if he were to put Moses after Elijah—whom Scripture (Matt. 17; Lk. 16; and elsewhere), with the order of dignity being preserved, always puts before Elijah and the other Prophets.[50]

§ XII — On the conversion of the Jews at the end of the age (De conversione Judæorum in fine seculi)

§ 55. Among the things which we said would come before the day of the last judgment, next in order follows the conversion of the Jewish people to the faith of Christ (*fides Christi*). For that this is to be expected at the end of the age is also an ancient and common tradition in the Church, as St. Augustine attests in book 20 (of the City of God, the next-to-last chapter), where he says that it is most celebrated in the sermons and hearts of the Faithful, that the Jews, at the last time before the Judgment, when the Law is proposed to them by Elijah, will believe in Christ the true God. Which persuasion of the Faithful is made either altogether certain, or very probable, by the things which we will subjoin from the Scriptures and the Fathers.[51]

§ 56. From the Scriptures, these things. First, (Malachi 4) it is said that Elijah is to be sent for this, "that he may convert the heart of the fathers to the sons," etc. Which words signify what God decreed to work through the preaching of Elijah, a great and wondrous Prophet (as Augustine, in the place just cited, speaks), preserved alive through so many years even to the end of the age; namely, the conjunction of the Jewish people with the

holy Patriarchs and Prophets, as of sons with fathers, in faith and piety, and a mutual conversion. Second, (Sirach 48) the office of the Elijah who is to come is described: "to appease the wrath of the Lord," "to reconcile the heart of the father to the son," and "to restore the tribes of Jacob."[52] Third, (Matt. 17) the Lord says to the disciples: "Elijah indeed is to come and will restore all things"; which is also had in Mark. This restoration which is promised there, in what it consists, is to be sought from those things which were prophesied about Elijah by Malachi and which were explained by Sirach.[53]

§ 57. Fourth, (Hos.) it is foretold that "the children of Judah and of Israel shall be gathered together, and shall appoint for themselves one head"; and ch. 3, that "the children of Israel shall sit many days without law, without sacrifice, without altar," etc.; "after this they shall return and seek the Lord their God, and David their king, in the last days." Recounting that prophecy, Augustine (City of God 18, ch. 28) says that there is nothing more manifest to show that the carnal Israelites, who now are unwilling to believe in Christ, will afterwards believe. The same he cites (Questions to Dulcitius, the last).[54] Fifth: (Rom. 11) "I do not want you," says the Apostle, "to be ignorant of this mystery, that blindness in part has happened to Israel, until the fullness of the Gentiles should enter in, and so all Israel should be saved, as it is written, 'There will come out of Sion,' etc." Which thing, although some understand of spiritual Israel which consists of the Jews who first believed and of the Gentiles who later, nevertheless something more seems to be demanded by the Apostolic sentence; namely, that there will sometime be a future in which the people of the Jews, who before believed only in part and in part—indeed in a much greater part—remained unbelieving, shall all, that is, the whole, believe in Christ, and thus be saved. This sense is proved both because the Apostle calls that matter a "mystery," that is, a secret thing to be revealed in its own time, and because previously in the same sentence he understood Israel according to the flesh; whence he seems also in the latter part of the sentence to be to be taken thus, so that this antithesis be signified: previously Israel has been blinded in part and in part believed; afterwards all Israel will believe. Then because the things that precede and follow confirm this very same sentence, as that: "But they also, if they do not remain in unbelief, shall be grafted in. For God is able to graft them in again." Which words seem to be taken not so much conditionally as prophetically. And below: "These now have not believed because of your mercy, that they also may obtain mercy. For God has concluded all in unbelief, that He may have mercy on all": that is, on both peoples, first on the Gentiles, afterwards on the Jews, in the manner which St. Thomas elsewhere expounds when writing on this passage.[55]

§ 58. Sixth: (Lk. 15) by the elder brother who entered after the younger, according to the exposition of the Fathers, the Jewish people is fittingly understood—the first in calling, but the last in conversion—inasmuch as only then will it be about to enter into the Church of Christ through faith, when previously the fullness of the Gentiles will have entered, that is, at the end of the age.[56] Seventh: (Ps. 48) it is said of the Jews that "they will be converted at evening," that is, as most interpreters take it, at the end of the age.[57]

§ 59. To these are added the testimonies of the Fathers who assert this very thing in their writings, as almost all those who say that Elijah is to come; that is to say, they render this cause of his coming, that he is to lead the Jews to the faith of Christ. The places of whom were noted above. To which the following are further added: Jerome (on the last of Malachi and on Matt. 9); Augustine (Question 33 of book 2 of the Questions on the Gospels, while treating of the two sons; and To Dulcitius, the last Question; Sermon 40 on the Words of the Lord, ch. 5; book 20 of the City of God, last chapter; and in the other places already noted above); Prosper, book 1 (On the Vocation of the Gentiles, ch. 13); Gregory, book 2 (Morals, ch. 22, and book 4, ch. 3; likewise Homily 22 on Ezekiel; Homily 22 on the Gospels; and on Song 5, at the end); Eucherius, in book 1

(Kings, last); Theophylact (on Matt. 17; on Mk. 9); Alcuin, book 3 (On the Trinity, ch. 19); Franco, tome 7 (On the Grace of God); likewise under Ambrose's title the Commentary (on Rev. 11) and under Jerome's title the Commentary (on the Lamentations of Jeremiah, at the end; and on Ps. 80; on Mk. 10). To these add those places of the Fathers in which they expound the Scriptures adduced above.[58] Finally, some refer to this that the priest, in the celebration of Mass, although he chiefly stands at the left side of the altar, nevertheless begins from the right and ends to the right—that is, to signify that although in almost the whole course of the Church Christ is more closely joined to the Gentile People, yet as He began with the Jews, so likewise He will end in the Jews, to be received unto salvation through faith.

§ XIII — Certain counter-arguments are resolved (Solvuntur argumenta quaedam in contrarium)

§ 60. There are certain places of Scripture and of the Fathers which, to the things we have said about the future conversion of the Jews, seem contrary in appearance; these therefore must briefly be explained. First, that (Ps. 68): "Let their eyes be darkened that they may not see, and their back bow down always." For this the Apostle himself interprets as spoken prophetically about the Jews (Rom. 11). Therefore always, even to the end of the age, they will remain blinded and bowed down.[59]

§ 61. Second: (Hos. 1) "Call his name 'No-mercy,' because I will not add any more to have mercy on the house of Israel, but I will utterly forget them."[60] Third: (Amos 2) "For three transgressions of Judah, and for four, I will not convert him"; and similarly for Israel.[61] Fourth: (Matt. 21; Mk. 11) the Lord says to the fruitless fig tree: "May fruit never grow from you forever"; and afterwards, as Mark relates, the disciples saw it "withered from the roots." But by the fig tree, according to the exposition of the Fathers, the Jewish People is understood; by the fruit, the fruits of good works are understood; therefore that people will not be converted to Christ forever, through whom it could bring forth the fruit of righteousness; just as also it is prophesied by Hosea saying (ch. 9), "Their root is dried up, they shall by no means make fruit."[62]

§ 62. Fifth: (1 Thess. 2) it is said of the Jews that "the wrath of God has come upon them unto the end," which Theophylact interprets of a wrath never to end.[63] Sixth: the Jews at the end of the age will receive Antichrist instead of the Messiah, according to that of Christ in John 5: "If another shall come in his own name, him you will receive," and according to what is said by Paul, 2 Thess. 2. Which the Fathers also teach in those places which we have adduced above to prove this. Therefore they will not be converted to Christ, but rather, by the reception of Antichrist, will be further turned away from His Faith and Religion.[64]

§ 63. Seventh: Jerome (on Is. 11), on those words "The Lord will add the second time His hand," by expounding subjoins: that by no means, according to our Judaizers, at the end of the world, when the fullness of the Gentiles shall have entered, then all Israel shall become foolish; but that we should understand all these things in the first coming. And (on Hos. 9) he interprets of the Jews, dispersed because of Christ's death through the world, that, "I will not add that I love them"; and (on the last of Malachi) again he rejects the Judaizers' error of those who think that Elijah is to come.[65] He attributes the same to the Pharisees' opinion (on Matt. 17). The same, in the Epistle (on Rom. 11), what they say there about the salvation of Israel, teaches to have already been done from the testimony of Isaiah, "There shall come out of Sion," which the Apostle there alleges.[66] Eighth: Caesarius, the brother of Gregory of Nazianzus (Dialogue 4, at the end), outright

denies that the Jews are to be converted at the end of the age, and teaches that the Scriptures which seem to sound that way are to be understood otherwise.'[67]

§ 64. To these things we reply. To the first indeed: that in the Psalm is not signified an absolute and infinite eternity, but a very long time; for only at the end of the age, Christ presently to come to judgment, will the blindness and perfidy of the Jews come to an end. To the second: The Lord denies that He will restore the captivity of the ten tribes, just as in the same place He promises that He will do so of the tribe of Judah. For never were the ten tribes recalled from the places of their captivity, as Jerome reports in the commentary on that place. But nothing in this sense hinders that at the end of the age Jews of whatever tribe may be converted to the faith of Christ.[68]

§ 65. To the third: The Lord, through the Prophet, denies that He will remit the threats aimed at the people of Judah and Israel, but that He will altogether bring upon them the afflictions threatened, and this because of the many and grave sins of each people. To the fourth: The same reply as to the first, which I also find in Jerome in the Commentary (on Heb. 3), in these words: "Carefully consider what He said: You will not bring forth fruit 'in the age'; He did not say, 'unto ages of ages'; but when this age will have passed away, and the fullness of the Gentiles shall have entered, then also this fig tree will bring forth its fruits, and all Israel will be saved." So he. But that which is said "in the age," in Greek is eis ton aiona, which signifies "for an age" rather than "forever." The same reply is indicated by the same Jerome, expounding the place of Matthew itself. It can also be said that absolute eternity is signified literally, because the discourse was about the fig tree, which was never again going to bear fruit, because it was going to perish. But it is not necessary that in the thing signified the same eternity be signified, because the People was going to remain even to the end of the age.[69]

§ 66. To the fifth: The Apostle rightly says that the wrath of God has come upon the Jews "unto the end," because neither in the time of the Apostolic preaching did they convert, but only at the end of the age will they convert—so that the word "unto" be taken not inclusively but exclusively; although the Apostle's sentence can be referred to the Jews who lived in the time of the Apostles and resisted the Apostolic preaching, upon whom the wrath of God so remained that they did not even at the end of life do penance. To the sixth: Nothing prevents those who will have received Antichrist afterwards, upon Elijah's preaching, with the Law proposed to them (as Augustine speaks) and with the fraud of the Pseudoprophet detected and their own error recognized, from withdrawing from him; and, despairing of the Messiah's coming whom up to that time they have expected, from believing in Jesus Christ and being joined to His Church.

§ 67. To the seventh: Jerome impugns only thus far the restoration of the Jewish people, in so far as it is thought to be going to take place through Elijah bringing back the ceremonies of the old Law and institutions and the whole Mosaic cult with sacrifices. For this is what the Jews hope will take place through Elijah. And that Jerome wished this is clear from his Commentary (on Malachi 4), where, when a little before he had said that it will come to pass that the Jews and Christians, who now differ among themselves, will agree in an equal religion toward Christ—which words most plainly make for the present doctrine—afterwards he nevertheless attributes to Judaizing heretics this opinion, that "Elijah will restore all things": namely in that manner in which the Jews and Judaizers thought. Jerome's same opinion is clear from the Commentary (on Matt. 17). For that which is adduced from the little Commentary (on the Epistle to the Romans) is not Jerome's but Pelagius's.[70]

§ 68. To the last it is replied that that private and singular opinion of Caesarius deserves rightly to be postponed to the common sentence received by the Church.

§ XIV — On the fire of the conflagration and the renewal of the world (De igne conflagrationis & mundi renovatione)

§ 69. At the end of the age the world is going to burn with fire, which they call the fire of the conflagration (*ignis conflagrationis*), and by it to be purged and renewed—this is a sure doctrine of the Church from Sacred Scripture and from the most ancient apostolic tradition. For Peter says in the Second Epistle (ch. 3): that the heavens and the earth, after the flood, by the word of God were laid up again or restored, to be reserved for fire unto the day of judgment and of the perdition of ungodly men. And again: that on the day of the Lord the heavens will pass with great violence, the elements will be dissolved by heat, and the earth and the works that are in it will be burned up. And again, speaking of the day of the Lord: "By which day," he says, "the heavens being on fire will be dissolved, and the elements will melt with the heat of fire." To this there seems to be referable also that of Ps. 96: "Fire will burn in his sight"; and that of Ps. 96: "Fire will go before him, and will burn up his enemies round about"; and that of Joel: "Before his face a devouring fire." Of the same fire Paul also speaks in 2 Thess. 1, saying: that the Lord will come from heaven "with the angels of his power, in a flame of fire, rendering vengeance to those who do not know God," and so on. Hither too some not improbably refer that of the same Apostle in 1 Cor. 3: "For the day of the Lord shall declare, because it shall be revealed in fire." But as regards ecclesiastical tradition, in the most ancient ceremonies of the Church concerning Baptism and certain other sacraments, Christ is said to be about to judge the living and the dead and "the age by fire" (*saeculum per ignem*). St. Augustine treats of it in De Civitate Dei, book 20, ch. 16 and following; Emisenus makes mention of it (Hom. 3 on the Epiphany); St. Jerome (on Is. 65); St. Gregory (in his Symbol and Hom. 26 on the Gospels); and again St. Augustine (on Ps. 96; and Ep. 80 to Hesychius), and other Fathers commenting upon the aforesaid places of Scripture.[72]

§ 70. No less certainly from the Scriptures is the world's purgation and renewal through fire established as going to be. For when Peter, in the place cited above, was speaking of the fire by which the world will be conflagrated, he subjoined: "But new heavens and a new earth, according to his promises, we look for, in which justice dwells." Now the promise is in Is. 65: "Behold," he says, "I create new heavens and a new earth"; and ch. 66: "The new heavens and the new earth which I make shall stand before me." Whence also in spirit John says (Rev. 21) that he saw "a new heaven and a new earth: for the first heaven," he says, "and the first earth passed away, and the sea is now no more." To which also pertains what the Apostle (Rom. 8) writes generally: that "the creature itself also shall be delivered from the servitude of corruption into the liberty of the glory of the sons of God." This renewal of the world Scripture elsewhere sometimes calls a passing-over (*transitus*), sometimes a perishing of the world, of the heavens, of the earth, as Matt. 24: "Heaven and earth will pass away"; 1 Cor. 7: "The figure of this world passes away"; Ps. 101: "They will perish, but you will remain."

§ 71. Of the Fathers two especially have treated rather accurately of the world's purgation and renewal by fire, Augustine and Jerome. For Augustine, in De Civitate Dei, book 20, ch. 18, treating the place of Peter, shows that by "heavens" is understood the aerial heavens, and even the place and space up to which the waters of the flood had risen; so that, according to the Apostle, that same world is going to perish by fire which then perished by the deluge—not by a corruption of substance, but by a change made, as it were, about qualities.

Likewise (ch. 17) he teaches that the figure of this world will pass away in the conflagration of mundane fires, just as the world then passed away by the inundation of the waters in the flood: and that by that same conflagration there will pass away all the qualities of corruptible things which were congruent to our corruptible bodies, while the substance of the elements will be changed into those qualities which are congruent to immortal bodies. Which he again pursues (ch. 17). In like manner Jerome (on 2 Peter), writing on Peter's place on that occasion, teaches that it must be understood not of a reduction into nothing, but of a commutation into better, in the way things that are old are wont to be renewed. And he proves it by the testimony of Ps. 101 and Is. 30, and again from this, that Peter did not say "other heavens and another earth," but "new," that is, the same which were before, to be renewed. Pope Innocent III also teaches this very clearly (on that of the same Psalm "They will perish"), where, by a collation of very many Scriptures, he shows that the heavens will remain forever as to substance, though changed as to their present state. Therefore according to Scripture we are bidden to expect new heavens and a new earth, just as the Apostle admonishes us in spirit, that we should put off the old man and put on the new—namely the new man according to substance itself of man, as elsewhere, speaking of that very spiritual renovation, he says: "Old things have passed away, behold they have become new." And what is read in John in the Apocalypse, "For the first heaven and the first earth passed away," must be understood in like manner not as to substance, but as to oldness, that is, to the qualities of our present mortality corresponding. For "passed away" has been said in the sense of "has been superseded," as it is said in the Gospel "Heaven and earth will pass away," or "will pass by."

§ 72. But what follows there, "And the sea is now no more" (*mare jam non est*), can be taken simply; for "sea" does not merely signify the element of water, but insofar as it is thick, earthy, saline, and on this account impure—such as it was made on the third day of the world's genesis, when the waters, being gathered together into one place, received the name "sea," according to that saying: "The gatherings of the waters he called seas." For previously it was water, not sea. For "the Spirit of the Lord moved over the waters." Therefore, the world being renewed, simply speaking the sea will not be; but there will be water, namely pure, subtle, unmixed, that is, the pure element of water. But the heaven and the earth will simply remain. Whether, however, the water then will return to its first and natural place, so as to cover the earth on every side, is not altogether certain, and one can dispute to either side. Concerning the purgation of these three elements it is thus read in the Ordinary Gloss at the words cited above (Rev. 21): The change of air and earth is not doubtful, provided it be effected by fire; but about the water there is doubt. For it is held that it has purgation in itself. So there.

§ 73. Although Peter in the Epistle, as Augustine very rightly gathers from the place itself, treats only of the purgation of the heaven which is elemental, and that only as extended up to the height of the air to which the waters of the flood had reached—the Master also (in IV Sentences, the text) attesting this same—nor indeed could purgation by fire have place in those heavenly bodies which are diverse from the elements, nevertheless it must be admitted, according to the Scriptures, that even that heaven (which the physicists call the fifth body) is wholly to be renewed at the end of the age and to be changed into the better. For it will be, as Isaiah ch. 30 testifies, "the light of the moon as the light of the sun, and the light of the sun shall be sevenfold, as the light of seven days." And indeed with the same Prophet (ch. 65 and 66; Rev. 21), where a new heaven is promised to us, by the name "heaven" there must be understood not only the aerial heaven, but whatever body there is of more sublime nature. And this can be said also from Peter's place, since Peter, saying that we expect "new heavens and a new earth according to the promises of God," had regard to the prophecy of Isaiah. Therefore renovation pertains to all the heavens; but the conflagration and purgation pertain only to the elemental heaven which we call the airy.

§ XV — Whether the fire of the conflagration will precede the last judgment (Utrum ignis conflagrationis extremum judicium sit praecessurus)

§ 74. Numbering in order the things that are to come about around the day of judgment, St. Augustine sets the conflagration of the world and its renovation in the last place, thinking these two to be the very last of all; namely, to follow the general resurrection of the dead and the judgment.[76] Into this same opinion he also writes elsewhere.[77] For as to that which the same Augustine, commenting on the text of Ps. 96, "A fire shall go before Him" ("Ignis ante ipsum praecedet"), writes—when he denies that he understands this of the fire into which the impious are to be sent, because that fire is to follow the coming of Christ whereas this is said to precede—there does not from this follow that Augustine acknowledges the fire of the conflagration before the coming of Christ the Judge; because, as what follows makes clear, he wishes the fire of which the Psalmist speaks not to be the world's conflagration, but either the persecution stirred up by the impious or the charity of the pious. But that other text of Ps. 49, "A fire shall burn in His sight" ("Ignis in conspectu ejus exardescet"), Augustine likewise interprets not of the fire of the conflagration, but of Hell.[78] What moreover the other Ancients think about the order of the things just mentioned is not so clear. Gregory indeed, in the Creed that is found in Book 2 of his Life by John the Deacon, ch. 2, names the renewal of the age through fire before the resurrection of the flesh; yet this does not sufficiently prove that Gregory's opinion is that their order is such, because in that same Creed he also places before both the coming of Christ to judgment, and likewise the rewards of the good and the punishments of the evil—things which assuredly will not have that order. Therefore Gregory in that Creed regarded the realities themselves, not the order of the realities. More plainly, however, is what he says elsewhere, namely, in Homily 26 on the Gospels: that Christ will appear for judgment with the heavens and the earth burning. Which words clearly signify that the conflagration will occur at the very coming of the Judge, or at His appearing for judgment; which does not differ from the common opinion.[79] For the Master, on the Text, and St. Thomas and almost all the others writing on this Distinction, set down such an order, namely, that when Christ is coming to judgment first the fire will arise; and that it will arise, as Augustine writes,[80] from a conflagration of worldly fires, that is, from the concurrence of higher and lower causes that have a heating and inflaming power—since also the flood of the world is thought to have been brought about in a like way, by causes which by divine disposition possess a watery power concurring together. By that fire the elements are to be purged, as was said above. Men also by that same fire are either to be purged, or punished and consumed, as will be said below; then Christ is to appear as coming to judgment, and at the same time the dead are to be raised. Now that that fire will precede the Lord's coming is taught with probability, not only from the Psalms and Joel and the other passages cited in the preceding chapter—which testimonies at least prove that the fire will be at the same time as the Judge and before the sight of the Judge, because the Greek sounds "before," that is, "in the presence and before the face of the Judge," the fire will blaze up—but also from a consideration of this sort: because the bodies of the saints will rise glorious, and therefore it will be necessary that the world already beforehand be purged and renewed, so that, just as Augustine says,[77] "the world made new may serve men made new." For as the animal man was introduced by creation into a world already previously made and to be of service to his uses, so it is fitting that the spiritual man be introduced by the resurrection into a world renewed and, in a certain manner, made spiritual. The same too can be taught from the effects of that fire, of which we shall presently speak. However, perhaps there seems to make for Augustine's opinion what Scripture says: "that the Lord will come in a cloud to judgment, and that the saints are to be caught up in clouds to meet Christ." For clouds do not suit the state

of incorruption, any more than do the other meteors—rain, snow, hail, and the like. Whence it appears that when Christ is coming to judgment, and the just have already risen, the world has not yet been renewed. But one can reply that it will then happen miraculously, that the Judge descends with a cloud and the saints with Him ascend in clouds—namely, that a cloud created for the time being may serve Christ and the saints. Or surely there will be something bright or luminous, like a white cloud; although the former reply can seem more probable from this, that we read that the Lord ascended "in a cloud." Which indeed was assuredly a real cloud; nevertheless it does not prove the point, because Christ ascended while the state of this world continued; but when that state has been renewed, there is no need to understand a "cloud" properly so called.›[81]

§ XVI — What are the effects of the fire of the conflagration (Qui effectus ignis conflagrationis)

§ 75. From the Scriptures and the Fathers one can gather a manifold effect of the fire of the conflagration. The first, about which something has already been said above, is the purgation and renovation of the elemental world, which will consist in this: that the qualities of the elements congruent with this mortal condition of our bodies utterly perish, others by a wondrous change succeeding to them, which may befit our immortal bodies, as St. Augustine teaches in Book 20 (City of God, ch. 16).[83] A second effect is the testing and purgation of the just. In this matter, however, there is great diversity between the opinion of Augustine, who places the fire after the resurrection of the dead and the judgment, and of others who place it before. For if that fire follows the general resurrection, there is no small question how the just will be purged by it, seeing that by the resurrection they will already have obtained an impassible body. To this some answer that to certain just men (namely, in whom there will still remain something to be purged) the body restored by the resurrection can for a time be passible, in which accordingly they may suffer, and by the very suffering and affliction be purged—just as now the soul separated from the body is afflicted for a time, afterwards to be endowed with the gift of perfect impassibility. That Augustine felt this is proved (from ch. 25 of the same book), where, discussing the fire which, according to Malachi, will purge the sons of Levi and Juda and Jerusalem, he says that by these must be understood the Church, and he adds: not such as she is now, where, "if we shall say that we have no sin, we deceive ourselves and the truth is not in us;" but such as she will then be —like a threshing floor purified by winnowing, so by the last judgment purified, those also being cleansed by fire for whom such a cleansing is necessary.›[84]

§ 76. However, against this opinion which sets the purgation of the just after the resurrection, there strongly stands what the Apostle in 1 Corinthians 15 seems to teach, that the bodies of the just by the very resurrection will at once have all the endowments which befit blessed bodies, to wit, that they be also shining, spiritual, and in incorruption and immortality, that is, endowed with complete impassibility; finally, that the very man will be heavenly.[85] There also stands against it the doctrine of Augustine himself, explicitly denying that there will be any purgatorial pains except before the last judgment (City of God XX, chs. 13 and 16).›[86] Finally, there stands against it the Judge's final sentence, "Come, blessed [of my Father]."›[87] Therefore, according to others who say that the fire will precede the resurrection of the dead, an easier explanation of this purgation of the just will be had. For whoever of the just shall then be found still alive and shall need purgation, that fire, as an instrument of divine justice, by burning will afflict them and thoroughly purge them with so great an intensity of pain as will be necessary, so that they may at once be able to go to meet the

coming Judge together with all the Saints by a blessed resurrection—so that for them that fire may be in place of Purgatory, which the souls suffer who depart from this life not fully purged; as we said (on Distinction 21 of this book, in the reply to argument 10, and on Distinction 45), where the question concerning the purgation of those who shall be found alive at the Lord's coming was raised and explained.'[88] But whether some just men then still placed in the flesh will abound in such holiness that there be absolutely nothing in them to be purged (infants baptized being alone excepted, for whom, because they have not yet been able to sin, we hold it certain that purgation will not be needed), and whether that fire will affect them with no pain at all, is not sufficiently clear; although thus the Master seems to think (in the Text), adducing Augustine as a witness, Book 20 (City of God, ch. 18), saying: "This conflagration of the world will be to the saints what the furnace was to the three boys.",[89] But that is a proof of little firmness. For Augustine does not speak of the Saints before the judgment while still clothed with a mortal body, but of those already raised to immortal life at the coming of the Judge: in like manner must be taken, in a certain way, those things which hand down that the Saints will suffer nothing from that fire—Eusebius Emissenus (Homily 3 on the Epiphany) and Alcuin, Book 3 (On the Trinity, ch. 21), and again Augustine (On Psalm 101) on that verse: "They themselves shall perish.",[90] For either they speak of the Saints as to body and soul together after the resurrection, or surely as to the soul alone blessed before the resurrection. Whence also Dominic departs not without reason from that sentence of the Master, which determines that certain just men in this life will suffer nothing from the fire of the conflagration.'[91] But that the impious whom that day shall find alive will suffer grievous torment from the same fire, there is no doubt. A third effect in this matter is set down by the Docto-

1. Section title illegible in the source.
2. St. Ambrose, In Lucam 6; St. Leo the Great, Sermon on the Feast of All Saints; the Venerable Bede, Homily on the Epiphany of the Lord; St. Bernard, Sermon 1 On All Saints.
3. St. Ambrose, In Lucam 22.
4. Richard of St. Victor, De judiciaria potestate in finali judicio; St. Thomas, on this Distinction [abbreviation as in source].
5. St. Gregory the Great; the Master, in the Text [abbreviation as in source].
6. St. Thomas, Summa theologiae, Supplement, q. 89, a. 1.
7. St. Augustine, Epistle 107 to Vitalis; Against Julian, book 6, ch. 10.
8. St. Augustine, Against Julian, [place as in source].
9. St. Thomas, Summa theologiae, Supplement, qq. 88 and following.
10. St. Augustine, De civitate Dei XX, last chapter.
11. Dan. 12; Matt. 25; Jn. 5; 2 Cor. 5; Rev. 20.
12. St. Thomas, Summa theologiae III, q. 8, a. 8.
13. Dan. 7; Dan. 11; Dan. 12; Jn. 5; 2 Thess. 2; 1 Jn. 2; 1 Jn. 4; Rev. 13; Rev. 17.
14. St. Cyprian, De exhortatione martyrii, ch. 11; St. Jerome, Commentary on Daniel, chs. 11–12.
15. St. Irenaeus, Adversus haereses V; St. Jerome, Epistola ad Algasiam, q. 11; St. Augustine, on Jn. 5; St. John Chrysostom, on Jn. 5; St. Cyril, on Jn. 5; the Venerable Bede, on Jn. 5.
16. St. Thomas, Summa theologiae III, q. 8, a. 8; "Vide Bellar." [abbreviation as in source].

17. St. Cyprian, Ep. 1 of book 3; and Ep. 6 of book 4. Lactantius, Divinae institutiones VII, ch. 25. St. Jerome, Epistola ad Gerontiam sive Ageruchiam, De monogamia. St. Leo the Great, Sermon 8, De jejunio decimi mensis. St. Gregory the Great, Hom. 1 and 15 in Evangelia; and Epistles, book 4, ep. 38.

18. St. Hilary of Poitiers, Can. 25 in Matthaeum. St. Cyril of Jerusalem, Catechesis 15. Theodoret, In 2 Thess. 2. St. John Damascene, De fide orthodoxa IV, ch. 28.

19. Alcuin, De Trinitate V, ch. 19; and the Treatise De Antichristo printed in tome 9 of Augustine's works; its author is probably Rabanus, Archbishop of Mainz — although in that tract, as also in Lactantius, Divinae institutiones VII, chs. 17 and 19, many things are related about Antichrist which can be confirmed neither by the authority of Scripture nor by certain tradition. On the complex question of the authorship of the tract De Antichristo cited here, the Benedictine Fathers (Appendix to tome 5 of Augustine's Works, Antwerp ed., p. 722) note that it is to be assigned to the works of Alcuin and Rabanus Maurus; that, however, they have not found out whence the Louvain editors annotated that tract among Augustine's works; that Rabanus follows throughout both the doctrine and the very sentences of this little book, who indeed often transcribes Albinus (i.e., Alcuin); finally, they testify that a Codex of the Royal Library presents it with this inscription attributing it to Alcuin. They further relate that Rupert of Deutz cites the work; and that elsewhere it is reported that Rupert acknowledged the work in the Censure made upon it; but that, in their own work on Paul, he cites it along with other superior authors. They add also that a certain Gallus noted no. 4411, in which the little book together with a Life of Antichrist is said to have been presented to Charlemagne by Alcuin; yet elsewhere it is marked down as Rabanus's. In sum, they consider the treatise undoubtedly not Augustine's, but rather Alcuin's, whose doctrine the later Rabanus widely disseminated.

