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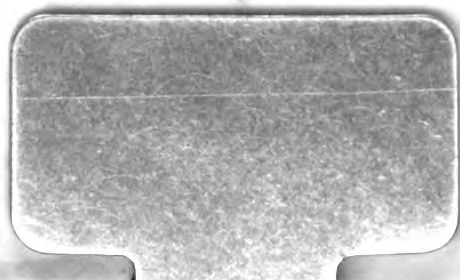


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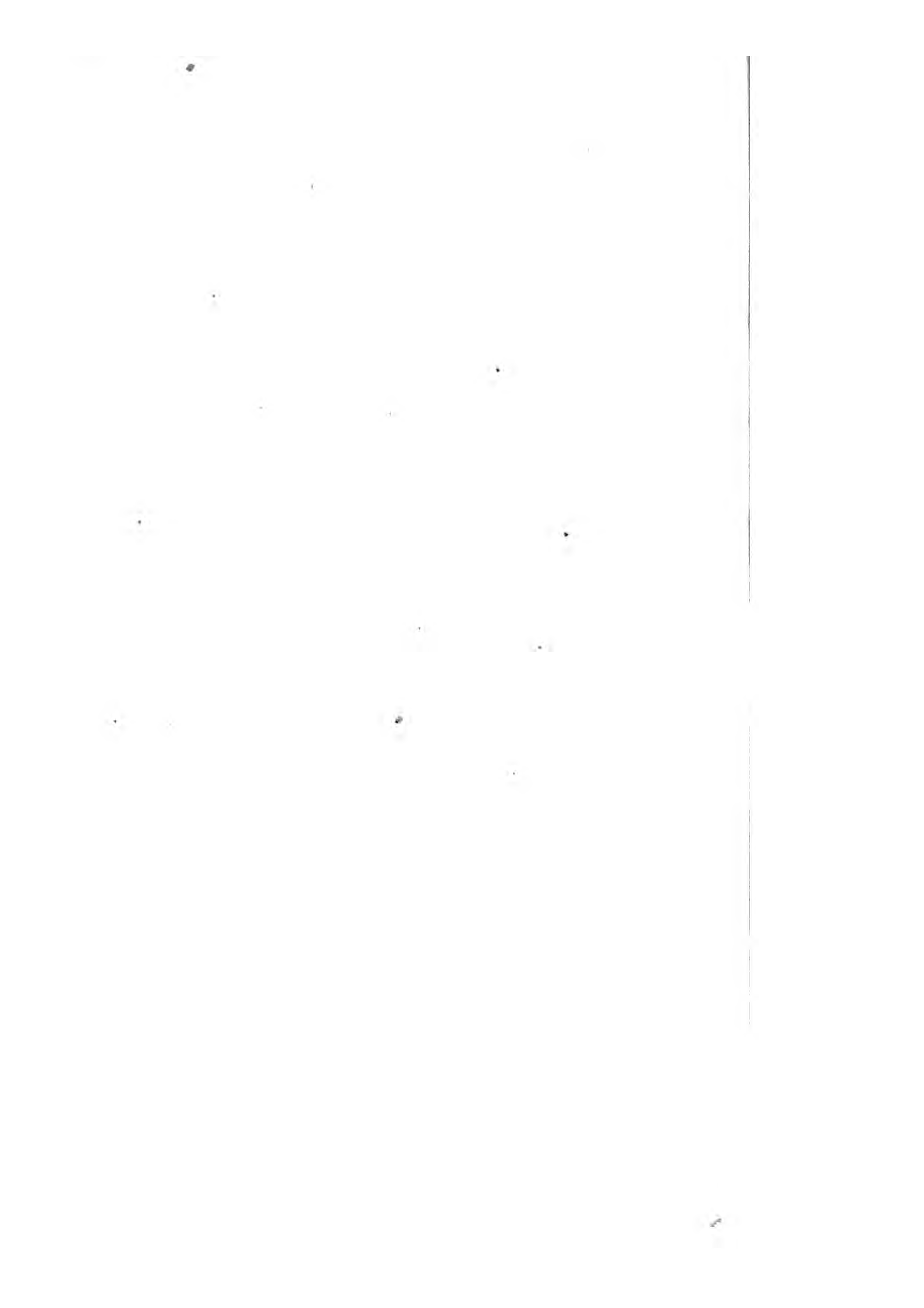
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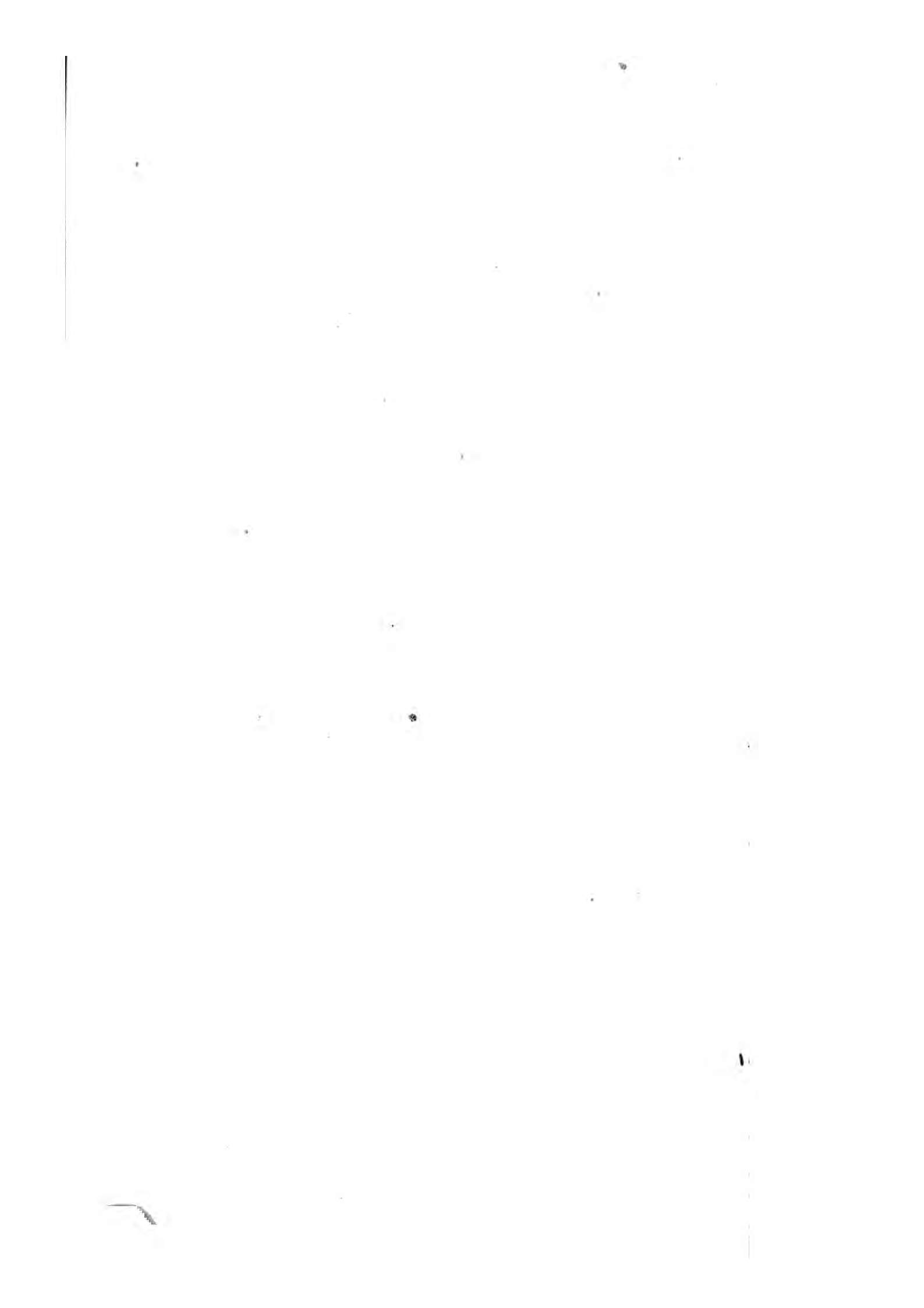
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No. 1.

AWFUL DISCLOSURE
OF THE INIQUITOUS PRINCIPLES TAUGHT BY THE
CHURCH OF ROME;
BEING
EXTRACTS,
TRANSLATED FROM THE MORAL
THEOLOGY OF ALPHONSUS LIGUORI,
WHO WAS
CANONIZED IN THE YEAR 1839,
AND OF
WHOSE WORKS THE PAPAL CHURCH HAS PRONOUNCED
THAT THEY CONTAIN "NOT ONE WORD
WORTHY OF CENSURE."
WITH
REMARKS THEREON,
BY
THE REV R. P. BLAKENEY, B.A.
INCUMBENT OF HYSON GREEN, NOTTS.

The profits of this work will be given towards the erection
of the Protestant Hall.

LONDON:
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1746.
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P R E F A C E.

THE circumstances which called forth this publication were simply as follows. The Rev. R. P. Blakeney delivered a lecture in the Assembly Rooms, Nottingham, on "The tendency of Romanism to destroy man's best interests even in this world,"—in proof of one of his points, viz. that Romanism is immoral in its principles, he quoted various passages from the "Moral Theology of Alphonsus Liguori." In one or two instances the references to pages happened to be mis-printed, and hence one of the Roman Catholic Priests ventured to put forth the assertion that in some of the passages "referred to, not one word of the alleged matter could be found *there*." For a time this caused great excitement amongst the towns-people, who were led to suppose that a Protestant Clergyman was found guilty of gross dishonesty. No doubt the Roman Catholic Clergyman supposed that Mr. B. (in consequence of a statement published in the lecture, that he was indebted to Mr. Campbell of America for *reference* to the passages,) did not possess the original works which are almost unknown to British Protestants, and would therefore be unable to authenticate them. Suffice it to say that Mr. Blakeney placed the original volumes in the Protestant Library for public inspection, with

all the passages marked to which he had referred, and moreover published in the newspapers a certificate from six gentlemen bearing testimony to the correctness of the translation.

In truth, the Roman Catholic Priest's conduct was a striking exemplification of the principles of equivocation or double-speaking, which the Church of Rome has authorized in Liguori. It appeared that the passages *were* in the works of *the Saint*, but the word "*there*" contained the equivocation. This circumstance directed Mr. Blakeney's attention more particularly to the "*Moral Theology of Liguori*," and he determined to issue a series of tracts containing specimens of the morality sanctioned and taught by Rome. The work has much exceeded the limits which were at first designed, but it is hoped that the "*Awful Disclosure*" will awaken Protestants to a sense of the necessity of arresting the progress of Romanism, which is so iniquitous in its character.

The Translation is strictly literal, and no freedom whatever taken with the text.

The names of various authors—Filliucius—Sanchez—Lessius—Escobar, &c. &c., are left in the contracted form, that the passages might be as little encumbered as possible.

INTRODUCTION.

IN this day of rebuke and blasphemy, when Popery is honoured and endowed—when the Church of Rome is by every means extending her borders—it is necessary to lay bare her iniquities, and prove that the principles of Rome are such as will even sap the foundations of morality. It must be admitted that Popery progresses; not long since, this great nation regarded it as a system full fraught with danger to man's best interests in time and eternity: the sentiments and feelings of our fathers as to Romanism, may be seen in the protective laws which were enacted for the preservation of civil and religious liberty,—but the hedge which their zeal, yea, wisdom and prudence had planted around this great country, has been torn up: the laws which were to a great extent rendered necessary by the restless and anti-social principles of Popery have been repealed. Though once the subjects of the Pope had no share in our administrations, now they legislate in our Senate House; though once the national treasures of the British nation were exclusively dedicated to the support of eternal truth, they are now expended likewise in the endowment of eternal error; and at this very time, a bill is being passed by the legislature, which will confer greater favours upon the Papacy, and even legalize the Jesuits, who have been expelled from some Romish countries. Britain emphatically and justly called great, is, alas, being revolutionized—she was great, because “righteousness exalteth a nation,” but now, the principles to the maintenance of which we must impute her prosperity, are nationally despised by the national Senate:—Infidelity and Latitudinarianism have laid their cold hand upon a great portion of the people, while Popery has grasped the remainder. Hence Romish Chapels and Cathedrals, costly, magnificent, and commodious, are every where rising up—the members of the Church of Rome are labouring in their respective spheres and by every means, for the perversion of the people. The cause of Rome has been pleaded in the pulpits of

the Anglican Zion and by men who are the professed ministers of a Protestant Church, but who probably belong to the Jesuit order;—defections are daily taking place from the ranks of Protestantism, and so elated are Roman Catholic countries at the prospect of England's—the greatest nation—once more receiving the Papal yoke, that not only prayers are offered up for her conversion, but even thanksgivings for the Papal tendency which has appeared. But has Romanism progressed only in its naked form? No! *It has advanced in the estimation of,*—generally speaking, the country at large. Once, and not a great while ago, the British Senate House was essentially Protestant,—its members regarded Romanism as a foul and destructive system,—and they were the fair representatives of the sentiments of the nation in general; but now, the man who speaks of legislating upon religious principles in the legislative assemblies, is regarded as a fanatic. Protestantism is laughed at—the cry of “No Popery” is regarded as absolutely unworthy of men of reading, common sense, and enlarged views: and the impression rests upon the minds of most men who even still retain the name of Protestant, that Popery, if not absolutely true, is a much mis-represented system—that the charges brought against it on the ground of its anti-social character are false and altogether unfounded. Miserable ignorance, blind infatuation!—Popery has progressed not only in its naked form, but even secretly and influentially. The labours of Romish Priests and the sophism of Jesuits have not failed in casting a mantle over the deformities of Rome, and hiding them from the view of Protestant England. In short, the God-dishonouring and blood-stained harlot has made England (I speak generally) drunken with “the wine of her fornications.”

The worldly wise men who think favourably of Popery, and suppose that it is not inimical to the best even temporal interests of mankind, must acknowledge that they are fools before they can become truly wise. The infidel Senators who dare to scorn the truth of that God, by whom “kings reign and princes decree justice,” and rave about “the harmless and injured Church of Rome,” must

renounce their blind infatuation, their anti-christian folly, ere they can vaunt themselves on the possession of truthful and enlarged views. Such men are not only inconsistent with the great principles of Bible Christianity, but also ignorant of those indisputable proofs which brand upon the forehead of the Church of Rome the title of the Antichristian Apostasy, “the mother of harlots, and abominations of the earth.” Rome sanctions—teaches principles which are not only soul-destroying in their character, but also baneful to the interests of society, and injurious to the welfare of the nation,—principles of equivocation, lying, perjury, “doing of evil that good may come,” and the extermination of Protestants,—she establishes practices which bind the galling chains of slavery around mankind, and must degenerate and demoralize the noble and the virtuous. But what evidence have we for these bold assertions, for bold we admit that they are. Perhaps it will be said, give us evidence, and not mere assertion; let that evidence be of such a character that it cannot justly be evaded—evidence which will indisputably prove that Rome has sanctioned those principles and obliges her members to them.

Unhesitatingly we say, here it is.

With the sentiments contained in “The Moral Theology of Liguori” the Church of Rome is completely identified; she has considered and re-considered—examined and re-examined it—and her deliberate sentence was, that it is not censurable in one word. She has canonized the author; but when? do we adduce principles taught in the dark ages: no, not even the sentiments of a century ago, but principles *approved in the 19th Century,—seven years since,—aye, principles by which every Romanist prays that he may be taught.*

When first Dens’ Theology was dragged into light, and the abominable principles which it contains exposed, a great cry was raised by the Romish party throughout the country that they were not responsible for the sentiments of a man whose works were not examined and sanctioned by the authorities of the Church.

Clearly it was then proved that the book was sanctioned by the Romish Arch-Bishop of Dublin, and set up as the conference book of the Roman Catholic Clergy in the diocese of Leinster. The Clergy of the Church of Rome were ashamed to acknowledge themselves as the patrons of such views, which they felt were too open and glaring, and they knew that if a prompt denial were not given, their cause might be injured in the estimation of a Protestant people :

But a worse than Dens is here !

One who is more open, explicit, and less guarded in the exposition of Roman Catholic Principles. The moral theology of Liguori cannot be repudiated. Every Romanist is bound to pray that he may be taught by his admonitions,—the nature of those admonitions is unfolded in the “Awful Disclosure” which follows,—and God grant that the exposure may lead to the enlightenment of Protestants on this momentous question. Let Romanizing and guilty rulers know that Popery not only destroys the soul by its damnable idolatries, but even the fairest temporal interests of mankind. Popery is a system of spiritual and corporeal despotism. It is a prolific source of vice,—it is a tremendous conspiracy against the welfare of the human family,—the “very master-piece of the devil.” There is no immoral principle which it would not adopt, no unhallowed means of which it would not avail itself to accomplish its nefarious designs. By the device of Popery, Hell has made its greatest effort for the destruction of man’s temporal and eternal well-being.—Satan can devise no more powerful engine whereby to dishonour God and debase man. Wherever Popery prevails it must bring a curse, and the more devoted and religious the members and priests of that Church are, the less can they be trusted as members of society.

May God convert the deluded votaries of so foul a system, and awaken protestants to a sense of their privileges and duties.

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CORRIGENDUM.

In page 127, a mistake has occurred:—It is stated that, according to some divines, the confessor who sins with his spiritual daughter, is not obliged to make known his guilt in the confessional. Those divines, however, only mean, that the confessor who thus falls, need not explain the incest which some hold that he commits.

The immoral Priest is bound to confess his sin, *which he does with confidence, owing to the strict nature of the seal. Absolution cannot be refused, his conscience is relieved, nor can any inconvenience arise to him ; except he be denounced by his own penitent, which (as it is proved in the work,) is most unlikely to occur !*

BRIEF

MEMOIR OF LIGUORI,

*Extracted from the Roman Catholic Calendar, for
1840, published by Battersby, Dublin.*

“ALPHONSUS LIGUORI was born at Marianella, near Naples, on the 27th of September, 1696. When but a few days old, St. Francis di Geronimo, coming into his father's house, spoke thus prophetically of his happy destiny: ‘This child,’ said he, addressing himself to Alphonsus' mother, ‘will live to an exceeding old age, he will not die before his ninetieth year, he will be a Bishop, and will do great things for Jesus Christ.’

“He was early instructed by his mother in the knowledge and practice of the divine law; and so successfully did he advance in the study of the canon and civil law, for which profession his father intended him, that at the age of sixteen he took his degree as doctor in both in 1713.”

The Calendar having detailed circumstances connected with Liguori's abandonment of the legal profession, to which he was first called, proceeds:

“When he thus left the world, he was 27 years of age; and the lady to whom he was to have been married, followed his example, by retiring to the convent of the Blessed Sacrament, at Naples; where, both during her life, and at her death, she gave such proofs of distinguishing virtue as to deserve to have her life written by the Saint.

“On the 23rd of September, 1724, he was admitted by the Cardinal Archbishop of Naples to the tonsure, and to minor orders on the 23rd December of the same year. He received the orders of Sub-Deacon in the Church of St. Restituta the 22nd of September, 1725; after which, in order to prepare himself the better to labour in the vineyard of the Lord, he entered

a congregation formed for the purpose of giving courses of sermons for the instruction and improvement in virtue of the people of the kingdom of Naples. The 6th of April of the following year he was ordained Deacon, and obtained permission to preach. His unceasing labours brought on a dangerous illness, from which, when at the point of death, he was delivered *by the intercession of the ever-blessed and immaculate Virgin*. Immediately after his recovery he was ordained Priest, on the Feast of St. Thomas the Apostle. His zeal for the conversion of sinners, and extending the dominion of Christ, led him to go about the city and country parishes, preaching the kingdom of Heaven; and in those missions he had the consolation of seeing happy results from his labours. However, guided by the Holy Spirit, he resolved to detach himself still more from the world, and conceived the idea of founding a new religious order. To effect his object, he quitted Naples in November, 1732, for Scala, whither he had been invited by the Bishop, to begin a foundation of the order. To his new congregation he gave the name of 'Our Blessed Saviour.'

"The fame of his works and labours soon spread abroad, so that the King and Clergy resolved that he should be a Bishop. He was, consequently, named Archbishop of Palermo, in Sicily; but through his prayers and entreaties, he obtained of God, that he should not be obliged to accept of the dignity. Some time after, the Bishopric of St. Agatha de Gothi becoming vacant, he was appointed to it by Clement XIII. He used the most earnest solicitations to be excused from undertaking the charge; but, at the command of the Pope, he submitted, saying: 'It is the will of God—THE VOICE OF THE POPE IS THE VOICE OF GOD;' and was consecrated Bishop in the Church of St. Mary, *Sopra Minerva*, the 20th of June, 1762, in the 66th year of his age.

"His feeling on the weight and responsibility of the episcopacy caused him to make frequent applications to the Holy See to be relieved from the charge: and he at length succeeded in obtaining what he had long and anxiously desired, for, Pius VI. granted his Petition in July, 1775. While he was Bishop, he was continually suffering from ill health; and a stiffness or ossification of the vertebræ of the neck so curved his head, that he was with difficulty enabled to take the least repose, and never said Mass from November 9, 1779; he, however, communicated every morning until his death. In the latter period of his life, he was also affected with deafness and an almost total loss of sight, and with hernia, which caused him to suffer continual torment. In suffering, he was a true example of the model which he had traced for others. In his 'conformity to

the will of God,' he represented that patience with which he endured his own afflictions as the highest virtue. In the practice of virtues and the working of wonderful effects, the holy man reached the close of his earthly career, and passed to the glory of his Lord on the 1st of August, 1787, aged ninety years, ten months, and five days."

A MIRACLE WROUGHT BY LIGUORI.—The Roman Catholic Calendar mentions one :

"Magdalen de Nunzio, of Raino, near Benevento, suffered in 1790 from an abscess in the left breast. A surgeon made an incision to let off the ulcerous matter, lest a gangrene should ensue. A considerable quantity of it ran off, but the gangrene, which had been already formed, continued to eat away the flesh around the seat of the disorder, so that the wound became still deeper, and it became necessary to cut away the greater part of the breast. But as she grew rapidly worse, the surgeon ordered the rites of the Church to be administered. In the evening of that day, one of her neighbours coming to see her, brought with her a picture of the Saint, with a small piece of his garment. By her advice, *the sick woman recommended herself to Alphonsus, and placed the picture upon the wound, and swallowed a few threads of the relic in some water.* She then fell into a quiet sleep, and when she arose in the morning discovered, to her great surprise, *that she was perfectly cured, and the whole of her breast restored, even that part which had been cut off, nor did she ever afterwards suffer any pain or inconvenience from it.*"

HIS AUSTERITIES.—Father Dominic Corsano before the Congregation of Rites, described his Austerities to the following effect :

"I know for certainty that this servant of God constantly scourged himself unbloodily and bloodily, and besides the unbloody scourgings enjoined by his rule, he was wont to punish himself every day in the morning, before the usual hours of rising, and in the evening, after the signal for repose. On Saturdays, he *scourged himself until the blood flowed.....* I know that this servant of God *macerated his body* also with *hair-cloth with sharp points in it*, and with *chains* as well on the arms as on the legs, which he carried with him till dinner time, and these for the most part were so *armed with sharp points, that they filled with horror all who ever saw him.* I have heard it said also, that he had a dress filled with a *coat-of-mail with iron points*; that he had bandages of camel's hair; and other instruments of penance were casually seen by me, and by

others of my companions, notwithstanding his zealous and circumspect secrecy. Of a similar kind was his extreme mortification in sleeping upon two planks covered with a sack, with a little straw in it, so that it appeared a hard stone. I frequently also heard that he slept during his few hours with a large stone hung on and tied to his feet. I well remember that *he never shaved himself*, when he was with us, *with a razor*, but only by little and little, he did it with *pincers*, and he caused his assistant friar to make his clerical crown with the same pincers."

HIS CANONIZATION.—On May 26th, Trinity Sunday, 1839, he was Canonized at Rome. The Roman Catholic Calendar gives the following description of the assembly which met on that occasion :

"The preceding year has been remarkable for an act which only occasionally occurs in the capital of the Christian world, and one similar to which did not take place for thirty-two years before. On this occasion, perhaps, there was a greater attendance than was ever previously witnessed. Together with his Holiness Gregory XVI, the principal actor, there were 40 Cardinals, 130 Patriarchs, Archbishops, and Bishops, all the Generals, Superiors, and members of religious orders in Rome, about 17,000 Clergymen from various countries, several Kings and Queens of different states, an innumerable number of Princes, Dukes, Earls, and about 250,000 of various other classes, independently of the inhabitants of Rome and its environs. From Ireland, (or natives of Ireland,) in addition to a great number of Priests, the following Bishops were in attendance."

In explanation of the ceremony the Calendar says :

"The Catholic religion has, in all ages of the Church, produced men gifted with extraordinary perfections, in whom it has pleased the Almighty to display his glory. The Popes, who are the interpreters of his will, have, in accordance with that design, elevated to the rank of Saints, to be honoured as such on earth, persons through whose means the Lord has wished to exhibit signs superior to the acknowledged power of nature. Thus we find that, in the tenth century, John XV. canonized St. Uldaricus, Bishop, and subsequently other Popes have canonized various holy persons; and in the year 1807, Pius VII. added some other names to the catalogue of the Saints. This solemnity, however, is always preceded by a *rigorous investigation*, which the sacred Congregation of Rites, composed of Cardinals and profound theologians enter into, in order to

establish *the truth of the miracles* which are affirmed to have been wrought through the intercession of the holy person.

“Such were the preliminary steps taken in the present great ceremony, which took place in the Church of St. Peter, in the Vatican, on the 26th of May, the Feast of the Most Holy Trinity. The Beatified, who were on this most solemn occasion elevated to the honour of Saints, were the blessed Alfonso Maria Liguori, Bishop of St. Agatha de Goii, and founder of the congregation of our Blessed Redeemer; Francis di Geronimo, Priest of the Society of Jesus; John Joseph of the Cross, of the Reformed Order of St. Peter of Alcantara; Pacificus Da S. Severino, a Friar of the Reformed Minors; and Veronica Giuliani, Capuchin nun.”

The following contains the form of prayer addressed to the Pope on the occasion:

“The Cardinals having now retired to the seats prepared for them in the great semicircle, and the others having taken the places destined for them, a Master of Ceremonies introduced the Cardinal Procurator of the Canonization, having on his left a Consistorial Advocate. Having reached the throne and bowed profoundly to His Holiness; *the Advocate kneeling, prayed the Holy Father*, in the name of Cardinal Procurator, to be pleased to name among the saints, the beatified who were about being canonized. The prayer was conveyed in the following words: ‘THE MOST REVEREND LORD CARDINAL N. HERE PRESENT, EARNESTLY SUPPLICATES THAT THE BLESSED NN. MAY BY *your Holiness* BE ENROLLED AMONG THE SAINTS, AND BE DECLARED WORTHY OF BEING VENERATED AS SAINTS BY ALL CHRISTIANS.’”

Then follows the final sentence:

“*His Holiness* having resumed his seat on *the throne*, the Cardinal and his Advocate again came before him, and urged with great earnestness the prayer for the Canonization, in the already quoted form.

“To this third petition the same secretary replied, that His Holiness knowing that the desired Canonization was pleasing to God, he was resolved to pronounce a definite sentence, and then retired to his place. Upon this, the Cardinals and rest of the assembly standing up, and the Pope wearing his mitre, seated upon *his throne*, in virtue of that power which *the nations obey*—which *opens and shuts heaven*,—*at which hell trembles*, and against which the gates of hell cannot prevail, he pronounced from his chair, as Doctor and Head of the universal Church, the great sentence in the following words:—

“To the honour of the Holy and undivided Trinity, for the exaltation of the Catholic Faith, and for the increase of the

Christian religion, by the authority of our Lord Jesus Christ, of the holy Apostles, Peter and Paul, *and by our own authority*, mature deliberation having been employed, and the divine assistance having been repeatedly implored, and by the counsel of our venerable brothers, the Cardinals, Patriarchs, and Archbishops of the holy Roman Church, now in this city, we decree and define the holy NN. *to be* Saints, and we add them to the catalogue of the Saints; appointing that their memory shall be honoured with pious devotion by the universal Church on certain days of the year, [here the days were specified,] in the name of the Father, and of the Son, and of the Holy Ghost. Amen."

THE AUTHORITY OF LIGUORI'S WORKS.—This is a most important point to consider. The Works of Liguori have received *the direct sanction of the Church of Rome*. The Roman Catholic Calendar speaking of this subject, says :

"The Congregation of Rites allowed the cause of his beatification to be brought forward in 1796, and on the 14th of May, 1802, decided that it might be safely proceeded with, the Cardinal Reporter having declared that the theologians, who had examined his manuscripts and printed works, *had found nothing censurable in them*. The invasion of the French into Italy interrupted the further progress of the cause, but upon the 15th of September, 1816, Pius VII. solemnly published the brief for his beatification."

Then follows the list of his works, amongst which are his "Moral Theology," and the "Glories of Mary."

The following letter, extracted from the Roman Catholic Calendar, p. 167, for 1845, enters more minutely into the Authority of Liguori's Works :

"CIRCULAR OF THE MOST EXCELLENT AND REVEREND LORD FILIPPO ARTICO, BISHOP OF ASTI AND PRINCIPE, DOMESTIC PRELATE TO HIS HOLINESS, AND KNIGHT OF THE ORDER OF MAURICE SAINT LAZARUS, ADDRESSED TO HIS CLERGY ON THE SUBJECT OF THE TORINESE EDITION OF THE HOMO APOSTOLICUS OF ST. ALPHONSO M. DE LIGUORI.

"I announce to you, venerable brethren, a new edition of a work small in size, but great in merit. It is the work of St. Alphonso Maria de Liguori, of a saint whom I myself had the consolation of seeing collocate upon the altars in the church of

St. Peter, by our Most Excellent Pontiff Gregory XVI.—of a saint, who in this life merited and obtained the esteem and love of the Most Excellent Pontiff Benedict XIV., who quoted him with praise in his very celebrated works, “Syn. Diocesana,” adopting doctrine from it, and calling him *prudens auctor*, while the Saint was yet but a simple priest; who, accepting the dedication offered to him of his moral works, by St. Alphonso, pronounced upon them the following eulogy in his brief of the 15th July, 1755, when, with his thanks, he says: ‘*Gratum accepimus tractatum Theologiæ moralis, quem ea qua par est attentione perlectum, . . . minime tibi dubitandum, quin futurum sit ut omnibus placeat quorum usui destinatur;*’ who, in fine, being asked by the learned Neapolitan Missionary Jorio, for advice in some important matter, referred to Alphonso, as to an oracle, saying, ‘You have your Liguori—consult him.’ Of Clement XIII. who compelled him to assume the episcopal dignity, which, through humility, he was most unwilling to accept, saying to him: ‘I am content that you should govern your diocese within your own doors; sufficient for me is your very shadow to govern and improve your diocese.’ Of Clement XIV., who comforted Alphonso when he desired to resign his mitre, because he was already seventy years old, and weak, and could no longer visit his diocese, saying in a letter which he addressed to him, ‘I am content that you should govern the church from your bed; one prayer of yours to God, even from your bed, will more avail your flock than a thousand visits from another. Of Pius VI., who in a letter to him dated in 1798, testifies that he has always loved and admired him, and who instituted the process on his life and doctrine within eleven years after his death, by which he was enrolled on earth as he had already been in heaven, among the blessed and holy saints.’ Of Pius VII., who called him ‘*Sanctissimum Antistitem.*’ Of Leo XII., who declared him ‘*Virum sanctissimum, itemque doctissimum;*’ to which point also Cardinal Gredil exalted him in his tract, ‘*De peccatis in genere,*’ where he styles him ‘*Virum doctissimum.*’ Of Pius VIII., who calls him ‘*Illustre Episcopalis ordinis decus;*’ and lastly of Gregory XVI, who, proclaiming him a saint in the bull of canonization, says: ‘*Illud imprimis notatu dignum est, quod licet copiosissime scripserit, ejusdem tamen opera inoffenso pede percurri a fidelibus posse post diligens institutum examen fuerit.*’”

“And finally, on the 18th of May, 1803, Pope Pius VII., confirmed the decree of the Sacred Congregation of Rites, which declared that all the writings of St. Alphonso, whether printed or inedited, had been most rigorously examined, according to the discipline of the Apostolic See, and that *not one word had been found ‘censura dignum,’ and made known that the moral*

system of St. Alphonso had been more than twenty times rigorously discussed with the rules of the decree of Pope Urban VIII., and the documents of Benedict XIV., that in all these examinations undertaken with a view to the canonization of St. Alphonsus, and in the definitive judgment of the Sacred Congregation, all agreed 'voce concordi, unanimi consensu, una vace, unanimiter.'”

Thus the moral theology of Liguori has received in the most marked manner the imprimatur of Rome. That Church, by her authorities, has proclaimed with “one consent,” that his works are worthy of highest praise, and that they contain **NOT ONE WORD WORTHY OF CENSURE!**

Hear it, Roman Catholic fellow sinners and Protestant Brethren, the principles of Liguori are the principles of Rome!!! With them she will stand or fall; for they bear all the weight of Papal authority. In the series of tracts, of which this is the first, we will shew (if the Lord permit), **THROUGH LIGUORI**, that Rome prohibits the free use of the Bible, authorizes dissimulation, equivocation, perjury, intolerance; and that the Confessional is of necessity the source of the most fearful immorality. **THIS IS POKERY IN THE 19TH CENTURY!!!** We proceed in the first place to the prohibition of Scripture.

ROME PROHIBITS THE FREE USE OF THE BIBLE, PROVED BY EXTRACTS FROM LIGUORI.

Appendix III. to the first Book, contains a dissertation on the just prohibition of certain books, amongst which we find **THE BOOK OF GOD—THE BIBLE.!!!**

The following are his general observations on the prohibition of those books which are considered injurious to the Papal cause:

NUPER in duas offendi epistolas **LATELY** I have met two epistles
calamo exaratas, in quibus sa- written with a pen, in which

luberrima ac pernecessaria Ecclesiæ disciplina circa librorum prohibitionem perperam impetitur, et temere asseritur, licitum esse, Ecclesiæ lege non obstante, modo evidens non appareat periculum subversionis, libros quoscumque perlegere. Epistolarum auctores his duobus falsis fulciuntur rationibus : prima, quia lex prohibitionis librorum non procul ab hisce temporibus invecta est in Ecclesiam, sed prisca disciplina non comprobatur. Secunda, quia Ecclesia in hac re nec canonicè procedit, nec recto juris ordine servato, et ideo hujusmodi lex obligare nequit. Miratus sum quidem, novas hasce opiniones tam perfricta fronte ab auctoribus epistolarum obtrudi, cum satis compertum sit, disciplinam, qua pravorum librorum lectionem Ecclesia prohibet, a primis usque seculis semper et constantissime viguisse: tum etiam Ecclesiam catholicam in hujusmodi librorum proscriptione accurato semper examine, rectoque ordine processisse, et nunc quoque procedere. Hinc aggressus sum rem hanc funditus ad trutinam revocare; præsertim, cum experimento constet, ex præfatis pravis opinionibus auctoritem Ecclesiæ non minimum labefactari, et fidelium mentes ab obsequio Ecclesiæ definitionibus debito valde retrahi; ex quo deinde in alios errores contra fidem et mores misere et de facili incidunt, cum immensa animarum strage. Ac proinde operæ pre-

the most wholesome and necessary discipline of the Church, as to the prohibition of Books, is unadvisedly attacked, and *in which* it is rashly asserted, that it is lawful to read any Books whatsoever, provided that the danger of subversion may not appear evident, the law of the Church not opposing it. The authors of the Epistles maintain *their opinions* with these two false reasons; first, because the law which relates to the prohibition of books was lately introduced into the Church, but by the ancient discipline it is not approved; second, because the Church in this matter, hath neither proceeded canonically, nor with a due regard to the order of justice, and therefore that such a law cannot bind. I wondered indeed that these new opinions were obtruded with such a shameless face, by the authors of the Epistles, since it has been sufficiently proved, that the discipline by which the Church prohibits the reading of bad books, flourished always and constantly, even from the very first ages, then, also that the Catholic Church hath always proceeded and doth proceed, in the proscription of such books with due order and careful examination. Hence I have undertaken to submit this matter from the very foundation to an accurate examination, especially since by experience it is agreed, that the authority of the Church hath been weakened in no small

tium duxi in publicam lucem hanc dissertationem edere, in qua primum ostendam necessitatem prohibendi libros omnes, qui errores in legentes ingerere possunt; deinde hanc Ecclesiæ legem vetandi libros ab ejus incunabilis usque nunc continuato semper usu firmatam fuisse; tertio demonstrabimus, quam prudenter et ordinate in hujusmodi prohibitione semper Ecclesia processerit, et procedat. Tandem quorundam confutabimus inanes objectiones hæreticorum, a quibus postmodum catholici aliqui minus caute effata quædam sunt mutuati, quæ deinde impudenter in vulgus maxima eum fidelium pernicie proderunt.

degree, in consequence of the aforesaid wicked opinions, and that the minds of the faithful have been very much withdrawn from due obedience to the definitions of the Church from which it happens that they miserably and easily fall into other errors, contrary to faith and manners, with a great destruction of souls, and therefore I have esteemed it worth while to bring forth this dissertation into the light of day, in which, first, I will show the necessity of prohibiting all books, which are calculated to lead into error; secondly, that this law of the Church of forbidding books, was established by a continual use from its very infancy. In the third place, we will demonstrate how prudently and orderly the Church hath always proceeded and does proceed in the prohibition of such books. Lastly, we will refute foolish objections of some Heretics, from whom some Catholics, with little caution, have afterwards borrowed certain things, which they have at length impudently handed down to the common people, with a very great destruction of the faithful."

Liguori now attempts to prove his several propositions, and the following extract will shew the various methods which were and are adopted for the prohibition of books, amongst which, as will be seen bye and bye, is **THE BIBLE!**

In the 14th Chapter he answers objections against the

prohibition of books, and speaking of the care by which the censors of books are chosen, he says :

“Ad id firmandum, oportet hic rectum exponere ordinem, quo Ecclesia in prohibitione librorum cautissime se gerit. Primis Ecclesiæ seculis tantum a Pontificibus, vel conciliis, vel episcopis scripta perniciosa proscribendi mos erat; sed ubi hæretici excreverunt, eorumque libri latius diffundebantur, necesse judicatum fuit novis malis novis remediis occurrere. Ideo Ecclesia congregationes prius inquisitorum, et deinde indicis instituit, quibus librorum examen, et facultatem eos prohibendi commisit. Primus omnium, Innocens III. an. 1204. contra Albigenses hæreticos, Tolosanam provinciam infestantes, misit inquisitores, cum potestate in eos procedendi, eorumque libros prohibendi, ac concremandi. Idem confirmarunt postea alii Pontifices pro aliis provinciis. Et idem obtinuit ab Alexandro IV. S. Ludovicus pro Gallia, et a Pio IV. Carolus V. pro Hispania, aliisque suis ditionibus. Philippus II. idem tribunal inquisitionis voluit et in nostro regno Neapolitano constitui; sed Neapolitani, qui semper erga Romanam Ecclesiam summa fuerunt fidelitate affecti, et in fide catholica stabiles, ab eo, tanquam non necessario ac fidelitati suæ quodammodo injurioso, instantibus precibus, magnoque conatu exemptionem impetrarunt.

XVI. “Paulus autem III. anno 1542. in bulla 34. quæ

“To the establishing of this point, it behoveth us here to detail the right order by which the Church cautiously acts in this prohibition of books. In the first ages of the Church, it was customary to prohibit pernicious books only by Pontiffs, Councils, or Bishops; but when Heretics increased, and their books were diffused every where, it was judged necessary to meet new evils with new remedies, therefore, the Church first instituted the congregation of THE INQUISITORS, and then of the index, to whom she has committed the examination of books, and the faculty of prohibiting them. First of all, Innocent III., in the year 1204, sent the INQUISITORS against the Albigensian Heretics, who infested the province of Tolosa, with power *of proceeding against them, of prohibiting and burning their books.* Other Pontiffs afterwards confirmed the same for other provinces, and the same Ludovicus obtained from Alexander IV. for Gaul, and Charles V. from Pius IV. for Spain, and for his other territories. Philip II. wished the same tribunal of the Inquisition to be established in our own kingdom of Naples, but the Neapolitans, who were always affected with the highest fidelity to the Roman Church, and firm in the Catholic (Romish) faith, obtained from him, by urgent prayers and

incipit, Licet ab initio, instituit Romæ congregationem generalis inquisitionis, cui pravos libros prohibendi curam imposuit; licet enim damnatio librorum nunc sit congregationis indicis, quæ postea erecta fuit, attamen etiam nunc prævalet illi congregatio inquisitionis, adeo ut plures libri quorum lectio a congregatione indicis permittebatur, vel damnabatur, postmodum a congregatione inquisitionis damnati sint, vel permissi.

great exertion, exemption from it, as being unnecessary, and in some measure injurious to their fidelity.

“But Paul III., in the year 1542, in bulla 34, which begins ‘Licet ab initio,’ hath instituted at Rome the congregation of a *general inquisition*, to whom he hath given the care of prohibiting bad books; for although the condemnation of books belongs now to the congregation of the index, which was established afterwards, however, even now the congregation of *the Inquisition* prevails over it, so that many books, the reading of which was permitted or condemned by the congregation of the index, afterwards were condemned or permitted by the congregation of the Inquisition.”

The following was the mode adopted by the censors of books :

“Benedictus autem XIV. in bulla Sollicita ac provida, edita anno 1753. die 9. julii (vide in Bullar. tom. 4. n. 19.) statuit canones, vel potius antiquos (jam olim statutos, saltem æquivalenter) renovavit, circa optimum regimen in libris examinandis, et prohibendis. Primum enim in congregatione (juxta præscripta) liber tradendus est uni ex consultoribus, sive qualificatoribus, qui illum expendere debet, censuramque signare, errores adnotando. Deinde idem liber alteri traditur revisori, suppresso primi censoris

“But Benedict XIV., in bull ‘solicita ac provida,’ published in the year 1753, on the 9th day of July (vide Bullars, tom 4, N. 19), enacted canons, or revived ancient ones (long ago enacted, or the same thing), about the best plan in examining and prohibiting books. For first in the congregation, according to the rule, the book is to be delivered to one of the counsellors, or qualifiers, who ought to examine it, and signify the censure by marking the errors; then the same book is delivered to another reviser, the name of the first censor

nomine, ut alter liberius iudicium suum exponat. Si censor secundus primo assentitur, tunc liber ad singulos consultores mittitur, ut suum quisque suffragium præbeat: sin autem, adhibetur tertius revisor. Postea liber cum censura, et consultorum suffragiis ad cardinales transmittitur, ut hi in congregatione de re definitive pronuntient. Demum acta omnia ad Pontificem referuntur, cujus iudicio res absolvitur. Quandoque etiam Pontifex ob rei gravitatem iudicium coram seipso habendum mandat.

XVII. Quod autem ad congregationem indicis pertinet, sciendum, quod, cum novatores transacto seculo XVI. Occidentem impiis libris repleverint, et eorum damnationes ad fidelium notitiam, maxime propter bella, difficile possent pervenire, opus fuerit ut vetitorum librorum index efformaretur. Hinc Paulus IV. anno 1557, inquisitoribus mandavit, ut hunc indicem conficerent, qui tunc confectus fuit, et anno 1559. jussu ejusdem Pauli divulgatus. At, quia in indice illo melior methodus, aliæque declarationes, ac plurium aliorum librorum et auctorum nomina desiderabantur; hinc Pius IV. patribus synodi Tridentinæ, quæ tunc celebrabatur, commisit novum indicem efformandum. Concilium 18. patres ad hoc selegit, qui opus perfecerunt, detuleruntque; at, quia patres nimium fatigati de reditu erant solliciti, et jam aliqui discesserant, rem ad iudicium Pontificis una

being suppressed, that the other may give his judgment more freely. If the second censor assents to the first, then the book is sent to the examiners individually, that each one may give his vote, but if not, a third reviser is applied to. Afterwards the book, together with the censure and the votes of the examiners, is sent to the cardinals, that they in congregation may pronounce definitively in the matter. Finally, all the proceedings are referred to the Pope, by whose judgment the matter is determined. Sometimes also the Pontiff, on account of the importance of the business, requires the judgment to be pronounced before himself. But, as far as relates to the congregation of the Index, it is to be known, that when the Innovators, at the close of the 16th century, filled the west with their impious books, and the condemnations of these works were with difficulty able to come to the knowledge of the faithful, especially on account of the wars, it was needful that an index of forbidden books should be formed. Hence, Paul IV., in the year 1557, committed to *the Inquisitors*, that they should form this index, which then was finished and published in the year 1559, by order of the same Paul. But because in that index a better method, and other declarations, and the names of many other authors and books were wanting, hence Pius IV. committed the forming of a

cum regulis jam elaboratis absolvendam remiserunt.

XVIII. "Proinde Pius IV. adhibitis pluribus doctissimis prælati, indicem perfecit, ac mandavit, ut ab omnibus fidelibus cum suis regulis ubique observaretur; decrevitque, ut, si quis deinde librum aliquem propter falsi dogmatis suspicionem damnatum legeret, vel haberet, ipso jure in excommunicationem incideret, et in eum tanquam de hæresi suspectum procedendum esset; qui autem libros alia de causa vetitos legeret, præter peccati mortalis reatum, episcoporum arbitrio severe se nosceret puniendum; ita in bulla præfati Pii. IV. Dominici gregis, data 24. martii 1564. Deinde Philippus II. rex Hispaniarum, Neapolis etc. die 15. Febr. 1569. edictum emanavit; edictum Phil. II. extat apud Van Espen. part. i. tit. 22. de Congr. cardin. c. 4. n. 34. et apud Haræum in annal. Belg. ad annum. 1560 quo præcepit, ut index Romanus præfatus, prout a Pontifice fuerit publicatus, ab omnibus suis regnis recipere, et observaretur; ipseque ad omnia concilia regia transmitteretur, ut per provincias more solito publicaretur; quod in regno Neapolitano sine contradictione factum est."

new Index to the Fathers of the Council of Trent, which was then being held. For this purpose the Council chose 18 Fathers, who completed and presented the work, and, because the Fathers, overcome with fatigue, were solicitous about returning, and even now some had departed, they left the matter to be finished according to the judgment of the Pope, together with the rules made. Consequently, Pius IV., (many most learned Prelates being applied to), completed the Index, and commanded that it should be observed by all the faithful everywhere, with his own rules; and decreed that if any one afterwards should read any book condemned on account of the suspicion of false doctrine, or should have it in his possession, he should fall ipso jure into excommunication, and against him as if suspected of heresy, proceedings would be taken; but he who should read books forbidden for any other cause besides the supposed guilt of mortal sin, that he should know that he would be *severely punished* at the pleasure of the Bishop; so in the bull of the above-mentioned Pius IV. 'of the Lord's flock,' given on the 24th March, 1564. Thence Philip II., King of Spain, Naples, &c., on the 15th February, 1564, sent forth an edict. The edict of Philip II. is in Van Espen, part 1, tit 22, de Congr. c. 4, n. 34, at apud Hareem, in Annal Belg., ad annum 1560, in which he com-

mands that the above mentioned Roman Index, even as it was published by the Pontiff, should be received and observed by all his own kingdoms, and that he would transmit it to all the royal councils, that it should be published in the usual manner through the provinces, which was done without any contradiction in the Neapolitan kingdom."

Liguori now proceeds to inform us, that when pernicious books afterwards were published every where, and the congregation of the Inquisition was insufficient to check the growing evil, Pius V. instituted a new congregation at Rome, called the congregation of the Index, who should apply themselves entirely ("unice,") to the expurgation of books which are not approved. Gregory XIII., Sextus V., and Clemens VIII., confirm this. Clemens commanded it again to be published throughout the whole world, adding another excommunication against those who should read the works of Heretics, even though they contained nothing objectionable, unless they were before approved. Here now appears the Hostility of Rome to the Bible. **THE BIBLE IN THE VULGAR TONGUE, AND IN ITS FREE USE, IS AMONGST THE FORBIDDEN BOOKS !!!**

Speaking of the books which are forbidden, Heretical books, &c., &c., he mentions the Bible.

"SCRIPTURÆ et libri controversiarum in lingua vernacula non permittantur, sine autem permissione legi non possunt."

"THE SCRIPTURES AND BOOKS OF CONTROVERSIES MAY NOT BE PERMITTED IN THE VERNACULAR TONGUE: AS ALSO THEY CAN NOT BE READ WITHOUT PERMISSION."

The Index, Liguori informs us, gives rules for the visitation of Booksellers' shops, and printing offices. An impression of the Scriptures cannot be given, unless with the permission of superiors. He proceeds :

“Demum declaratur, quod legentes vel habentes librum propter falsi dogmatis suspicionem damnatum, ipso facto incurrant excommunicationem, qui autem alia de causa damnatum legerit vel habuerit, præter peccati mortalis reatum, erit severe ab episcopo puniendus.”

“Finally, it is declared that they who read, or have in their possession, any book condemned on account of the suspicion of false doctrine, incur ipso facto excommunication; but he who may have read or had a book condemned for any other cause besides the suspicion of mortal sin, must be **SEVERELY PUNISHED BY THE BISHOP.**”

Liguori, in his attempt to prove the lawfulness of forbidding books, cites the example of the Romish Church in forbidding the Bible. He says :

“IN concilio Toletano 1229. vetitum fuit ne laici cujuscumque generis et status penes se haberent, durante hæresi, quemcumque librum sacrae Scripturae, exceptis Psalterio, et Breviario. Concil. Toletan. statut. 13. apud Harduin. t. 7. Collect. col. 178. Et quoniam hæreticorum est sacras Scripturas in vernaculam linguam vertere, ut illas modo suo interpretantes erronee postmodum tradant suis addiscendas, ideo synodus Biterrensis, anno 1245 (c. 36.) interdixit omnes Scripturae libros vulgarem in linguam traductos. Idem statuerunt concilia Hierosolymitanum, Mechliniense, Camera-cense, et alia plura, quæ observari possunt in libro edito Parisiis anno 1661. ex præcepto

“In the Council of (Toletano) 1229, it was *forbidden* that the laity, of whatsoever degree or state, should have in their possession, Heresy continuing, *any book whatsoever of the Sacred Scriptures*, the Psalter and the Breviary being excepted. Concil Tolitan, statut 13, Harduin, t. 7, Collect Cal. 178. And since it is the custom of Heretics to translate the sacred Scriptures into the vernacular tongue, that they interpreting them erroneously in their own manner may deliver them to their own disciples afterwards to be learned; therefore the synod of Bitterrensis, in the year 1245 (3. 36), *hath forbidden* all the books of Scripture to be translated into the vulgar tongue.

cleri Gallicani sub titulo: *Collectio auctorum, qui ex professo sacræ Scripturæ in vulgarem linguam translationes damnarunt. De hac re adest etiam quarta regula indicis. Insuper Papa Clemens XI. proscripsit propositionem 79. Quesnellii, quæ dicebat: Utile ac necessarium est omni tempore, omni loco, et omni personarum generi studere, et cognoscere spiritum, et pietatem, et mysteria sacræ Scripturæ.*

The same have the Councils of Jerusalem, Mechlin, Cameracensis, and many others decreed, which can be seen in the book edited in Paris in the year 1661, according to the command of the Gallican Clergy, under the title, 'The collection of authors who professedly condemn the translation of Scripture into the vulgar tongue. CONCERNING THIS MATTER THE FOURTH RULE OF THE INDEX ALSO APPLIES—Moreover Pope Clement XI. hath CONDEMNED the 79 proposition of Quesnel, which said:—'It is useful and necessary in every time, in every place, and for every degree of persons, to study and to know the spirit, and piety, and mysteries of the Sacred Scriptures.'

Here allusion is made again to the 4th rule of the Index of prohibited books, for which, as we have seen, Liguori so zealously argues, and the authority of which he establishes.

I will now therefore give the 4th rule of the index, by which it will be seen, that no Romanist can properly have a copy of the Bible, without the permission of his superior.

The Blessed Jesus says, "Search the Scriptures." Rome says, not without my permission, and that permission I will not give, unless I consider that there is no danger of you being converted to Heresy.

RULE OF THE INDEX.

"Since it is manifest, by experience, that if the Holy Bibles are allowed everywhere, without difference, *in the vulgar tongue*, MORE HARM THAN GOOD would arise from it, on account of the rashness of men. Let THE JUDGMENT OF THE BISHOP OF IN-

QUISITOR be abided by in this matter, so that with the advice of the parish Priest or Confessor, they may GRANT the reading of the Bible in the vulgar tongue, translated by Catholic authors, to those whom *they* shall have ascertained to be likely to derive no harm, but rather an increase of faith and piety from this sort of reading, WHICH PERMISSION THEY MUST HAVE IN WRITING. BUT IF ANY ONE SHALL PRESUME TO READ OR POSSESS THEM WITHOUT SUCH PERMISSION, HE MAY NOT RECEIVE ABSOLUTION OF HIS SINS UNLESS HE FIRST DELIVER UP THE BIBLES TO THE ORDINARY."

Here then Rome makes man the Judge of his fellow. No Roman Catholic can obtain a copy of the Scriptures, without the permission of the superior.

Let us now consider the awful consequences of violating the Index. We have already seen, that the delinquent falls beneath the ban of excommunication, and the displeasure of the Church. Liguori, speaking on this subject, says :

"Incurrunt autem excommunicationem non solum legentes libros hæreticorum prohibitos ut supra, sed etiam qui illos retinent. Quapropter qui eos habet, tenetur quamprimum juxta præceptum Pii. IV., tradere vel inquisitoribus, vel episcopis. Et loquendo de regnis ubi viget inquisitio, dicit P. Suarez cum aliis (Barb. dicast. apud Croix lib. 7. n. 355.) incurrere censuram etiam qui librum non tradit, quamvis comburat."