20. "See Bellarmine, Controversies, at the same place" [abbreviation as in source].

21. St. Leo the Great, Sermon 1 on the Feast of Sts. Peter and Paul.

22. Rupert of Deutz, De glorificatione Trinitatis VIII, ch. 5.

23. St. Irenaeus, Adversus haereses V.

24. St. Thomas, Summa theologiae I, q. 102, a. 2, ad 3; III, q. 49, a. 5, ad 2.

25. Tertullian, Adversus Judaeos, ch. 9; Adversus Marcionem III, ch. 13. St. Jerome, Ep. ad Paulinianum (preface to Didymus, De Spiritu Sancto); Ep. ad Marcellam. Orosius, Historiae VII, ch. 2. Aretas of Caesarea, Commentary on Rev. 17. 1 Pet. 5:13. Aretas; the Venerable Bede; Rupert of Deutz; Haymo, Commentaries on the Apocalypse. St. Augustine, Enarrationes in Psalmos 26. St. Gregory the Great, Ep. IV, 32, 38; VI, 30; John the Deacon, Vita S. Gregorii III, ch. 51ff. Council of Chalcedon (as cited by Gregory) offering the title to Leo I. Hippolytus, De Antichristo; De iudicio extremo. Origen, Commentary/Homilies on Matt. 17 [abbreviation as in source]. St. Gregory of Nyssa, Contra Judaeos, title De adventu Heliae. St. John Chrysostom, Hom. 58 in Matt. 17; Hom. 4 in 2 Thess. Theophylact; Euthymius Zigabenus, on Matt. 17 and on Luke 1. Arethas of Caesarea, on Rev. 11. St. John Damascene, De fide orthodoxa IV, ch. 27–28. Theodoret of Cyrus, Commentary on

26. St. John Chrysostom, various places as indicated; the Venerable Bede, on Mark; on Rev. 11; and in De temporum ratione, ch. 67; homily on the Nativity of the Lord; Rabanus Maurus, Tractatus de Antichristo; Richard of St. Victor, In Apocalypsim, on ch. 11; Alcuin, De Trinitate III, ch. 19.

27. Hippolytus, De Antichristo; St. Augustine, e.g., De civitate Dei XX, and other places; St. Gregory the Great; St. John Damascene, De fide orthodoxa IV, ch. 27–28; Alcuin; the Venerable Bede; Richard of St. Victor; Aretas of Caesarea.

28. "Ambrose": the Commentaries on Paul that go under Ambrose's name; the Pseudo-Ambrosian Author on the Apocalypse; and, ascribed to Augustine, the Author of De mirabilibus sacrae Scripturae [as in the sources].

29. Above, where those Fathers are assembled who affirm Elijah and Enoch still to live.

30. Jn. 21:22–23.

31. Theophylact, Commentary on Jn. 21; St. Augustine, Tractate 124 (or last) on John.

32. Rev. 11:3–4, 10.

33. Cf. Deut. 19:15; Matt. 18:16.

34. Matt. 11:14.

35. Matt. 17:12.

36. Matt. 11:3; cf. the citation in § 1 above.

37. Lk. 1:17; Mal. 4:6.

38. St. Jerome, Commentary on Malachi 4; cf. Mk. 9:12–13.

39. St. Jerome, Epistle 148 to Marcellus, "Magnis nos provocas quaestionibus."

40. Haymo of Halberstadt, Commentary on Malachi 4.

41. Remigius of Auxerre, Commentary on Malachi.

42. Matt. 17:11–13.

43. Victorinus of Pettau, Commentary on the Apocalypse, on Rev. 11.

44. Joannes Gagnæus (Jean Gagnay), Commentary on Rev. 11; Rev. 11:6.

45. Jansen(i)us and Franciscus Lucas, on Matt. 17.

46. Rupert of Deutz, on Rev. 11.

47. Primasius and the Venerable Bede, on Rev. 11.

48. Matt. 11:14–15; Matt. 17:11; Mal. 4:6 (LXX).

49. St. Jerome, Commentary on Malachi; Commentary on Matt. 11 and on Matt. 17.

50. Matt. 17:1–3; Lk. 16:29–31; and elsewhere.

51. St. Augustine, City of God XX, next-to-last chapter.

52. Sir. 48:10; cf. Sir. 48:1–11.

53. Matt. 17:11; Mk. 9:12.

54. Hos. 1:11; 3:4–5; St. Augustine, City of God XVIII, ch. 28; idem, Quaestiones ad Dulcitium, quaestio ultima.

55. Rom. 11:25–32; cf. St. Thomas, Commentary on Romans 11 [abbreviation as in source].

56. Lk. 15:25–32.

57. Ps. 48:15 (Vulgate numbering; cf. expositors cited).

58. St. Jerome, on Malachi, and on Matt. 9; St. Augustine, Quaestiones Evangeliorum II, q. 33; Quaestiones ad Dulcitium, ultima; Sermon 40 de Verbis Domini, ch. 5; City of God XX, last ch.; Prosper of Aquitaine, De vocatione gentium I, ch. 13; St. Gregory the Great, Moralia II, ch. 22; IV, ch. 3; Hom. 22 in Ezech.; Hom. 22 in Evang.; on Song 5 (at the end); St. Eucherius of Lyons, In libros Regum I, last; Theophylact, on Matt. 17 and Mk. 9; Alcuin, De Trinitate III, ch. 19; Franco [of Liège], De gratia Dei, tome 7; Pseudo-Ambrosian Commentary on Rev. 11; Pseudo-Jerome Commentary on Lamentations (at the end), on Ps. 80, and on Mk. 10.

59. Ps. 68:24 (Vulg. 68:23); Rom. 11:10.

60. Hos. 1:6–7.

61. Amos 2:4, 6.

62. Matt. 21:19; Mk. 11:14, 20; Hos. 9:16.

63. 1 Thess. 2:16; Theophylact, Commentary ad loc.

64. Jn. 5:43; 2 Thess. 2:9–12; cf. patristic loci cited above.

65. St. Jerome, Commentary on Is. 11; on Hos. 9; on Malachi, last chapter; on Matt. 17.

66. St. Jerome, Commentary on Rom. 11:26–27; Is. 59:20 (Vulg. 59:20–21).

67. Caesarius, Dialogue 4, at the end.

68. St. Jerome, Commentary on Hos. 1.

69. St. Jerome, Commentary on Heb. 3; Commentary on Matt. 21.

70. Pelagius, Commentary on the Epistle to the Romans (ascribed to Jerome in some manuscripts).

71. St. Thomas, Supplementum, q. 74.

72. St. Augustine, *De civitate Dei* XX, ch. 16ff.; Eusebius Emisenus, Hom. 3 de Epiphania; St. Jerome, Commentary on Isaiah 65; St. Gregory the Great, in his Creed and Hom. 26 in the Gospels; St. Augustine, on Ps. 96; Ep. 80 to Hesychius. For Scripture: 2 Pet. 3; Ps. 96(97):3; Joel 2:3; 2 Thess. 1:7–8; 1 Cor. 3:13; Matt. 24:35; 1 Cor. 7:31; Ps. 101(102):27–28; Is. 65:17; 66:22; Rev. 21:1; Rom. 8:21.

73. Ordinary Gloss on Rev. 21:1 ("Vidi caelum novum et terram novam") [abbreviation as in source].

74. The Master, *In IV Sententiarum*, text [abbreviation as in source].

75. St. Thomas, Supplementum, q. 74, a. 7.

76. St. Augustine, De civitate Dei XX, ch. last.

77. St. Augustine, De civitate Dei XX, chs. 16 and 18; Ep. 80 to Hesychius.

78. St. Augustine, Enarrationes in Psalmos, on Ps. 96(97):3 and on Ps. 49(50):3.

79. St. Gregory the Great, Life by John the Deacon, II, ch. 2; Homilies on the Gospels, hom. 26.

80. St. Augustine, De civitate Dei XX, ch. 26.

81. Acts 1:9. Also cf. Ps. 96(97):3; Ps. 49(50):3; Joel 2. For the scholastic witnesses: the Master of the Sentences, on the Text [abbreviation as in source]; St. Thomas, In IV Sent., dist. 47 [abbreviation as in source].

82. St. Thomas, Supplementum, q. 74, a. 1, 2, 4, and 6.

83. St. Augustine, De civitate Dei XX, ch. 16.

84. St. Augustine, De civitate Dei XX, ch. 25; Mal. 3:3–4.

85. 1 Cor. 15.

86. St. Augustine, De civitate Dei XX, chs. 13 and 16.

87. Matt. 25:34.

88. Estius, on Distinction 21 of this book, reply to argument 10; and on Distinction 45 [abbreviation as in source].

89. The Master (of the Sentences), on the Text [abbreviation as in source]; St. Augustine, De civitate Dei XX, ch. 18.

90. Eusebius Emissenus, Homily 3 on the Epiphany; Alcuin, De Trinitate III, ch. 21; St. Augustine, Enarrationes in Psalmos, on Ps. 101(102): "Ipsi peribunt.".

91. "Dominicus" [abbreviation as in source].

DISTINCTIO XLVIII — ON CHRIST'S COMING TO JUDGMENT: HIS HUMAN AND GLORIOUS FORM, AND RELATED MATTERS

§ 1. All the wicked, whosoever will then be found alive, will perish by the burning of that same fire, yet straightway all are to be raised to life and made to stand for judgment.

§ 2. Its last effect is in the vengeance on the impious after the judgment. For St. Thomas and the other Scholastic Doctors teach that whatever from the fire of the conflagration shall remain over after the judgment is finished must be gathered up by angelic ministry, and in it the multitude of the condemned impious must be wrapped, and by being carried off by those same angels hurled headlong into the fire of hell, according to that saying (Matt. 13): "The Angels will go out and will separate the wicked from the midst of the just and will cast them into the furnace of fire." This opinion is made probable by what is frequent in the ceremonies of the Church, where it is said that Christ will come "to judge the world by fire"; and by the fact that in Ps. 96, when it had been said, "Fire shall go before him," of that same fire it is added, "And it shall set on fire his enemies round about him." And by what Peter says, that the heavens and the earth are reserved unto fire for the day of judgment and of the perdition of impious men; and by what Paul in 2 Thess. 1 describes: the revelation of the Lord Jesus from heaven "with the angels of his power, in a flame of fire, giving vengeance to those who have not known God and who do not obey the Gospel, who shall pay penalties in eternal destruction from the face of the Lord and from the glory of his power, when he shall have come to be glorified in his saints," and so forth.

§ I — Christ will come to the judgment in human form (Christus in humana forma venturus ad judicium)

§ 3. There are many testimonies of Scripture by which we are openly taught that Christ is going to come to the judgment in human form (*forma humana*). Wherefore this doctrine ought to be so certain for us that we should judge it unlawful to think one can doubt of it. For the Lord himself says (Jn. 5): "The Father does not judge anyone, but has given all judgment to the Son." Which has been so said, says St. Augustine, as if it were said: no one will see the Father in the judgment, but all will see the Son; and again, the Lord in that same chapter, "He has given him power to do judgment, because he is the Son of man"; that is, he has given him power to exercise the judgment according to the human form and in human form. For St. Augustine expounds those words to this sense (Tractate 24 on John; and Book 20 of the City of God, the last chapter). But the following show the matter yet more clearly: (Matt. 16) "The Son of man will come in the glory of his Father," and (Matt. 24) "They shall see the Son of man coming on the clouds of heaven," and again, "When the Son of man shall come in his majesty," and (Matt. 26) "From now on you shall see the Son of man coming on the clouds of heaven"; and this according to the prophecy (Dan. 7): "Behold, with the clouds of heaven there was coming as it were a son of man," and so on; likewise (Zech. 12), foretold of his impious crucifiers:

"They shall see him whom they pierced"; and (Rev. 1), of them and of the other men: "Behold, he comes with the clouds, and every eye shall see him, and they who pierced him." In which passages, assuredly, it is manifest that Scripture is speaking of human form: both because it says that he is to be seen by all, even by the impious, by whom it is certain that Christ cannot be seen in the form of the Deity; which also St. Augustine attests (De Trinitate I, ch. 13); and because it assiduously names him the Son of man, namely signifying that this judgment is to be exercised by Christ the man, that is, in human form; and moreover because it says "him whom they pierced" or "stabbed." For this must altogether be taken formally, so as to signify that Christ's crucifiers will see him in that form in which their impious hands beheld the very wounds, when they pierced his hands and feet and opened his side.

§ 4. No less clear a proof is from the testimony of the Angels, who in Acts 1 are read to have said to Christ's disciples: "This Jesus, who has been taken up from you into heaven, will so come as you have seen him going into heaven," that is, he will come in the same form. This testimony to prove the same is alleged by Ignatius in the Epistle to the Smyrnaeans,[2] at the same time indicating that in Christ's body the nail-marks and the lance-thrust will appear, just as after the resurrection he showed them to the disciples to be seen. About which matter we treated above at Distinctio 47. Add also Peter's testimony (Acts), saying of Christ: "This is he who has been appointed by God judge of the living and the dead," namely a man appointed by God, and therefore going to carry out that office in the human nature. For according to the divine nature the Son is not appointed by the Father to any power, but by the eternal generation has received all power from the Father. To these is added the article of the Creed, that Christ will come from heaven to judge the living and the dead. Which must be taken of the human form, as all the preceding articles are argued to be understood about that same form, from the place, "Who was conceived," and so on, to "suffered," "was crucified," and the rest; thence also, "Son of man."

§ 5. The Fathers, in fact, teach this very thing everywhere: both Ignatius and Augustine in the places already cited; St. Ambrose (on Luke 24); St. Jerome (on Matt. 17); St. John Chrysostom (in the Homily on the Cross and the Thief); again St. Augustine (Conference 1 on Ps. 48; and Sermon 85a on Various Matters); the author of the Sermon on the Baptism of Christ (in Cyprian); St. Leo (Sermon 2 on the Ascension of the Lord); St. Gregory (Homily 20 on the Gospels), using that testimony of Isaiah repeated by Luke (ch. 3): "And all flesh shall see the salvation of God"; the Venerable Bede (on that same place in Luke); Rupert (Book 13 on Matthew); and others expressly affirming that Christ, in the human and servile form (*forma servilis*), and that form made visible to all alike, as much to the good and elect as to the wicked and reprobate, will judge all.

§ 6. And this matter can also be confirmed by a most probable reason founded in the Sacred Letters. For since Christ as man, on account of the work of human redemption, received universal dominion over men, according to that (Matt. 28): "All power is given to me in heaven and on earth," and Rom. 14: "For to this end Christ both died and rose again, that he might rule over the living and the dead"; for which cause also in the Creed and everywhere in the Apostolic Writings he is called Lord, nay by right of redemption "one Lord" (Eph. 4); and since a great part of dominion is the right to pronounce law, it follows that Christ, as man, and on that account in human form, by the right of that same redemption will judge his own redeemed, that is, all men. For although the benefit has not come to all, yet for all a sufficient price was given by him, and therefore he is not inaptly said to have redeemed all, as is taught above at Distinctio 19 of Book 3. By which very reason he received power to exercise the right of dominion, and consequently of judgment, over absolutely all men.

§ 7. The same, finally, can also be proved from what we said in the previous Distinction: it is very probable that the Judge will use the outward sound of a voice toward all to be judged, when he pronounces the ultimate sentence either of glory or of eternal death. Now an outward voice belongs to the human form, not properly to the divine.

§ II — Christ will judge in a glorious form (Christus in forma gloriosa judicaturus)

§ 8. One cannot doubt that Christ, when coming to the judgment, will have a glorious body. For he has always and without any intermission had it from that instant of time in which he rose again, and he will always have it. A body once endowed with immortality and perfectly glorified never again either loses or lays aside that glory. I say "perfectly glorious" on account of the glory of Christ's Transfiguration, which was temporary. Then, it is established from the Apostle in 1 Cor. 15 that all the just will have glorious bodies in the resurrection; how much rather, then, will Christ, the Lord of all the just, have it? But someone may doubt whether, when he comes to judge, he will display himself in that brightness of body; or whether, just as after the resurrection he hid that glory of his body from the eyes of the disciples—when yet he offered his very body, and that assuredly glorious, to those same disciples to be seen and handled, although its glory was not seen by them—so too it must be said of Christ coming to the judgment, where he is to judge not only the good but also the evil, by whom to behold Christ's glory seems unworthy. To which nevertheless it is answered that Christ in that advent will not present himself humble as in the first, but glorious, and consequently will come in a glorious form (*forma gloriosa*), that is, in the glory of his body made visible to all, as he himself attests (Matt. 16; Matt. 24–25; Mk. 13; Lk. 21), predicting that the Son of man—that is, he himself—will come with great power and majesty, or glory. For there is one and the same word among the Greeks, δόξα, which the translator sometimes renders "glory," sometimes "majesty," and at times also "brightness," as in 1 Cor. 15, where the glory of the bodies that are to rise is treated. Nay, in those same places of the Gospel there are added other things which signify that advent will be full of glory and majesty: the retinue and ministry of all the Angels, the sound of the trumpet, the session upon the seat of majesty—which in Greek is "upon the throne of glory." But to a glorious advent there ought to correspond the glorious form of the One coming, as the most important part of a glorious advent. Accordingly Augustine does not hesitate to affirm (De Trinitate I, ch. 13) that he will come "not in that lowliness in which he once came to be judged, but in that brightness in which he is to judge."

§ 9. And St. Jerome's opinion is plain (on Matt. 17), saying that Christ was transfigured on the mountain into that glory in which he was afterwards to come in his kingdom. And a reason can be given of the matter as follows: He who places himself as a mediator between two persons, while now joining himself to this, now to that party, in a certain way changes his person and is likened to him whose part he is for the time acting. Wherefore, since Christ is the Mediator of God and men, who in his first advent, acting our cause with the Father, took up our person, when he came "in the likeness of sinful flesh," being encompassed with weakness and in all things made like to us except sin; it follows that in the other advent, now going to play the part not of men but of God, he should assume God's person, that is, appear in a glorious form, in which he may be more like unto God. By the display of which form he may at once bring security to the good and terror to the evil, as in the place cited Augustine says.

§ 10. Nor, indeed, does that make for the contrary opinion which was alleged as similar touching the form of Christ exhibited to his disciples after the resurrection. For the disciples were mortals, and therefore the Lord willed to appear to them according to a mode suitable to their weakness. For the brightness of his body was such as mortal eyes could in no way have endured. Nor does that other thing stand in the way, that Augustine (Sermon 75a on Various Matters) says that Christ is going to come in the form of a servant to judge the living and the dead, as though the same form could not be both servile and glorious. For the "form of a servant" signifies not a quality but a nature, namely the human, which, although glorified and exalted as in Christ, yet always remains a form of a servant in comparison to the form of God, that is, the divine nature. Which the Apostle sufficiently indicates (Phil. 2), where, attributing to Christ both the form of God and of a servant, he expounds the form of a servant not by the weakness of human condition but by this, that "being made in the likeness of men and found in outward guise as a man," that is, by the very human nature considered in itself, even with weakness set aside. Whence Augustine (De Trinitate I, ch. 23) calls the form of a servant "glorious," that is, glorified.

§ 11. If you object that it is written (Is. 26) that "the wicked man shall not see the glory of the Lord," in place of which sentence the Seventy have, "Let the wicked be taken away lest he see the glory of God," therefore the glorious form of Christ the Lord will not be visible to the eyes of the impious; I reply with Augustine in the same place, that the prophet is speaking of the glory of the Divinity. For this the wicked will not see, but he will be taken away from the presence of Christ the man, when he is hurled down into hell, lest he be among those who are to be always present to Christ and also always to see the face of his Divinity, which, together with the Father and the Holy Spirit, he has in common; and by that very vision they are to be blessed forever. Wherefore, rightly was it said by the Master (at the beginning of this Distinction) that the impious will see the Humanity of Christ so as to fear, but not the Divinity so as to rejoice. For "the Divinity," he says, "cannot be seen without joy." And the reason of this is, because to see the Divinity is to be blessed.

§ III — How Christ as man is said to raise the dead and also to judge (Quomodo Christus ut homo mortuos suscitare atque etiam judicare dicatur)

§ 12. Since it has been shown that Christ, in human form and that a glorious one, will come as judge of the living and the dead, the next question is whether it must also be admitted that Christ will raise the dead, and will judge those same men, as man, that is, according to the human nature (*natura humana*); or rather only as God, inasmuch as He is the Son of God equal to the Father. In which question, if that reduplication, "*as man* (*ut homo*)," were to denote only the form in which Christ, appearing and showing Himself, does something, then the question would contain nothing different from what preceded, except that to the judgment is added the resurrection of the dead, which precedes the judgment. About which, however, the answer is the same. For just as Christ is going to come in human form to judge, so in the same form He is going to call back to life the dead whom He judges. For in Matt. 24 (and elsewhere) the Son of Man is first described as coming to judgment, and then as sending His angels with trumpet and great voice to rouse the dead.

§ 13. But it is more fitting that that reduplication signify a cause (*causa*), and thus the sense of the question is: whether the human nature in Christ is said to be the cause that He does this. According to this sense, one must further distinguish the kind of cause. For if the cause be understood as meritorious (*causa meritoria*), it must altogether be granted that Christ, according to the human nature, merited this by His

passion with the Father, namely, that He should raise His elect to an immortal and blessed life, according to what we said above (at Distinction 43). He also merited that He Himself be constituted judge of the living and the dead, both of the elect and of the reprobate. For, as the Apostle says (Rom. 14), "In this Christ died and rose again, that He might be Lord of the dead and of the living." Now judgment is a part of lordship. And death pertains to the merit of lordship, whereas resurrection pertains to its execution. In this sense those words are also rightly taken (Jn. 5): "The Father does not judge anyone, but has given all judgment to the Son"; and again: "He has given Him power to execute judgment, because He is the Son of Man."

§ 14. But if the cause be understood as principally efficient (*causa principaliter efficiens*), then Christ is not to be said to raise the dead according to the human nature, but according to the divine. For, as St. Ambrose says, book 4 on Luke 4, "To command resurrection to the dead is of divine power alone."[17] Whence the Apostle (Rom. 8) attributes this work in a peculiar way to God, saying: "He who raised Jesus Christ from the dead will quicken your mortal bodies because of His Spirit who dwells in you." Hence Christ Himself also sufficiently showed Himself to be God when, with authority as one having the power of death and of life, He recalled the dead to life.

§ 15. But whether at least as an instrument (*instrumentum*) the human nature of Christ will be a cause of the resurrection of the dead, there can be doubt. That it is so is probably established by these arguments. - First, because Christ, acting in a mortal body, used the human nature as an instrument for raising the dead, as for doing other miracles. For He touched the hand of the little girl whom He was about to raise; and of all three whom He raised He is read to have cried out with His voice; therefore, for such a work it is all the more credible that He will use the same nature, glorified, as an instrument. - Then, because St. John Damascene, book 3, chapter 15, generally calls the humanity of Christ the instrument of the Divinity.[18] - Third, because Cyril, on John, calls the flesh of Christ life-giving with respect to the life of the body.[19] - Fourth, because St. Augustine (Tractate 24 on John) seems plainly to affirm this, saying: "The resurrection of souls comes about through the eternal, unchangeable substance of the Father and the Son; but the resurrection of bodies comes about through the temporal dispensation of the Son's humanity." And below: "The Father effects the resurrection of souls from His own substance through the substance of the Son, by which He is equal to Him; but the resurrection of bodies the Father effects through the Son of Man." Thus he.

§ 16. Now if you ask by what action of the instrument, that is, of the human nature, this is done—especially since an instrument ought to be conjoined to that in which it instrumentally produces something, and it is not apparent how this is done here—it can be said to be done by a hidden action unknown to us, just as it is hidden from us what the operation is of the magnet attracting iron not contiguous to itself. Although this very point can be referred to the command of Christ the man, whereby, coming to judgment as God, He will command angels and men, and will send the angels with trumpet and great voice to rouse dead men. For just as that voice will be a kind of instrument of the resurrection of the dead, as was said above (at Distinction 43), so also the angels who will spread that voice throughout the world, and Christ who commands and sends, are rightly said to be instruments of that same resurrection.

§ 17. One must know, however, that if some hidden action is acknowledged, by which Christ the man concurs instrumentally in raising the dead, it does not seem it should be acknowledged except with respect to the just, insofar as they will be endowed with the blessed immortality (*beata immortalitas*) which Christ merited for them. For the resurrection simply speaking was going to be, even without Christ.

§ 18. But as regards the judgment to be exercised by Christ the man, certain things can be considered in it which do not exceed the power of the human nature in Christ. For Christ as man is Lord of all, and superior to all, and He knows all things, even the secrets of hearts—namely, according to the created knowledge which is in His soul, as was said in the Third Book on the Sentences, Distinction 14.[20] Wherefore, if only these things be regarded in a judge, Christ according to the human nature can judge the entire human race—as indeed He will judge it. But if we consider that infinite power by which He is going to render to the just eternal rewards, and to the impious eternal punishments, which consist in the contemplation of the divine nature (*natura divina*), or in the privation of that same contemplation, in this respect He will judge not as man but as God the living and the dead, together with the Father and the Holy Spirit; because it belongs to the power of the divine nature alone simply to make blessed or miserable. Hence Christ Himself says (Matt. 20; Mk. 10): "To sit at my right hand or at my left is not mine to give." For thus the Greek has it, without adding "to you": that is, it is not of my human power, but it will be given to those for whom it has been prepared; that is, such a good will befall those for whom it has been prepared by the Father. St. Augustine also says, book 1 (De Trinitate, ch. 12): "'It is not mine to give,' that is, it is not within human power to give this." And it is likely that Augustine considered this in book 1 (De Trinitate, chs. 12–13), when he said that the Son of Man will judge not by human power, but only by that whereby He is the Son of God.[21] In which sense, too, it is read in St. Jerome's exposition of Psalm 69, said of Christ: "Him whom they judged as man, they will behold judging as God."[22]

§ IV — What is to be the place of the Last Judgment (Quis sit futurus locus extremi Judicii)

§ 19. Just as Christ chose a determinate place for His nativity, passion, resurrection, ascension into heaven, and the other works long since accomplished by Him in the flesh, so there is no room for doubt that He has chosen some certain and circumscribed place to which, on the last day, in the same flesh, He will come down from heaven for the sake of exercising judgment over the whole world. For a bodily coming and a judgment to be exercised in the body require a bodily and circumscribed place. But what this place is, we do not have handed down with certainty, since neither does it much matter that this be known by us. Nevertheless many hold—and the opinion is by no means improbable—that that universal judgment will be in the valley of Josaphat, because it is written in Joel: "I will gather together all the nations and will bring them down into the valley of Josaphat, and I will contend with them there," and again: "Let the nations arise and come up into the valley of Josaphat, because there I will sit to judge all the nations round about."[24] This place of Scripture the Jews indeed carnally interpret of the Gentiles Gog and Magog to be gathered into that valley and slain, as Jerome has noted on the same place; but Jerome himself—and other Christian interpreters—expound it of the last judgment.[25] Among whom, however, there is no agreement whether by "valley of Josaphat," which sounds "the valley of the Lord's judgment," there is understood in general any place whatever to which the Lord is to come for judging, or rather properly that valley of old so named, which is not far from Jerusalem, at the foot of the Mount of Olives and on the eastern side of the Temple of Jerusalem, as Jerome relates when writing on Joel.[25] And indeed nothing prevents one from understanding this determinate place; and that it be so understood, reasons and authorities persuade.

§ 20. First, because when Christ ascended into heaven from the Mount of Olives, as we have it in Acts 1, it is quite probable that He will return from heaven for judgment about the same place—especially because that

which is said there by the Angels concerning the manner or form of the One coming, "So shall He come as you have seen Him going into heaven," seems also capable, very fittingly, of being extended to the place. As if they were saying: Whence He ascended, thither He will descend.[26] Nor does it matter whether it be called a mountain, or a valley near the mountain: for since the multitude of men—namely, all those who have been from the beginning of the world even to the end—are to be judged in that judgment, neither one mountain nor one valley will be able to contain them; but about the mountain and the valley they will occupy the greatest stretches of ground, the Judge Himself, Christ, being set in the higher air and exhibiting that brightness of His body by which He can most easily be seen by all who are to be judged. For this reason, however, Scripture preferred to name the valley of Josaphat rather than the Mount of Olives, because that word signifies judgment, whereas this one, on account of the mystical signification of oil in Scripture, more imports mercy.

§ 21. Then it is proved, because it is fitting that Christ should there exercise His most just judgment upon all men where He was unjustly judged by men, that is, about the place of the City of Jerusalem. Third, because in Canon 34 of the great Council of Nicaea, among those canons which have been translated from Arabic, there is given a certain prerogative of honor to the Bishop of Jerusalem, as to one residing in the Holy City whence the Cross of God and of our Lord took its beginning, and where the place of judgment is—for such are the words of the Canon.[27] Fourth, because Jerome in his Commentary inclines sufficiently to this view, and together with Lyranus the Scholastics very commonly hold it.[25] Finally, this opinion about the place of judgment is not a little confirmed by the fact that no other more probable one can be brought forward. For it is not more likely that Christ will judge in any other region of the world than in that in which He was born and lived even to death, where also He rose again, and whence He ascended into heaven—that is, in Judaea—so that the consummation of His works may be there where their beginning and progress were. But if He is going to judge in that region, nothing indeed seems more congruent than that this be done about the place where He suffered and rose again, and most of all where He ascended into heaven; for these places are near one another.

§ 22. Nor is the Ordinary Gloss at the beginning of the third chapter of Joel contrary to these things, which is also cited by the Master in the text; it has as follows: "Some understand childishly that in the valley which is on the side of the Mount of Olives the Lord is going to descend for judgment, which is frivolous." For the words that follow explain the mind of the Glossator: "Because," he says, "He will not sit on earth but in the space of this air, over against the place of the Mount of Olives, from which He ascended." From which words it is clear that the Author of that Gloss, as also the Master who repeated the same words, thinks the same as we do, according to the explanation given by us above.[28]

§ V — On the signs that will precede the final Judgment and on the sign of the Cross (De signis Judicium extremum antecessuris & de signo crucis)

§ 23. That certain signs will precede the coming of Christ to judgment was foretold first by the Prophets, then by the Lord of the Prophets in the Gospel. By the Prophet Joel (ch. 2) in these words: "Before His face the earth was troubled, the heavens were moved; the sun and the moon have been darkened, and the stars have withdrawn their brightness; for the day of the Lord is great and very terrible, and who shall be able to bear it?" And below: "And I will give wonders in heaven and in earth, blood and fire and vapor of smoke. The sun shall

be turned into darkness and the moon into blood, before the great and horrible day of the Lord come"; and ch. 3: "Near is the day of the Lord in the valley of cutting down; the sun and the moon have been darkened and the stars have withdrawn their brightness," and so forth.[30] Things similar to these are found in Isaiah (ch. 11) and Ezekiel (ch. 32).'[31] But Christ in the Gospel set forth the same things more clearly and in greater detail with certain additions (Matt. 24; Mk. 13; Lk. 21): "There shall be signs in the sun and in the moon and in the stars, and upon the earth distress of nations, by reason of the confusion of the sound of the sea and of the waves, men withering away for fear and expectation of the things that are coming upon the whole world. For the sun shall be darkened and the moon shall not give her splendor; and the stars of heaven shall be falling from heaven, and the powers that are in heaven shall be moved. And then shall appear the sign of the Son of Man in heaven, and then shall all the tribes of the earth mourn; and they shall see the Son of Man coming in the clouds of heaven," and so on.

§ 24. Although, however, concerning the understanding and the order of these things there is, as in a dark matter, great variety of opinions among the interpreters, nevertheless we shall briefly bring forward what seems most probable. Where first it must be noted that what is said of the obscuring of the heavenly luminaries is understood one way by Jerome, Chrysostom, Euthymius, and others who follow Chrysostom, another way by others. For those men think that they are to be obscured not by a lessening or subtraction of light, but because by the immense splendor of Christ the Man coming to judgment all the light of the heavenly stars will be surpassed and, as it were, darkened, just as naturally we see that, when a greater light appears, a lesser is dimmed. But this sense is repugnant, because this obscuration of the heavenly luminaries is foretold by the Lord and the Prophets not as if it would happen together with the advent of the Judge, but as preceding it, as a certain dreadful sign and prodigy moving the hearts of men with great terror, and foretelling that the gate of that judgment, most terrible of all, stands near and is now at hand, as is evident from the passages of Scripture already cited, and especially from Joel and Luke; for Joel says these things will happen "before the day of the Lord come," and the Lord in Luke has that men, upon seeing these signs, will be "in fear and in expectation of the things that are coming." Therefore more rightly do others hold that the sun, moon, and stars, before the advent of the Judge and for a short time, until the renewal of the world take place, will truly be deprived of their own light, just as it was done with the sun at the time of the Lord's Passion. For what is said, that the stars will fall from heaven, is said figuratively, because they will, to wit, withdraw their own light, and thus they will seem to have fallen from heaven, that is, to be there no longer—so that now the heaven will be as it were a rolled-up book, whose letters cannot be seen and read, as is said in the Apocalypse[32] —or certainly because in this lower heaven there will be seen certain stars, far more marvelous and terrible than those elementary "stars" which now at times fall down from the upper air.

§ 25. Moreover, that "the powers of heaven" are to be moved many understand of the Angelic Powers, that is, of the very heavenly and blessed spirits, whom they say will be affected with vehement amazement and, as it were, shaken on account of the majesty of the Judge and the justice and severity of His judgment; but because that is set among the signs of the Judge as immediately at hand, as is clear from Luke—signs, indeed, which ought to be known by men—therefore by "the powers of heaven" here rather seem to be signified the heavenly bodies visible to us, namely the sun, moon, and stars, which in Scripture are often called the militia, powers, and host of heaven. According to which understanding, the moving of the powers of heaven will pertain to what has already been said of the obscuring and the fall of the heavenly luminaries.

§ 26. Another sign is indicated in Luke, when it is said: "and upon the earth distress," and so forth; and the sense is: On the earth there will be everywhere among men great anxiety of souls with despair, so that they will not know which way to turn (for this is what the word aporia signifies), and this because, besides the heavenly signs, even on earth they will have cause for fear—the sea sounding and billowing, that is, with its waves—so that for fear and because their expectation of the things which are to be will be suspended, men will waste away. This sense of Luke's words is easy to gather from the Greek text.

§ 27. But the "sign of the Son of Man," which the Lord says in Matthew will appear in heaven, although others expound it otherwise, is nevertheless very probably understood as the Cross of the Lord; not indeed that same cross on which He was crucified (both because mixed bodies will perish by the fire of the conflagration, and because the Church calls it the "sign of the Cross"), but a certain most perfect and most resplendent image of it, to be visible to the eyes of all, as the glorious trophy of Christ's victory, of which the Church sings: "Hoc signum Crucis erit in caelo cum Dominus ad judicandum veniet"—"This sign of the Cross shall be in heaven when the Lord shall come to judge." To this opinion give assent Chrysostom, Euthymius, Theophylact (in their Commentaries),[33] Augustine (Tract. 118 on John),[34] Prudentius (in the Hymn on the Nativity of Christ),[35] and again Chrysostom (Hom. 1 On the Cross and the Thief, vol. 3),[36] where he at length and beautifully treats of the sign of the Cross then to be brought forth and borne by Angels. And this is that very sign from which Saint Michael in the ecclesiastical Office is called "standard-bearer." To these add that Christ, according to the opinion of many Fathers—of which elsewhere—still retains the signs of His wounds, to be displayed openly to all on the day of judgment. Wherefore it is also fitting that the sign of the Cross be then displayed to all.

§ 28. The other signs pertaining hither are to be sought in the commentaries of the Fathers on the Prophets and the Gospels; likewise from Augustine's Letter 80 to Hesychius, where also he distinguishes which signs set in the Gospels are to be referred to the Destruction of Jerusalem, and which to the consummation of the world.[37] But what he teaches there—that it is uncertain how many days, months, or years these signs will have preceded the day of judgment—does not seem true, if it be understood of the signs now explained. For that these signs will be heralds of the Judge as immediately to come and now at hand is clearly gathered both from the things that have been said and from the very words of the Gospel. As for those fifteen signs attributed to Jerome the Presbyter, which are read in St. Thomas writing in this Distinction and in the Supplement of his Summa (q. 73, a. 1), these indeed have little probability, as St. Thomas himself admits—saying that Jerome does not assert them, but says that he found them written in the Annals of the Hebrews.[38]

§ VI — On the cause and the mode of the renovation of the parts of the world (De causa & modo innovationis partium mundi)

§ 29. We said above in general terms (in the preceding Distinction), when we treated of the fire of the conflagration, that the world, both the higher and this lower and elemental one, is to be renewed at the end of the age. The cause of this renovation was signified by Peter in the Second Epistle (ch. 3), saying: "But we look for new heavens and a new earth according to His promises, wherein justice dwelleth"—as if he were to say: for this end the world is to be renewed, that it may be a fitting dwelling-place for the Blessed, who will be most perfectly just.[40] And this is what Augustine briefly says, in book 20 of the City of God (ch. 10), that the cause

of that renovation is that the world, renewed, may serve renewed men.'[41] For since it was made on account of man, it accords with divine wisdom that, man having been glorified by the resurrection, the world also in a certain manner be glorified; just as, when man sinned, the world was changed for the worse. For "cursed is the earth in thy work" (Gen. 3); nor is there any doubt that both the other elements and whatever things are subservient to human uses underwent a similar curse, as Basil and Ambrose teach (in the Hexaemeron), and Prudentius (in the Hamartigenia).'[42] Yea, and the Apostle (Rom. 8), saying: "For the creature was made subject to vanity, not willingly." Whence also, concerning its future renovation together with man and on account of man, he subjoins that "the creature itself also shall be delivered from the servitude of corruption into the liberty of the glory of the sons of God. For we know," he says, "that every creature groaneth and travaileth in pain even till now," namely, in a manner breathing after and yearning for the future renovation as for its own good and that of man for whose sake it was made.'[43] For although in that state of man there will be no need for which the world should be subservient, nevertheless, just as the interior eye of the mind will contemplate God and be delighted in God, so the exterior eye of the body will move, not without great and holy delight, among the most beautiful works of God, according to that (Ps. 8): "For I will behold Thy heavens, the works of Thy fingers," and Ps. 91: "Thou hast made me glad, O Lord, in Thy work; and in the works of Thy hands I will exult."'[44]

§ 30. Therefore the renovation of the corporeal world can be explained briefly and in parts as follows. First, the heavenly luminaries—the sun, moon, and stars—will receive a great increase of their light, and will shine much more than now. For there will be, as Isaiah says, ch. 30: "The light of the moon shall be as the light of the sun, and the light of the sun shall be sevenfold, as the light of seven days."[45] And by the same reasoning this must be understood of the other stars. Nor is there anything contrary to this in what the same Prophet (ch. 60), speaking of the same time, says: "Thou shalt no more have the sun for thy light by day, neither shall the brightness of the moon enlighten thee; but the Lord shall be unto thee for an everlasting light."'[46] For this must be taken of use, as Jerome indicates writing upon that place. And indeed the very words of the Prophet sufficiently indicate this, and the things that follow show it, where he says that "thy sun shall go down no more," and so on. But John more openly explains this sense (in the Apocalypse): "And the City needeth not sun nor moon to shine in it; for the brightness of God hath enlightened it, and the Lamb is the lamp thereof"; and ch. 22: "They shall not need the light of the sun, for the Lord God shall enlighten them."'[47] For since the splendor of the Body of Christ and of all the Blessed will be about to afford a perpetual and most bright light to the whole world, the sun, moon, and stars, with their light increased, will remain now not for any necessary use, but for the adornment of the universe.

§ 31. Second: The motion of the heavenly spheres, and consequently of the sun, moon, and all the stars, will cease. For by their motions they will no longer distinguish times—of which (Gen. 1) "that they may be for times, and for days, and for years"—because "time shall be no longer" (Rev. 10); but each will abide unmoved in its own place and order, according to that (Hab. 3): "The sun and the moon stood still in their habitation," and Is. 60: "Thy sun shall go down no more, and thy moon shall not be diminished," that is, the moon will always be opposite to the sun, so that it may always be full and perfect. For although its light is going to be as the light of the sun, nevertheless it will borrow that very light, as now, from the sun. And rightly is it said that the motion of heaven will cease, both because its final cause will cease—that is, the coming-to-be and passing-away of things—and because rest is simply more perfect than motion, as its terminus, and by rest each thing is more assimilated to the first immobile cause. Whether, however, the cessation of the motion of heaven be a sufficient cause for all generations of things and for all natural motions to cease, pertains rather to be inquired

by the natural philosopher than by the theologian—although the negative answer is more probable, because heaven acts upon these lower things and produces motions and natural actions in them not only through motion but also through its light and occult influences. On which the Schoolmen dispute more fully (around this Distinction).

§ 32. Third: The elements also will be renewed by the reception of a certain brightness and of other qualities fitting to that glorious state of men. For not only a new heaven, but also a new earth, the Prophetic and Apostolic Scripture promises to us (Is. 65; Is. 66; 2 Pet. 3; and Rev. 21).[48]

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1. St. Thomas, Summa theologiae, Supplement, q. 90, a. 1.
2. St. Ignatius, Epistle to the Smyrnaeans.
3. St. Thomas, Summa theologiae, Supplement, q. 90, a. 2.
4. St. Augustine, De Trinitate I, ch. 13.
5. St. Jerome, Commentary on Matthew, ch. 17.
6. St. Augustine, Sermon 75a, De diversis.
7. St. Ambrose, Commentary on Luke 24.
8. St. John Chrysostom, Homily on the Cross and the Thief.
9. St. Augustine, Concio 1 on Psalm 48.
10. St. Augustine, Sermon 85a, De diversis.
11. Anonymous, Sermon on the Baptism of Christ, in the works transmitted under the name of St. Cyprian.
12. St. Leo the Great, Sermon 2 on the Ascension of the Lord.
13. St. Gregory the Great, Homilies on the Gospels, hom. 20.
14. Bede, Commentary on Luke 3.
15. Rupert of Deutz, In Matthaeum, book 13.
16. St. Thomas, Summa theologiae, Supplement, q. 76, a. 1; Supplement, q. 90, a. 1; Supplement, q. 90, a. 3; III, q. 59, a. 2.
17. St. Ambrose, In Lucam, book 4, on Luke 4.
18. St. John Damascene, De fide orthodoxa III, ch. 15.
19. St. Cyril of Alexandria, Commentary on John [Super Joannem].
20. St. Thomas, In III Sent., dist. 14.
21. St. Augustine, De Trinitate I, chs. 12–13.
22. St. Jerome, Expositio in Psalmum 69.
23. St. Thomas, Summa theologiae, Supplement, q. 88, a. 4.
24. Joel 3:2, 12 (Vulgate): "Congregabo omnes gentes, et deducam eas in vallem Josaphat, et disceptabo cum eis ibi ... Confirgant et ascendant gentes in vallem Josaphat, quia ibi sedebo ut judicem omnes gentes in circuitu."
25. St. Jerome, Commentary on Joel; Nicholas of Lyra (Lyranus), Commentary [as in source].
26. Acts 1:11.
27. Council of Nicaea, canon 34 (Arabic version): prerogative for the Bishop of Jerusalem "as residing in the Holy City whence the Cross of God and of our Lord took its beginning, and where the place of judgment is."

28. Glossa Ordinaria on Joel 3 (at the beginning of the chapter); The Master (of the Sentences), in the text, citing the same Gloss at the beginning of Joel 3 [abbreviation as in source].

29. St. Thomas, Supplement, q. 73.

30. Joel 2:10–11, 30–31; 3:14–15.

31. Isaiah, ch. 11; Ezekiel, ch. 32 [abbreviation as in source].

32. Rev. 6:14.

33. St. John Chrysostom, Commentaries [as in source]; Euthymius Zigabenus, Commentaries [as in source]; Theophylact, Commentaries [as in source].

34. St. Augustine, Tractates on John, Tract. 118.

35. Prudentius, Hymn on the Nativity of Christ.

36. St. John Chrysostom, Homily 1 On the Cross and the Thief (vol. 3).

37. St. Augustine, Epistle 80 to Hesychius.

38. St. Thomas, in this Distinction; and Supplement, q. 73, a. 1; the signs are attributed to Jerome but reported as found in Hebrew Annals.

39. St. Thomas, Supplement, q. 74, aa. 1–5.

40. 2 Pet. 3:13.

41. St. Augustine, De civitate Dei, XX, ch. 10.

42. Gen. 3:17; St. Basil, Hexaemeron; St. Ambrose, Hexaemeron; Prudentius, Hamartigenia.

43. Rom. 8:20–22.

44. Ps. 8:4 (Vulg.); Ps. 91:5 (Vulg.).

45. Is. 30:26.

46. Is. 60:19–20.

47. Rev. 21:23; Rev. 22:5.

48. Is. 65:17; Is. 66:22; 2 Pet. 3:13; Rev. 21:1.

DISTINCTIO XLIX — THAT ALL DESIRE BEATITUDE AND IN WHAT WAY

§ 1. And, as the heaven embraces all the heavenly bodies, so the earth embraces whatever is elemental; or at least water as a thick and palpable element—since the elements of air and of fire, by the custom of Sacred Scripture, are wont to be included under the name of heaven. And indeed, if the earth was cursed in the sin of man, it is equitable that, in turn, in his justice and glory it be blessed. Lastly, mixed bodies, whether animate or inanimate, man alone excepted, will be perfected by no renewal, but all will utterly perish, to be resolved into the very elements. The reason for this is that the heavens and the elements are incorruptible in themselves and therefore will remain, whereas all other things are corruptible. Among these, to man alone—whose soul is immortal—immortality is promised, and incorruption even with respect to the body. Wherefore it is necessary that all the rest perish, with no others succeeding in their place; because, as has been said, the generations and corruptions of things will then cease.

§ I — That all desire beatitude and in what way (Quod beatitudinem omnes appetunt & quomodo)

§ 2. Although not all men love that in which the beatitude (*beatitudo*) of man truly consists, but rather desire as principal goods those things by which they are made worse and therefore more miserable, nevertheless it has been written by the Philosopher in Book 1 of the Ethics and by Cicero in the Hortensius, and it is often repeated by St. Augustine, that there is no man who does not will to be happy, and that the appetite for beatitude is so implanted naturally in all.[2] St. Augustine teaches this in Book 13 of On the Trinity, chapters 3, 4, 5 and the following, in the words recited by the Master in the text and in many others, in which also he commemorates Cicero's words, and he affirms that it is so true that all men will to be happy, that they desire this very thing with the most ardent love, and on account of this they desire whatever else they desire, although by far the greater part of men do not desire that which truly makes a man happy.[^3] Likewise in Sermon 14 of the Seventeen Sermons published by the Paris editors, where he says: "There is no one who does not will a happy life. For indeed no one can be found who does not will to be happy."[,3] So also in the discussion of the fourth book of On Free Choice, ch. 14, and elsewhere.[,4]

§ 3. Discussing this, St. Thomas in I-II, q. 5, a. 8 says that beatitude can be considered in a twofold way: In one way, according to the common notion of beatitude. For beatitude signifies in general a perfect good. Since therefore the good (*bonum*) is the adequate object of the will (*voluntas*), that will be the perfect good which altogether and perfectly satisfies the appetite of the will. Wherefore to desire beatitude in general, that is, to desire to be happy, is nothing other than to desire that one's will be perfectly satisfied. But this all men will, and they cannot not will it; for, as St. Thomas says in the same place, it is necessary that every man will beatitude.[1]

§ 4. But as regards that in which this formal character of the Highest and Most Perfect Good (*Summum Perfectumque Bonum*) is found, not all agree in desiring it, nay very many stray far from it. For many do not acknowledge it as an end. But those who do know it, not all know it under the formal character of the Highest Good; wherefore they do not desire it as the Highest Good itself. Those, however, who know it under this formal character also desire it, but not all attain it—because, although absolutely they desire it and will it even under the formal character of the Highest Good, nevertheless they do not embrace those means without which it is not reached.

§ 5. It must be noted, moreover, that what we have said—that beatitude in general is desired by all—is true not only of man's natural appetite (*appetitus naturalis*), which is nothing other than an inclination or propensity, as it were a certain weight of the soul toward some thing, prior to an elicited act (*actus elicitus*) of the will, but also of voluntary appetition, that is, of an elicited act of the will.

§ 6. For it is most certain that there is in us a natural appetite for beatitude considered in general, namely, for the good which is best for man under that general formal character. Nay, it is even probable that this natural appetite of man tends toward that true beatitude which consists in the vision of God (*visio Dei*). For thus think St. Thomas and Scotus in the Prologue to Book I of the Sentences; again Scotus and Durandus in this Distinction; and after them Dominicus in the same place, although Cajetan opposes.[5] But it is proved from Augustine saying in Book 1 of the Confessions, ch. 1: "Thou hast made us for Thyself, O Lord, and our heart is restless until it rests in Thee": as we say that a heavy thing does not rest until it rests in its natural place, even if it rests outside it by violence.[6]

§ 7. Then it is confirmed also by these reasons. First, because it is natural to man that he be the image and likeness of God; therefore he is also naturally inclined to know God perfectly at last. Second, because man's natural appetite does not rest until it arrives at the highest and most perfect knowable, that is, at God Himself: therefore naturally it is borne toward God as toward the highest good. Third, because whoever he may be, of whatever condition, if he be asked whether he desires to see God—provided he knows in some general and true notion what God is—he will altogether answer that he greatly desires this. Lastly, because naturally each thing is borne and tends toward something determinate, as the earth toward the center of the world: therefore the natural appetite of man also pursues something determinate. But no determinate thing can be designated toward which man's natural appetite is borne as toward the highest good, unless it be God Himself.

§ 8. Furthermore, about the elicited act of the will, the account is not the same as about the natural appetite, as is sufficiently clear from what has been said above. For often the will by an elicited act hates and shuns in the particular that which is truly the supreme good of man and in which his beatitude consists, because the man does not know it as such.

§ 9. But whether the will by an elicited act naturally so desires beatitude apprehended under the general formal character, that it cannot but will it; or rather only in such a way that it cannot not will it—that is, cannot reject it with a positive nolition—this is variously disputed among the Scholastic Doctors, as one may see in Dominicus on this Distinction, question 2, article 1, conclusion 3. Although he is of the opinion that beatitude, known in general, induces necessity upon the will only as regards the specification of the act, so that the will cannot not will it nor reject it, yet not as regards the exercise, because when it is set before the mind and apprehended by cognition the will can negatively not will it, namely by suspending its act; nevertheless

the opinion of others seems able to be defended with no less probability, by those arguments which Dominicus reports from Henry of Ghent, and yet does not solve.[^8]

§ 10. For what he says—that the will, as the mover of the other powers, can always impede the act of the intellect—does not follow. For it does not prevent the will, while that cognition of the intellect lasts, from being moved by an elicited act toward that which is known by the intellect.

§ 11. Now what has been said of beatitude must be understood by a contrary reasoning of misery, according to that which Augustine relates in Book 13 of On the Trinity, ch. 3, about a certain mime promising that he would say what each one had in his mind: "If," he says, "that fellow had said less, 'You all will to be happy, you do not will to be miserable,' he would have said something which no one would not recognize in his own will"; and in the Enchiridion 104: "For the will is not not will, nor is it to be called not free, because we so will to be happy that to be miserable we not only do not will, but cannot at all will." Thus he.

§ 12. The reason is manifest from what has been said: for if all desire beatitude naturally because the object of the will is the good, it follows for the same reason that all naturally flee misery and do not will to be miserable, although in the particular men often desire that which truly makes them miserable, and flee that which could have made them happy—namely, when they apprehend and pursue as good what is truly evil, and conversely.

§ 13. Therefore this question is not without reason counted among theological problems; nevertheless, according to the judgment of St. Thomas and his followers, it can be answered in this way. Reply to the first: the highest good is the object of the will, but not an act of the will—just as the object of sight is what is visible, not the act of seeing. Wherefore rather the contrary is established from this argument, namely, that beatitude does not consist in an act of the will, for the very reason that it is the object of the will. For an act of the will cannot be the object of the will save per accidens, when the will reflects upon its own act. Reply to the proof of the second argument's first part: with St. Thomas it is true that the object of the intellect is simpler and more absolute, and therefore in itself nobler and higher, than the good which is the object of the will; for the object of the intellect is the very formal character of the appetible good. Hence it follows that the intellect is, absolutely speaking, a power higher and nobler than the will.[7] To the second part one must say that it is not so much the will as free choice—embracing reason and will together—that has dominion over the other powers. For the opinion of the Angelic Doctor must altogether be retained, that in the intellect there is the original cause of liberty. Likewise, although the will moves the intellect and the other powers to the end, nevertheless the intellect first points out the end by cognition, and so first reaches and apprehends it by vision; to the will, however, as first mover there is owed what is ultimate, namely, that which follows upon the apprehension of the end.

§ 14. Reply to the third: Paul does not compare charity with the vision of God but with faith and hope and the other charisms which include something imperfect belonging to this life, and therefore will not remain in the life to come. Hence, although he said that charity is greater than faith and hope—under which he also includes knowledge, prophecy, tongues—yet he did not say that charity is greater than to see God face to face, which at that place he signifies as the highest good of the age to come, to be expected by us.[8] Wherefore one must say that in this present age love excels cognition, because the cognition which in this age we have of God is ordered to love, not conversely. But that same love is ordered to the vision of God which we expect in

the future. Moreover that vision is not ordered further to love or delight as to an end; rather, the vision itself is the end, in which the will comes to rest and delights. Therefore delight is not the act in which beatitude consists, but necessarily follows that beatifying act as its proper passion, as St. Thomas says; from which at the same time the reply to the fifth is evident.[9]

§ 15. Reply to the fourth: the blessed are most closely joined to God by the act whereby they apprehend God as their end—an act which is the vision of God. But to the proof it is answered that these names Seraphim and Cherubim were given to those Angelic Orders on our account, that we might understand that in this life, according to the Apostle's teaching, charity is to be pursued with greater zeal than knowledge.[8]

§ 16. To the sixth: beatitude does not so much signify delight as co-signify it. For primarily it signifies the act of an intellectual nature whereby it attains its ultimate end; it connotes, however, delight, that is, rest and peace, when the end is possessed. The seventh argument proves nothing other than that in beatitude once acquired the will must at length take delight. Add that the will and the intellect ought not to be considered as two supposits, to each of which, taken separately, its own reward would be owed according to its desert; rather, they are powers placed in one supposit, namely in man, who is said properly to merit and to receive the reward, albeit according to this or that power. Otherwise a similar argument could also be framed about the members [of the body].

§ 17. To the eighth St. Thomas replies that peace pertains to man's ultimate end, not because it is essentially beatitude itself, but because it stands to it as both antecedent and consequent—although St. Augustine especially had regard to the consequent peace, whereby, namely, a man, having attained beatitude and with desire now quieted, remains altogether at peace.[9] The ninth argument admits of a similar solution. For the blessed life is said to be joy because joy follows the blessed life. Others answer that the blessed life can be understood so as to include both, namely, the attainment of the Highest Good and delight therein—which is true according to the explanation given in the reply to the sixth.

§ 18. To the tenth: if to enjoy is the same as to be delighted in the Highest Good already attained, the sense will be similar to the foregoing—namely, that fruition is called one's reward in this respect, because fruition follows upon the vision of God, which properly is the highest reward. Yet it is not improbable that for St. Augustine fruition is not delight itself, but rather the action from which delight is taken. For Augustine says: "What else do we mean by 'to enjoy' than to have at hand what you love?" Now to have at hand is not to be delighted, but by nature it is prior to having at hand than to be delighted; and this too follows from that.[10]

§ 19. To the eleventh: St. Anselm is speaking partly of man according to the state of this life, and partly he employs the term fruition (*fruitio*) as Augustine does; or else one must say that a rational nature is blessed by enjoying God not formally but consequently, as has already been explained.[10]

§ 20. What is objected in the last place is not by Bernard; yet the opinion is true, for that author is speaking of the beatitude of this life, as is clear from the context of the passage.[11]

§ IV — Not an equal beatitude or misery for all (Non omnium parem beatitudinem aut miseriam)

§ 21. That there is not for all the same beatitude (*beatitudo*) or the same misery (*miseria*) is gathered from this, that to each there is rendered according to his works: since, therefore, in the works and merits (*meritum*)

of men, both good and evil, a great diversity is beheld, it follows that neither will beatitude be the same for all the elect, nor misery for all the damned.

§ 22. Now that works are not all of an equal merit (which once was the error of the Stoics among the philosophers, and afterwards of Jovinian among the heretics), besides the arguments which can be taken both from common sense and from human rewards and punishments, Sacred Scripture also plainly teaches. For concerning good works there are these testimonies. In 1 Cor. 7: "He who joins his virgin in marriage does well; and he who does not join her does better"; and again: "She will be more blessed if she so remains." And ch. 12: "Seek after the better charisms"; and ch. 13: "The greatest of these is charity." Likewise Matt. 13: "Some seed bore fruit a hundredfold, some sixtyfold, some thirtyfold"; and ch. 19 one thing is commanded to the man wishing to enter into life, another is counseled to him who wishes to be perfect. Whence too the Apostles ask: "Behold, we have left all things," etc. And ch. 23 the Scribes and Pharisees are reproved because they had left the weightier things of the law—judgment, mercy, and faith—doing only the lesser. And in ch. 22 the commandment of the love of God is called the greatest and the first commandment, because assuredly its observance most commends a man to God. And Jas. 1: "Patience has a perfect work." This is also proved by those Scriptures which exhort to progress in holy conduct, as Rev. (last chapter): "He who is just, let him be justified still; and let the holy be sanctified still"; and St. Paul almost in each of his Epistles. Likewise, concerning evil works there are frequent sayings: Matt. 5, "Everyone who is angry..."—where three degrees of the sin which is committed by angering are set forth; and ch. 12 blasphemy against the Son of Man is taught to be much less than that which is spoken against the Holy Spirit; likewise 1 Jn. 5, sin unto death is much graver than sin not unto death. Likewise Lk. 6 the mote is distinguished from the beam as a lighter sin from a graver; and Prov. 6 theft is shown to be less than adultery. Likewise Jn. 19: "He who handed me over to you has the greater sin"; and Rev. (last chapter): "He who is filthy, let him be filthy still." Finally, all those things pertain here by which the difference of venial sins from mortal sins is proved.

§ 23. Now to each kind of works, both of good and of evil, there is accommodated a general account which is taken from the disparity of objects, the truth of circumstances, and the unequal intensity of the works. For just as the habits of virtues and of vices are some better or worse than others, so also the works that proceed from them deserve more or less praise or blame—both from the fact that the objects are more or less excellent, and from the circumstances which very often increase or lessen the account of merit, as likewise it happens from the greater or lesser effort of the agents, or from the intensity of the works themselves. From all of which it follows that neither will the rewards of the good be equal among themselves, nor the punishments of the evil. For unequal merits in the divine judgment, in which each one is to receive according to his works, whether good or evil, demand an unequal retribution. This inequality of retribution Scripture also very often commemorates; and first in the rewards of the good: as when the Lord says in Jn. 14, "In my Father's house are many mansions"; and 1 Cor. 15, where the glory of the Saints in the resurrection is compared to the differing brightness of sun, moon, and stars; and 2 Cor. 9: "He who sows sparingly will also reap sparingly; and he who sows in blessings will also reap from blessings"; and Matt. 19, where greater glory is promised the Apostles in the resurrection than to others less perfect; and Is. 56, where it is promised "to the eunuchs in the Kingdom of God a name better than of sons and of daughters"; and Rev. 14 concerning Virgins: "No one could sing the canticle except those one hundred forty-four thousand who were purchased from the earth," etc.; likewise Dan. 12 similarly promises a more illustrious glory to those who instruct many unto justice. Hence is that settled sentence of St. Augustine, in the last book of the City of God, last chapter: "Who is competent to conceive what the grades of rewards according to merits will be? That, however, they will exist is not to be

doubted." This matter he unfolds at greater length elsewhere: in Tractate 67 on John, expounding the saying, "In my Father's house"; he teaches the same in book 4 Against the Donatists, ch. 19, and elsewhere; likewise St. Jerome on Ezekiel, books 4, 9, 30; St. Gregory, in the last book of the Morals, treating the Apostle's place 1 Cor. 15, and in Homily 37 on the Gospels; St. Ambrose, in the Exhortation to Virgins, citing the place of Isaiah just named, and in book 7 on Luke, ch. 15; Prosper, sentence 360; St. Bernard likewise.