"But they incur excommunication who not only read the books of Heretics prohibited as above, *but even they who keep them in their possession.* On which account he who has them is bound, as soon as he can, according to the precept of Pius IV., to deliver them either to *the Inquisitors* or the Bishops. And in speaking concerning kingdoms *where the Inquisition flourishes*, P. Suarez, with others, says, (Barb. dicast. Apud Croix, lit 7, n. 355), *that he incurs censure who does not deliver up the book, although he burns it.*

He states that others think that the man may be excused, provided *he has BURNED THE BOOK!* This then is the penalty of violating the Index. If, for example, some one hungering and thirsting after righteousness,

should obtain a copy of the Bible, and read it without the permission of the Church, or when that permission is denied, if he should read the words of everlasting life, which Jesus hath written in the Scriptures, and in which he speaks to his people ; if he should become such a character as that described in the first Psalm, "a man that meditateth in the law of God," then he sins against the Church ; he falls beneath her ban ; the Inquisition, where it flourishes, comes in, searches his house, has him apprehended on the suspicion of heresies, for reading the Bible ; he is put to the rack, and at length that man who "searched the Scriptures daily," is led as a Martyr to the stake. Rome ! many such deeds hast thou perpetrated. In Spain the Reformation was extinguished by the Inquisition. Throughout our own beloved land did the fires of martyrdom burn. But perhaps some one will say that Romish bibles are sold in the Roman Catholic shops in this very town. True ; but this is only to cast dust into the eyes of a Protestant people. In England, Rome wears a mask, she has an object to accomplish. But let her councils and standard works tell of her real principles.

Are Bibles, even Romish versions, sold generally in the public shops in Spain, Portugal, and Italy ? It is well known that they are not ; but in England, they are sold simply for the purpose, as we have said, to cast a mantle round the deformities of Rome. That it is the custom of Popery to adapt itself to the circumstances of various countries, is evident from the following passages which will serve as a specimen of the many we might quote.

"In Germania audire conciones hæreticorum, deducere funus, assistere baptismo pro

"In Germany, to hear the sermons of Heretics, to attend at funerals, to assist at baptism

patrino, non habentur signa professiva fidei vel communionis cum hæreticorum sacris Filius Azor. Sanch. ii. cc. unde, seclusis aliis, v. qr. scandalo, periculo, prohibitione etc., si ex justa causa fiant licent. (At in Synodo Neapolitana expresse prohibetur assistere concionibus, catechismis, et quibuscumque litibus hæreticorum ex quocumque prætextu, estque casus reservatus cum excommunicatione ipso facto cæterum salm, tract, 21. cap 2 n. 522. tenet licere, modo absit scandalum, periculum perversionis et communicatio impietatis ”

as a sponsor, are not esteemed distinct signs of the faith, or communion with the sacred things of Heretics. . . . Hence other things being secluded, to wit, offence, danger, prohibition, &c., they may be done if for a just cause. (But in the Neapolitan Synod it is expressly forbidden to assist at the sermons, catechizings, and all other supplications of Heretics, on any pretext whatsoever. There is indeed a reserved case with excommunication ipso facto, but Salm tract 21, cap. 2, n. 522, holds that it is lawful, provided that scandal, the danger of perversion, and the communication of impiety, are wanting.

The fact that the Bible is sold in Protestant countries by Popish booksellers, is explained by Romish Doctors themselves. Dr. Dens, having given the fourth Rule of the Index, and stated that it is strictly binding in Romish countries, says :—“ Yea, rather according to Steyaeret, the law (4th rule of Index) was received and hitherto observed (with some variety, according to the peculiar genius of nations,) in by far the greatest portion of the Catholic world, nay, in the whole of that part of the world which is completely Catholic : *it was more dispensed with ONLY where Catholics lived among Heretics.*—Vol ii. p. 103.

This statement accounts for the fact, that Bibles are sold in Nottingham and other places where it is the object of Popery to effect *a purpose!* In Romish countries, however, Popes have opposed the circulation of the Bible, urging the observance of the 4th Rule, even within the last few years. Pius VII., in the year 1816,

and again in 1820; Leo XII., in the year 1824, and the same Pope again in 1825; Pius VIII., in 1829, and the present Pope Gregory XVI., so late as May 25th, 1843. enjoin the strict observance of the 4th Rule of the Index, which, as has been shown, robs man of his birth-right—the BIBLE!!

In Protestant countries, however, as the above passage from Dens testifies, this is relaxed to throw dust into the eyes of the Protestants.

From these passages we may observe that Rome adapts herself to the peculiar circumstances of each country, to accomplish her purposes. While in Protestant Germany it is lawful (according to Liguori), for a Romanist to be present at the sermons, &c., of heretics, it is absolutely forbidden in the Neapolitan kingdom. Many other instances might be pointed out; these, however, will serve as an example.

Thus, the Bible in Protestant England is sold in Romish shops to disguise the principles and spirit of Rome.

The principles of Popery are seen in her councils and standard works. Liguori is a canonized Saint. On the 2nd of August the following prayer is addressed to him:—“ Oh God, who by the blessed Alphonsus, thy Confessor and Pontiff, inflamed with the love of souls, hast enriched thy Church with a new offspring, we *implore that, taught BY HIS ADMONITIONS, and strengthened by his example,* we may be able to come to thee through the Lord.”—*Roman Missal Mechlin, p. 402.*

Here Romanists “**IMPLORE**” God, that taught by the admonitions of Liguori, they may finally reach the shores of heaven; the Church of Rome has declared that his works contain **NOT ONE WORD WORTHY OF CENSURE!** and yet in them he urges strenuously the

suppression of the free use and circulation of that word “which is a lamp unto our feet,”—which speaks to all classes and conditions of mankind,—to the king in his palace,—the poor man in his lowly cot—the learned and the unlearned,—the wise and the simple,—masters and servants,—parents and children. To *all* God speaks in the Bible. Here the rich may find heavenly treasures, “which neither moth or dust doth corrupt,”—Here the poor may find “the pearl of great price,”—Here the wise will learn “to count all things but loss for the excellency of the knowledge of Jesus Christ our Lord,”—and the simple and ignorant may be “made wise unto salvation through faith which is in Christ Jesus.” The Bible is adapted to all, intended for all, and to all addressed. The Bible, next to the inestimable gift of God’s own Son, is Heaven’s best boon; it is emphatically called “*the Bible*,” the best book; yet Rome prohibits it. The Inquisition has torn it from many “a waiting soul.” Roman Catholics, “search the Scriptures,” and Protestants, be not robbed by any “cunning device,” of the charter of your spiritual rights, in which your title is written to an “inheritance incorruptible, undefiled, and that fadeth not away.”

The next Tract will contain the sentiments of Liguori
on “DISSIMULATION,” &c.

LIGUORI TEACHES THE LAWFULNESS OF DISSEMBLING OR CONCEALING THE FAITH!

IN book the second, treatise the first, Liguori having considered what mysteries of the faith are necessary to be believed, as also, when the obligation of the faith is binding, in which he maintains much that is objectionable; in chap. the third, treats upon the subject of denying and dissembling religion, he distinguishes between the absolute denial of the faith, and the dissimulation thereof, while the former is unlawful, *the latter is LAWFUL*, as will be seen in the following extracts :

In answer to the question whether it may be lawful to deny the faith or to profess a false one, he says:—

“ RESP. Nullo casu licet, sive voce, sive alio signo fiat, dicente Christo: *Qui negaverit me coram hominibus, etc.* Interim vero, etsi licitum non est mentiri, seu simulare quod non est, licet tamen dissimulare quod est, sive tegere veritatem verbis, aliisve signis ambiguis et indifferentibus, ob justam causam, et cum non est necessitas fatendi. Est comm. S. Thom. Kon. dis. 15. dub. 2. n. 9. Laym. l. 2. t. i. c. 11.”

“ In no case is it lawful, whether it be done by voice or any other sign, Christ having said, ‘He who hath denied me before men,’ &c. Notwithstanding, indeed, although it is not lawful to lie, or to feign what is not, **HOWEVER IT IS LAWFUL TO DISSEMBLE WHAT IS, OR TO COVER THE TURTH WITH WORDS, OR OTHER AMBIGUOUS and DOUBTFUL signs, for a just cause, and when there is not a necessity of confessing.**”

This is Liguori’s proposition, nothing can be clearer or more distinct.—He says, that *it is lawful to dissemble religion* for a good cause! therefore, Dissimulation in religion is established as a Romish doctrine: it is a matter of fact that the canonized Liguori and Aquinas teach it.

Such is the proposition from which certain corollaries are deduced.—Two general cases are considered :

First, the Romanist *asked* concerning his religion.

Secondly, the Romanist *not asked* concerning his religion.

May the Romanist, interrogated even by public authority, conceal his faith—cover the truth—tergiversate and answer obscurely ; is he bound according to the *approved* Theology of Liguori, (*approved in the year 1839*), when asked concerning his faith, with “the mouth to make confession unto salvation ?” Let Liguori himself answer the enquiry.

“ Qui rogatus seu privata, seu publica auctoritate ; vel tacet, vel respondet obscure, vel ait, se nolle respondere ; se jure non rogari, non teneri se, nec velle aliis dicere quid ipse credat, ac simili modo tergiversatur, non videtur negare fidem, sed nolle prode. Unde, si sic possit molesta inquisitione liberari, licet, ut habet Kon. l. c. Generatim enim verum non est, quod interrogatus ab auctoritate publica teneatur positive fidem profiteri, nisi quando id necessarium est, ne presentibus videatur fidem negasse. Kon. d. 15. dub. 2. Navarr. Azor. Sanch. Bec. c. 9. quæst. 4. (Hac de re vide propos. 8. inter damnatas ab Innocent XI.)”

“ He who, being *asked* either by private or public authority, is silent, or answers *obscurely*, or says that he does not wish to answer—that he is not justly interrogated—that he is not bound, nor does he wish to speak to others what he himself *may* believe, and in like manner, *tergiversates* does not appear to deny the faith, but is unwilling to betray it. Whence, if thus he may be able to deliver himself from a troublesome investigation, IT IS LAWFUL, (as Kon. has it, l. c.) *for generally it is not true that he who IS INTERROGATED by public authority is positively bound to profess the faith, unless when that is necessary, lest he may appear to those present to deny the faith.*”

Having considered the lawfulness of flying to escape persecution, &c., &c., he says :

“ Si princeps generali lege mandet fidelibus, ut se prodant, gestato signo, vel sistendo se,

“ If a Prince commands the faithful by a general law, that they should betray themselves

vel aliter, non tenentur, cum nemo teneatur verum dicere, nisi specialiter rogatus. Excipe, nisi eæ sint circumstantiæ, ut hoc ipso, quod se non prodant, videantur fidem negasse, ut v. gr. si quidam antea noti essent et tunc ex hoc putarentur defecisse. Sanchez, n. 19. Bec. Reg. Fill. n. 88. etc.”

by bearing a sign, or by avowing themselves, or otherwise, *they are not bound*, since no one is bound to speak the truth unless specially interrogated, except there may be these circumstances, for example, this one—that they who did not avow themselves may appear to deny the faith, viz. if some were *previously known*, and thence, on this account, were thought to have fallen away.”

Liguori considers the case of a Romanist not asked concerning his faith. As we have seen, even when asked by public authority, the member of the Church of Rome may dissemble; the same “a fortiori” is true of the Romanist not asked concerning his creed :

“Cum non rogaris de fide, non solum licet, sed sæpe melius est ad Dei honorem, et utilitatem proximi, tegere fidem quam fateri : ut si latens inter hæreticos plus boni facias ; vel si ex confessione plus mali sequeretur, verbi gratia, turbatio, neces, exacerbatio tyranni, periculum defectionis, si torquereris. Unde temerarium plerumque est offerre se ultro. S. Th. Sanch. Laym. c. 11. n. 2.”

“When you are not asked concerning the faith, not only is it lawful but *often more conducive to the glory of God and the utility of your neighbour to cover the faith* than to confess it ; for example, IF CONCEALED AMONG HERETICS *you may accomplish a greater amount of good,—or, if from the confession of the faith more of evil would follow—for example, great trouble, death, the hostility of a tyrant, the peril of defection, if you should be tortured : whence it is often rash to offer one’s self willingly.*”

Such are the accommodating principles of the Church of Rome, as to dissimulation—accommodating to the Romanist, and useful for the midnight purposes of a Church, whose mark is “*the deceivableness of unrighteousness,*” but dangerous, I maintain, to the peace of

society—destructive to the well being of a nation, and demoralizing and soul destroying in their tendency. But the Casuist (Liguori) enters very minutely into particulars. He teaches that the badges, garments, &c., &c., of Infidels, Jews, Turks, &c., may be worn, if they are merely political distinctions, “to dissemble the faith,” nay, a Romanist may even *eat meat on fast days, a sin of great heinousness on ordinary occasions, but no sin at all, when it answers the purpose of dissimulation!*

“Licitus item modus est, cum catholicus transit per loca hæretica, et periculum grave ei imminet vitæ, v. gr. vel bonorum (non tamen, si derisio tantum, vel vexatio, ut habet Bec. c. 9.), ad dissimulandam fidem, vesci carnibus die prohibito, quia præceptum Ecclesiæ non obligat sub tali periculo.”

“It is a lawful custom when a Catholic (Romanist) passes through an heretical country, and is in great danger of losing his life or goods, (not however if he only suffers derision or annoyance, *as Bec. maintains, c. 9), for the purpose of DISSEMBLING the faith, to eat flesh meat ON FAST DAYS, because the command of the church is not binding under such peril.*”

The Protean system of Popery adapts itself (as was shown in the last number,) to every country.

“In Germania audire conciones hæreticorum, deducere funus, assistere baptismo pro patrino, non habentur signa professiva fidei, vel communionis cum hæreticorum sacris. Filliuc. Azor. Sanch. ll. cc. Unde, seclusis aliis, v. gr. scandalo, periculo, prohibitione etc. si ex justa causa fiant, licent.”

“In Germany, to hear the sermons of heretics—to attend at a funeral—to act as a sponsor for a child in baptism—are not esteemed professing signs of the faith or of communion with the religious offices of heretics. Filliuc. Azor. Sanch. ll. cc. Whence other things apart, viz. scandal, peril, prohibition, &c. if they may be done for a good cause, THEY ARE LAWFUL.”

These however, we are informed, are absolutely forbidden in the Neapolitan kingdom. A Romanist in Germany is permitted to act as sponsor, in the expectation that he will rear the Protestant Child in the Romish

creed. Such are the principles defended by the approved Liguori. Dens, whose works form the conference book of the Romish Clergy in the Diocese of Leinster, while in some points his sentiments are not quite so bad (though bad enough,) as those of Liguori, in reply to the question, "Whether any one asked if he be a Priest, a Religious, or a Bishop, is bound to confess the truth?" says:

"The common answer against Pauwel's is negative, (that is, he is not bound to confess) and therefore, by being silent, he is not considered to conceal any thing essential to the faith. Besides, he who would deny, for example, that he is a Priest, when he may be such, *only* would tell an *officious* lie. Another would be, if he would deny that he was a Papist in those places, (viz. in Holland) where in common use by Papist they mean a Roman Catholic."

A Bishop, a Religious, or a Priest, if interrogated as to his profession, may deny that he is a Bishop, a Religious, or a Priest; and in Holland, a Romanist, if asked, may deny that he is a Papist.

In some of the future numbers of this series, when the subjects of equivocation, double speaking, false swearing, &c., come under consideration, much information will be given, which may tend more fully to elucidate the subject now in hand. It is lawful, according to Romish principles, to equivocate, dissemble, and falseswear, *if the interests of the Church will be advanced thereby.*

I would now briefly sum up the various points which I have proved.

- I. It is lawful to *dissemble* the faith.
- II. Even when interrogated by public or private authority, the Romanist is *not* bound to profess his faith!
- III. He may answer *obscurely*!
- IV. He may use *tergiversation*!
- V. He may *eat flesh meat on fast days*, to accomplish the purposes of dissimulation!
- VI. He may listen to the sermons of Heretics!

VII. He may attend the funerals of Heretics, and stand as sponsor for their children, intending to imbue their minds, if possible, with Romish Sentiments !

VIII. A Bishop may *deny* that he is a Bishop !

IX. A Priest may *deny* that he is a Priest !

X. A Religious may *deny* that he is a Religious !

XI. A Roman Catholic, when asked if he is a Papist, may dissemble, by answering in the negative !

XII. He may use ambiguous words—ambiguous signs and badges—to dissemble his creed ; but none of these courses should he adopt, “if he may *appear* to those present to deny the faith.”

This condition gives us a further view of the designs of the Papacy. Why is it necessary to abstain from “the appearance of denying the faith”?

Liguori and Dens will answer the question. The former, when speaking of a Romanist dissembling his religion, makes an exception “if he appears to deny the faith.” “*ut v. gr. si quidam antea noti essent et tunc ex hoc putarentur defecisse.*”

“For example, if some were *previously known, and then on this account* would be thought to have fallen away.”

If the religious principles of a Romanist were known before the inquiry was made, he is bound at once to acknowledge and confess his faith, lest otherwise he should be considered as an apostate, which would injure the Reputation of the Church, to whose interests all other interests must give way. Dens states that confession of the faith should be made

“When by the omission of confession due honour would not be rendered to God ; *that is to say*, if any one interrogated concerning the faith would be silent, and on this account it would be believed either that he had not faith, or that *the faith was not true.*”

“When by the omission of confession, the neighbour would suffer loss, as if in the case preceding, some from his silence *would be turned away from the faith.*” Tome ii. n. 43.

Here we find the almost obvious reason for which the *appearance* of dissimulation must be avoided, even the interest of the faith or the Church, which would suffer materially, as in the above cited cases, by *apparent* dissimulation,—dissimulation well-disguised is lawful, nay, according to Liguori, often more conducive to the glory of God and the well being of the public. He considers it highly commendable for a Romanist to lie hid among Heretics, if he can thereby advance the interests of the Church more effectually.

In a letter which appeared in the Nottingham Journal, I supposed the following case, which I now quote as it was given in that paper. “According to these principles the following case may often occur:—A devout Romanist seeks for the office of Tutor or Governess; he or she dissembles his or her principles, even if *interrogated*, provided that the dissimulation is not so flimsy as to be seen through. That Romanist covertly disseminates unsound principles amongst the members of the family, and some of the children, in consequence, leave their father’s house, and wound his feelings, by joining a Church against which he conscientiously protests. The Father too late finds out the source of his calamities, and too late mourns over the bitter and the awful consequences of ROMISH DISSIMULATION !”

The Church of Rome is truly an equivocating, dissembling, tergiversating, and Protean system,—ever the same in principle, unchanged and unchangeable, it yet adapts itself to circumstances, that it may the more readily accomplish its designs. To dissemble religion, lie hid amongst Heretics, and cover the truth with ambiguities,

is quite lawful, nay laudable, when such means are likely to serve the Church. Hence Jesuitry in disguise : but if the circumstances of Rome are such as to call for even the greatest sacrifices, those sacrifices must be rendered—the votary, under other circumstances concealing his faith, dissembling and tergiversating, must openly, when the good of the Church demands it, endure any and every ill. Oh how different is the genius of true Christianity, whose crystal streams flow from the sacred fountains of divine truth. Christianity, the religion of Jesus, under no circumstances justifies dissimulation or dishonesty. Being “the truth,” it would establish its saving and sanctifying influence by truthful means ; *lying lips are an abomination to the Lord, but they that deal truly are his delight.*” The woe is written, “that whosoever loveth and maketh a lie, shall have his part in the lake that burns with brimstone and fire.” To dissemble the faith—to lie hid amongst those who hold opposite religious sentiments, to conceal religion under ambiguous words and badges,—is, notwithstanding the assertion of Rome, to deny Christ. Oh how emphatic is the language of our Saviour, “Fear not them which kill the body but are not able to kill the soul, but rather fear him which is able to destroy both soul and body in hell. Are not two sparrows sold for a farthing, and one of them shall not fall to the ground without your Father. But the very hairs of your head are all numbered. Fear ye not, therefore, ye are of more value than many sparrows. *Whosoever therefore shall confess me before men, him will I confess before my Father which is in Heaven ; but whosoever shall deny me before men, him will I also deny before my Father which is in Heaven.*”

It is the Christian's duty to confess Christ, even though “bonds and imprisonments” awaited him, for with “the

heart man believeth unto righteousness, but with the mouth confession is made unto salvation." This truth "the noble army of martyrs" felt and acted upon.

Satan is called "the Father of lies," Rome, "the mother of harlots and abominations of the earth," whose mark is "*the deceivableness of unrighteousness*," teaches the lawfulness of dissembling and lying, in one of the most sacred duties—even the confession of Christ. Surely such a system is not only soul destroying, but even injurious to social well being, and necessarily calculated to undermine, by the most unhallowed means, the civil and religious liberty—the prosperity of this great Protestant country.

In the next place, we will consider the principle which Liguori establishes, of doing evil that good may come.

IT IS LAWFUL TO DO EVIL THAT GOOD MAY COME, PROVED TO BE ONE OF THE PRINCIPLES OF THE CHURCH OF ROME.

Having treated on the nature of Heresy, Judaism, the love of God, &c., &c., he considers the duty of charity ; in page 419, he says :

"Utrum liceat suadere, aut permittere minus malum ad majus evitandum. *Prima sententia* negat, prout tenet Laym. de Car. c. 12. n. 7. cum Azor et aliis. Ratio, quia comparativum non tollit positivum ; unde qui suadet minus malum, vere malum suadet. Limitat vero Laym. cum Azor. nisi malum illud sit virtualiter inclusum in illo alio majori. Sic parato aliquem occidere potes suadere, ut manum tantum amputet ; eidem tamen, non alteri designato ; sic etiam volenti adulterari potes suadere forni-

"Whether it may be lawful to induce or to permit a lesser evil for the avoiding of a greater one. The first opinion denies that it is, according as Laym. holds, de car. c. 12. n. 7. with Azor. and others. The reason of which opinion is because a comparative does not take away the positive evil ; whence he who induces one to commit a smaller sin, truly induces him to commit a sin. *But* Laym. with Azor limits it unless that evil is virtually included in that other greater evil. *Thus you may be able to*

cationem cum soluta in generali, non autem in particulari. Admittunt hoc Salm. loc. cit. dummodo ille decreverit utrumque malum patrare, cum Nav. etc. At Laym. indistincte loquitur, et Sanch. cum secunda sententia, ut mox dicetur, hanc limitationem expresse rejicit: quia (dicit) tunc minus malum proponitur, non ut alter illud perpetret, sed ut a majori retrahatur.

“*Secunda* igitur sententia probabilior tenet, licitum esse minus malum suadere, si alter jam determinatus fuerit ad majus exequendum. Ratio, quia tunc suadens non quærit malum, sed bonum, scilicet electionem minoris mali. Ita Sanch. de Matrim. lib. 7. d. XI. n. 15. cum Sot. Mol. Nav. Medin. Sylvest. et aliis pluribus, ac Salm. tract. 21. c. 8. n. 58. cum Cajet. Sot. Pal. Bonac. etc. probabilem putat Croix lib. 2. n. 223. Hinc docet id. Sanch. n. 19. cum Cajet. Sot. Covar. Valent. parato aliquem occidere, licite posse suaderi, ut ab eo furetur, vel ut fornicetur. Et probat ex S. August. in c. Si quos verius, 33. q. 5. ubi: *Si enim facturum est, quod non licet, jam faciat adulterium, et non faciat homicidium; et vivente uxore sua, alteram ducat, et non humanum sanguinem fundat.* Ex quibus verbis, *jam faciat adulterium*, probat Sanch. dict. n. 15. cum Soto, Mol. Nav. Abb. etc. S. doctorem, non tantum permittendo, sed etiam suadendo locutum fuisse. Et hoc addit Sanch. n. 23. cum Sal. licere non solum privatis,

persuade any one who is determined to commit murder that he should only cut off the hand, however, of the same person, not another chosen person: *thus also*, you may persuade a man wishing to commit adultery to commit fornication with an unmarried person, *in general*, but not with any one in particular. This Salm, in the place cited with Nav. etc. admits, provided that he hath determined to commit either evil. But Laym. speaks indistinctly with the second opinion, (as will hereafter be shown) and Sanches rejects expressly this limitation, because he says then a less evil is proposed to him, not that the other should perpetrate that, but that he should be drawn from a greater.

“*Therefore, the second opinion is the more probable one, THAT IT IS LAWFUL TO INDUCE a man to commit a less evil, if the other has already determined to perpetrate a greater.* The reason is, because he that persuades does not seek an evil but a good, to wit, the choice of a lesser evil: thus Sanch. de matrim lib. 7. de xi. n. 15. with Sot. Mal. Nav. Medin. Sylvest, and many others, and Salm, Tract 21, c. 8. n. 58. with Cajet Sot. Pal. Bonac. etc. croix. lib. 2. n. 223. thinks it probable. Hence Sanches teaches, n. 19, with Cajetan Sot. Covar. Valent, that *it is lawful to PERSUADE a man, determined to slay some one, that he should commit THEFT OR FORNICATION*, and he proves

sed etiam confessariis, parentibus, et aliis, quibus ex officio incumbit, impedire peccata subditorum."

it from St. Augustin, in c. si quos verius, 33. c. 5. ubi. 'For if he is about to do that which is not lawful, in that case he may commit adultery, and he may not commit homicide; and, though his own wife is alive, he may marry another, and he may not shed human blood.' From which words, now he may commit adultery, 'jam faciat adulterium,' *Sanches proves*, with Soto. Mol. Nav. Abb. etc., that the doctor not only was speaking of permitting, but EVEN OF PERSUADING. And this, adds *Sanches*, n. 23. with *Sal.*, that it is lawful not only for private persons, but *even confessors, parents, and others*, upon whom the duty is *officially* incumbent to prevent the sins of those under them."

How truly awful are these sentiments; when I first read them I could scarcely credit my senses, and believe that any man would teach such iniquitous and demoralizing principles,—“A man may do evil that good may come,” this is the antichristian sentiment of the Church of Rome. *Liguori, Sanches, Cajetan, &c., &c.*, hold that it is lawful to induce or persuade (“suadere”) a man to commit a smaller offence, that he may abstain from what is esteemed by Rome a greater; of this, illustrations and examples are given. A certain man is determined to commit adultery, but fornication is a lesser crime; therefore use, says *Liguori*, all the powers that you possess, in leading that man to commit fornication, if thereby you will keep him from committing adultery! Another example is given; a man is determined to commit murder, but adultery is not so great a crime as

murder, — use, say Liguori, Cajetan, Sanches, &c., all the influence you possess, to induce that man to commit adultery, if thereby you will save him from committing murder. It is not only the duty of private persons thus to act, but much more of confessors, parents, &c., upon whom the duty is especially incumbent. If then a man reveals in the secrecy of the confessional his determination to take away the life of his fellow, the Priest must induce him, if possible, to commit adultery or some other crime in lieu thereof. How chaste are the principles of Popery ! How sanctimonious is the tendency of the confessional ! This principle of doing evil that good may come, arises from the fact, that the spirituality and requirements of God's law are not regarded. All transgressions equally and alike merit the curse denounced ; any thing which falls beneath the high standard of the law is sin, the wages of which is death. Even the eating of an apple “ brought death into the world, and all our woe ; ” “ the *thought* of foolishness is sin.” The Christian will abhor, discountenance, and discourage in every way that which is displeasing to his God ; he feels his own guilt—he hates sin—he regards fornication, adultery, and murder, in the same light, as alike displeasing to the Lord ; and the man who is set upon murder he will not induce to commit adultery in lieu thereof,—the man who is set upon adultery he will not lead to the commission of fornication as a lesser evil ; but he will boldly rebuke such ungodliness,—preach the Gospel in its fulness and freeness—that Gospel which is effectual in turning sinners from darkness to light, which can make “ the wilderness and the solitary be glad, and the desert blossom as the rose.”

Let the sinner be ever so determined to commit certain crimes, it is absolutely anti-christian to *induce* him to

commit what is esteemed lesser crimes, that he may not be guilty of the intended greater ones. The power of the preaching of Christ crucified can change the will and most inveterate determination of the greatest and most abandoned profligate, so that he will gladly abandon his wicked ways, and take up his cross to follow Jesus in the way everlasting. Behold the persecuting Saul of Tarsus, he breathes fury against the Saints of the Most High, and receives authority to scatter and slay the flock of Christ's sheepfold. With a murderous intent he goes to Damascus at the head of an armed band; but vain are the determinations of impotent man, when the potent Jesus makes bare his arm. The Persecutor is converted—he becomes a meek and lowly follower of the meek and lowly Saviour; and there is some reason for believing that we of the British Isle are indebted to that very convert for the knowledge of Christ. **THE GOSPEL IS ALL POWERFUL.** *No determination is too firm—no heart too hardened—no nature too wicked to obey its mighty energy and power, when that power is put forth.* God, who commanded the light to shine out of darkness, can cause the light of the Gospel to shine upon the moral chaos of the sinner's heart. God, who by the influence of his Spirit brings all his people to a knowledge of the truth—though once not his people, but “without hope in the world,”—can make the murderer, the adulterer, and the fornicator abandon their iniquitous intents, and “Count all things but loss for the excellency of the knowledge of Christ Jesus;” and the Christian—the follower of the lamb—the inheritor of the mind of Christ—will never seek to turn the sinner *from one abomination by presenting to him another.* He will recognise the Gospel alone, with all its saving power, as the blessed means of renewal. Is it possible that Rome teaches sentiments such as those

quoted from Liguori? *Yes!* she has declared that the works which give them to the world are “*not worthy of censure in one word.*” *Yes!* she has canonized the author; nor was that commendation *hastily* pronounced, for we are assured, by Rome herself, that all the writings of the *Saint* underwent “more than TWENTY TIMES a RIGOROUS EXAMINATION,” before they were *sealed with Papal authority.* My bosom heaves with amazement—I could shed tears of bitterest sorrow, when I reflect on these opinions, and remember that these are the doctrines of a community IN THE NINETEENTH CENTURY! Is there any language too strong with which to denounce—is there any indignation too great with which to feel against such principles? No; for they are soul-destroying—they are demoralizing—they are “earthly, sensual, and devilish.” No wonder that when Popery prevailed, the Church of Rome was the participator in as well as the propagator of vice; but let us pity the Romanist, and pray that he may be led into the way everlasting. Liguori considers various cases in which it is lawful for man to co-operate with his fellow in sin. Here there is some variety of opinion between Liguori, Sanches, Becs, &c. &c., as on other points. The detail of these various sentiments will serve to show the nature of the morality which is taught by Rome through *her authorized teachers and expositors.*

“Resp. 6. Potest aliquando permitti proxima ruina, quando is paratus est ad malum, et alter non intendit, ut peccet, sed tantum, non auferendo occasionem, permittit unum peccatum, ne fiant plura, ita ut permissio sit impeditiva majoris mali.”

“The ruin of a neighbour can sometimes be permitted, when he is prepared for evil and the other does not intend that he should sin, but only, in *not removing the occasion* of sin, he permits one sin, lest more might be committed, so that *the permission* may be the impediment of greater evil.”

Liguori notices the conclusions which follow. Here, however, in the carrying out of the principle, there is some variety of opinion. There is some difference between removing the occasion which already exists, of sin, and *the affording* of an occasion which did not before exist. Liguori, Sanches, and all the Doctors agree in this, that a man is not bound *to remove the occasion* of sin, but to permit its existence, even knowing that the thief, adulterer, &c., &c., will fall therein. But as to the *affording of an occasion* there appears to be some difference of opinion; Sanches seems to think it probable that such is not lawful, for it would be a positive concurrence in the sin; but Liguori and a host of Doctors who are cited, think that *it is lawful to AFFORD an occasion of sin.*

TO MAKE READY THE MEANS OF COMMITTING ROBBERY AND ADULTERY, FOR THE MAN WHO IS PRONE TO THESE CRIMES !!!

The following extracts will shew that this charge is founded in truth :

“ Hero licet non auferre occasionem furandi filiis, aut famulis, cum eos nihilominus ad furandum propensos, et paratos, novit, ut sic deprehensi puniantur, et resipiscant: tunc enim rationabiliter permittit furtum unum, ut evitentur plura. Sanch. Laym. Bon. (Et hæc sententia videtur satis communis cum Sanch. de Matrim. l. 10. d. 12. n. 52. qui citat pro ea Sot. Led. Nav. Sal. etc. Et consentit D. Th. in supp. 3. part. q. 62. art. 3. ad 4. ubi: *Quandoque vir uxorem suspectam de adulterio habens ei insidiatur, ut deprehendere possit eam cum testibus in crimine*

“ It is lawful for a master *not to take away the occasion* of stealing from his children or servants, when, notwithstanding, he knew that they had a propensity and were prepared to commit theft, that, thus taken in the act, they may be punished and come to repentance; for, then, reasonably he permits one theft, that more may be avoided. Sanch. Laym. Bon.) (And this opinion appears sufficiently general, with Sanch. de Matrim, l. 10. d. 12. n. 52. who quotes in its support, Sot. Led. Nav. Sal. and others; and D. Th. agrees with it in supp. 3. part. q. 62. art. 3.

fornicationis; et sic potest ad accusationem procedere. Idem admittit Tourn. t. 3. p. 337. cum Antoine.)

ad 4. where it is said—Whensoever a man, having a wife suspected of adultery, lays a snare for her that he may be able, even with witnesses, to detect her in the act, and thus is able to proceed against her. The same, Tourn. admits, t. 3. p. 337. with Antoine.)”

So far there is no difference of opinion expressed. All the quoted authors agree that it is lawful *not to take away the occasion* of evil, but whether it is lawful positively to make an occasion and place it willingly before the sinner is now the question. Sanches holds it *probable* that it is not, but Liguori, *the approved and the canonized*, **HOLDS THAT IT IS!** We proceed :

“ Probabile est non licere talia ultro ponere, ant iis objicere, quia positive concurreret ad peccatum; et non tam auferret occasionem; quam poneret : Sa, v. Peccatum, et Sanch. qui ex eadem causa docet non licere marito dare uxori ansam adulterandi, vel adultero, ut tentet uxorem.”

“ It is probable that it is not lawful willingly to *place* such things or *to put* them in the way, because that would be positively a concurrence in the sin, and would be not so much the taking away of an occasion as the placing it in the way. Sa. (v. peccatum) and Sanch. who, for the same reason, teaches that it is not lawful for a husband to *give* to his wife *the occasion to commit adultery, or to the adulterer* an opportunity to seduce his wife, for the sake of bringing her virtue to the trial.”

Here Sanches, while he holds that it is lawful *not to remove* the occasion of sin, thinks it *probable* that it is unlawful to afford the occasion, or to place it in the way, the distinction is a fine drawn one—but, as it will be seen Liguori, Laym, &c., &c., hold the *reverse*, and maintain that it is lawful *to afford the occasion*. To proceed :

“ Interim probabiliter contrarium docet Laym. lib. 2. t.

“ Meanwhile, Laym probably teaches the *contrary* opi-

3. cap. 13. quod confirmari potest exemplo Judith, quæ vix aliter videtur fecisse c. 9. Cum enim sciret permissionem libidinis in Holoferne fore impeditivam malorum, posuit ei occasionem, nempe ornatum suum, alioqui licitum, et tamen, communiter censetur in hoc non peccasse. Vide Bonac. d. 2. q. 4. pag 2. Palaum hic."

nion (to Sanches, &c.) lib. 2. t. 3. cap. 13, which can be confirmed by the example of Judith, who scarcely appears to have done otherwise, c. 9. *For when she knew that the permission of lust in Holofernus would be an impediment to evils* PLACED BEFORE HIM THE OCCASION, namely, her own beauty, otherwise lawful, and yet in this she is commonly thought NOT TO HAVE SINNED."

Laym. then holds the opposite opinion to Sanches. The opinion of the former is justified by an example taken from the Apocrypha; with Laym. a host of Doctors accord. Sanches thinks otherwise, but Liguori differs with him, and states his own view as follows:

"Sed hoc non obstante, satis probabilis videtur prima sententia, quia, cum maritus, vel dominus præbet ansam mæchandi, vel furandi, non vere inducit ad peccandum, sed præbet occasionem, et permittit peccatum alterius, ex justa causa, scil. ut se indemnem servet a periculo damni obventuri. Aliud enim est inducere, aliud præbere occasionem. Illud est intrinsice malum, non autem hoc: alioquin nunquam liceret, etiam ex causa justa, petere mutuum ab usurario, juramentum ab infideli etc. quod est contra communem DD. sententiam (quidquid ali-

"But this reason not being valid, the first opinion appears sufficiently probable, because when a husband or master AFFORDS AN OPPORTUNITY* OF COMMITTING ADULTERY OR THEFT, he does not truly induce to sin, but *he affords* an occasion of sin, and permits the sin of another for a just cause, viz. that he may preserve himself from an evil which is about to come. For it is one thing to induce to—*another* thing to AFFORD an occasion of sin. The former is intrinsically evil.—THE LATTER IS NOT INTRINSICALLY EVIL:† for if this

* "The word 'ansam,' which I translate 'opportunity,' has peculiar force. It means, properly, the handle of an instrument, and is used by Cicero in the sense of an occasion or advantage. It means more than a mere opportunity, implying direct co-operation and assistance."

† As I have already shown, Liguori and Romish Doctors teach that it is lawful, in certain cases, to induce a man to commit a sin; for example, if it is thought that a good will be accomplished by the sin. If a man be determined

quis dicat), et contra D. Th. cum S. August 2. 2. q. 78. a. 4. Unde S. Th. ibi hanc regulam dat: *Inducere hominem ad peccandum nullo modo licet: uti tamen peccato alterius ad bonum, licitum est.* Imo S. doctor videtur ibid. etiam opinioni mox allatæ expresse adhærere, exemplo decem virorum, qui dixerunt ad Ismael (Jer. 41.): *Noli occidere nos, quia thesauros ha-*

were not the case, it would never be lawful, even for a just cause, to seek a loan from an usurer, or an oath from an Infidel, which is contrary to the common opinion of divines, (no matter what any one may say) and contrary to the opinion of D. Th. with Saint Augustin. 2.2. q.78. a.4. whence S. Thomas there gives this rule—'To induce a man to commit sin is

to commit murder, a confessor, parent, &c., may induce him to commit adultery instead thereof, because forsooth adultery is a sin not so guilty as murder in the sight of God. Or, if a man be determined to commit adultery, it is lawful to induce him to commit fornication. On the same principle, Rome says, a man is determined to commit a certain sin, induce him to commit another sin if thereby you will save him from greater guilt. But I would say, that if it is possible to divert the delinquent from one crime to another, it is possible, even by human persuasion, to divert that man altogether from such flagrant wickedness. It is the Christian's duty to avoid all contact with sin, or to afford any encouragement thereto, he will preach "righteousness, temperance, and judgment to come," and the gospel—all powerful—can arrest the sinner in his course. The above objectionable principle Liguori again and again urges: in Lib. v. n. 77, we find the following passage, part of which was quoted in my published Lecture on "The Tendency of Romanism," &c. :—

"Quæritur igitur an licitum sit aliquem ad ebrietatem inducere ut ille impediatur a graviore malo, scilicet sacrilegio, vel homicidio committendo. Adsunt tres sententiæ *Prima sententia* affirmat, hancque tenet Less. l. 4. c. 3 d. n. 33. et probabilem censet Med. Gob Diana, et alii ap. Croix l. 2 num 224. Ratio, quia licitum est paratum ad committendum majus malum inducere ad minus patrandum."

Liguori gives his own opinion—

"His tamen non obstantibus, prima sententia satis probabilis videtur mihi, et aliis viris doctis a me consultis, sive ebrietas sit materialis, sive formalis, ob rationem jam allatam; quia licitum est inducere alterum ad minus malum, ut impediatur a majori, juxta ea quæ diximus l. 2. num. 57."

"It is asked, Whether it may be lawful to induce any one to get drunk, that he may be impeded from a greater evil, for instance, the committing of Sacrilege or Homicide. There are three opinions. *The first opinion* says that it is, and this Less holds l. 4. C. 3. d. 1. N. 33. and Med Got. Diana. and others, ap. Croix l. 2. nun. 224. think it probable. THE REASON IS, BECAUSE IT IS LAWFUL TO INDUCE A MAN DETERMINED TO COMMIT A GREATER EVIL TO PERPETRATE A LESS EVIL."

"However, these reasons not being valid, (the reasons of those who do not hold this principle) *the first opinion* seems sufficiently probable to me and to other learned men consulted by me, whether drunkenness be *material or formal* on account of the reason now alledged, BECAUSE IT IS LAWFUL TO INDUCE another TO COMMIT A LESS EVIL, THAT HE MAY BE IMPEDED FROM A GREATER ACCORDING TO WHAT WE HAVE SAID IN BOOK THE SECOND, NUMBER 57."

Here Liguori establishes this point by reference to the very book and number upon which we have been treating, in which a Romanist is authorised, in certain cases, to INDUCE A MAN TO COMMIT ADULTERY AND FORNICATION!

bemus in agro. Et hos S. doctor asserit minime peccasse.' in no manner lawful: *however to use the sin of another for a good purpose is lawful!*' Yea, rather the sainted doctor seems, in the same place, to adhere expressly to the opinion just mentioned by the example of the ten men who said to Ismael, (Jer. 41.) 'Do not slay us for we have treasures in the field.' And the holy Doctor asserts, that these men did not commit the smallest sin."

Here then Liguori most unequivocally gives his opinion, that a husband may not only *not* take away, but even *afford* an opportunity to his wife to commit adultery, for the sake of trying her virtue, if he entertains any doubts as to her purity of life—thus also a master may not only *not* take away, but even *afford* an opportunity of stealing to his children and servants, for the sake of detecting them, which is esteemed a just cause. Is not this "doing evil that good may come," a principle which the Apostle in Romans iii. 10 condemns, saying, that the *damnation of those who hold it is just*. Is it not immoral, base, and dishonest? No special pleading can justify it. No sophistry can establish a principle which is so repugnant to truth—the Bible—and the well being of mankind.

In Article the third the question is asked, "An liceat alterius peccato materialiter co-operari," "Whether it may be lawful to co-operate materially in the sin of another?" to which the answer is given:

"Resp. Cooperari tantum materialiter, subministrando tantum materiam, et facultatem peccandi, vel exhibendo objectum, licet, si sequentes conditiones adsint. I. Si tum opus, vel cooperatio, sit secun-

"To co-operate only materially in supplying only the matter and power of sinning, or by *exhibiting an object*, IS LAWFUL, if the following conditions are present:—1. If there is a need of such co-operation,

dum se bona, vel saltem indifferens. II. Si bona intentione, et rationabili ex causa fiat, et non ut juves alterum in peccando. III. Si alterius peccatum impedire nequeas, aut saltem non tenearis propter causam rationabilem."

or if the co-operation be of itself good, or at least indifferent. 2. If it be done with a *good intention, and for a good cause*, and not that you may assist another in sin. 3. If you may be unable to impede the sin of another, or at least you are not bound, on account of a reasonable cause."

Having stated that the Doctors generally permit co-operation in the sin of another for a good cause, &c., &c., (*here observe is still the principle of doing evil that good may come!*) he now enters into particulars, and considers certain cases in which it is lawful to co-operate with another in sin. He draws a distinction between material and formal co-operation, and having done so, the first question that he proposes is :

"Quær. I. an famulus ratione famulatus possit comitari herum ad lupanar, vel sternere equum. Affirmant Busemb. hic cum Nav. Man. etc. ap. Sanch. Dec. l. c. cap. 7. n. 22. Et probabilius non sufficit ad id sola ratio famulatus, etiamsi sine famuli ope herus adiret; saltem requiritur metus gravis damni. Ita Sanch. l. c. Viva in prop. 51. Inn. XI. n. 5. Salm. tr. 21. n. 72. Qui recte advertunt id nunquam licere, si herus ex comitatu animosior reddatur. An autem liceat famulo deducere concubinam in domum heri? Dicit Sanch. l. c. n. 25. cum Nav. et Man. quod, si inter dominum et concubinam jam conventum erat, tunc famulus sola ratione famulatus excusatur, quando dominus etiam sine famulo æque peccatum

"Query 1.—Whether can a servant, by reason of his servitude, accompany his master to a brothel, and for that purpose harness the horse. *Busemb says YES*; with Nav., Man, and others. Ap. Sanch., Dec. 1, 1, cap. 7, n. 22. Yet more probably the reason of his servitude alone does not suffice, for that although without the assistance of the servant the master would go, at least a *great fear of loss is required*. Thus Sanch l. c. Viva in prop. 51, Inn. XI. n. 5, Salm. tr. 21, n. 72, who rightly consider that it is never lawful if the master is rendered more bold by the attendance.

But whether it may be lawful for a servant to bring a concubine into the house of his master? Sanches. l. c. n. 25. with Nav. and Man. say,

committeret (alias non excusatur nisi ex metu gravis damni, ut Sanch. n. 22.) Et idem ait n. 25. de famulo deferente concubinam curru vel sella. Sed merito id non admittunt Carden. et Milant. in d. proposit. 51. et P. Concina t. 2. pag. 284 et 285. Idque tanto magis non admittendum de famulo vocante concubinam ad domum heri, contra Azor. Et idem dico de aurigis et nautis vehementibus meretricem ad amasium, qui tantum excusari possunt ob metum gravis damni; vide n. 76."

that if a meeting had already taken place between the master and the concubine, then the servant, by the sole reason of his servitude, *is excused*; when the master, even without the servant, could equally commit the crime (otherwise he is not excused, *unless from the fear of great loss*, as Sanches n. 22) and the same he says n. 25. concerning a servant conveying a concubine in a chariot or chair. But justly Carden and Milant. do not admit that in d. proposit. 51. and P. Concina t. 2 pag. 284 and 285, and that much more is not to be admitted concerning a servant calling a concubine to the house of his master against Azor, and the same I say concerning charioteers and sailors conveying a harlot to a lover, *who only are to be excused on account of fear of great loss.*"

Here it will be observed, that Liguori and other Doctors agree that it is lawful to co-operate in evil, under certain circumstances—as to the circumstances which justify that co-operation there is a little variety of opinion, while, however, *the main principle* is maintained.

Thus, for example, Busemb and others hold that the mere reason of servitude will justify a servant in accompanying his master to a house of ill fame. Liguori, however, thinks that that reason alone will not suffice, but in addition, there must be the fear of great loss on the part of the servant, which, when it exists, will excuse the sin, nay render it lawful—this, however, is not to be done if the master becomes thereby the more confident. Sanches holds that a servant may bring a concubine to his master without sin, if a meeting between the guilty

parties had before taken place ; but Liguori thinks that the fear of great loss alone will excuse that crime. In all this it is observable that a compromise is made with sin ; here the principle is established, that for a good cause sin may be committed, and under certain circumstances is excusable.

“Quær. III. utrum liceat famulo ostium meretrici aperire. Negant Croix lib. 2. num. 253. At communius affirmant cum Bus. Salm. d. cap. 8. num. 74. Laym. de Carit. c. 13. resp. 5. Tamb. cum Sanch. Dian. Azor. Sa. Rodr. etc, Nec officit propos. 51. Innocentis XI. dicens: *Famulus qui submissis humeris scienter adjuvat herum suum ascendere per fenestras ad stuprandam virginem, et multoties eidem subservit, deferendo scalam, aperiendo januam, aut quid simile co-operando, non peccat mortaliter, si id faciat metu notabilis detrimenti, puta ne a domino male tractetur, ne torvis oculis aspiciatur, ne doma expellatur. Nam aperiendo januam ex ipsomet contextu intelligitur de apertione per vim confecta, ut recte dicunt Roncagl. de Carit. tract. 6. in Reg. pro praxi n. 4. post cap. 6. Salmant. ibid. n. 74. Modo (aiunt) ipso non aperiente, adsit alius qui aperiat.”*

“Quær. IV. an ex metu mortis vel magni damni liceat

“Query III.—“Whether is it lawful for a servant to open the door for an harlot? Croix. lib. 2 num. 253. denies it, *but more commonly* Bus. Salm. de Cap. 8 num. 74. Laym. de Carit. 13. resp. 5. Tamb. with Sanch. Dian. Azor, Sa. Rodr. and others ANSWER THAT IT IS LAWFUL, neither does the 51 proposition of Innocent xi. oppose this opinion, saying, ‘a servant who submitting his shoulders knowingly assists his own master in ascending by the windows to . . . (ad stuprandam virginem, I give the Latin which is too obscene to be translated) and oftentimes renders assistance to him in bearing a ladder, in opening the door, or in like manner co-operating, does not sin mortally, if he does that from a fear of great injury, for example, lest he should be badly treated by his master, incur his displeasure, or be expelled from his house’—for, by opening the door, from the context is understood concerning that opening, which is accomplished by force, as Roncagl. de cant. tract 6 in Reg. pro praxi n. 4. post cap. 6. Salmant. ibid. n. 74. only (they say) if he does not open it, another is present who will.”

“Query IV.—Whether from fear of death, or of great loss,

famulo subjicere humeros, vel deferre scalam domino ascendenti ad fornicandum, vi aperire januam, et similia. Negant Viva, et Milanti in dict. prop. 51. P. Concina t. 2. pag. 280. Salm. n. 75. Croix lib. 2. num. 244. et alii. Quia, ut dicunt, tales actiones nunquam licent, utpote intrinsece malæ. Sed contradicunt Busemb. infra n. 68. Sanch. dict. c. 7. 22. et Less. l. 2. cap. 16. n. 59. quorum sententia spectata ratione mihi probabilior videtur."

it may be lawful for a servant to stoop his shoulders, or to bring a ladder for his master ascending to commit fornication, to force open the door, and such like? Viva and Milante deny it in dict. prop. 51. P. Concina t. 2. pag. 280. Salm. n. 75. Croix lib. 2. num. 244, and others, because, *as they say*, such actions are never lawful, inasmuch as they are intrinsically evil. But Busemb. infra n. 68. Sanct. dict. c. 7. n. 22. and Less. l. 2. cap. 16. n. 59. **SPEAK THE CONTRARY, WHOSE OPINION, APPROVED OF BY REASON, APPEARS TO ME THE MORE PROBABLE !!!**"

Here then the question is asked, if a servant in danger of suffering great loss by not complying, may, by bringing a ladder, subjecting his shoulders, or forcing open the door, assist his master in committing the crime of assault upon a female; some Doctors think that this is unlawful, but *Liguori, supported by a long list of names, maintains that more probably it is LAWFUL.*

He then, according to his usual mode of reasoning, endeavours to justify the servant in so acting, by maintaining that it is material (not formal) co-operation, and therefore not a concurrence in the sin. A servant then in fear of death or of great loss, may, according to the *Sainted Liguori*, aid his master in committing fornication by forcing open a door or by rearing a ladder. *This forsooth is no sin, because only a material, not a formal co-operation!*

In Query VI. these points are briefly summed up as conclusions:

"5. Ad ea opera, quæ pro- "As to those works which

pinquius se ad peccatum habent, aut juvant, v. gr. subjicere humeros, admovere scalas hero per fenestram ascendenti ad concubinam, deferre litteras amatorias ad meretricem, comitari ad duellum etc. communis ratio famulatus non sufficit, sed exigunt majorem necessitatem, et causam, ut licite fiant, v. gr. periculum gravis, aut saltem notabilis, damni, si detrectent; *ibid.* (Sed vide dicta mox supra ex n. 66.)”

bear a close relation to, or may aid sin, viz. to submit the shoulders, to apply ladders for a master ascending through a window to a concubine, to bear love letters to an harlot, to accompany a master to a duel, &c. the mere reason of servitude does not suffice, but they require a greater necessity and cause, **THAT THEY MAY BE DONE LAWFULLY**; for example, the danger of great or at least notable loss, if they should refuse.”

These principles again and again he urges.—He maintains that it is lawful to let houses to usurers and harlots:

“ 8. In civitatibus, in quibus id vitandi majoris mali causa permissum est, licet domum locare usurario (excipit tamen jus alienigenam), et meretricibus; maxime si alii conductores desint, nisi tamen meretrices graviter nocerent vicinis honestis, vel ob situm ansam majorem darent peccatis. Sanches lib. 1. mor. cap. 7. Bon. l. c. (Ita etiam Salmant. tract. 21. cap. 8. num. 65. cum Trull. Vasques, Prado, Leb. et Viva, cum Suar. Less. Azor. et aliis communiter.”

“ In states in which it is allowed, for the sake of avoiding greater evil, it is lawful to let a house to one that practises usury, (however justice excepts a foreigner) and *to harlots, especially* if other tenants are wanting, unless, however, the harlots would grievously annoy neighbours of good repute, or, on account of the situation of the house, would afford a greater opportunity of sinning.”

I ask, how could persons, blameless in life, regard harlots in any other light than as a nuisance. Liguori, however, supposes otherwise, and alas even in Rome, such houses have been licensed by Papal authorities!

“ 13. Nautæ, et aurigæ catholici in Hollandia, etiam sine gravi metu, si absit prava intentio, licite vehunt annonam ad castra hæreticorum, si ad-

“ Catholic (Roman) sailors and charioteers, in Holland, even without great fear, if they have not a depraved intention, may lawfully convey provisions

sint alii, qui illis cessantibus, facerent: quia, nisi id faciant, excludentur omni lucro tanquam osores boni publici. V. Less. lib. 2. c. 19. Sanch. l. 1. c. 7. Fill. t. 22. cap. 5."

to the camps of heretics, IF OTHERS ARE PRESENT, who if they (the Romanists) refused, WOULD SUPPLY THEIR PLACE, BECAUSE, UNLESS THEY DID IT, THEY WOULD BE EXCLUDED FROM ALL GAIN AS HATERS OF THE PUBLIC GOOD!"

Thus, Romanists may lawfully convey provisions to an heretical camp, if others, on their refusal, are willing to comply, and this is to be done simply for selfish motives, lest, as antisocial, they should be excluded from privileges; but, if others are equally unwilling with the Romanist to supply the camp with provisions, then to use a common phrase, the Romanist will leave the Heretic in the lurch!

I would now briefly sum up the obnoxious principles which Liguori teaches on the subject which we are considering.