§ 24. Moreover, that punishments will be unequal is also the manifest doctrine of Sacred Scripture: as in Matt. 11 and Lk. 10, where the Lord bears witness that it will be "more tolerable for Tyre and Sidon and for Sodom on the day of judgment" than for the Jews who beheld Him present; and Lk. 12: "That servant who knew his lord's will and did not do it will be beaten with many stripes; but he who did not know will be beaten with few." And Mk. 12: "These shall receive the more abundant judgment." Likewise Wis. 6: "A most severe judgment shall be for those who rule; and the mighty shall be mightily tormented," and again, "for the stronger a stronger torture presses." Rightly therefore Jerome says (on Ezek. 30): "As among the good with the Father there are diverse mansions, so also there are diverse judgments of the punishments of Egypt."

§ 25. From these things, therefore, it is clear that in the future age both punishments and rewards will, in proportion to merits, be diverse and unequal; and accordingly neither will all the Saints be equally blessed, nor will the wicked be equally miserable—just as St. Augustine likewise concludes (Enchiridion 111). Finally, on this matter the decree of the Council of Florence stands forth manifest (last session), in which, with the Greeks consenting, it was defined that among the Blessed one will see God as He is more perfectly than another, and that the damned likewise will be punished with unequal pains.

§ V — The solution of the objections that are brought against these things (Solutio eorum quae contra objiciuntur)

§ 26. Against what has been said concerning the inequality of the saints' blessedness (*beatitudo*), first of all it is objected that blessedness is the highest good; but nothing is better than the highest good; wherefore it cannot come about that blessedness is greater in some, lesser in others. Then it is commonly objected that, since blessedness consists in the vision (*visio*) of God, and all the Blessed are going to see in God all those things the sight of which makes one blessed, and especially that which is the chief thing, namely that God is Triune and One, the consequence would seem to be that all will be equally blessed.

§ 27. Third, against the Master's solution of the second argument—namely, that one will see all those things in God more perfectly than another—it is objected in turn that the vision of God in which blessedness consists will be so perfect as not only to exclude from all the elect every need and imperfection, but also to fill them. Fourth, against that same reply, there is further an objection from St. Augustine, in the book On the Eighty-Three Questions, Question 32, that the understanding by which each thing is understood is perfect—namely, such that none could be more excellent—and that one cannot understand the same thing more than another.[48] Fifth: If the vision will be perfect, so too will love (*amor*) be perfect and joy (*gaudium*) full and perfect, according to that which the Lord promises His own, saying in John 16: "that your joy may be full." For from the perfection of vision there follows of necessity the perfection and fullness of love and joy; therefore, whether the happiness of the saints be constituted in vision, or in love, or in joy, it seems it will be equal in all, because in all it will be full and perfect. Sixth: Nay more, even if the brightness of the vision is unequal in different persons, nevertheless joy will be equal in all—so Prosper testifies in Sententia 360 on the

authority of the Apostle in 1 Corinthians 15—saying: "But that God may be all in all, even amid unequal brightness there will be equal joy, so that what individuals have will be common to all."[49]

§ 28. Seventh: All the laborers in the Lord's vineyard, whether they have labored much or little, are to receive at the end the day's denarius according to the Gospel parable in Matthew 20. But that day's denarius is a wage; therefore it is of one and the same kind. For otherwise there would have been no place either for the murmuring of those who hoped to receive more, as they said, "And you have made them equal to us," or for the reply of the householder saying: "I will also give to this last as to you," that is, as much as to you. Whence also St. Augustine says (Sermon 59, On the Words of the Lord): "The denarius is eternal life; and in eternal life all will be equal."[50] Eighth: St. Augustine, in the book On the Perfection of Righteousness, ch. 3: "Then full charity will be, when we shall see God as He is. For there will be nothing to be added to love, when faith shall have come to vision." So he. But if nothing can be added to love, then neither to the vision; therefore the vision of all, and likewise their love, will be supreme and, consequently, equal. Ninth: As to the punishment of the reprobate, one and the same fire of Gehenna will engulf all; therefore the same sensible punishment will be for all. Tenth: The punishment of loss (*poena damni*) of the reprobate is the lack of the divine vision, which does not admit of more and less, since it is a sheer privation; therefore this kind of punishment too will be equal for all. Lastly: Since an equal vision of God makes men equally blessed, an equal privation of the vision makes them equally miserable. But let us answer these in order.

§ 29. To the first, with St. Thomas (I-II, q. 2, a. 2), one must say that blessedness is called the highest good inasmuch as it is the perfect possession of the Highest Good. For properly God is the Highest Good, which, however, is not equally participated by the elect through that operation in which we said blessedness consists; because although that good is in itself unchangeable, yet its participation can be various. For not even all the Angels participate equally in seeing that good, but some more fully and more perfectly than others, each according to his capacity. Whence Cyril of Jerusalem says in Catechesis 6: "The Angels see according as they can, and the Archangels according as they are able: but the Thrones and Dominations more than those," and in Catechesis 7: "The Angels see the face of God, each according to the measure of his proper Order."[51]

§ 30. To the second: It must be granted that all the elect see in God all those things that are in Him formally (*formaliter*), that is, whatever are the divine essence itself—whether they be the relations of the Persons or the essential attributes of God, such as goodness, power, wisdom, and the like. Next, that each one also sees in God those things which pertain both generally to the natures of things and to other divine mysteries, and, in particular, to his own state—about which Dominic discusses copiously in this Distinction, question 3, article 2.[52] Yet from these it does not follow that all will be equally blessed, because, since perfection itself has its grades, all these same things will be known by some more perfectly, by others less perfectly—though with every imperfection and defect excluded. For the mind and delight of each will be perfected and filled according to its capacity. And because the capacity will not be the same for all, but different according to the measure of merits, hence all will indeed be full and all perfect, yet such that greater fullness and perfection will belong to the one with greater capacity than to him who has less. Nor is it to be doubted that God is known by Himself with infinitely more perfect knowledge than by any creature whatever; and again, much more perfectly by the Soul of Christ than by any other angelic or human intellect. So too those very things which are now known by us concerning God we shall know much more perfectly in the life to come. From which things the reply to the third is also evident.

§ 31. But as to what in the fourth place is objected from St. Augustine, it is true of cognition on the part of the object, not on the part of the knower. For the thing itself, if it is truly understood, ought to be understood as it is; for if it is understood "more," something else is understood, as is plain in numbers. Now the species and essences of things are like numbers, as the Philosopher testifies. Nevertheless nothing prevents one and the same thing from being understood more perfectly by one than by another, just as it can be seen by bodily eyes, according as one is endowed with a sharper intellect or sight than another.[53]

§ 32. To the fifth, from what has been said it is now plain that the love and joy of all will indeed be full and perfect, yet according to the capacity of individuals, greater or less. Nor does the sentence of Prosper, which was objected in the sixth place, conflict with this. For in that place equal joy is understood on account of the universality of the things over which there is rejoicing, not on account of the perfection of the joy itself. For, as he himself explains, "God will be all in all," and through the connection of charity it will come to pass "that what individuals have will be common to all"—as St. Augustine likewise teaches in Tractate 67 on John.[54]

§ 33. To the seventh: The Gospel denarius is interpreted by Augustine—not only in the passage alleged in the objection, but also in the said Tractate on John and in the book On Holy Virginity, ch. 26—by Gregory in the Homilies on the Gospels, and by others, as eternal life, and as equal for all; but in this sense, namely, because it will be common to all, or because in eternity one will not live longer than another. Others, such as Jerome, Chrysostom, and Theophylact, understand by it salvation in general and the grace of the Holy Spirit proposed in common through Gospel preaching to every age and class of men.[55] But others wish more to be signified, namely, that the greatness or the length of labor does not of itself avail for receiving a greater reward, as regards the essential reward, but that all those will be equal in the reward who, though unequal in the measure of labor, yet served God with an equal affection of charity—Sixtus, Anthony, and Lawrence, and the Thief. This sense of the parable also Dominic, in the place cited, can gather from the fact that those who murmur allege only the burden and the length of time, which, as such, do not increase merit.

§ 34. If someone objects that the householder says: "Is your eye evil because I am good?" so that the goodness may be one of grace and not of justice, inasmuch as he gives the same denarius to the last as to the first, it is answered that even this pertains to justice, both from the third hour when he says to the laborers: "I will give you what shall be just," and indeed to the ninth hour, when the Lord says: "Likewise." Which therefore must be understood as said also to the eleventh hour—especially since the Greek and Syriac even express it with these words: "And whatever shall be, you shall receive." Whence also it is said to the steward of the vineyard that he render the laborers their wage. But a wage regards work and is rendered out of justice. He adds, "Because I am good," lest anyone's mind should think this not to be justice, as if he who worked much less than others would thereby obtain an equal wage with them; to which thought he replies: Even if, as you suppose, it were not justice, yet what I do is not repugnant to goodness; because I can do this by liberality. For a benefit is not an injury to another. Add that he rightly alleges His own goodness who, out of goodness, has appointed for good works an eternal reward.

§ 35. To the eighth: Augustine does not deny absolutely that anything could be added to the love of the fatherland; for without doubt God could increase it if He willed; but thus far it will be able—according to Augustine's mind—according to the measure of each one's capacity, of which we spoke above.

§ 36. To the ninth: As one God will not be contemplated equally perfectly by all, so the fire of hell will not torment the reprobate equally, but, according to disparity, some more, others less. The reason is that that fire

will act upon demons and men not naturally, but as a supernatural instrument of the divine justice, which wills each one to be punished according to merits. Although this can be illustrated by a natural example, namely a solar ray acting diversely according to the diversity of the subjects which it strikes; and thus also teaches Haymo (Homily 1 after the Octave), that the reprobate are not affected equally by the fire of Gehenna, because the things they suffer, and the sufferers themselves, are not disposed in the same way.[56]

§ 37. To the tenth: Although a pure privation as such does not receive more and less, for this reason we said that many think the punishment of loss is equal in all; yet Abulensis (on Matt. 25, Question 640) and Dominic (on the last Distinction, art. 4, conclusion 1) seem to judge more rightly that this punishment also of the damned will be unequal according to the measure of merits—not indeed by reason of itself, but by reason of its cause, which is greater or less enmity toward God removing them from His countenance and from participation in all goods.[57]

§ 38. To the last: The consequence must be denied. For an equal vision for this reason makes men equally blessed, because they equally see God and equally attain Him with the mind. But privation places nothing in the mind of itself, only by consequence—namely, when the mind understands that it is deprived of the vision of so great a good. Now to understand this in the mind and, what follows therefrom, to be saddened at it in the will, is not equal in all, for the reason just now said—or for any other reason, if any more probable account of the matter can be given.

§ VI — That the blessedness of the saints will be more perfect after the resurrection (Perfectiorem fore sanctorum beatitudinem post resurrectionem)

§ 39. Although principally the blessedness (*beatitudo*) of man consists in the vision of God, nevertheless by the accession of other goods it becomes increased and more perfect—so that the whole blessedness of the comprehensors is rightly defined also by accidental goods, as Boethius defines it in book 2 of the Consolation, prose 2, as "the aggregation of the state of all goods." There, "goods" are understood to be all those things that are reasonably desired. For he is blessed—according to Augustine following Cicero—"who has whatever he wills and wills nothing ill."[59] But among the things that are rightly and deservedly desired by every man, there must without doubt be numbered the full abolition of death and misery through the resurrection of the body, and its renewed union with the soul and the glorification of the same. Hence it follows that the blessedness of the saints will be greater after the resurrection, when namely there will be fulfilled the desire of their souls, which naturally long for the companionship of their bodies.

§ 40. From this it would follow that the very notion of blessedness requires that the saints—or their souls—before the association of their bodies are not blessed, inasmuch as the desire of the same has not yet been fulfilled. Whence proceeds that voice of theirs in Revelation 6: "How long, O Lord, dost Thou not judge and not avenge...?" And the Apostle (Heb. 11) denies that the saints who have died will be perfected without us, because the consummation of blessedness will be only in the resurrection. Then indeed their desire will be replenished in every respect, when God shall have redeemed their life from destruction and renewed their youth like an eagle's (Ps. 102).

§ 41. Rightly therefore was it said by St. Augustine (Tractate 49 on John) that, once the resurrection of the good has been effected, their joy will be greater, just as also the torments of the wicked will be more grievous. Nor do the other passages of Scripture insinuate anything else which promise the full retribution of

works on the day of the last judgment; just so the testimonies of the Ancients which seem to derogate somewhat from the blessedness of the saints before the resurrection. About all of which we have spoken more fully above at Distinction 44 of this book.[60]

§ 42. Moreover, the reason of that desire whereby the soul naturally seeks the conjunction of the body is expounded by St. Augustine in book 12 of On Genesis ad litteram, chs. 34–35. And, to say it briefly, this is the reason: because the natural body is the organ or instrument of the soul and naturally conjoined to it, so that together with it it constitutes, according to substance, one thing, and exercises its natural operations.[61]

§ 43. There exists, moreover, a definition of the Council of Florence, in which—with the Greeks consenting—it was decreed that the souls of the saints enjoy happiness perfectly, yet that they will enjoy it more perfectly with their bodies when they shall have risen, when also the same saints will shine like the sun, just as Christ Himself shone on the mountain. For this is the confession of the Greeks in the proem of that Council, whereas a little before the Latins—in words somewhat different, yet in the same sense—had professed that they believe the souls of the saints, inasmuch as they are souls, to have attained their perfect happiness, yet in such wise that they await another perfection with their bodies, which indeed they will enjoy forever.[62] From which words of the Fathers the common opinion of the Theologians becomes probable, namely that the blessedness of the saints will, after the resurrection, be more perfect not intensively but only extensively, because what is now in the soul alone will then also be extended to the body, and will be in the whole man. For neither do the Fathers of that Council—nor even the Greeks—say that the souls after the resurrection will see God more perfectly, but that they will enjoy a more perfect happiness with their bodies; or, as the Latins say, they await "another" perfection with their bodies. Both of which pertain to the extension of happiness, especially because the Latins said "another," not "greater." For the beatitude of the body is other and of a different species from the beatitude of the soul; and from both together there arises the blessedness of man greater in extension and more perfect.

§ 44. This view is confirmed by the example of Christ, who during the three days of death, when His soul was separated from His body, saw God in nothing more remissly or imperfectly than before or after, when it was joined to the body. And reason proves it: for each one in the future life will see God in the measure that he loves Him, and conversely. But once the bodies are resumed, the saints will not love God more perfectly—since, as Augustine says in the book On the Perfection of Righteousness, ch. 4, "there will be nothing to be added to love, when faith shall have come to vision"—therefore neither will they see more perfectly.[63] Likewise, the souls of the saints, inasmuch as they are souls, already receive their perfect, full, and entire reward, as being in the state of reward and remuneration; therefore their reward as souls—that is, the vision of God—will not be further increased in them. And what we set down above the words of the Latins, namely "inasmuch as they are souls," obscurely signified this.

§ 45. Finally, Pope Benedict XII seems to have willed this, when in the Extravagant which begins Benedictus Deus he said that the vision of God which souls have is continued from the death of the body until the resurrection, and from then on forever. For by saying that it is "continued" he seems to intimate that it neither grows nor diminishes.[64] And indeed John Villani testifies (Hist. Flor., book 11, ch. 19) that it was defined by the Pontiff that the glory of souls would not be increased after the resurrection except extensively; although this cannot be established with certainty from the words of the Pontiff just quoted, because "continuation" of itself does not exclude increase. Hence neither is the opinion of Augustine, Bernard, Peter Lombard, Haymo, and certain Scholastics to the contrary—of which we spoke at Distinction 45—to be

rejected as though contrary to a dogma already defined in the Church, but rather as a less probable view to be set after the more probable.

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1. St. Thomas, Summa theologiae I-II, q. 5, a. 8.
2. Aristotle, Nicomachean Ethics I; Cicero, Hortensius; St. Augustine, De Trinitate XIII, chs. 3–5 and following.
3. St. Augustine, Sermon 14, in the collection Lib. Septemdecim Sermonum a Parisiensibus editorum [title as in source].
4. St. Augustine, De libero arbitrio I, ch. 14.
5. St. Thomas, In I Sent., Prologue; Scotus, In I Sent., Prologue; Scotus, In I Sent., on this Distinction; Durandus, In I Sent., on this Distinction; Dominicus, in this Distinction, q. 2, a. 1, concl. 3 [abbreviation as in source]; Cajetan, [abbreviation as in source], dissenting.
6. St. Augustine, Confessions I, ch. 1.
7. St. Thomas, Summa theologiae I, q. 82, a. 3.
8. St. Paul, 1 Cor. 13:8–13; cf. 1 Cor. 13:12 ("to see God face to face").
9. St. Thomas [as in source].
10. St. Augustine, De moribus Ecclesiae catholicae, ch. 3; St. Anselm [as in source].
11. St. Bernard [as in source].
12. St. Thomas, Summa theologiae I-II, q. 12, a. 6; I-II, q. 5, a. 2.
13. 1 Cor. 7:38, 40.
14. 1 Cor. 12:31; 13:13.
15. Matt. 13:8, 23.
16. Matt. 19:17, 21; 19:27; 23:23.
17. Matt. 22:38.
18. Jas. 1:4.
19. Rev. 22:11.
20. Matt. 5:22.
21. Matt. 12:31–32.
22. 1 Jn. 5:16–17.
23. Lk. 6:41–42.
24. Prov. 6:30–32.
25. Jn. 19:11.
26. Jn. 14:2.
27. 1 Cor. 15:41–42.
28. 2 Cor. 9:6.
29. Matt. 19:28.
30. Is. 56:4–5.
31. Rev. 14:3–4.
32. Dan. 12:3.
33. St. Augustine, De civitate Dei XXII, ch. 30.

34. St. Augustine, Tractatus in Iohannis Evangelium 67.

35. St. Augustine, Contra epistolam Parmeniani (Contra Donatistas) IV, ch. 19.

36. St. Jerome, Commentarii in Ezechielem, books 4, 9, 30.

37. St. Gregory the Great, Moralia, last book, on 1 Cor. 15; and Homilies on the Gospels, hom. 37.

38. St. Ambrose, De exhortatione virginitatis, citing Isaiah; and Expositio in Lucam VII, on ch. 15.

39. Prosper of Aquitaine, Sententiae, 360.

40. Matt. 11:22–24; Lk. 10:12–15.

41. Lk. 12:47–48.

42. Mk. 12:40.

43. Wis. 6:5–8.

44. St. Jerome, Commentarii in Ezechielem, book 30.

45. St. Augustine, Enchiridion, ch. 111.

46. Council of Florence, last session (Laetentur caeli), decree for the Greeks.

47. S. Thom. locis proxime allegatis [abbreviation as in source].

48. St. Augustine, De octoginta tribus quaestionibus, q. 32.

49. 1 Cor. 15; Prosper of Aquitaine, Sententiae, 360.

50. Matt. 20; St. Augustine, Sermones, 59, De verbis Domini.

51. St. Cyril of Jerusalem, Catecheses 6 and 7.

52. Dominic [abbreviation as in source], in this Distinction, q. 3, a. 2.

53. Aristotle [as in source; "Philosophus"].

54. Prosper of Aquitaine, Sententiae, 360; St. Augustine, Tractatus in Iohannis Evangelium 67.

55. St. Augustine, Tractatus in Iohannis Evangelium; De sancta virginitate, ch. 26; St. Gregory the Great, Homiliae in Evangelia; St. Jerome, St. John Chrysostom, and Theophylact, on Matt. 20.

56. Haymo, Homilia 1 post Octavas [abbreviation as in source].

57. Abulensis (Alonso Tostado), Super Matthaeum 25, q. 640; Dominic [abbreviation as in source], on the last Distinction, art. 4, concl. 1.

58. St. Thomas, Summa theologiae, Supplementum, q. 93, a. 1.

59. Boethius, Consolatio Philosophiae II, prose 2; St. Augustine, following Cicero.

60. See above, Distinctio 44 of this book.

61. St. Augustine, De Genesi ad litteram XII, chs. 34–35.

62. Council of Florence, decree for the Greeks (Laetentur caeli), proem; with the corresponding Latin profession.

63. St. Augustine, De perfectione iustitiae, ch. 4.

64. Benedict XII, constitution Benedictus Deus; John Villani, Historia Florentina XI, ch. 19.

DISTINCTIO L — ON WHETHER THE DAMNED CAN SIN

§ I — Whether the damned can sin (Utrum damnati peccare possint)

§ 1. To the question in which it is asked whether those who once have been consigned to eternal punishments can thereafter sin further, certain sentences of the Fathers have given occasion, by which it seems to be denied. For Ambrose, in the book On the Good of Death, says: "The impious man, so long as he lives, increases sin; let him die, he ceases to sin"; likewise, in the book 2 On Abel and Cain, ch. 9: "The death of the sinner brings an end of sinning"; and ch. 10: "If those who were guilty die, who have not wished to withdraw their step from sins, yet even against their will they attain an end, not of nature but of guilt, lest they commit more offenses, for whom life is the usury of crimes."[2] Jerome, writing on Ecclesiastes 9, generally affirms that the dead can neither act justly, nor sin, nor add virtues, nor vices; and on Malachi 4 he says of the impious: "And when the day of the Lord shall have inflamed them and burned them up, it will leave in them no root or offspring of malice." The same, on ch. 1 of Zephaniah at that text, "All the people of Chanaan was silent," says: "He signifies that their blasphemy will cease on the day of judgment, and that the mouth which they lifted on high and the tongue reaching even to the earth will be hushed in eternal silence."[3] Augustine, in the Enchiridion, ch. 111, denies that there will be to the good the will, to the evil the faculty of sinning; and in Homily 19 (among the fifty) that no one will be permitted to sin in Gehenna; and, speaking of the damned in book 3 of On Christian Doctrine, ch. 11: "With whom," he says, "there is overturned that very cupidity, who were unwilling to overcome it." And yet, with cupidity overthrown and taken away, it seems that every sin is likewise taken away.[4] Finally, St. Thomas in II-II, q. 25, a. 6, ad 2, says that death, to a sinner not converted, profits for the termination of guilt, because by this there is taken away from him the power of sinning further.[5] Scripture also seems to sound something of the sort, as in Ps. 9 concerning the impious: "Quaeretur peccatum ejus non invenietur"; and John 9: "Venit nox quando nemo potest operari"; and Matt. 22: "Ligatis manibus et pedibus...".[6]

§ 2. An argument also presses: For every sin merits punishment. For this the natural order of justice demands, that there not be the disgrace of fault without the comeliness of vindication: therefore the damned, constituted outside the state of meriting and demeriting, do not sin further. Otherwise they would sin with impunity, which the justice of God does not allow. But notwithstanding these things, one must absolutely say that the damned, whether demons or men, not only can sin, but indeed will sin continually, because an evil and perverse will has been confirmed in them and will endure forever, just as conversely in the blessed a good and holy will has been so confirmed that they cannot lose it. Whence, as the charity (*caritas*) of the elect will never fail in the future age (1 Cor. 13), so concerning the reprobate it has been said (Ps. 73): "superbia eorum qui te oderunt, ascendit semper," and as the Saints will praise the Lord "in saecula saeculorum" (Ps. 83), so (Rev. 16) those upon whom the plagues of His wrath will rage are said to be going to blaspheme God. Therefore, just as in the saints love and praise of God will persevere without end, so on the contrary in the

impious hatred of God and blasphemy will remain. But as to blasphemy, see in the replies. Nor indeed can it be said that this evil will in the damned, and turned-away from God, will not have the formal character (*ratio*) of sin. For since the eternal law of God is never extinguished, whatever is committed by will against it, whether in this life or in another, is sin. For, conversely, good works without doubt will be, and opposed to sins, whatever things shall be done by the Blessed, as being conformable to the eternal law of God, again with the Psalmist saying (Ps. 118): "Custodiam legem tuam semper in saeculum et in saeculum saeculi."[7]

§ 3. Therefore rightly St. Thomas, looking to that law, I, q. 64, a. 2, ad 5, teaches that every act of the will of the demons is disordered and evil, and in I-II, q. 89, a. 4, that every voluntary act of demons is mortal sin. Thus he, about the demons. Nor does a reason appear why the same should not be judged about men damned and impious, since, similarly to the demons, they bear a will hardened in evil. This therefore being established, that the damned in hell will sin, and indeed without intermission; nevertheless it must be known that thus their evil will will be without the merit (*meritum*) of further punishment, just as the Most Holy will of the elect in heaven will bring no greater glory, since now both will already stand in the ultimate end of goods or of evils as in a terminus, the way of this life having been passed by which there had been appointed for them what was to be merited. And therefore just as the good will in the good will be not merit but reward, so the evil will in the evil will be not demerit (*demeritum*) but punishment; unless perchance someone would feign in the will of each of them the formal character of merit and demerit with respect to the perpetual continuation of the same state; which, however, is not necessary, since for that perpetuity sufficient merit has been obtained by the good of charity in the more perfect in this life. For as the charity of the good would be confirmed unto eternity, if they have died in it, so also the iniquity of the evil.[8]

§ 4. It must also be known that this evil will of the damned will never go so far that by it they should harm the Saints, or somehow disturb or diminish their happiness; but it will be restrained and, as it were, bound. For thus that word (Matt. 22), "Ligatis manibus et pedibus, etc.," is not badly taken, namely so that the wicked indeed be savage and wish evil to the good, yet hindered by the justice of God they cannot harm. Although it can also otherwise, and perhaps more fittingly, be taken, so that it be signified that from him who was unwilling to do good works in this life, after death every faculty of doing well is going to be taken away. For this also the outer darkness into which he is said to be sent signifies. For although everyone who does evil is in darkness, as Scripture bears witness (Jn. 3 and 1 Jn. 1; and elsewhere), just as, conversely, he who does good is said to walk in the light (Jn. 1 and 3; Eph. 5; and elsewhere), nevertheless then at length the sinner is said to be cast into the outer, that is the extreme and most profound and most far-removed-from-all-light, darkness, when, with every light utterly withdrawn from him, not even any hope at all is left of receiving it — which takes place in the future age — as Augustine teaches (in the exposition of Ps. 6; Epistle 120, chs. 22–23). From these things, therefore, it can be understood in what sense the Fathers sometimes deny that the damned sin, nay and even can sin. For Ambrose spoke of the merit and increase of sins and vices. So also Jerome on Ecclesiastes, as is evident from this: because similarly he speaks of the good and the evil, saying that the dead can neither act justly, nor add virtues, nor vices.[9]

§ 5. The other sentence of Jerome has greater authority, although he seems to hold this, that in the impious every root and offspring of malice is to be taken away, so that nothing may spring from it of evil whereby they may harm, according to Isaiah: "They shall not hurt in all my holy mountain." But what he says (on Zephaniah) has this sense: that God, at the final judgment, will not permit them to use their members, and not even their tongue, in injury of God and of His Saints. Whence, as their hands and feet will be bound,

so also will their tongue be bound, although the malice of the mind will not cease. Moreover Augustine (in the Enchiridion) clearly signifies that in the evil there is a will to sin, when he removes it only from the Saints, and consequently that the act of sinning befits the evil, since it is the same thing to sin and to will to sin. Yet he removes from them the faculty of sinning, because they will not be able to carry out their evil will with the effect of some harm, as they can in this life. Which same is more clearly signified in these words (Hom. 19 of the imperfect work on Matthew): "Death indeed separates the soul from the flesh, but it does not change the purpose of the soul"; and again: "The wicked not even after death cease to be wicked, because although they cannot sin, yet they retain the purpose of sinning": there. Therefore to sin, in sentences of this sort, is nothing other than to execute an evil will with the harm of another. With the harm, I say, of another. For many think (although Jerome seems to judge otherwise, as has already been said) that the impious will indeed utter blasphemies, which will be a certain execution of an evil will, but by this they will harm neither God nor the Saints. In the same way the other two places of Augustine must be understood, as their very circumstances sufficiently declare. A similar thing is insinuated by the little verse (Ps. 9), namely, that at some time it will be that the impious man can no longer harm, with every injury also that had been suffered by the pious from the impious being removed. But the sentence of the Lord (in John 9) must be understood of the work useful unto salvation, and rightly from it it is proved that the damned can no longer merit any good, and therefore that their repentance is useless — which yet itself also is sin, because it is vitiated by an evil end. This is the sense of "Operate while it is day," namely... Whence also "night" is called that time in which no one will be able to work, namely, well, out of those who were unwilling to do well in the day of this age. For surely the blessed are not in night but in perpetual light, in which they always work well, although not meritoriously.[10]

§ 6. About the place (Matt. 22) it has already been said. To the argument also it is evident from what has been said that one must reply. For there precedes the state of the present life, not however does there obtain [...], at least speaking in the mode of the way of punishment.[11]

§ II — Whether the souls of the damned know the things that are done among us (Utrum damnatorum animae cognoscant quae apud nos aguntur)

§ 7. That the souls of the blessed are not ignorant of the things which are done among us, especially of those which in some way pertain to them, such as prayers directed on their behalf, was shown above (at 45).[13] But concerning the souls of the damned the case is far otherwise. First, because there is one body of the Church, whose members partly reign in heaven, partly are militant on earth; whence a just communion obtains among these with each other; but the damned are utterly alien to the Church, nay, as they are contrary to God, so also to the Church and to its members, so that to them with good reason that saying may be applied: "What society has light with darkness?",[14] Second, because neither can the damned be helped by us, nor we by them; wherefore it would be in vain that there should be permitted to them a knowing of our affairs, especially since naturally they do not know them, nor is there a reason why anything beyond the order of nature should be made for them—unless perhaps at times to this end, that such knowledge might be to them a cause of a greater accidental punishment, which increases the more, the more of their evil doctrine they shall have known to have brought many to be perverted and to be drawn unto damnation. Third, because the damned have no care at all proceeding from charity (*caritas*), since they are confirmed in hatred of God and of their neighbor. But if they seem to have some sort of care, as that rich feaster (the "Dives") calling upon Abraham for his brothers lest they too should come into the place of torments (Lk. 16), this proceeds from a carnal

affection, whereby even the very worst men wish to avert punishments from those whom they carnally love; or, as St. Gregory teaches, from this, that they fear an increase of their own punishment, while others, said to have followed their evil examples into the same damnation, fall.[15] And this latter appears more probable. For to the former reason there seems to be opposed what we have already said, and what is commonly held, that the damned not only hate God but also hate all men and wish them ill. Although St. Augustine seems to have had regard rather to the former reason (in the Exposition of Psalm 108), where, by the example of that Rich Man placed in Hell who is still solicitous for his brothers, he shows—not that they do not know, but—that there is no care on the part of the dead for the living dear to them.'[16]

§ 8. But from this whatever kind of care of the damned for the living, it by no means follows that the things which are done among us are known by them, just as, in turn, our care for the dead—nor even that sort of care, but one proceeding only from charity—does not argue that we know, as to them, the things which are done about them; as rightly St. Augustine teaches in the same place, and more fully in the book On Care to Be Taken for the Dead, chs. 14 and 15.[17] And these things have been said about the souls of the damned. For concerning the demons there is another account, especially of those who have not yet been thrust down into the prison of Hell, but are still permitted to wander freely through this air. For these, being present at our affairs in which they busy themselves, know them naturally, and that so much the more easily and more certainly than we ourselves come to know these same things, as they are both keener of mind, and, on account of their spiritual nature, cannot be hindered as we can be, from penetrating the most secret places.

§ III — How the Gospel narrative of the Rich Man and Lazarus is to be taken (Quomodo sit accipienda narratio Evangelica de Divite et Lazaro)

§ 9. Since, with respect to the matters handled in the present Distinction, the Gospel exemplar of the Rich Man and Lazarus (Lk. 16) provides either an argument for the punishments or also poses a difficulty for the question of those who come and go, therefore it will not be useless at this point, together with the Master, to inquire how that narrative is to be taken. For some have thought it to be a parable, not a history, as are several other evangelical narratives, which do not teach what has been done, but only by way of parable admonish as to something that will be or that ought to be done. For in this way they deemed that they could evade the question which arises about the "eyes" and "tongue" of the Rich Man, the "bosom" of Abraham, and the "finger" of Lazarus, as being incorporeal. In this opinion are Theophylact and Euthymius (on Luke), and the Author of the Various Questions among the works ascribed to Athanasius (q. 21).[19] For that work is not of Athanasius, as is agreed among the better instructed.

§ 10. But it is far more probable that it is a history, that is, a narration of a thing done; both because the Evangelist did not preface—as elsewhere he is wont—the name of "parable," just as it is not prefaced in the recitation of the Gospel during the solemnities of Mass according to the Roman usage; and because, as St. Ambrose rightly argues (on Luke), in it a proper name is expressed, which is not wont to be done in parables, namely, that the proper names of the persons be expressed; and finally because there is in this narration no parabolic application as there is wont to be in others, but it is reported as an example of divine judgment against rich men who are avaricious and without mercy, that others may fear and beware of like things. More rightly, therefore, most of the Fathers here acknowledge a history, as Ambrose and Bede (in the exposition of this passage), Augustine (On Genesis ad litteram VIII, ch. 5)—whose words the Master cites, in which is this

judgment: I do not doubt that the Rich Man is in punishment, the poor man in refreshment; likewise in the same work XII, ch. 33; and moreover in the City of God XXI, chs. 3 and 10; in the Questions on the Gospels II, q. 38; and in the Exposition of Psalm 108; and in the last book Against Faustus, ch. 5; also Gregory (Homily 40 on the Gospels), Haymo (Homily for the Second Sunday after the Octave of Pentecost), and the Master (in the Text).[20]

§ 11. Nor does it make for the diverse opinion that the Fathers sometimes call it a parable, in the way it is also so named in certain Missals, where there is read this beginning: "Jesus said to His disciples this parable"; for they did not understand it as a bare parable, but as a parable-historical narrative, or, if you prefer, a historical-parabolic account, that is, one such as is usefully accommodated to some salutary doctrine; just as very many histories of the Old Testament contain the allegory of the mysteries of the New Law, the historical truth nonetheless in all things being preserved. Which very thing also in the present narrative is to be maintained to this extent, that nevertheless we necessarily acknowledge in it a figurative manner of speech—lest, as Haymo in the place mentioned thought, it could be shown from this Scripture to be believed that souls have limbs. For those members—eyes, tongue, finger—which we read even to be attributed to God in the Scriptures, are without doubt to be understood metaphorically, as is also "the bosom of Abraham." For the Lord willed to signify that the soul of the Rich Man was most grievously tormented, and that especially on account of sins of the tongue; wherefore he is said to ask refreshment by the extreme tip of Lazarus's finger dipped in water, that is, by the least work of mercy to be shown through Lazarus, as Augustine explains (the aforesaid Question on the Gospels), where he also interprets the bosom of Abraham as the rest of the Blessed after this life—namely of those who will have imitated the faith of Abraham; and in like manner Gregory has interpreted that bosom (Hom. 40); and that by "eyes" cognition is signified is sufficiently manifest of itself.[21]

§ 12. Moreover, whereas Augustine seems to doubt in the places mentioned above (On Genesis, on the City of God) whether the soul, when separated from the body, carries some subtle body with it, or has some likeness of bodily members, elsewhere he denies this without doubt. For in Epistle 100 (a) he says that in no way does he think that the soul goes forth from the body with a body.[22] And the same was doubted even less by later authors, especially the Scholastic Doctors. For the constant opinion of them all is that the rational soul is utterly incorporeal, impartible, and immaterial, and on that account by its nature perpetual and immortal, just as the other spiritual creatures. But a fuller explanation of this matter pertains to the Second Book of the Sentences, where that point is treated (at Distinction 17).'[23]

§ IV — To what extent the damned know the state of the Blessed (Damnati quatenus statum Beatorum cognoscant)

§ 13. Although concerning those who after this life will be either miserable or blessed forever, the question, whether some know others, could be set out in four members, namely, whether the good know the good, whether the evil know the evil, whether the good [know] the evil, and whether the evil [know] the good—these four members of the question are proposed and treated by Haymo (in the Homily for the Second Sunday after the Octave of Pentecost)—nevertheless here it is not necessary to dwell on each in detail. For it is most well known that the good will see and will know the good as members of one body.

§ 14. Nor does it seem to be doubted that the evil know the evil, at least those whom they knew in this life; for since that man placed in Hell is written to have been mindful of his absent brothers, it is given to be

understood that he recognized them as sinners. Although this can also be extended to evil persons unknown in the previous life, such as those whom the divine justice judges to pertain to their punishment, [so that they know] both how evil they were and what crimes they perpetrated, and moreover among the eternal co-sharers of damnation it becomes known at least on the day of judgment. But that the evil placed in Hell are seen by the good, there is no doubt, as we shall say presently.

§ 15. But as to the fourth member, namely whether the evil see the good, times must be distinguished. If before Christ's Passion that Rich Man placed in Hell is read to have seen Abraham and Lazarus in his bosom, and to have seen the happiness of both; which, however, if it happened by a peculiar divine dispensation—just as the mutual colloquy was brought about—or rather according to the ordinary proper mode of knowing; about this one can reasonably doubt. And in like manner, whether also after Christ, up to the day of judgment, the souls of the saints already assumed into heaven can be seen by those who are among the damned. Which St. Gregory seems to deny (Moralia IV, ch. 32), signifying that Abraham and Lazarus could not have been seen by the Rich Man placed in the lower regions, because they were in heaven: as though those lifted up to heaven could not be seen by him.[25] For these things can seem to intimate a certain reason of difference between the times before Christ's Passion and after; provided we keep in view what Augustine says (City of God, ch. 15), that the Ancients were indeed among the lower regions, though removed from the torments of the impious.'[26] But the ratio of this difference which Gregory seems to intimate is not so much that the cognition about the good, of both times, ought to be referred to an ordinary mode of knowing, as rather to the peculiar dispensation of God—if, that is, we are speaking of a distinct and clear cognition, which we are wont to call vision; for as to the mode of cognition, it is not [to be asserted] that they both were not seen and were not known, but only that [they were known] in a general and somewhat confused way. About which, therefore, as to the Rich Man, must be taken that saying of the same Gregory (Hom. 40 on the Gospels), where he says that, even to the recompense of the final judgment, certain just men, placed in rest, can be beheld by the unjust, so that, seeing them in joy, they may be tormented not only by their own punishment, but also by the good of those others.'[27] And this Augustine too very likely meant (Questions on the Gospels II, q. 38), when he says that the evil see from afar, and perceive the rest of the blessed, to which they cannot pass—without distinguishing the time before and after Christ's advent. Nor are dissimilar the things which St. John Chrysostom writes (Epistle 3), with particular regard to the time of the New Testament.'[28]

§ 16. This vision, therefore, of which these authors speak, if it is ordinary, is to be thought to have been none other than that whereby the evil in general know the most blessed state of the good. Nevertheless, in the meantime one must not deny but that even by a peculiar and distinct notice some evil may know concerning some good that they reign with God and with how great a felicity they there enjoy, but that by the extraordinary dispensation of God; in which way that about the Rich Man the Feaster is most rightly understood. And the very words of Gregory, more diligently considered, seem to signify this; and Chrysostom, in the place now cited, makes mention of divine dispensation. For, having premised the example of the Rich Man and Lazarus, he subjoins thus: "There is also this dispensation of the Lord, that, when He punishes the impious and rewards the just, they may mutually see and know one another: and then the Martyrs shall recognize their own tyrants, and the tyrants [shall recognize] the Martyrs whom they fastened to the cross." And he subjoins a testimony from the book of Wisdom 5: "Then shall the just stand," etc.; and a little after: "So also in the day of judgment the impious shall see the saints rejoice and enjoy the royal banquet," etc.[29] Nor, however, because of these words would I believe Chrysostom to be speaking of the day of the last

judgment alone, but rather to have willed to comprehend the whole time which is from the death of man up to that day. For from that time both the impious are punished and the just are rewarded, rejoicing and feasting at the royal table.

§ 17. Furthermore, in the very last judgment even with bodily eyes the impious will behold the glory of the Saints, as the Sage declares beautifully and distinctly (Wis. 5). For what is written in that place—"These things said they in hell, these who..."—pertains to the day of judgment, the memory being surely retained even already by those placed in hell, not, moreover, because at that time they still behold the just with their eyes. Moreover, also above (at Distinction 48) we have shown that Christ the Judge in His glory is to be beheld by all men, even by the impious:[30] but after the judgment, whether that [sight] is taken away from them, so that neither by a bodily aspect do they see the glory of the Saints, nor by a divine permission receive any further notice about the Saints, how great a felicity they enjoy. Not that a knowledge of this sort would diminish their misery in any part—since it would rather increase it, as Gregory teaches (Hom. 40)—but because, as supremely despicable, just as from the face of God and from the face of Christ, so also from the face of all the Saints, and from the perception of their most blessed state by a new cognition, they are repelled to a very great distance.'[27] Nor will they, however, be less sorrowful than before, but more sorrowful and more miserable. For besides this, that the torment of envy on account of their recollection of the happiness and glory in which they will at some time have seen the Saints will not cease, there will be added another from the contempt which they will suffer: namely, that they will not even any more be deemed worthy to see anything of that sort. This doctrine is consonant with those things which Gregory (Hom. 40), Augustine (On Psalm 7 and City of God XX, ch. 22), and Haymo (in the place cited) hand down.'[31]

§ V — How the Saints will be affected by seeing the punishments of the wicked (Quomodo Sancti visis impiorum pœnis afficientur)

§ 18. The Saints and the Blessed will never be forbidden from contemplating the punishments of the impious, not even when the judgment has been completed and the complete separation has already been made. For it is written of them (Is. last chapter): "They shall go forth and shall see the carcasses of the men that have transgressed against me."[33] Expounding this, St. Augustine, in the place noted in the City of God, says: "They shall go forth, not by a motion of the body, but by knowledge. For those who will be in punishments will not know what is being done within in the joy of the Lord. But those who will be in that joy will know what is being done without in those exterior darknesses."'[34] The same is the opinion of St. Jerome (On Is. last chapter),'[35] of St. John Chrysostom (Ep. 3),'[36] of St. Gregory (Hom. 40 on the Gospels; also Morals, book 6, ch. 20; and Dialogues, book 4, ch. 44),'[37] and of Haymo (in the place lately alleged).'[38] Nor, however, will this knowledge of the Saints on that account in any way lessen or cloud their joy, but rather it will be increased; both because, beholding the torments of the impious, they will glorify God by whose mercy they have escaped so great an evil, as Gregory clearly declares in the homily just cited; and because they will take joy in the work of divine justice, according to that (Ps. 57): "The just shall rejoice when he shall see the revenge," and Is. last chapter, of the pious: "And they shall be to the satiety of every flesh," that is, to all the elect.'[39] And this is also plainly proved by reason: for the Saints, perfectly joined to God and wholly immersed in His beatific contemplation (*contemplatio beatifica*), so conform themselves in all things to the good-pleasure of His will, and will so conform themselves forever, that they will will nothing nor be able to will anything, except what they see Him to will—so much so that they would not desire even a father or a son placed in the torments of

Gehenna to be snatched thence, not even according to the lower appetite (*appetitus inferior*), which in that state of beatitude is perfectly subject to the rational will (*voluntas rationalis*). Hence also it is that although both Christ now incessantly intercedes with the Father for us, and the Saints reigning with Him do not cease to pray for us until the end of the age, nevertheless they are not affected, from the miseries in which we are, nay nor even from the sins which we commit (both of which they both know and, by interceding and praying for us, drive away), with any compassion worthy of the name, or with sorrow, mourning, or sadness; nor do they at all suffer any loss of their perfect happiness therefrom—whereas Origen thought ill of both Christ and the other Saints on this point (Hom. 7 on Leviticus), whom for this St. Bernard rightly reproves and castigates (in the Sermon entitled, On the Words of Origen).[40] Therefore it is so much the less to be wondered at that these same Blessed will not be moved by any compassion of mercy toward the reprobate, obstinate forever in the will of sinning, but rather will acquiesce in the severity of the divine judgment with applause and joy. This too Abraham signified in the Gospel narrative, when, calling that rich man "son"—inasmuch as he was born of his own posterity—he yet showed no affection of mercy toward him, but rather chided him and laid his former life's sins to his charge by way of reproach.

§ 19. Wherefore neither is that subjoined statement, saying: "...ut qui volunt hinc transire ad vos, non possint, neque inde huc transmeare," to be taken as though there were in the Blessed some affect of commiseration, whereby, although they cannot, yet they would nonetheless wish to succor the wretched placed in hell; but the sense is: Because of the immobility of the divine decree and sentence, as though an impassable chasm were interposed, the just cannot offer any help to the damned, even if they would most earnestly wish to do so. In which way St. Augustine expounds that place, in book two of the Questions on the Gospels, q. 38; and St. Gregory declares it more fully (Hom. 40), teaching that in this sense those who wish to pass from the seat of the Blessed to those afflicted and placed in torments cannot, because the souls of the just, although in the goodness of their nature they have mercy—in other words, they are so good that they would be moved by mercy if it were permitted, that is, they would be willing to help—yet even then, being joined to the justice of their Author, are constrained by such rectitude that they are moved by no compassion toward the reprobate.[21] Nor does St. Ambrose speak amiss in his Commentary, though somewhat differently, when he understands the "chasm" to lie in this, that after death merits cannot be changed. For this is the reason why the Blessed cannot succor the lost.'[41]

§ VI — Whether after the Judgment the demons will preside over the punishments of men (Utrum post Judicium daemones praesint suppliciis hominum)

§ 20. That men are afflicted and punished by demons as ministers of divine providence and justice (*divinae providentiae justitiaeque ministri*), both in this age and also in the future, at least up to the day of the last judgment, Scripture everywhere bears witness. For holy Job is read to have been variously afflicted by Satan;[43] and in Ps. 77 we read of "inflictions through evil angels."[,][44] Hence too so many tormented and possessed by demons are read of in Sacred Scripture and in other histories, whom those [demons] leave only unwillingly and when constrained by a more powerful might. Nor is it unknown what great evils, with God permitting, they are wont to inflict upon the bodies and possessions of men through enchanters and witches, or by whatever other means. Whence not only because they unceasingly solicit the race of men to sins, but also

because they have received power to harm bodies in this elemental world, they are called by the Apostle "the princes of this air" and "the rulers of this darkness."[45]

§ 21. That they also in the future age, for the torturing of the impious, are set over them under God as Judge, seems to be indicated by the Lord (Matt. 5; 18; and Lk. 12), where demons are called ministers, torturers, and officers, to whom the debtors and wicked servants are to be handed over by the Judge "until they pay the last farthing."[46] Thus, besides others, Bede interprets it in his Commentary on Luke,[47] although St. Ambrose seems to understand by "exactors" the good Angels;[48] who also themselves at times, in the punishing of men, are ministers of divine justice (Gen. 3; 2 Kgs [Vulgate: 2 Sam.] 24; 2 Kgs 19; Ps. 34; Acts 12).[49] Whether, however, even after the judgment the evil Angels are going to preside over the torments of impious men, or rather at that time by God's power alone, without the ministry of demons, men, as also the demons themselves, are to be tormented by eternal fires, can be asked. For this question of the Master we have, fittingly, deferred to this last place.[50] Surely the latter view seems more to agree with the tenor of Sacred Scripture and with the interpretation of the Fathers. For the Apostle says (1 Cor. 15), of the time of the last judgment and thereafter: "When He shall have brought to nought"—that is, abrogated and taken away —"every principality and power and virtue."[51] By which is signified, according to the exposition of Chrysostom, Theophylact, and Oecumenius (although Anselm and Haymo, whose words the Master cites, interpret the Apostle's sentence more broadly), that all prefecture and the violence of the Apostate Powers will cease.[52] And the same Bede, albeit obscurely, indicated this in the place a little before cited, saying that now men are thrust down to hell by evil spirits, until the day of judgment shall come, from which time they themselves also will be tormented together in the fires of hell. As if he were saying that the ministry of torturing belongs to them only up to the day of judgment, but afterwards they will be in the same place and equal condition with men—namely, with every order of prefecture taken away by the judgment from the status of the damned. To this is commonly referred that saying (Job 10): "Where there is no order, but everlasting horror dwells."[53]

§ 22. Finally, this opinion is not a little confirmed by the fact that in Matt. 13 it is attributed to the good Angels not only that they "will separate the wicked from among the just," but also that they "will cast them into the furnace of fire."[54] Now this is precisely the sort of thing that would most fittingly be done in the punishing of men damned by demons, if they were going to retain any power after the judgment.

Omnia Ecclesiae Catholicae judicio submissa sunto.

§ VI — Whether after the judgment the demons preside over the punishments of men (Utrum post judicium daemones praesint suppliciis hominum)

§ 23. They teach in the commentary on this passage—Hilary, St. Augustine, St. John Chrysostom, and Theophylact—as also St. Jerome in his commentary on chapter 10, upon those words: "Fear him who is able to destroy both soul and body in Gehenna"; he writes that by the name "Gehenna" in the Gospel there is always signified eternal punishments (*poenae aeternae*).[55] From these, therefore, this argument is put together. A manifest insult, according to the testimony or judgment of Christ, makes one "liable to the Gehenna of fire," and through this is a mortal sin (*peccatum mortale*); anger expressed by the sound of the voice, but not reaching to the evil of an insult, makes one "liable to the council," that is, it is not clear whether he deserves Gehenna, but he is worthy either of that punishment or of a lesser. Therefore there are certain sins which by

their nature deserve the Gehenna of fire, and there are certain sins which are lighter than that they should deserve the Gehenna of fire.[56] For to what end would a council be convened to discern whether some fault should be punished by the Gehenna of fire, if all deserved the Gehenna of fire, or if none by itself deserved so great a punishment, but the positive law of God establishing that punishment were to be awaited or examined? Therefore there are some faults which by the divine judgment are to be mulcted with the eternal punishment (*poena aeterna*) which they deserve; there are also some which by the divine judgment are to be chastised with temporal punishment (*poena temporalis*) alone. Two other testimonies are had (Matt. 23; Lk. 6), in which places the Lord compares some sins to things most light by their nature, and others to things most grave. "Blind guides," he says in Matt. 23, "straining out a gnat and swallowing a camel." Here one sees that certain sins are compared to gnats, others to camels; for the Lord rebukes the Pharisees because they easily transgressed the most weighty precepts of the law, but the least they most diligently observed, and so most scrupulously avoided the least sins, but the greatest they perpetrated without scruple. Now it is clear that between a gnat and a camel there is so great a difference in the nature of the thing, that no proportion seems to exist between them. Hence Catholics draw out against the heretics that to certain sins, from their very nature or—as they say—from "the nature of the thing," there is owed eternal punishment, and indeed of fire, but to certain others temporal and lesser punishment. Again (Lk. 6): "Why," says the Lord, "do you see the mote in your brother's eye, but the beam that is in your own eye you do not consider?" Surely between a mote and a beam there is by the nature of the thing such a difference, that a mote can be lightly carried, but a beam is unbearable and, if it be laid upon a man, will crush him. Therefore there are some sins which by their nature deserve death everlasting, and some which are not worthy of so great a punishment: this, Catholics maintain against the heretics, was the intention of Christ in assigning the distinction between grave sins and light.[57] To these things the Apostle Paul (1 Cor. 3) also compares venial sins (*venialia*) to things light by their nature—wood, hay, and stubble: "If any man build upon the foundation gold, silver, precious stones, wood, hay, stubble, the work of every one shall be manifest: for the day of the Lord shall declare it, because it shall be revealed in fire; and the work of every one of what sort it is, the fire shall try. If the work of any man abide, which he hath built thereupon, he shall receive a reward; if any man's work burn, he shall suffer loss; but he himself shall be saved, yet so as by fire." In which place, as Ambrose expounds (Sermon 20 on Ps. 118), Jerome (Book 2 Against Jovinian), Augustine (City of God 21, ch. 26), Gregory (Dialogues IV, ch. 36 according to others), the Apostle signifies by gold, silver, and precious stones the perfect and praiseworthy works which, when examined in the judgment of God, merit nothing but reward; by wood, hay, and stubble, useless and reprehensible works, yet venial, which indeed bring loss and need purgation, but do not bring it about that a man fall away from salvation.[58] Blessed Paul would never have compared venial sins with hay and stubble unless they really were, as Gregory says in the place cited, sins small and most light. For mortal sins (*peccata mortalia*) by their nature ought rather to have been compared to iron, bronze, or lead, as Gregory says in the same place. You see from this passage that the Fathers and the theologians have drawn forth this conclusion as something Catholic: that to some sins by their nature eternal punishment is not owed, but to others it is owed. This is proved from the words of the same Apostle (Eph. 5): "Fornication, and all uncleanness, or covetousness, let it not so much as be named among you, as becometh saints; or obscenity, or foolish talk, or scurrility, but rather giving of thanks. For know this and understand, that no fornicator, or unclean, or covetous person—which is the service of idols—has inheritance in the kingdom of Christ and of God." Not without deliberation did the blessed Apostle, when he had pronounced that six kinds of sins are to be avoided —which among the Gentiles were scarcely acknowledged for sins, namely covetousness, shameful words,

foolish talk, and scurrility—add concerning the three former only that those who do such things "have not inheritance in the kingdom of Christ and of God." For the Apostle willed to teach that the first three, from their very kind, are such as to exclude from the inheritance of Christ and of God; but the three latter do not deserve so great a punishment, although they must in every way be far from the sanctified mouth of the faithful.[59] Lastly, let passages of Scripture be added, in which concerning certain sins Scripture speaks far more mildly than it is wont to speak concerning those which by the agreement of all are mortal sins, as (Matt. 12): "Of every idle word that men shall speak they shall render an account for it in the day of judgment." It is assuredly one thing to have an idle word without guilt, and therefore to be examined on the day of judgment; but it is another thing: "Go, ye cursed, into everlasting fire"; "binding his hands and feet, cast him into the outer darkness"; "Depart from me, all ye workers of iniquity," and other things of that sort which everywhere occur in the Gospels.[60] From all which Catholics infer against the Sectarians the distinction that is found between mortal sins and venial sins—namely, that the first deserve eternal punishment, even of fire, but the second temporal punishment—that this is a distinction from the nature of the thing, or from the nature of the work; so that by their very nature mortal sins deserve eternal punishment, which venial sins do not deserve. We now pass over the passages of the Councils and of the Fathers which Catholics bring forward to prove this disparity and difference between mortal sins and venial sins. Yet one must consult canons 7 and 8 among those commonly attributed to the Council of Milevis, but which are of the Council of Carthage held in the year 418, as we noted elsewhere in vol. 1 of this work at Distinction 36 of book 2, § XV, p. 265; St. Augustine especially, in the book On Nature and Grace, chs. 35, 36, 37, 38; likewise one must consult Origen (Homily 35 on Luke), whose passage is splendid; St. John Chrysostom (Homily 24 on Matthew) expounding that of the seventh chapter, "Why do you see the mote in your brother's eye," etc.; St. Jerome (in the commentary on chapter 5 of Matthew); likewise the aforementioned Augustine (On the Spirit and the Letter, ch. 36; in the Enchiridion, ch. 71; a sermon once number 41 On the Saints, now indeed number 104 in the appendix to vol. V in the Benedictine edition, where it is attributed to St. Caesarius of Arles).[61] Thus the difference between eternal punishment and temporal, which is found between mortal sins and venial, is from the nature of the thing itself, apart from any law and special mercy of God.

§ 24. The same truth is proved from the doctrine of the Fathers who speak of the eternity of the punishments owed to mortal sins. Likewise, the doctrine of the Fathers in this matter manifestly confirms the truth of the eternity of punishments which we are establishing. For when they speak about the eternity of the punishments owed to sinners not repenting and so dying, they always have recourse to the justice that demands it and to the manifest law of God decreeing that the punishments are eternal because the malice of sins demands this. St. John Chrysostom (Homily 25 on Romans; Homily 9 on 1 Corinthians), Cyprian, or whoever is the author of the Sermon On the Resurrection of Christ and the Sermon On the Ascension of the Lord—assuredly ancient—St. Bernard (Sermon 19, Various, on the words of the Apostle "The kingdom of God is not meat and drink"), St. Augustine (Epistle 102 [alias 49], question 4; and City of God, book 21, ch. 11), St. Gregory (Moralia, book 15, ch. 11), St. Jerome (in the Apology Against Rufinus; in the commentaries on the third chapter of the Prophet Hosea), while they speak of the eternity of punishments, assert the justice of God in decreeing eternal punishments to mortal sins from their merit and exigency.[62] Moreover, although Augustine in the book On the Faith against the Manichees, chapters 8–9—if, however, that work is Augustine's; since Sirmond, as we have noted elsewhere, shows that it is to be attributed to Evodius, bishop of Uzalis, and the Benedictine Fathers have thrust it into the appendix of vol. VIII of Augustine's works—seems to have recourse to the law of God in order to prove the justice of the eternity of punishments, nevertheless he

does not do this in such a mind as to prove that they are just because God has so decreed, but showing from this that they are just because God from eternity has determined to inflict them; proving, as it were a posteriori, the justice of the eternity of punishments from the divine law decreeing them. For thus the holy Doctor seems to frame his argument: those things which by the divine law are established for punishing sins can be nothing but just; for the holy Doctor is perpetual in all his works in demonstrating that any punishment whatever inflicted by God upon sinners is not unless it is owed to sins. Indeed, it is the peculiar saying of this holy Doctor: "Those whom He condemns, He condemns justly; those whom He saves, He liberates only mercifully." But God decreed eternal punishment for mortal sin. Therefore it is just. Certainly the Fathers, in refuting the error which is attributed to Origen—namely, that it was asserted that the punishments of men damned will not be eternal—did not use an argument only from the law of God manifested in the Scriptures, but also an argument taken from the condignity of the sin deserving so great a punishment; nay rather, in solving the arguments and objections of the heretics, they used reasons by which it is openly made manifest that it is just for God to inflict eternal punishments for mortal sins, because crimes of this sort deserve such things; and with all their might the Fathers strove to demonstrate this worthiness of sins in respect of eternal punishments, so as to solve the objections of the heretics, who employed nearly the same lines of reasoning as those which now the author of the proposition which we refute employs—in a different sense and end, to be sure: they, namely, in order to show that the punishments of hell will at some time have an end; he, however, to prove that they are eternal only because God so decreed, not because mortal sin so deserves. Behold for you two passages of Augustine and Gregory by which what we were saying is clearly proved.

§ 25. St. Augustine, City of God, book 21, chapter 18, in order to go to meet the objections of the Origenists and others who thought it unjust that for sins, however great, nevertheless perpetrated in a brief time, one should be condemned to an eternal punishment, thus says: "But if you attend ever to the justice of any law, that one be punished for so long a duration of time as he admitted the matter on account of which he should be punished; and after a few words: Loss, ignominy, exile, slavery, when very often they are so inflicted that by no pardon are they relaxed, do they not, with reference to the mode of this life, seem similar to eternal punishments? For indeed they cannot be eternal, because neither is that life, which is punished with these, prolonged into eternity; and yet the sins which are avenged by the punishments of a very long time are perpetrated in a very brief time; nor has anyone existed who would judge that the torments of the guilty should be ended as quickly as murder or sacrilege, or any other crime whatsoever, was wrought—which is to be measured not by the length of time but by the greatness of iniquity and impiety. But he who for some great crime is punished with death, do the laws judge the brief delay in which he is slain—which is very brief—to be his punishment, and not that they take him away from the society of the living forever? But what is it for men of that mortal city to take men away by the punishment of the first death; but for men of that immortal city to be taken away by the punishment of the second death. For as the laws of this city do not suffice for one to be recalled to it who has been slain, so neither do the laws of that city suffice that he who is condemned to eternal punishment by the second death be recalled against his will."[63] Do you not see from these words of Augustine the doctrine of the holy Doctor to be clearly manifested, in which he lays down that the eternity of punishments is owed to mortal sin not from the divine law decreeing or inflicting, but from the malice demanding it? For that holy Doctor, in order to solve the objections of the adversaries concerning the length of punishments not owed to an act of most brief time, has recourse to the impiety and iniquity contained in that act as so demanding; since, to be sure, for estimating the punishment one must not look to the time

within whose span the sinful act was perpetrated, but to the impiety and iniquity imbibed in the act: this, namely, the holy Doctor says, deserves the punishment which God has decreed. Where it must be observed that the holy Augustine in the place adduced replies to the argument of the adversaries taken from the notion of justice, not from the authority of Scripture; to which to give satisfaction the holy Doctor adduces reasons by which the justice of God in decreeing the punishments which sins committed against Himself demand is made manifest.