I. A Romanist may permit his neighbour to be ruined, by *not* taking away the occasion of offence, if he thinks that a good will be accomplished thereby—the good of the Church is the most absorbing of all interests!

II. A man may not only *not* take away, but *even afford* the occasion of stealing to his children or servants, to accomplish a good!

III. A man may not only not take away, but even afford the occasion ("*ansam*") of committing adultery to his wife, for the sake of trying her virtue, if suspected. For that purpose he may introduce the adulterous villain. Oh women of England, hear this!

IV. A man may co-operate materially in the sin of another, for a just cause!

V. A servant, if in danger of his life or great loss, may accompany his master to a brothel!

VI. Sailors and charioteers, for the same reason, may convey a concubine to their master !

VII. A servant may do likewise.

VIII. He may force open a door, rear a ladder, and yield assistance with his shoulders to his master, “ per fenestram ascendenti concubinam.”

IX. It is lawful to let houses to immodest and immoral persons !

X. It is lawful to persuade a man determined to commit a sin, to perpetrate a smaller offence in lieu thereof. Thus, a confessor should induce a man determined to commit murder, to commit adultery ; or a man determined to commit adultery, to commit fornication !

Alas, how awful are these principles ! They are scarce fit even for perusal, and I would not under ordinary circumstances, even mention those things which are “ done of them in secret.” But shall Rome delude millions of mankind, and in England hide her revolting features beneath the mask of peculiar sanctity ; shall she even lay claim to Holiness as a mark of her divine origin, and shall not her real principles be exhibited in the light of day, and the mask which she wears be torn aside, that men may behold her in her real character ? “ What is done of them in secret must be proclaimed on the house tops.” Popery regains its political power in England :— throughout the towns, the villages, and the hamlets of Great Britain ; Popery is extending its religious or rather anti-religious and immoral influence, and shall those who know her character and her real principles be silent, when the signs of the times demand a bold and fearless witnessing for God and his truth ? Popery is essentially immoral as even the exposure already made serves to prove, and all who value even the temporal well being of mankind should labour for its overthrow. Oh how dif-

ferent is the morality of the Bible! The religion of Jesus will make no compromise with sin, nor will it under any circumstances, or for the accomplishment of any good, recognize and adopt the principle of doing evil that good may come. The believer is taught in the Bible to abhor all and every co-operation and contact with sin.—“Have no fellowship, says the Apostle, with the unfruitful works of darkness, but rather reprove them.” The grace of God that bringeth salvation, hath appeared unto all men, teaching us that denying ungodliness and worldly lusts, we should live righteously, soberly, and godly in this present evil world, who (Christ) gave himself for us that he might redeem us from *all iniquity*, and purify us unto himself a peculiar people, zealous of good works.”

It is unnecessary to quote largely from the Scriptures, to shew that the principle of doing evil for any intent, even to save life, is unlawful, for in every page these sacred writings denounce all co-operation, indulgence in, and contact with sin. To touch not the unclean thing is the Christian's duty. “He that committeth sin is of the Devil, for this purpose the Son of God was manifested, that he might destroy the works of the Devil.” No marvel that Popery is the enemy of the Bible, for Popery hates and shuns the light of God's truth. Truly the Christian has need to pray for the enlightenment of the poor Romanist, who is the victim of so antisciptural a system.

We now proceed to the subject of

B L A S P H E M Y.

IN my published Lecture on “The tendency of Romanism to destroy man's best interest even in this world,” I gave a passage from Liguori, shewing that he does not consider the cursing of insensible creatures, in certain

cases, to be blasphemy. I now quote more largely on this point, as follows :

“ Quæritur hic, utrum sit blasphemia maledicere creaturis. Distinguitur : si maledicatur creaturis cum relatione ad Deum, sicut esset maledicere pluviae, ventis, ut a Deo imperatis, vel addito verbo Dei, v. gr. *Managgia il fuoco di Dio* (Vid. Tamb. et Mazzott,) certe blasphemia est. Idem dicendum, si maledicatur creaturæ, quæ de se specialem relationem ad Deum habet, uti est animæ nostræ, fidei catholicæ, cœlo, et similibus ; vide mox infra. Secus autem si, indignatio fertur in creaturas sine relatione ad Deum. Ita comm. Tourn. tom 3. p. 339. Viva d. quæst. 6. art. 2. n. 7. cum Bonac. et Less. ex D. Thom. 2. 2. qu. 76. art. 2. qui docet : *Maledicere rebus irrationabilibus in quantum sunt creaturæ Dei, est peccatum blasphemiae : maledicere autem eis secundum se consideratis, est otiosum, et vanum.* Hinc ex Viva et aliis non est grave maledicere simpliciter horæ, diei, anno, nisi addatur verbum *santo*, vel nisi de se dies præ se ferat quid speciale sanctitatis, ut dies paschatis, epiphaniæ, natiuitatis J. C. pentecostes, ut dicunt Salm. tr. 21. cap. 3. num. 121. Elbel de 2. Præc. cum Sanch. Laym. Spor. et expressius auctor l. c. (Istruz. per li Conf. di terre etc. p. 142.)”

“ It is here asked whether it may be blasphemy to curse insensible creatures? We make the following distinctions—if creatures are cursed with relation to God, just as it would be to curse the rain, the winds as commanded by God, or the word of God being added, for example, cursed be the fire of God, (see Tamb. and Mazzott), it is certainly blasphemy. We say the same in case a curse is denounced against a creature which of itself has a special relation to God, as the soul, the Catholic faith, heaven, and such like ; BUT OTHERWISE, if indignation is borne against creatures without relation to God—Ita. Comm. Tourn. tom. 3. p. 339. Viva d. quæst. 6. art. 2. n. 7. cum. Bonac. et Less. ex D. Thom. 2. 2. qu. 76. art. 2.—*who teaches* that to curse irrational things, inasmuch as they are creatures of God, is the sin of blasphemy ; but to curse them as they are considered in themselves, is *insignificant and trifling*. Hence, according to Viva, and others, it is *not a SERIOUS MATTER to curse simply the hour, the day, the year*, unless the word *Santo* is added, or unless the day of itself bears some special sanctity above itself, as the Pascal day, the Epiphany, the nativity of Jesus Christ, the Pentecost—as Salm. tr. 21. cap. 3. num. 121. Elbel. de 2. Præc. with Sanch. Laym. Spor. and more expressly the author l. c. (Istruz. per li conf. di terre. etc. p. 142.)”

Here Liguori considers it in some cases *no blasphemy* to curse insensible creatures; other passages might be quoted on this point,* but we proceed to the important subject of

EQUIVOCATION.

TREATING on the subject of oaths, the *Saint*, in question the fourth, asks, “WHETHER IT IS LAWFUL TO USE EQUIVOCATION IN AN OATH.”—The answer to which involves consequences of a most serious character. Two general reasons for swearing with equivocation are considered :

First, for a just cause

Secondly, without a just cause.

To swear with equivocation for a good cause, is *lawful*, while *without* a good cause it is only a venial offence, in the estimation of Rome’s approved moralist. In Number 151, he gives the opinion of Sanches, &c., with inverted commas, as follows :

“Resp. Jurare cum æquivocatione, quando justa causa est, et ipsa æquivocatio licet, non est malum : quia, ubi est jus occultandi veritatem, et occultatur sine mendacio, nulla irreverentia fit juramento. Quod si sine justa causa fiat, non erit quidem perjurium cum saltem secundum aliquem sensum verborum, vel restrictionem mentalem verum juret : erit tamen

“To swear with equivocation when there is a just cause and equivocation itself is lawful, IS NOT EVIL, because where there is a just cause for concealing the truth, and it is concealed without a lie, no detriment is done to an oath, but if it is done *without a just cause*, it will *not indeed be a perjury*, since, according to one sense of the word or mental restric-

* In my Lecture on the “Tendency of Romanism,” I quoted the following passage on cursing in the English only; I now give the Latin on one side, and the English on the other :—

“Maledicere creaturis insensatis, ut vento, pluvie, annis, diebus, igni, etc., non est blasphemia, nisi hujusmodi creaturæ expresse deum referentur, prout si diceretur; *maledictus sit ignis dei, panis dei*, etc.

“To curse insensible creatures, such as the wind, the rain, years, days, fire, &c., *is no blasphemy*, unless the creatures are expressly referred to God; for instance, if he should say cursed be the fire of God, the bread of God, &c.”

ex genere suo mortale contra religionem, cum sit gravis irreverentia, ad alterum in re gravi decipiendum, usurpare juramentum. Ita communiter DD. Sanch. lib. 3. cap. 6. Bon. p. 12. Laym. cap. 13."

tion, he swears true, however it will be OF ITS OWN NATURE a mortal sin against religion, since it will be a great irreverence to take an oath to deceive another in a grave matter."

Here Sanches, &c., hold that it is lawful to swear with equivocation for a good cause, but without a good cause, it will be "*of its own nature*" a mortal sin. He does not say that it is absolutely a mortal sin, but considers that certain circumstances may render even swearing with equivocation, without a good cause, only a venial offence. *To swear with equivocation for a just cause, according to the Saint, is without any doubt lawful.*

We proceed with the passages :

"Ad majorem claritatem pro hic dictis, et dicendis in hac materia tam difficili, plura sunt distinguenda. Primo loco distinguendum, aliam esse *amphibologiam*, sive æquivocationem ; aliam *restrictionem mentalem*.

"*Amphibologia* triplici modo esse potest. I. Quando verbum habet duplicem sensum, prout *volo* significat velle, et volare. II. Quando sermo duplicem sensum principalem habet, v. gr. *Hic liber est Petri* ; significare potest, quod Petrus sit libri dominus, aut sit libri auctor. III. Quando verba habent duplicem sensum, unum magis communem, alium minus, vel unum litteralem, alium spirituale, ut verba illa, quæ dixit Christus de Baptista : *Ipse est Elias*. Et Baptista dixit : *Ego non sum Elias*. Quo sensu viri spirituales cibos delicatos dicunt ei nocere, id est mortifica-

"*For the clearer understanding of what is said here, and to be said in this very difficult question, many distinctions are necessary. In the first place we are to distinguish that one is "double speaking" or equivocation, and the other is mental restriction.*

"Double speaking can be used in a threefold manner :— I. When a word has a double sense, for example, *volo* signifies *to wish and to fly*. II. When an expression has a double principal meaning, as *this is Peter's book*, can signify either that Peter is the *owner* or the *author* of the book. III. When words have a double sense, one more common, the other less common, or one literal and the other spiritual, as are these words which Christ spake of the baptist, 'he is Elias,' and the Baptist 'said I am not Elias.'

tioni; doloribus afflicti dicunt bene valere, id est quoad robur spiritus. Cardenas diss. 19. n. 47. Sic etiam quis interrogatus de aliquo, quod expedit celare, potest respondere, *dico non*, id est dico verbum *non*. Card. n. 52. de hoc dubitat, sed, salvo meliori consilio, videtur immerito, cum verbum *dico* vere duplicem sensum habeat; significat enim proferre, et asserere, in nostro autem sensu *dico* idem est ac *profero*.

“His positis, certum est et commune apud omnes, quod ex juxta causa licitum sit uti æquivocatione modis expositis, et eam juramento firmare. Ita Less. l. 2. c. 41. n. 47. Card. diss. 19. n. 35. Salm. tr. 17. de Juram. cap. 2. n. 115. ex S. Hieron. c. 22. q. 2. qui dicit, *Utilem simulationem, et in tempore assumendam*; quod explicans S. Th. 2. 2. q. 111. art. 1. ad 2. ait: *S. Hieronymus utitur large nomine simulationis pro quacumque fictione*. Ratio, quia tunc non decipimus proximum, sed ex justa causa permittimus, ut ipse decipiatur, ex alia parte non tenemur ad mentem aliorum loqui, si justa causa subsit. Justa autem causa esse potest quicumque finis honestus ad servanda bona spiritui, vel corpori utilia. Salm. ibid. n. 109. cum Val. Sanch. Pont. et Leand.”

In which sense spiritual men say that delicate food is hurtful to them that is for mortification, those who are afflicted with diseases say that they are very well, that is as far as strength of spirit is concerned. Cardenas diss. 19 n. 47. Thus also he who is interrogated concerning anything which it is expedient to conceal, can answer *dico non*, that is I say the word *non*. Card n. 5. 2. doubts concerning this; but, in the absence of better counsel, UNDESERVEDLY it appears since the word *dico* truly may have a double sense, for it signifies to make known and to assert, but in one sense *dico* is the same as *profero*. THESE THINGS BEING ESTABLISHED, IT IS A CERTAIN AND A COMMON OPINION AMONGST ALL DIVINES THAT FOR A JUST CAUSE IT IS LAWFUL TO USE EQUIVOCATION IN THE PROPOUNDED MODES, AND TO CONFIRM IT (EQUIVOCATION) WITH AN OATH.

Thus Less. l. 2. c. 41. n. 47. Card. diss. 19. n. 35. Salm. Tr. 17 de jurament. cap. 2. n. 115. ex S. Hieron. c. 22. q. 2. who says “*That simulation is useful, and on an occasion to be used*, which St. Thomas explaining 2. 2. q. III. art. 1. ad. 2 says *that St. Jerome uses the comprehensive term of simulation for any sort of feigning*. The reason is, because on the one hand we do not deceive a neighbour, but *permit* him to be deceived for a good cause; on the other hand we are not bound to speak so that others

may understand us if a just cause exists. *But a just cause is any honest end in order to preserve good things for the spirit, or useful things for the body.*"

This definition of a just cause is most important.—The Romanist may swear with equivocation, double speaking, and mental restriction, provided that he has a *just cause for so doing*. That just cause is any honest end in order to preserve things good *in a spiritual point of view, or useful in a temporal*. The interest of his Church is more absorbing to the Romanist than even his personal well-being in time. He is taught to swear with equivocation in all these objectionable modes for such causes. Surely, the existence of such a system is dangerous to both the public and social weal.

Now comes the question, whether it is a mortal sin to swear with equivocation, *without such good causes*. It will be seen that in the estimate of Liguori, it is only a venial or trifling offence.

"Utrum autem jurare cum amphibologia, sive restrictione non pure mentali, ut infra, sine justa causa, sit peccatum mortale? Affirmat Viva in prop. 27. damn. ab Innoc XI. item Tol. Ang. Arm. Nav. etc. ap. Sanch. Dec. lib. 3. c. 6. n. 2. Idemque tenet Bus. cum Laym. Sanch. et communi, ut asserit. Sed immerito citat Sanch. et vocat suam sententiam communem, cum oppositam sequitur Sanch. loc cit."

"But whether it is a mortal sin to swear with double speaking or restriction not purely mental, as below, *without a just cause*. Viva in proposition 27. condemned by Innocent XI. says that it is, also Tol. Aug. Arm. Nav. etc. upon Sanch. Dec. lib. 3. c. 6. n. 2. and the same Bus. holds with Laym. in common as he asserts with Sanches but he *unjustly* cites Sanches and calls his own opinion common with his, whilst Sanches follows the opposite opinion in the place cited."

Here then the question is proposed, Is it a mortal sin to use equivocation, &c., in swearing, without a just cause

—Viva, in a proposition condemned by Innocent XI. says that it is a mortal sin. In this he is followed by others; Bus teaches the same, and cites Sanches in its support, but Sanches is unjustly cited, (according to Liguori) for he teaches the opposite to Bus. Bus holds that it is a mortal sin; but Sanches, in the place cited, holds that it is not. Liguori now quotes other authors, and gives his own opinion, that to swear with equivocation, even *without a good cause*, is only a venial offence.

“Et eamdem tenent Lugo de Fide d. 4. n. 64. Caj. 2. 2. q. 89. a. 6. ad 4. dub. 2. Salm. c. 2. n. 188. cum Sot. Val. Prado, Hurt. Candido, Leand. etc. item Less. lib. 2. cap. 42. n. 48. Pal. tr. 14. d. 1. p. 7. n. 3. et probabilem putat Bus. n. 170. 3. Ratio hujus probabilioris sententiæ est, quia in hujusmodi juramento jam adsunt veritas et justitia: deficit tantum judicium sive discretio, cujus deficientia non est nisi venialis. Nec obstat quod ait Viva, scilicet, quod taliter jurans exercite invocet Deum ad testificandum falsum, ne reipasa invocet ad testificandum verum, juxta suum sensum, quamvis permittat ex justa causa ut alter ex sua incuria, vel inadvertentia decipiatur.”

“And the same opinion Lugo de fide. d. 4. n. 64. Caj. 2. 2. q. 89. a. 6. ad. 4. dub. 2. Salm. c. 2 n 188. cum. Sot. Val. Prado. Hurst. Candido. Leand. etc. also Less. lib. 2. p. cap. 42. n. 48 Pal. tr. 14. d. 1. 7. n. 3. hold and Bus. thinks it probable n. 171. 3.—*The reason* of this more probable opinion is, because in such an oath, already truth and justice are present, only judgment or discretion is wanting, WHICH DEFICIENCY IS ONLY VENIAL, neither does what Viva says afford any obstacle to this opinion, namely, that a person swearing in such a manner invokes God to witness a falsehood, for he in very deed invokes God to witness what is true according to his own sense, although he permits, for a just cause, that another either through want of care or through inadvertency should be deceived.”

He states that the defect is only one of want of discretion or judgment, and therefore only venial in its offence. We proceed :

“Excipiendum tamen cum “However it is to be excepted

Salm. loc. cit. et aliis communiter, nisi hoc fiat in iudicio, vel in contractibus. Ex præfata autem sententia infertur, quod, ad sic jurandum (præterquam in iudiciis, et contractibus), non requiratur causa absolute gravis, sed sufficiat quævis rationabilis causa, puta, ad se liberandum ab importuna, et injusta interrogatione alterius, ut dicunt Salm. num. 109. cum Val. Sanch. Bon. Pal. etc. Roncaglia de Jur. c. 4. q. 2. r. 3. Elbel n. 129. Hic tamen notandum I. cum. Ronc. loc. cit. majorem causam requiri ad æquivocandum cum juramento, quam sine illo. Notandum 2. cum Salm. dict. n. 109. quod, quo verba majorem occasionem præbent errandi, eo major causa exigatur: unde dicunt, quod, quando verba fere nullam causam præbent errandi, ut sunt verba per se æquivoca, duplicem sensum æque habentia, tunc levissima causa excuset."

with Salm in the place quoted, and commonly with others, unless this is done in judgment or contracts. From the above mentioned opinion it is inferred that thus to swear (except in judgments and contracts) an absolutely weighty cause is *not* required, but any reasonable cause may suffice, say to free one's self from the importune and unjust interrogation of another, as Salm num. 109 with Val. Sanch. Bon. Pal. etc. Roncaglia. de jur. c. 4. 9. 2. r. 3. Elbel. n. 129. Say. Here however it is to be noted, I. with Roncaglia in the place quoted, that a greater cause is required in equivocating with an oath than without it. It is to be noted, II. with Salm. in the said number 109, that in whatever case words afford a greater cause of erring, in that a greater cause is required; whence they say, that when words afford almost no cause of erring, as are words equivocal in themselves, having equally a double sense, then the most trifling cause may excuse."

A man engaged in judicial proceedings or in contracts, may not *without a good cause*, swear with equivocation, but with a good cause, the interest of the Church for example, he may. In other matters, however, if he swears with equivocation, even when there is not a good cause, he only sins venially.

Liguori now defines the meaning of mental restriction. He says that there is restriction purely mental, (pure mentalis) and restriction not purely mental—the former can not be used, the latter can. Having said that restriction purely mental can not be used, and proved his

statement by reference to propositions condemned by Innocent XI. he considers restriction, not purely mental. He says :

“ E contrario licitum est, justa causa uti restrictione *non pure mentali*, etiam cum juramento, si illa ex circumstantiis percipi potest.”

“ *On the contrary it is lawful for a just cause to use restriction, not purely mental, even with an oath if it can be understood from the circumstances.*”

He endeavours to prove this by passages of Scripture, which he perverts, and cites a long list of authors in support of his view. He says that even the *most strict moralists* have accorded with the principle. Even Thomas adopts it, saying :

“ *Non est licitum mendacium dicere ad hoc, quod aliquis alium a quocumque periculo liberet ; licet tamen veritatem occultare prudenter sub aliqua dissimulatione, ut Augustinus dicit in lib. contra Mendac.*”

“ It is not lawful to tell a lie for this purpose, that any one should deliver another from any danger—*however it is lawful prudently to conceal the truth under SOME DISSIMULATION*, as Augustin says in his book against lying.”

Restriction, purely mental, or that which is altogether incapable of being understood, is not lawful ; but restriction, not purely mental, or that of which it is possible, even in the smallest degree, that it can be understood, is **LAWFUL.**

Having proved the lawfulness of mental restriction, he considers a number of cases which fully exemplify the wickedness of these principles :

“ Hinc infertur I. Confessorius affirmare potest etiam juramento se nescire peccatum auditum in confessione, subintelligendo, *ut hominem*, non autem *ut ministrum Christi*, ut docent S. Th. 2. 2. 9. 70. art. 1. ad 1. Lug. disp. 22. (qui tamen n. 75. explicat alio modo illud

“ Hence it is inferred, I. That a Confessor can affirm, **EVEN WITH AN OATH**, that he does **NOT KNOW A SIN HEARD** in confession, by understanding, *as man, not as the minister of Christ*, as St. Thomas 2. 2. 9. 70. art. 1. ad 1. Lug. disp. 22. teach, who however n. 75.

verbum *nescire per scientiam, quæ utilis sit ad respondendum.*) Item Sporer de Præc. n. 119. et Elbel de Jur. n. 149. cum aliis communissime. Ratio, quia interrogans non habet jus, nisi ad sciendam notitiam communicabilem, qualis non est illa confessarii. Et hoc etiam si aliter interroget, an audierit ut minister Christi. Lug. num. 66. Viva in prop. 17. Innoc. n. 3. et 13. Ronc. de. 2. Præc. c. 4. Reg. prax. num. 2. et Elbel de Jur. n. 130. cum aliis. Quia confessarius semper censendus est respondere ut homo, ut minister Christi non potest loqui. Hinc dicunt Card. diss. 19. n. 39. in fine, et 67. ac Fel. Pot. de Jur. 1734. quod, quoties tenetur quis occultare infamiam alterius, licite dicat, *Nescio, scilicet, non habeo scientiam utilem ad respondendum; sive non scio tanquam manifestabile, ut Card. cum Lugo d. loc. n. 43. et 44. Et si quis temere petat a confessario, an audierit tale peccatum in confessione, bene potest respondere: Non audivi, scilicet, ut homo, vel ad manifestandum, Card. cum Lug. n. 66.*"

explains in another manner that word that he does *not know it through a knowledge which is useful for answering.* So also Sporer. de Præc. n. 149. with others most generally. *The reason is, because he who interrogates, has not a right to be informed of a matter unless that matter is communicable, such is not the knowledge of the Confessor, and this also is true, if otherwise he should ask him whether he heard it as a minister of Christ.* Lug. num. 66. Viva in prop. 17. Innoc. n. 3. et 13. Ronc. de. 2. Præc. c. 4. Reg. prax. num. 2. et Elbel de jur. n. 130. with others. Because the Confessor always is understood to answer as man, he cannot speak in his capacity as Minister of Christ. Hence Card. diss. 19. n. 39. in fine et 67. ac. Fel. Pot. de jur 1734, *say that when any one is bound to conceal the infamy of another, HE MAY LAWFULLY SAY, I DO NOT KNOW IT, that is to say, I have not a knowledge which is useful for answering, or I do not know it so as to make it known. And if any one rashly should ask from a confessor whether he may have heard such a sin in confession, he can rightly answer, I HAVE NOT HEARD IT, that is to say as man, or so as to manifest it.*"

THUS A CONFESSOR MAY ABSOLUTELY SWEAR THAT HE HAS NO KNOWLEDGE OF A SIN REVEALED TO HIM IN THE CONFSSIONAL! HE MAY SAY, "I HAVE NOT HEARD IT." "NON AUDIVI."—*Here is the principle of equivocation, mental reservation, and double*

speaking carried out, for that confessor answers as man, not as the Minister of Christ. He says “*I have not heard it,*” understanding thereby, I have not heard it as a man, or so as to make it known to another. Here is absolute perjury ! perjury too, of which Rome unblushingly is the advocate and the teacher ; here is restriction not purely mental, carried into practice. Surely this is sufficient to shew, that the division of mental restriction, first, into that which is purely mental, and, secondly, into that, which though mental is not purely such, is a distinction, in practice without any difference.

But to proceed to other instances of equivocation and mental restriction :

– “II. Reus, aut testis, a iudice non legitime interrogatus, potest jurare, se nescire crimen, quod revera scit; subintelligendo, nescire crimen, *de quo legitime possit inquiri, vel nescire ad deponendum.*”

“Ita Caj. Opusc. tom. i. tr. 31. r. 5. Sporer de 2 Præc. c. 1. n. 120. et 121. Azor. tom. 1. l. 11. cap. 4. Ronc. de 2 Præc. c. 4. q. 2. r. 3. Sanch. Dec. l. 3. c. 6. num. 23. et 26. cum Navarr. Tolet. Val. etc. ex eodem D. Thom. 2. 2. qu. 69. art. 1. Idem, si testis ex alio capite non teneatur deponere; nempe si ipsi constet crimen caruisse culpa, ut Salm. d. c. 2. n. 259. et Elbel n. 145. Vel. si sciat crimen, sed sub secreto, cum nulla præcesserit infamia, ut Card. ibid. n. 51.”

“The accused, or a witness not properly interrogated, CAN SWEAR that he does NOT know a crime, which in reality he does know, by understanding that he does not know the crime, concerning which legitimately he can be inquired of, or that he does not know it so as to give evidence concerning it.”

“Thus Caj. Opusc. tom. 1. tr. 31. r. 5. Sporer de 2. Præc. c. 1. n. 120. et 121. Azor. tom. 1. l. 11. cap. 4. Ronc. de 2. Præc. c. 4. q. 2. r. 3. Sanch. Dec. l. 3. c. 6. num. 23. et 26. cum Navarr. Tolet. Val. etc. ex eodem D. Thom. 2. 2. qu. 69. art. 1. The same is true if a witness on another ground is not bound to depose; for instance, if the crime appears to himself to be free from blame, as Salm. d. c. 2. n. 259. et Elbel. n. 145. or if he knows a crime which he is bound to keep secret, when no scandal may have gone abroad, as Card. ibid. n. 51.”

Here then the accused or the witness is authorized to

tell lies. When he considers that he is not justly interrogated, he may deny that he is aware of certain crimes, which, however, at the same moment he is well acquainted with; the same also may be done by a witness, if *he* thinks that the crime of which the accused is charged, is unblameable, or if he was bound to secrecy. But to proceed :

“ Reus tamen, vel testis, vel legitime a iudice interrogatus, nequit ulla æquivocatione uti, quia tenetur justo præcepto superioris parere. Est communis. Salm. c. 2. n. 146. cum Sot. Less. Sanch. etc. cum Bus. n. 2. Et idem dicendum de juramento in contractibus onerosis, quia alias injuria alteri irrogaretur, Salm. ibid. Excipe in judicio, si crimen fuerit omnino occultum; tunc enim potest, imo tenetur testis dicere reum non commisisse. Tamb. c. 4. § 2. n. 4. cum Card. et Pot. ut sup. Et idem potest reus, si non adest semiplena probatio etc. Tamb. § 3. n. 2. cum communi; quia tunc iudex non legitime interrogat.”

“ However, the accused, or witness, or one legitimately interrogated by a Judge, can not use any equivocation, because he is bound to render obedience to the just command of his superior. This opinion is common to Salm. c. 2. n. 146. with Sot. Less. Sanch. and others, with Bus. n. 2. and the same is to be said concerning an oath in important contracts, because if it were not so, another would suffer injury, Salm. ibid. Make an exception in a trial where *the crime is altogether concealed. For, then he can, yea, the witness is bound to say, that the accused did not commit the crime.* And the same course the accused can adopt, if the examination is not complete Tamb. 3. n. 2. cum communi, because then the Judge does not legitimately interrogate.”

It appears that when the crime is altogether concealed, and it is probable that no ill rumour will be the consequence, the witness may, nay he is bound to say, that the accused did not commit it.

Liguori now proceeds to answer various queries; here we shall find the principle of swearing with equivocation carried into practice and exemplified.

“ Sed quæritur hic 1. an, si “ But here it is enquired 1.

talis reus, vel contrahens æquivoce jurando deceptus, possit absolvi, nisi veritatem manifestet. Negant aliqui non improbabiler; sed probabilius affirmant Sanch. Dec. l. 2. c. 7. n. 8. et Salm. c. 2. n. 147. cum Philiarch. quia tali juramento (quod perjurium nequit dici) non peccavit contra justitiam commutativam, sed contra legalem, et obedientiam judici debitam, cujus præceptum detegendæ veritatis transiens est duratque solum, dum iudex interrogat. Idemque dicit Sanch. ibid. de teste mentiente. Et ideo uterque absolvi potest, quin veritatem revelet. Tenentur vero ambo alteri satisfacere si possunt alia via. At si non possint, dicunt Salm. teneri eos denuo in iudicio detegere debitum. Sed etiam excusarem si omnino essent impotentes ad satisfaciendum in præsentibus, et in futuro."

if such an accused person, or one, who making a contract, deceives by swearing with equivocation, may be absolved unless he makes known the truth. Some not improbably answer in the negative, but *more probably* Sanch. Dec. l. 2. c. 7. n. 8. et Salm. c. 2. n. 147. cum Philiarch. SAY THAT HE CAN BE ABSOLVED, because in such an oath, (WHICH CAN NOT BE CALLED A PERJURY) he has not sinned against commutative justice, but against legal justice, and due obedience to a Judge whose command of unfolding the truth is *transient, and only lasts while* the Judge interrogates. And the same thing Sanches says in the same book concerning a lying Witness. And, therefore, each of them can be absolved, but he should reveal the truth. But both are bound to render satisfaction to the other, if they are able in another way. But if they are not able, Salm. says, that they are bound again to make known the debt in trial. *But I would even excuse them*, if they were altogether unable to make satisfaction for the present or even the future."

Here Liguori teaches that the man, who in making a contract deceives another by swearing equivocally, may be absolved; such an oath is not a perjury. The contractor too, if he be unable to fulfil the debt, is excused.

"Quæritur 2. an reus legitime interrogatus possit negare crimen, etiam cum juramento, si grave damnum ex confessione ipsi imminet."

"It is asked 2. WHETHER THE ACCUSED LEGITIMATELY INTERROGATED, CAN DENY A CRIME, EVEN WITH AN OATH, IF THE CONFESSION OF THE CRIME, WOULD BE ATTENDED WITH GREAT DISADVANTAGE?"

Mark now the answer which the *Saint* gives to this important question.

“Negat Elbel n. 44. cum D. Th. d. art. 1. ad 2. et quidem probabilius, quia reus tenetur tunc pro communi bono damnatum illud subire. Sed satis probabiliter Lugo de Just. d. 40. n. 15. Tamb. lib. 3. c. 4. § 3. n. 5. cum Sanch. Viva q. 7. art. 4. n. 2. Sporer de Præc. c. 1. num. 13. item Elbel dict. num. 144. Card. in Propt. Innoc. XI. diss. 19. num. 78. cum Nav. Less. Sa. et Fill. et aliis plurib. dicunt, posse reum, si sibi immineat pœna mortis, vel carceris, aut exilii perpetui, amissionis omnium bonorum, triremium, et similis, negare crimen, etiam cum juramento (saltem sine peccato gravi) subintelligendo, *se non commisisse, quatenus teneatur illud fateri*, modo sit spes vitandi pœnam: ratio, quia lex humana non potest sub gravi obligare homines cum tanto onere. Aditque Elbel hanc sententiam, licet minus probabilem, insinuandam tamen esse reis et confessariis, ut liberentur illi a culpa gravi, in quam facillime incident, si ad confessionem criminis obstringentur. Vid. dicenda l. 4. n. 274.”

“Pœnitens, interrogatus a confessario de peccato confessio potest jurare, se non commisisse, subintelligens *illud, quod confessus non sit*. Ita Carden. diss. 19. n. 48. Salm. num. 118

“Elbel denies that he can cum D. Th. d. art. 1. ad 2. and indeed more probably because the accused is then bound for the general good to undergo the loss. But SUFFICIENTLY PROBABLE Lugo de Just. d. 40 n. 15. Tamb. lib. 3. c. 4 § 3. n. 5. cum Sanch. Viva q. 7. art. 4. n. 2. Sporer. de Præc. c. 1. num. 13. item Elbel dict. num. 144. Card. in Propt. Innoc. XI. diss. 19. num. 78. cum Nav. Less. Sa. et Fill, WITH MANY OTHERS, SAY, *that the accused, if in danger of death, or the prison, or perpetual exile,—the loss of all property—the danger of the gallies, and such like, CAN DENY THE CRIME EVEN WITH AN OATH, (at least without great sin) by understanding that he did not commit it so that he is bound to confess it, only let there be a hope of avoiding the punishment. The reason is, because human law can not lay men under so great an obligation with so severe a penalty. And Elbel adds that this opinion, although less probable, should be suggested to the accused and confessors, that they may be delivered from great blame, in which they would easily fall, if they should be bound to the confession of the crime.*”

“A Penitent, interrogated by a Confessor concerning a sin confessed, can swear that he did not commit it, understanding that which he may not have confessed. Thus Carden

in fin. Sanch. lib. 3. cap. 6, num. 14. Spor. de 2. Præc. cap. 1. n. 105. Hoc tamen intelligendum, nisi confessarius juste interroget ad noscendum statum pœnitentis, ex prop. 58. damn. ab Inn. XI."

"Indigens bonis absconditis ad sustentationem, potest judici respondere, se nihil habere. Salm. n. 140. Pariter heres, qui sine inventario occultavit bona, si non teneatur ex illis satisfacere creditoribus, potest judici respondere, se nihil occultasse, subintelligens *de bonis, quibus satisfacere teneatur*. Salm. loc. cit. et Ronc. c. 4. reg. 2. in Praxi."

"Qui mutuum accepit, sed postea satisfecit, potest negare, se accepisse mutuum, subintelligens, *ita ut debeat solvere*. Salm. n. 140. et Sporer de 2 Præc. c. 1. n. 122. cum Suar. Nav. Az. Laym. Sanch. Cov. et aliis. Sic pariter, si quis fuerit coactus ad matrimonium potest judici asserere etiam cum juramento, *se non contraxisse*, scil. *libere*, ut par erat; Tol. lib. 4. c. 21. Laym. c. 14. n. 8. Nav. in c. Humanæ aures 22. q. 5. et Spor. loc. cit. qui idem ait de eo, qui irrita sponsalia inivit. Pariter qui matrimonium promisit, sed inde non teneatur ad illud, potest negare promissionem, scilicet, *ut ex illa teneatur*." Salm. n. 140."

diss. 19. n. 48. Salm. num. 118. in fin. Sanch. lib. 3. cap. 6. num. 14. Spor. de 2. Præc. cap. 1. n. 105. However this is to be understood according to the condemnation of the proposition 58. by Innocent XI., unless the Confessor justly interrogates for the purpose of knowing the state of the Penitent."

"A poor man, absconding with goods for his support, CAN ANSWER THE JUDGE THAT HE HAS NOTHING, Salm. n. 140. In like manner, a master who *has concealed* his goods without an inventory, if he is not bound to settle with his creditors with them, can say to a Judge, that he has not concealed anything, in his own mind meaning those goods with which he is bound to satisfy his creditors."

"He who receives a loan, but afterwards returns it, can deny that he received a loan, understanding *so as that he should pay it*, Salm. n. 140. et Sporer de 2. Præc. c. 1. n. 122. cum Suar. Nav. Az. Laym. Sanch. Cov. et aliis. Thus, likewise, if any one may have been forced into matrimony, he can assert to a Judge, even with an oath, that he did not contract marriage, to wit, *freely*, as it was fit; Tol. lib. 4. c. 21. Laym. c. 14. n. 8. Nav. in c. Humanæ aures 22. q. 5. et Spor. loc. cit. who says *the same thing* concerning a man who has entered into marriage which is null and void. Likewise he who hath promised marriage, but thence is not bound to marriage, can deny

the promise, that is, *so as to be bound by it.* Salm. n. 140."

This is strange doctrine as taught by Liguori. I would ask, how can he who makes a promise of marriage feel himself not bound by that promise. However the principles of equivocation and reservation impose such limitations and restrictions—are in fact so dishonest, that we can scarce consider any promise as binding upon the Romanist. We proceed with other examples.

"Qui venit de loco falso putato infecto, potest negare se venire ex illo, scilicet *ut pestilenti*, quia hæc est mens custodum. Salm. n. 141. Less. cap. 42. n. 47. Sanch. Dec. lib. 3. cap. 6. n. 35. et Sporer, loc. cit. n. 140. cum Tol. Nav. Suar. Henr. Rod. etc. Imo hoc admittunt Tol. Less. et alii plures ap. Spor. etiamsi ille celeriter transisset per locum infectum, modo sit certus nil se luis contraxisse; quia posset intelligi, non venisse eum, ut ab ipso periculum sit timendum: sed huic ego non omnino acquiesco. Admittunt etiam Salmant. dict. loc. cum Bus. quod, si quis a fure vi obligetur ad promittendam pecuniam cum juramento, possit subintelligere, *Dabo, si tibi debuero, secluso juramento*; quia dicunt promissionem illam ex circumstantiis posse admittere talem amphibologiam. Pariter uxor, cui constet matrimonium esse nullum, potest judici, vel confessario, qui alias non vellet eam absolvere, promittere cum juramento, se cohabitaturam cum viro, etsi non intendat, in-

"He who comes from a place falsely supposed to be infectious, *can deny* that he came from that place, to wit, *as a pestilent place*, because this is the mind of the enquirers. Salm. n. 141. Less. cap. 42. n. 47. Sanch. Dec. lib. 3. cap. 6. n. 35. et Sporer loc. cit. n. 140 cum Tol. Nav. Suar. Henr. Rod. etc. Yea, Less. Tol. and many others admit this, although he should speedily pass through an infected place, only he should be certain that he did not catch any infection, because it could be understood that he did not so come, that danger might be apprehended from him, but to this I do not altogether acquiesce. Also, Salmant. with Bus, in the cited place, admit that if any one should be compelled by force by a robber, to promise money with an oath, he may understand, *I will give it, if I shall be debtor to thee*, the oath being apart, because they say that that promise, from the circumstances, may admit of such double-speaking. Likewise a wife, to whom matrimony appears to

telligens de cohabitatione licita. Salm. dict. n. 141.”

“Rogatus a iudice, an sit locutus cum reo, potest negare, intelligens se non locutum fuisse ad cooperandum crimini. Canonicus, obligatus ad secretum potest jurare, se nihil manifestasse, si vere nihil eorum quæ sub gravi tenebatur celare, manifestavit; ita, Salm. n. 142. qui asserunt, hæc omnia passim obvia esse apud omnes auctores. Pariter Less. c. 52. num. 48. cum Alex. Bart. etc. qui eligendus est in officium, interrogatus, an habeat aliquod impedimentum, potest negare, si revera illud non sit tale, quod impediatur.”

“Pariter, si quis invitatus interrogetur an sit bonus cibus, qui revera sit insipidus, potest respondere esse bonum, scilicet *ad mortificationem*. Carden. diss. 19. n. 74. Sic etiam dicunt Card. num. 76. et Croix ib. 3. pag. 1. n. 302. licite proferri cæremomas: *Osculor manus, etc. Offero me famulum etc.* quia ex communi usu accipiuntur, ut verba materialia, prolata tantum ad honorem. Licitum est etiam celare veritatem cum causa; v. gr. si quis

be null and void can promise with an oath to a judge or confessor, who other-wise might not wish to absolve her, that she would live with her husband, although she *may not intend it*, meaning in her own mind, lawful cohabitation.”

“He that is asked by a Judge, whether he may have spoken with the accused, can deny it, understanding that he did not so speak to him, as to co-operate in the crime. A canonical person, who is obliged to secrecy, can swear that he manifested nothing, if truly he revealed none of those things, which under a weighty penalty he was bound to conceal. Thus Salm. n. 142. who asserts that all these things are everywhere obvious amongst all authors. In the same manner, Less. c. 52. num. 48. cum Alex. Bart. and others say, that he who is chosen to fill an office, being interrogated whether he has any impediment, can deny that he has impediment, if that is not such as may impede.”

“Likewise, if any one being invited as a guest, be asked whether the food is good, which in truth is unsavoury, he can answer *that it is good, to wit for mortification*. Carden. diss. 19. n. 74. Thus also Card. num. 76. and Croix lib. 3. pag. 1. n. 302. say that lawfully ceremonies may be introduced. I kiss hands, etc. I offer myself as a servant, etc., because they are accepted according to common use, as material words adduced only for honour; also

petat a te pecuniam, potes respondere: *utinam haberem! vel Gauderem habere etc.* Card. diss. 19. n. 53.”

“Sed quæritur 1. an creditor ex instrumento possit asserere cum juramento nihil sibi solutum, si revera sit pars soluta, sed ipse ex alio capite habeat creditum, quod probare non possit. Respondetur posse, dummodo non juret eam quantitatem sibi deberi ex illo instrumento, ne aliis creditoribus anterioribus damnum inferatur. Ita Salm. cap. 2. n. 143. cum Sanch. Pal. Leand. etc.”

“Quæritur 2. an adultera possit negare adulterium viro, intelligens, ut illi revelet. Potest æquivoce asserere, se non fregisse matrimonium, quod vere persistit. Et si adulterium sacramentaliter confessa sit, potest respondere: *Innocens sum ab hoc crimine*, quia per confessionem est jam ablatum. Ita Card. diss. 19. n. 54. Qui tamen hic advertit, quod nequeat id affirmare cum juramento, quia ad asserendum aliquid sufficit probabilitas facti; sed ad jurandum requiritur certitudo. Sed respondetur, quod ad jurandum sufficiat certitudo moralis, ut diximus supra, dub. 3. n. 147. cum Salm. c. 2. num. 44. Less. Sanch. Suar. Pal. et communi. Quæ certitudo moralis remissionis peccati potest quidem haberi, quando quis bene moraliter dispositus recepit pœni-

it is lawful to conceal the truth, when there is a cause, viz. *when any one seeks money from thee, you can answer, Oh, that I had it, or I would delight to have it, etc.*, Card. diss. 19. n. 53.”

“But it is asked, 1. whether a creditor can assert by a deed with an oath, that nothing was paid to him, though a part was paid, but he may have credit on another account, which he may not be able to prove? We answer *that he can*, only he can not swear that that quantity was due to him on that deed, lest other former creditors might incur loss. Ita Salm. cap. 2. n. 143. cum Sanch. Pal. Leand. etc.”

“It is asked, 2. whether an adulteress can deny adultery to her husband, understanding that she may reveal it to him? She is able to assert equivocally, that she did not break the bond of matrimony, which truly remains, *and if sacramentally she confessed adultery, she can answer, I AM INNOCENT OF THIS CRIME, BECAUSE, BY CONFESSION IT WAS TAKEN AWAY.* Ita Card. diss. 19. n. 54. who however here remarks, that she can not affirm it with an oath, because in asserting any thing the probability of a deed suffices, but in swearing certainty is required. To THIS IT IS REPLIED, THAT IN SWEARING, MORAL CERTAINTY SUFFICES, AS WE SAID ABOVE, dub 3. n. 147. cum Salm. c. 2. num. 44, Less. Sanch. Suar. Pal. and in common, *which moral certainty of the remission of sin can indeed*

tentiæ sacramentum.”

be had, when any, morally well disposed, receives the sacrament of penance.”

A woman, then, who commits adultery, when accused of the crime, may equivocate by saying that she did not break the bond of matrimony, which continues even still; but if she thinks that such equivocation may be detected, then having repaired to the confessional, told the crime in all its details to her confessor, and secured the priest's benediction and absolution, on the promise of penance to be performed, she may unblushingly come forth to the world, and say, “*I am innocent.*” Yea, confirm it with an oath—Rome assuring her that the sin was remitted and taken away by confession, absolution, and penance! What a system of wholesale lying! Here Rome dupes the injured husband, and enables his wife, with all the confidence that religion can inspire, to assert her innocence, when nevertheless the marriage bed is defiled, despite of the declaration, “Whoremongers and adulterers God will judge.” “O tempora, O mores!”

Liguori continues the same subject—

“Ad quæsitum vero dicunt Salm. n. 144. cum Soto, non posse feminam adulterium negare, quia esset pura restrictio mentalis: Card. tamen n. 60. admittit in periculo mortis licere uti metaphora, quæ communis est in Scrip. ubi adulterium sumitur pro idololatria, ut ex Ezech. 23. 27. *Quia adulteratæ sunt. . . . et cum idolis fornicatæ sunt.* Imo, si crimen sit vere occultum, probabiliter, cum Bus. infra, art. 4. et Less. Trull. ibid. ac Sanch. lib. 3. Dec. cap. 2. n. 42. cum Sot. Sayr. et Arag. potest mulier negare cum juramento, et di-

“In answer to inquiry, Salm. n. 144. with Soto. say that a woman cannot deny adultery, because it would be purely mental restriction; Cardenas, however, n. 60. admits that, when in danger of death, it is lawful to use a metaphor which is common in Scripture, where adultery is taken for idolatry, as in Ezech. 23. 27. *because they committed adultery and were guilty of fornication with idols.* Yea, if the crime may truly be concealed, probably with Bus. infra. art. 4. et. Less. Trull. ibid. ac. Sanch. lib. 3. Dec. cap. 2. n. 42. cum Soto.

cere: *Non commisi*; eodem modo, quo reus potest dicere judici, non legitime interroganti, *Crimen non commisi*, intelligendo, se non commisisse ita, ut teneatur ei manifestare; ut Tamburin. ex comm. c. 4. § 3. n. 1. et 2. Et Viva q. 7. art. 4. n. 2."

Sayr. et Arag a woman can deny with an oath, and say, *I did not commit the crime* in the same way that the accused can say to his judge, not legitimately interrogating, *I did not commit the crime*, understanding that he did not so commit it, that he is bound to manifest it to him, as Tamburin, &c."

Liguori holds that a woman may deny the crime of adultery upon another principle—she may say, I have not committed it, understanding, by mental restriction, that she did not commit it so as to reveal it. Admissible casuistry—or rather I should say, base and dishonourable lying! Rome, as if anxious to conceal the adulteress in her guilt, affords various "refuges of lies"—

"Quæritur 3. an requisitus ad mutuandum, possit jurare se non habere pecuniam, quam revera habet, intelligendo, se non habere, *ut ad mutuum præstet*. Negant Salm. n. 145. cum Sot. Henr. Ratio, quia, illa restrictio ex circumstantiis percipi nequit. Sed hoc intelligendum, si veritas nullo modo percipi possit; nam si posset conjici ex aliqua circumstantia, nempe paupertatis, vel indigentiae mutuatarii, bene posset ipse intelligere, Non habeo superfluum, ut possim mutuare. Ita Roncagl. de 2. Præc. cap. 4. reg. 2. in praxi, Viva q. 7. a. 4. n. 2. cum Sanch. Bon. Sylv. etc. Card. diss. 19. n. 48. cum Suar. et Lug. de Pœnit. disp. 23 sess. 4. n. 74. qui sic docent: (Qui habet unum panem sibi necessarium, vere re-

"It is inquired, 3—whether he who is required to give money in loan, can say that he has not the money, when, in reality, he has it, by understanding that he has it not so as to lend it. Salmn. n. 145. cum Sot. Henr. deny that he can; the reason is, because that restriction is incapable of being understood from the circumstances. But this is to be understood, if the truth in no manner can be perceived, for if it can be apprehended from some circumstance, to wit, of poverty, or the indigence of the money-lender, he can well understand it—I have not a superfluity of money, so as that I can lend it. Ita Roncagl. de 2. Præc. cap. 4. Reg. 2. in praxi. Viva q. 7. a. 4. n. 2. cum. Sanch. Bon. Sylv. etc.

spondet, se nullum habere ei, qui petit panem commodatum: quia nullum habet, quem commendare possit, de quo solo ille interrogat.) Et idem dicit Card. n. 73. de pecunia petita, si domino sit necessaria."

Card. diss. 19. n. 48. cum Suar. et Lug. de Poenit. disp. 23. Sess. 4. n. 74. who thus teach, (he who has one loaf necessary for himself may truly answer that he has none for him who seeks bread as a loan, because he has none which he can give him, concerning which alone he interrogates.) And the same Card. says, n. 73, concerning money sought which is necessary for the master."

Liguori teaches that a man from whom money is asked as a loan, may deny that he has any, if that denial is at all capable of being understood. Some Doctors do not go so far as Liguori in this, but *he is the approved*,—the canonized,—the invocated, and yet he affirms that a man may say that he has not money when the contrary is the fact. In the Bible there is a woe denounced against him "who loveth and maketh a lie."

"Quæritur 5. an famulus ex jussu domini possit negare, ipsum esse domi. Card. diss. 19. n. 75. admittit, ipsum posse figere pedem in lapidem, et respondere, *Non est hic*; quia non est restrictio mentalis: sed huic non assentior, si alter nullo modo possit id advertere. Potius concederem, eum posse dicere, *Non est hic*, scilicet non in hac janua, vel fenestra; vel (ut ait Tourn. Mor. tom. 1 pag. 689.) *Non. est hic* quatenus videri possit. Item ait Carden, posse cum respondere, *Egressus e domo est*, intelligendo *in præterito*; non enim tenemur, ait cum Less. ut supra, respondere ad mentem interrogantis, si adsit justa causa. Secus, si ille rogetur, an hoc

"It is asked 5—Whether a Servant, by the order of his Master, can deny that he is at home. Card. diss. 19. n. 75. admits that he can feign his master's foot on the step, and answer, *He is not here*, because it is not mental restriction, but to this I do not assent, if the other can by no means understand that. RATHER I WOULD CONCEDE that he can say, HE IS NOT HERE, THAT IS TO SAY, NOT IN THIS DOOR OR WINDOW, or (as Tourn. Mor. tom. 1. pag. 689.) HE IS NOT HERE SO AS THAT HE MAY BE SEEN. Also, Carden says, that he can answer *that he has departed from the house*, by understanding a departure which took place in some time past. FOR WE ARE

mane dominus egressus sit, ut Croix lib. 1. p. 1. n. 184. Sic etiam Card. n. 72. ait de viro nobili, qui est in lecto, posse respondere famulum, eum esse remotum a consortio, ut ex usu loquendi solet intelligi."

"Quær. 6—An assumendi ad gradum doctoratus possint jurare cum æquivocatione conditionem requisitam non veram, scilicet, vacasse se tot annis illi scientiæ etc. si tales sint æque idonei ac alii doctores. Vide Tamb. Dec. lib. 8. cap. 2. § ex n. 11. qui affirmat, et justam causam ait tunc esse sic jurandi, ne repellantur qui jam digni sunt. Sed quidquid sit de hoc, probabile magis mihi videtur non pejorare doctorandos Neapoli, qui more solito scribunt manu propria in suscipiendo matriculas: *Dico con giuramento essere il primo anno istitutista ec.* cum revera id non sit. Ratio, quia verbum illud *giuro*, sive *dico con giuramento*, ut supra diximus dub 3. n. 136 cum Salm. c. 2. n. 24. Bon. Sanch. Suar. de se non est juramentum, nisi præcedat interrogatio de juramento; sed hæc interrogatio Neapoli vel omnino non fit de vero juramento, sed tantum de

NOT BOUND, he says, with Lessius as above, TO ANSWER TO THE MIND OF HIM THAT INTERROGATES, IF THERE IS A JUST CAUSE. Otherwise, if he is asked, whether this morning the master may have departed from the house, as Croix. lib. 1. p. 1. n. 184. Thus also Card. n. 72. says concerning a noble man who is in bed, that the servant can answer that he is out, to wit, that he is removed from society, as according to the usual mode of speaking, it may be understood."

"It is enquired 6—Whether they who are about to assume the Doctor's degree, can swear with equivocation the requisite condition though not true, viz. that he was devoted for so many years to that science, etc., if such be as fit as other Doctors. Vide Tamb. Dec. lib. 8. cap. 2. ex n. 11. who affirms it, and says that there would be a just cause of thus swearing, lest those who are now worthy might be rejected. But whatsoever may be the case concerning this, it appears sufficiently probable to me, that those who take Doctors' degrees in Naples, do not perjure themselves, who in the usual manner subscribe with their own hand in receiving matriculation, *dico con giuramento essere il primo anno istitutista, etc.*, WHEN IN POINT OF FACT THAT MAY NOT BE. The reason is, because that word *giuro* (I swear), or *dico con giuramento* (I declare with an

illa scriptione materiali, quæ ex usu communi videtur non apprehendi ut verum juramentum."

oath): as we have said above, dub. 3. n. 136. cum Salm. c. 2. n. 24. Bon. Sanch Suar. is not of itself an oath, unless the interrogation concerning an oath precedes it, but this interrogation in Naples either altogether is not made, or* is not made concerning a true oath, but only concerning that material subscription, which, according to common use, appears not to be taken as a true oath."

Thus Liguori justifies the practice of subscription in a *non-natural sense*, or, in fact, he establishes the principle that a man according to use, may subscribe a declaration which is not true in point of fact!

"Quær. 7.—An possit quis licite coram notario asserere, se accipere pecuniam, quam vere non recipit. Affirmat eum posse Tamb. ibid. n. 20. et 23. sensum impropriando, scilicet jurando, pecuniam se pro accepta habere, vel accipere, qui certus sit moraliter, alterum brevi pecuniam sibi fore soluturum. Et videtur probabile ex communi usu loquendi."

"It is enquired 7—Whether any one may lawfully assert before a notary, that he received money which truly he did not receive. Tamb. ibid. n. 20. et 23. affirms that he can, by impropriating the sense, to wit, by swearing that he has or receives money before he actually did accept it who may be morally certain that another will pay it to him in a short time. And it appears probable, according to the common use of speaking."