The most splendid too is the passage of St. Gregory on the eternity of punishments owed to the impious, Moralia, book 34, chapter 16, where he thus says: "If at some time the punishments of the reprobate are to be ended, then at some time the joys of the meritorious are also to be ended. For Truth Himself says: 'These shall go into everlasting punishment, but the just into life everlasting'; if therefore this is true which He threatened, so also that is true which He promised." Thus far the eminent Doctor proved from Scripture the eternity of punishments. Now mark with what reasons he proves that an eternal punishment is owed, and in what manner he dissolves the arguments of the adversaries, that you may see from the doctrine of this holy Doctor to be clearly drawn that the justice of the divine law is wholly founded upon the exigency of sin by reason of its malice demanding so great a punishment. Therefore the holy Doctor says shortly after the words related: "But," they say, "without end there ought not to be punished a fault that has an end; surely Almighty God is just; what was not committed in an eternal sin ought not to be punished with an eternal torment." To whom we quickly reply, that they would speak rightly, if the just and strict Judge when He comes should weigh not the hearts of men but their deeds. For the wicked therefore sinned with an end, because they lived with an end; for they would have wished, truly, to live without end, that, if they had been able to do so without end, they might remain in iniquities. For when they live they are able to sin without end. It pertains therefore to the justice of the strict Judge that there be never lacking a punishment for those whose mind in this life never willed to lack sin, and that no end be given to the punishment of the unjust, because, as long as he was able, he was unwilling to have the end of his crime."[64] You see now that the holy Doctor was pleased with those reasons for showing the justice of God in decreeing the law of the eternity of punishments which the author of the proposition which we are attacking confutes, spurns, and tries to show to be insufficient for founding vindicative justice. The same is more clearly demonstrated by the following words of the same holy Doctor in the same place just praised: "But," they say, "no just man is fed by cruelties, and the delinquent servant by a just lord is therefore ordered to be scourged, that by the scourges he may be corrected; therefore he is scourged for some end, since his master is not delighted by his torments. But the wicked delivered to the fires of Gehenna to what end will they always burn? And because it is certain that the pious and almighty God is not fed by the torments of the wicked, why are the wretched tormented, if they are not being expiated?" To whom we quickly reply: that the almighty God, because He is pious, is not fed by the torment of the wretched, but because He is just (note these words), by the punishment of the wicked He is not ever satisfied. Surely the heretics, in order to show that the Scriptures which Catholics were adducing to prove the eternity of the punishments of hell must be understood otherwise, were trying to put forward reasons drawn from the justice of God, to which, as they were maintaining, it did not befit that He should condemn in perpetuity those who had perpetrated crimes in a very brief time. But on the contrary the holy Doctor shows that they must be understood thus because it befits the divine justice so to punish the sinner according to the exigency of his malice; for the holy Doctor says: "because He is just, by the punishment of the wicked He is not ever satisfied." Therefore the mind of the Doctor is that the Lord's piety is, as it were, constrained by justice to punish the sinner with eternal punishment. Therefore the holy Doctor wills that the eternity of punishments be derived

from the debt of malice demanding it, not from the law of God determining it. Therefore according to the doctrine of Augustine and Gregory it is clearly evident that before the positive and free law of God a mortal sin is owed an eternal punishment; and that it, from its nature—namely by reason of its malice and the offense of God the supremely good—exacts it.

§ 26. The truth which we are defending is so clear, and has been handed on by all the Fathers and Theologians and by the Church, that it shines forth clearly from multiple doctrines of the Church and of the Fathers in other matters: namely, the Fathers and all the Theologians always suppose that to mortal sin, the malice contained therein requiring justice, there is owed the eternal punishment of Gehenna, that is, of fire and of sense. This is shown especially from the doctrine of the Fathers concerning the necessity of the Incarnation of the Word for the expiation of the Human Race, which the most learned Lessius employs for the same point.[65] For the holy Fathers teach that no mere creature was able to satisfy God condignly for the sin of the Human Race; and hence it was necessary for condign satisfaction that God should become Man. Athanasius: "For neither would we be freed by himself, the one Mediator between God and men, the Man Christ Jesus, unless He were God."[66] St. Augustine, where, after he had said that one must not put confidence in Man, he gives the reason: "For neither would we be freed by himself, the one Mediator of God and Men, the Man Christ Jesus, unless He were God."[67] St. Basil, explaining that verse, "A brother doth not redeem; shall man redeem?" says: "Not a mere man, he says, will redeem, but the Man-God Jesus Christ, who alone was able to bring a worthy redemption."[68] Fulgentius.[69] St. Leo, where he says: "What reconciliation could there be by which God would be made propitious to the Human Race, unless the cause of all were undertaken by the Mediator of God and Men?"—which he also teaches in many other places.[70] St. Anselm, too, confirms the same truth in many places.[71] St. Thomas: "A sin committed against God has a certain infinity from the infinity of the Divine Majesty; for the offense is graver the greater He is against whom one sins; whence it was necessary for condign satisfaction that the act of the one satisfying should have infinite efficacy, as being of One who is God and Man."[72] From this common doctrine of the Fathers teaching that for condign and rigorous satisfaction of the Divine Justice a mere man does not suffice, but there is required a Mediator of God and Men who should be Man and God, or, as Augustine says, Man-God, it is clearly gathered that the Fathers recognized in mortal sin such great malice that it should be punished with eternal punishment; for if its malignity is so great that God had to be incarnate, in order that condign satisfaction of the Divine Justice might be exhibited, it must be said necessarily that it merits eternal punishment. For that which is so evil that it can be compensated and equalled by no goods, however long a time they be continued, clearly merits a punishment longer than any time that is finite, and therefore eternal—and that per se and directly by reason of the malice which is in the act. This argument could be treated at greater length, but let what has been said suffice; since it is most certainly established from the doctrine of the Fathers adduced—which is also the common [teaching] of all the Theologians—that the Fathers thought that in mortal sin there is found malice so grave that, if it is to be punished by justice, it must be punished only with eternal punishment: the Fathers therefore think it to be the doctrine of the Church; for thus they speak of it, as though they supposed that among Catholics there is no doubt about this, that to mortal sin, by reason of its malice, from rigorous vindicative justice, eternal punishment is owed. Therefore one must say, according to the sense of the Church and of the Fathers, that eternal punishment, even of sense, is owed to mortal sin antecedently to any positive law of God, and by reason of the justice which requires that such malice be punished by so great a punishment. Hence it is clear that the proposition which we impugn is diametrically opposed to the doctrine of the Fathers: for the proposition says: Mortal sin merits eternal punishment on

account of a law laid down by God, by which He willed to punish it thus, or with such a punishment, and not from its own formal character. But from the doctrine of the Fathers it is established that they taught that mortal sin merits eternal punishment by reason of its malice, by reason of which God punishes it with that eternal punishment by a law laid down from eternity.

§ 27. This very point can be confirmed from the doctrine of St. Thomas, saying in the Fourth Book of the Sentences: "The reason why mortal sin obliges to eternal punishment can be taken from three [considerations]: first, on the part of Him against whom one sins, who is infinitely great, namely God, whence also an offense against Him is worthy of infinite punishment, because the more worthy He is against whom one sins, so much the more is sin punished." And in the reply to the second [objection]: "From this, that one sins against the Infinite, an infinite punishment is owed to him; but it cannot be infinite in acerbity, because in a finite creature there cannot be an infinite quality, but it is compensated by an infinite duration." He has similar [things] in the Fourth Book.[73] By right and with merit, therefore, the Doctors, not to be despised, maintain from the doctrine of St. Thomas that mortal sin, by reason of the offense, merits an infinite punishment; which, since it cannot be given, is compensated by an infinite duration: therefore, according to the mind of St. Thomas, an eternal punishment is owed to mortal sin by justice, which punishment God, as by way of a subsidy, so to speak, decreed to inflict upon the sinner, since it is repugnant that in a finite creature an infinite punishment be found. So far, then, is it from being the case that St. Thomas thought that to mortal sin there is owed an eternal punishment solely from the law of God so ordaining, and not by reason of its malice, that rather, according to his mind, it appears that he thought that eternal punishment is inflicted on mortal sin by the law of God, because the infinite punishment which it merits cannot be given. See the Salmanticenses, where Father Pedro Cornejo is praised and the point broadly defended.[74] But clearer testimonies of St. Thomas—and even the reasons which he brings to prove the truth which we defend—we will presently adduce.

§ 28. Now, moreover, the common doctrine of the Theologians is to be noted, who teach that mortal sin merits by condignity eternal punishment far otherwise than a good work of a Just Man merits eternal life; and to demonstrate this disparity or difference they bring this reason: namely, because the malice of sin is wholly proportioned to eternal punishment, so that it cannot be condignly punished by a finite, temporal punishment. Which they say to be true even if souls by their nature did not live forever; for in that case, they say, on account of mortal sin they would have to be punished either with a punishment infinitely intense, if it were possible, or be conserved above nature living forever, so that they might be condignly punished; just as for this cause, after the day of Judgment, the bodies of the Damned will be supernaturally conserved forever. And this doctrine of the Theologians, teaching that mortal sin merits eternal punishment in one way, and a good work eternal life in another way—namely, that the first merits that [punishment] from its own nature, but the second [merits life] from condignity, or proportion with the eternal reward, which it receives from the state and condignity of the agent, who, to wit, is a Son of God and a member of Christ—appears to be confirmed by the Most Holy Pontiffs St. Pius V and Gregory XIII, and finally by Urban VIII, in the proscription of that proposition which is among the Baian [propositions], the second: "Just as an evil work from its nature is meritorious of eternal death, so a good work from its nature is meritorious of eternal life." They recognize that the Supreme Pontiffs wished to declare that eternal punishment is by its nature owed to mortal sin, but that by its nature eternal life is not owed to a good work; but more on this below.[75]

§ 29. Testimonies and passages of St. Thomas are adduced for this truth. St. Thomas in many places clearly asserts this truth and, in his manner, establishes it most solidly. The first place is in the First Part, where he thus says: "I answer that, as was said above, sin induces the guilt of punishment from this, that it perverts some order: but the cause remaining, the effect remains. Wherefore, as long as the perversity of order remains, it is necessary that the guilt of punishment remain. But someone perverts an order sometimes repairably, sometimes, however, irreparably; for the defect by which the principle is withdrawn is always irreparable. But if the principle is preserved, by its power other defects can be repaired. Thus, if the visual principle is corrupted, a restoration of vision cannot be made save by Divine power alone; if, however, the visual principle is preserved, some impediments to vision which arise can be restored by nature or by art. But every order has some principle, by which one becomes a participant of that order. And therefore if by sin the principle of order is corrupted whereby the will of Man is subject to God, there will be a disorder which, as far as of itself, is irreparable, unless it can be repaired by Divine power. But the principle of this order is the ultimate end, to which a man adheres through charity. And therefore whatever sins avert from God, taking away charity, induce, as far as of themselves, the guilt of eternal punishment."[76] Here one must note "as far as of itself" (Latin: "quantum est de se"), which clearly intimates that St. Thomas taught that to mortal sin, according to itself and considering the nature of the work, eternal punishment is owed. The same is taught by St. Thomas in the same place, in the reply to the first [objection]. For when the following argument had been objected to him: "A just punishment is proportioned to fault, for justice is equality, and it is said in Isaiah 28: 'In measure against measure, when it shall be cast off, he shall judge it.' But sin is temporal; therefore it does not induce eternal punishment," to this argument the Holy Doctor thus replies: "To the first it must be said that punishment is proportioned according to acerbity, both in Divine and in human judgment. But, as Augustine says in the 21st book of the City of God, he who commits adultery or homicide in a moment is not punished on that account with a momentary punishment, but sometimes indeed with perpetual prison or exile, sometimes also with death, in which is not considered the delay of the killing, but rather that in perpetuity he is removed from the society of the living, and thus it represents in its way the eternity of the punishment instituted by Divine justice. Yet it is just, according to Gregory, Dialogues IV, ch. 44, that he who has sinned in his own eternity against God be punished in the eternity of God. But one is said to have sinned in his own eternity not only according to the continuation of an act lasting through the whole life of Man, but because from this very thing that he establishes his end in sin, he has the will of sinning forever." Also in the reply to the third [objection]: "It must be said that God does not take delight in punishments on account of themselves, but He takes delight in the order of justice which has required these [things]."[77]

§ 30. But there is a very splendid passage of St. Thomas in Contra Gentiles III, ch. 143, where in many ways he shows that to mortal sin there is owed, of itself and from its nature, eternal punishment. For the Holy Doctor says: "But it is manifest enough that the intention of the mind is wholly averted from the order to God, who is the ultimate end of goods; this is mortal sin. In another way thus, that, the order of the human mind to the ultimate end remaining, some impediment is brought whereby it is retarded, lest it freely tend to the end; and this is called venial sin. If therefore, according to the difference of sins, there must be [a] difference of punishments, the consequence is that he who sins mortally must be punished in such a way that he fall away from the end of Man; but he who sins venially, not so that he fall away [from the end], but so that he be delayed, or experience difficulty, in attaining the end; for thus the equality of justice is preserved, that, as Man by sinning voluntarily turns himself away from the end, so by punishment, against his will, he be impeded in the attainment of the end." But more clearly the same Holy Doctor demonstrates this same

[point] in the same work, ch. 144, where thus: "Moreover, this punishment, by which one is deprived of the ultimate end, must be interminable. For a privation of something is not unless where it is naturally [something] to be had (for a puppy when just born is not said to be deprived of sight): but Man is not apt by nature to obtain the ultimate end in this life, as has been proved. The privation, therefore, of this our end must be a punishment after this life: but after this life there does not remain to Man the faculty of attaining the ultimate end." And after a few [lines]: "It is necessary, therefore, that he who is punished with this punishment, whereby he is deprived of the ultimate end, remain deprived forever." And straightway: "Natural equity seems to have this, that each one be deprived of the good against which he acts: for from this he renders himself unworthy of such a good; and thence it is that, according to civil justice, he who sins against the Commonwealth is deprived of the society of the Commonwealth, altogether either by death or by perpetual exile; nor is attention paid to how great was the delay of time in sinning, but to what it is against which he sinned. But the relation is the same of the whole present life to an earthly Commonwealth, and of the whole Eternity to the society of the Blessed; because, as was shown above, they enjoy the ultimate end eternally. He therefore who sins against the ultimate end and against charity, through which is the society of the Blessed and of those seated in Beatitude, ought to be punished forever, although he sinned in some delay of time." But lest the Adversary say that St. Thomas spoke of the punishment of loss, which even he for his part concedes to be owed in eternity by its nature to mortal sin, but not of the punishment of sense, let us hear the same Holy Doctor (in the same place, ch. 145) speaking of the punishment of sense: "Not only, moreover, are those who sin against God to be punished by this, that they be perpetually excluded from Beatitude, but also by the experiencing of some harmful thing. For punishment ought proportionally to correspond to guilt, as has been shown above; but in guilt not only is the mind averted from the ultimate end, but also it is turned to other things as though to ultimate ends. Therefore, not only ought he who sins to be punished by this, that he be excluded from the end, but also by this, that from other things he feel harm. For if one uses inordinately that which is [ordered] to the end, he is not only deprived of the end, but also incurs some other harm, as appears in food taken inordinately, which not only does not bring health, but also introduces sickness. But he who sets his end in created things does not use them as he ought, namely by referring them to the ultimate end. Therefore, he ought to be punished not only by this, that he lack Beatitude, but also by this, that he experience some harm from the same [things]. Moreover, just as to those who act rightly goods are owed, so to those who act perversely evils are owed. But those who act rightly, in the end intended by them, receive perfection and joy. On the contrary, therefore, this punishment is owed to sinners, that from those things in which they placed their end they feel affliction. Hence it is that Divine Scripture threatens sinners not only with exclusion from Glory, but also with affliction from other things. For it is said in Matt. 25: 'Depart from me, ye cursed, into the everlasting fire, which is prepared for the devil and his angels'; and in Ps. 10: 'He will rain upon sinners snares: fire and brimstone and the spirit of storms is the portion of their cup.'" In these places St. Thomas openly indicates that the punishment of sense and of loss are equally owed to mortal sin; wherefore, just as to the same sin the punishment of loss is owed, according to St. Thomas, from the nature of the work, so also the punishment of sense; and just as the punishment of loss is by justice eternal, so also the punishment of sense by justice, and by the nature of the work, ought to be eternal. With equal reasons and arguments St. Thomas proves both truths. See also the same Holy Doctor in the Fourth Book.[78] Therefore it is established, from the mind of St. Thomas, that to mortal sin, from its nature and from the vindicative justice of God, there is owed eternal punishment, both of loss and of sense. Therefore contrary to the doctrine of St.

Thomas is the proposition which we impugn, as teaching that eternal punishment of sense is not owed to mortal sin by reason of itself, but because God willed to punish it thus.

§ 31. The same truth is proved from another common doctrine of the Theologians. The common dictum of the Theologians is that the Damned are punished short of condign, just as the Blessed are rewarded beyond condign. But if God had established the law of eternal punishment of sense above the condignity of mortal sin and of merit de condigno, as the Author of the Proposition wishes, then God would punish the Damned not short of condign, but beyond condign; therefore the Proposition advanced is contrary to the common sentence and doctrine of the Theologians. Truly the eternal punishment even of loss, in the common sense of all Catholics, simply is not equal to mortal fault: this [punishment] is much greater an evil, because it is against God; although it is proportionate by reason of the punishment, yet it is always said to be beneath condign on account of the excess of the fault: so grave is the malice which is found in mortal fault because of the offense of God. Indeed, I know that Bellarmine says it does not seem so certain whether God renders to evil works a punishment short of condign; whom our Author in this Fourth Book securely follows [in the place he cites].[79] But it must be noted that when Bellarmine says that the sentence which says "God punishes short of condign" is tolerated rather than approved by Augustine, Augustine's sense itself must be explored. But Augustine's sense is about that sentence which he himself there reports; namely, that out of the punishments established for the Damned God remit something, so that thus He may be said to punish short of condign; and this sentence, so understood, Augustine tolerates rather than approves. Behold for you the place of Augustine, where, after he has reported the sentence about the punishment of the Damned short of condign, and has reported the words, "Will God then forget to show mercy? Or will he in his anger shut up his mercies?" which he says pertain not to the Reprobate but to the Elect, thus he subjoins: "But to those to whom it pleases to extend that sentence even to those torments of the impious, at least let them so understand it that, the wrath of God remaining in them, which [wrath] has been declared in eternal punishment, God not shut up in this His wrath His mercies, and make them be tormented not with so great an atrocity of punishments as they are worthy of: not that they either never undergo those punishments, or sometime finish them, but that they suffer them milder than their merits are, and lighter. For thus both the wrath of God will remain, and in His very wrath He will not shut up His mercies. Which indeed I do not therefore confirm, because I do not resist."[80] The words of Augustine are to be attended to, "that they suffer those punishments milder than their merits are, and lighter." For from those words it clearly appears that Augustine is speaking of that sentence thus understood, that God not punish as the Damned have merited, and that out of those punishments which they would have merited according to the common law He deduct something of His mercy; this is what is intimated by "milder than their merits are." For Augustine does not speak of sin in general, whether it merits a punishment greater on account of excess of malice, but he speaks of the sins of individuals, and about these he asks whether God inflicts milder punishments than have been merited. And the same is Augustine's mind in the other places which our Author adduces to the place just praised, especially on Ps. 10, where Augustine speaks in exactly the same way as in the cited place of the City of God.

§ 32. The opinion affirming that the damned are punished short of condignity (*citra condignum*) is not to be understood in such a way that one should believe that, from the punishments prescribed by God for individual sins, something is remitted; for the law of God is immutable and certain. Yet it is to be understood thus: that God applies to individual sins milder punishments than they would deserve in full rigor; which the theologians therefore said, in order that even in that work of perpetual punishment some manner of mercy might be preserved—whereby nevertheless vindicative justice is preserved, although not altogether rigorous

and commutative (for each receives as great a punishment as he merits by the law of God), and distributive (for the punishment of one will surpass another's in magnitude by as much as he exceeds in fault)—and that that saying (Rev. 18) is to be understood: "As much as she glorified herself and was in delicacies, etc." Thus Francis Suarez in Part 2 (Treatise V, Disputation VII, Section 2, n. 15) develops and explains the common opinion of the theologians.[81] Truly, with the doctrine of the theologians rightly understood and explained, it does not seem to suffer doubt or difficulty, since it has been ascertained and is presupposed as certain among all Catholics that the malice which is in mortal sin, simply and absolutely speaking, is always a greater evil than any punishment which God inflicts. Since, therefore, it is the common doctrine of the theologians that the damned are punished short of condignity on account of the malice of their sins: one must altogether say that the eternal punishment of sense (*poena aeterna sensus*) is not above the condignity of mortal sin, but is altogether exacted and merited by mortal fault.

§ 33. Although indeed our Author does not at all seem to lend support to this sentence of punishment short of condignity, yet he is constant—just as all the other Catholic Doctors are—in championing the Catholic sentence concerning the just punishment of mortal sin, even if it be punished with eternal punishment, justice so requiring from the merit and the nature of the sin, as we shall presently show.

§ 34. The same Proposition is refuted from the novelty of the doctrine. Novelty of doctrine in a theological matter is as it were a prejudice of its falsity. For it is of the most ancient custom in the Church to banish some opinion from the consent of Catholics on account of its novelty; for, as Vincent of Lérins used to say, nothing is to be received save what has been believed always, everywhere, and by all; whatever has been otherwise asserted is altogether to be rejected.[82] Now the Proposition which we refute seems, and is altogether, new: since all Catholic Doctors, when they treat of the eternity of punishments, speak thus of it that they either suppose, or hint, or admit that eternal punishments are due to mortal sin in virtue of itself. Surely those Doctors who handle this question—whether eternal punishment is due to mortal sin by reason of its own malice, or rather only by reason of the divine law so establishing—answer that eternal punishment is due to mortal sin by reason of itself; nor do they adduce any Doctor or opinion to the contrary. Moreover, those who do not treat this question under these terms either suppose as certain that eternal punishment is due to sin by reason of its malice, or expressly assert that not only by the law of God, but also by reason of its malice, eternal punishment is due to it. Indeed, all Catholic Doctors, while they speak on this matter in attacking the error of the Origenists, after adducing testimonies of Scripture, add those arguments by which it is proved that it befits God's vindicative justice that mortal sin be weighed down with so great a burden of punishments; nay more, they solve the reasons of the heretics, drawn from the notion of a justice that rejects so great an atrocity toward a fault committed in a most brief time, and they demonstrate that justice itself requires that mortal sin be punished with eternal punishment. See Francis Suarez in III (q. 1, a. 2, disp. 4, sect. VII, near the end; and Part 2 in the place cited, n. 5), our Author in the place already praised (Dist. 46, s. s. l. 2), Gabriel Vásquez (in P. 2, disp. 87), the Salamanca College in Part 2 (on I-II q. 87, Treatise 13 De Peccatis, Disputation XVII, dub. 3, § 1, n. 67; § 2), Lessius, De perfectionibus divinis, book 13 (ch. 24, n. 167; ch. 26, n. 189), Joannes Baptista Gonet in the Clypeus, Part 2, Treatise V, Disputation 8, art. 5, and all the Thomists (in commenting on the articles of the said q. 87 of St. Thomas in I-II), especially Didacus Alvarez and Bartholomaeus Medina.[83] But not to be omitted is the most celebrated John Gerson, distinguished both for doctrine and for piety, who, in Part 3 of his Works, the book On the Spiritual Life of the Soul (First Lesson, only Conclusion, at the end of col. 167, letters C and D, in the Paris edition of the year 1606), after he proved that, according to the rigor of

justice, eternal punishment is owed to sin, adds these words, most praised in the whole Catholic world, which I am pleased to quote here.

§ 35. "But someone would say that, because God is therefore Lord of His creature in the supremacy of full dominion for doing with it whatever He will and in whatever manner He will, the aforesaid reasons go to show that He can, for some offense, inflict whatever punishment is possible, nor will anyone be able to say to Him, Why do You act thus? Yet this would be said thus about the most just creature, or a non-sinner, that she can be subjected to any affliction and penal state without its being necessary that she be in any way culpable. It is answered: God can absolutely and justly give whatever affliction to His creature, indeed even to the Virgin Mary. But this will not be in punishment and chastisement of any offense; and thus, although the affliction be just, nevertheless there would not be there a just penalty, or punishment—nor even an unjust one—because there would be posited there no formal character (*ratio*) of penalty, since penalty and fault are said correlatively to one another: therefore, etc." And in the same place (Corollary 8, col. 199, letter B): "It implies a contradiction for God to punish to condignity, if by this we understand that He punishes in such a way that He cannot punish further. But if we say that He punishes to condignity because He punishes as much as right reason and justice demand and assess, then indeed every such deed, when it is punished, is to be punished to condignity, because, namely, it is punished as much as God wills to punish and ordains by the most upright rule of law."[84] We know that Gerson, moved in that place by zeal of piety, exceeded in this matter: when he attributes to venial sin that same condignity of eternal punishment, thinking this to be due to the nature of the sin and defending that only by the mercy of God is that punishment not imputed; and thus our Author did not in any way depart from the common sentence of the theologians concerning the distinction between mortal and venial sin—although without obstinacy, and on a far different ground than the enemies of the faith act—as Bellarmine rightly notes (De amissione gratiae, book 1, on the state of sin, ch. 4).[85] But truly we have produced the testimony of so great a Doctor to make clear from it with what reason mortal sin by its own nature merits eternal punishment, since so eminent a Doctor, shuddering at the malice of sin, judged that there is found merit of eternal punishment even in venial sin.

§ 36. I am pleased to recite here the words of Lessius, commended in the whole Catholic world. Lessius (in the place cited, ch. 25, n. 167) has these: "Therefore one must admit that the sin by itself merits so great a punishment, not because it cannot be blotted out, but because of itself it contains so great a malice that an eternal chastisement, according to the law of justice, corresponds to it. This is confirmed: because a deadly sin by itself merits some punishment which corresponds to it in a just equivalence, and such a punishment is known by God. Now this punishment is either finite or infinite; otherwise at some time it would be exhausted, and whatever of punishment should be further inflicted would be above condignity and would exceed the limits of justice; therefore it is infinite; and consequently the sin itself, considered according to itself and the formal character of its proper malice, with precise disregard of the consideration whether it is deletable or indeletable, merits a punishment infinite in duration."[86] It is true indeed that some Doctors of no mean note taught that mortal sin in one who is ignorant of the law of God—that is, that through it God is contemned and His Goodness offended—is not a theological sin, nor does it merit eternal punishment; which, however, they said to be either metaphysically or morally impossible; and hence the opinion of these Doctors was not proscribed by Alexander VIII (in the Brief published August 24, 1690), by which he declared the second Proposition concerning philosophic sin to be scandalous, rash, offensive to pious ears, and erroneous, as Dominic Viva, S.J., says in the exposition of this Proposition (part 3 of The Theological Scales of Condemned Theses).[87] For that Proposition was condemned, according to the sentence of the cited Doctor,

insofar as it asserted or supposed that there can be invincible ignorance of God—either morally or metaphysically—or that the contempt of God and the offense of Him contained in grave sin can be invincibly ignored by one who knows the malice and the repugnance to rational nature and right reason of the act which he is doing. Moreover, all these Doctors clearly assert that to sin, insofar as it is an offense of God, there is due the eternal punishment both of loss and of sense by reason of its proper malice, and that it is incurred by all who recognize in sin the formal character of offense and contempt of God; just as they assert that it is recognized by all who recognize the malice against rational nature and right reason—for they say that it is impossible, either metaphysically or morally, that one recognize an evil act and not recognize the offense and contempt of God. They have never said—nay rather, they confirm the contrary with solid reasons—never, I say, have they said that to sin, by reason of its malice and the offense of God, there is not due eternal punishment.

§ 37. Wherefore, in the exposition of the said Proposition, the praised Author, demonstrating the reason for the pontifical censure whereby the Proposition concerning philosophic sin is declared and condemned as erroneous, thus says: "It is indeed erroneous, inasmuch as it does not immediately oppose revealed doctrine but mediately: for it is opposed only to a theological conclusion elicited from one premise of faith and another naturally known. For it is of faith that he who offends God is guilty of divine hatred and of Gehenna; but it is most plainly known by nature that he offends God at least as the supreme legislator who advertently places an operation that is repugnant to rational nature and right reason and is therefore prohibited by the supreme legislator, since the dictate of reason is, as it were, the herald of the divine prohibition—even if then God were unknown under the concept of the Best Being and of Himself or of the first cause, or one were not actually thinking of Him under such an explicit concept. Or at least it is known by the light of nature that God exists and that He prohibits the things that are against right reason, so that in the present Providence it cannot morally happen that there be invincible ignorance of God or inadvertence while one sins. Therefore the theological conclusion is that philosophic sin is also theological—namely, an offense of God dissolving His friendship and worthy of eternal punishment, at least in the present Providence—so that the opposite Proposition, which is proscribed, is erroneous."[88] The more ancient theologians speak similarly when they assert that, if it were possible, either morally or metaphysically, that God be invincibly ignored, the sin of one who adverted to the malice against rational nature, but ignored the existence of God and His law, would not be theological and worthy of eternal punishment; for all say that in the present Providence it is at least morally impossible that God and the offense of Him be ignored by one who sins with advertence to moral malice; and therefore they assert eternal punishment: which they therefore say, because, with Catholics, they think that of itself and by reason of itself mortal sin deserves eternal punishment; otherwise, if eternal punishment were due only by reason of the divine law, the mere cognition of the offense of God as supreme Legislator would not suffice—which, however, all these Doctors admit to be sufficient. But of this argument presently.