If a man is asked for money, that man may deceive and equivocate by saying, "*Oh that I had it,*" "*I would delight to have it.*" The man possesses the money, yet he does no wrong in thus equivocating."

EQUIVOCATION AND MENTAL RESERVATION.

Such are only EXCLAMATIONS and not positive denials!

"Quær. 8. an liceat jurare aliquid falsum, addendo tamen "It is inquired 8—Whether it is lawful to swear any false

* The words "*vel non fit,*" of which this is the translation, were omitted by an oversight on the part of the printer.

submissa voce, circumstantiam veram. Affirmat Hurtad. et Prado cum aliis ap. Salm. c. 2. n. 136. contra Torre, qui dicunt, quod, ut locutio sit vera, sufficiat, ut exterius concordet conceptui mentis, sive nutibus, sive voce submissa explicetur, et per accidens sit, ut alter non audiat. At melius Salm. n. 138. id admittunt, si tamen aliquo modo possit ab altero precipi illa submissa prolatio, licet ejus sensus non percipiatur: secus, si omnino alterum lateat."

thing by adding in a subdued tone the true circumstances? Hurtad affirms that it is, and Prado, with others ap. Salm. c. 2. n. 136. against Torre, who say that as the declaration is true, it suffices that it may accord exteriorly with the conception of the mind, or by signs or an under voice may be explained, though per accidens, it may happen, that the other does not hear it. But better Salm. n. 138. admits that, if in any manner, that under toned expression is capable of being understood by the other person, *although that sense may not be perceived*, otherwise: if the other altogether lies hid."

The important question now comes, if the Romanist can equivocate of his own accord, and though not asked. Liguori having noticed the opinion of a Doctor who says that he can not, give his own judgment in the following words :

"Probabilius tamen Salm. c. 2. n. 142. in fine cum communissima contrarium dicunt, nempe, quod, quando adest justa causa necessitatis vel utilitatis, possit quis uti amphibologiis in juramento, etiamsi ad jurandum sponte se offerat."

"MORE PROBABLY, however, Salm. c. 2. n. 142, in fine with *the most common opinion*, say the contrary, to wit, that when there is a just cause of necessity or utility, *any one can use double speaking in an oath*, ALTHOUGH OF HIS OWN ACCORD HE COMES FORWARD TO SWEAR."

Having quoted the opinion of other Doctors as to the unlawfulness of swearing with equivocation, *without* a just cause, and noticed Sauches' view which he holds to be the most probable one, that he who thus swears only commits a venial offence; he closes his observations on this subject by stating, that while formal simulation is

unlawful, material simulation for a just cause is lawful. His words are :

<p>“<i>Simulatio vero materialis, scilicet cum quis aliquid agit, non intendens deceptionem alterius, sed aliquem suum finem; hæc est licita cum justa causa.</i>”</p>	<p>“But material simulation, to wit, when any one does any thing, not intending to deceive another, <i>but only to accomplish some end of his own; this is lawful where there is a just cause.</i>”</p>
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If there is the slightest possibility of the simulation being understood, when the mental restriction is not purely mental, then such a line of conduct is absolutely lawful.

I would now briefly advert to the principles of Liguori on equivocation, by recalling some of the examples which he gives.

1.—A Confessor may swear that he has no knowledge of a circumstance which was made known to him in the confessional !

This perjury is reconcilable with his conscience by various modes of equivocation, some of which are as follows :

He knows the circumstance as Minister of Christ, or as God,* not as man. He is considered as God *in* the confessional, as man *out* of it. Therefore out of the confessional he is unacquainted with the circumstance.

Again, the Confessor swears, “ I know not the circumstance.” Within his own mind he says, I have not a knowledge which can be revealed, or is useful for that purpose. Therefore, he may swear that he has no knowledge whatever of the circumstance. If asked whether he

* Dens, in his chapter on the Seal of the Confessional, says, that a Confessor may deny even with an oath, that he knows a sin which was revealed to him in the confessional ; the reason he assigns is as follows.—Because such Confessor is interrogated as man and answers as man ; but now he knows not that as man, although AS GOD HE KNOWS IT,” Tom. vi. n. 160. For this he quotes the authority of the Angelic Thomas.

heard a certain sin in confession, he may say, "I have not heard it."—equivocation *as man*. Even if the Judge should see through the sophistry and say, Have you then heard it as Minister of Christ, he may answer "*I have not.*"

EQUIVOCATION AND MENTAL RESERVATION.

Because as Minister of Christ he can not speak, he can only speak as man!

II.—An accused or witness, not legitimately interrogated by a Judge, can swear that he has no knowledge of a fact which in reality he has a knowledge of.

EQUIVOCATION AND MENTAL RESERVATION.

He does not know it so as to depose concerning it!

III.—Liguori teaches, that very probably a culprit, guilty of a great crime, if he is in danger by the avowal of his guilt, of severe punishment, the gallies, perpetual prison, death, &c., may say *that he did not commit it.*

EQUIVOCATION AND MENTAL RESERVATION.

He did not so commit it that he is bound to confess it!

IV—A poor man that absconds with goods which are necessary for his sustenance, may deny to a Judge that he possesses any such goods. Likewise a man of property, who without an inventory has concealed those goods with which he is bound to satisfy his creditors, *may swear to a Judge that he has not concealed any.*

EQUIVOCATION AND MENTAL RESERVATION.

He has not concealed those goods with which he is bound to satisfy his Creditors!

V.—He who receives a loan and afterwards returns it, can deny that he received the loan.

EQUIVOCATION AND MENTAL RESERVATION.

He did not receive the loan so that he is now bound to re-pay it!

VI.—If any one is forced into matrimony, he can afterwards assert to a Judge, that he did not contract matrimony at all.

EQUIVOCATION AND MENTAL RESERVATION.

He did not contract it WITH HIS CONSENT !

VII.—He who has entered into matrimony which is null and void, may say that he was never married, likewise he who promises marriage, but is not bound by that promise, may deny the promise.

EQUIVOCATION AND MENTAL RESERVATION.

He did not make the promise SO AS TO BE BOUND BY IT !

VIII.—He who passes through a place without reason thought to be infected, may say that he did not come from that place.

EQUIVOCATION AND MENTAL RESERVATION.

He did not come from it AS AN INFECTED PLACE !

IX.—A man, asked by the Judge whether he has spoken with the accused, may say that he did not.

EQUIVOCATION AND MENTAL RESERVATION.

He did not so speak with him as to co-operate in his crime !

X.—A canonical person who is bound to secrecy, can swear that he told none of those things which were committed to him, though he may have revealed some of them.

EQUIVOCATION AND MENTAL RESERVATION.

He told none of those things which he is bound to conceal UNDER A GREAT PENALTY !

XI.—If a man invited to dinner, is asked whether the food is good or not—though the food is insipid, he may say that it is good.

EQUIVOCATION AND MENTAL RESERVATION.

The food is good FOR MORTIFICATION !

XII.—An adultress, asked if she committed adultery, may deny her guilt. Here she finds various equivocations wherewith to satisfy her conscience.

1.—She did not so commit the crime as to reveal it!

2.—She did not break the bond of matrimony—an equivocal expression!

3.—She is quite innocent of the crime, because it was taken away by *confession, absolution, and penance*. She repairs to the confessional, and the sin being there forgiven, she comes forth *innocent and unspotted*. The Church of Rome conceals her guilt from the Husband.

Again, she may say that she did not commit adultery. *Meaning within her own mind, Idolatry*, which in the Bible is called adultery!

XIII.—A man who is asked to lend money, may say that he has no money, when in reality he has!

EQUIVOCATION AND MENTAL RESERVATION.

He has no money for the purpose of lending!

XIV.—A Servant asked if his Master is at home, may say, “he is not here.”

EQUIVOCATION AND MENTAL RESERVATION.

“*He is not here,*” meaning he is not *in the doorway or in the window*. The servant may even say that he went out, referring to some *past occasion*. A servant may say of a nobleman who is in bed, that he is out, to wit, *that he is out of the way of business!*

XV. A man who is about to be admitted to a Doctor’s degree, may swear that he was for a certain number of years engaged in certain studies, when in reality he was not. And the Neapolitan Doctors who subscribe in a *non-natural sense* are guiltless, because that subscription is *material* only, and from *common use* the obligation of the oath is weakened.

XVI.—A man may swear before a notary, that he received a certain sum of money, which he did not receive.

EQUIVOCATION AND MENTAL RESERVATION.

He is morally certain of receiving that sum VERY SOON !

XVII.—A man may swear a direct falsehood, if he adds the truth in an under tone, if that addition is *at all capable of* being heard !

Such are some of the many examples of Romish equivocation and dissimulation which I might adduce ; they are but *examples of the wholesale lying, fraud, perjury, and dishonesty*, which Rome not only practises but *justifies and teaches*.

Here I cannot refrain from noticing assertions which have been lately made by a Romish Advocate when his Church was charged with authorizing equivocation and mental reservation ; I allude to the Hereford discussion, which took place between the Rev. John Venn, a Clergyman of the Church of England, and the Rev. James Waterworth, a Priest of the Church of Rome. Mr. Venn quoted passages from Sanches, Filiucius, and Reginaldus, in which they authorize equivocation and mental reservation ; these are Jesuit authors, and for the purpose of fastening these opinions on the Church of Rome, Mr. V. quoted from the Romish Bull, in which it is declared, that “ the world with unanimous voice demands the re-establishment of the Company of Jesuits ; ” which was accordingly done.

Now I will give the reader the benefit of Mr. Waterworth's reply to the charge.

“ Then, it appears, that some Divines have maintained that mental reservations may be permitted. Is this the doctrine taught at Maynooth or not ? If the opinions of De La Hogue are the true opinions taught at Maynooth, he holds it more probable that he must hold his peace and bear the consequences. The opinions of those who hold that mental reservations may be permitted, are not my opinions, nor are they

the opinions of the Catholic Church. *I could not be a Catholic if I held them.* I would beg Mr. Venn's attention to this fact—Innocent XI., in his propositions published in 1679, declares, that this opinion of mental reservation is not to be entertained by any Catholic. He says you must not equivocate or be guilty of mental reservation. He says it is a false, scandalous, and infamous doctrine to hold it. Men had held the doctrine; but it came to be examined by the highest authority in the Church, and it was said that these opinions had been holden, *but that they must be no longer held.* I have here several authors who lived half a century before Innocent XI., who condemned this doctrine. Sanchez and Reginald wrote before Innocent XI., and they are condemned. Therefore, the Church of which I am a member, has actually condemned, instead of approving of, this doctrine."

This is Mr Waterworth's statement ; he most decidedly maintains—

1. That Innocent XI. condemned all equivocation and mental reservation.

2. That "Sanches and Reginald wrote before Innocent XI., *and are condemned.*"

Hence he draws the conclusion, and boldly says—" *I could not be a Catholic if I held them* "

These are sweeping assertions, and if true, would indeed acquit the Church of Rome of the charge. Mr. Waterworth would have us believe that Innocent XI. condemned all equivocations, and that *since his time no one could be a Catholic and hold these sentiments.*

Here I would observe an important point in passing—Mr. Waterworth denies the charge brought by Mr. Venn, —his righteous soul burns with indignation at the thought —that his Church could teach such scandalous opinions as these—opinions which are anti-social and sinful. Equivocation then, and mental reservation, are sinful according to this Roman Divine ; and this is an important admission, for Reginaldus, Sanchez, Filiucius, and a host of others say that they are *not* sinful. And what will my Readers think if it appears that Rome, even since the

time of Innocent XI., Rome in the 19th century, aye, and Innocent XI. too, maintain the lawfulness of equivocation and mental reservation! If such appears then as a matter of fact, Mr. Waterworth denounces the principles of his own Church as sinful and scandalous; if he be honest, let him abandon it. The proof of my position, that Rome in the 19th century holds the lawfulness of equivocation and mental reservation, is so evident and obvious, that the reader of the preceding pages must at once perceive it; but before I proceed to this point, I would first notice Mr. Waterworth's great argument, so great that he boldly says—" *I could not be a Catholic if I held them*"—the principles of equivocation and mental reservation. His argument is, that Innocent XI. condemned these principles, and in proof of the assertion he quotes Bailly, Dens, &c. We then will take Dens as an example.—

" *Ex uno disce omnes.*"

I have already said that the views of Dens', though bad enough, (so bad, that Romanists are ashamed of them) are yet not equal, in point of wickedness, to those of Liguori, who is the APPROVED, THE CANONIZED, and THE INVOCATED! Now, Mr. Waterworth's great argument is this—that, since the propositions of Innocent XI. no Roman Catholic could hold the principles of equivocation and mental reservation. He quotes Dens, but he absolutely omits an important link in the sentence; and why? because Dens, in that omitted portion, says that, since the propositions, these principles have been held, though Mr. Waterworth asserts that no Romanist *could* hold them. Let us look at Mr. Waterworth's garbled passage, in juxta-position with the whole sentence, and judge of the assertion and the fair play of the learned disputant—his assertion that no Catholic could hold these

obnoxious sentiments, and his fair play in leaving out the latter part of the sentence :—

Dens—

“Observe here, that Lessius, Suaresius, and others, who wrote before the condemnation of the above mentioned propositions, are to be read cautiously. Nay, **SOME MORE RECENT** are to be avoided, who secede from the condemned doctrine, as far as they are obliged by the letter or the express case, *retaining* **INDEED THE SAME PRINCIPLES**, but they who are better taught by the highest Pontiffs ought to know and understand that in the condemned propositions the principles themselves are reprobated.”

Dens, as quoted by Mr. W.

“Observe here, that such writers” (that is, Lessius, Suares, and others, who wrote before the condemned propositions of Innocent XI.) “are to be read with caution.”

Now Dens is an infamous writer—the world has heard of his obnoxious principles—yet Dens, as I have said, is not so bad as Liguori in some points. Dens, however, is an insignificant authority, when compared with that saint, as will be seen by and bye. Now, recollect, that Mr. Waterworth’s point is this—that, since the condemnation by Innocent XI., no Roman Catholic could hold equivocation and mental reservation. He quotes Dens, *but he leaves out the passage in which it is said, that since the condemnation by Innocent XI., these principles have been held in Rome, for the simple reason, that if he had read the passage to the end, it would have completely annihilated his whole argument.* He quotes Liguori on the subject of oaths, as a great authority. He says—“Liguori teaches (and he has just been canonized) that, under no circumstance, even if the Pope or the Council were to attempt it, can they exonerate an individual from an oath made to a third person.”

This assertion of Mr. W.'s, as to Liguori, I will show, by and bye, to be utterly false ; but I now quote the passage to prove that Mr. W. knows something of Liguori, "just canonized," which are his own words. Now, then, Liguori, "*just canonized,*" *teaches equivocation and mental reservation.* Mr. W. says, "I could not be a Catholic if I held them." Yet LIGUORI, "JUST CANONIZED," HOLDS THEM !

But Mr. W. says these principles are condemned by the propositions of Innocent XI. I say that equivocation and mental reservation are *not* condemned by that Pope. Mr. W. availed himself of the subtle distinction which Rome makes in reservations, and to which I have already alluded, even that of restriction *pure mentalis* and restriction *non pure mentalis*. This distinction I have already noticed.

In the 58th page of this work, I say—

"Liguori now defines the meaning of mental restriction. He says that there is restriction purely mental, (*pure mentalis*) and restriction not purely mental—the former *can not be used*, the latter can. Having said that restriction purely mental can not be used, *and proved his statement by reference to propositions condemned by Innocent XI. he considers restriction, not purely mental.* He says :

'E contrario licitum est, justa causa uti restrictione *non pure mentali*, etiam cum juramento, si illa ex circumstantiis percipi potest.'

'On the contrary it is lawful for a just cause to use restriction not purely mental, even with an oath if it can be understood from the circumstances.'

"He endeavours to prove this by passages of Scripture, which he perverts, and cites a long list of authors in support of his view. He says that even the *most strict*

moralists have accorded with the principle. Even Thomas adopts it, saying :

‘*Non est licitum mendacium dicere ad hoc, quod aliquis alium a quocumque periculo libret ; licet tamen veritatem occultare prudenter sub aliqua dissimulatione, st Augustinus dicit in lib. contra Mendac.*’

‘ It is not lawful to tell a lie for this account, that any one should deliver another from any danger—*however it is lawful prudently to conceal the truth under SOME DISSIMULATION*, as Augustin says in his book against Lying.’

“ Restriction, purely mental, or that which is incapable of being understood, is not lawful ; but restriction, not purely mental, or that of which it is possible, even in the smallest degree, that it can be understood, is **LAWFUL**.

“ Having proved the lawfulness of mental restriction, he considers a number of cases which fully exemplify the wickedness of these principles.”

Here, then, I noticed the Papal distinction of reservation *nou pure mentalis* and *pure mentalis*. Liguori says that restriction purely mental is not lawful, and he quotes the propositions of Innocent XI. ; but he says that restriction, not purely mental, *are lawful—are not* condemned by the proposition of Innocent XI. ; for that proposition only speaks of reservation purely mental. How utterly false, then, is the assertion of Mr. W., that all equivocations are condemned by Innocent XI. ; for, as a matter of fact, *Liguori shows that the equivocations and mental reservations, of which he approves, are not condemned by Innocent XI*. How utterly groundless is his assertion that Sanches, called by Liguori “ *the most learned and pious,*” Lessius, &c., &c., are condemned ; for Liguori, the approved, the canonized, and the invoked, quotes their opinions, approves, in most instances, of their views, and sometimes even goes further than these authors in maintaining obnoxious principles.

Mr. Waterworth, speaking of equivocation and mental reservation says, "I could not be a Catholic if I held them; and yet that very gentleman bends his knee in suppliant prayer, and entreats that, *taught by the admonitions of Liguori,*" he may reach the shores of heaven. Reader, turn back a few pages—for a moment consider the sentiments which Liguori teaches on equivocation, and then judge of the veracity of this assertion. Mr. W. says, "I could not be a Catholic if I held them;" and yet Liguori, of whose works the Church of Rome has pronounced that they contain "not one word worthy of censure," holds these sentiments. *Is Liguori a Catholic?* But I would, for the sake of clearness, sum up what I have proved.

I.—Mr. W. says that the propositions of Innocent XI. condemn all equivocation. I have shown, from Liguori himself, that these propositions only apply to reservation, "pure mentalis." The equivocations which Liguori gives are *not* condemned. *They are lawful.*

II.—Mr. W. affirmed that Sanches, Lessius, &c., were condemned. I have shown that Liguori, the approved moralist of Rome—*approved* IN THE NINETEENTH CENTURY—maintains their views, and sometimes even goes beyond them.

III.—Mr. W. affirmed that no Catholic, since the propositions of Innocent XI., could hold such principles; and, when he quotes a passage from Dens, he leaves out the latter part of the sentence, for therein Dens says that "*more recent authors have held the same opinions.*"

IV.—Mr. W. says, "I could not be a Catholic if I held them"—a palpable untruth, *for Liguori holds them! and Rome has pronounced of his sentiments, that they are not worthy of censure.*

V.—*Mr. W. himself prays to God that he may hold*

the principles of equivocation, which he has pretended, equivocally, it may be, to abjure. For on a certain day in the year HE BESEECHES GOD THAT HE MAY BE TAUGHT BY THE ADMONITIONS OF LIGUORI !

Rome, then, without any doubt, holds these sentiments as her present, as well as past, views; yet her advocates, who want to throw a mantle over her deformities, have denied the fact. *In that very denial there are dissimulation, equivocation, and mental reservation !*

I should not have noticed the Hereford discussion, but that it affords a recent instance of misrepresentation on the part of the Romish pleader. I do not attempt, however, to improve the able argumentation of the Rev. John Venn, to whom Protestants owe a debt of gratitude for his valuable defence, but merely make these observations *en passant*.

We pass to the subject of

O A T H S.

The question proposed by Liguori is "What and how great is the obligation of a promissory oath?" to which he gives the following reply.

"Resp. 1. Juramento promissorio duæ affirmantur veritates: una de præsentia primaria, quod scilicet jurans habeat animum implendi quod promittit; altera secundaria de futuro, quod scilicet impleturus sit suo tempore, quod promittit: sive promittat Deo, et est votum cum juramento; sive homini, et est jurata promissio humana. Unde oritur obligatio implendi, si rationabiliter possit. Ita communiter DD. Layman. lib. 4. tom. 3. cap. 6. Bon. pag. 7. Unde resolves. 1. Defectu primæ veritatis jurans

"In a promissory oath two truths are affirmed, one primary concerning the present, to wit that he who swears has the mind of fulfilling what he promises—the other secondary, concerning the future, to wit, that he is about to fulfil what he promises in due time: whether he promises to God, and it is a vow with an oath; or to man, and in this case it is a human promise, confirmed by an oath. Whence arises the obligation of fulfilling, if reasonably it can be done. Thus the doctors generally teach, Lay-

vere peccat mortaliter, si vel non habeat animum implendi, sive materia sit parva, sive magna: licita, sive illicita: vel si dubitat, an facturus sit, necne, quod jurat; vel si putet sibi moraliter impossibile, ut impleat quod promittit: quia, quoad istam veritatem præsentem, promissorium ab assertorio non differt; unde nec parvitas materiæ excusat."

man, lib. 4. 3 tom. cap. 6. Bon. pag. 7. Whence you conclude—He that swears with the defect of the first verity truly commits mortal sin, either if he has not the purpose of fulfilling, whether it be a small matter or great: lawful or unlawful—or if he doubts whether or not he shall perform what he swears, or if he thinks it morally impossible that he can fulfil what he promises; because, as to that present verity, the thing promised does not differ from the thing asserted—whence neither does the smallness of the matter excuse."

Liguori having said that he sins grievously who promises anything with an oath, thinking it impossible that he should fulfil it—that on the other hand he does not sin who swears with the probable hope of fulfilling the promise, proceeds:

"Quæritur, quale peccatum sit juramentum promissorium fictum, et ad quid obliget. Distinguo: tripliciter potest quis fecte promittere cum juramento: I. sine animo jurandi; II. sine animo se obligandi; III. sine animo implendi. I. Si quis juret *sine animo jurandi*, peccat quidem, et ex prop. 25. damn. ab Innoc. XI. quæ dicebat: *Cum causa licitum est jurare sine animo jurandi, sive res sit levis, sive gravis*. Ratio, quia tunc illudit divino testimonio. An autem hic peccet graviter? Respond. affirmative, si juret sine animo implendi promissionem; si vero cum animo implendi, peccat tantum venialiter, ut communissime dicunt Sanch, Dec.

"It is asked, how great is the sin of a feigned promissory oath, and how far its obligation extends. I distinguish: any one can promise with an oath feignedly in a threefold manner. I. without the mind of swearing; II. without the mind of binding himself; III. without the mind of fulfilling. I. If any one swears without the mind of swearing, he sins indeed, even according to the twenty-fifth proposition condemned by Innocent XI., which said—When there is a cause, it is lawful to swear without the mind of swearing, whether the matter be small or great; the reason is because then he mocks the divine testimony. *But whether in this case*

lib. 3. cap. 6. n. 10. Ronc. de Juram. cap. 4. q. 1. r. 3. Tamb. de Juram. lib. 3. c. 3. §. 2. n. 4. Elbel de Jur. n. 129. Mazzott. eod. tit. c. 3. q. 3. Recte vero excipiunt, si juramentum fiat in contractibus, vel coram judice: quia tunc, licet non sit perjurium, est tamen gravis deceptio contra justitiam.

“II. Si autem jurat *sine animo se obligandi*, sed cum animo implendi, Caj. 2. 2. quæst, 89, art. 6, Croix lib. 3. p. 1. n. 2. 9. item S. Anton. Nav. Scotus, Tambur. et alii communius ap Sanch. loc. cit. n. 5. tenent, hunc peccare mortaliter, tum quia, sic jurans, falso significat, se habere intentionem se obligandi, quam vere non habet; tum quia, ut sentit Croix tanquam probabilius, videtur gravis irreverentia adducere Deum in testem, et nolle ejus testimonio obstringi. Sed valde probabiliter id. Sanch, n. 7. Tamb. n. 6. Elbel n. 21. Rensi de Juram. p. 125. et Ant. a Spir. S. cui adhæret Ronc. loc. cit. r. 4. tenent, hunc non peccare nisi venialiter. Ratio, quia taliter jurans, cum habet animum implendi, quamvis non intendat se obligare, ex una parte non jurat falsum, quia asserit verum de voluntate præsentis, ex alia parte, cum hic voluntatem non habeat se ullo modo obligandi ex vi juramenti, de cujus intrinseca ratione est inducere obligationem religionis, revera non jurat, ut ex communi dicunt Salm. tract. 17. c. 1. n. 19. Elbel loc. cit. Sporer in 2. Præc. cap. 1. n. 134. etc. et

does he sin grievously? We answer in the affirmative, if he swears without the mind of fulfilling the promise; if with the true mind of fulfilling *he only sins venially*, as Sanch. Dec. lib. 3. cap. 6. n. 10. Ronc. de juram. cap. 4. q. i. r. 3. Tamb. de juram. lib. 3. c. 3. § 2. n. 4. Elbel. de jur. n. 129. Mazzott. eod. tit. c. 3. q. 3. commonly teach. But rightly they make an exception, in case the oath is made in contracts, or before a judge; because then, *although it is not perjury*, it is however a grievous deception against justice.

“II. But if he swears *without the mind of laying himself under an obligation*, but with the mind of fulfilling, Caj. 2. 2. quæst. 89. art. 6. Croix lib. 3. p. 1. n. 2. 9. item S. Anton. Nav. Scotus. Tambur. and others more commonly upon Sanch. in the place cited n. 5. hold that he sins mortally—first, because thus swearing, he signifies falsely that he has the intention of laying himself under an obligation, which truly he has not; next, because, as Croix thinks, as it were more probably, it appears a great irreverence to adduce God as a witness, and be unwilling to be bound by his testimony. But very probably Sanch. n. 7. Tamb. n. 6. Elbel. n. 21. Rensi de juram. p. 125. et Ant. a Spir. S. to whom Roncaglia adheres in the cited place R. 4. hold *that he only sins venially*. The reason is because, swearing in such a manner, when he has the mind of fulfilling, although

ideo juramentum hoc idem est, ac si factum sine animo jurandi, quod non est nisi veniale, quando verum asseritur, ut supra dictum est."

he does not intend to lay himself under an obligation, on the one hand, he does not swear falsely, because he asserts the truth concerning his present will; on the other hand, when he has not the will of laying himself under an obligation in any manner by the force of an oath, the very nature of which is to induce the obligation of religion; in reality he does not swear, as Salm. tract. 17. c. 1. n. 19. Elbel. loc. cit. Sporer. in 2. Præc. cap. 1. n. 134. etc. say according to a common opinion: and moreover this oath is the same as if made, without the mind of swearing which is only a venial offence when he swears the truth as is said above."

Here most important principles are stated. A man takes an oath, and though with the intention of fulfilling the promise, yet without the intention of laying himself under an obligation by virtue of the oath to fulfil it.—The question is proposed, Does that man sin grievously or only venially? Antoine, Scotus, and others answer that he sins mortally, and two very just reasons are alleged. I. because he, by the very act of taking the oath, leads those who administer it to suppose that he lays himself under an obligation to keep its requirements. II. Because it is a great irreverence to adduce God as a witness of the oath, when the man who swears is unwilling to be bound by it. But Liguori, Sanches, Roncaglia, &c., think that he is only guilty of a venial offence, and in fact *does not swear at all*—the oath is not a true one. Now comes the important question whether he who swears without the intention of laying himself under an obligation, is bound to keep the oath?

“An autem sic jurans cum animo jurandi, sed sine animo obligandi, teneatur ad servandum juramentum? *Prima sententia* negat, tum, quia hujusmodi juramentum fuit invalidum, ut supra; tum, quia Deus juramenta promissoria non acceptat, nisi juxta jurantium intentionem, ex c. Humanæ aures, qu. 5. ubi dicitur: *Divina judicia talia foris nostra verba audiunt, qualia ex intimis proferuntur.*”

“But whether he who thus swears with the mind of swearing, but without the mind of binding himself is bound to observe the oath? *The first opinion denies that he is obliged to keep it*, both because such an oath is invalid, as said above; and because *God does not accept promissory oaths unless according to the intention of those who swear*, ex. c. Humanæ aures. qu. 5, where it is said: *the divine mind hears our words in the sense with which they are spoken within.*”

Liguori quotes a host of authors who hold this view. St. Bonaventure, Antoine, Sylvius, Roncaglia, &c., and says that it is *a common opinion*. He also quotes St. Thomas as favorable to it, who says :

“*Si autem simpliciter juret absque dolo, tunc in foro conscientie non obligatur, nisi secundum suam intentionem.*”

“But if simply he swears without craft, then in the court of conscience, he is only bound according to his own intention.”

Again,

“*Si autem jurans dolum non adhibeat, obligatur, secundum intentionem jurantis.*”

“But, if in swearing he does not admit deceit, he is bound according to his own intentions.”

The meaning of swearing without deceit is defined in the following words of Liguori :

“*Is autem jurat sine dolo (ut dicit Elbel n. 218. cum Ills.) qui jurat alicui nullum jus habenti ex justitia ad rem promissam.*”

“But he swears without deceit, (ut dicit Elbel. n. 218. cum Ills.) who swears to any one not having a just right to the promised thing.”

A man then who swears without the intention of binding himself, is not obliged to keep the oath according to these Doctors. But the second opinion affirms that he is bound to observe it :

Secunda tamen sententia affirmat teneri eum ad servandum juramentum. Hanc tenent Less, 1. 2. cap. 42, num. 37. (licet vocet oppositam valde probabilem) Cajet. 2. 2. q. 89. art. 7. Suarez cap. 7. Sot. lib. 8. q. 1. a. 7. item Valent. Sayr. Fill. Arag. ap. Bonac. tom. 2. d. 4. q. 1. p. 7. n. 3. et Renzi de Juram. p. 115. quæst. 5. Ratio, quia qui jurat cum animo jurandi, jam verum juramentum emittit, et ideo tenetur efficere, ad servandam reverentiam divini nominis, ut verum evadat, quod jurat; nec potest a juramento separare obligationem implendi promissum, cum obligatio oriatur ex ipso juramento, de cujus natura est, ut effectum habeat, quod juratur, ne vocetur Deus in testimonium falsitatis. Et in hoc apparet differentia inter votum, seu contractum, et juramentum; nam in illis obligatio pendet ab intentione voventis vel contractantis, in juramento autem ex vi ipsius juramenti."

"However the second opinion affirms that he is bound to observe the oath. Less. (although he calls the opposite very probable) 1. 2. cap. 42. num. 27. Cajet. 2. 2. q. 89. art. 7. Suarez. cap. 7. Sot. lib. 8. q. 1. a. 7. item. Valent. Sayr. Fill. Arag. ap. Bonac. tom. 2. d. 4. q. 1. p. 7. n. 3. et Renzi. de Juram. 115. quæst. 5. hold this second opinion. The reason is, because he who swears with the mind of swearing, now takes a true oath, and, therefore, is bound to use all diligence (in order to preserve a reverence for the name of God) that the truth which he swears may come to pass; neither can he separate the obligation of fulfilling the promise from the oath, since the obligation arises from the oath itself, the nature of which is that it should have the end which is sworn, lest God should be adduced as a witness of falsehood. And in this appears the difference between a vow or contract and an oath; for in these the obligation rests upon the intention of him that vows or contracts; but, in an oath, it arises from the force of the oath itself."

Such are the answers to the question, whether an oath taken with the mind of swearing but without the mind of binding is obligatory. Many Doctors say that it is not binding, *this is the first opinion*; others say it is binding, now we come to the opinion, of Liguori himself. *He* says:

"Utraque sententia est probabilis, sed prima est probabilior: nam ratio hujus secundæ sen-

"Either of the opinions is probable, BUT THE FIRST IS MORE PROBABLE; for the rea-

tentiæ supponit ut certum, tale juramentum sine animo se obligandi emissum, esse verum juramentum. Attamen probabilius est, et commune, ut asserunt Salm. c. l. n. 19. cum aliis ut supra, et etiam Viva in proposit. 25. Innocent. XI. num. 13. (contra Less. dict. num. 37.) quod hujusmodi juramentum non sit verum juramentum: tum, quia caret conditione necessaria ad naturam juramenti promissorii, qualis est animus se obligandi; tum, quia juramentum sequitur naturam promissionis quam confirmat, ut certum est ap. Bus. n. 280. cum Less. Bon. etc. At promissio, sine tali animo facta, non est quidem propositum; ergo, evanescente promissione, evanescit etiam juramentum, et habetur ut factum sine animo jurandi; quod certe, ut vidimus, nullum est. Si autem nullum existit juramentum, nulla existit obligatio illud implendi."

son of the second opinion supposes it as certain that such an oath, made without the mind of binding one's self, is a true oath. But it is a more probable, and common opinion, as Salm c. l. n. 19. with others as above, and even Viva on proposition 25 of Innocent XI. num. 13. (against Lessius in the mentioned number 37) assert, that *such an oath is not A TRUE OATH*—both because it wants the necessary condition to the nature of a promissory oath, such as is the intention of binding one's self: and, because an oath follows the nature of the promise which it confirms as is certain Ap. Bus. n. 280. cum Less. Bon. etc. *But a promise made without such a mind is not, indeed, proposed; therefore, the promise being evanescent, the oath is also such, and is considered as made without the mind of swearing, which certainly, as we have seen, IS NULL AND VOID. BUT IF NO OATH EXISTS, THERE IS NO OBLIGATION OF FULFILLING THAT OATH.*"

How fearful are these principles. Liguori teaches that an oath made without the intention of obligation is null and void and need not be observed. Tis true that many Doctors whom he cites hold the opposite, nay even Dominus Dens, whose works lie before me, holds that such an oath is binding, but let it be remembered that in the year 1839, the Church of Rome pronounced, after the most rigorous examination, *repeated more than twenty times*, that the Works of our Saint do not contain "*one word worthy of censure.*"

The contrariety of opinion which exists amongst Romish Doctors proves this point clearly, that the opinions of Liguori are untenable and objectionable. In the obligation of oaths, Dens, and even Lessius and Suaressius maintain the opposite of Liguori: so indignant was the Gallican Church at such opinions, that in the year 1700 *she* condemned the following proposition,—“He who swears with the intention of not binding himself, is not bound by virtue of the oath,” and yet this very opinion is maintained by the Saint. Which then are the *genuine* opinions of the Papacy? I maintain that those of Liguori *are*. The Gallican Church occupies a most inconsistent position, for it has been excommunicated by the Bull “Cœnæ Domini.” Dens, Lessius, and Suaressius are not so favored as to be canonized, *nor was the sentence ever pronounced on their works, that they are not censurable in one word.* The sentiments of the Gallican Church, Dens, Lessius, Suares. Bailly. De la Hogue, *are bad enough, yet not half so bad in some points as those of Liguori.* *He* is the approved—*He* is the canonized—*He* is the invocated—*approved—canonized, and declared worthy of invocation, in the year 1839*; and His principles are the genuine principles of Rome, for which *she* is responsible, and by which she must stand or fall. The Church of Rome is like a House divided against itself. Her own sons disavow her principles, and in many instances absolutely condemn them as objectionable and anti-social. We need not Protestant arguments to convince us, for the assertion of Dens and others clearly demonstrates, that the principles of Rome, taught by her approved Liguori, are wicked and anti-social. Every Romanist prays that he may be *taught by the admonitions of Liguori!* But to proceed; Our Casuist next considers oaths made without the mind of fulfilling, but with the

mind of swearing and binding itself—such an oath is obligatory. It is *improbable*, Suaressius says, that it is not binding. Liguori concludes his consideration of the first defect by saying :

“ Si autem quis injuste cogatur, puta a latrone, ad aliquid promittendum cum juramento, potest licite intendere non velle implere promissum, si relaxationem juramenti obtinuerit. Ita probabiliter Croix lib. 1. p. 3. num. 278. cum Suar. Sanch. et Diana.”

“ But, if any one is unjustly compelled, *for example*, by a robber, to promise anything with an oath, he can lawfully intend that he does not wish to fulfil the promise, if he may have obtained relaxation of the oath.”

Here then, if a man considers that an oath is administered unjustly, (the case of the Robber adduced by Liguori is a mere example) he can take the oath without the intention of fulfilling it, and that oath will not be obligatory.

On the defect of the second verity he considers various cases. He says, that it is a great question whether the breaking of an oath made about a small matter is to be considered a weighty or a venial transgression. Liguori considers that more probably it is only a venial offence, as follows :—

“ Illud certum est, quod si ex eo quod jurasti, tantummodo parum aliquid non serves, non sit grave: v. gr. si jurasti te non bibiturum vinum, non peccas mortaliter parum bibendo. Sanch. t. 1. lib. 4. c. 32. n. 21. quia tunc excusat parvitas materiæ; et sic excusantur, qui jurant servare statuta alicujus capituli, collegii, universitatis etc. si postea parvum aliquod statutum violent. Et idem dic de tabellionibus juratis, et aliis ministris justitiæ; ut, et de eo qui ex sum-

“ It is certain that if you transgress only some small part of what you have sworn, it is not a grievous sin: for example, if you have sworn that you would not drink wine, you did not sin mortally in drinking a very little, Sanch. t. 1. lib. 4. c. 32. n. 21; because then the smallness of the matter excuses; and thus they are excused who swear to observe the statutes of some chapter, college, university, &c., if afterwards they violate the statutes in some small

ma, quam alteri se daturum jurasset, parum tantum detraheret, Navar. Suar. Sanch. Vide Laym. Bon. p. 13.

“Obligaris probabiliter juramento promissorio, etsi extortum a te sit per injuriam, ac metum: ut si oblitus uti æquivocatione, jurasti prædonibus dare lytrum, usurario usuram.”

way. And we say the same concerning sworn public registrars, and other ministers of justice; as also concerning him who, from the SUM WHICH HE SWORE THAT HE WOULD GIVE TO ANOTHER, DETRACTS ONLY A LITTLE. *Probably* you are obliged, by a promissory oath, although it may be extorted from you by injury and fear, as if, *forgetting to use equivocation*, you promised to robbers to give booty, or usury to usurers.”

The Romanist, however, as I have already shown, if he takes care to swear without the intention of fulfilling, or with equivocation, has no difficulty whatever in waving the obligation of the oath.

Passing over some less important matters, we come to a startling case of perjury which Liguori authorizes. Having considered certain instances in which it is not lawful to violate oaths *without dispensations*, which however are *all-potent*, he says :

“Excipe tamen, si jurasses Titia eam ducere: nam eo casu potes, ea relicta, ingredi religionem; quia juramentum sortitur naturam actus, cui apponitur; promissioni autem matrimonii hæc tacita conditio inest, *nisi ingrediar religionem*. Vide Laym. c. 6. Bon. d. 4. q. 1. p. 3.”

“Nevertheless make an exception, if you have sworn to Titias to marry her, *for in that case you may forsake her*, and enter into a religious order; because the oath regards the nature of the act to which it pertains; but in the promise of matrimony there is this *tacit* condition, *unless I enter a religious order*.”

Thus a Romanist who has sworn to marry a certain woman, may after all violate the oath and enter a religious order which is bound by the law of celibacy—because all such oaths include the *tacit* condition, “*unless I enter a religious order*.” He puts the question

“Quær. 1. an juramentum non ludendi obliget ad abstinendum etiam a ludo licito, et modicæ quantitatis. Resp. Si juramentum sit factum non ludendi in genere, conveniunt omnes hoc non obligare ad abstinendum a lusu honesto, et moderato. Vid. Salm. c. 2. n. 95. Dubium est, si juramentum expresse et specialiter factum sit abstinendi etiam a ludo licito, et moderato, an obliget.”

“Whether he who takes an oath not to gamble, is bound to abstain even from lawful gaming and for a moderate quantity. It is answered that if an oath is made of not gaming in general, *all agree* that this does not bind to the abstaining from honest and moderate gaming. See Salm. c. 2. n. 95. *It is doubtful*, whether an oath *expressly* and *specialy* made to abstain even from lawful and moderate gaming is binding.”

Here he says, that though expressly and specially taken against all gaming, yet it *is doubtful* whether it binds. He gives the opinion of various Doctors and arrives at the conclusion :

“Hinc, si jurans majus bonum expresse intenderit in abstinendo a ludo, puta, ut Deo vacet, se mortificet etc. tenetur implere: secus, si, sine tali fine juraverit. Salm. n. 95. et 103. in fin. In hoc autem ludo bene potest dari materiæ parvitas, quæ metienda est juxta finem intentum a jurante. Vide Salm. n. 98. Potest etiam talis jurans dare pecuniam alteri ad ludendum, et ipsum observare, et etiam adjuvare, quia hoc proprie non est ludere. Sanch. 1. 3. Dec. c. 18. n. 4. Bon. t. 2. d. 4. q. 1. p. 16. n. 5. Palaus tr. 16. d. 2. p. 7. num. 5. et Salm. n. 99. cum Cand. Trull. Fag. etc.

“Resp. 2. Juramentum promissorium eandem habet conditionem, eodemque modo explicandum est, quo promissio, vel propositum, cui est annexum. Ratio est, quia accessio-

“Hence, if he who swears has expressly intended a greater good in abstaining from gaming, for example, that he may have more time for devotion to God, that he may mortify himself, &c. he is bound to fulfil it. *He is not bound to fulfil it, if he has sworn without such an end in view.* Salm. n. 95. et. 100. in fin. But in this gaming the smallness of the matter can well be taken into account, which is to be measured according to the end intended by him who swears. See Salm. n. 98. *Such a one swearing can also give money to another to gamble, and observe and even assist him in gambling because this is not properly to play at game.*

“A promissory oath has the same condition, and is to be explained in the same way as the promise or the purpose to

rium sequitur principale; ideoque, quando non obligat promissio, nec obligat juramentum appositum. Less. 1. 2. cap. 42. d. 2. Bonac. d. 4. q. 1: p. 16. Trull. 1. 2. c. 1. d. 17.

Unde resolves. Titius, qui cum juramento promisit nuptias Bertæ diviti, sanæ, virgini, bonæ famæ etc, non tenetur stare juramento, postquam Berta incidit in paupertatem, infirmitatem, fornicationem, vel infamiam; quia promissio ipsa non obligat eo casu. (*Et hæc habetur in c. 25. de Jurejur.*)

which it is annexed. The reason is because the accessory follows the principal, and, therefore, when the promise does not oblige, neither does the apposite oath oblige—

Whence you resolve, Titius, who with an oath promised marriage to Berta, rich, healthful—a virgin—of good report, &c. is not bound to keep the oath, forasmuch as Berta has fallen into poverty, infirmity, fornication, or infamy, because that promise does not oblige in such a case."

According to this statement, if a man promises marriage to a woman who is rich but afterwards becomes poor, or, to a woman who is healthful, a virgin, and of good report, who afterwards falls into sin and ill fame, he is not bound to marry her. *In the first instance* mentioned by Liguori, that of the rich woman who becomes poor, I conceive that he is decidedly in error. Let us however consider a statement by Mr. Waterworth in his discussion with Mr. Venn. In explaining the doctrine of Rome he gives the following example :

"But if he promised to marry Anne, for example, expecting to have a large fortune with her, and she turned out to be poor, in such a case *the obligation of the oath would be perfectly binding.*"

Such is Mr. W's statement, but to use his own expression, Liguori "*just canonized*" teaches that such an oath is *not* binding.

"Qui juravit se servaturum decreta, et regulas, vel statuta alicujus congregationis universitatis, vel capituli, tantum tenetur servare ea, quæ, sunt in vigore, et quatenus

"He who swears that he will observe the decrees, and rules and statutes of any congregation, university, or chapter, is only bound to observe those which are in force, and

sunt in usu, vel servantur a majore parte capituli; nisi tamen aliud constet de mente jurantis, vel hic voluerit se ad illa independenter a statutis obligare. Ratio patet. quia promissio ipsa non aliter obligat. Trull. 1. c. Azor. Less. Dian. p. 2. tr. 6. r. 39. (Vid. dicenda n. 181.)”

“In omni juramento promissorio, fictione juris, tacite subintelliguntur sequentes conditiones: I. *Si potuero*; quia nemo censetur se obligasse ad rem impossibilem physice vel moraliter, scilicet cum permagna difficultate non prævisa. Ita Spor. c. I. n. 77. Laym. c. 9. n. 4. Elbel n. 70. II. *Salvo jure superiorum*, ex c. 19. de Jurejur. III. *Si is, cui fit promissio, acceptet, vel non remittat*: hæc enim est promissionis natura, quam sequitur juramentum. Elbel ibid. IV. *Si res non fuerit notabiliter mutata*; vide n. 187. v. Non tenetur. V. *Si et altera pars fidem servaverit*: intellige, si promissio fuerit mutua; c. 75. de R. J. in 6.”

as far as they are in use or observed by the greater part of the chapter, unless, however, another sense is manifest according to the mind of him who takes the oath, or he may have wished that he should be bound to these independently by the statutes, the reason is manifest, because that promise does not otherwise oblige.

“But in every promissory oath the following conditions are tacitly understood; I. *If I shall be able*, because no one is thought to have obliged himself to a matter physically or morally impossible, to wit with any great difficulty not foreseen; II. *saving the right of superiors*; III. if he to whom the promise was made accepts, or does not remit, for this is the nature of a promise, which the oath follows; IV. if the matter may not have been notably changed; V. if also the other party may have kept the trust: understand if the promise may have been mutual.”

The second condition leaves great latitude for the non-observance of oaths—“*saving the right of my superior*,” I would here quote the remarks of the Rev. R. J. McGhee on this reservation, in his excellent work “the laws of the Papacy.”

“The oaths of these men are always taken under a secret reservation, as they confess, viz. ‘*salvo jure superioris*,’ that is, ‘*saving the right of my superior*,’ in other words, saving the right of priests, bishops, and popes. The layman is taught to mean, if my master the Priest allows it; the Priest reserves the right of his master the Bishop; and the Bishop of his master the Pope, who is ‘the centre of Catholic unity;’ or, as in this

exercise of his centripetal power, the centre of papal perjury, and, indeed, of all papal crime, he is emphatically and literally "*the Man of Sin.*" This is clear from all their books, Bailly, Dens, and all their standards of moral theology; and whenever we get practically, any facts on the point, we discover the working of the system; for as we have seen the Popish members of parliament violate their oath without scruple or ceremony, so we see, when we get at the fact of an appeal to the Pope on this oath, as in the case of the Bishop of Malta, who sent it to him before he would take it, the Pope refuses to approve of it; therefore all obligation of it is relaxed. It was for the interest of the church they should take the oath, that was their duty then, but the perjury now would be to keep it, (3d Lat. Can. 16) for to break it, is their duty now."

Passing over some matter of no great importance on the subject before us, we read :

" Qui juravit se servaturum secretum, non peccat contra juramentum, illud detegendo, quando non potest illud celari absque gravi suo, vel alterius damno, quia ipsa promissio secreti non videtur obligare, nisi hac conditione, *si non noceat.*

" Qui juravit judici, se dicturum quæ novit, non tenetur revelare occulta. Ratio patet. Less. Bonac. Trull. loc. cit."

" He who hath sworn that he would keep a secret, does not sin against the oath by revealing that secret when he cannot conceal it without great loss to himself, or to another, because the promise of secrecy does not appear to bind, unless under this condition, *if it does not injure me.*

" HE WHO HATH SWORN TO A JUDGE THAT HE WOULD SPEAK WHAT HE KNEW, IS NOT BOUND TO REVEAL CONCEALED THINGS. THE REASON IS MANIFEST!!!"

Strange to say, while Rome weakens the obligations of all oaths to serve her own purposes, she can also render them stringent in the accomplishment of sin, as in the following case :

" Quæritur I. utrum, qui promittit concubinæ cum juramento, aliam non cogniturum, teneatur ad illud. Negant Dian. cum. Fagn. Quia finis talis promissionis fuit pravus, nempe conservandi amicitiam,

" It is inquired, I. Whether he who hath promised to an harlot, with an oath, that he would not know any other, is bound to that oath. Dian. cum Fagn. deny that he is, because the end of such a pro-

et quia tale juramentum præberet occasionem permanendi in peccato. Sed affirmant probabilius Salm. cap. 2. cum Sanch. et Prad. quia ex regula generali impleri debet juramentum semper ac impleri possit sine peccato: occasio autem illa venit per accidens."

mise is wicked, to wit of preserving friendship, and because such an oath would afford an occasion of continuing in sin. But Salm. cap. 2. with Sanch. et Prad. *answer with MORE PROBABILITY that the oath should be observed*, because, according to the general rule, an oath ought always to be fulfilled, and can be fulfilled without sin; but that occasion comes by accident."

Passing over dubium VI. we come to come to dubium VII. in which the question is put :

"In what manner the obligation of an oath is taken away by irritation, dispensation, commutation and remission."

The Superior has the power of dispensing in oaths,*

*The British Parliament hoping to bind the Romish Church, administered certain oaths to Roman Catholic Members of Parliament and others. But these oaths have been practically set at nought to a great extent. The Rev. R. J. Mc. Ghee, in his excellent work "the Laws of the Papacy," quotes the declaration of the Irish Bishops and Archbishops, and explains *on their own principles*, how that declaration is capable of being understood. For the purpose of shewing the accordance which exists between Mr. Mc Ghee's solution and the principles of Liguori, I quote thus largely from his work :—

THE DECLARATION OF THE BISHOPS.

"The Catholics of Ireland not only do not believe, but they declare upon oath, that they detest as unchristian and impious, the belief 'that it is lawful to murder or destroy any person or persons whatsoever, for or under the pretence of their being heretics;* and also the principle 'that no faith is to be kept

* 'But these papal bishops have reserves in abundance on this oath. They detest as impious and unchristian the belief that it is lawful to murder heretics. Now they solve this as Dens solves many difficulties *distinguendo*.

'Lawful, how By the laws of England? True—they swear truly.

'Lawful by the law of the Decalogue? True—their oath is good.

'But lawful by the laws of Rome, as we meant? O no; they reserve this, and accordingly they secretly teach *Dominum Dens auctorem sequentes*, that heretics are to be put to death, whenever it is expedient for the church to do so; and when they obtain the end of their oath, then they set up the law of their church in Ireland for exterminating Protestants out of their dioceses.—See

when such is thought desirable—"the superiors of the Church in the place of God" as Dens says. Bailly, in

with heretics.* They further declare, on oath, their belief, that 'no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever;† 'that it is not an article of the Catholic faith, neither are they thereby required to believe,

their Oaths and Crimes compared, pp. 99 to 147, and *Letter to Dr. Murray*, pp. 239 to 246. But by whatever system of fraud they sanction the commission of the crime, the proved facts, for which their own documents are now lodged in the Universities, demonstrate their horrid hypocrisy. And when we couple with this the scriptural sanctity with which they seem to address here the men whom they were secretly drilling in the very crimes which they were thus pretending openly to renounce on oath, in the presence of the nation, to impose on Protestants, it really leaves all the history of papal treachery and perjury far at a distance.'

* 'Now this part of their oath is also true *distinguendo*. Is it their principle that *no faith* is to be kept with heretics? Certainly not; for whenever any covenant is made with heretics which it is the interest of the church to keep with them, then faith is to be strictly maintained. But whenever a covenant is made which it is the interest of the church to break with them, then no faith is to be kept, however sworn, for this would be unfavourable, vergeret in deteriorem exitum. Hence piety and the utility of the church demand a dispensation, and those are quite sufficient causes for annulling their promise or oath on any subject.—See *Bailly and Dens*, &c. &c.

† 'Now this they make out true *distinguendo*. No act in itself unjust, immoral or wicked, can be justified on the pretence that it was done for the good of the church. True But then no act which not by pretence, but really and in fact is for the good of the church can be in itself unjust, immoral, or wicked. The good of the church is a good end; acts done with a good end are good acts—therefore acts done for the good of the church are good acts, and good acts cannot be unjust, immoral, or wicked,—therefore good acts may be done with a good conscience, and, therefore, whatever is for the good of the church may be done with a good conscience. As long as Dens and the devil can reason, such oaths as this are easily concocted. But this volume amply illustrates the principle. For example:—It was really for the good of the church that the Bulla Cœnæ Domini should be taught through Ireland, but secretly; for see the imperative reasons, pp. 47, 48, 49, and Cardinal Erskine's note, p. 304; and accordingly it was taught, see pp. 230—239. But it was really for the interest of the church that Dr. M'Hale and Dr. Doyle should deny on oath that it ever had been received, or would be received in Ireland, while they and their brethren were privately teaching it.—See pp. 42 to 48, and see the rule laid down, p. 49, that it was right for them to dissemble.

'Now to take a deliberately false oath, *on the pretence* that it was for the good of the church, would be a great practical evil—it would be a perjury; but to take such an oath, when it was *really* for the good of the church, was a dutiful adherence to the 16th Can. of the 3d Lateran Council, which they are sworn to obey, so this was keeping their oath; for as by that canon *oaths contrary to ecclesiastical utility, are not to be accounted oaths, but perjuries; so, perjuries to promote ecclesiastical utility, are not perjuries, but good and lawful oaths*. The facts are indisputable, and it requires but little skill in Dens's moral theology to understand and apply the principle.

answer to the question, what are the just causes for granting dispensations from oaths, says :

that the Pope is infallible;† and that they do not hold themselves ‘bound to obey any order, in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such an order; but, on the contrary, that it would be sinful in them to pay any respect or obedience thereto.’*

“The Catholics of Ireland swear, that they ‘will be faithful, and bear TRUE ALLEGIANCE, to our most gracious sovereign lord, KING GEORGE THE FOURTH; that they will maintain, support, and defend, to the utmost of their power, the succession of the crown in his Majesty’s family, against any

“How could you go and break your oath the way you did?” said a man to a witness whom he knew to have sworn to a whole tissue of lies in a court of justice.

“No, but keep my oath you mean,” replies the witness.

“Keep your oath!” rejoins his friend; “how can that be, when you know as well as I do that all you swore was false.”

“Ay, but,” returns the other, “I swore this morning before I went out that I would not tell a word of truth to-day.”

* ‘This is also perfectly true *distinguendo*. They swear it is not an article of the Catholic faith, and that they are not bound to believe that the Pope is infallible. True. But they do not swear that they themselves do not believe that he is infallible. It is not an article of the Catholic faith, because if it was, all would be bound to believe it. But the Gallican church does not believe it, while the Ultramontane doctors do. They are all Ultramontanists, and they swear nothing about themselves, they only swear about the Catholic faith, and what here they swear is true; and as they swear nothing about their own faith, they swear nothing that is false. But they were all teaching in Dens that the Pope is infallible, so we know what they believed and taught on the point.

‘But again, even if they swore as to their own faith, still there is another reserve *distinguendo*.

‘The Pope is infallible as to matters of fact? No. They do not really believe that

‘Ergo, they swear with a safe conscience they do not believe him infallible.

‘Again *distinguendo*.

‘The Pope is infallible as a private doctor? No. They only believe he is infallible *ex cathedra*

‘Ergo, they can swear they do not believe the Pope is infallible. So they swear with a safe conscience; but the Protestants know little about such oaths till they are trained in the study of Dens’s Theology.’

† ‘Here is the same principle as the last. The Pope never issues an order as Pope, except *ex cathedra*. But the Pope by the preceding speaking *ex cathedra* is infallible. Ergo, the Pope issuing such an order is infallible.

‘Again, any order that is infallible cannot be immoral. But the Pope’s order *ex cathedra* is infallible. Ergo, the Pope’s order cannot be immoral.

‘Therefore, when they swear not to obey any order that is in its own nature immoral, though issued by the Pope, they swear not to obey a thing that can have no existence, therefore a thing that cannot be a lie, because in fact it is nothing at all. Therefore they may obey whatever order the Pope chooses to issue, and still their oath is true.—*Dominum Dens auctorem sequentes*.

“ We answer—the following are enumerated; namely, the honour of God; *the utility of the Church*; the general good of the commonwealth, or of society; as when contentions which

person or persons whatsoever; utterly renouncing and abjuring any obedience or allegiance to any other person claiming or pretending a right to the crown of these realms; * that they ‘renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever;’ and that they ‘do not believe that the Pope of Rome, or any other foreign prince, prelate, state, or potentate, HATH, or OUGHT TO HAVE, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly within this realm.’ † They further solemnly ‘in the presence of God, profess, testify, and declare, that they make this declaration, and every part thereof, in the plain and ordinary sense of the words of their oath, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever, and without thinking that they are or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any

* ‘The loop-hole for conscience in this part of the oath is not so immediately apparent. These Papal bishops, while they seem to us to be swearing, may say that they are merely here historically reciting the oath of allegiance taken by Roman Catholics; they might just as well have said, the Catholics of Ireland take the oath of allegiance, and this is the oath they swear; but they do not tell us that this oath is always taken like every promissory oath, saving the authority of the Pope; nor do they tell us that they have the power of dispensing with this oath for their subjects and themselves, whenever piety and the utility of the church, or any thing they judge a sufficient cause demands, as they teach in Bailly and Dens. So that they can swear an oath of allegiance to-day—and to-morrow, if the utility of the church requires it, can absolve themselves and their subjects from it at once.’

† ‘This is to be considered *distinguendo*. If it is meant that they do not believe that the Pope hath, or ought to have, any temporal or civil jurisdiction, according to the laws of England, this is true. They are swearing before the people of England, and they swear according to what this people understands concerning their own laws and constitution; for there is no use in swearing to men on a subject about which they know nothing. Now Protestants know nothing about the laws of Rome; therefore, their Bishops swear according to the laws of England, which the people know, and not according to the laws of Rome, which they do not know; and this is the proper, judicious, Papal swearing—such as men ought to swear, when it answers their purpose to swear, and to induce men to believe what they swear. But as to swearing that the Pope hath not and ought not to have temporal power, indirectly, over these realms, according to the laws of Rome, that would be quite absurd.—See Dens 22., p. 147 to 164. Thomas Aquinas, 2nda. 2ndæ. sec. 12, art. 2; the Bull *Super Solidate*. See pages 291, 282, published by these men to enforce them.’

divide families are to be allayed by marriage, or an illustrious family, and one profitable to the kingdom, is to be preserved; the spiritual profit of the person who makes the vow (or oath), a moral danger of often violating the vow (or oath) from frailty, levity of mind, perturbation of mind; fear, from which the vow (or oath) was made; a notable difficulty supervening in the execution of the vow (or oath), and other matters of that sort, which may generally be reduced to the heads of piety, spiritual utility, and necessity."

We now come to the statement of Mr. Waterworth already alluded to :

"Liguori teaches, (and he has just been canonized) that under no circumstances,—even if the Pope or the Council were to attempt it, can they exonerate an individual from an oath made to a third person;—that even if the promise is opposed to the Evangelical counsels; that even if it is opposed to the greatest act of piety, an individual *cannot break a promise which he has made to a third person.* That is at page 454, volume 1st of Liguori's Theology.

The Italics are Mr. W's. This is certainly a bold statement, but let us test its truth, and see what is the real statement of Liguori "*just canonized.*" Mr. W. refers us to page 454 of the 1st. vol; now I turn to the 1st vol. of the edition which I possess, and in vain do I look for that page, for it only contains 441 pages, but perhaps Mr. W. quotes from a different edition, or, it is possible the reference may be mis-printed. In the Second book, Number 192, I find, however, something like the words

persons or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning.' *

"After this full, explicit, and sworn declaration, we are utterly at a loss to conceive on what possible ground we could be justly charged with bearing towards our MOST GRACIOUS SOVEREIGN ONLY A DIVIDED ALLEGIANCE "

* "This part of their oath is like all the rest—in strict accordance with Popery. For while they take every oath that could be invented as to any contract or promise, *Salvo jure Superioris*; each part of the oath is taken with this reservation; and the same power that can dispense with one part of the oath, in which the promise or contract is included, can dispense with the other part of the oath, which either denies or promises not to seek a dispensation.'

which Mr. W. quoted, but yet *accompanied by such limitations and restrictions as maintain the very opposite doctrine to that asserted by Mr. W.*

“Dicendum II. quod, si talis promissio sit accepta a tertio, cui facta fuit, tunc sine ejus consensu, nec etiam a Pontifice relaxari possit. Est adhuc commune ap. Laym. de Jur. c. 11. n. 15. cum S. Th. 2. 2. q. 80. a. 9. ad 3. Tamb. 1. 3. c. 7. §. 3. n. 3. Salm. c. 2. n. 68. Croix 1. 3. p. 1. n. 358. Et hoc, etiamsi juramentum principaliter sit factum in honorem Dei, ut dicit Croix ibid. cum Sanch. Suar. Less. Lug. Dian. Moya etc. simul ac per acceptationem sit tertio jus acquisitum. Sed de hoc juramento principaliter in Deum emisso magna vertitur quæstio, circa quam vide dicenda c. 3. de Voto num. 255.”

“It is to be said, in the second place, that if such a promise be accepted by a third person, to whom it was made, then, without his consent, it cannot be relaxed even by the Pontiff. Besides, this is the common opinion, ap Laym. de jur. c. 11. n. 15. cum S. Th. 2. 2. q. 80. a. 9. ad 3. Tamb. 1. 3. c. 7. §. 3. n. 3. Salm. c. 2. n. 68. Croix. 1. 3. p. 1. n. 358. And this holds although the oath be chiefly made in honour of God, as Croix says, ibid. CUM SANCH. SUAR. LESS. Lug. Dian. Moya, etc. as soon as the third party, by accepting the oath, acquires a right. But a great question is debated concerning this oath principally made in honour of God, about which, see what is said in the third chap. concerning a vow, number 255.”

So far one would think that Mr. W. was borne out by Liguori in the sweeping assertion which he made, that *under no circumstance* can the Pope exonerate an individual from an oath accepted by a third person; but did Mr. W. read the passages which follow containing *the limitations*. Is it possible that they could have escaped his notice?

“Limitatur tamen dictio II. mox lata in tribus casibus. I. Si jurans sit subditus, et juramentum sit circa ea, quæ superiorum potestati subduntur, ut docet S. Thom. 1. c. Ideo Pontifex irritare potest omnia juramenta circa beneficia,

“HOWEVER THE SECOND ASSERTION JUST NOW MADE IS LIMITED IN THREE CASES.—I. If he that swears is a subject, and the oath is about those things which are under the controul of the superiors, as St. Thomas teaches, 1. c.

officia ecclesiastica etc. Parentes etiam possunt irritare juramenta impuberum, non vero puberum circa res proprias ipsorum; tutores pupillorum; superiores religiosorum; viri uxorum circa bona dotalia; domini servorum. Vid. omnia ap. Salm. c. 3. ex. n. 4. cum Bus. n. 2."

"Lim. II. Si juramentum non posset servari sine damno communi, prout esset juramentum non denunciandi, non accusandi etc. vel super contractu a lege vetito, v. gr. solvendi pœnam, si quis resiliat a sponsalibus; quod prohibetur cap. Gemma, de Spons. (An etiam solvendi perdita ludo prohibito, ut dicunt Salm. Vide dicenda de Ludo tract. de Cont. d. 13.) Talia juramenta verius relaxatione non indigent, cum de se sint nulla, juxta dicta n. 177. v. Aliter. Esto tamen essent valida, ab Ecclesia relaxari possunt. Salm. ibid. n. 6. cum Sanch. Pal. et Guitier. Nomine autem Ecclesiæ veniunt non solum Pontifex, sed etiam episcopi, capitula sedibus vacantibus, et alii jurisdictionem episcopalem habentes, ut Salm. n. 7. et 8. et etiam confessarii delegatam facultatem habentes dispensandi in votis, qui possunt etiam talia juramenta relaxare, ut Busemb. n. 3. et Salmantic. num. 9, cum Rodr. et Ledesen."

Therefore, the Pope can abrogate all oaths about benefices, ecclesiastical offices, &c. Parents also can abrogate the oaths of children under age, but not of children who are of age, in matters concerning their own property. Tutors can annul the oaths of their pupils. Superiors of the religious orders;* husbands of their wives about dowry goods; Masters of their servants.

II. IT IS LIMITED IF AN OATH CANNOT BE OBSERVED WITHOUT COMMON LOSS, SUCH AS WOULD BE THE OATH OF NOT DENOUNCING—NOT ACCUSING, &c. or about a contract forbidden by law, for example of inflicting punishment if any one does not adhere to espousals which is prohibited in chap. Gemma de Sponsa (whether also of paying money lost by forbidden game. See what is said on gaming in the tract which treats of contracts, d. 13.) Such oaths truly do not need relaxation, since THEY ARE OF THEMSELVES NULL AND VOID, in accordance with what is said in number 177. v. Aliter. HOWEVER, LET THEM BE EVER SO VALID, THEY CAN BE RELAXED BY THE CHURCH, Salm. ibid. n. 6. cum Sanch. Pal. et Guitier. but in the name of the Church are included not only the Pope, but also Bishops, Chapters, the episcopal seat being vacant, and others having episcopal jurisdiction, as Salm. n. 7. et 8. and also confessors

* Monks, Friars, Nuns, &c.

having a delegated faculty of dispensing in vows, who are able also to relax such oaths as Busenb. n. 3. et Salamantic. num. 9. cum Rodr. et Ledesem."

The third limitation regards oaths extorted by fear— In one of the above passages we are referred to n. 177 v. aliter; we therefore turn to that quotation, and find Liguori asserting the same principles; having said that an oath accepted by a third person can not be relaxed, he leaves full room for the exercise of Papal power, saying,

"However we say otherwise if the promise is abrogated by justice on account of its being opposed to the common good. The reason is, because in that case the very keeping of such an oath would be unlawful."

Pray where were Mr. Waterworth's eyes when he asserted that under no circumstances could an oath be annulled if accepted by a third party. He quotes Liguori but the Saint maintains the very opposite. He gives full room for the exercise of the Papal power in annulling oaths which are even accepted by a third party. For a moment let us consider some limitations; such an oath is not to be observed if it were calculated to injure the community—in. n. 250. on vows, he says:

"A dispensation is the absolute disposing of the obligation of a vow, made in the name of God—That such a dispensation may be valid a just cause is required, such as for example is I-THE GOOD OF THE CHURCH, or the common well-being of the republic."

An oath accepted by a third party can be relaxed without his consent, if it be calculated to injure the Church. Of this Liguori gives a striking example—*"Prout esset juramentum non denuntiandi, non accusandi, etc."* *"Such as would be an oath of not denouncing, of not accusing, &c."*

Reader, here is a fearful instance of Romish perfidy, justified both in principle and in practice !

An oath of not denouncing, even when accepted by a third person, can be relaxed, nay it is of itself null and void as Liguori says. "Denuntiandi" is a technical phrase of the *Inquisition*.

Here is Liguori's example.

A man makes a solemn oath that he will not denounce a certain Protestant to the Inquisition, and have him immured in its dismal dungeons; that oath is accepted by the third person, but because it is injurious to the interests of the Church to let Heretics go unpunished, the oath is of itself null and void, and even if any doubt is entertained as to its validity, the Pope, the Bishop, or the delegated Confessor, by dispensation takes away all its obligation. The Protestant may perhaps think himself safe in having received a solemn oath that he shall not be delivered up to the Inquisition, but no, he is deceived ! at midnight the Inquisitorial coach rolls to his door ; he is torn from the embrace of his family—immured in the dismal dungeons, He appeals to the sanctity of oaths in vain. "No faith is to be kept with Heretics," and he bears the awful doom. This is Liguori's own example. Pray did Mr. Waterworth see these limitations ; Liguori teaches that an oath, even *accepted by a third party*, can be relaxed, if the interests of the Church demand it. It is certainly remarkable that he should give this instance of denouncing. Oh that Protestants would awake from their slumbers and behold the real character of Rome. No oath administered by Protestants can bind the Papal Church, for it would rend every tie, human and divine, to accomplish her unholy designs. Her council of represented Priests decreed that "no faith was to be kept with Heretics," and the Reformer Huss, who was promised a safe conduct, perished amid the flames. In vain did he appeal to the sanctity of

oaths, for Rome, as we have seen, swears to the Protestant that he shall not be denounced, and yet betrays him to the Inquisition.

“O, love destroying, cursed Bigotry—
Cursed in Heaven, but cursed more in Hell,
Where millions curse thee, and must ever curse.
*Religion's most abhorred ! perdition's most
Forlorn ! God's most abandoned ! Hell's most damned !*”

Who can impartially consider the principles of Rome on equivocation—mental reservation—dispensation, and the obligation of oaths, without being convinced that Popery is a system of fraud, deceit, lying, perjury, and perfidy, yea “the very master-piece of Satan.” England has often felt the evil consequences of Papal despotism. Her crowns have been trampled in the dust; Her King lashed by Monks at the tomb of a traitor subject;—Her Churches closed, her dead unburied, and her people excommunicated—her best sons tortured and martyred—Lord Cobham roasted in chains for having maintained Bible sentiments and the right to think for himself—the Ridleys, Latimers, and Cranmers, burned for their adherence to the Reformation,—by Papal intrigue the nation oft shaken to her centre—Elizabeth excommunicated and her subjects absolved from their allegiance,—the Armada, blest by the Pope, sets sail with pride and power to trample British liberty in the dust, dethrone the Queen, and persecute the people; but Heaven—“the stars in their courses” fought against Spain, Rome, and the Inquisition, for “the Lord of Hosts was with us, and the God of Jacob was our refuge.” Again, Rome concert her schemes—the gunpowder plot failed to accomplish its object, but the leader thereof is in England, and in the

19th century regarded as a Martyr.* **ROME IS STILL THE SAME.** Her principles of equivocation, fraud, and persecution, the non-obligation of oaths have received a fresh sanction in the Works of Liguori, in the year 1839, yet Englishmen are asleep: but few are acquainted with her real principles, and it is considered uncharitable to charge her with sentiments, which equivocating, dissimulating, and tergiversating, she disowns—oh blind infatuation! this great nation seems to be spell-bound by the sorceress who makes “all men drunk with the wine of her fornication.” Men and Brethren, arouse from your lethargy,—the system which is the enemy of your dearest interests—of your altars and your homes; the system which is stained with blood, and all perfidy within, though all smiles without—the system which tramples upon Kings, lights the fires of martyrdom, works the Inquisition’s torture—dissembles—equivocates—tergiversates—false-swears—now supplicates and now threatens—at one time smiles, at another frowns—at one time entreats, at another commands, all, all to accomplish her own designs; legislates within your Senate House—is endowed by your money,—overflows the land and bids fair once more to be drunken with the blood of the Saints. Men and Brethren, awake ere it is too late and “Ichabod” be written on your time-honored institutions.

Liguori next proceeds to the subject of

ADJURATION.

I would extract a few passages:—

“III. *Tantum creaturæ intellectuales possunt directe ad-jurari, ut homines, et dæmones.* “III. Only intellectual creatures, as men and *devils*, can be adjured directly. But in-

§ In a book which lies before me, entitled “Modern British Martyrology,” written by the late Bishop Challoner, Garnet the Jesuit and the promoter of the Gunpowder Treason is enrolled amongst the Martyrs!!!

Indirecte autem etiam irracionales, ut sal, nubes, locustæ etc. adjurando vel Deum, ut earum usus nos adjuvet, vel dæmones, ut per eas desistant nocere, prout docet S. Thom. 2. 2. quæst. 90. art. 3. cum aliis communiter”

“V. Præsertim autem circa *adjurationem dæmonum*, duo præcipue hic sunt notanda. I. Ut cum eis adjuratio sit imperativa, non vero deprecativa. II. Ut fiat tantum ad amovendam damna, et vexationem obsessi, non autem ad vanitatem et curiositatem; hinc dicunt DD. communiter cum Salmant. de 2. Præc. c. un. num. 55. non posse excusari a peccato gravi, qui multos sermones inutiles haberet cum dæmone obsidente.”

“Exorcista autem, ut obsessus vere liberetur, sedulo curet, ut sequentia observet: 1. Prius bene exploret, an ille revera obsideatur a dæmone. 2. Muniat se fide, fiducia, et caritate; insuper et oratione, et jejunio, et maxime humilitate: alias, parum proficiet. Dicit tamen Salm. n. 7. exorcismum suam vim habere, etiamsi fiat ab eo qui est in peccato. 3. Inducat obsessum ad confessionem, confidentiam, et orationem. 4. Utatur exorcismis in Ecclesia Romana, vel saltem in sua diocesi approbatis. Utatur etiam invocatione nominum Jesu, Mariæ; item signo crucis, ac reliquiis sanctorum, aut aqua benedicta, agno Dei etc. 5. Caveat, ne cum dæmone jocetur, sed potius pauca proferat, et non

directly irrational creatures, as *salt, the clouds, locusts, &c.* by adjuring either God that their use may assist us, or devils, that through them they may cease to hurt us, as St. Thomas in common with others teaches 2. 2. quæst. 90. art. 3.”

“V. But especially as to the *adjuration of devils*, two things are here to be particularly noted—1. That with them the adjuration may be imperative, but not deprecative; II. that it be done for the removal of harm and of the disturbance of the possessed, but not for the sake of vanity and curiosity; hence the doctors commonly teach with Salmant. de 2. Præc. c. un. num. 55. that he cannot be excused from grievous sin who WOULD HOLD USELESS CONVERSATIONS WITH THE DEVIL.”

“But the exorcist, that the possessed may truly be delivered, should sedulously take care that he observe the following rules—1. Beforehand, let him carefully try whether the patient is really possessed by a devil. 2. Let him arm himself with faith, confidence, and charity, and above all with prayer and fasting, and especially humility, otherwise he will profit little. However, Salm. n. 7. says that the exorcism possesses efficacy, although it is performed by one who is in sin. 3. Let him induce the possessed to confession, confidence, and prayer. 4. Let him use the exorcisms of the Roman Church, or at least those which are approved

permittat ei plura loqui, sed imperet tacere. 6. Caveat etiam, ut advertit Rituale, ne ob dictum dæmonis confugiat ad magos, ut maleficium dissolvant. Jubeat tamen dæmonem dicere, an ibi sit ob maleficium; et ut signa malefica reddat, vel revelet. 7. Regulariter exorcismum faciat in ecclesia, januis apertis, nisi honesta adsit causa (ut dicitur in Rit.) ut fiat domi. 8. Excludat mulieres, pueros, et viros otiosos, quorum modica fides expulsionem obstare potest. 9. Repetat pluries comminationem, et verba, quibus observat dæmonem magis angere, semper augendo pœnam. Demum advertat, nulla adesse signa infallibilia egressus: probabilia tamen signa sunt, si per longum tempus obsessus sit a molestiis immunis; item dæmonum confessio, ingens vomitus rerum putridarum, vel halitus valde fetidus; item magni clamores, qui ibi audiuntur; item si obsessus remaneat in terram dejectus et quasi mortuus, ac similia. Probabilius autem non licet concedere dæmoni, ut invadat aliud corpus hominis; vel bestię, ut exeat ab energumeno, sicut ille promittit, ut censet Elbel num. 167. cum Bonac. Tamb. et aliis contra Pal. etc.

“ Communiter autem dicunt DD. exorcismos habere vim infallibilem expellendi dæmones tanquam ex opere operato. Ita Sporer de 2. Præc. n. 167. Sanch. dict. c. 42. n. 16. Pal. p. 4. n. 19. Elbel n. 160. et Salm. n. 17. et 22. cum Caję-

in his own diocese; let him use the invocation of the names of Jesus and Mary, also the sign of the cross, and the relics of saints, or holy water, the agnus dei, &c. 5. LET HIM BEWARE LEST HE SHOULD JOKE WITH THE DEVIL; but rather let him say little, and not permit the devil to speak much, but command him to be silent. 6. Let him take care that he uses the ritual, lest, on account of the command of the demon he might repair to the magi, that they may dissolve the enchantment; let him, however, order the devil to declare whether he is there in consequence of enchantment, and that he may make known or reveal the sorceric signs. 7. Let him make the exorcism regularly in the church, the doors being open, unless there is a good cause (as it is said in the ritual) that it may be done at home. 8. Let him exclude women, boys, and idle men, whose weak faith may be an obstacle to the expulsion. 9. Let him repeat very often the commination and words by which he observes that the devil is more vexed by always increasing his pain. Finally let him bear in mind that there are not infallible signs of departure. However there are probable signs; if after a long time the possessed is free from trouble, also the confession of devils, a great vomiting of putrid matter or breath very fœtid, also great noises which are heard there, also if the

tan. Sot. Trullench. etc. Nec obstat quod plures exorcismi effectum non habeant; nam, ut dicunt Salm. semper illi aliquem effectum sortiuntur, si non complete, saltem imperfecte, vires dæmonum attenuando. Vide alia apud Delrio, fuse de hac materia tractantem."

possessed remains a long time prostrate on the ground as if dead. But more probably it is not lawful to give permission to a devil that he should enter the body of any other man or beast, that he may leave the possessed as he promises, as Elbel thinks, num. 167. cum. Bonac, Samb. et aliis contra. Pal. &c. Commonly the doctors teach that exorcisms have the infallible efficacy of driving out devils, as if 'ex opere operato' by the mere performance of the ceremony. Ita. Sporer de 2. Præc. n. 167. Sanch. dict. c. 42. n. 16. Pal. p. 4. n. 19. Elbel. n. 160. et Salm. n. 17. et 22. cum Cajetan, Sot. Trullench, etc. Nor is it any objection that many exorcisms have not the effect, for, as Salm. says, the exorcisms always have some effect, if not completely at least imperfectly by diminishing the power of demons"

I quote the statements of Bishop Taylor on this subject. Speaking of the Romish adjuration, he says—

"Now for the prayers, they also are publicly described in their offices before cited, and are as followeth:—

"The priest ties his stole about the neck of the possessed with three knots, and says, O ye abominable rebels against God, I conjure you spirits, and adjure you, I call, I constrain, I call out, I contend and contest, wherever you are in this man, by the Father, Son, and Holy Ghost [then he makes three +.] by the most powerful name of God, Heloy, the strong and admirable, I exorcise you, and adjure, and command you, by the power I have, that you incontinently hear the words of my conjuring, and perceive yourselves overcome, and command you not to depart without license, and so I bind you with this stole of jocundity; in the name of the Father +, Son +, and Holy Ghost +, Amen. Then he makes two and thirty crosses more, and calls over one and thirty names of God in

false Hebrew, and base Greek, and some Latin, signifying the same names ; and the two and thirtieth is by the sign of the cross, praying God to deliver them from their enemies. Then follow more prayers, and more adjurations, and more conjurations, (for they are greatly different you must know), and aspersions of holy water, and shewing of the cross, and signings with it. Then they adjure the Devil (in case the names of God will not do it) by S. Mary, and S. Anne, by S. Michael, and S. Gabriel, by Raphael, and all angels and archangels, by the patriarchs, and by the prophets, and by his own infirmity, by the apostles, and by the martyrs ; and then, after all this, if the Devil will not come out, he must tarry there still, till the next exorcism ; in which the exorcist must rail at the Devil, and say over again the names of God, and then ask him questions, and read over the sequences of the Gospels ; and after that tell him, that he hath power over him, for he can transubstantiate bread into Christ's body ; and then conjure him again, and call him damned Devil, unclean spirit, and as bad as he can call him ; and so pray to God to cast him out of the man's mouth and nose, lips and teeth, jaws and cheeks, eyes and forehead, eyebrows and eyelids, his feet and his members, his marrow and his bones, and must reckon every part of his body (to which purpose, we suppose it would be well if the exorcist were wellskilled in Laurentius, or Bauhinus his Anatomy), and if he will not go out yet, there is no help but he must choose, till the third exorcism : in which, besides many prayers and conjurations in other words to the same purpose, the exorcist must speak louder, (especially if it be a deaf devil, for then indeed it is the more necessary), and tell the Devil his own faults, and threaten him terribly, and conjure him again, and say over him about some twenty or thirty names or titles of Christ, and forbid the Devil to go any whither, but to the centre of the world, and must damn him eternally to the sulphurous flames of hell, and to be tormented worse than Lucifer himself, for his daring to resist so many great names ; and if he will not now obey, let him take fire and brimstone, and make a fume, whether the possessed will or no, until the Devil tells you all his mind in what you ask him ; (the liver of Tobias his fish were a rare thing here, but that is not to be had for love or money :) and after this he conjures him again by some of the names of God, and by the merits, and all the good things which can be spoken or thought of the most blessed Virgin, and by all her names and titles, which he must reckon, one and forty in number, together with her epithets, making so many +, and by these he must cast him headlong into hell.

“ But if the Devil be stubborn, (for some of them are very disobedient), there is a fourth, and a fifth, and a sixth exorcism,

and then he conjures the earth, the water, and the fire to make them of his party, and commands them not to harbour such villainous spirits, and commands hell to hear him, and obey his word, and conjures all the spirits in hell to take that spirit to themselves, (for it may be they will understand their duty better than that stubborn Devil, that is broke loose from thence.) But if this chance to fail, there is yet left a remedy that will do it. He must make the picture of the Devil, and write his name over the head of it, and conjure the fire to burn it most horribly and hastily; (and if the picture be upon wood or paper, it is ten to one that may be done.) After all this stir, sprinkle more holy water, and take sulphur, galbanum, asafoetida, aristolochia, rue, S. John's wort; all which being distinctly blessed, the exorcist must hold the Devil's picture over the fire, and adjure the Devil to hear him; and then he must not spare him, but tell him all his faults, and give him all his names, and anathematize him, and curse not only him, but Lucifer too, and Beelzebub, and Satan, and Astaroth, and Behemot, and Beherit, and all together; (for indeed there is not one good-natured Devil amongst them all;) and then pray once more, and so throw the Devil's picture into the fire, and then insult in a long form of crowing over him, which is there set down.

“And now after all, if he will not go out, there is a seventh exorcism for him with new ceremonies. ‘He must shew him the consecrated host in the pix, pointing at it with his finger, and then conjure him again, and rail at him once more; to which purpose, there is a very fine form taken out of Prierius, and set down in the *Flagellum Dæmonum*; and then let the exorcist pronounce sentence against the Devil, and give him his oath, and then a commandment to go out of the several parts of his body, always taking care that at no hand he remain in the upper parts;’ and then is the Devil's cue to come out, if he have a mind to it, (for that must be always supposed,) and then follow the thanksgivings.

“This is the manner of their devotion, described for the use of their exorcists; *in which is such a heap of folly, madness, superstition, blasphemy, and ridiculous guises and playings with the Devil, that if any man amongst us should use such things, he would be in danger of being tried at the next assizes for a witch or a conjuror; however, certain it is, whatever the Devil loses by pretending to obey the exorcist, he gains more by this horrible debauchery of Christianity.* There needs no confutation of it, the impiety is visible and tangible; and it is sufficient to have told the story.

“Only this we say, as to the thing itself:

‘The casting out of devils is a miraculous power, and given at first for the confirmation of Christian faith, as the gifts of

tongues and healing were, and therefore we have reason to believe, that because it is not an ordinary power, the ordinary exorcisms cast out no more devils, than extreme unction cures sicknesses. We do not envy to any one, any grace of God, but wish it were more modestly pretended, unless it could be more evidently proved. Origen condemned this whole procedure of conjuring devils long since. *Quæret aliquis si convenit vel dæmones adjurare. Qui aspicit Jesum imperantem dæmonibus, sed etiam potestatem dantem discipulis super omnia dæmonia, et ut infirmitates sanarent, dicet, quoniam non est secundum potestatem datam a Salvatore adjurare dæmonia. Judaicum enim est.* ; If any one asks, whether it be fit to adjure devils ; he that beholds Jesus commanding over devils, and also giving power to his disciples over all unclean spirits, and to heal diseases, will say, *that to adjure devils is not according to the power given by our blessed Saviour ; for it is a Jewish trick :*" and *S. Chrysostom spake soberly and truly,* " *We poor wretches cannot drive away the flies, much less devils.*"

" But then as to the manner of their conjurations and exorcisms ; this we say, if these things come from God, let them shew their warrant, and their books of precedents : if they come not from God, they are so like the enchantments of Balaam, the old heathens, and the modern magicians, that their original is soon discovered.

" But yet from what principle it comes, that they have made exorcists an ecclesiastical order, with special words and instruments of collation ; and that the words of ordination giving them power only over possessed Christians, catechumens, or baptized, should by them be extended and exercised upon all infants, as if they were all possessed by the Devil ; and not only so, but to bewitched cattle, to mice and locusts, to milk and lettuce, to houses and tempests ; as if their charms were prophylactic, as well as therapeutic ; and could keep, as well as drive the Devil out, and prevent storms like the old χαλαζοφύλακες of whom Seneca makes mention : of these things we cannot guess at any probable principle, except they have derived them from the Jewish Calaba, or the exorcisms which it is said Solomon used, when he had consented to idolatry.

" But these things are so unlike the wisdom and simplicity, the purity and spirituality of Christian devotion ; are so perfectly of their own devising, and wild imaginations ; are so full of dirty superstitions, and ignorant fancies, that there are not in the world many things, whose sufferance and practice can more destroy the beauty of holiness, or reproach a church or society of Christians."

Leaving the subject of oaths, vows, and adjurations,

we come to the statements of the Saint on the LORD'S DAY AND ITS OBSERVANCE."

In treating the question "Whether the observance of the Lord's day is of Divine right," he considers that it is only of ecclesiastical right, "de jure ecclesiastico"—here there is some variety of opinion amongst Romish Doctors. An objection is urged, of which however he disposes in the following passage :

"Sed urget magna oppositio, videlicet : præceptum sabbati erat certe naturale, et morale; nam ideo inter Decalogi præcepta numeratum fuit: ergo dominica quæ sabbato substituta fuit, etiam de jure naturali, sive divino est. Respondetur, quod licet sit de jure divino et naturali, ut designetur aliquod tempus determinatum ad Deum colendum, determinatio tamen hujus cultus, et dierum, quibus conferendus erat, fuerit a Christo dispositioni Ecclesiæ relicta; ita ut posset tunc Papa decernere, ut observantia dominicæ duraret tantum per aliquas horas, et quod licerent aliquo opera servilia, ut dicit Salm. dict. n. 38."

"But a great objection stands in the way videlicet—the command of the sabbath was certainly natural and moral, for on that account it was numbered amongst the precepts of the decalogue, therefore the Lord's day, which was substituted for the Sabbath, is also either of natural or divine right. It is answered that although it be of divine or natural right some determinate time should be allotted for the worship of God, however the determination of that worship, and of the days in which it was to be offered up, have been left to the arrangement of the Church, so THAT THE POPE CAN DECREE THAT THE OBSERVANCE OF THE LORD'S DAY SHOULD CONTINUE ONLY FOR A FEW HOURS, AND THAT CERTAIN SERVILE WORKS WOULD BE LAWFUL."

In accordance with these principles the Saint in number 304, says :

"*Licetum esse constat, ob publicam causam et honestam necessitatis, vel lætitiæ, puta ob victoriam, adventum, vel ortum principis etc. conficere vestes,*

"It appears to be lawful for a good and public cause of necessity or joy—say on account of victory, the birth or coming of a prince, &c. to

theatra, et similia. Extendunt hæc fieri posse etiam ob recitandam comædiam, Sanch. d. 18. n. 27. Tol. et Trull. Pasq. ap. Salm. cap. 1. n. 354. qui a fortiori extendunt ad taurorum agitationes; dummodo talia die profesto præveniri non potuerint. Ratio, quia talia signa lætitiæ sunt reipublicæ moraliter necessaria: et ideo permittuntur ex consuetudine. Nam ad hæc omnia, ut notat Viva, sufficit probabilis necessitas, aut probabilis consuetudo. Sic pariter permittit Mazzott. d. c. 2. conficere theatra, vestes famulorum etc. causa uuptiarum, si pridie perfici nequiverint."

prepare garments, theatres, and such like—they add that these things can be done even to the reciting of a comedy, Sanch. d. 18. n. 27. Tol. et Trull. Pasq. ap. Salm. cap. 1. n. 354. who allow even bull fights, provided that such things cannot be done on an ordinary day. The reason is because such signs of gladness are morally necessary for the republic, and, therefore, are permitted according to custom. For to these things, as Viva remarks, the probable necessity or probable custom suffices. Thus likewise Mazzott. allows them, d. c. 2. to prepare theatres, the garments of attendants, &c. in case of a marriage, if on the day before these things could not have been done."

He considers largely the duty of hearing Mass, &c. &c. These few specimens may suffice to shew the laxity of Romish principles as to the Lord's day:

In treating on the 4th commandment, he teaches that children may

ENTER MONASTERIES AND CONVENTS, EVEN IN OPPOSITION TO THE WILL OF PARENTS.

He says that the Parent sins grievously who even *indirectly* thwarts his child in the adoption of the Monastic life. Liguori draws the following conclusion.

"Unde, si filius sentiat se a Deo vocatum ad religiosum vel clericalem statum, et advertat parentes injuste impedituros, consultius aget rem eos celando, divinamque voluntatem exequendo"

"Hence, if a son thinks that he is called to a religious* or clerical state, and supposes that his parents would unjustly impede him, he conducts the business more advisedly, by *concealing it from them and by following the divine will.*"

* The religious state includes the monastical and conventual life.

On this subject we are referred by Liguori to book 4, n. 66. We therefore turn to that reference, and find the opinion of Luther stated and condemned. *He* maintained that it is sinful for a child to enter a monastery or convent in opposition to the wishes of his Parents, but this view, Liguori assures us, was condemned by the Council of Toletano. Having adduced many authorities, he concludes :

“ Ex his omnibus concluditur, non solum, non peccare filios religionem assumentes, parentibus inconsultis ; sed, ordinarie loquendo, valde errare, si participes eos faciant de sua vocatione, ob periculum cui se exponunt, quod sint ab illa avertendi. Et hoc utique confirmatur ab exemplo tot sanctorum, quorum discessus, parentibus insciis, aut invitis, Deus etiam miraculis approbavit, et benedixit. Idemque sentit doctus P. Elbel de Præcept. n. 538. dicens: Si filius sentiat se a Deo vocatum ad statum religiosum, et advertat parentes id ægre laturos, atque ex affectu carnali ac futilibus motivis se opposituros, non tenetur eos consulere, quia consultius aget rem eis celando.”

“ From all these authorities we conclude that not only do children *not* sin, who enter a religious state, *without consulting their parents, but ordinarily speaking they err very much, on account of the danger to which they expose themselves of being averted from it, if they consult with them concerning their own call.* And this verily is confirmed by the example of so many saints whose departure, the parents being unconscious or unwilling, God approved and blessed even by miracles ; and the learned P. Elbel. de præcept. n. 538, thinks the same, saying—‘ If a son thinks that he is called to the religious state, and considers that the parents would bear it grievously, and that they would be opposed to it from a carnal affection and groundless motives, **HE IS NOT BOUND TO CONSULT THEM,** because he conducts the matter more advisedly in concealing it from them.’”

Liguori considers the fifth and sixth commandments together. He suggests the inquiry “ **WHETHER IT IS SOMETIMES LAWFUL TO SLAY OR MUTILATE ONE’S SELF,**” to which he replies :

“ Resp. Absque divina auctoritate non licet seipsum directe, et ex intentione occidere. Ratio est, quia est contra caritatem sui, et fit injuria reip. et Deo, qui est solus directus, et absolutus dominus humanæ vitæ.”

“ Dixi 1. *absque auctoritate divina*, propter Samsonem, et quosdam martyres, qui seipsos occiderunt, vel ex divina inspiratione, vel inculcata ignorantia. Dixi 2. *directe*, quia indirecte quandoque licet se occidere, hoc est; aliquid facere, vel omittere, ex quo, præter intentionem, mors certo sequatur: quia præceptum conservandi vitam, utpote affirmativum, non semper obligat, sed potest omitti propter bonum finem, necessitatem, vel magnam utilitatem, S. Thom. 2. 2. q. 64. Vide Fill. hic tr. 29. cap. 4. quæst. 5. et Becan. 2. t. 3. c. 7. q. 8.”

“ We answer that without divine authority, it is not lawful *directly* and according to intention to slay one's self. The reason is, because it is contrary to the love of self, and may be injurious to the republic and to God, who is the sole, direct, and absolute Lord of human life.

“ I have said, 1. *without divine authority*, on account of Samson and some martyrs, who slew themselves either according to divine inspiration or blameless ignorance. I have said, 2. *directly* BECAUSE INDIRECTLY IT IS SOMETIMES LAWFUL TO SLAY ONE'S SELF; that is to do or to omit something by which saving intention death certainly follows; because the command of preserving life, inasmuch it is an affirmative, does not always bind, but can be overlooked for a good end, necessity, or great utility.”

This is a dangerous principle to establish, that for a *good end, necessity or great utility*, it is lawful **INDIRECTLY to commit suicide**. In number 367, having said that directly to slay one's self is never lawful, He says :

“ Licet vero se indirecte occidere, puta si quis se ejiciat per fenestram, ut effugiat incendium, præsertim si adsit aliqua spes mortem evadendi, ita cum Busemb. ut supra docent Lugo dub. 10. num. 50. cum Less. Tourn. Continuat. tom. 3. p. 425. v. Secundus, et Sporer de 5. præc. c. 3. n. 24. Ac Elbel n. 13. hoc permittit

“ But it is lawful indirectly to slay one's self, for example, if any one should cast himself from a window to escape fire, especially if there is some hope of escaping, so with Busemb. ut supra. Lugo. dub. 10. num. 50. with Less. Tourn. Continuat. tom. 3. p. 425. v. Secundus et Sporer de 5. præc. c. 3. n. 24. **AND ELBEL n. 13,**

etiam reis detentis in carcere, ad evadendam certam sententiam mortis, vel etiam carcerem perpetuum, ut num. 16."

PERMITS THOSE WHO ARE CONFINED IN PRISON TO SLAY THEMSELVES FOR THE PURPOSE OF EVADING THE CERTAIN SENTENCE OF DEATH OR EVEN PERPETUAL IMPRISONMENT, as num. 16."

Here he mentions (*without any mark of disapproval*) the opinion of a certain Doctor, who teaches that a prisoner *may put himself to death* for the sake of avoiding the sentence of death being passed, or even to escape perpetual imprisonment !

On the subject of fasting he teaches, that a Carthusian may lawfully and laudably abstain from flesh meat, though he knows that death will be the certain consequence of that abstinence. He says :—

"Etsi carthusianus in extrema ægritudine possit servare vitam vescendo carnibus (*etiam in probabili periculo mortis, ut Azor. Med. Vict. contra Vasq. Gran. et Salm. de Leg. cap. 2. n. 137. qui tamen primam sententiam sat probabilem vocant*) idque probabiliter ei tum liceat, atque adeo non peccet, qui inscio præberet cibos ex carnibus, Sanch. Dian. part. 8. t. 7. r. 70. licite tamen, et laudabiliter etiam tum omittit, cum certo periculo mortis."

"Although a Carthusian, who is afflicted with dangerous illness, may be able to preserve his life by eating flesh meat, and that probably may then be lawful for him: and moreover, he does not sin who would give flesh meat to him unconscious, *however* LAWFULLY and LAUDABLY, *even then he may omit it*, though death be the certain consequence."

The Carthusian who is afflicted with sickness, which arises not from his abstinence as it is added, may absolutely refuse flesh food, though he is certain that death will be the result of that refusal. Such conduct in the estimation of the Church is laudable. 'Tis true he *may* avail himself of the prescription if he please, but he acts laudably if he virtually commit suicide by refusing that which is necessary for the restoration of his health. The

Saint states that, while it is not lawful to inflict such penances as to bring death *positively* upon one's self, yet it is lawful to undergo the danger of losing life by the severity of penances, or not to adopt such proposed remedies as would avert the threatened calamity. He says ;

“ Si macerationes fiant consilio prudentis prælati, vel confessarii esto vita etiam per 12. annos esset abbrevianda, ut alii ibi dicunt. Et revera, si licebit fabris ferrariis (dicit abbas Rancé, fundator reformationis Trappensis) vitam sibi minuere, laborando quotidie pene in medio ignis ; a quo nequit non notabiliter consummari humidum radicale, quo tam indiget vita humana ; si licebit studiosis sanitatem labefactare ad scientias addiscendas : si licebit militibus exponere vitam tot ærumnis, et periculis mortis, cur non licebit viro religioso austeritates corporales amplecti, ut rebellem carnem in servitutem redigat ? ”

“ If macerations are inflicted by the advice of a prudent confessor or prelate, although life should be shortened twelve years, as others there say. And in truth, if it be lawful for smiths (the Abbe Rancé—the founder of the Trappist Reformation, says,) to shorten life by labouring every day almost in the middle of fire, by which the natural moisture, which is so needful for human life, is considerably wasted ; if it be lawful for the studios to diminish health in the acquisition of knowledge ; if it be lawful for soldiers to expose life to so many toils and dangers ; why may it not be lawful for a religious man to embrace bodily austerities, that he may bring the rebellious flesh into bondage.”

Hence he concludes :

“ Ideoque non teneri Carthusianum carnibus vesci, nec aliquem alium uti pretiosa, et exquisita medicina, ad mortem vitandum ; nec secularem, relicto domicilio, quærere salubriorem aerem extra patriam. (Ut Lugo, Bon. Trull. cnm Salamant. ibid. num. 26. Sufficit enim uti mediis ordinariis.) ”

“ And therefore a Carthusian is not bound to eat flesh meat, nor any other person to use costly and choice medicines to avoid death. Neither is a secular person bound to leave home and seek for a healthy clime in a foreign land.”

It was upon this principle, I suppose, that Liguori justified his own austerities, alluded to in the brief memoir with which this work opens.

THE SIXTH AND NINTH COMMANDMENTS.

Liguori considers these two commands in conjunction. He opens his treatise with the following apology :—

“Nunc ægre materiam illam tractandam aggredimur, cujus vel solum nomen hominum mentes inficit. Det mihi veniam, quæso, castus lector, si plures quæstiones, et circumstantias, a P. Busembao omittas, hic discussas, et declaratas inveniet. Utinam brevius, aut obscurius explicare me potuissem ! *Sed cum hæc sit frequentior atque abundantior confessionum materia*, et propter quam major animarum numerus ad infernum delabitur, imo non dubito asserere, ob hoc unum impudicitiae vitium, aut saltem non sine eo, omnes damnari, quicumque damnantur. Hinc opus mihi fuit, ad instructionem eorum qui moralem scientiam cupiunt addiscere, ut clare (licet quo castissime fieri potuit) me explicarem, et plurima particularia discuterem. Oro tamen studiosos, qui ad munus audiendarum confessionum se parant, ut hunc tractatum de sexto precepto, quemadmodum et alium de debito conjugali, non legant, nisi cum fuerint ad excipiendas confessiones jam proximi: legant que ob hunc unice finem, omnem prorsus curiositatem abjicientes; atque eo tempore sæpius mentem ad Deum elevent, et Virgini immaculatæ se commendent, ne, dum aliorum animas Deo

“With reluctance we enter upon the consideration of this matter, the very name of which alone pollutes the minds of men. Let, I beseech, the Chaste Reader pardon me, if he shall find many questions and circumstances here discussed and declared, which were omitted by B. Busembao; oh, that more briefly or more obscurely I could explain myself, *but since this subject is a more frequent and abundant matter of confessions*, and on account of which a greater number of souls perish; yea, I do not hesitate to assert, that on account of this one vice of unchasteness, or at least, not without it, all are damned who are damned; hence it was my object for the instruction of those who desire to know the moral science, that clearly, (although as chastely as it was possible to be done) I would explain myself and discuss many particulars. However I beseech the students, who prepare themselves for the office of hearing confessions, that they may not read this treatise concerning the sixth command, and the other concerning the * * * unless on the eve of hearing confessions, and let them read them altogether for that purpose, putting away completely

student acquirere, ipsi suarum
detrimentum patiantur.”

all curiosity, and at the same
time let them more frequently
elevate the mind to God, and
commend themselves to the
Immaculate Virgin, lest while
they desire to gain souls for
God, they themselves lose
their own souls.”

Liguori thus enters upon this subject :—

He says, that disobedience to the sixth and ninth commands is the more frequent and abundant matter of confession, and therefore he discusses every subject with great minuteness, that the confessor may be enabled, as an expert master, to conduct the conversations of the confessional. The treatise is most obscene, filthy, and foul. It enters with disgusting minuteness into all the details of sins which are scarce even heard of, yet this treatise is avowedly for the guidance of confessors ; this treatise is the subject matter of that private conversation which takes place between the Priest and his Penitents, and if the very mention of these sins be enough to pollute the mind, according to the statement of Liguori himself, what must be the result when they become the subject of conversation in the confessional, the dark deeds of which no mortal eye beholds. Of what character must that man’s mind be, whose great office it is in the first place to be instructed in such a system of immorality, and then to carry his instructions into practice, in conversing on every unholy, unrighteous, and unchaste thought and action, with thousands of his fellow sinners. The works of Liguori are only fit to be burned by the hand of the common hangman, and yet Rome declares that they contain “ *not one word worthy of censure.*”

I hope to consider more particularly the subject of the confessional by and bye. Here I cannot translate

or even give in the original many of these passages of Liguori, but I would quote the *headings* of each chapter that some of my readers may perceive the various questions which are the subject of his disgusting consideration, as well as of conversation between the Priest and Penitent in the confessional.

DUBIUM I.

Quæ sit delectatio venerea, quæ sensitiva. 414. Quomodo sit malus omnium actus venereus. 415. An detur parvitas materiæ in re venerea. 416. An detur in delectatione sensitiva. 417. An oscula aliquando sint licita. 418. Et quando excusentur a mortali. 419. De tactu, et aspectu turpi proprii corporis, aut commixtionis brutorum. 420. De tactu, et aspectu turpi corporis alieni; ac de tactu genitalium brutorum. 421. An sit semper mortale aspicere pudenda sexus diversi: Vel pulchri adolescentis. Et an aspectus isti induant speciem objecti. 422. An liceat aspicere partes honestas diversi sexus. 423. An sit mortale aspicere pectus, crura etc. mulieris. 424. An sit mortale aspicere picturas turpes. 425. An liceat mulieri ornare, et faciem fucare. Quid si detegat ubera, vel vestiatur se veste virili. *Remissive*, ad l. 2 n. 52 et 54. 426. Quando peccent graviter proferentes verba turpia. 427. An semper graviter peccent audientes comœdias turpes. An ad eas cooperantes pecunia, vel plausu. 428. An illas repræsentantes, et componentes. 429. An liceat choreas ducere. 430. An peccet mulier permittens se tangi. An mulier ad vitandos tactus impudicos teneatur clamare. 431. An liceant tactus etc., inter conjuges aut sponso.

DUBIUM II.

An fornicatio sit vetita de jure naturæ. 433. An peccet mulier non resistens turpi congressui ob metum mortis: si non consentiat. 434. An permitti possint meretrices. 435. Circa concubinatum, quæritur. I. An possit absolvi, qui nequit ejicere concubinam sine infamia. 436. Qu. II. An absolvi possit promittens se concubinam ejecturum. 437. Quær. III. An possit absolvi concubina ob necessitatem non discedens. 438. Qu. IV. An qui est in proxima occasione, causa exercendæ artis. Quid vero, si is, adhibitis remediis, semper eodem modo recidat. 439. Quær. V. An famula peccans cum domino. 440. Quær. VI. An uxor peccans cum viro. 441. Quær VII. An tollenda occasio etiam cum gravi damno. 443. An stuprum sit speciale peccatum. 444. An quid teneatur raptor. 445. Quid de adulterio. 446. An sit adulterium copula sodomitica inter conjuges.

447. An copula habita inter desponsatos. 448. Circa incestum, quæritur I. An omnes incestus sint ejusdem speciei. 449. Quær. II. An differant incestus cum affinibus. 450. Quær. III. An incestus cum cognatis spiritualibus. 451. Qu. IV. An sit speciale peccatum copula confessarii cum pœnitente: quid, si sit ejus parochus. 452. Quær. V. An committant incestum propinqui copulantes post dispensationem. 453. An soli tactus incestum constituent. 454. Quomodo committatur sacrilegium per peccatum turpe. 455. Circa sacrilegium personale, quær. I. An sacerdos simul religiosus, lædens castitatem, committat duo sacrilegia. 456. Qu. II. An copulans cum alia persona sacrata. 456. Qu. III. An committat sacrilegium habens votum castitatis, si inducat alterum ad turpia. Quid, si morose delectetur de peccato alterius. 458. Circa sacrilegium locale, quæritur I. An sit sacrilegium copula occulta, vel martialis in Ecclesia. 459. Qu. II. An sint sacrilegia tactus impudici habiti in ecclesia. 460. Quæ comprehendantur per locum sacrum. 461. Qu. III. An verba et aspectus lascivi, habiti in ecclesia, sint sacrilegia. 462. Qu. IV. An cogitationes turpes. 463. Circa sacrilegium reale quæritur, quando committatur.

DUBIUM III.

Quid de congressu innaturali. 465. Quid de mollitie. 466. Quæ sit sodomia imperfecta, et quæ perfecta. 467. An pollutio, habita tangendo puerum aut mulierem, sit diversæ speciei. 468. An in sodomia sit explicandum si quis fuerit agens, vel patiens. 466. An sodomia inter conjunctos addat speciem incestus. 470. Quæ sint pœnæ sodomitarum. 471. Quid requiratur ad eas incurrendas. Et an clerici patientes illas incurrant. 472. An pœnæ incurrantur ante sententiam. 473. An eas incurrat clericus exercens bestialitatem. 474. Quid de peccato bestialitatis. 475. De peccato cum dæmone. Quid, si dæmon repræsentet personam nuptam, sacram etc.

DUBIUM IV.

An pollutio sit vetita de jure naturæ. 477. An distillatio voluntaria sit mortalis. 478. An liceat expellere semen corruptum. 479. An teneamur impedire pollutionem incœptam. 480. An liceat ob finem honestum pollutionem optare, vel de ea gaudere. 481. Quid, si prævideatur pollutio secutera ex re honesta. Quid, si ex re illicita. 482. Est certe mortalis pollutio, orta ex causa turpi in eam graviter influente. 483. Quid, si actio ponatur ex justa causa: puta, I. ad medendum, ad audiendas confessiones, ad alloquendum juxta morem etc. II. ad abigendum pruritiem. III. ad equitandum. IV. ad decumbendum aliquo situ. V. ad moderate edendum etc. Quid, si chirurgus, aut parochus in iis aliquoties consenserint in pollu-

tionem. Quid de simplici confessario. Et quid, si quis fere semper reciderit. 484. An sit mortalis pollutio, orta ex causa in eam leviter influente. Quid, si causa sit in eodem genere luxuriæ; si lapsus fuerit frequens. Quid, si causa sit in alio genere. An saltem sit veniale eam ponere. 485. De pollutione secuta in somno. An mutua pollutio habeat diversam malitiam.

Liguori considers the question whether a Priest who sins with his penitent in the confessional be himself bound to confess the crime? The first opinion, that of Sanches &c., holds that he is, but the second opinion which Liguori calls **THE MORE PROBABLE, SAYS THAT HE IS NOT.**

Liguori gives the names of the authors who support this latter view, with the references to their works, as follows:—

“Fill. tract. 30, num 105. Spor. de Matroni. cap. 3. n. 620. Elbel. de 6. præc. n. 141. Holz. eod. tit. n. 669. Item Vasq. Bonac. Pont. Dic. Dian. Trull. Leand. etc., apud Salm. num. 42. Idem sentit Town. t. 3. p. 488, art. 4 v. quær. ex. c. ult. de cogn,” &c., &c.

This then is the opinion of all those authors to which also Liguori gives his sanction, that *a confessor who sins with his penitent, is not himself bound to confess that sin.*

He takes into consideration various extraordinary questions, as for example, Whether a man who lives in a concubinage state can be absolved before he abandon his crime. It is his opinion that in some cases he may, thus for instance, if a man were to suffer great loss by putting away his concubine, the Priest may give him absolution before the sacrifice be made. He minutely details various disgusting subjects, which propriety would not permit me to bring before the public in these pages—yet these are the subjects of debate in the privacy of the confessional. Alas, how fearful is the state of things, when propriety absolutely forbids us even to make known what

is done and taught under the garb of religion. So gross—so iniquitous—so immoral are the subjects of the confessional, that they can not be dragged into light. What is too unholy even to be named amongst us, is the every-day practice of that Church which is well called “the mystery of iniquity.” SHAME, SHAME, SHAME !!!