§ 38. The Proposition is refuted from the absurdities and inconveniences which necessarily follow from it. The Author of the Proposition which we reject, and which we hope will be banished by a pontifical censure from Catholic ears and hearts—being a man most Catholic and truly pious—contends in many ways (in the Appendix to ch. 7 set at the end of his book) to avoid the absurdities that follow from his Proposition. But in truth, in our judgment and, as we think, in the judgment of all discerning men, they are not really avoided: the most pious Author himself utterly abhors and rejects those absurdities; yet his Proposition strongly proves and establishes those same absurdities. The absurdities, then, which follow from the said Proposition are many; we will enumerate some.

First: if the doctrine of the Proposition were true, the consequence would be that Gentiles ignorant of the law of the Gospel, and sinning against the natural law of God, do not incur the guilt of eternal punishment. For that there can be invincible ignorance of divine positive law, and that it excuses from fault and punishment, is ascertained among all, even the most rigorous Doctors. Therefore, if the guilt of eternal punishment arises solely from the divine positive law, he who invincibly ignores this does not incur it; and consequently, as many unbelievers as have not heard the law of the Gospel, sinning against the law of nature, would not be punished with a punishment of sense enduring eternally. How horrible this sounds in Catholic ears! But what the Author of the Proposition says (in the cited Appendix), that the cognition of God and that sin is offensive to Him is sufficient so that the guilt of eternal punishment be incurred, is altogether futile and said plausibly only in appearance. For all the Doctors say that, for incurring a punishment which by its own nature is not owed to some fault but only by reason of some law, it is not sufficient to recognize the fault and that it merits some punishment; rather, the cognition of that penal law is required—especially if the punishment of sense be eternal—if the Proposition were true.

What moreover the same Author alleges in the said Appendix (n. 8), namely, that from the law of nature it is known that a man sinning with a grave sin becomes worthy and capable of eternal punishment, that is, of the greatest punishment, which implicitly says eternity, does not seem congruently said for his Proposition. For if, for the condignity of eternal punishment, there is required a divine law determining the eternity of the punishment, he who is ignorant of this law, which also cannot be known by the light of nature, also ignores the condignity of the punishment; but the capacity of punishment which the Author imagines may indeed be known naturally, yet the cognition of this capacity does not introduce the merit of eternal punishment—since for the formal character of merit it does not suffice to know that some fault is capable of eternal punishment; further it is required that it be known that such a punishment has been threatened. Hence it would follow that, by punishing with the eternal punishment of sense unbelievers who sin with this ignorance, God would punish them too severely and beyond the condignity of merit strictly so called; which, surely, the ears of the faithful shudder at, believing God to be gentle, not severe, punishing short of, not beyond, condignity. The same flimsiness is shown by all the solutions which the same Author adduces to avoid this absurdity. Truly, whoever has become convinced—may God avert it!—that the doctrine of the Proposition is true will not care about those solutions, indeed will make little of them, since he evidently recognizes them to be of no weight and altogether futile.

From this there would follow another absurdity, namely, that a Catholic and Christian, knowing the law promulgated in the Gospel, if at the moment of sin he should not advert to the divine positive law establishing the eternity of the punishment, would not believe himself bound to the eternity of punishments; since inadvertence is accounted tantamount to ignorance. From this, good God, how many inconveniences would follow! For Christians and the worst sinners would give every effort utterly to forget this penal law of the Gospel, so that they might heap up sins more freely and without fear of the eternity of the punishment of sense. This, indeed, would open a wide road for multiplying sins and for relaxing consciences! Surely, to depart from the ancient doctrine of the theologians is to come over to a perverse understanding.

Third: if once it be persuaded that the eternal punishment of sense is owed to sin by the law of God, men can readily be induced to think and say that in reality there is not an eternal punishment of sense. For when it has been persuaded to them that God is gentle beyond what sinners deserve, by the benignity of His nature, and that, by the nature of the work, punishment of sense is not owed: they will at once decide that the

Scriptures which speak of eternity of punishments are not to be so understood, that they threaten an eternal punishment, but a very long one—especially since sometimes "eternal" is set for "long." Surely this was the first foundation of the Origenist error; for when they thought it could be reduced that eternal punishment be for a time, they also by degrees advanced to judge that the eternity of punishments promulgated in the Scriptures is to be taken metaphorically. The Church overcame and prevailed against the Authors of that error for us Catholics: but once that persuasion were imbibed, it would surely bring it about that the authority of the Scriptures either be contemned or, if set to disputation, be subjected to vain interpretations. This is not an idle reflection, but rather something to be considered especially by those who are skilled in ecclesiastical histories, who know that from such doctrines, plausible indeed and seeming to cohere with principles of faith, grievous errors and worse damages often arise.

§ 39. The same truth is proved by logical reason.

Mortal sin, of itself and by its own formal character, insofar as it is an offense of the Infinite Good, demands to be punished with a punishment which compensates the infinity—or, say, the unboundedness—of the offense; therefore it demands a punishment enduring eternally. The consequence is evident: for an offense which, of itself, is said to be infinite in the formal character of the person offended—who is infinite—cannot be punished with a finite punishment, which would not compensate, in the rigor of vindicative justice, the due measure with respect to so great an excess, as the theologians say; for a fault infinite or quasi-infinite must be punished with a punishment which compensates the infinity of malice, infinite or quasi-infinite.

Second, the same truth is proved from the reason which the Author of the Proposition employs to prove that the eternity of the punishment of loss is due of itself to mortal sin insofar as it is an aversion from God. To mortal sin, insofar as it is an aversion from God, the punishment of loss is due of itself, because it supremely offends God who, since He is the ultimate end of all, demands that all adhere to Him and in no wise be averted from Him; therefore to mortal sin, insofar as it is a conversion to creatures, the eternal punishment of sense is due, insofar as by the conversion to a creature God is supremely offended—since His true and eternal Goodness is forsaken for adhesion to an apparent and futile good. O goodness of God, what greater offense and contempt of Thy Goodness can there be than to forsake the fountain of living water and to dig for oneself broken cisterns! Therefore, if by reason of the offense contained in aversion from God the punishment of loss eternal is due, by reason of the offense contained in conversion to creatures, for which God is forsaken, the punishment of sense eternal is due; for he who was willing to be delighted in the pursuit of creatures merits that, on account of the contempt of God imbibed in such pursuit, he suffer eternal torment in the very creatures. Hence appears how true and how just is the sentence (Rev. 18): "As much as she glorified herself and was in delicacies, so much give to her torment and mourning."

Third, the same truth is proved from the Justice and Benignity of God. That God is supremely benign and supremely just, all the Scriptures cry out, all hearts believe, the minds of all acknowledge.

§ 40. It therefore befits the supreme Benignity of God (*Benignitas*), His nature and His Justice (*Justitia*), that He should not punish more than the act of the sinner merits. But who would say that, in punishing sinners, God has established things that least befit His Benignity and His Justice? Surely, if we were to say that God has established such a punishment as the sins in themselves do not merit, we should lessen the idea of the Benignity of God, and, what is more, we should in no small measure derogate from His Majesty and His Justice: for he will deem God cruel who has persuaded himself that God has established a punishment beyond

what Justice exacted. But let this be utterly far from the minds of all men, and let us all confess that God is exalted on high in the mode of Justice. For Is. 30 says: "Propterea exspectat Dominus ut misereatur vestri; et ideo exaltabitur parcens vobis, quia Deus judicii Dominus."[89]

§ 41. Moreover, what the Author of the proposition says (in the praised Appendix, no. 19), that the eternal punishment is proportionable, not proportioned, to the sin, and that it becomes proportioned on the basis, taken together, of the Divine will willing so to punish, seems to involve a contradiction, and is said without foundation. For that it becomes proportionable either says the exigency of the guilt, or the sole Divine will: if the former, now there is given a debt of punishment (*debitum poenae*), and not a mere capacity, as he himself says; if the latter, it is a begging of the question; since that which makes the proportion of the punishment with the guilt is the sole Divine will willing thus to punish the sin, and so, antecedently to the free Divine will, no proportion is presupposed between guilt and punishment; but this is to beg the question: for on this precisely the hinge of the difficulty turns, whether God, in punishing according to His will and not according to the exigency of the guilt, is said to punish with a proportion to the guilt.

§ 42. But the parity which the same Author adduces as an example is evidently against himself: for he takes a parity from the created intellect fundamentally proportioned to the intuitive vision of God, and formally proportionable by the light of glory (*lumen gloriae*), or by a species impressed of the Divine essence; and he wishes that in the same way there be found a proportion between the eternal punishment and the guilt, which he says to be proportionable by the manifested Divine will, although of itself it is not proportioned. This parity, however, is evidently against the Author himself. For, because the intellect is not of itself proportioned to the intuitive vision of the Divine essence, the mercy (*misericordia*) of God shines forth in elevating the intellect, or the intellectual creature, to a supernatural state, that so it may be capable of the light of glory: for God could have created an intellectual creature and not have elevated it to a supernatural state, and thus it would not be made capable of the light of glory. Therefore, by a like parity, in punishing sin with an eternal punishment, to which such punishment is not proportioned, there ought to shine forth the Omnipotence (*Omnipotentia*) of God willing to transfer to that proportion a guilt which of itself is not proportioned to an eternal punishment: therefore God, in punishing sinners, does not exercise an act of vindicative Justice (*Justitia vindicativa*), but an act of Omnipotence and of dominion, at least in determining the eternal punishment—just as, in elevating the creature to a supernatural state, He exercises an act of mercy, although in rewarding the just with Glory He exercises an act of Justice.

§ 43. The reasons for the Theological Censure are set out. What has been said up to now more than sufficiently proves that the proposition which we have marked with the theological censure must deservedly be reckoned among the censurable opinions: the reason of the censure also is evident from what has been said. For we have clearly demonstrated that that Proposition lessens the concept of Divine equity and Benignity, and paints God as it were cruel and overly austere. But what is more contrary to Piety toward God than to show or to portray Him as not sufficiently Benign, or as overly cruel? We have also abundantly proved that it is discordant with the words of Sacred Scripture and of the Fathers, alien to the sense of the Church, and contrary to the common doctrine of the Theologians; and consequently we have established that it is improbable and false. It is also injurious to Divine Justice, since, as has been proved, it insinuates that God exceeds the mode of vindicative Justice; moreover, that it paves a broad way for the relaxing of consciences is sufficiently evident from the absurdities and inconveniences above adduced.

§ 24. SECOND PROPOSITION. Taken from the same work, Dissertation II, ch. 8, n. 3. It is said ill that God is more offended, or offended by an act, in the formal character (*ratio*) of vice, more grave and greater, for example, by an act of sacrilegious irreligion. Since the person who is injured is the same, the same measure of offense always holds; but that He is offended by a more grievous sin follows from there being a greater gravity in the formal character of the sin as guilt, in the formal character of malice; not, however, in the formal character of the injury inflicted upon God as precept-giver. The same must be said of hatred of God and of lying; for example, they are equal in the formal character of the injury inflicted upon God; unequal in the formal character of malice; for although one who hates God offends more gravely, this is understood by a more grievous act of a more wicked crime, etc. And in n. 2 of the same place the same Author thus explains the same proposition in other words: A man offending God formally and explicitly offends God more than he who offends virtually, interpretatively, subjectively, materially, and according to the substratum of the offensive act, by which we say God is offended, namely by an act against the law, if it be more grave; nevertheless he is not said to offend more formally, that is, according to the formal character of the offense in the act actively, and consequently passively; nor will God be more offended, because the form of the offense that makes it graver is one and the same, unchanged and invariable.

§ 44. On Distinction XXXVI, Book 3, § 4. This Proposition, in so far as it asserts that sins, in the formal character of offense and of the injury inflicted upon God, are equal, is offensive to pious ears, rash, new, contrary to the sense of the Church, of the Fathers, and of the Theologians, scandalous, and opens the way to Stoicism; nay rather, it seems to contain some error.[90] The reasons of the censure are set out.

§ 45. It is offensive to pious ears: for what could more offend the pious ears of the faithful than to hear that God is offended equally by any sinful act whatsoever, however very grave? For the piety toward God, drunk in, so to speak, with their tender nails in the souls of the faithful, has firmly persuaded them that God is more offended by a sin that directly and immediately offends His Divine Majesty than by other acts that do not reach to so great malice. Surely pious ears shudder at such a word: God is offended equally by the act of theft of one or of two aurei as by the act of sacrilege by which holy temples are despoiled and sacred vessels are assigned to profane use. It also always remains fixed in the hearts of the faithful that a greater injury is inflicted upon God by an act that contains a greater malice. Therefore pious ears are offended when they hear that God is offended equally formally, and that an equal injury is inflicted upon Him, by any sins whatsoever, although unequal among themselves from the object and in the formal character of malice.

§ 46. It is also rash; for rashly and without foundation it departs from the common and ancient doctrine of the Theologians and of the Fathers, who acknowledge that God is more offended by a sin that has a greater malice. Now it is rash, in a matter of such moment, even to employ a manner of speaking contrary to the sayings and the manner of speaking of the ancient Theologians and Fathers.

§ 47. It is also new: for all Theologians, even those who maintain the infinity of the malice of mortal sin in the formal character of offense against God, pronounce absolutely that God is more offended, and that a greater injury is inflicted upon Him, by a graver sin from the object and from the formal character of malice; and although they state that the personal gravity that is found in the offense committed against God is equal in all mortal sins, nevertheless they explicitly say that the gravity of the offense, which is taken from the object, from the circumstances, and from other heads, is unequal; and hence they always say that the gravity of the offense against God is greater or lesser according as the greater or lesser malice is taken from other heads. They never, however, said that God is offended equally formally by whatever sinful act, nor that sins are equal in the

formal character of offense. Nay rather, many strive to show in what way both the absolute infinity, or the gravity absolutely infinite, of the malice of mortal sin can be maintained, and the inequality of offenses and of injuries inflicted upon God, which in diverse mortal sins are diverse and varied—greater or lesser according to the greater or lesser gravity of malice found in them.

§ 48. It is also contrary to the sense of the Church, of the Fathers, and of the Theologians: for the Church, the Fathers, and the Theologians always strive to deter men from graver sins on account of the graver offense of God, which accordingly they strongly inculcate and show, so that they may be deterred from greater sacrileges and impious crimes. Here there should be recounted very long homilies of the Fathers concerning very grave sins, so that from the same it might be shown that they have always so spoken about the gravity of sins as to explain more than sufficiently that by a greater sin God is more offended—a manner of speaking which the Author of the Proposition will not be able to deny is found in all the Fathers, although, after his philosophical wont, he may wish them to be understood otherwise than their words present. But, as we were saying just now, in a matter so great and so well-trodden we ought also to follow the manner of speaking of the holy Fathers. Moreover, whoever has sufficiently weighed their judgments will clearly perceive that they have always acknowledged a greater offense of God in a greater and graver sin.

§ 49. It is also scandalous: for it offers an occasion of easily sinning even in very grave matters. For if once someone should believe the offense of God to be equal whether to fornicate or to violate a sacred virgin consecrated to God, then, since he has fallen into fornication, why should he delay to commit also so great a sacrilege? Surely, I would never be of such counsel that this Proposition, explained in whatever way, be proposed to the faithful from the sacred pulpit; nay, nor should it ever be proposed from the chairs in the Schools, especially to adolescents. It is indeed a pernicious doctrine to instill this opinion of the equality of the offense of God in any mortal sin whatsoever.

§ 50. It also opens the way to Stoicism. For the dogma of the Stoics was that all sins are equal among themselves; so that he would be no less guilty who, when there was no need, had strangled a hen than he who had strangled his father; or he who had told a lie than he who had committed adultery or sacrilege. And indeed the Stoics deduced from this principle the depravity of their dogma, namely that all sins equally showed the formal character of that rule from which they had departed. If therefore God is equally offended formally by whatever sin, we shall easily slip into Stoicism and shall say that all mortal sins are equal.

§ 51. The said Proposition also seems to contain some error: for from the Scriptures it is established that a greater iniquity is found in some sins. In Lam. 4: "Major effecta est iniquitas populi mei peccato Sodomorum." And in Jn. 19 Christ the Lord calls the sin of Judas, who betrayed Him, greater than the sin of Pilate, who condemned Him: "Qui me tradidit tibi, majus peccatum habet." And from the same Scriptures we are taught that some sins are punished more grievously than others. In Gen. 4: Lamech is punished more grievously than Cain; and in Matt. 11: "Tyriis et Sidoniis remissius erit in die judicii quam Judaeis." Which also is evident from innumerable places of Scripture which the Theologians, when treating of the inequality of sins, heap up in abundance. From the same Scriptures moreover it is more than sufficiently insinuated that God is more offended by certain graver sins and is more dishonored by them, inasmuch as they express that God is provoked to anger by them. Therefore, if from the Scriptures it is established that God is more offended by graver sins, especially by those which directly assail His Majesty, it is therefore in some measure erroneous to say, against the sense of Scripture, that mortal sins, in the formal character of offense, are equal and that by them an equal injury is inflicted upon God.

§ 33. THIRD PROPOSITION. Taken from the same book, Dissertation II, ch. 10, Prop. 5, n. 38. One who embraces for the law (*pro lege*) an opinion that is less probable, leaving the more probable for liberty (*pro libertate*), acts imprudently, exposes himself to the peril of intellectual error, and thus sins at least venially. The Proposition is contrary to Piety, to the reverence due to God, to the common doctrine of the Theologians and to the sense of all the Faithful; moreover, it involves consciences in scruples and induces perplexity in acting. The reasons of the censure are set out.

§ 52. It is contrary to Piety: for Piety toward God seems to dictate that it is pious and religious to embrace that opinion which more confirms a man in conscience not to expose himself to the peril of contemning the law of God. Hence it follows that it harms the reverence due to God. For the reverence due to God seems at least to require this, that, so far as we can, we abstain the more from those actions which appear less conformable to the will of God present in the observance of His law.

§ 53. It is contrary to the sense of all Doctors and of the Faithful: for all Doctors, even the Probabilists—nay, not only the Probabilists—openly assert that it is more pious and a good counsel to follow that opinion which is in fact safer for the law, rather than the more probable for liberty; and not even one, even from the more kindly among the most ardent defenders of probability, has ever said this, that he sins venially who, leaving the more probable opinion for liberty, follows the less probable opinion but the safer for the law.

§ 54. That Proposition also instills scruples and induces perplexity: since the timorous, who desire to abstain from any venial sin whatsoever, would not know where to turn themselves, if they cannot sufficiently weigh whether the grounds of the arguments on which the opinion for the law leans are weightier than those for the law on the other side; yet it is more expedient for those same persons to follow the opinion, although less probable, but safer for the law, whenever, in embracing the less probable opinion but safer for the law, there is no peril present of sinning venially. In very truth, one who by the grace of God is so disposed as to will, as far as in him lies, to avoid whatever venial sin whatsoever, if he notices two opinions, one for liberty and the other for the law, and does not know how to judge which is more probable, will readily acquiesce in embracing the opinion that is safer for the law, if there is no peril present of sinning venially in embracing it; but if it be conceded that, in embracing the opinion less probable and safer for the law, there is a venial sin present, that timorous man will not know where to turn: for if he embrace the one for liberty, since he does not sufficiently recognize whether it is more probable, he will doubt that he is exposing himself to the peril of sinning mortally, if the matter be of that sort; but if he embrace the safer for the law, since he equally is ignorant whether it is more probable, he will doubt lest he sin venially. Behold your perplexity.

§ 55. It is truly a wonder how that Author could have said this, since none of the more probabiliorist Authors has yet said it; and I know not on what foundation leaning he asserted this. He says, namely, that it is against prudence to choose that opinion which appears less true. But what is more prudent than to choose that opinion which, at least from direct principles, contains less danger of offending God?

§ 38. FOURTH PROPOSITION. Taken from the same book, ch. 1, almost throughout, but especially Prop. 5, n. 18. That the vow of the parents and the faith, and a devout supplication with the invocation of the Most Holy Trinity, justify a little child in a case of necessity when he cannot be succored—we can piously and not improbably believe this as a disposition willed by God, on account of which God, invisibly and without the visible Sacrament, in view of the merits of Christ the Redeemer, should sanctify him when danger of salvation impends. On Distinction IV, of Book Four, §§ 23 and 24, and on Distinction VI, § 1. This

Proposition is rash, proximate to error, openly contrary to the tradition of the Church, to the judgments of the Fathers, and to the common doctrine of the Theologians, scandalous, and without any foundation in the Scriptures, or in the tradition of the Church, or in the judgments of the Fathers—none of whom acknowledges that privilege, besides Martyrdom, for infants and little children dying without Baptism.

§ 56. For what? Is not that Proposition to be branded with rashness which, in so grave a matter, against the torrent of all the Doctors and Fathers, introduces another remedy for little children besides that which through so many ages in the Church has been acknowledged by all Catholics? It is also proximate to error: for it is opposed at least mediately to a Proposition expressly revealed in the Gospel, relying on no authority of the Church or of the Fathers while interpreting it otherwise than the letter sounds. For the word of Christ is expressed in the Gospel: "Nisi quis renatus fuerit ex aqua et Spiritu sancto non potest introire in Regnum Dei." The Fathers, however, and the Church, expounding this sentence of Christ the Lord, placed the sole exception for adults in the Baptism of Blood and of the Spirit, and for little children only the Baptism of Blood; therefore the proposition is contrary at least mediately to the proposition revealed in Scripture as expounded by the Church; therefore at least it is proximate to error; for the consequence could easily be inferred that declines into the errors of the heretics who say that the faith of the parents suffices for the justification of little children and for the entrance of those same into the eternal Kingdom—since in the faith of the parents there is contained at least implicitly the vow of communicating one's own faith and the Sacrament of one's own faith to one's offspring.

§ 57. Rightly and deservedly, therefore, that Proposition is rejected by many Theologians as rash and proximate to error; and it seems to be contained in the proposition noted with theological censures which Campanella proposed to many learned men, namely: "Infantes filii Catholicorum qui moriuntur sine Baptismo in fide Parentum salvantur," as John Caramuel reports in the Fundamental Theology, book 3 (foundation 64, article 3, in the Disputation On the Sacrament of Baptism, question 3, no. 3079).[91] Yet the Author explained that proposition in such a way as to mean that little children are helped by the faith of the parents in so far as they are offered to God by the parents, as is gathered from the same Caramuel in the same place. But even that proposition thus understood and set forth the same Caramuel reports as rejected by many Theologians as rash, erroneous, and against the torrent.

§ VI — On whether parents' faith or vow can avail for infants dying without Baptism; and on the form of Penance vis-à-vis Baptism

§ 58. Moreover, he himself there at no. 3080 expressly asserts the contrary proposition to be a conclusion to be held as of faith, and he also in many ways most evidently proves it. But the contrary proposition which Caramuel there establishes is of this sort: Infants dying without Baptism (whether they be the children of Catholics or of unbelievers) are excluded from Heaven and thrust down into Limbo.[92] Furthermore, just as that proposition is called proximate to heresy which the greater and sounder part of the Doctors judges from Scripture and tradition to be heretical, though it does not dare to call it simply heretical; so also that proposition is called proximate to error which the sounder part of the Doctors judges to deny a truth which the common consent of the Church judges to be mediately revealed, although the Church has not expressly defined it. But almost all Theologians—nay rather, not only the greater but the sounder part of Theologians—judge that the proposition of which we are speaking is opposed to the truth which the Church's common

consent judges to be mediately revealed, namely, that for little ones dying before the use of reason there is no other remedy besides Baptism received in reality and Martyrdom; therefore the proposition which we reject is at least proximate to error; the minor proposition will be evident from what is to be said below. It is also clearly evident that it is contrary to the tradition of the Church, to the opinions of the Fathers, and to the common doctrine of Theologians: for it is an unconcussed dogma among all the Fathers and all the Doctors, with very few exceptions, that little ones cannot enter into the Kingdom of Heaven otherwise than through Baptism received in reality, or through Martyrdom.

§ 59. St. Ambrose, book 2 (On Abraham, the last chapter), explaining those words of Jn. 3, "nisi quis renatus fuerit" etc., says: "Surely he excepts no one, neither the infant, nor one prevented by some necessity."[93] St. Augustine, book 1 On the Merits of Sins, ch. 18: "What Christian," he says, "could endure it when it is said that anyone can attain to eternal salvation, if he is not reborn in Christ, which He willed to be done through Baptism?" And ch. 27: "Since," he says, "little ones do not begin to be of His sheep except through Baptism, assuredly if they do not receive this, they will perish."[94] Now the evasion of Cajetan and of certain Doctors—namely, that Augustine speaks of Baptism received either in reality, or in one's own vow if they are capable, or in the vow of the Parents if they cannot have their own—Augustine's doctrine openly destroys (Epistles 87 and 94, alias 57 and 105, and likewise book 1 On the Merits of Sins, ch. 21); for in those places, and elsewhere, he teaches that it must be referred to the hidden judgments of God, albeit most just, that one little one attains to Baptism and is saved, but another does not attain and is damned, even though his Parents most earnestly desire his salvation and, as far as in them lies, procure it.[95] In like manner St. Prosper (Carmen De Ingratis, ch. 30) says: "Many born of holy parents could by no zeal of their own be saved." From which it is manifestly inferred that the vow of the Parents for the Baptism of their little ones does not suffice them for salvation.[96]

§ 60. For to what end does Augustine have recourse to God's hidden judgments to demonstrate why some little ones attain to Baptism and are saved, while others do not and are damned: when he could easily have answered that those indeed are damned who are not offered to God by their Parents, and at least through a vow Baptism is not applied to them by their begetters? By this solution he would, without any trouble, have freed himself from the urgencies of the heretics, who pressed him with the authorities of Scripture in which it is said that God wills all men to be saved; whence they inferred that little ones also dying without Baptism could be saved: he could, I say, without any trouble extricate himself from such a difficulty by throwing back the cause of the damnation of little ones upon the fault of the Parents, who, when they could have done so, did not offer them to God with the invocation of the Most Holy Trinity and with some external sign. Surely it is a marvel that to St. Augustine, fighting so most sharply against the Pelagians for the necessity of Baptism, there did not come to mind this learned and pious speculation of the Author and of certain others. Indeed, St. Thomas (Quodlibet 6, art. 4) asserts that nowhere in Augustine and the holy Fathers is there found anything that would supply in place of Baptism, except the Baptism of Blood or of the Spirit, in those who, being possessed of reason, can have the vow of Baptism.[97] Next: the general law concerning Baptism is: "nisi quis renatus fuerit" etc.; therefore it cannot be asserted that the vow of Baptism with some external sign, or with some blessing of the offspring, suffices for the salvation of little ones when the opportunity of baptizing them is not present, unless it be said that this is a privilege, or an exemption from such a law, namely the general law established by Christ and expressed in words. But the contrary opinion is altogether improbable. The subsumption is easily proved: it is established that it is a law unless a derogating privilege be established; no such privilege is established: therefore unless it be established for us that there is a privilege derogating from the general law of Baptism, the opinion contrary to Scripture and tradition must rather be judged plainly

fictitious than gathered from them; and therefore, against the Author we most fitly bring forward that sentence of Augustine (On Nature and Grace, ch. 8) against Pelagius concerning one born and dead in a place where he cannot be baptized: "Let Pelagius acquit and make clear whether he cancels the words of the Lord: 'Except a man be born again, he cannot see the Kingdom of God'," and the Apostle saying: "By one man sin entered into the world, and by sin death."[98] The same Prosper, or whosoever be the author, book 2 (On the Calling of the Gentiles, ch. 20): "Nor is it lawful to believe that those of whom he speaks there, not having attained the washing of regeneration, belong to any beatitude of the blessed."[99] But most splendid are the testimonies of Augustine: book 1 On the Merits of Sins, ch. 23: "No salvation, on our part, is promised to infants except the Baptism of Christ, which Divine Scripture, to be preferred to all human authorities, commends," and similar things in the next chapter.[100] Likewise book 3 On the Origin of the Soul, ch. 9: "Do not believe, nor teach, that infants, before they are baptized, overtaken by death, attain the indulgence of original sins: do you wish to be a Catholic?" Likewise ch. 21: "Little ones do not have life unless they have Him whom, beyond doubt, they cannot have unless they put Him on; as it is written: 'For as many of you as have been baptized in Christ, have put on Christ'."[101] Ep. 166, alias 28, to Jerome, n. 21: "Whoever shall say that even little ones, lacking the participation of that sacrament, will be made alive, surely this man comes against the apostolic preaching and the whole custom of the Church; wherefore for that reason haste is made with little ones, and no one believes for certain that it could be otherwise; because it is indeed believed in vain that, if through their own fault they do not receive Baptism, they cannot be made alive—does not the Author of the proposition contend even this?"[102] Was Augustine then not of such mind and prudence that he could have succored little ones in peril, as the Author does, by teaching the faithful that, when Baptism could not be conferred on their little ones, they should at least offer them to God, and thus through a vow apply to them some Baptism? But indeed Augustine roundly says that all the faithful must hold and believe that little ones cannot at all be made alive in Christ otherwise than with Baptism received in reality. The same Augustine may be seen, book 3 Against Julian, ch. 12; likewise book 2 Against the Letters of the Pelagians, ch. 4.[103]

§ 61. Likewise Fulgentius, On the Faith to Peter, ch. 26 alias 27: "Hold most firmly, and by no means doubt, that not only men already using reason, but also little ones—whether they begin to live in their mothers' wombs and die there, or when, born of their mothers, without the Sacrament of holy Baptism, which is given in the name of the Father and of the Son and of the Holy Spirit, they depart from this world—are to be punished with the everlasting punishment of eternal fire."[104] Similarly Pope Innocent I, in his Epistle to the Council of Mileve, which in Augustine is Ep. 177, alias the ninety-third, testifies that eternal life is believed to be conferred upon infants only by Baptism.[105] St. Gregory also, book 40 of the Moralia, ch. 2, hands down a clear sentence on this matter, as also book 7 of his Epistles, ch. 53.[106] And in the Council of Florence, when it had been taken up that the Armenians kept their own custom of not baptizing infants before the fortieth or even the eightieth day, they were warned by the Fathers of the Council that they should baptize them as soon as they were brought forth into the light, because besides Baptism nothing else remained for them as a means of salvation.[107] To be sure, Catholic Doctors admit that little ones outside Baptism and Martyrdom can be saved by a special privilege and dispensation of God, because the Divine Power is bound by no laws, and as He saves a little one through Baptism, so without Baptism He can save him; nevertheless, they assert that, of no one whatsoever, without special revelation, can it be held without temerity that he has obtained salvation; for they say that assertion to be temerarious, as departing from the general law of God, such as is the law of Christ concerning Baptism: "nisi quis renatus fuerit" etc.