In Book III., he considers the command, “thou shalt not steal,” and having given an appendix on justice and law, enters upon his subject. In No 119, he asks, “whether it is ever lawful to make away with the property of another for a good end,”—he says,

“Qui alienum accipit joco, vel ob bonum, aut commodum illius, a quo accipit, non furatur, : v. gr. si uxor auferat a marito pecunias, ne ludis, aut commensationibus eas prodigat; aut vinum, ne inebrietur; aut librum hæreticum, ne eum legat; aut famulus det eleemosynam non nimis magnam valde indigenti, de qua dominus rationabiliter non sit invitus, a quo tamen ob verecundiam vel aliam causam non audeat petere. V. Less. l. 2. c. 12.”

“He who receives the property of another in joke, or for a good purpose, or the convenience of him from whom he receives, does not steal: for example, if a wife should take money from her husband lest he should waste it in games, or companies; or wine, lest he should get drunk, or *an heretical book lest he should read it.* Or if a servant should give alms in a small quantity to one who is in great want, concerning which her master may not be reasonably unwilling, from whom however, on account of bashfulness, or some other cause, she dare not ask it.”

Here Liguori teaches that a wife for a good purpose may deprive her Husband of his property, for example, if he have an Heretical book, she make away with it, and in so doing she does not steal at all.

Likewise a servant who for some cause is afraid to ask permission of his master to give his property in charity,

may do it without his permission, if reasonably he be not unwilling. It is then for the servant himself to judge whether the master's unwillingness be reasonable or not. On similar principles we may deduce that as it is lawful for a wife to steal (for we will call it stealing) an heretical book from her husband, for a good purpose, a servant may do likewise.

Liguori proceeds:—

“Certum est eum, qui est in extrema necessitate constitutus, posse alienum surripere, quantum sufficit ad se a tali necessitate liberandum. Ita communiter DD. cum D. Thomas 2. 2. quæst. 66. a. 7. Ratio S. doctoris, quia in tali casu omnia sunt communia; jus enim gentium, quo divisio facta fuit bonorum, non potest derogare juri naturali, quod cuique competit, sibi providendi, dum extrema necessitate laborat. Idem dicitur, quando necessitas est proxima extremæ, aut illi æquivalens; in tali enim necessitate, quæ vocatur alias gravissima, seu quasi extrema, potest etiam quis sibi providere mediis ordinariis, non autem exquisitis et extraordinariis,”

“It is certain, that he who is in great want may steal the property of another, as much as is sufficient to deliver himself from such a necessity. Thus commonly the Doctors teach, with Thomas, 2. 2. quæst. 66 a. 7. The reason of the Doctor is, because in such a case all things are common, for the law of nations, by which a division of goods was made, can not derogate from the natural law which pleads for any one the right of providing for himself, when he suffers under great necessity. The same thing is said, when a necessity is next to extreme or equivalent to it, for in such a necessity which otherwise is called the most grievous, or as if extreme, any one also can provide for himself, by ordinary, but not by extraordinary means,”

He then names authors in support of his view, and proceeds:—

“Talis autem gravissima necessitas putatur, quando quis est in probabili periculo incurrendi mortem, ut Roncaglia de Carit. cap. 2. quær. 3.

“But such is thought to be a very grave necessity, when any one is in probable danger of incurring death, as Roncaglia, etc., cant. cap 2. quær.

Holz. eodem tit. num. 172. ac Vasquez, Val. Navarr Moya, Dicastill. etc. apud Croix l. 2. n. 195. aut in periculo amittendi membrum aliquod principale, aut aliquem sensum, puta oculum. Pal. Dic. et Tamb. apud Croix ib. Item quando quis est in proximo periculo incidendi in perpetuam captivitatem, sive pœnam triremium, vel gravissimum aut perpetuum morbum, vel infamiam. Lugo l. c. Sporer tr. 1. n. 85. Ronc. l. c. Elbel de Rest. n. 271. Non enim opus est, ut dicunt Lugo, et Elbel ex D. Th. et aliis, quod hujusmodi mala actu inferantur, sed sufficit, quod proxime et moraliter certo immineat; imo ait Holz. l. c. quod de se adsit periculum certo probabile. Sed dubitatur, an putetur eadem necessitate laborare pater qui, ob inopiam est in periculo prostituendi filiam. Affirmat Bon. et consentit Mazzot. l. c. cum Cajet. Suar. etc. Sed probabilius contradicunt Salm. d. n. 39. quia nulla necessitas potest cogere aliquem ad peccandum, cum possit alia via, saltum mendicando, suæ necessitati subvenire. Sed quid, si aliquem virum honoratum valde puderet mendicare, vel laborare, an potest ex alienis sibi providere? Negant Salmant. n. 39. cum Soto et Prado, dicentes, hanc potius judicari necessitatem gravem. quam extremam, cum bona temporalia tantum ordinentur ad vitam, non ad honorem servandum. Affirmant vero Viva l. c. n. 3. Ronc.

3. Holz. eodem tit. num 172. ac Vasquez Val. Navarr. Moya Dicastill. etc. apud Croix l. 2. n. 195. or in danger of losing some chief member or some sense, for example the eye. Pal. Dic. et Tamb. apud Croix ib. also, when any one who is in very great danger of falling into perpetual captivity, or the punishment of the galleys, or severe or perpetual disease, or infamy, Lugo. l. c. Sporer. tr. 1. n. 85. Ronc. l. c. Elbel. de Rest. n. 271. for there is no need as Lugo and Elbel ex. d. Th. and others say, that they may absolutely endure these evils, but it suffices that they appear very near and morally certain. Nay Holz. says, l. c. that concerning them a peril may be probably certain. But it is doubted whether a Father may be thought to labour under the same necessity, who on account of want, is in peril of prostituting his daughter. Bon affirms that he does, and Mazzot agrees with him, l. c. with Cajet, Suar, etc., But more probably, Salm. d. n. 39. deny it, because no necessity can compel any one to sin, when there may be another way at least, by begging, to relieve his own necessity; but what, if it would exceedingly grieve a very honorable man to beg or to labour, whether can he provide for himself out of another's property? Salmant. n. 39. with Soto and Prado, deny it, saying, that this should rather be judged a great necessity than an extreme one, since temporal

l. c. Mazzot. t. 2. p. 375. ac Less. Pal. et Dicast. apud Croix l. 3. p. 1. n. 952. item Bann. et Serra apud Salm. Hocque probabilius mihi videtur, si pudor mendicandi esset tantus, ut potius ille mortem subire vellet, quam mendicare."

goods are only ordained for the preserving of life, not of honour. But Viva l. c. n. 3. Ronc. l. c. Mazzot t. 2. p. 375. ac Less. Pal. et Dicast. apud Croix, l. 3. p. 1. n. 952. also Bann. et Serra apud Salm. answer in the affirmative. AND THIS APPEARS TO ME MORE PROBABLE, IF HIS SHAME OF BEGGING BE SO GREAT, THAT HE WOULD PREFER DEATH ITSELF TO BEGGING."

Here then Liguori teaches:—

I. That it is lawful to steal when under extreme necessity—viz. in danger of death, the gallies, perpetual prison, &c.

II. That a man who is so much ashamed of begging, that he would prefer death itself, may, under the circumstances steal. "surripere"

He teaches, that a captive under certain circumstances, may steal the property of those by whom he is imprisoned, for the purpose of liberating himself.

Having given the opinion of Lessius and various authors on the question, whether a pauper may take his master's goods without asking leave, he sums up in the following words:—

"Si vero pauper peculiari illa re extreme indigeat, ita ut dominus teneatur omnino eam dare, quia ipso non dante, pauper periret; tunc iste, ut ait Lugo, occulte accipiendo non peccat mortaliter, nec venialiter: imo dico, quod ille habeat eo casu absolutum jus ad rem illam accipiendam, juxta S. Thom. 2. 2. q. 66. art. 7."

"But if the pauper want extremely that peculiar property, so that the Master is bound to give it to him altogether, because if he did not give it, the pauper would die, then he, as Lugo says, sins neither mortally nor venially, in receiving that property *secretly*, nay, I say, that he has, in that case, an absolute right to receive that very thing."

In the fourth query he asks, if a thief consuming a matter taken in extreme necessity be bound to restitution.

The first opinion which he quotes denies that he is so bound; the second, however, holds that he ought to restore, for which, reasons are adduced. Liguori gives his own opinion as follows:—

“His tamen non obstantibus, non puto improbabilem primam sententiam, quia pauper in tali necessitate, ut docet D. Thomas loc. supra cit. surripens alienum, suum efficit. Obligatio autem restitutionis eo casu non solum suspenditur sed etiam vere extinguitur consumptione rei, quia dominus teneretur consentire consumptioni, adhuc si res apud ipsum inveniretur. Hoc tamen limitandum dico: 1. si ille sit pauper, non tantum re, sed etiam spe, ut dicemus in q. sequenti; 2. si pauper absolute indigeat re illa peculiari, nec aliter possit sibi subvenire, ut dixi in quæst. præcedenti.”

“However, these reasons not opposing, I do not think *the first opinion improbable*, because a pauper in such a necessity, as St. Thomas teaches in the above mentioned place, in stealing the property of another, *makes it his own*. But not only is the obligation to restore suspended in that case, but even truly, by the consumption of the property it is extinguished, because the Master would be bound to consent to that consumption, if otherwise the property should come to himself. However, this, I say, is to be limited. 1. If he be a pauper not only in property but in hope, as we say in the question following. 2. If the pauper be absolutely in need of that peculiar property, and can not relieve himself by any other means, as I have said in the preceding question.”

Such is a specimen of the principles of our *Saint* on the subject of stealing. He admits in this, as in other already mentioned instances, the principle of “doing evil that good may come.” He considers the question, “whether a creditor can compensate himself,” He says, in number 521,

"Nec item furatur, qui accipit in compensationem justam, si aliter sibi debitum accipere nequeat, v. gr. si famulus justum stipendium non possit aliter obtinere, vel inique inductus sit ad servendum iniquo pretio. Vide Laym. l. c. et Tolet. l. 5. c. 15.

"Nota quoad compensationem. I. quod compensatio possit fieri etiam in alia specie, si non possit fieri in eadem. Croix. lib. 3 p. 1. n. 967.

"Nota II. quod compensatio regulariter peti debeat per judicium; sed hoc omittitur est tantum veniale peccatum, ex Salm. de Rest. c. 1. n. 313. in fin. cum Lug. etc. Viva in prop. 37. Innoc. XI. n. 1. ac Croix n. 965. Tamb. et aliis; imo nullum, si alias timeantur inimicitiae, amissio expensarum, et similia, ut recte docet Laym.

"Nota III. quod, licet ad compensationem requiratur certitudo crediti, ex communissima apud Croix num. 962. quamplures tamen, et graves auctores ap. Salm. de Rest. c. 1. n. 320. admittant, posse fieri compensationem cum credito, tantum probabili, in tribus casibus; scilicet, quando compensatur fama cum pecunia; infamia cum infamia data; et legatum relictum in testamento non solemni: sed vide quae de his diximus de conscientia l. 1. n. 35."

"Neither does he commit theft, who receives a thing as a just compensation, if otherwise he can not receive what is due to him; for example, if a servant be unable otherwise to obtain a just stipend, or be unfairly induced to engage in servitude for an unjust price."

"Note as to compensation. 1. that compensation can be made even in another species, if it cannot be done in the same. Croix. lib. 3. p. 1. n. 967.

"Note in the second place, that compensation ought to be regularly sought by a trial, *but to omit this is only a venial sin*, ex Salm. de Rest. c. 1. n. 313. in fin. cum Lug. etc. Viva in prop. 37. Innoc. XI. n. 1 ac Croix n. 965. Tamb. et aliis; **NAY IT IS NO SIN** to omit that, if otherwise hostilities, costs, and such like, are dreaded, as Laym *rightly* teaches.

"Note in the third place, that although to compensation a certainty of credit is required according to the most common opinion, apud Croix, num. 962. however many and grave authors, ap. Salm. de Rest. c. 1. n. 320. admit that compensation can be made with credit only probable, in three cases, namely, when reputation is compensated with money; infamy returned with infamy, and a legacy left in a will not attested; but see what we have said concerning these things on conscience."

Such are the opinions of Liguori on this subject. He

teaches that a servant, if he believe that he is not paid sufficiently, or if, (compelled by poverty) he have made a bargain with his master for a certain stipend, which is less than he ought to receive, may compensate himself out of his master's property, if by going to law he would incur displeasure, loss, &c.

The condemnation of a proposition by Innocent XI. seems to be opposed to this, but our Author easily reconciles it to his own view as follows:—

“Nota hic propos. 37. Innoc. XI. quæ dicebat: *Famuli ac famulæ domesticæ possunt occulte heris suis surripere ad compensandam operam suam, quam majorem judicant salario quod recipiunt.* Salm. de 4. præc. n. 130 cum aliis, loquentes de hac propos, damn. dicunt I. quod, si famulus sine necessitate libere conveniat cum domino de stipendio inferiori, postea nihil possit sibi compensare: secus, si ex necessitate, ad levandam nimirum suam miseriam, conveniat de salario notabiliter minori justo. Ratio, quia decreta pontificia non intendunt obligare famulum contra justitiam.”

“ Note here the thirty seventh proposition of Innocent XI. which said, ‘ Domestic servant men and women can steal from their own masters for the purpose of compensating themselves for their own labour, which they judge to be greater than the salary they receive.’ Salm. de 4. præc. n. 130 with others, speaking concerning this condemned proposition, say, I. that if a servant without necessity, and of his own accord, make an agreement with his master for an inferior salary, he can not afterwards compensate himself: OTHERWISE, if from necessity, for the purpose doubtless of alleviating his own misery, he agrees upon a salary notably less than just, *the reason is, because the pontifical decrees are not designed to lay servants under an unjust obligation.*”

Here then, we are absolutely taught that a servant who is compelled from poverty to make an agreement with his master for an inadequate remuneration, *may compensate himself.* This principle Liguori establishes by various authorities and arguments. He proceeds:—

“Dicunt II. Salmanticenses quod, si famulus ex electione propria augeat operas debitas, nihil possit surripere; quia tunc censetur operam suam condonare ad conciliandam sibi domini gratiam: secus autem, si ex voluntate domini expressa, vel tacita; quia tunc servanda est regula illa, nempe, quod quivis operarius dignus sit mercede sua. Ita Salmanticenses de 4. præc. c. 4. n. 136. et de Rest. cap. 1. n. 138. cum Mol. Sot. Vill. Nav. Diau. Fagund. Bass. et ita etiam Corella, cum Filguera, Toresil. Lastra, et Hozes super dict. prop. 37. consentitque huic Croix lib. 3. p. 2. n. 976.”

“The Salmanticenses say in the second place that if a servant of his own choice, increase his labour he can not steal (surripere) anything, because, then he is considered to give freely his own labour, for the sake of conciliating the favour of his master. BUT OTHERWISE, if he do so from the expressed or tacit will of his master; because then the rule is to be observed, that the labourer is worthy of his hire.”

The question then arises, who is to be the judge of the amount to which the servant may compensate himself. Some, whose names are given, think that the learned, the judicious, the *confessor* should direct the domestic as to the amount of property of which he may take the liberty of possessing himself. However, Liguori thinks that *he himself* may be the judge.

“Attamen Salm. de 4. præc. num. 137. dicunt famulum posse etiam ex proprio iudicio sibi compensare suam operam, si ipse certe iudicet se majus stipendium mereri. Quod sane videtur satis probabile mihi et aliis doctis recentioribus, si hic famulus, vel quicumque alius mercenarius sit vir prudens timoratus, et vere aptus ad recte iudicandum ac certus sit de justitia compensationis, remoto omni hallucinationis periculo.”

But the Salmanticenses, de 4. præc. num. 137. say that a servant can, according to his own judgment, compensate himself for his labour, if he without doubt judge that he was deserving of a larger stipend. Which indeed appears sufficiently probable to me, and to other more modern learned men, if the servant, or any other hired person be prudent, and capable of forming a correct judgment, and be certain concerning the

justice of the compensation,
all danger of mistake being
removed."

He teaches also that Christian captives, for the purpose of compensating themselves for the injuries they may have sustained, may steal the property of those by whom they are enthralled. I maintain that such principles are fearful in their character, and calculated to lead to the most evil consequences. **SERVANTS, IF THEY THINK THAT THEY ARE NOT ADEQUATELY PAID, MAY STEAL THE PROPERTY OF THEIR MASTERS TO REMUNARATE THEMSELVES !!!**

Liguori, in *dubium II.*, considers what may be the quantity of stolen property necessary to constitute mortal sin; he says:

"Variæ ea de re sunt sententiæ. Nav. nimis scrupulose statuit medium regalem, alii nimis laxe 10. aureos; moderatius Tol. Med. Less. etc. duos regales, etsi minus sufficiat, si notabiliter noceat.

"Resp. Ea non mathematicè, sed moraliter metienda est, non tantum ex valore rei ablatae, sed etiam ex circumstantiis personæ, cui aufertur: si nimirum ei grave damnum inferatur, aut saltem caritas christiana graviter lædatur, quomodo respectu valde divitis imo etiam regis, unus, vel alter aureus notabile quid videtur: respectu vero mediocriter divitum, quatuor circiter regales, sive medius imperialis: respectu mechanicorum duo; respectu pauperis unus. Ita nunc plerique cum Bonac."

"There are various opinions concerning this matter; Nav. too scrupulously has fixed the half of *regalem*, others with too great laxity have fixed ten *aureos*, Tol. Med. Less. &c., moderately have fixed two *regales*, although less might suffice, if it would be a serious loss.

"These things are not to be measured mathematically, but morally, not only according to the value of the thing stolen, but also according to the circumstances of the person from whom it is stolen: to wit, if he would suffer great loss or Christian charity be grievously violated, wherefore, in respect of a very rich man, or even of a king, one or two *aurei* appears something notable; but in the case of a man of moderate wealth, about four *regales*, or the half of an imperial;—in

the case of a mechanic, two;
in the case of a poor man,
one."

According to this theology, it is not a great crime or a mortal sin to steal a comparatively large sum from a wealthy man.

He proceeds in No. 527.

"Quoad hoc punctum, tam ad praxim scitu necessarium, nempe, quænam sit materia gravis in furto, operæ pretium est plura hic elucidare. Quidquid aliqui dicant, commune est apud DD. et non videtur posse negari, quod, ad determinandam hujus materiæ gravitatem, non possit absolute pro omnibus eadem quantitas assignari, sed ipsa dimetienda sit respectu ad circumstantias personæ, rei, loci, et temporis; cum enim furti gravitas consistat in quantitate damni, quod proximo infertur, facile nocuum, quod respectu unius leve erit, respectu alterius erit grave."

"As to this point, so necessary for a practical knowledge, viz: what may be the grievous matter in a theft? it will be worth while here to elucidate many things. Whatsoever some may say, it is the common opinion amongst divines, and it does not appear possible to be denied, that in determining the quantity of the matter the same quantity can not be absolutely assigned for all, but it is to be measured according to the circumstances of person, property, place, and time, since the seriousness of the theft consists in the quantity of the loss which is sustained by the neighbour; certainly a loss which will be light in respect of one man, will be grievous in respect of another."

He gives at great length the names of authors who support this view, and enumerates with great nicety, the various sums which, stolen from men of certain states and conditions in life, constitute mortal sin; sums of money or property under that value when stolen, only constitute venial sin and are not so grievous. The amount of guilt in theft is made to depend also on the *place* in which the sin is committed, for our Author says:—

"Quæritur hic, an sit mortale furari parum reliquiæ sa-

"Here it is asked, whether it be mortal sin to steal a small

cræ. Nulli dubium, quin in districtu Romano sit mortale, cum Clemens VIII. et Paulus V. excommunicationem indixerint contra eos, qui, invitis rectoribus ecclesiarum, furantur reliquias etiam minimas: secus probabiliter ait Croix l. 3. p. 1. n. 1603. cum Sanch. Castrop. Dian. et Badell. si quis furetur extra districtum aliquid minimum, ipsam reliquam non deformans, neque minuens illius æstimationem; nisi sit aliqua reliqua insignis, aut rara, ut puta sanctæ Crucis, capillorum B. Mariæ Virg. etc."

piece of a relic? There is no doubt but that in the *district* of Rome *it is mortal sin*, since Clemens VIII. and Paul V. have issued an excommunication against those who, the rectors of the Churches being unwilling, steal some small relic: *otherwise*, Croix probably says—l. 3. p. 1. n. 1603, with Sanch. Castrop. Dian et Badell; if any one should steal any small thing *out* of the district of Rome, not deforming the relic itself nor diminishing its estimation; unless it may be some rare or remarkable relic, as for example, the holy cross, *the hair of the Blessed Virgin, &c.*"

Thus it is a mortal sin to steal a relic *in* the district of Rome, but not a mortal sin to do so *out* of that district, provided that no indignity be offered to it.

In dubium III. he asks the question, "When he sins grievously who commits many small thefts?" he answers:

"Resp. Hic quoque quantitas læsionis, vel damnificationis, quæ fit proximo, et quam fur intendit, est mensura quantitatis peccati. Vide Less. loc. cit. Sanch. l. 7. c. 21.

Unde resolves.

"Si quis ex occasione tantum furetur, sive uni, sive pluribus, modicum, non intendens notabile aliquid acquirere, nec proximo graviter nocere singulis furtis, non peccat graviter, neque ea simul sumta unum mortale constituunt; postquam tamen ad quantitatem notabilem pervenerit, eam detinendo, mortaliter pec-

"Here also the quantity of the loss or injury which the neighbour endures, and what the thief intends, is the measure of the quantity of sin.

Whence you will resolve.

"If any one on an occasion should steal only a moderate sum either from one or more, not intending to acquire any notable sum, neither to injure his neighbour to a great extent by several thefts, he does not sin grievously, nor do these, taken together, constitute a mortal sin; however, after it may have amounted to a notable sum, by detaining it, he can

care potest. Less. d. 7. Sanch. lib. 7. c. 21. Bon. q. 8. p. 2. (*Etsi nunquam advertat ad culpam gravem, ut Tamb. Croix. dicenda, n. 553.*) Verum et hoc mortale evitabit, si vel tunc restituere non possit, vel animum habeat paulo post restituendi ea saltem quæ tunc accepit. Gran. Dian. p. 3. t. 6. r. 25."

"Quær. II. Si furtula, quæ simul ad magnam quantitatem perveniunt, sint facta diversis dominis certis, an fur teneatur sub culpi gravi eis restitutionem facere; vel an satisfaciatur, debita illa pauperibus distribuendo. Ex una parte, videtur dicendum sub gravi restitutionem faciendam esse dominis, nisi excuset periculum famæ amittendæ, vel gravissimum damnum aut incommodum."

In certain cases the thief is excused from making restitution to those from whom he steals, if he make restitution to the Church.

"Unde videtur, quod sufficienter fur satisfactorius sit suæ gravi obligationi ex præsumto consensu reipublicæ, si restituat pauperibus, aut locis piis, qui sunt egentiores reipublicæ partes."

In No. 536, he says :

"Probabilissima est hæc sententia Bus. scilicet, si plures modica furentur, neminem peccare graviter, etsi mutuo sciant grave damnum domino

commit mortal sin. But even this mortal sin may be avoided, if either then he be unable to restore, or have the intention of making restitution immediately, of those things which he then received."

"Query II. If small thefts, which together amount to a large sum, be made from various known masters, whether a thief be bound under great blame to make restitution to them, or whether he may satisfy by distributing them to paupers? On the one hand it appears, that restitution should be made to the original possessors, *unless the danger of losing fame or very grievous loss or inconvenience excuse.*"

"Whence it appears, that a thief may have rendered sufficient satisfaction to his own weighty obligation from the presumed consent of the republic, if he make restitution to paupers, or *pious places* which are the more needy parts of the republic."

"This opinion of Bus. is most probable, viz: if many persons steal small quantities, that none of them commit grievous sin, although they may be mu-

fieri, nisi ex communi consilio faciant; ita etiam tenent Habert t. 4. c. 7. § 5. qu. 6. Lugo d. 16. n. 55. Salm. de Rest. cap. 5. num. 28. cum Less. Sanch. etc. Et hoc, etiamsi singuli eodem tempore furentur; ut cum Bus. censet Less. cap. 12. n. 24. (contra Lugo.) Ratio, quia tunc nemo est causa damni, quod, per accidens, ab aliis domino evenit."

tually aware of their conduct; unless they do it by concert; also Habert, t. 4. c. 7. § 5. q. 6. Lugd. 16. n. 55. Salm. de rest. cap. 5. num. 28. cum Less. Sanch. etc., hold this view; and this, although each should steal at the same time. The reason is, because then no one person is the cause of injury, which, *per accidens*, happens by the others to the master."

In dubium IV. Liguori considers "What is to be thought concerning the thefts of domestics or friends."—He teaches that a wife sins grievously if she steal a "notable" sum from her Husband;—she may dispose of his goods by giving them to the poor, under certain circumstances, *though he may have forbidden it.*

"Uxor potest dare eleemosynam, et munera, secundum consuetudinem aliarum mulierum illius loci, et conditionis; etiamsi maritus eleemosynas omnes illi prohibeat, quia consuetudo hoc jus ei tribuit, quo maritus eam privare non potest."

"A wife can give alms and gifts, in accordance with the custom of other women of that place and condition, although her husband may prohibit her from giving any alms, because custom hath appointed this right to her, of which her husband cannot deprive her."

Speaking of stealing on the part of sons, he says :

"Dicit Salas apud Croix l. 3. p. 1. n. 1032, non esse grave furtum filii 20 20. vel 30. aureorum a patre, possidente annuos 1500, aureos, et non improbat Lugo d. 16. a. n. 76: Si pater non sit tenax, et filius adoleverit, et accipiat ad usus honestos, Less. Nav. et Fill. ap. Spor. de 7. præc. c. 5. num. 57. dicunt non peccare graviter filium furantem 2. vel 3. aureos a patre divite. Ban-

"Salas apud Croix, l. 3. p. 1. n. 1032, says, that a son does not commit grievous sin, who steals 20 or 30 *aurei* from a father possessing yearly 1500 aureos, and Lugo does not disapprove of it, d. 16. A. n. 76. If the Father be not tenacious, and the son have grown up and receive it for honest purposes, Less. Nav. et Fill. ap. Spor. de 7. præc. c. 5. num. 57 say, that a son stealing 2 or 3-

nez dicit ad furtum grave filii parentis prædivitis requiri saltem 50. aureos: sed hoc Lug. et La-Croix ll. cc. rejiciunt: nisi forte esset filius principis, in quo consentit Holzm. num. 755, qui etiam dicit non esse grave accipere a parente prædivite decem aureos."

aureos from a rich Father does not sin grievously; Bannez says, that 53 *aureos* are required to constitute a grievous sin on the part of a son who steals from a rich father, but this opinion Lug. and La Croix II. cc. reject; unless perchance he be the son of a prince, in which case Holzm *consents*, num. 755, who even says that it is *not a grievous sin to receive ten aureos from a rich parent.*"

Such sentiments need no comment, as every one can perceive that they are immoral and sinful.

He gives a long treatise on the law of restitution, in which he teaches much that is absolutely antichristian. Space would not permit me to quote largely from this dissertation, designed chiefly for the direction of Priests in the confessional, but the *animus* of the treatise may be seen in the extraordinary statements which he makes on thefts.

In connexion with this subject he asks a question, and answers it as follows :

"Quæritur I. an adultera teneatur se prodere, si sciat prolem non esse legitimam, ad evitandum detrimentum mariti, et filiorum legitimorum. Affirmant Adrian. Palud. etc. apud Croix l. 3. p. 1. n. 332. Sed negat Sotus, Major, et alii ib. nisi ingens sit damnum, nempe regni, principatus, et similis. Alii vero, ut Cajetan. Less. Scotus, Vasq. Med. Ricc. etc. apud Lugo d. 13. n. 45. negant ullo casu teneri matrem se infamare; et probant ex cap. Officii 9. de Pœn. et Rem. ubi dicitur: *Materi, quæ, ig-*

"Whether an adultress be bound to betray herself, if she know that her offspring is not legitimate, for the sake of avoiding detriment to her husband and legitimate children, Adrian, Palud, etc. apud Croix l. 3. p. 1. n. 332. affirm that she is, but Sotus, Major, and others *deny that she is*, unless there be great injury, for example, to the kingdom, principality, and the like. But others, as Cajetan, Less. Scotus, Vasq. Med. Ricc. etc., apud Lug. d. 13. n. 45, deny that in any case a mother is bound to make

norante marito de adulterio, prolem suscipit, quamvis id viro suo timeat confiteri, non est Carden. etc. communiter. Vid. pœnitentia deneganda."

known her guilt, and they prove their views from cap. officii 9. de Pœn et Rem, where it is said,—To the woman, who, the husband being ignorant concerning the adultery, receives offspring, although she may fear to confess that to her own husband, penance is not to be refused."

Liguori gives this as his opinion, so that *a Confessor may give absolution to a woman guilty of adultery, whose offspring are illegitimate, and she is not bound to undeceive her husband.*

We pass on to the subject of

C O N T R A C T S.

"Quæritur 3. an qui sciens obligationem contractus, velit quidem contrahere, sed nolit se obligare, remaneat obligatus in conscientia. Adest duplex sententia probabilis. *Prima sententia* affirmat cum Less. Soto, Dic. Pont. etc. apud Salm. de Matr. c. 1. n. 20. *Secunda vero sententia* probabilior negat cum Sanch. de Matr. l. 1. d. 9. num. 5. Bonac. eod. tit. qu. 1. p. 1. num. 5. et Salm. dict. n. 28. cum Pal. Con. Avers. Villal. Bec. Cornejo, etc. Ratio, quia conditio apposita, contraria substantiæ contractus, contractum invalidat: qua ratione, in cap. fin. de Condit. apposit. dicitur quod conditio contraria substantiæ matrimonii, ipsum annullat, licet adsit intentio contrahendi. Vide d. de Juram. l. 3. c. 2. d. 5. vers. An au-

"It is asked III., whether he who, knowing the obligation of a contract, wishes indeed to contract, but is unwilling to lay himself under an obligation, be bound to fulfil the contract. There is a two-fold probable opinion.—The first opinion affirms, that he is with Less. Soto, Dic. Pont. etc., apud Salm. de Matr. c. 1. n. 20. But the second *more probable opinion* denies that he is, with Sanch. de Matr. l. 1, d. 9. num. 5. Bonac. eod. tit. qu. 1. p. 1. num. 5. et Salm. dict. n. 28. cum Pal. Con. Avers. Villal. Bec. Cornejo etc. The reason is, because the apposite condition, the contrary of the substance of the contract, invalidates the contract, by which reason in cap. fin. de condit. apposit. it is said, that the contrary condition of the

tem; et de Voto, l. 3. c. 3. d. substance of matrimony annuls
2. v. Quæritur II." it, although *there is an inten-*
tion of contracting."

Thus in contracts, as in oaths, it is taught, that he who enters into the agreement without the mind of binding himself, *is not obliged to fulfil* the agreement.

The fearful consequences of such a principle may be at once perceived. I will only quote one other passage, which I do for the purpose of exhibiting the strange casuistry of our Saint. Propriety forbids the translation, I therefore give the passage in the original:—

“Quæritur II. an, si vir donet aliquid feminæ ad extorquendam copulam, possit illa id retinere, copula non concessa. Si adfuerit pactum de copula explicitum, vel implicitum, tunc certe tenetur restituere: secus vero, si donum datum sit ad animum alliciendum, quia datio illa fuit omnino liberalis; quemadmodum si quis det pecuniam episcopo tantum ad eum alliciendum, ut conferat beneficium, juste potest episcopus eam retinere, si non conferat. Ita communiter C. de Lugo d. 18. num. 49. Mol. t. 3. d. 727. Ronc. de 7. præcept. c. 6. quæst. 2. et Salmantic. de Restit. c. 1, num. 165. cum Prado, Tap. Vill. Dic. Reb. etc. Bene tamen advertunt Salm. ibid. difficulter excusari mulierem accipientem tale munus a peccato scandali, quia munere accepto vir ardentior et audacior redditur ad eam concupiscendam. Unde dixit D. Thom. lib. 4. de Erudit. Princip. ex D. Hieronymo: *matrona non est casta, quæ, cum rogatur, munera accipit.*”

On the subject of *Wills* and *Testaments*, he teaches, that the Pope for a good cause may change them, so that the will of the Testator may be disregarded:—

“Quæritur hic I. an summus Pontifex possit sine justa causa valide commutare ultimas voluntates testatorum. Nulli dubium quin Papa possit cum causa ultimas voluntates commutare, ut patet ex Clem. Quia contingit, de Domib. relig. ubi dicitur: *Ea quæ ad certum usum largitione* “Here it is inquired I. whether the supreme Pontiff without a just cause can validly commute the last wills of Testators? There is no doubt that the Pope can with a cause change (commutare) last wills, as is evident from Clem. Quia contingit, de Domib. relig. where it is said,

sunt destinata fidelium, ad illum debeant, non ad alia (salva sedis apostolicæ auctoritate) converti."

those things which by the largess of the faithful are designed for a certain use, ought to be applied to that purpose, not to be converted to others, (SAVING THE AUTHORITY OF THE APOSTOLIC SEAT.)

The question now arises, whether a Pope can *without* a just cause commute wills; on this subject there are three opinions—some Romanists, whose names are quoted by Liguori, hold that he *can*, others hold that he can not; but one thing is admitted by *all Divines*, that the Pope for a just cause, say for the good of the Church, may alter wills and testaments.

In giving the causes for which an heir may be disinherited, he says:

"Justæ causæ exheredandi filium sunt, ex Salm. c. 2. n. 90. 1. Si filius, cum peccato gravi, manus injiciat in parentem, aut ei contumeliam dicat, aut conetur eum occidere. 2. Si accuset parentem, aut sit testis vel procurator contra eum in causis criminalibus, mortis, exilii perpetui, vel infamiae, aut damni gravis; nisi crimen sit hæresis, vel læsæ majestatis."

"The just causes for disinheriting a son are, according to Salm. c. 2. n. 90. 1, if a son with grievous sin raise his hand against his parent, or speak reproach against him, or endeavour to slay him. If he accuse his Parent, or be a witness or procurer against him in criminal causes, of death, perpetual exile or infamy, or of great loss, *unless it be the crime of Heresy* or of treason; if he have a matter with his wife or one of his concubines."

I quote this passage to shew the extreme view which Rome takes of heresy—the son who appears against his father in criminal cases and leads to his banishment or death, may be disinherited,—but there is an exception; a son may appear against his father if he be guilty of *heresy*, in comparison of which other crimes are as nothing.

In considering the precepts of the Church, he takes up the subject of fasting, upon which he enters at great length, stating with nicety the mode of fasting under various circumstances, and the excuses for not fasting.—It is a *mortal sin*, when there are no such excuses, not to comply with the precepts of the Church.

We have already seen in the treatise on dissimulation, that when a Romanist passing through an heretical country is in danger of losing his life or goods, he may violate this precept of the Church, by eating flesh meat on fast days, so as to pass for a Protestant !

He gives a long treatise on the religious and clerical state. He discusses the nature of the state itself,—its privileges, vows, obligations, &c. In considering the state of secular priests he asks, “whether it is lawful to have many benefices,” to which he answers in the affirmative for the following causes :—

I. The necessity of the Church.

II. The utility of the Church,—a man distinguished for learning, prudence, &c., may be a pluralist.

III. “*Evidens meritorum prærogativa*,” i.e. if any one be skilled in teaching, in doctrine, writing, &c.

Thus pluralism is justified in principle, and we know to what extent this principle was carried out before the reformation, when on one occasion, a priest had between four and five hundred benefices ! (*See Keightley's History of England.*)

Liguori also allows of *non-residence*.

Passing from this subject we come to his chapter on “*the power and office of the judge*,” and here we shall

learn THE TENDER MERCIES OF THE WICKED WHICH ARE CRUEL, AND THE DREADFUL HOSTILITY AND EXTERMINATING PRINCIPLES, WHICH THE CHURCH OF ROME INCULCATES TOWARDS ALL THOSE WHOM SHE PLEASES TO CALL HERETICS. In discussing the office of a judge, Liguori, *the saint canonized in the 19th century*, brings before our view

THE INQUISITION.

“WHAT IS REQUIRED IN A JUDGE?”

“Resp. 1. Præter tria dicta superiore dubio, requiritur scientia, qua sciat suo munere recte fungi. Ita commun. doct. et Bon. d. 10. q. 2. p. 3. Ratio est, quia quilibet tenetur scire ea quæ pertinent ad proprium officium, et sine quorum cognitione munus suum et officium exercere non potest.”

“Answer 1. Besides the three things* mentioned in the last section, knowledge is required, by which he may know how to discharge the duties of his office. Ita commun. doct. et Bon. d. 10. q. 2. p. 3. The reason is, because every one is bound to know those things which pertain to his proper office, and without a knowledge of which he is not able to exercise his own duty and office.”

So far very good. We learn, however, that the judge is subject to the priestly power in this matter.

“Judex carens necessaria scientia non debet absolvi, nisi facta renuntione officii, vel nisi firmum habeat propositum renuntiandi.”

“A Judge wanting the necessary knowledge ought not to be absolved unless he resign his office, or have a firm determination to do so.”

Liguori says

“Tribus modis procedi potest contra criminosos: 1. via accusationis, cum est aliquis actor, qui spondet se objecta

“A Judge can proceed against the criminal in three ways: 1. by accusation when there is some prosecutor who

* Jurisdictio, rectus processus, recta intentio.

probaturum; 2. via denunciationis, cum deferens crimen non vult suscipere onus probandi; 3. via inquisitionis, quæ est triplex: 1. generalis, quando in genere quæritur an leges servantur; 2. specialis, quando de certa persona et certo crimine quæritur; 3. mixta, quando vel sola persona vel crimen solum est speciale, ut si quærat, quis Caium occiderit."

"Revera iudex nullum condemnare potest sine accusatore, ut communiter S. Th. Caj. Sanch. Sat. Less. etc. cum Salm. Append. de Offic. in fine t. 3. cap. 1. n. 47. Sed dicitur aliquando sufficere accusator virtualis, qui adesse censetur; I. quando adest notorietas criminis, ita ut probabiliter negari haud possit; quo casu dicitur in c. ad nostram 2. de Jurejur. *Manifesta accusatione non indigent, nec in eis ordo judiciarius observandus.* Vide Salmant. num. 48."

Liguori proceeds to give the other cases in which an *accuser* may be dispensed with. They are, 2ndly, when public and general rumour attaches infamy to the accused; 3rdly, when a crime in the presence of others is committed against the judge; 4thly, (we give his own words) "when the crime is against the public weal or the king, AS IN THE CRIME OF HERESY or treason."

undertakes to prove the charges; 2. by denunciation when he who gives information of the crime, does not wish to undertake the onus of proving it: 3. by inquisition, which is threefold; 1. general, when in general it is inquired whether laws are observed; 2. special, when inquiry is made concerning a certain person and certain crimes: 3. mixed, when either a person alone or a crime alone is special, as if it he asked, who slew Caius."

"A Judge indeed cannot condemn any one without an accuser, as commonly S. Th. Caj. Sanch. Sot. Less. etc., cum Salm. Append. de offic. in fine t. 3. Cap 1. n. 47. teach But a *virtual* accuser who is considered to be present, is said sometimes to suffice. 1. When there is a notoriety of crime, so that probably in no wise can it be denied, in which case it is prescribed in c. ad nostram 2. de jurejur, that they do not need a manifest accusation, neither in these cases, is the judiciary order to be observed. Vide Salmant. num. 48."

Other cases are given in which the *inquisition* can proceed with the aid of public infamy or rumour.

Heresy is so fearful a crime, that it forms one of the exceptions to the general rule. If a man be thought guilty of heresy, the judge may depart *from his usual course* for the extermination of that which is so destructive to the public weal or the good of the Church.

Before we proceed further, let us inquire what is heresy; in the 1st volume, page 369, we find this very question put and definitely answered:—

“WHAT IS HERESY?”

“Resp. Hæresis est error intellectus, liber, et pertinax contra fidem in eo qui fidem suscepit. Ita commun. Suar. Becan. c. 14. qu. 2. Unde patet, ad hæresim, uti et apostasiam, duo requiri: 1. iudicium erroneum, quod est ejus quasi materiale. 2. Pertinaciam, quæ est quasi formale. Porro pertinaciter errare non est hic acriter, et mordicus suum errorum tenere, aut tueri; sed est eum retinere, postquam contrarium est sufficienter propositum: sive quando scit contrarium teneri ab universali Christi in terris Ecclesia, cui suum iudicium præferat: sive id fiat ex vana gloria, sive libidine contradicendi, aliave causa. Sanch. Vasq. Laym. l. 2. t. 1. c. 13. et alii commun. Ratio est, quia tunc putat iudicium Ecclesiæ non esse sufficiens fundamentum credendi, quæ est vera pertinacia, quam cum Koninck facilius sic explicant alii, eam tunc esse, cum, etsi objectum fidei credibiliter

“Answer. Heresy is a free and pertinacious error of the understanding against the faith, in him who receives the faith. Ita Commun. Suar. Becan. c. 14. qu. 2. whence it appears, that to constitute heresy, as in the case of apostasy, two things are required. 1. An erroneous judgment which is as it were material. 2. Pertinacity which is as it were formal. Moreover to err pertinaciously is not bitterly and obstinately to hold ones own error, or to defend it; *but it is to retain it after the contrary is sufficiently propounded*, or when he knows the contrary to be held by the universal Church of Christ upon earth, to which he prefers his own judgment, or when he does that from vain glory, or a desire of contradicting, or some other cause. Sanch. Vasq. Laym. l. 2. t. 1. c. 13. et alii commun. The reason is, because he thinks the judgment of the Church not to be a sufficient foundation of belief; which is true

proponatur, ita ut prudenter de eo non possit dubitare, contrarium tamen judicet, a quo nolit avelli ullo casu, vel saltem nisi evidenter convictus. V. Con. d. 18."

pertinacity, which with Koinck others more easily explains thus, that it then is pertinacity, when although the object of faith is credibly propounded, so as that prudently he cannot doubt concerning it, he however judges to the contrary from which he is unwilling to be torn in any case, or at least unless he be evidently convinced."

This is his proposition from which he draws several conclusions ; for example, he says :—

"Est hæreticus, qui affirmative de aliquo articulo fidei dubitat, hoc est, judicat esse dubium."

"He is an heretic who affirmatively doubts concerning any article of the faith, i.e. judges it to be doubtful."

His definitions are most important, we learn,

I. That heresy is an error of judgment against the faith, or the denial of an article of the faith.

II. That it is of two kinds, material and formal. The rustics, for instance, of Germany (he himself gives the example) are *material* heretics, not formal or pertinacious heretics, never having had the faith propounded to them. Pertinacious or *formal* heresy is to retain error after the contrary is sufficiently propounded. For example ; a rustic is seized on the charge of heresy. The Romish creed is fully propounded to him, and arguments are urged in its support,—he still holds his own opinion, based upon the scriptures and not upon the authority of Rome, called by Liguori the universal or Catholick Church ;—he is unwilling to give up his faith, to use the words of Liguori, "nisi evidenter convictus," "unless he be evidently convicted," and because he so acts

he is considered a *formal* or *pertinacious* heretic, and as we shall see by and bye he is handed over to the torture. In fact every man who so acts is a formal heretic, and as such punished, while those who *yield* their conviction to the authority of Rome are considered to have been material heretics. Heresy is the denial of an article of the faith.—Pope Pius's creed is the faith:—the man who denies any one article in that formulary,—Purgatory, —Transubstantiation,—the Mass,—the Supremacy of Rome, &c., is an *heretic*. All Protestants are heretics; some material, some formal; in other words, those Protestants who are *unacquainted* with their own religion, are material heretics,—those who are acquainted with its doctrines, and convinced of its truth, and prepared to sacrifice life itself rather than their religion, unless they be convinced that it is false, are *formal* and *pertinacious* heretics. We shall now consider how the Protestant or the heretic in the estimation of Rome is to be dealt with.

“Notandum III. Quod ad inquisitionem specialem plura requirantur: I. probatio corporis delicti, nisi sit crimen difficilis probationis; II. accusator, saltem virtualis, ut supra n. 199. III. probatio loci, temporis etc. IV. iudex competens; V. ut fiat inquisitio, antequam sint transacti viginti anni a die criminis. Vide hæc, et alia apud Salm. de Offic. c. l. num. 159.”

“It is to be noted III. that for a special inquisition many things are required; I. a proof of the substance of the crime, unless it be one of difficult proof: II. an accuser, at least a virtual one, as above n. 199.* III. A proof of time, place, &c.; IV. a competent judge; V. That the inquisition be made before twenty years shall have elapsed since the day of the crime.”

Speaking of the rules by which they are to be guided in the Inquisition, he gives the fourth, as follows:—

“Demum, si reus fateatur delictum, proceditur ad sen-

“Finally, if the accused confess his crime, the sentence

* The heretic is exempted from this privilege.

tentiam : si non, proceditur ad eum convincendum, vel ad torturam." is to be given : if not, he is to be led to conviction OR THE TORTURE."

In article III. he considers the cases in which a judge may TORTURE *the accused*.

"Respondetur. 1. Ad torquendum reum (si tamen torqueri potest) requiruntur aliqujus gravis criminis ea saltem indicia, quæ faciant semiplenam probationem, id est, reddant rem plus quam probabilem : qualia habentur, v. g. testis unus omni exceptione major."

"We answer 1. That to torture the accused, (if he can be tortured,) the signs at least, of some great crime are required, which constitute a half full proof, that is, render the matter more than probable. Such are esteemed, for instance, one unexceptionable witness."

Having given other cases in which torture may be resorted to, he adds,

"Quia tortura instituta est ad subsidium probationis, quando argumenta, et indicia sunt valde efficacia, ut sic plena probatio eliciatur."

"Because TORTURE is a help to proof, when arguments and signs are very efficacious, that thus a full proof may be elicited."

Liguori gives various rules for the guidance of the judge in torturing the accused. He supposes also that persons will sometimes, to escape torture, make false confessions.

In dubium V. he considers the subject of accusation.

"Quæres, an, et quis teneatur alterum accusare.

"You ask whether any one be bound to accuse another.

Resp. 1. privatum raro ad id teneri: tum ex praxi timoratorum, tum quia alias tribunalia essent plena accusationibus, cum perturbatione reip.

We answer 1. that private persons are rarely bound to do so, first, on account of the conduct of the timorous, secondly, because otherwise the tribunals would be full of accusations, to the disturbance of the state.

Dixi 1. *privatum*; quia, si quis a republica stipendium ob hoc accipiat, v. gr. fiscalis

I have said 1. a private person, because if any one receive from the state a salary for

etc. tenetur ex justitia, et consequenter ad damna, ex omissione accusationis secuta. Filliuc. Bonac. in 8. præc. d. 10. q. 3. p. 1.

Dixi 2. raro; quia si exigat bonum publicum, verb. gr. si proditio imminens, vel grave damnum vitæ innocentis aliter averti non possit, et crimen facile probari possit, tenetur etiam privatus accusare, vel saltem denunciare; id tamen ex caritate tantum, quæ restitutionem non importat. Fill. Bon l. c.

Sed hæc omnia fusius examinanda. Quæritur, an aliquando teneamur alium accusare, vel denunciare. Affirmo in sequentibus casibus.

Et I. quando agitur de communi damno vitando, et possit crimen probari: tunc enim docet S. Thom. 2. 2. q. 68. art. 1. obligationem esse accusandi. Crimina autem contra bonum commune sunt hæresis, rebellio, falsificatio monetarum, homicidia, et furtiva ab assassinis, aut viarum grassatoribus; addunt alii subordinationem suffragiorum in cathedris, et in aliis electionibus. Lugo addit peccatum religiosi, quod probabiliter damnum religioni affert. Si vero crimen probari nequeat, sufficit, ut reus denuntietur. Et communiter videntur doctores concludere satis esse hisce temporibus delictum deunntiari, ne ob me-

this purpose, viz. a fiscal, &c. he is bound by justice to do it and is liable for the losses which would follow from the omission. Filliuc. Bonac. in 8. præc. d. 10. q. 3. p. 1.

I have said rarely, because if the public good demand it, for example, if an impending conspiracy or a great loss of innocent life could not otherwise be averted, and the crime be capable of easy proof, a private person also is bound to accuse, or at least to denounce; that obligation arises from charity, and does not require restitution. Fill. Bon. l. c.

But all these questions are to be considered more at large. It is inquired, whether sometimes we are bound to accuse or denounce another. I answer in the following cases.

And I. when it is made concerning the avoiding of some common evil, and the crime can be proved; for then St. Thomas teaches, that there is an obligation of accusing, 2. 2. 9. 61. art. 1. BUT THE CRIMES AGAINST THE COMMON GOOD ARE, HERESY, rebellion, forgery, homicide and thefts by assassins or highway robbers; others add the suborning of voters in cathedrals, and in other elections. Lugo adds, the sin of a religious, which is probably injurious to religion. But if the crime cannot be proved, it suffices that the accused be denounced. And commonly the doctors seem to conclude that it is sufficient in these times that the sin

tum pœnæ incurrendæ, si illud non probetur, deterreantur homines a denuntione criminum cum gravi damno communi. Ita Lugo de Just. d. 38. s. 1. num. 2. Sanch. cons. lib. 6. cap. 2. d. 2. num. 2. Cajet. Sot. Bann. Trull. Villal. etc., apud Salm. d. c. 2. num. 10. Et sic servi ac filii denuntiare tenentur etiam delicta domini, et patris in commune detrimentum vergentia, ut Salmant. *ibid.* cum eisdem. Si vero crimen jam sit patratum, nec ullum damnum exinde immineat, quia delinquentem jam constat esse damnatum (excepto crimine hæresis,) non est obligatio denuntiandi, ut Tol. Filliuc. etc. apud Salm. n. 11.

III. Tenentur crimen denuntiare, vel accusare, qui ad id a rep. vel a dominis stipendium accipiunt, ut sunt fiscales, aut custodes agrorum, gabellarum etc. alias tenentur ad restitutionem damnorum, quæ reipublicæ vel dominis ob omissionem accusationis obveniunt. Ita Busemb. hic cum Filliuc. Navarr. Bann. etc. communiter apud Salm. c. 2. n. 13."

Liguori asks, who are prohibited from accusing?

In answer, he says,—

"I. Prohibentur excommunicati; infames; publici concubinariii, aut usurarii; de majoribus criminibus accusati nisi prius innocentes se demonstrent; item feminae, impuberes. Excipe tamen

should be denounced, lest on account of the fear of incurring punishment, if the crime be not proved, men should be deterred from the denouncing of crimes with a great common loss. And thus servants and sons are bound to denounce the sins even of a master or parent which threaten evil to the community, ut Salmant. *ibid.* cum eisdem. But if the crime have been already committed, and no detriment impend from thence, because it now appears that the delinquent is guilty (THE CRIME OF HERESY BEING EXCEPTED) there is not an obligation of denouncing.

II. They are bound to denounce a crime, or to accuse, who receive payment from their masters or the state for that purpose, as are fiscals, the guards of fields, &c., otherwise they are bound to make restitution for the loss, which the state or their masters may suffer from their neglect of duty."

"Excommunicate persons, the infamous, *public* keepers of concubines, or usurers; also those accused of greater crimes are prohibited, unless beforehand they prove themselves innocent; also females, boys.

1. si isti prosequantur causam propriam, vel suorum, usque ad 6. gradum; 2. si crimen sit contra legem divinam, aut humanam, cujus violatio cedat in damnum tertii; 3. si crimen sit contra bonum commune. Quicumque autem, etsi non possit accusare, potest tamen denunciare. Vid. Salm. de Offic. c. 2 num. 26. II. Filii non possunt accusare parentes, nec e converso; neque servi dominos, nisi crimen sit læsæ majestatis, vel hæresis. Salmant. num. 27. III. Laici nequeunt accusare clericos, nisi clericus sit dilapidator honorum ecclesiæ, aut hæreticus, simoniacus, sacrilegius etc., vel nisi laicus causam suam, vel suorum prosequantur."

"IV. Inimicus repellitur ab accusando delinquentem ex c. cum oporteat, de Accus. Et hoc valet etiam in criminibus exceptis, ut supra, præter hæresim. Est commune cum Salm. c. 2. ex num. 35. Ratio, quia tunc præsumitur accusatio semper procedere ex affectu vindictæ. V. Pariter repellitur socius criminis, ex leg. fin. cap. de Accusat. Exeipiuntur tamen, quoad hoc, crimina hæresis, læsæ majestatis, falsificationis monetæ, sodomix, furti famosi, et omnia alia, quæ sine socio fieri possunt."

Except, however, the following cases, 1. if they prosecute their own cause or that of their families, as far as the 6th degree; 2. if the crime be against the divine or human law, the violation of which tends to the loss of a third party; 3. if the crime be against the common good (Liguori before mentioned that *heresy* is one of these crimes.) But every one although he be not able to accuse, yet can denounce. Vid. Salm. de offic. c. 2. num. 26. II. Sons cannot accuse parents, nor can parents accuse sons unless for the crime of treason, or HERESY, Salmant. num. 27. III. Laymen can not accuse clergymen, unless the clergyman be a waster of the goods of the Church, a HERETIC, a simoniac, or a sacrilegious person, or unless the layman prosecute his own cause, or that of his family."

"IV. An enemy is repelled by accusing the delinquent ex c. cum oporteat, de Accus. And this holds good also in excepted crimes, EXCEPT HERESY. The reason is, because then the accusation is always presumed to proceed from the effect of vindictiveness. V. Likewise the companion of crime is repelled, ex leg. fin. cap. de Accusat. However, in this respect, the crimes of HERESY, treason, forgery, sodomy, well known theft, and all others which can be committed without an accomplice, are excepted."

From all these passages, we observe that Rome uniformly places *heresy* amongst the worst crimes,—sodomy, forgery, &c. In the case of heresy, *the son is bound to denounce the father, and the father the son.* Rome rends the nearest and dearest tie : the father is bound to lead the heretical son to torture and death ; the son is bound to act likewise toward the heretical father. But we have more to learn.—

“ Non peccas vero neque contra justitiam, neque contra caritatem, si accuses siue prævia monitione, in duobus casibus: I. Quando crimen est in damnum reipublicæ, ut conjuratio, delictum læsæ majestatis etc. et signanter hæresis, pro qua maxime est notanda prop. 5. damnata ab Alex. VII. quæ dicebat; *Quamvis evidenter tibi constet Petrum esse hæreticum, non teneris denuntiare, si probare non possis.* Ratio, quia in his criminibus nunquam, aut rarissime ex correctioe speratur fructus, et mora valde nocere potest.”

“ You do not sin against justice or charity, if you accuse *without previous warning*, in two cases; I. When the crime is injurious to the public, as conspiracy, the sin of treason, AND ESPECIALLY (signanter) HERESY, for which we should particularly note the fifth proposition CONDEMNED by Alex. VII. which said: ‘although it appears evident to you that Peter is an heretic, you are not bound to denounce him, if you can not prove it,’ the reason is, because in these crimes *rarely or never* is fruit expected to result from correction, and *delay* can be very injurious.”

From this passage we learn I. that heresy is a fearful crime, greater than that of conspiracy, treason, &c., for it is *especially* to be denounced. The Pope *condemned* the proposition in which it was maintained that one should not denounce an individual unless he were sure of his guilt. II. the accuser may denounce the accused without any *previous warning*. A father is suspected by his son of entertaining Protestant sentiments. The son taught by Rome denounces the confiding parent to the inquisition, without even a warning. At midnight the

muffled coach rolls to the door, the son having denounced his parent, gives him up to the inquisitorial officers to be tortured and put to death.

“Notandum III. quod nemo, ut supra dictum est, teneatur denunciare cum gravi suo incommodo, nisi crimen redundet in damnum commune reipublicæ aut religionis, ut crimen læsæ majestatis, hæresis etc.”

“It is to be noted in the third place, that no one as it is said above, is bound to denounce with a great loss to himself, unless the crime be fraught with injury to the commonweal, or to religion, as for example, the crime of treason, HERESY, &c.”

Again, he considers the question whether a son be obliged to denounce his parent, a wife her husband, or a husband his wife. Some authors think not, but Liguori holds the opposite opinion, as follows:—

“Sed dicendum omnes ad denuntiationem teneri ex eadem ratione ut supra, quia hæresis est pestis ita noxia, ut difficile habeat remedium, et facile in damnum vergat commune. Ita Ronc. p. 169. q. 1. r. 3. Bonac. de Oblig. Denunt. t. 2. d. 6. p. 2. n. 3. cum Farin. Azor. Salm. d. 1. præc. c. 4. n. 106. cum Caj. Palao, Sanchez. Dian. etc. cum communi, ut testatur Potest. n. 268. et Viva super prop. 5. Alexand. VII. num. 13.”

“But all are bound to denounce for the same reason as above, because heresy is so NOXIOUS A PEST that it may require a severe remedy, and very easily it may tend to the common loss. Ita Ronc. p. 169. 9. 1. 2. 3. Bonac. de Obligat. Denunt. t. 2. d. 6. p. 2. n. 3. cum Farin, Azor. Salm. d. 1. præc. c. 4. n. 106. cum Caj. Palao. Sanchez. Dian. etc. cum communi, ut testatur potest, n. 268. et Viva super prop. 5. Alexandr. VII. num. 13.”

“Rogabis autem infra quantum temporis blasphemi hæreticales denunciendi sint. Loquendo generice de criminibus suspectis de hæresi, secundum edictum inquisitionis generalis Romanæ, tempus assignatum ad denuntiationes est mensis a die scientiæ legis, et cessantis im-

“You will ask within what time blasphemous heretical persons are to be denounced. In speaking generally concerning crimes suspected of heresy, according to the edict of the general Roman inquisition, the time assigned for denunciation is a month from the day of the knowledge of

pedimenti, ut asserunt Fel. Potest. de Denunt. num. 238. pag. Mihi 535. Mazotta t. 1. pag. 276. quæst. 5. et auctor libri (Istruz. per li Novelli Confess. tom. 2. c. 14. n. 284.) Loquendo vero præcipue de tempore requisito ad denunciandos blasphemos hæreticales, dicunt Sporer de 1. præcept. Decal. cap. 10. num. 12. ex Decreto Alex. VII. de Suspectis de Hæres. et Salm. eod. tit. cap. 3. num. 129. (sed forte hi loquuntur juxta edictum Hispaniarum) esse denunciandos infra sex dies."

the law. But in speaking especially concerning the requisite time for denouncing heretical blasphemous persons, Sporer de 1. præcept. Decal. cap. 10. num. 12. ex Decreto Alex. VII. de Suspectis de Hæres. et Salm. eod. tit. cap. 3. num. 129. say, (but perhaps they speak according to the decree of the Spanish Inquisition) that they should be denounced within six days."

He teaches that those who do not discharge the duty of denouncing, should themselves be denounced; their punishment is very severe.

"Notandum III. juxta jus commune ex Extravag. Excommunicamus, eos, qui advertenter negligunt hæreticos denunciare, incurrere excommunicationem ferendam: etsi juxta edictum Hispaniarum, ibi incurratur excommunicatio ipso facto, et reservata. Utrum autem in aliis regionibus hæc excommunicatio sit reservata? Affirmant Salmanticens. c. 4. n. 70. et Potestas num. 641. qui affert decretum S. C. Sed negat Lupus apud Potestatem, et Bonacina l. c. Vide t. 2. dub. 6."

"It is to be noted in the third place, that according to the common law ex Extravag. Excommunicamus, those who purposely neglect to *denounce heretics*, incur excommunication, to be issued: although according to the decree of the Spanish Inquisition, excommunication ipso facto and reserved, is incurred. But whether this excommunication be reserved in other regions? Salmanticens. c. 4. n. 70. et Potestas num. 641. who allege the decree, say that it is. But Lupus apud Potestatem, et Bonacina l. c. Vide t. 2. dub. 6. say that it is not."

In dubium VIII. he considers the way in which the confessor is to conduct himself toward the accused.

“*Observanda sequentia*: 1. Instruat eum, quod, quæ secum in foro conscientiæ agit, cum iudicibus non communicentur, ideoque sive sit nocens, sive innocens, id ei nec prodesse nec obesse possit. Ratio, quia alias multi conantur se falso probare innocentes, ut a confessario juventur: alii contra falso se nocentes dicunt, quod timeant ne confessarius conferat cum iudicibus, ipsique revocentur ad torturam. Unde expedit: 1. ut non temere evulget confessarius accepta extra confessionem; 2. ut ad confessionem sacramentalem reum non admittat, nisi postquam in foro profano res sunt liquidæ, vix enim adigi poterit, ut omnia fateatur ob timorem, ne vel deferatur, vel cogatur eadem fateri iudici; ante tamen de contritione agendum est. Delrio l. 6. c. 1. s. 3. Tanner. d. 4. q. 5. dub. 4.”

“The following things are to be observed: 1. That he instruct him that what things he reveals to him, (in foro conscientiæ) will not be made known to the judge, and moreover that whether he be innocent or guilty, that it cannot be serviceable or injurious to him. The reason is, because otherwise many might endeavour falsely to prove themselves innocent, that they might receive the assistance of the confessor: others on the contrary falsely say that they are guilty, because they fear lest the confessor should confer with the judge, and they themselves be recalled to the *torture*. Whence it is expedient: 1. that the confessor do not *rashly* reveal things received extra confessionally; 2. that he do not admit the accused to sacramental confession, until matters are made clear in the secular court, for scarcely can he be compelled to confess all things by the motive of fear, lest his confession should be urged against him, or he be compelled to confess the same to the judge, before he make an act of contrition.”

It appears that the confessor should not usually receive the culprit to the sacramental confession until after the court has pronounced its decision; he, however, according to the above statement, is to induce him, if possible, to make known his state to him on the understanding that it should not be revealed. The Council of Antioch, we are informed in this chapter, allows the confessor to work upon the feelings of the prisoner, by

laying before his view the excruciating agonies of the *torture*; with this, however, Liguori does not *quite* accord, but he directs that the confessor shall make himself well acquainted with the evidence adduced in the trial, so that he may be able to conduct himself prudently in his own *investigation*, and if it be necessary, *prudently* admonish the judge. (“Ut et prudentius possit in suo foro agere, et *judicem*, sicubi opus, *prudenter admonere*.”)

The confessor then leads the culprit to think that nothing shall be revealed which he makes known to him. The admonition is given that he should not *rashly* disclose his discoveries, but *prudently* to admonish (*prudenter admonere*) the judge. This, however, is no violation of the seal of *sacramental* confession, to which the confessor is advised not to receive the penitent, “nisi postquam in foro profano res sunt liquidæ:” but methinks that this is *deception*.

Let us for a moment revert to heresy and its denunciation.—From the passages quoted, it will be seen that the heretic is a criminal of the worst character, being always classed with the man who is guilty of *treason*, *sodomy*, *sorcery*, *forgery*,—considered as he is, the pest of society, for which there is no cure but extermination.

The man who denies any one article of Pope Pius’s creed is a heretic. Protestants are heretics in the estimation of Rome. Consistently with Romish principles can there be toleration for Protestants? No! Liguori was canonised in the year 1839, and of the sentiments which we have quoted, Rome has declared that they are not censurable in “*one word*,” as given by the author.

Let Rome become ascendant, and then *the Protestant*, regarded as a criminal of the worst kind, shall have no toleration, but torture and death must be his lot. His

house is not his castle, nor within his home circle—his own family, whose ties and sacredness Rome tramples beneath her feet, will he find sympathy and refuge. If he be a father, his son will rise against him,—the mother will forget the son of her womb,—if he be a husband, the wife of his bosom will forget her plighted love, and denounce him to the inquisition,—his foes shall be they of his own household. The man whose only crime is Protestantism, lingers in a dungeon, is racked and burned. Where is civil and religious liberty? not beneath the sway of Rome. Popery, fell system, though transformed into an angel of light, is a very demon personified!

The following account of the *Italian* inquisition is given by Piazza, once a delegate judge of that court.

“Of the officers of the inquisition, their names and duties.

“The high court of the inquisition is at Rome called in Italian, *La sacra e suprema congregazione del sant’ officio*, the sacred and supreme congregation (*i.e.* court) of the holy office; so they call the inquisition in that country where every thing is superstitiously reckoned to be holy, even the very feet of a mortal and human body. This high court of the inquisition is composed of several cardinals and prelates, whereof the Pope is always chief and president. They sit constantly every week throughout the whole year, to do and despatch business without allowing themselves at any time, as all other courts are used to do, any sort of vacation, except only passion week next before Easter, and the last week of carnival before Lent, whence I heard often myself at Rome some of the Italians out of jest saying that the high court of the inquisition does never rest but twice a year, to wit, once for God, the other time for the devil’s sake.”

“ To the high court of the inquisition, or to its president only it does belong to create and institute all the inquisitors, and send them into all the provinces of Italy, *i.e.* one of them into each province; who is therefore called the General Inquisitor of the province, or in Italian, *Il padre reverendissimo*, the most reverend father. This general inquisitor does commonly keep his residence in the capital city of the province, where there is a certain and convenient place both for his habitation and office, together with some rent and income for his living suitable to his dignity, more or less, according to the province whereof he is the inquisitor, as the bishopricks, and all the ecclesiastical livings are.

“ Now because in a province of Italy there are several cities, and the general inquisitor can but reside in, and watch over one, he has therefore a full authority of appointing delegates, vicegerents or vicars; and accordingly he makes and institutes as many of them as there are cities of his province, upon whom he bestows by his letters patent the power of receiving denunciations against all sorts of persons, arresting, sending to prison, summoning, examining witnesses, excommunicating, putting to the rack, and of what else soever may be necessary to the beginning, pursuing and ending of any cause, to the last and definite sentence exclusively, for this is always reserved to the general inquisitor, or even sometimes to the high court of the inquisition.

“ These inquisitors and vicars are commonly chosen out of the Dominican order, as they call it, which is one of the most shining in the Church of Rome, which furnished her with several Popes, especially the famous Pius V. and does continually furnish her with a great many bishops, arch-bishops and cardinals. This order is called otherwise *ordo prædicatorum*, the preaching

order, whose founder (one Dominique a Spaniard) was also the first inventor of the inquisition, in the thirteenth age after Christ was born."

"Now every delegate judge or vicar of the inquisition, as well as every general inquisitor, have in their respective dioceses and cities, several officers who compose their courts, and are to serve the inquisition each of them in his own office. These are called in general, *Signori Patentati*, lords or gentlemen, who have letters patent of the inquisition, and are almost all of the chief nobility and gentry of the country. They reckon it a great honour and favour to have such letters patent, because by them they enjoy great privileges, as to wear all sorts of arms at any time, to be exempted from taxes, and to be subject to no other judges, but those of the inquisition.

"As to their particular names and offices, some of them are called *consultori*, counsellors, whom the general inquisitor or his vicar calls together to hear their advices, when they think it fit. Others are called *famigliari*, *i.e.* domestics, belonging as it were to the family of the inquisitor or his vicar, because they are to accompany him when they are either going for any prisoner, or carrying him sometimes from one prison to another, as it happens especially, when any famous prisoner is sent to Rome.

"Besides these there is one called *Fiscale*, to whom it belongs to promote the justice on the part of the inquisition, as there is another called *Avocato de' rei*, whose office is to protect prisoners, and to undertake in certain doubtful cases their defences, as far as his conscience does allow him to do it. There is another called *cancelliere*, *i.e.* chancellor, or notary, who is to write down all the acts and proceedings in every cause, as

denuntiatiions, examinations, and the rest. There are two more, one called *Mandatario*, and the other *Barigello*. The first is a kind of messenger, who is chiefly to call and summon them that are to appear, as witnesses and the like, before the inquisition; and the second is the proper officer to imprison them, whom he has the *capiatur*, as they call it, viz. the order in writing for apprehending from the inquisitor or his vicar.

“ All these officers are sworn to perform their respective duties with the utmost fidelity and secrecy, by revealing no thing, nor circumstance, that may be of any prejudice to the inquisition. Hence the Spanish proverb says to the purpose, *coza de rey & inquisition, zittou, i.e.*, in the affairs belonging either to the king or inquisition, one must be very silent, and keep the highest secret.

“ One thing we must here take notice of, is, that by the canons of the Roman Church, the ordinary of the place and the inquisitor, or their delegates, are appointed to be *conjudices*, joint-judges in causes and matters belonging to the inquisition, so that in all such matters and causes they have an equal authority. If any denunciation for instance, concerning the aforesaid matters, happen to be brought before the court of the ordinary, he may receive it, if he please (though commonly he sends it to the inquisition) and pursue the cause to the end; but before he come to any definitive sentence, he is obliged by the aforesaid canons to communicate to the inquisition a copy of whatever he has done in that cause, and then proceed together with the general inquisitor or his delegate, to the last sentence. And likewise the inquisitors and their vicars are obliged by the same canons to communicate a copy of all their acts in every cause to their ordinaries, or

their vice-gerents, that they may come jointly to the definitive and ultimate sentence."

He describes the rack as follows,—

"Of the rack used in the inquisition.

"Here the reader may be desirous to know how the execution of the rack is performed in the inquisition of Italy. To say the truth, neither had I any occasion of being present at such a barbarous execution, nor was I at any time curious of seeing so pitiful a sight; but I will tell you in a few words whatever I know about it.

"The most usual rack in the court of the inquisition of Italy, is that of jeobit and pully, as they call it, which is of several degrees, according to the greater or lesser suspicion they have of the person to be racked, as well as all other circumstances; for sometimes one having only his hands bound behind him, and the rope that ties his hands being fastened to a certain pully which hangeth on a jeobit, he is hoisted up from the ground, more or less, just as the judges of the inquisition please. Sometimes they knock great and heavy bolts upon his heels, and upon these bolts they hang between both his feet some weights of iron, and so they hoist him up on high to the very beams, till his head touch the pully; and thus they let him up and down several times, that the weight of the iron hanging at his heels may rend every joint of his body. And again, sometimes they bid the executioner to slip the rope suddenly, that he may fall down with a swing, and in the half way to stop, and give him the strappado; which being done, his whole body is out of frame, both his arms, shoulders, back, legs, and all the rest of his joints, by reason of the exceeding great weight hanging at his heels, and the sudden swing tearing each part from other.

"This is the most usual and common way of racking

in the inquisition of Italy, and these are the chief cases that happened whilst I was formerly a delegate judge of the inquisition at Osimo; whence one may see enough, as I think the way of proceeding of that court in Italy, in which all is done with the greatest secrecy in the world, to which end both the persons making denunciations, and all the witnesses after their examinations are sworn to be very secret, and not to reveal the least of the things they have told in their respective denunciations and examinations."

THE CONFESSIONAL.

In entering upon this important and comprehensive subject we will consider,

I. The seal or secrecy of the confessional,

II. The subject matter of confession or conversation between the priest and his penitent.

III. The tendency of the confessional.

Liguori gives a treatise on the seal of the confessional, in which he fully states his own views as well as those of other divines, as follow; in vol. vi. p. 276—

"633. Ante omnia pro dilucidatione quæstionum, quæ infra apponentur, videndum an in hac materia sigilli sacramentalis liceat uti opinionibus probabilibus. Croix l. 6, p. 2. num. 1945. ex Diana, Gobat. et Stoz, citatis præced. n. 1945. tantum dicit expedire, quod sequamur sententias faventes sigillo. Sed melius Viva in Append.

"633.—Before all things, for the exposition of the questions which are considered beneath, we must see whether in this matter of the sacramental seal it is lawful to use the probable opinions. Croix l. 6. p. 2 num. 1945 ex Diana, Gobat. and Stoz, in the preceding quoted places n. 1945, only says that it is expedient that we should

ad propos. damn. § 2. circa fin. ait neminem posse uti scientia habita ex confessione, nisi certum sit moraliter (aut saltem certe probabilissimum) quod ex tali usu nulla eventura sit confessionis revelatio, et nullum pœnitenti gravamen. Ratio, tum quia hoc expetit reverentia debita sacramento (sed hæc prima ratio non satis convincit, cum plures et graves DD. ut Sanchez, Pontius, Vasq. Solon. et alii citati lib. 1. n. 32. doceant non esse obligationem reddendi sacramentis, prout ceteris præceptis divinis, reverentiam plusquam probabilem): tum quia aliter probabile gravamen pœnitenti inferretur, ob quod confessio odiosa ei redderetur. Et hæc ratio quidem valde urget; ut enim dictum est l. I. n. 33. non est licitum uti opinione probabili in præjudicium juris certi, quod alter possidet; pœnitens autem possidet jus, ne occasione suæ confessionis ullum patiatum gravamen. Quidquid igitur alibi dixerim, re accuratius perpensa, puto hic omnino dicendum, non licere uti opinionibus, ex quarum usu certum non sit moraliter, nullum pœnitenti gravamen inferri.

follow the opinions favouring the seal. But Viva in append, ad propos. damn. § 9. circa fin. more justly says, that no one can use the knowledge acquired in the confessional, unless it be morally certain (or at least certainly most probable) that from such a use no disclosure of the confession or injury to the penitent, can happen. The reason is, because in the first place, the reverence due to the sacrament requires this (but this first reason is not sufficiently valid, since many wise doctors, such as Sanchez, Pontius, Vasq. Solon. and others, quoted in book 1. n. 32. teach that there is no obligation of rendering to the sacraments, as to other divine precepts, a reverence more than probable.) In the next place, because otherwise the penitent would suffer a probable injury, on account of which the confessional would be rendered odious. And this reason indeed has great weight; for it is said l. 1. n. 33. it is not lawful to use the probable opinion, to the prejudice of a certain right which another person possesses; but the penitent possesses a right that he should suffer no detriment from the occasion of his own confession. Whatsoever therefore I may have said elsewhere, having well reconsidered the matter, I think this is by all means to be said, that it is not lawful

“634.—Respond. 1. Sigillum hoc est obligatio juris divina strictissima in omni casu, etiam quo integri regni salus periclitaretur, ad tacendum, etiam post mortem pœnitentis, dicta in confessione (id est in ordine ad absolutionem sacramentalem) omnia, quorum revelatio sacramentum redderet onerosum, vel odiosum.

Unde resolves.

“635.—‘1. Violatio hujus sigilli duplicem habet malitiam: sacrilegii, contra reverentiam sacramento debitam; et inquisitæ, ex pacto virtuali inter pœnitentem, et confessorium de secreto isto servando omni casu. Dian. p. 5. t. 11. r. 2. ex Fag. Kellis. etc. Neque hic datur parvitas materiæ. Dian. p. 5. t. 5. r. 8. ex Malder. Bald. etc. (*Melius dieendum quod triplicem habeat malitiam, nempe sacrilegii contra sacramentum, infidelitatis gravis, cum ex parte confessorii intercedat onerosa, quamvis tacita, promissio secretum servandi; item detractionis, si peccatum non sit publicum. Ita Spor. Roncagl. Croix, et alii communiter.*)

to use opinions from the use of which there is not a moral certainty that the penitent will suffer no loss.

“634.—We answer 1. That this seal is an obligation of divine right, most strict in every case, **EVEN WHERE THE SAFETY OF A WHOLE NATION WOULD BE AT STAKE**, to observe silence, even after the death of the penitent, as to all things spoken in confession, (spoken in order to obtain sacramental absolution) the revelation of which would render the sacrament itself grievous or odious.

Whence you will resolve.

“635. ‘1. The violation of this seal involves a twofold wickedness: of sacrilege against the reverence due to the sacrament, and of injustice, from the virtual compact between the penitent and the confessor concerning the observance of secrecy in every case. Neither is the insignificance of the matter here to be taken into account (We say more justly that it possesses a threefold wickedness, viz. the sin of sacrilege against the sacrament; of grievous unfaithfulness since the weighty though tacit promise on the part of the confessor, of keeping the secret intervenes; also of detraction, if the sin be not public. Ita Spor. Roncagl. Croix, et alii communiter.)

“636.—‘2. Non inducitur hæc obligatio 1. per confessionem factam fecte, v. gr. ad furandum, illudendum, vel sacerdotum pervertendum (*vel ad conquerendum,*) etsi hoc casu adhuc prudenter tacendum sit. Vide Dian. p. 5. t. 11. r. 26. (*Est commune cum Holzm. n. 703. Conc. p. 737. et aliis passim.*) 2. Si quis extra confessionem accipiat aliquid sub sigillo confessionis; quia tantum est obligatio secreti naturalis gravior, aut levior, pro rei exigentia, (*Ita etiam Conc. et Holzm. ll. cc. ac Nav. Man. c. 8. n. 18. cum Inn. Pan. Caj. Soto, et comm.*)’

“Nota hic I. quod confessarius teneatur ad sigillum, etsi pœnitens discedat indispositus, modo iste dixerit peccata ad obtinendam absolutionem. Ita S. Thomas in 4. d. 21. q. 3. art. 1. ad 1. Lugo d. 93, num. 45. Conc. p. 737. n. 5. Ronc. p. 99. q. 2. Holzm. n. 703. Spor. n. 809. etc. Salm. de Pœnit. c. 14. num. 15. ex communi. Notandum II. quod adhuc in dubio an aliquid sit dictum a pœnitente in ordine ad confessionem, confessarius teneatur ad sigillum. Suarez, et alii apud Salm. c. 14. n. 18. communiter; item Bonac. q. 6. p. 2. num. 4. cum Reg. Graff. Suarez, et aliis; item Renzi p. 320. q. 6. Tambur. c. 3. num. 29. Mazotta p. 582. Croix num. 1949. cum Regina et Schildero contra Baldi. Ratio, quia alias redderetur odiosa confessio, dum alioquin

“636.—‘2. This obligation is not undergone 1. by a confession feignedly made, for instance, for the purpose of stealing, mocking, corrupting the priest, (or for making complaints) although in this case even it may be prudent to be silent. 2. If any one extra confessionally receive any thing under the seal of confession, because in such a case the obligation is that only of a natural secret, which is more or less binding according to the emergency of the case.’

“Note here I. That a confessor is bound to the seal although a penitent depart indisposed, provided only that he have told his sins for the purpose of obtaining absolution. It is to be noted II. that a confessor, as yet in doubt whether any thing may have been spoken by the penitent in due order at the confessional, is bound to the seal, because otherwise the confession would be rendered odious, since in any other case, many sins really heard in confession could be made known with impunity on account of the forgetfulness and mistake of the confessor.

plura peccata revera in confessione audita, ob defectum memoriae, et hallucinationem confessarii possent impune manifestari.

“ 638.—‘ 3. Non frangitur sigillum, I. si in genere dicas Titium tibi confessum venialia aut esse probum, innocentem, modo non dicas in iis circumstantiis, ex quibus colligi posset, alios esse nocentes, vel confessos mortalia. II. Si dicas N. tibi esse confessum, etsi in certis circumstantiis hoc quoque periculosum sit. Laym. c. 14. n. 21. Imo, si poenitens verbo, vel facto (v. gr. clam accedendo,) significaverit se nolle sciri quod sit confessus, confessarium revelare sigillum volunt Regina, Navarrus, et Mercer, apud Dianam t. 4. tract. 11. resol. 47. (*Et recte consentiunt Sporer num. 825. et Holzm. n. 708. cum aliis*) quia poenitens, confitendo confessario extraordinario, veniret in suspicionem gravioris criminis, quod Tamb. in append. c. 3. dubie confirmat; asserens se vereri ne talis accedat ad fractionem sigilli. III. Si peccata ita referas, ut, moraliter loquendo, persona innotescere non possit, neque communitas aliqua etiam parva infametur, ut quod ibi talia vitia regnent. Vide Dian. l. 2. tract. 15. res. 13. id enim esset contra sigillum. (*Vide infra num. 653.*) Unde Ttrrian. apud Dian. part. 5. tract. 11. r. 45. et Tamb. in append. c. 3. reprehendunt superiorem localem, qui pro-

“ 638.—‘ 3. The seal is not broken, I. if you say in general terms that Titius confessed venial sins to you, or that he was honest and innocent, provided you do not speak concerning those circumstances from which it could be inferred that others were guilty or had confessed mortal sins. II. If you say that he confessed to you, although in certain circumstances, this also is perilous. Yea, if the penitent, by word or deed, (for example by secretly coming) should intimate that he was unwilling that it should be known that he had confessed, Regina, Navarrus, and Mercer. apud Dianam, wish the confessors to break the seal, t. 4. tract. 11. resol. 47. (And rightly Sporer num. 825. and Holzm. n. 708. with others consent to this) because the penitent, by confessing to a confessor extraordinary, would fall into the suspicion of greater crime, which Tamb. in append. c. 3. doubtfully confirms; asserting that he fears lest such might lead to the breaking of the seal. III. If you so mention the sins, that speaking morally, the person can not be known, neither can any community, even a small one, be defamed, as that such vices reign there, for that would be contrary to the seal.

vinciali forte dicat, in sua domo sæpe postulari licentiam absolvendi a reservatis: quia potest redundare in ignominiam, et damnum domus; etsi idem Tamb. c. 4, n. 2. dicat probabile esse quod non sit contra sigillum, si dictæ licentiæ petitæ fuerint extra confessionem. IV. Si utaris notitia extra confessionem acquisita, imo ipsum peccatum, quod aliunde tibi innotuit, aperias, modo nullam circumstantiam ex sola confessione notam, nec certius referas, quam extra confessionem nosti, quo in casu opus est magna cautela, et tutissimum est silere. Laym. c. 14. n. 16.

“ 639.—‘ 4. Quando plures, v. gr. studiosi, vel aulicti etc. tenentur ferre testimonium confessionis, confessarium teneri id dare, etiam iis, quos non absolvit, docet Coninck. disp. 6. d. 1. Fagundez et Dian. p. 3. tr. 15. r. 22. tum ne id negando prodatur aliquo modo sigillum, et pœnitentem; tum quia dando non mentitur, cum tantum testetur esse confessum. Verum Bonac. d. 5. q. 6. p. 4. et cardin. de Lugo d. 23. s. 4. docent tali schemate negare non esse contra sigillum. Idemque concedit Avers. p. 18. s. 3. si non con-

Hence Turrian. apud Dian. part. 5. tract. 11. r. 45. and Tamb. in append. c. 3. blame the local superior, who perchance says to the provincial, that in his own house a license to absolve from reserved cases was often sought; because it can redound to the reproach and loss of the house: although the same Tamburin. c. 4. n. 2. says, that probably it would not be a violation of the seal, if the said licenses were sought out of confession. IV. If you use the knowledge acquired out of confession, yea, if you make known the sin itself, which by other means became known to you, provided that you mention no circumstance known from confession alone, neither more certainly, relate it than you have known it out of confession, in which case there is need for great caution, and it is safest to be silent.

“ 639.—‘ 4. When many persons, for example, students, courtiers, &c., are bound to produce a testimonial of having attended confession, the confessor is bound to give that, even to those whom he does not absolve; first, lest by refusing he might betray in some manner the seal and the penitent. Secondly, because, by giving it he does not lie, since he only bears testimony that he confessed. But Bonac, d. 5. q. 6. p. 4. and Cardinal de Lugo, d. 23. s. 4. teach that to deny a certificate to such, would not be an infringement of the Seal. And Avers concedes the same,

stet pœnitentem accessisse ad hunc confessarium: tum quia nihil dicit, sed tantum non approbat testimonio positivo confessionem, ad quod non tenetur, nec quidquam facit, ex quo possint cognosci delicta pœnitentis; tum quia alias via aperiretur fraudibus, et multi improbi parochos in paschate deciperent; tum quia potest esse consuetudo ut scribatur absolutum esse quod falsum erit, si scribat, et si omittat, sigillum franget; tum quia scandalosum erit et iniquum, publicæ meretrici perseveranti (uti et occulto peccatori, sic pallianti suam iniquitatem) testimonium dare confessionis; neque confessario imputandum erit, quod eum positive non defendat.'

“ Probabilius est et communius, quod, si in schedula scriptum sit pœnitentem tantum esse confessum, schedula sit concedenda; ut tenent Laymann de Pœnit. cap. 14. n. 8. auctor de Offic. Conf. apud Croix q. 3. Sporer de Pœnit. c. 7. n. 839. Roncagl. c. 7. q. 4. Elbel n. 492. Croix num. 1994. et Holzm. num. 708. cum Stoz, et Diana, quia negare schedulam, idem esset ac indirecte revelare eum non esse rite confessum. Et hoc est contra Bonac. q. 6. s. 5. p. 4.

p. 18. s. 3. if it be not known that the penitent approached to the confessor; first, because he says nothing, but only does not prove by positive testimony the confession, to which he is not bound, neither does he do any thing from which the sins of the penitent could be known. Secondly, because otherwise, a way would be opened for frauds and many wicked persons would deceive the Parish Priests at Easter; again, because he establishes a custom that he may certify in writing, that the penitent was absolved, which will be false if he write it, and if he omit to do so, he will break the seal. Lastly, because it will be scandalous and unjust to give a testimonial of confession, to a public courtesan continuing in sin, (as also to a concealed sinner, thus palliating his own iniquity), neither will it be imputed to the confessor that he did not positively defend him.'

“ It is more probably and commonly held, that if in the parchment it be only written that the penitent confessed, that testimonial may be granted; as Laymann. de Pœnit. cap. 14. n. 8. auctor de offic. conf. apud croix. q. 3. Sporer de Pœnit. c. 7. n. 839. Roncagl. c. 7. q. 4. Elbel. n. 492. croix num. 1994. et Holzm. num. 708. cum Stoz et Diana, hold, because to deny the certificate, would be the same as indirectly to reveal that he was not duly confessed. And this is against Bonac, who

n. 7. qui ait negandum esse, et contra Lugo d. 23. n. 87. qui cum Henr. dicit posse negari, quia, licet confessarius non possit revelare peccatum, non tenetur tamen testimonio positivo illius confessionem approbare. Sed huic rationi non acquiesco; quia, esto non teneatur cooperari approbationi illius confessionis, tenetur tamen vitare indirectam revelationem, quæ, negata schedula, vitari non potest: secus vero, si confessarius in schedula deberet scribere pœnitentem non solum esse confessum, sed etiam absolutum; quia, cum mendacium sit intrinsece malum, nunquam proferri potest, ut communiter docent DD. Lugo d. 23. num. 87. Pal. de Pœn. p. 5. n. 13. cum Croix, Sporer, Roncagl. Laym. ll. cc. Si tamen schedulæ essent jam typis editæ, quibus asseritur absolutio impertita, videtur probabile (ut aliqui recentiores dicunt) tradi posse confessis non absolutis, saltem si publice petant, quia tunc confessarius nullum profert, aut scribit mendacium, sed tantum materialem actum operatur, talem schedulam tradendo.

“ 640.—‘ 5. Sub sigillum cadunt I. omnia peccata pœnitentis, tam futuræ, quam præterita (si quidem hæc animo se accusandi sint manifestata: secus, si per modum simplicis narrationis, vel ut confessarium ad simile peccatum induceret. Dian. p. 5. t. 11. r. 25. ex Suar. et aliis

says, that it can be refused, and against Lugo, who with Henr., says, that it can be denied, because, although a confessor can not reveal a sin, however he is not bound to prove with positive testimony his confession. *But to this reason I do not give my acquiescence*, because, although he is not bound to co-operate to the proof of that confession, however, he is bound to avoid an indirect disclosure, which, if the certificate be denied, can not be avoided. But otherwise, if the confessor ought to write in the parchment, that the penitent not only confessed, but was absolved; because, since a lie is intrinsically evil, it can never be told, as the doctors generally teach; but, if the certificates be now printed, in which it is asserted that absolution was given, it appears probable, (as some more recent say), *that they may be given to those who have confessed, but who did not receive absolution*, at least, if they be sought publicly, because then the confessor tells or writes *no lie*, but only performs a *material act* in giving such a certificate.

“ 640—‘ 5. Under the seal, fall I. all sins of the penitent, future as well as past, (if indeed with the intention of accusing himself, these sins may have been manifested: otherwise: if they are told in the way of a simple narration, or that he should induce the confessor to commit the same

octo.) Ideoque is peccat mortaliter, qui sive directe sive indirecte aperit aliquod veniale in particulari, etiam leve Titii; quia materia sigilli parvitatem non habet, ut est omnium fere sententia apud Dianam p. 5. t. 5. r. 8. et Tambur. in append. c. 8. (*Secus, si confessarius dicat pœnitentem confessum fuisse materiam venialem, non autem plura venialia; Sporer n. 830. Laym. c. 14. n. 6. Holzm. num. 706. et Salm. cap. 14. n. 22. cum Suar. Lugo, Nav. etc.*) vel qui in genere dicit eum sibi confessum esse aliquod mortale, vel casum reservatum, vel excommunicationem, vel non esse absolutum ob indispositionem. Imo, confessorem qui dicat absolute, *Ego Petrum non absolvi, ¶frangere sigillum dicit Diana p. 5. tract. 11. r. 42. ex Suarez, et aliis novem.* II. Cadunt etiam peccata complicitis, sive prudenter, sive imprudenter dicta. Suarez, Vasquez, et communiter apud Dian. p. 3. t. 4. r. 111. An vero liceat interrogare de complice ad ejus correctionem faciendam, illamque ex licentia pœnitentis facere? Affirmant Suarez. et Fag. contra Bonacin. Lorcam. Nugnum et alios Thomistas. Vide Dian. p. 3. t. 4. r. 113. cardinal. de Lugo d. 16. num. 426. ubi docet posse aliquando pœnitentem a confessario obligari, et cogi ad manifestandum complicem extra confessionem. (*De hoc vide omnino dicta num. 491.*)

sin), and therefore he sins mortally, who either directly or indirectly discloses any venial sin in particular, even a trifling one of Titius; because the matter of the seal does not regard the smallness of the offence, as is the opinion of almost all divines, (otherwise, if the confessor say that the penitent confessed a venial matter, but not many venial sins,) or he, who in general terms, says, that he confessed to himself some mortal sin, or reserved case, or excommunication, or that he was not absolved on account of indisposition; yea, Diana says, that the confessor, who absolutely affirms, I did not absolve Peter, breaks the seal. II. The sins of an accomplice, also, whether prudently or imprudently mentioned, fall under the seal. But whether is it lawful to make enquiries concerning an accomplice, so as to correct him, and to do that with the permission of the penitent? Suarez and Fag. in opposition to Bonacin Lorcam, Nugnum, and other Thomists, answer in the affirmative; see Dian. p. 3. t. 4. r. 113. Cardinal de Lugo. de 16. num. 426., where he teaches, that sometimes a penitent can be obliged and compelled, by a confessor, to make known the accomplice out of confession.'

"641.—Dubitatur 1. an possit confessarius monere complicem de licentia pœnitentis. *Prima sententia* (sed non satis probabilis) negat; et hanc tenent Tambur. Meth. Confess. App. de Sigillo c. 3. num 7. cum Vasquez. item Sot. Palud. Ang. Tann. etc. apud Croix n. 1959. ac probabilem putat Diana p. 5. tr. 11. r. 14. Ratio prima, quia hoc esset etiam contra sigillum, cum etiam peccata complicitis sub sigillo cadunt. Ratio secunda, quia alioquin confessio redderetur aliis odiosa, etiamsi non pœnitentibus. Secunda vero sententia communissima, et vera, affirmat, eamque tenet D. Thomas, Opusc. 12. q. 6. ubi docet non licere revelare in confessione personam complicitis, *nisi salvato ordine correctivis fraternæ*. Ergo ex licentia pœnitentis potest confessarius complicem corrigere. Item S. Anton. 3. p. tit. 14. c. 29. § 11. Suar. d. 34. sect. 4. n. 4. Lugo d. 23. num 138. Pal. p. 19. § 3. n. 16. Roncagl. p. 100. q. 4. r. 2. Diana loc. cit. et Croix ib. cum Adr. Gers. Navarr. Henriq. Dic. Aversa, et Illsung. Ratio, quia complex ex confessione alterius complicitis nullum jus acquirit ad sigillum sacramentale: hoc enim sigillum institutum est tantum in favorem pœnitentium, unde sequitur naturam aliorum sacramentorum, quibus jus secreti acquiritur ei soli, qui illud committit. Et ideo, sicut solus pœnitens sigillum

"641.—It is doubted, I. whether a confessor can admonish an accomplice, with the license of the penitent. The first opinion (but not sufficiently probable) denies that he can; and this opinion Tamb. Meth. Confess. App. de sigillo c. 3. num. 7. with Vasquez., also Sot. Palud. Ang. Tann. etc., apud Croix. n. 1959. and Diana thinks it a probable opinion, tr. 11. r. 84. The first reason is, because this would be contrary to the seal, since even the sins of an accomplice fall under the seal. The second reason is, because otherwise confession would be rendered hateful to others, even to those who are not penitents. But the second opinion—most common and true, affirms that a confessor can admonish the accomplice, with the permission of the penitent; and St. Thomas, opusc. 12. q. 6. holds this opinion, where he teaches that, it is not lawful to reveal in confession, the person of an accomplice, (unless for brotherly correction) *Therefore, with the license of the penitent, a confessor can correct an accomplice*; the reason is, because an accomplice, from the confession of another accomplice, acquires no right to the sacramental seal, for this seal was instituted only in favour of the penitent; whence it follows the nature of other sacraments, in which the right of secrecy is acquired to him alone who partakes of that, and therefore, as the penitent alone can impose the seal, so

ponere potest, ita spse solus potest auferre, et sic respondetur 1. rationi. Nec obstat dicere quod confessio sic aliis odiosa redderetur: nam revera id tantum reddit odiosam confessionem, quod pœnitentes a confessione retrahit; et hoc quidem odium est omnino vitandum ex hujus sacramenti institutione, non autem quodcumque odium, quod alii irrationabiliter sumerent ex confessione pœnitentium.

“Dubitat. hic 2. quomodo cadat sub sigillo objectum peccati. Respondeo quod cadat nimirum, si, v. gr. filius confiteatur se odisse matrem ob illius adulterium, vel non corripuisse fratrem de furto; adulterium enim illud, et furtum cadunt sub sigillo tanquam objecta peccati. Ita Viva q. 10. art. 2. num. 3. Renzi p. 318. q. 2. Fill. cap. 11. n. 321. Sporer n. 835. Tambur. de Sigill. cap. 3. n. 6. Probabiliter vero dicunt Tambur. n. 14. et Sporer loc. citat. quod si pœnitens confiteatur se gavisum de homicidio in publica platea commisso, non teneatur confessarius ad sigillum; quia, cum homicidium sit publice notum, et per accidens lateat confessarium, non censetur illud velle sigillo subicere. Ceterum, ubi nullum adest periculum revelationis, vel gravaminis pœnitentis (juxta dicenda n. 656. in fine,) minime cadit sub sigillo objectum

he alone can take it away, and thus we answer to the first argument—neither does it possess any weight to allege that confession would thus be rendered odious to others; for truly, that only renders the confession hateful, *which draws away penitents from the confessional*; and this odium is altogether to be avoided, in accordance with the institution of the sacrament, but not whatsoever odium, which others would irrationally take from the confession of penitents.

“It is doubted here, 2. how the object of sin falls under the seal. I answer, that doubtless it falls under it, if a son, for example, confess that he hates his mother, on account of her adultery, or that he did not divert his brother from theft; for that adultery and theft fall under the seal as objects of sin, ita Viva, q. 10. art 2 num. 3. Renzi p. 318. q. 2. Fill. cap. 11. n. 321. Sporer, n. 835. Tambur. de sigill. cap. 3. n. 6. But probably, Tamb. n. 14. and Sporer in the cited place, say, that if a penitent confess that he delighted in a homicide committed in a public street, the confessor is not bound to the seal, because when a homicide is publicly known, and by accident the confessor is not aware of the circumstance, it is not thought that it comes under the seal. But where there is no danger of disclosure, or of injury to the penitent, (according to what is

peccati.

“ ‘ III. Pœnitentia imposita, si gravis sit, hoc est, quæ consuevit injungi pro mortali (qualis nunc esset, ait Dian. p. 5. t. 11. r. 31. Corona B. V. non vero Miserere.) Avers. q. 18. sess. 6. IV. Peccatorum circumstantiæ, quas taceri pœnitentis interest, etsi dictæ sint post absolutionem, v. gr. si spurius sacros ordines susceperit, si nobilitatem jactaverit etc. Bona vero pœnitentis, et cetera impertinentia, quæ per accidens interponuntur, nec odium sacramento pariunt v. gr. propositum religionis, vel matrimonii sæpe quidem (si nimirum pœnitens ea tecta velit) sub obligatione secreti naturalis, non tamen sacramentalis, cadunt. Excipiunt Tann. et Con. nisi pœnitens talia dixerit in ordine ad explicanda peccata: tunc enim sigillo sacramentali claudi tenent cum Diana part. 5. t. 11. r. 5. Idem de virtutibus, et vitiis affirmant Gran. contra Reg. et Mald. apud Dian. loc. cit. r. 30. (*Loquendo de virtutibus, et revelationibus, Salv. Confessio n. 32. Bonacin. p. 2. n. 11. et Nav. Henriq. apud Lugo d. 23. n. 48. negant omnino eas cadere sub sigillo, cum non sint materia confessionis. Sed melius Lugo l. c. Roncagl. p. 104. quæst. 5. Mazzotta p. 581. Croix num. 1947. cum Stoz, et Viva, q. 10 art. 2. n. 2. cum Diana, distinguunt, et*

said in n. 656. in the end,) by no means, does the object of sin fall under the seal.

“ ‘ III. Penance imposed if it be severe, such as is usually inflicted for mortal sin. IV. The circumstances of sins which it behoves the penitent to keep secret, although they be disclosed after absolution, viz. if a bastard have received holy orders, if he have boasted of nobility, &c. But the goods of the penitent and other things not pertaining to the subject, which, by accident, are introduced, neither procure odium for the sacrament, for instance, the determination to enter the religious or married state, (if doubtless, the penitent wish these things to be concealed) often fall under the obligation of a natural secret, though not that of the seal. Tann. and Con. make an exception, in case the penitent may have spoken such things in the course of explaining sins, for then they are considered to be bound under the sacramental seal; the same they affirm concerning the vices and virtues, (in speaking concerning the virtues and revelations, Sa. v. confessio n. 32. Bonacin p. 2. n. 11. et Nav. Henriq. apud Lug. d. 23. n. 58. deny altogether, that they fall under the seal, since they are not the matter of confession. But more justly Lugo. l. c. Roncagl. p. 104. quæst. 5. Mazzotta, p. 581. Croix. num. 1947. cum Stoz. et Viva. q. 10. art 2. n. 2. cum Diana, distinguish this, and

recte negant, si virtutes aut revelationes manifestentur in confessione, ut status animæ confessorio innotescat: secus vero, si dicantur ad explicandum aliquem defectum, vel propriam ingratitude erga Deum.) Idem dicunt de defectibus naturalibus (verb. grat. illegitime natum esse) et de vitiis occultis corporis Coninck. Hurt. et Kellison. contra Gran. Mald. etc. qui ea sub sigillum cadere absolute aiunt apud Dian. l. c. r. 29. Item de iis, quæ alios concernunt, et tamen peccata non sunt. Mald. et Dian. l. c. r. 38. Denique de scrupulis (contra Conc. et Gran. qui eos sigillo claudi absolute affirmant, et contra March. qui absolute negat.) Idem tenet C. de Lugo, nimirum, si pœnitens scrupulositatem confiteatur, aut ad declaranda peccata, vel conscientiam afferat, ait cadere sub sigillum, quia est in obliquo saltem materia confessionis. Secus, si non cognoscatur ex pœnitentis relatione, sed videatur, et percipiatur, v. gr. ex modo confitendi; idem dicit de aliis defectibus naturalibus, verb. grat. quod sit blæsus, rudis, hebetis ingenii etc. et sic excusat confessarium, qui de pœnitente dixit quod impertinentiis et nœniis caput sibi frangat. Vide d. 23. sect. 3. n. 60. Gran. tamen id improbat, et Coninck. apud Dian. p. 5. t. 11. r. 50. ait esse periculosum, et posse facile frangi sigillum indirecte. Denique Tambur. in

rightly deny it, if the virtues or revelations be made known in confession, that the state of mind may be known to the confessor: but otherwise, if they are mentioned for the purpose of explaining any defect, or particular ingratitude toward God.) They say the same concerning natural defects, (for instance, that he was illegitimately born,) and concerning concealed defects of body. Coninck, Hurt, and Kellison, against Gran. Mald. etc., who say, that these things fall absolutely under the seal; apud Dian. l. c. r. 29. Also, in reference to those which concern other persons, and yet are not sins. Mald. et Diana, l. c. r. 38. Finally, concerning scruples, (against Conc. et Gran., who affirm, that they are absolutely bound by the seal, and against March, who absolutely denies it.) Cardinal de Lugo holds the same, to wit, if the penitent should confess scrupulosity, either in the declaring of sins, or plead conscience, he says, that it falls under the seal, because it is obliquely the matter of confession. Otherwise, if he do not know it from the mention of the penitent, but see and perceive it from the manner of confessing. He says the same in relation to natural defects, viz. deformity, ignorance, dullness of disposition, &c., and thus he excuses the confessor who said, that the penitent bothered his head with foolish, irrelevant questions. Gran. however disap-

Append. c. 3. doctrinæ istine ut probabili quidem acquiescit; atque eam a Diana l. c. immerito vocari communem, cum Gran. Hurt. Palao, Banny. etc. refragentur; aliterque limitans ipse ait, si isti defectus, v. gr. esse blæsum, rudem, scrupulosum etc. sint passim noti, non cadere sub sigillum: secus, si sint ignoti, quia confessio immunis esse debet ab omni odio.

proves of that, and Coninck apud Dian. p. 5. t. 11. r. 50. says, that it is perilous, and that he could easily indirectly break the seal. Finally, Tambur. in append. c. 3. does not acquiesce to that doctrine, even as probable, and with Gran. Hurt. Palao Banny, &c., undeservedly deny that it was called common by Diana; and he, otherwise limiting it, says,—that if the defects, viz. of deformity, ignorance, scrupulosity, &c., be every where known, that they do not fall under the seal. Otherwise, if they are unknown; because confession ought to be free from all odium.

“642.—Melius mox prædicta discutienda sunt. Quæritur an frangat sigillum confessarius qui propalat defectus naturales sui pœnitentis, nempe quod sit ignobilis, pauper, aut ignarus, surdus, et similia. Respondetur; Si confessarius tales defectus noverit, quatenus a pœnitente fuerint manifestati ad explicanda peccata, tunc certe cadunt sub sigillo, ut communiter cum Bus. docent Suarez d. 33. sect 2. num. 5. Pal. p. 5. § 2. n. 6. Lugo d. 23. n. 59. Bon. q. 6. p. 2. n. 10. Concin. p. 739. n. 10. Anacl. p. 627. num. 25. Spor. n. 841. Croix num 1947. Mazz. q. 580. Ronc. p. 103. q. 4. Salm. c. 14. num. 23. cum Dicast. Conc. et aliis passim, contra Vasq. Et hoc, etiamsi manifestatio dictorum defectuum nihil conferret ad

“642.—In the next place, the above mentioned subjects are to be discussed more accurately. It is asked, whether the confessor break the seal who makes known the natural defects of his own penitent, to wit that he is low born—poor or ignorant—deaf and the like. It is answered, if the confessor have known such defects, forasmuch as they have been told in the explanation of sin, then certainly, they fall under the seal. And this holds good, although the making known of such defects should relate nothing to the explanation of sin, but the penitent, would now expose them for the fuller manifestation of his own conscience, as Croix well observes in loc. cit. cum Lugo et Stoz. But otherwise, if the confessor knew those defects, forasmuch as the penitent, incidentally or

explicationem peccati, sed pœnitens jam illos exponeret ad plenius suam conscientiam manifestandam, ut bene advertit Croix loco citato cum Lugo et Stoz. Secus vero, si confessarius noverit defectus illos, quatenus pœnitens incidenter, sive impertinenter ad confessionem eos detexerit, uti etiam communiter dicunt Fill. tr. 7. cap. 11. n. 321. et Suarez, Pal. Ronc. ll. cc. Salm. d. n. 23. cum Dic. et Gabr. ac Bonac. l. c. cum Coninck. Reg. Zer. et aliis. Et hoc est valde probabile (quidquid opponat Renzi p. 318. q. 3. cum Soto, Valent. et Diana, quos citat.) Ratio, quia, cum pœnitens tales defectus ultro detegat sine ullo ordine ad explicanda peccata, eos minime censetur subijcere (nec subijcere posset) clavibus sigilli, cum ad confessionem nihil pertineant.

“643.—Idem dicunt cardinalis de Lugo d. 23. n. 60. Navarr. cap. 8. num. 12. et Mazzott. ll. cc. Dian. p. 5. tract. 11. r. 50. (qui vocat communem) ac Roncaglia loco citato cum Aversa, et Fagundez, si defectus illi innotescant confessario ex actionibus ipsius pœnitentis, sive ex modo confitendi, nempe quod sit blæsus, rudis, hebetis ingenii etc. Ratio, ut aiunt, quia hujusmodi defectus tunc non sunt materia, neque pertinent ad materiam confessionis, cum sacerdos eos non percipit ex relatione pœnitentis, sed ipsemet videt et apprehendit; unde isti, uti

irrelevantly may have disclosed them in confession. And this is very probable, (notwithstanding the opposition of Renzi, p. 318. q. 3. with Soto. Valent. and Diana, whom he quotes). The reason is, because, as the penitent willingly discloses such defects when such is not necessary for the explication of sin, he is, by no means, thought to place them under (nor can he do so) the keys of the seal, since they pertain nothing to the confession.

643.—Cardinal de Lugo d. 23. n. 60. Navarr. cap. 8. num. 12. et Mazzott. ll. cc. Dian. p. 5. tract. 11. r. 50, (who calls it common) and Roncaglia, in the cited place, with Aversa et Fagundez, say, the same, if these defects become known to the confessor, from the acts of the penitent himself, or from the manner of confessing, to wit, that he is deformed, deaf, ignorant, of a slow understanding, &c. The reason is, they say, because such defects are not the matter, neither do they pertain to the confession, since the Priest does not perceive them from the mention of the penitent, but he himself sees

non dicuntur secreto, ita nec cadunt sub sigillo. Et sic pariter dicit Lugo loc. cit. quod, si pœnitens ostendat se naturæ molestæ, irresolutæ, durioris ad credendum, omnes hi defectus, quia non sunt materia confessionis, cum non audiantur, sed in confessione fiant, neque cadant sub sigillo. Sed huic sententiæ merito contradicunt Pal. p. 19. § 3. num. 9. Antoine p. 546. Conc. p. 739. num. 10. Sporer num. 844. Renzi. p. 318. quæst. 3. et Tamb. Meth. Confess. cap. 3. num. 18. cum Conc. Gran. Hurtad. etc. Ratio, quia, cum defectus illi sint odiosi, et confessarius noverit eos occasione confessionis, dum pœnitens sua peccata explicabat, eorum manifestatio semper redderet aliquo modo confessionem odiosam, et ab ea retardaret. Tantummodo prima sententia locum habere posset, quando omnino constaret confessario, pœnitentem ex illius defectus manifestatione minime gravari.