§ 62. Hence all the Doctors have reproved the opinion of Cajetan in the Summa of St. Thomas III, q. 68, a. 2 and 11; of Gabriel Biel, In IV, Dist. 4, q. 2, a. 3, dub. 2; and of some of the more recent writers, to whom Marcus Serra bears witness that they gave their suffrage to this opinion, and of John Gerson, Tom. 3, On the Nativity of the Virgin, the Discourse delivered in the Council of Constance, Consideration 2, teaching that Parents ought to pray God and the Saints that an infant not yet born, if he is going to die in his mother's womb and for that reason cannot be baptized, Christ would deign to consecrate by the Baptism of the Holy Spirit, by preventing grace; "For who knows," he says, "whether perchance He may hear?"[108] They reject, I say, all the Doctors—nay all who are of any name among those later Authors, who have zeal, but not according to knowledge, for the opinions praised—reject them, and they answer Gerson that it is rather to be prayed that, because without Baptism there is no salvation, God would deign to preserve the child in life until, brought forth into the light, he may be washed with the water of salvation; just as that Woman prayed, of whom Augustine speaks, Serm. 323 and 324, alias 32 and 33, On the Various Subjects, whose Infant had died without Baptism; who was praying on his behalf, not that he might be saved without Baptism, but that he might at least revive for a moment, whereby he might thus be baptized; and Augustine reports that this too was accomplished.'[109]

§ 63. Furthermore, Catholic Doctors judge that the opinion also of certain Doctors is to be rejected, who think it pious to believe that the Supreme Pontiff supplies the intention of the Minister, if perchance it were lacking; and they assert that, with both opinions rejected, one must hold absolutely that there is no exception from what was said, "nisi quis renatus fuerit" etc., except that which another Scripture makes, and that one alone is the exception of Martyrdom in little ones; for even of them, although they will not have been baptized, "precious is the death of his saints in the sight of the Lord," and "if they shall have lost their souls for Christ, they shall find them"; which exception is shown by ecclesiastical tradition, by the sentences of the Fathers, and by the continuous sense of the Church, by the same Catholic Doctors when treating of the Baptism of blood.[110]

§ 64. Now what argument more evident of the temerity and falsity of some opinion than that it is contrary to all the Fathers and Doctors, and to the tradition of the Church! Surely we marvel—nay, we are astonished—how this Author, spurning the common censure of so many and such great Theologians, could bring this opinion to light, entrust it to the press, and have it printed with the permission of Superiors—in the city of Naples, most flourishing, where most clear-sighted Theologians dwell. We know the solutions which the Author brings forward against the places of the Fathers, especially of Augustine; but we know them to be vain, sophistical, and rejected by the Theologians; just as we know that the arguments which the same Author adduces—namely, the same which Cajetan adduced on behalf of his own opinion, especially those drawn from God's general will to save all Men, and to offer efficaciously aids sufficient for salvation—have been solved by the same Theologians.

§ 65. It is also scandalous: for it furnishes an occasion for pregnant Women to procure Abortions; since, as experience shows, the single impediment by which most are restrained from so great a crime is lest infants be deprived of eternal life and excluded forever; therefore, if they persuade themselves that they can be helped by the Baptism in desire emitted by themselves, they will assuredly procure Abortions; nor will the Papal Decrees be able to turn them away from so great a wickedness. Moreover, they will laugh at the Author's evasion saying that this can only happen through Baptism in desire when the fault has previously been in the Parents, especially in the Mother, by which it happens that the Infant is not brought forth into the light; they will

laugh, I say, at this evasion; for they will say: if they can be helped by the Baptism in desire, what will our fault itself harm the Innocents? And experience shows that from one error to another one easily makes a step. Rightly and deservedly therefore we have said that opinion to have been sufficiently proscribed by the Supreme Pontiffs: for Innocent III, chapter Non ut apponeres, Decretals, On Baptism and its effect, being consulted whether little ones are to be held as Christians, who, placed in the very article of death, because of a lack of water or the absence of a Priest, the simplicity of some persons presumed that, upon the chest and between the shoulder-blades, by spittle, some sort of washing for Baptism was entered upon: answers that, since in Baptism two things are always necessarily required, namely the word and the Element, there ought to be no doubt in cases in which not only both of the aforesaid, but even one of them, has been omitted; and hence he defines expressly that they are not to be held as Christians.[111] What are we prattling on about beyond this, after the expressed decision of the Pontiff, deciding absolutely that little ones are aided by no other remedy than Baptism received in reality, unless you except Martyrdom? Were not those simple persons, whom the Supreme Pontiff reports, applying Baptism in desire to those little ones, and did they not with the whole effort of their soul desire Baptism for them? Were they not constituted in necessity? Were they not destitute of every other remedy? And yet the Pontiff—having absolutely no scruple that for those little ones no remedy was efficaciously prepared in reality by Divine Providence—absolutely and roundly says that they are not to be held as Christians, and consequently are excluded from the Kingdom of Life.

§ 66. St. Pius V ordered this sentence to be expunged from the Commentaries of Cajetan on the Summa of St. Thomas, although it is still found in certain older copies, or those not printed at Rome, as most Thomists testify. See John Baptist Gonet in the Clypeus, tom. 13, on the Sacrament of Baptism, Disputation 2, art. 1, § 3. With what face therefore is an opinion recalled from the dead to life, expunged and deleted by the command of so great a Pontiff? I yield: why is not the sole authority of this holy Pontiff sufficient for any Catholic, so that he might forever bury such an opinion and condemn it to silence? And does the Author—otherwise Catholic and pious—dare again to disseminate among Catholics an opinion long since antiquated, and to prop it up with so many and such contrivances rather than with reasons, so as to persuade that it is probable! Good God, where in the world are we?

§ 67. Clearly it appears that that Proposition merits the censure with which we have noted it. Besides, a sharper censure has been affixed to it by Alphonsus a Castro (On Heresies, v. Baptism, heresy 9), calling it heretical. Domingo Soto, In IV, Dist. 5, the single Question, art. 2: more gravely, however, he openly asserts that he does not understand how the opinion of Cajetan—which is the same as the opinion which we have judged worthy of censure, insofar as it speaks of children already born—can be defended without error; and there, art. IX, of the same opinion, insofar as it speaks of children dying in their mothers' wombs, thus he says: "Away with it here; this opinion is singular indeed, nor can it (with all reverence be it spoken) scarcely be defended from temerity. For it is even worse than the other about children already born. For to the latter there have not been wanting certain Authors of whatever sort; to the former none is found who has dared to assert it." So speaks so great a Theologian.[112] But the Proposition of which we are speaking embraces both parts; namely, it ascribes probability to Cajetan's opinion both for little ones born and for little ones dying in the womb, as the Author explains himself, especially after the twentieth objection at no. 192. Wherefore it merits the same censure (unless perchance a greater one) which Soto thinks the opinion of Cajetan to have merited.

PROPOSITION FIVE. From the same Book and chapter, to objection 4, no. 140: In the Sacrament of Baptism the demonstrative particle "Te" is required, but not in the Sacrament of Penance, as some say. To

Distinction III of Book IV, § VI. And to Distinction XV, § III. This Proposition, insofar as it insinuates that the opinion of some is probable, who—relying on no foundation—have said that for the value of the Sacrament of Penance the single word "Absolvo" suffices for the form, without expression of the person receiving the Sacrament, is altogether temerarious, contrary to the sense and practice of the Church, and to the common doctrine of Theologians, improbable, and false.

§ 68. It is temerarious: for among all Catholics this is taken as certain, that in the Sacrament of Penance the expression of the person receiving is required, just as in the Sacrament of Baptism. About which matter, except for a few Neoterics, no one has doubted; and therefore to wish to regard as probable an opinion to which all object, without any foundation in Scripture or in the tradition of the Church, is altogether temerarious.

§ 69. It is contrary to the sense of the Church: For the Council of Trent, Session 14, ch. 3, says: that the form of the Sacrament of Penance, in which its power chiefly resides, is placed in those words of the Minister: "Ego te absolvo" etc. Explaining which definition, the Roman Catechism, Part 2, § 19, On the Sacrament of Penance: "Now the form," it says, "is in those words of the Minister, 'Ego te absolvo,' which from the authority of Christ our Lord, handed down to the Apostles, we have received. And since the Sacraments signify what they effect, and those words, 'Ego te absolvo,' clearly signify the remission of sins, which in the administration of this Sacrament is effected, it is plain that this is the perfect form of the Sacrament of Penance." Hence almost all the Doctors, whether Dogmatic, or Scholastic, or Moral, expounding the doctrine of the Council, add that, except for the pronoun "Ego," which is sufficiently included in the verb of the first person, the rest must be expressed, namely the demonstrative "te," the verb "absolvo," and the object of absolution; Vid.[113]

§ 70. Nothing can be taken away from the necessity in question, because it is altogether required that the sacramental action be expressed, which indeed is exercised through the minister; and consequently they also add that the person to whom the sacrament is imparted must likewise be designated. And this opinion is the practice of the whole Church; for it is not easy to find in all the Oriental Euchologia, or in the Latin Rituals, that the form of the sacrament of Penance (*Poenitentia*) is expressed in any other way than through the expression of the person to whom it is conferred, in the same way in which it is expressed in the form of Baptism. 2. And indeed the essential words of any sacrament must be such as to express and signify what they effect. But the word "I absolve" (*absolvo*), set absolutely without expression of the person who is to be absolved, in no way signifies the absolution and liberation from sins which is effected in the sacrament of Penance; for unless through the expression of the person who is absolved that word "I absolve" be determined to signify the absolution of this person to whom it is imparted, by no means can it signify it: since from the single word "I absolve," thus uttered absolutely, it is not elicited nor signified who is to be absolved. And thus, commonly, all the Doctors who treat of this matter explain it, saying that it is necessary to express the person to whom the sacrament of Penance is conferred, and they commonly reject the opinion which Enriquez seems to indicate, book 4, ch. 11, no. 1, letter P, and no. 3, letter Y, as well as of other more recent writers thinking the contrary, and they testify that the word "you" (*te*), or an equivalent, is necessary to be set down in the Councils; and they also hand down that that opinion, recently devised, at once got a bad name and was disapproved; although the same men affirm that, for the validity of the sacrament of Penance, the expression of the penitent's person suffices, either by that word "you," or in some equivalent way as proper to the penitent, "I absolve this man," "I absolve Peter," or by indicating the person in the following clauses, as "I

absolve you from your sins," or by something equivalent. They acknowledge, however, in these changes, the fault of a priest who, in another manner than the Church is wont, employs the form of absolution. Nay more, they assert with insistence that, in this matter—namely, about the expression of the person to whom absolution is conferred—the same judgment must be held as about the expression of the person to whom Baptism is conferred. Raphael Aversa, in De sacramento Poenitentiae, position 12, section 2, at length declares that, when the opinion which we refute began to be broached and promulgated, it was rejected by all the Doctors.[114] Therefore, that opinion which the Proposition we are speaking of judges to be probable is, on the contrary, improbable and false, and consequently in no way to be sustained, and is worthy of censure. That proposition also which the same Author, in the said Dissertation, brings forward and approves, in ch. 10, Proposition r, namely: "Original sin is not one's own sin but another's," we judge to be worthy of some censure: inasmuch as, at least as regards the mode of speaking, it seems to oppose the doctrine of the Church, especially of the holy Council of Trent, Session 5, in the third anathema, where the Council thus says: "If anyone shall say that the sin, which is one by origin, transferred to all by propagation, not by imitation, that is, proper to each one ..."; and in the fifth anathema: "If anyone denies that, by the grace of our Lord Jesus Christ which is conferred in Baptism, the guilt of original sin is remitted, or asserts that not the whole of that is taken away which has the true and proper character of sin," where, expressly, the Tridentine Council teaches that original sin is the sin proper to each one, according to that saying of the Prophet: "For behold I was conceived in iniquities, and in sins did my mother conceive me.",[115]

§ 71. On this account theologians commonly say that, if Penance be taken more generally, namely for the hatred or displeasure which someone has for his own evil of fault, whether he has committed it by his own will or not, one can truly be said to be affected with penitence, or to be contrite, for his own original sin, in this sense; because he ought to be displeased at it as his own sin, and to grieve that he was born such; as St. Thomas says in 3, q. 84, a. 2, ad 3: "Insofar as penitence is taken largely, for any detestation of a past thing, penitence can be said about original sin," as St. Augustine speaks in the book On Penance.[116] Therefore it must be concluded that, quite congruously at least to the manner of speaking of the Councils and of the Fathers, the Author should not say that original sin is an alien sin, not one's own. We do indeed admit that the Author understands it of the property of the voluntary, that is, that it is not contracted by one's own proper will, as he himself explains; but he speaks too confusedly and obscurely: nevertheless the proposition, as it sounds, is altogether worthy of censure, and at the least is to be taxed as ill-sounding.

§ 72. Moreover, besides this, that proposition, thus set forth absolutely, seems to destroy the guilt of original sin and the stain by which it infects the soul, according to what the Apostle says: "We were by nature children of wrath, even as the rest."[117] For if it is an alien sin, not one's own, it can be said that original sin indeed is imputed to a man; but not that a man is truly stained by it, and made liable to it; in the way in which sometimes the crimes of parents are imputed to their sons; yet on that account it cannot be said that the sons are thereby defiled.

FINIS.

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1. St. Thomas, Summa theologiae I, q. 64; I-II, q. 89, a. 4; Supplement, q. 28, a. 1, 5, 6.

2. St. Ambrose, De bono mortis, [cap. as in source]; idem, De Abel et Cain II, chs. 9–10.

3. St. Jerome, In Ecclesiasten 9; idem, In Malachiam 4; idem, In Sophoniam 1, at "Conticuit omnis populus Chanaan."

4. St. Augustine, Enchiridion, ch. 111; Homily 19 (inter 50) [abbreviation as in source]; De doctrina Christiana III, ch. 11.

5. St. Thomas, Summa theologiae II-II, q. 25, a. 6, ad 2.

6. Ps. 9(9): "Quaeretur peccatum ejus non invenietur"; Jn. 9: "Venit nox quando nemo potest operari"; Matt. 22: "Ligatis manibus et pedibus...".

7. 1 Cor. 13; Ps. 73; Ps. 83; Rev. 16; Ps. 118(119): "Custodiam legem tuam semper in saeculum et in saeculum saeculi."

8. St. Thomas, Summa theologiae I, q. 64, a. 2, ad 5; I-II, q. 89, a. 4.

9. Matt. 22; Jn. 3; 1 Jn. 1; Eph. 5; St. Augustine, Enarrationes in Psalmos 6; Epistula 120, chs. 22–23.

10. Is. 11:9: "Non nocebunt in universo monte meo"; St. Augustine, Enchiridion; Homilia 19, Operis imperfecti in Matthaeum; Ps. 9; Jn. 9; Jn. 9: "Operamini dum dies est...".

11. Matt. 22. The closing sentence of the source is textually uncertain; the sense given follows the transmitted words: "For there precedes the state of the present life, not however does there obtain [...], at least speaking in the mode of the way of punishment."

12. St. Thomas, Supplement, q. 98, art. [abbreviation as in source].

13. Above, at Distinction 45 [abbreviation as in source].

14. 2 Cor. 6: "Quae societas luci ad tenebras?"

15. St. Gregory the Great, Moralia in Iob IX, ch. 49.

16. St. Augustine, Expositio in Psalmum 108.

17. St. Augustine, De cura pro mortuis gerenda, chs. 14–15.

18. Theophylact, In Lucam; Euthymius Zigabenus, In Lucam.

19. Auctor Variarum quaestionum apud Athanasium, q. 21.

20. St. Ambrose, Expositio Evangelii secundum Lucam; St. Bede, In Lucae Evangelium (on this passage); St. Augustine, De Genesi ad litteram VIII, ch. 5; XII, ch. 33; De civitate Dei XXI, chs. 3, 10; De quaestionibus evangeliorum II, q. 38; Expositio in Psalmum 108; Contra Faustum, last book, ch. 5; St. Gregory the Great, Homiliae in Evangelia, hom. 40; Haymo of Halberstadt, Homilia Dominica II post Octavam Pentecostes; the Master [Peter Lombard], in textu [abbreviation as in source].

21. St. Augustine, De quaestionibus evangeliorum II, q. 38; St. Gregory the Great, Homiliae in Evangelia, hom. 40.

22. St. Augustine, Epistula 100 (a) [abbreviation as in source].

23. On this see below, in II Sentences, Distinction 17 [abbreviation as in source].

24. St. Thomas, Supplement, q. 98, art. ult.

25. St. Gregory the Great, Moralia in Iob IV, ch. 32.

26. St. Augustine, De civitate Dei [cap. cap. 15; abbreviation as in source].

27. St. Gregory the Great, Homiliae in Evangelia, hom. 40.

28. St. Augustine, De quaestionibus evangeliorum II, q. 38; St. John Chrysostom, Epistula 3 [abbreviation as in source].

29. Wis. 5.

30. See above, at Distinction 48.

31. St. Augustine, Enarrationes in Psalmos 7; De civitate Dei XX, ch. 22; Haymo of Halberstadt, Homilia Dominica II post Octavam Pentecostes.

32. St. Thomas, Supplement, q. 94, a. 4 and a. 3.

33. Is. 66: "Egredientur et videbunt cadavera virorum qui praevaricati sunt in me."

34. St. Augustine, De civitate Dei [loco memorato; abbreviation as in source].

35. St. Jerome, Commentariorum in Isaiam, on the last chapter.

36. St. John Chrysostom, Epistula 3 [abbreviation as in source].

37. St. Gregory the Great, Homiliae in Evangelia, hom. 40; St. Gregory the Great, Moralia in Iob VI, ch. 20; St. Gregory the Great, Dialogi IV, ch. 44.

38. Haymo of Halberstadt, at the place recently cited [abbreviation as in source].

39. Ps. 57: "Laetabitur iustus cum viderit vindictam."; Is. 66: "Et erunt ad satietatem omni carni.".

40. Origen, Homiliae in Leviticum, hom. 7; St. Bernard, Sermo "De verbis Origenis.".

41. St. Ambrose, In Commentario [abbreviation as in source].

42. St. Thomas, Summa theologiae I, q. 108, a. 7.

43. Job 1–2.

44. Ps. 77:49 (Vulgate): "He sent in them the wrath of His indignation… inflictions through evil angels."

45. Eph. 2:2; Eph. 6:12.

46. Matt. 5:25–26; Matt. 18:34; Lk. 12:58–59.

47. Bede, In Lucae Evangelium, ad loc. [abbreviation as in source].

48. St. Ambrose, In Lucam, ad loc. [abbreviation as in source].

49. Gen. 3:24; 2 Kgs (Vulgate 2 Sam.) 24; 2 Kgs 19; Ps. 34:5–6; Acts 12:23.

50. The Master, In IV Sent., dist. 46, quaest. [abbreviation as in source].

51. 1 Cor. 15:24.

52. St. John Chrysostom, Theophylact of Ohrid, and Oecumenius, commentaries on 1 Cor. 15 [abbreviations as in source]; Anselm and Haymo as cited by the Master [abbreviation as in source].

53. Job 10:22.

54. Matt. 13:41–42; cf. 13:49–50.

55. Hilary, St. Augustine, St. John Chrysostom, and Theophylact, commentaries on Matt. 5:22 [abbreviation as in source]; St. Jerome, Commentary on Matt. 10, on "Fear him who can destroy both soul and body in Gehenna" (Matt. 10:28; cf. Lk. 12:5).

56. Matt. 5:22: "Whoever shall say to his brother, 'Raca,' shall be liable to the council; and whoever shall say, 'Fool,' shall be liable to the Gehenna of fire."

57. Matt. 23:24; Lk. 6:41 (cf. Matt. 7:3).

58. 1 Cor. 3:12–15; St. Ambrose, Sermon 20 on Ps. 118 [abbreviation as in source]; St. Jerome, Against Jovinian II; St. Augustine, City of God XXI, ch. 26; St. Gregory the Great, Dialogues IV, ch. 36 [abbreviation as in source].

59. Eph. 5:3–7.

60. Matt. 12:36; Matt. 25:41; Matt. 22:13; Lk. 13:27 (cf. Matt. 7:23).

61. Canons 7–8, commonly attributed to the Council of Milevis, in fact of the Council of Carthage (A.D. 418) [abbreviation as in source]; St. Augustine, De natura et gratia, chs. 35–38; Origen, Homily 35 on Luke; St. John Chrysostom, Homily 24 on Matthew; St. Jerome, Commentary on Matthew 5; St. Augustine, De spiritu et littera, ch. 36; Enchiridion, ch. 71; Sermon once 41 De Sanctis, now sermon 104 in the Benedictine appendix to vol. V, attributed to St. Caesarius of Arles [abbreviations as in source].

62. St. John Chrysostom, Homily 25 on Romans; Homily 9 on 1 Corinthians; Cyprian (or Pseudo-Cyprian), Sermon on the Resurrection of Christ; Sermon on the Ascension of the Lord [abbreviations as in source]; St. Bernard, Sermon 19, Various, on the words of the Apostle "Non est regnum Dei esca et potus" [abbreviation as in source]; St. Augustine, Epistle 102 (alias 49), question 4; City of God XXI, ch. 11; St. Gregory the Great, Moralia XV, ch. 11; St. Jerome, Apology against Rufinus; Commentary on the Prophet Hosea, ch. 3 [abbreviations as in source].

63. St. Augustine, City of God XXI, ch. 18.

64. St. Gregory the Great, Moralia XXXIV, ch. 16.

65. Leonardus Lessius, De perfectionibus divinis, lib. 13, cap. 26, num. 188.

66. Athanasius, Orationes contra Arianos II.

67. St. Augustine, Enchiridion, ch. 108.

68. St. Basil, In Psalmum 48.

69. Fulgentius of Ruspe, De incarnatione vel de gratia [abbreviation as in source].

70. St. Leo the Great, Serm. 1 De Nativitate; Serm. 12 De Passione; Ep. 97, ch. 3 (alias 83).

71. St. Anselm, Cur Deus homo I, chs. 20–21; II, ch. 6.

72. St. Thomas, Summa theologiae III, q. 1, a. 2, ad 1.

73. St. Thomas, In I Sent., dist. 42, q. 1, a. 5, in corp.; cf. In IV Sent., dist. 46, q. 1, a. 3, circa finem.

74. Collegium Salmanticense, In I-II S. Thomae, Tract. XIII, Disp. XVII, Dub. 3, § 2, n. 99, where praise is given to P. Pedro Cornejo, 3a pars, Disp. 1, Dub. 2, in solutione ad 3. Argum.

75. St. Pius V, condemnation of the propositions of Michael Baius (Ex omnibus afflictionibus, 1567), prop. 2; Gregory XIII's confirmation; Urban VIII's confirmation [abbreviations as in source].

76. St. Thomas, Summa theologiae I, q. 87, a. 3, in corp.

77. St. Thomas, Summa theologiae I, q. 87, a. 3, ad 1; citing St. Augustine, De civitate Dei XXI; St. Gregory the Great, Dialogi IV, ch. 44.

78. St. Thomas, Contra Gentiles III, chs. 143–145; cf. In IV Sent., dist. 46, q. 1, a. 3.

79. St. Robert Bellarmine, De iustificatione, lib. 5, cap. 19; "noster Auctor in hoc libro Quarto (Dist. …)" [abbreviation as in source].

80. St. Augustine, De civitate Dei XXI, on divine mercy and the punishments of the reprobate; quoting Ps. 76(77): "Numquid obliviscetur misereri Deus, aut continebit in ira sua misericordias suas?"; cf. Enarrationes in Psalmos, Ps. 10.

81. Francisco Suárez, Part 2 [abbreviation as in source], Treatise V, Disputation VII, Section 2, n. 15.

82. St. Vincent of Lérins, Commonitorium, on holding what has been believed "always, everywhere, and by all."

83. Francisco Suárez, In III [abbreviation as in source], q. 1, a. 2, disp. 4, sect. VII, near the end; and Part 2 in the cited place, n. 5. — Estius, in the place previously praised (Dist. 46, s. s. l. 2) [abbreviation as in source]. — Gabriel Vásquez, in Part 2, disp. 87 [abbreviation as in source]. — Collegium Salmanticense, in Part 2 on I-II q. 87, Treatise 13 De Peccatis, Disputation XVII, dub. 3, § 1, n. 67; § 2. — Leonardus Lessius, De perfectionibus divinis, book 13, ch. 24, n. 167; ch. 26, n. 189. — Joannes Baptista Gonet, Clypeus theologiae thomisticae, Part 2, Treatise V, Disputation 8, art. 5. — Thomists on the articles of St. Thomas, I-II, q. 87; especially Didacus Alvarez and Bartholomaeus Medina.

84. John Gerson, Opera, Part 3, De vita spirituali animae, Lectio prima, Conclusio unica (Paris, 1606), end of col. 167 (letters C–D); and Corollarium 8, col. 199, letter B.

85. St. Robert Bellarmine, De amissione gratiae et statu peccati, book 1, ch. 4.

86. Leonardus Lessius, De perfectionibus divinis, book 13, ch. 25, n. 167 (and cf. ch. 26, n. 189).

87. Alexander VIII, Brief of August 24, 1690, declaring the second Proposition concerning the "philosophic sin" scandalous, rash, offensive to pious ears, and erroneous; cf. Dominic Viva, S.J., Theologicae Trutina damnatarum Thesium, part 3, in the exposition of this Proposition.

88. Dominic Viva, S.J., Theologicae Trutina damnatarum Thesium, part 3, exposition of the condemned Proposition concerning the "philosophic sin" [abbreviation as in source].

89. Is. 30:18: "Therefore the Lord waits that He may have mercy on you; and therefore shall He be exalted sparing you, because the Lord is the Lord of judgment."

90. Cross-reference: Estius, Distinction XXXVI, Book III, § 4.

91. John Caramuel, Theologia fundamentalis, book 3, foundation 64, art. 3, in the Disputation De Sacramento Baptismi, q. 3, no. 3079; reporting a proposition circulated by Tommaso Campanella.

92. John Caramuel, Theologia fundamentalis, lib. 3, n. 3080 [abbreviation as in source].

93. St. Ambrose, De Abraham II, cap. ult.; citing Jn. 3: "nisi quis renatus fuerit" etc.

94. St. Augustine, De peccatorum meritis I, ch. 18 and ch. 27.

95. St. Augustine, Ep. 87 and 94 (alias 57 and 105) [abbreviation as in source]; De peccatorum meritis I, ch. 21.

96. St. Prosper, Carmen de Ingratis, ch. 30.

97. St. Thomas, Quodlibet VI, a. 4.

98. St. Augustine, De natura et gratia, ch. 8; cf. Rom. 5:12.

99. Prosper (or pseudo-Prosper), De vocatione gentium II, ch. 20.

100. St. Augustine, De peccatorum meritis I, ch. 23.

101. St. Augustine, De origine animae III, ch. 9 and ch. 21; Gal. 3:27: "quotquot in Christo baptizati estis, Christum induistis."

102. St. Augustine, Ep. 166 (alias 28) ad Hieronymum, n. 21 [abbreviation as in source].

103. St. Augustine, Contra Julianum III, ch. 12; Contra duas epistolas Pelagianorum II, ch. 4.

104. St. Fulgentius, De fide ad Petrum, ch. 26 (alias 27).

105. Pope Innocent I, Epistle to the Council of Mileve, in Augustine's collection, Ep. 177 (alias 93) [abbreviation as in source].

106. St. Gregory the Great, Moralia in Iob, lib. 40, ch. 2; Epistolae, lib. 7, ch. 53.

107. Council of Florence, Decree for the Armenians (on Baptism).

108. Cajetan, In IIIam, q. 68, a. 2 and 11; Gabriel Biel, In IV Sent., dist. 4, q. 2, a. 3, dub. 2; Marcus Serra, in III p., q. 68, a. 2 [abbreviation as in source]; John Gerson, Tom. 3, De Nativitate Virginis, discourse delivered at the Council of Constance, Consideratio 2.

109. St. Augustine, Serm. 323 and 324 (alias 32 and 33) De Diversis.

110. Ps. 115(116):15: "pretiosa in conspectu Domini mors sanctorum eius"; cf. Matt. 16:25: "qui... perdiderit animam suam... inveniet eam"; on baptism of blood in infants, see patristic testimonies as received in ecclesiastical tradition.

111. Pope Innocent III, cap. Non ut apponeres, Decretals, De baptismo et eius effectu.

112. Alphonsus a Castro, De haeresibus, v. Baptismus, haer. 9; Domingo Soto, In IV Sent., dist. 5, q. unica, a. 2; and there, a. IX.

113. Council of Trent, Session 14, ch. 3; Roman Catechism, Part 2, § 19, De Sacramento Poenitentiae.

114. Raphael Aversa, De sacramento Poenitentiae, positio 12, sect. 2 [abbreviation as in source]. Cf. Enriquez, lib. 4, cap. 11, no. 1 (lit. P) and no. 3 (lit. Y) [abbreviation as in source].

115. Council of Trent, Session 5, third and fifth anathemas; Ps. 50(51):7: "For behold I was conceived in iniquities, and in sins did my mother conceive me."

116. St. Thomas, "3. p. q. 84. a. 2. ad 3" [abbreviation as in source]. Cf. "qu. 1. art. 2. quaestiunc. p. ad 2." [abbreviation as in source]; Augustine, "lib. de poenitentia" [abbreviation as in source].

117. Eph. 2:3: "and were by nature children of wrath, even as the rest."