“Nec acquiesco opinioni Card. Lugo qui loc. cit. subdit non cadere sub sigillo peccata quæ commiserit pœnitens in ipsa confessione, puta impatientiæ, contumeliæ in confessarium, vel in alios; quia culpas illas pœnitens non confitetur, sed committit vidente confessario. Neque (dixi) huic acquiesco; quia

and observes them. Whence they, as they are not mentioned secretly, so neither do they fall under the seal; and thus, likewise, Lugo says, in the cited place, that if a penitent shew himself to be of a troublesome nature, irresolute, not worthy of credit; all these defects, because they are not the matter of confession, since they are not heard but made in confession, do not fall under the seal. But to this opinion Pal. p. 19. § 3. num. 9. Antoine, p. 546. Conc. p. 739. num. 10. Sporer. num. 844. Renzi, p. 318. quæst. 3. et Tamb. Meth. Confess. cap. 3. num. 18. cum Conc. Gran. Hurtad, &c., deservedly do not acquiesce, because, since these defects are offensive, and the confessor knew them from the occasion of confession, whilst the penitent was explaining his own sins, their disclosure would in some manner render confession odious: and would drive persons from it. The first opinion ought only to have place, when it would be very evident to the confessor, that the penitent would, by no means, dislike such a manifestation.

I do not agree with Cardinal Lugo, who, in the place referred to, submits, that the sins which the penitent commits in confession, say for instance, the sins of impatience, of abusive language against the confessor or others, do not fall under the seal; because the penitent does not confess these faults, but commits them while

talia peccata, licet non sint materia sigilli, tamen periculum revelationis involvunt; probabile enim indicium præbent, quod confessarius vel noluerit absolvere, vel acriter reprehenderit propter aliquam culpam graviolem.

“Præterea dicunt Tambur. d. cap. 3. n. 13. Viva q. 10. art. 2. n. 5. Sporer num. 842. et consentiunt Wig. tr. 13. n. 128. ac Conc. p. 739. n. 10. quod, si defectus naturales paupertatis, ignobilitatis, et similibus, ita referantur a pœnitente, ut ex adjunctis colligatur eos esse communiter notos, tunc non cadunt sub sigillo, quia tunc non præsumitur pœnitens narrare ipsos nisi ut cognitos, nec velle subicere clavibus, quando expresse aliter non declarat. Sed huic opinioni etiam merito non consentit Holzmann p. 187. num. 706. v. 4. ob eandem rationem ut supra, quia, cum defectus illi ex peccatorum confessione cogniti sint a confessario, manifestatio eorum retardaret pœnitentes a confessione.

644.—“Quod autem dicunt auctores supra citati de aliis defectibus naturalibus, dicunt etiam de defectu scrupulositatis, nempe posse confessarium dicere pœnitentem suum esse scrupulosum, si id noverit vel ex modo confitendi, vel si illius scrupu-

the confessor looks on. Neither (I have said) do I agree with this, because such sins, although not the matter of the seal, however, involve the peril of disclosure; for they afford a probable proof, that the confessor either was unwilling to absolve, or blamed him severely on account of some greater fault.

“Besides, Tambur. d. cap. 3. n. 13. Viva q. 10. art. 2. n. 5. Sporer. num. 842. et Wig. tr. 13. n. 128. and Conc. p. 739. n. 10. say, that if the natural defects of poverty, low-birth, and the like, are so mentioned by the penitent, that from the adjuncts it is collected, that they were commonly known, then they do not fall under the seal, because then the penitent is presumed to narrate those things as known, neither to wish that they should be placed under the keys, when he does not expressly declare otherwise. But to this opinion Holzmann, p. 187. num. 706. v. 4. justly does not assent, on account of the same reason as above, because since these defects are known from the confession of sins by the confessor, their publication would drive penitents from the confessional.”

644— “But what the above mentioned authors say concerning other natural defects; they say also concerning the defect of scrupulosity, to wit, that a confessor could say that his own penitent was scrupulous, if he had known that either from his manner of

lositas sit publice nota. Sed pariter huic nec acquiescimus cum Sporer num. 884. et Tambur. n. 18. qui citat. Con. Gran. Hurtad. Pal. etc. quia eadem ratio currit, cum non pauci ægre ferant, se scrupulosos appellari. Tantum id admitti posset, si minime redundaret in gravamen pœnitentis, prout facile accidere potest, loquendo de secularibus. qui potius laudantur, cum dicitur de eis, quod sint scrupulosi; hoc enim pro iis, qui in seculo versantur, indicium est bonæ, et timoratae conscientia. Secus, si dicatur de prælato, confessario, et similibus, quibus scrupulositas est signum mentis confusæ, et irresolutæ.

“Dicitur autem a Roncaglia p. 202. c. 2. reg. 1. in praxi quod, si aliquis pœnitens communiter dignoscatur esse valde prolixus, inquietus etc. in aliquo exponendo, tunc quia clare appareret confessarium fugere, ne ab ipsius naturali prolixitate, inquietudine etc. tædio afficiatur, in talibus circumstantiis fugere non esset fractio sigilli. Hoc probabiliter admitti potest, si communiter pateat aliis pœnitentem illum esse timoratae conscientia, ita ut moraliter certo reputent immunem esse a gravioribus culpis.

“Petes hic, quid agere deberet confessarius, si quis confiteatur aliquam materiam gravem non satis distincte, et confessarius ideo eum interrogans de circumstantiis, de consuetudine, vel simili, no-

confessing, or, if his scrupulosity be publicly known. But likewise, to this we do not assent, with Sporer, num. 844. and Tambur. n. 18. who quote Con. Gran. Hurtad. Pal. &c., because the same reason applies, since not a few would take it ill that they should be called scrupulous. That alone can be admitted, if it can by no means redound to the injury of the penitent, which may easily happen in speaking concerning persons engaged in secular pursuits, who are rather lauded, when it is said of them, that they are scrupulous, because this for them who are engaged in secular matters, is a mark of a good and timid conscience; otherwise, if it be said of a prelate, confessor, and the like, in whom *scrupulosity is a mark of a confused and irresolute mind.*

“But it is said by Roncaglia, p. 20. r. c. 2. Reg. 1. in praxi. that if any penitent be commonly known as very prolix, troublesome, &c., in explaining any thing, then, because it would evidently appear that the confessor fled lest he should be tormented by his natural prolixity, inquietude, and tediousness, in such cases to fly would not be a breach of the seal. This probably can be admitted if it would generally appear to others, that the penitent was of a timid conscience, so that with moral certainty they would esteem him to be free from greater faults.

“You will ask here, what a confessor ought to do, if any one confess any serious matter

verit pœnitentem esse surdum, cum minime adæquate interrogationibus, ille respondet, et contra confessarius altius vocem extollere nequit, ne alii circumstantes audiant. Respondeo: Si circa initium confessionis advertat pœnitentis surditatem, imponat ei ut redeat alio tempore, et loco opportuno, ubi loqui libere possit confessarius, ne alii audiant. Et interim patefacere potest aliis surditatem pœnitentis, quando talis defectus communiter fit patens. Si vero advertat hoc in progressu confessionis, et pœnitens post plures debitas interrogationes recte non respondeat, tunc non licet confessario alta voce imponere pœnitenti, ut redeat, ita ut circumstantes hoc audiant, quia magna daretur eis suspicio quod materiam gravem ille sit confessus. Ideoque in tali casu consilium esse puto, ut confessarius intelligendo peccata meliori modo quo possit, absolvat; absolute quidem, si pœnitens probabiliter censeatur dispositus; sub conditione vero, si de dispositione dubitetur. Casum istum apud DD. non inveni, sed obvius est.

with insufficient distinctness, and the confessor moreover interrogating him concerning circumstances, custom, and the like, know the penitent to be deaf, since by no means does he answer sufficiently to the interrogations, and on the contrary the confessor be unable to raise his voice, lest others might hear? I answer: if about the beginning of the confession he perceive the deafness of the penitent, he may require him to return at another time and in a fit place, where the confessor can freely question him, lest others might hear. And meanwhile, he can make known to others the deafness of the penitent, when that defect is commonly exposed. But, if he perceive this in the progress of the confession, and the penitent, after many due enquiries, be unable to answer properly, then it is not lawful for the confessor to require with a loud voice, that the penitent should return at another time, lest those standing by hear this; because a great cause for suspicion would be given to them, that he had confessed some grievous matter. Moreover, in such a case I think it prudent that the confessor, becoming acquainted with his sins in the best way he can, may absolve him, absolutely indeed, if the penitent be thought probably worthy, but conditionally, if it be doubted concerning his state. I have not found this case among the Doctors, but it is obvious.

“ 645.—‘ Resp. 2. Ad sigillum tenentur omnes, ad quos quomodocumque notitia sacramentalis confessionis pervenit: qualis est I. confessarius, qui, si de auditis in confessione rogetur, potest negare etiam, si opus est, cum juramento, subintelligendo, quod possit dicere, vel potius (ut dicit cardin. de Lugo d. 23.) quod sciat scientia utili ad respondendum interroganti extra confessionem. Excipit Henriquez et Granadus cum Dian. p. 5. t. 11. r. 43. nisi ex illa negatione sequeretur confessionem non fuisse integram, v. gr. si de publica meretrice rogaretur, an non esset confessa fornicationem; tunc enim, declinando directam responsionem, dicendum esset illam confessam esse peccata, et se functum officio suo. Imo, si peccatum suum salvo sigillo non possit confiteri, debet omittere, quia sigillum strictius obligat, quam integritas confessionis.’

“ 646.—Quæritur an confessarius interrogatus de peccato pœnitentis possit dicere se illud nescire, etiam cum juramento. Affirmandum cum communi, quam tenent D. Thomas suppl. q. 11. art. 1. ad 3. S. Anton. 3. p. tit. 17. cap. 22. Suar. d. 33. sect. 6. n. 7. Laymann c. 14. n. 12. Antoine p. 449. q. 6. Wig. tr. 13. n. 111.

“ 645.—‘ It is answered, 2 that all are bound to the seal, to whom a knowledge of the sacramental confession comes, conveyed in whatever way it may: such is I. the Confessor, who, if he be asked concerning things heard in confession, can deny that he knows them even if it be needful, with an oath, by understanding what he may be able to mention, or rather, (as Cardinal de Lugo. d. 23. says,) what he knows with a knowledge useful for answering, being interrogated out of confession. Henriquez and Granadus, with Dian. p. 5. t. 11. r. 43. make an exception, unless from that denial it would follow, that the confession was not whole, for example, if he should be asked concerning a public harlot, whether she confessed fornication; for then, by declining a direct answer, it would be said that she confessed sins, and that he discharged his own office. Yea, if his own sin could not be confessed with an unbroken seal, he ought to omit it, because the seal more strictly binds, than the completeness of confession.’

“ 646.—It is asked, whether the Confessor, interrogated concerning the sins of his penitent, can say that he does not know it, even with an oath. It is answered in the affirmative, in accordance with the common opinion, which D. Thomas. suppl. q. 11. art. 1 ad 3. S. Anton. 3. p. tit. 17, cap. 22. Suar. d. 33. sect. 6. n. 7. Laymann. c. 14. n. 12. Antoine

Holz. num. 722. Pal. p. 5. § 3. num. 13. cum Nav. Bon. Val. et Henriq. ac Lugo d. 23. num. 73. cum Vasq. (qui opinionem oppositam Gabrielis vocat erroneam) et aliis commun. Ratio affertur a D. Thom. loc. cit. qui dicit: *Homo non adducitur in testimonium, nisi ut homo, ideo.....potest jurare se nescire quod scit tantum ut Deus*; (et hoc, etiamsi confessarius rogatus fuerit ad respondendum non ut homo, sed præcipue ut minister Dei prout recte aiunt Suarez loc. cit. Sporer n. 817. Lug. n. 74. cum Vasq. et communi. Item Croix num. 1985. cum Laymann, Tanner. Stoz. etc. contra Palud. Sotum et Concin. p. 745. n. 25.) quia confessarius nullo modo scit peccatum scientia, qua possit uti ad respondendum, unde juste asserit se nescire id quod sine iniustitia nequit manifestare. Vide dicta l. 3. n. 152. v. Hinc. Quid, si insuper rogetur ad respondendum sine æquivocatione? Adhuc cum juramento potest respondere, se nescire, ut probabilius dicunt Lugo. n. 79. Croix l. c. cum Stoz. et Holz. num. 722. cum Michel contra alios. Ratio, quia tunc confessarius revera respondet secundum juramentum factum, quod semper factum intelligitur modo quo fieri poterat, nempe manifestandi veritatem sine æquivocatione, sed sine æquivocatione illa, quæ licite omitti poterat: quoad æquivocationem vero

p. 449. q. 6. Wig. tr. 13. n. 111 Holz. num. 722. Pal. p. 5. § 3. num. 13. cum Nav. Bon. Val. et Henriq. ac Lugo. d. 23. num. 73. cum Vasq. (who calls Gabriel's opposite opinion erroneous) and others hold. The reason is adduced by the divine Thomas in the quoted place, who says: 'a man is not adduced in testimony, unless as a man, therefore he can swear that he does not know what he knows, only as God' (and this holds good, although a confessor may have been asked to give his answer, not as man but especially as minister of God, as Suarez. in the quoted place, Sporer. n. 817. Lug. n. 74. cum Vasq. and the common opinion rightly say. Also Croix. num. 1985. with Laymann, Tanner, Stoz. &c., against Palud. Sotum. and Concin. p. 745. n. 25.) because a confessor, in no manner knows a sin with a knowledge which he can use for the purpose of answering; wherefore he justly asserts, that he does not know that which without injustice he cannot manifest. *What if he should be asked to answer without equivocation? Even in that case, he can answer with an oath that he does not know it*; as more probably Lugo. n. 79. Croix. l. c. cum Stoz. et Holz. num. 722. with Michel teaches against others. *The Reason* is, because then the confessor verily answers according to the oath made, which is always understood to be made in the manner in which it was

necessariam, quæ non poterat omitti absque peccato, nec alter habet jus, ut sine æquivocatione ei respondeatur, nec ideo confessarius tenetur sine æquivocatione respondere. Ceterum, ad hujusmodi interrogationes confessarius debet ab initio respondere, *has interrogationes non esse faciendas*. Item, si interrogetur an absolverit aliquem, respondeat: *Functus sum officio meo*, ut dicunt Conc. p. 739. n. III. Antoine p. 549. Lugo n. 85. et Salmant. c. 14. n. 28. cum Reg. et Gran. Sed aliquando talis responsio adhuc posset non esse satis tuta; unde semper melius est respondere objurgando interrogantem; *Quænam interrogatio est ista, quam facis?* Si autem confessarius aliquem non absolverit, et dum missam celebrat, interroget eum minister an ponat formulam pro communionem illius pœnitentis, respondeat confessarius: *Interroga ipsum, an velit communicare*. Ita recte Salm. cap. 14. n. 29. cum Henr. et Gran.

“647.—‘II. Superior cui se sistit absolutus a reservato, vel a quo petitur licentia absolventi a reservato. Suarez, cardin. de Lugo n. 34. etc. (Item Concina p. 747. num. 30. Antoine 550. Holzlm. num 713. Elbet n. 512. Sporer n. 853. Suar. d. 33. sect. 4. n. 3. et Salmant. c. 14. n. 66. cum

possible to be made, to wit, of manifesting the truth without equivocation, that is, without that equivocation which lawfully can be omitted. *But as to the necessary equivocation which could not be omitted without sin, the other has not a right that an answer should be given to him without equivocation, neither, moreover, is the confessor bound to answer without equivocation*. But to such interrogations the confessor ought to answer from the beginning, that such enquiries should not be made. Also, if he be asked, whether he have absolved any one, he may answer, ‘I have discharged my office.’ But sometimes such an answer cannot be sufficiently safe; whence it would be always better to answer by reproving the interrogator, ‘What interrogation is that which you make?’ But if the confessor have not absolved a certain person, and whilst he celebrates mass, the minister ask him whether he gave him the certificate for the communion of his penitent, the confessor may answer, ‘Interrogate him whether he wish to communicate.’

“647.—‘II. The superior to whom one absolved from a reserved sin presents himself, or from whom the license of absolving from a reserved case is sought. 1. The reason is, because that petition is a certain imperfect confession, inasmuch as it is ordained for the obtaining of abso-

Gran. et aliis. Ratio, tum quia petitio illa est quædam inchoata confessio quatenus ordinatur ad absolutionem obtinendam; tum quia alioquin confessio redderetur odiosa. Ita verius auctores citati contra Palaum p. 19. §. 4. n. 10. cum Vasq. et Henr.) qui secreto tantum naturali teneri volunt. III. Interpres. (Ita probabilius Pal. p. 19. §. 4. n. 3. Lugo d. 23. n. 21. et Salmantic. c. 14. n. 59. num Suar. Conc. Laym. Bonac. Dic. etc. contra Sotum, et Cajet. (apud Lugo num. 20.) qui dicunt interpretem teneri quidem ad servandum secretum arctissimum, sed non sacramentale.) IV. Qui furtive, vel casu aliquid audit, licet inculcate. (Ita etiam comm. Pal. l. c. num 5. cum Adriano, Laym. Bon. Con. Salm. n. 61. cum Dic. Diana etc. d. 21. n. 39. cum Suar. et Vasq. contra Sotum. Et sic. pariter tenentur ad sigillum adstantes, in quorum præsentia confessio fit ex necessitate, puta in naufragio, conflictu etc. Salm. n. 60. cum Suar. et Bon. ac Pal. n. 4. cum Adr. Vasquez, Con. et Laym. Secus. vero, si pœnitens tantum ad suam confusionem velit publice confiteri. Pal. loc. cit. et Salm. cum Con. Dic. etc.) V. Omnes quibus aliquid sacrilege revelatum est, unde de hoc nec inter se colloqui possunt. (Ita communiter Holzmann n. 713. Spor. n. 815. Conc. n. 30. Salm. n. 64. Laym. num. 18. cum. Gabr. et aliis contra Med.) VI. Laicus, qui pro sacerdote est habitus.

lution; 2ndly, because otherwise, the confession would be rendered odious, so Vasq. &c., &c., teach,) who wish that he should be bound as it were by a natural secret. III. The confidant, (so more probably Pal. p. 19. § 4 n. 3. Lugo d. 23. n. 21. et Salmantic c. 14. n. 59. cum Suar. Conc. Laym. Bonac. Dic. etc. contra Sotum, et Cajet. (apud Lugo num. 20.) who say that the confidant is bound indeed to the observing of it, as a most strict secret, but not as a sacramental one.) IV. He who stealthily or by any accident hears anything although blamelessly, (and thus those who stand by, in whose presence the confession, from necessity, is made, say in a shipwreck, conflict, &c., are bound by the seal. But otherwise, if the penitent wish to his own confusion publicly to confess.) V. All to whom any sacrilege is revealed, whence they cannot hold converse concerning this even amongst themselves. VI. A layman who is supposed to be a priest. VII. A doctor, or any one else, who is consulted with the permission of the penitent, as the more common opinion holds it, (and the more probable, as we say in the number, 648, following.) VIII. He who writes the confession of an unlearned man. IX. He who hath found a writing and reads it, as Rodrig. teaches, Fag. Mald. &c. apud Dian.

(*Ita etiam Suar. d. 33. s. 3, n. 3. Roncagl. p. 99. q. 2. Conc. p. 737. n. 4. et Lug. d. 23. n. 4. cum aliis communiter, contra Sotum, et Vasquez qui improbabiler id negant.*) VII. Doctor vel alius, qui cum venia pœnitentis consulitur, ut habet communior sententia (*Et probabilior, prout nos dicemus n. seq. 648.*) contra Vasq. Vide Dian. p. 2. tr. 15. r. 15. VIII. Qui alicujus rudis confessionem scripsit. IX. Qui scriptam invenit, ac legit, ut docet Rodriq. Fag. Mald. etc. apud Dian. part. 3. t. 4. r. 112. et p. 5. t. 11. r. 27. contra Suarez, Bon. et Laym. quorum sententia probabilis est: juxta quam etsi talis teneatur secreto naturali, peccetque mortaliter, si gravia, ac diffamantia vulget; secus tamen, si sciens levia tantum esse, ea legat ex curiositate. Unde consequenter in casu gravissimæ necessitatis, talem confessionem scriptam liceret revelare. (Excipit cardinalis de Lugo, nisi tamen per scripturam voluerit confiteri, ut mutus, vel petere facultatem absolventi a casu reservato. Vid. d. 23. num. 48.) X. Etiam, secundum aliquos, ipse pœnitens; verum probabilius est eum tantum teneri secreto naturali, ratione materiæ, si id ea requirat, tacere audita a confessario. Vid. Laym. Dian. p. 5. t. 11. r. 8. (*Ita communiter et verius Laymann c. 14. num. 20. Pal. §. 4. n. 13. Suar. d. 33. sect. 4. n. 2. qui id assertit ut certum, Bonac.* part. 3. t. 4. r. 212. et p. 5. t. 11. r. 27. against Suarez. Bon. et Laym. whose opinion is probable, according to which, although such a man is bound to a natural secret, and sins mortally, if he publicly make known serious and defamatory matters; however, otherwise, if he, knowing such sins to be only of a trifling character, reads that paper from curiosity; whence it would follow in the case of a very great necessity, that it would be lawful to reveal such a written confession. (Cardinal de Lugo makes an exception; unless however, he had wished to confess by the writing, as a dumb person, or to seek the faculty of absolving from a reserved case. Vide d. 23. num. 48.) X. Also according to some, the penitent himself, but more probably he is only bound to a natural secret, by reason of the matter, if it require that, to keep silent, things heard from a confessor. Vid. Laym. Dian. p. 5. t. 11. r. 8. (So commonly, and more truly, Laymann c. 14. num. 20. Pal. §. 4. n. 13. Suar. d. 33. §. 4. n. 2. who asserts that as certain. Bonac. part. 3. in princ. Salmantic, num. 67. Wigandt. n. 119. Holzm, n. 715. and others everywhere, because the seal was instituted only in favour of penitents, not confessors; wherefore the right of the seal is conferred, not upon confessors but only on penitents. However, all

part. 3. in princ. Salmantic. num. 67. Wigandt n. 119. Holzm. n. 715. et alii passim, quia sigillum institutum est tantum in favorem pœnitentium, non confessoriorum; quapropter jus sigilli non confessoriis, sed tantum pœnitentibus confertur. Verumtamen omnes cum Holzm. dicunt teneri pœnitentem vinculo secreti naturalis de dictis a confessario, quorum pro palatio ei damnum posset afferre. Mibique videntur teneri pœnitentes ad hoc secretum (quamvis naturale) strictius quam alii; alii enim voluntarie consilia præbent, sed confessarius tenetur præbere ex officio. Unde, cum confessarius obligatur necessario ad dandum consilium pœnitenti, ut ille sibi caveat a damnis spiritualibus, ideo pœnitens rigorosius tenetur cavere ne confessario damnum obveniat ob consilium sibi præstitum."

"648.—'Sed quærit. hic. I. an doctor consultus a confessario ex licentia pœnitentis, teneatur ad sigillum sacramentale. Adest triplex sententia. *Prima* cum Medina cod. De his qui conf. cel. ten. Palao de Pœnit. part. 19. §. 4. n. 8. cum Covarr. Pesant. Onuphr. et aliis, Vasquez q. 93. art. 4. d. 2. num. 10. Tambur. Meth. ex Con. c. 4. §. 3. num. 4. Diana t. 1. tract. 1. Misc. r. 14. cum Megala, ac Nugno, negat hunc teneri ad sigillum sacramentale, sed tantum ad naturale. Ratio, tum, quia (ut loquitur Palao)

with Holzm. say, that the penitent is bound by the obligation of a natural secret, concerning things said by a confessor, the publication of which, would inflict an injury upon him. And penitents appear to me to be bound to this secret (although a natural one) more strictly than others, for others voluntarily give counsel, but the confessor is bound to give it 'ex officio.' Wherefore, since the confessor is bound of necessity to afford counsel to the penitent, that he may shun spiritual losses, the penitent is bound more rigorously to take care, lest the confessor should suffer injury, in consequence of the advice given him.'

"648.—But it is asked here, whether a doctor consulted by a confessor, with the permission of the penitent, be bound to the sacramental seal. There is a threefold opinion: The first denies that he is bound to the sacramental seal, but only to a natural one. The reason is, because in the first place, (as Palao says,) the person consulted, acquires that knowledge not from the confession, but from the license given, or from the mention of the confessor in the name of the penitent.

consiliarius notitiam illam non habet ex confessione, sed ex licentia data, vel ex manifestatione confessarii nomine pœnitentis. Sicut enim (ait) non tenetur ad sigillum doctor consultus a pœnitente, quia talis manifestatio non dirigitur ad petendam absolutionem a consultore: ita etiam neque tenetur consultus a confessario, per cuius medium pœnitens ei se manifestavit; tum, qui (ut ait Tamb.) pœnitens, concedendo veniam confessario loquendi cum alio de suo peccato, censetur illud extrahere a finibus sigilli.'

"*Secunda* sententia cum Coninck. disp. 9. a. n. 40. Henr. c. 6. num. 20. cui adhærent Sotus, ac Cajet. apud Lugo de Pœnit. d. 23. n. 20. censet consiliarium non teneri ad sigillum, quia notitia peccati non manifestatur ipsi ad obtinendam absolutionem, sed ad instructionem confessarii (et hic notandum. quod de Lugo n. 26. licet ipse sit pro sententia opposita, attamen huic rationi consentiat); sed teneri ad servandum secretum arctissimum, ita ut nullo casu possit illud revelare. Ratio hujus valde urgens est, quia, cum sæpe hoc accidat, quod confessarii alios consulant ex licentia pœnitentium, redderetur utique odiosa confessio, si aliquo casu notitia confessionis posset manifestari.

For so, (he says) a doctor consulted by a penitent is not bound to the seal, because such a revelation is not made with a view to the obtaining of absolution, from the person consulted. So also, neither is he that is consulted bound by the confessor, through the medium of whom, the penitent hath manifested himself; secondly, because (as Tamb. says) the penitent by conceding the power to the confessor, of speaking with another concerning his own sin, is thought to remove it from the obligation of the seal.

"The second opinion, with Coninck, disp. 9. a. n. 40. Henr. c. 6. num. 20. to whom Sotus, and Cajetan, apud Lugo de Pœnit. d. 23. n. 20. adhere, is that the counsellor is not bound to the seal, because the knowledge of the sin is not manifested to him for the obtaining of absolution, but for the instruction of the confessor, (and here it is to be observed, that de Lugo. although he is in favour of the opposite opinion, yet consents to this reason), but yet, that it should be observed as a most strict secret, so that in no case can it be revealed. The reason of this is very forcible, because since it often happens, that confessors consult others with the permission of the penitent, therefore the confession would be rendered odious, if in any case a knowledge of the confession could be manifested.

“*Tertia* sententia prebabilior, quam idem Coninck. fatetur communem fere omnium, docet teneri consiliarium æque ac confessarium ad sigillum, semper ac notitia peccati manifestatur ei, ut confessarius bene se gerat circa munus suum. Ita Laym de Pœn. c. 14. n. 18. Suar. d. 33. sect. 4. num. 6. qui eam tenet ut certam, Lugo dict. disp. 23. n. 25. qui dicit omnino amplectendum cum Navarr Palud. Petr. de Sot. Vigner. item Silvius, Bon. Fill. etc. apud Dian. loc. cit. Sporer c. 7. n. 854. Idem tenent Croix, Mazz. Viva, Roncagl. Juen. c. 3. § 5. Petroc. de Pœn. c. 4. q. 6. in fin. cum S. Antoin. Et idem expresse docet sanctus Thomas in 4. d. 21. q. 3. art. 1. quæst. 3. et artic. 2. ad 4. Ratio habetur ex ipsa institutione sacramenti, ob quam creditur Christus Dominus imposuisse hanc obligationem sigilli non solum confessariis, sed omnibus aliis; quibus immediate vel mediate perveniret notitia peccatorum; occasione sive in ordine ad confessionem; alioquin non satis provisum esset reverentiæ hujus sacramenti, nec satis odium confessionis amotum fuisset. Ex hoc autem principio communiter accepto, tenetur quidem ad sigillum doctor consultus ex licentia pœnitentis; licet enim directe manifestetur ei notitia confessionis ad instructionem confessarii, indirecte tamen manifestatur etiam in ordine

“The third more probable opinion, which the same Coninck confesses to be the common opinion of almost all, teaches, that the person consulted is bound as much as the confessor, to the seal; as invariably the sin is disclosed to him, that the confessor may duly discharge the functions of his office. So Laym. de Pœnit. c. 14. n. 18. Suar. d. 33. sect. 4. num. 6. who holds it as certain, Lugo. dict. disp. 23. n. 25. who says, that it is altogether to be embraced. And the same the holy Doctor St. Thomas expressly teaches, in 4. d. 21. q. 3. art. 1. quæst. 3. and artic. 2 ad 4. The reason is taken from the very institution of the sacrament, on account of which it is believed, that Christ our Lord imposed this obligation of the seal, not only on confessors, but all others to whom immediately or mediately the knowledge of sin may have come from the occasion of confession; otherwise the reverence due to the sacrament would not be sufficiently observed, nor would the odium of the confession be sufficiently removed. Rut on this principle generally received, it is held that the doctor, consulted with the license of the penitent, is bound to the seal. For although directly, the knowledge of confession is manifested to him for the instruction of the confessor, yet, indirectly, it is also manifested with a view to obtaining absolution, and to the completion of the sacrament. Neither is

ad absolutionem imper-
tiendum, et ad sacramentum
perficiendum. Nec obstat
dicere cum Tamb. et Ron-
cagl. (qui in hoc non bene
sibi convenit,) quod pœnitens,
concedendo veniam confes-
sario loquendi alio de suo
peccato, censeatur illud extra-
here a finibus sigilli; nam
respondeo cum Sporer, et
Croix, quod hæc presumptio
sit valde incerta, imo, ut
addunt Sporer, et Lug. potius
oppositum sit firme præsu-
mendum, nempe quod pœni-
tens det licentiam cum omni
limitatione, qua potest.

“Notandum hic vero I. quod
eo casu, non obstante sigillo,
is doctor bene poterit pluries
loqui confessario, et etiam
aliis ad consilium ex eadem
licentia convocatis de casu
disceptato, si iudicium a
confessario nondum sit com-
pletum. Ratio, quia mora-
liter censetur licentia data
esse a pœnitente usquedum
sacramentum perficiatur. No-
tandum II. quod, licet dicat
Lugo n. 30. quod, si doctor
consulitur circa idem a duo-
bus confessariis, quibus pœni-
tens seorsim confessus est,
ipse loqui non poterit uni de
auditis ab alio; oppositum
tamen puto verum, quia cum
pœnitens licentiam præbet
secundo confessario, ut de
suo peccato loquatur eidem
consiliario, sicut certo cre-
ditur pœnitens nolle aliud
consilium nisi rectum, ita
certo præsumitur velle, quod
ipse doctor libere loquatur
de omnibus, quæ scit a primo

it any obstacle to say, with
Tamb. and Roncagl. (who in
this matter are not consistent)
that a penitent, by conceding
the power to the confessor, of
speaking to another concern-
ing his own sin, is thought to
withdraw it from the obliga-
tion of the seal; for, I answer
with Sporer and Croix, that
this presumption is very uncer-
tain, yea, as Sporer and Lugo
add, the opposite rather is to
be firmly presumed, to wit,
that a penitent may give a
license with every limitation
which he can.

“But it is to be noted, I.
that in that case when the seal
affords no obstacle, that the
Doctor, with the permission
of the penitent, can often speak
to the confessor, and even to
others called in for consulta-
tion concerning a disputed
case, if the judgment by the
confessor be not as yet com-
plete, because the license is
morally thought to be given by
the penitent, until the sacra-
ment be completed. It is to
be noted, II. that although
Lugo says, n. 30. that if a
Doctor be consulted about the
same case by two confessors,
to whom the penitent has
separately confessed, he is not
enabled to speak to one, of
things heard by the other.
However, I think the opposite
opinion true, because, since
the penitent gives a license
to a second confessor, that he
may speak to the same coun-
sellor concerning his own sin,
inasmuch as the penitent is cer-

confessario, et quæ pertinent ad rectum consilium præstandum.

“649.—Quæritur II. an is, a quo petit consilium pœnitens in ordine ad suam confessionem faciendam, teneatur ad sigillum sacramentale. *Prima sententia* affirmat, et hanc tenent Tamburin. Meth. Conf. de Sig. cap. 4. n. 1. Sporer num. 836. Antoine p. 505. v. Hinc, Concin. p. 747. num. 30. et La-Croix n. 1952. cum Fag. Diana, Stoz, et Gormaz. Ratio, quia cum sæpe opus sit pœnitentibus ante confessionem consilium ab aliquo accipere, ut recte confiteantur, nisi alter obligaretur ad sigillum, confessio redderetur odiosa. *Secunda* vero sententia probabilior negat, eamque tenent Suar. d. 33. sect. 4. num. 6. Pal. p. 19. §. 4. n. 8. Henriq. l. 6. c. 21. num. 4. item Aversa, et Illsung apud Croix l. c. Ratio, quia (ut communiter docent DD.) obligatio sigilli oritur ex sola confessione sacramentali, in qua pœnitens actu manifestat peccata ad absolutionem obtinendam. Ita ipse P. Concin. pag. 737. num. 3. et Suar. Con. Vasq. Gabr. Pal. Henriq. et alii passim cum Salmant. cap. 14. n. 11. cum D. Thom. in 4. d. 21. p. 3. art. 1. q. 2. Sed contra: ubi expresse id tradit

tainly believed to be unwilling to receive any counsel but the right one, so certainly it is presumed that he wishes that the Doctor should speak freely concerning all things heard by the first confessor, and which pertain to the affording of right counsel.

“649.—Whether he from whom the penitent seeks counsel, in order to make confession, be bound to the sacramental seal. The first opinion affirms it, and this Tamburin. Meth. Conf. de Sigill. cap. 4. n. 1. Sporer num. 836. Antoine, p. 505. v. Hinc. Concin. p. 747. num. 32. et La-Croix n. 1952. cum Fag. Diana, Stoz. et Gormaz. hold. The reason is, because since it is often needful for penitents before confession to receive counsel from some one, that they may rightly confess, unless the second party would be obliged to the seal, confession would be rendered odious. But the second more probable opinion denies it. The reason is, because (as the Doctors commonly teach) the obligation of the seal arises from sacramental confession alone, in which act, the penitent discloses his sins, for the purpose of obtaining absolution. Thus ipse P. Concin. p. 737. num. 3. et Suar. Con. Vasq. Gabr. Pal. Henriq. and others every where, cum. D. Thom. in 4. d. 21. q. 3. art. 1. q. 2. sed contra, where he expressly delivers that, saying, ‘The seal of the confession

dicens: *Sigillum confessionis non se extendit, nisi ad ea de quibus est sacramentalis confessio.* Quapropter ob manifestationem peccati, quæ fit a pœnitente apud consiliarium, cum ipsa non fiat in actu confessionis, neque ad obtinendam ab ipso absolutionem, tenebitur quidem consiliarius ad secretum naturale, non vero ad sigillum sacramentale, ad quod probabilius est pœnitentem nullum jus acquirere, nisi in actuali confessione apud eum, a quo absolutionem expectat. Respondetur autem ad rationem oppositam, quod revelatio consiliarii retraheret pœnitentem ab accipiendo consilio, non vero a confessione facienda; unde, ex manifestatione illa redderetur odiosa non jam confessio, sed consultatio ad confessionem. At, nemo tenetur ullo casu alteri quam confessario detegere peccata sua, ut integre confiteatur; et ideo qui ultro vult peccatum aliquod consiliario patefacere, nequit ipsum obstringere ad sigillum sacramentale.

Sic pariter dicit Henriq. ap. Tambur. loc. cit. (qui probabile putat cum Suar. quem citat, sed non bene uti mox dicemus) quod, si pœnitens, antequam confiteatur, suas culpas committat sacerdoti

extends itself only to those things concerning which confession is sacramentally made.' Wherefore, as to the manifestation of a sin which is made by a penitent to a counsellor, since it is not made in the act of confession, neither for the purpose of obtaining absolution from him, the counsellor will indeed be bound to a *natural secret*, but not to the sacramental seal, to which it is more probable, that the penitent has acquired no right, unless in *actual confession* to him from whom he expects absolution. But it is answered to the objection, that the disclosure on the part of a counsellor, would withdraw persons from the practice of looking for counsel, but not from making confession; wherefore from that disclosure, confession itself would not be rendered odious, but consultation in order to confession. But no one is bound in any case, to make known his sins to any other but the confessor, that he may make a complete confession. And therefore, he who willingly wishes to make known any sin, to the person whom he consults, can not bind him to the sacramental seal.

"Thus likewise, Henriq. loc. cit, ap. Tambur. says, (who thinks it probable, with Suarez whom he quotes, but not justly, as we will immediately see) that if a penitent, before he confess, reveal his

propter confessionem impostum ei faciendam, neque tenebitur confessarius ad sigillum. Sed huic non acquiesco; quia talis manifestatio est quædam inchoata confessio, dum pœnitens tunc præmittit manifestationem peccati sui, ut citius postea confessionem expediat; nec aliter videtur sentire P. Suarez, cum ibi non loquatur de manifestatione apud eundem confessarium, sed tantum apud alterum facta."

"660.—Quæritur III. an teneatur ad sigillum, qui legit chartam, in qua pœnitens scripsit confessionem *Prima sententia* affirmat, et hanc tenent Antoine p. 550. v. Hinc, Spor. n. 857. Ronc. p. 99. q. 3. cum Bass. et Anton. a Spirit. S. item Mald, Fag. Rodr. et alii apud Dian. p. 1. tract. 4. r. 112. Ratio, tum quia scriptura illa proxime fuit ordinata ad confessionem et ideo habetur tanquam inchoata confessio, vel tanquam gerens vicem confessionis peractæ; tum quia manifestatio talis scripturæ, quæ sæpius fieri solet, maxime in confessionibus generalibus, aut prolixis, odiosam confessionem redderet. *Secundu* tamen sententia communissima, et probabilior negat; et hanc tenent Suarez d. 33. sect. 4. n. 5. Laym. c. 14. n. 9. Wigandt tr. 13. n. 119. Pal. p. 16. §. 4. num. 11. Elbel

sins to a priest, on account of the confession to be made afterwards to him, neither would the confessor be bound to the seal. But to this I do not acquiesce, because such a manifestation is a certain confession begun, provided that the penitent then anticipates the declaration of his own sin, that he may afterwards more quickly declare the confession. Neither does P. Suarez appear to think otherwise, since in that place he does not speak concerning a confession to the same confessor, but only of one made to another.

"650.—It is asked III. Whether he is bound to the seal, who reads a paper in which the penitent has written his confession. The first opinion answers in the affirmative. The reason is, because first, that manuscript was immediately designed for confession, and is to be considered as a begun confession, or as answering the purpose of a complete confession; secondly, because such a disclosure of the writing, which is oftentimes wont to be made, especially in general or prolix confession, would render the confession odious. However, the second most general, and more probable opinion denies it. The reason is, because (as we have just said) the obligation of sacramental confession does not arise, unless from actual confession, but that manuscript is not con-

num. 503. (qui vocat probabilissimam) Viva q. 10. art. 3. n. 3. n. 3. Holzm. n. 714. Lugo d. 23. n. 47. cum Henr. et Megala, Salm. cap. 14. n. 63. cum Gran. et Con. ac Bon q. 6. sect. 5. p. 3. n. 7. cum Nav. Soto, Sayr. Nugno etc. Ratio, quia (uti mox supra diximus) obligatio sigilli sacramentalis non provenit nisi ex actuali confessione; at, scriptura illa non est confessio, sed tantum præparatio ad confessionem; unde pœnitens acquirit jus sigilli tantum apud confessarium, cui chartam præbet ad absolutionem obtinendam, non vero apud alios, qui illam extra actum confessionis legere queunt. Nec obstat dicere, quod aliquibus posset alioquin reddi odiosa confessio cum plures soleant scribere confessionem, ut exactius confiteantur. Nam respondeatur eodem modo quo supra in quæstione præcedenti, nempe, quod scriptura minime requiratur ad confessionem, sed tantum ad juvandam memoriam; unde manifestatio legentis non redderet quidem odiosam confessionem sed tantum scriptionem peccatorum, ad quam nullus obligatur.

“Excipiunt tamen Lugo, Viva, Sporer, Holzmann et Elb. 1. Si mutus confiteatur per scripturam confessario præsentem, et casualiter alius eam legat; quia tunc legens revera haurit notitiam peccatorum ex actuali illius confessione. 2. Si quis per

confessionem, but only a preparation to confession, whence the penitent acquires the right of the seal, only from the confessor to whom he gives the paper for the purpose of obtaining absolution, but not from those who out of the act of confession, can read it, Neither is it an obstacle to say, that to some the confession could be rendered odious, since some are wont to write their confession, in order to assist the memory. For it is answered in the same manner as in the above preceding question, to wit, that a manuscript is by no means necessary to confession, but only to assist the memory; hence, the manifestation, on the part of him who reads it, would not indeed render the confession odious, but only the writing down of sins to which no one is obliged.

“However, Lugo, Viva, Sporer, Holzmann, and Elb. make an exception; if a dumb person make a confession to a confessor who is present, by a writing, and by chance, another read it: because in that case he who reads, in very fact

epistolam peteret a superiore licentiam pro casu reservato, juxta dicta n. 646. Præterea excipiunt etiam recte Wigandt, Viva ll. cc. et de Lugo, si legeris chartam relictam in confessionali post confessionem peractam, vel porrectam sacerdoti pro confessione facienda, quia porrectio illa est quædam inchoata confessio. Ceterum, præcisis his casibus, dicunt Laym. Pal. et Spor. quod legentes (tanto magis revelantes) hujusmodi scripturam graviter peccarent, nisi certo scirent ibi minimas culpas, et quotidianas contineri (vide dicta supra l. 5. n. 70.) Addunt vero Laym. et Sporer, quod eo casu (quem dicunt vix accidere posse) aliquando in magna necessitate, puta ad salvandam rempublicam aut innocentis vitam, posset licite secretum revelari.

derives his knowledge of sins from his actual confession. 2. If any one seek by letter from his superior, a license from a reserved case, juxta dicta n. 646. Besides, Wigandt, Viva, ll. cc. and de Lugo make an exception, if you may have read a manuscript left in the confessional after confession was made, or left for the priest in order to confession to be made, because that very act is a sort of begun confession. But with the exception of these cases, Laym. Pal. and Sporer say, that those who read, (much more those who reveal) such a writing, would sin grievously, unless they were positively aware, that they only contained trifling and common faults, (see what is said, l. 5. n. 70.) But Laym. and Sporer add that in that case, (which they say can scarcely happen) sometimes in great necessity, say for the purpose of saving the republic, or the life of an innocent man, it is lawful to reveal a secret.

“651.—‘1. Extra confessionem, cum licentia pœnitentis, potest agi de auditis in confessione, sive cum ipsomet, sive cum quocumque alio, etsi periculosum sit. S. Thomas, Suar. Præpos. Tann. etc. (Et ita verius tenendum (contra Scotum, Durandum, Majorum, Gabrielem, Angelicum etc. apud card. Lug. num. 332.) cum D. Thom. in Suppl. q. 11. a. 4. ubi ait: Potest

“651.—‘ Out of confession, with the permission of the penitent, it is possible to act concerning things heard in confession, either with the principal, or with any one else, although it is dangerous. S. Thomas, Suarez, Præpos. Tann. etc. (and so more truly it is to be held (against Scotus, Durandus, Majorum, Gabrielem, Angelicum, etc. apud Card. Lugo, num. 332.) cum D. Thom.

confitens facere ut illud quod sacerdos sciebat....ut Deus, sciat etiam sicut homo, quod facit dum licentiat eum ad dicendum; et ideo, si dicat, non frangit sigillum. Et ita etiam Laymann cap. 14. n. 14. Navarr. cap. 8. num. 15. Ronc. p. 100. quæst. 5. Lugo d. 23. num. 133. Concina p. 140. n. 14. Wigandit tract. 13. num. 115. et alii communiter, Ratio, quia sigillum confessionis est institutum tantum in favorem pœnitentium.) Circa quam licentiam requiritur I. ut sit formalis, et expressa; nam præsumpta, tacita, interpretativa, virtualis (etiam in bonum ipsiusmet pœnitentis) non sufficit. Fag. p. 2. l. 6. Tann. Mald. et cæteri doct. communiter. II. Ut sit libera, ac spontanea, non vi, injuria, dolo, vel per preces importunas extorta, vel etiam per metum reverentialem ipsius confessarii obtenta. Henriq. Fagund. l. c. Diana p. 5. t. 11. r. 10. et. 24. (Dicit Croix l. 6. p. 2. n. 1958. quod si pœnitens non ultro, sed tantum ad petitionem confessarii det licentiam loquendi, communiter licentia censenda sit data ex metu reverentiali; addit Elbel, hoc tamen intelligendum esse, quando licentia non est spontanea, sed replicatis petitionibus extorta, seu ex solo metu reverentiali concessa. Ceterum, hujusmodi licentiæ peti non debent nisi ex rationabili causa, qui etiam recte addit quod melius sit

in suppl. q. 11. a. 4. where he says, he that confesses can so act, that that which the priest knew as God, he may also know as man, which he does, when he gives him permission to speak concerning them, and moreover if he speak, he does not break the seal. (The reason is, because the seal of the confession is instituted only in favour of penitents.) About which license, it is required I. that it be formal and express, for a presumed tacit or interpretative license (even for the good of the penitent himself) does not suffice. II. That it is free and spontaneous, not extorted by force, injury, craft, or by importune prayers, or obtained even through a reverential fear for the confessor. (Croix l. 6. p. 2. n. 1958. says that if a penitent unwillingly, but only at the request of the confessor, give a license to reveal, the license generally is to be considered as given from a reverential fear. Elbel adds, that this however, is to be understood when the license is not spontaneous, but extorted by repeated petitions, or conceded from a reverential fear alone; but such licenses ought not to be sought unless from a reasonable cause, who also properly adds, that it may be better to induce a penitent to give a license out of confession.) III. Not recalled, for Fagundez and

inducere pœnitentem ; ut det licentiam extra confessionem.) III, Non revocata ; nam pœnitentem pro libitu, etiam sine causa, eam revocare semper posse, docent Fagundes, et Dian ll. cc. (Ita etiam Sporer num. 821. et Ronc. q. 100. q. 5.) IV. non opus esse, ut habeatur in scripto. Suar. Fagund. ll. cc. Imo, si dubium sit an confessor cum licentia locutus fuerit, sacerdoti. potius quam pœnitenti credendum, ex Graff. et Henr. affirmat Dian. l. c. r. 4. vel etiam quam hæredibus ; v. gr. si ex licentia defuncti revelet restitutionem ab iis faciendam, Tann. et Mald. qui tamen monet, eo casu, non esse dicendum eam deberi ex delicto, sed solum, quod talibus tantum dari voluerit, satiusque suaderi moribundo ut talia secreto codicillo hæredibus injungat. Vide Dian. l. c. r. 32. V. Perinde esse, sive ea licentia detur verbo, sive facto, quod quidem æquivalet expressæ concessionis ; verb. grat. si pœnitens extra confessionem incipiat loqui cum confessario de dictis in confessione ; tunc enim posse hunc prosequi docent Aversa q. 18. s. 7. Tann. in append. c. 2. ex Bonac. (Ita comm. Lug. d. 23. n. 131. Pal. §. 3. n. 14. Conc. p. 740. n. 14. Holzmann num. 720. Antoine p. 547. v. Hinc, Spor. n. 820. Salm, cap. 14. n. 41. cum Suar. Laym. et Bonac. et Roncagl. p. 101. q. 3. r. 1. Bene tamen advertit Lugo loc. cit. quod eo casu

Diana ll. cc. teach that a penitent at his pleasure, and even without a reason, can always recall a license. IV. It is not necessary that it should be had in writing. If it be doubtful whether the confessor may have spoken with the permission of the penitent, the priest is to be believed rather than the penitent, ex Graff. et Henr. Diana affirms l. c. t. 4. that he is to be believed rather than even the heirs ; for example, if from the license of the dead, he reveal that restitution should be made by them, Tann. and Mald. who however advises, in that case, that he should not say that it was due from their fault, but only that he wished that it should be given to such purposes ; and that it would be better to persuade the dying person that he should impose such things upon his heirs by a secret codicil. V. It is the same, whether that license be given by word or deed, which indeed may be equivalent to an express concession : for example, if a penitent out of confession begin to speak to a confessor concerning things said in confession ; for then Aversa, &c., teach that he can follow the example. (However Lugo in the quoted place, well observes, that in that case, the seal should yet be observed with respect to others, because although the penitent speaks out of confession, yet he is

adhuc perseveret sigillum respectu ad alios, quia, licet pœnitens extra confessionem loquatur, censetur tamen non præbere confessario aliam licentiam, quam dependentem a confessione peracta.)

“ 652.—‘Frangitur sigillum, si cum pœnitente extra confessionem, sine ejus venia. agas de auditis in confessione aut ea te scire ostendas. (Communiter tamen dicunt DD. licitum esse confessario loqui de auditis in confessione cum pœnitente statim post absolutionem, antequam ille discedat; quia, licet sacramentum sit completum, tamen judicium adhuc moraliter perseverat. Ita contra Dian, p. 5. tr. 11. r. 19. cum Fagund. recte tenent Lugo d. 23. num. 129. Nav. c. 26. n. 14. Conc. p. 740. n. 14. Fill. cap. 11. n. 324. Ant. p. 547, v. Hinc, Escobar n. 741. Salm. cap. 14. n. 43. cum Gran. et Aversa, Renzi p. 306. q. 4. cum Pell. et Verric. ac Croix n. 1980. cum Præpos. Henriq. Tamb. Dicast. et Stoz.) Quod verum putat Sanch. contra Suarez et Laym. etiamsi cum eo tractare velles de essentiali errore in ea commisso, quem illi significare sine ejus venia non licere, docent Regin. Fag. Bonac. et alii contra Filliuc. Turr. etc. apud Dian. p. 3. t. 4. r. 87. (Vide dicta n. 623.) Dixi, *extra*; quia intra confessionem potest fieri mentio præcedentium, uti patet ex praxi confessoriorum qui ob recidivam arguunt, et

considered not to afford to the confessor another license than that which depends upon the confession made.’

“ 652.—The seal is broken if with a penitent out of confession, without his permission, you act concerning things heard in confession, or shew that you know those things. (However the doctors generally teach that it is lawful for a confessor to speak concerning the things heard in confession, with the penitent immediately after absolution, before he depart; because although the sacrament be complete, however the case as yet morally continues) which Sanchez thinks to be true, against Suarez and Laym. although you wish to discourse with him concerning an essential error committed in that, which would not be lawful to intimate to him without his permission Reg. Fag. Bonac and others teach against Filliuc. Jura, &c. apud Dian. p. 3. t. 4. 87. I have said *extra*, because within confession, mention can be made concerning preceding sins: even as it appears from the practice of confessors who reprove for backslidings, and sometimes deny absolution. So Henriq. præpos. Gran. Mald. &c. apud Dianam p. 5. tr. 11. res. 20., where he with Fagund. denies that it is lawful without the express

absolutionem aliquando negant, Ita Henriq. Præpos. Gran. Maldev. etc. apud Dianam p. 5. tr. 11. res. 20. Ubi ipse cum Fagund. negat id licere sine expressa licentia pœnitentis, nisi de iis, quæ is iterum confitetur, vel saltem tangit. Vid. Dianam loc. citat. et p. 2. tr. 2. misc. res. 12. et p. 9. tr. 11. res. 11.'

“653.—Quæritur igitur, an intra confessionem possit confessarius loqui cum pœnitente de culpis in alia confessione auditis, sine ipsius licentia. Negat Diana cum Fag. ut supra: sed affirmat sententia communissima et verior, quam tenent Lug. d. 23. n. 127. Tamb. c. 5. n. 4. Wigandt tr. 13. num. 120. Concin. p. 740. n. 14. Ronc. p. 101. q. 3, r. 1. Antoine p. 550. v. Hinc, Sporer n. 823. Renzi p. 307. q. 5. cum Aversa, Dic. et Mald. eamque vocat certam Illsung apud Croix n. 1981. Ratio, quia sæpe pertinet ad munera iudicis, et medici, quæ habet confessarius, recolere peccata prioris confessionis, ad melius pœnitentem corripiendum, vel dirigendum; ideo improbabile est quod pœnitens habeat jus sigilli in actu confessionis, cum potius verum sit quod confessarius habeat jus exquirendi omnia quorum notitia ad meliorem directionem coadjuvare valeat. Unde bene poterit confessarius loqui cum pœnitente de omnibus peccatis in præterito ab eo confessis, semper ac putat hoc fore utile pœnitenti,

permission of the penitent, unless concerning those things which he again confesses, or at least touches upon.'

“653.—Therefore it is asked, whether within confession, the confessor can speak concerning faults heard in another confession, without the license of the penitent. Dian. with Fag. denies it as above, but the most common, and the more true opinion affirms that he can. The reason is, because oftentimes it pertains to the offices of a judge and physician, which the confessor holds, to call to mind the sins of a former confession, for the more just chastisement and correction of the penitent, therefore it is improbable that the penitent has a right to the seal in the act of confession, since rather it may be true, that the confessor has the right of examining into all those things, the knowledge of which, may be an assistance for a better counsel; whence, a confessor can justly speak with a penitent concerning all sins confessed by him in past confessions, and he thinks that this would be always useful for a penitent, who is thought in confession to give a license that he may avail

qui censetur in confessione dare ei licentiam, ut utatur quacumque notitia necessaria ad sui meliorem directionem.

“654.—‘3. Frangit sigillum, qui dicit se in tali monasterio audivisse grave peccatum, tametsi non nominet personam. Dian. p. 5. t. 11. res. 35. et alii 3. cum Mald. Additque graviter peccare eum qui dicit, in hoc vel isto ordine religioso, hoc vel istud peccatum fuisse admissum, quod ex sola confessione novit: imo nec de civitate, vel certo loco, in quo quis confessiones audivit, licere dicere quod gravia fiant, vel talia et talia peccata committi soleant (nisi aliunde constet), nocent Hurt. Kell. et Mald. ap. Dian. l. c. res. 35. quia potest redundare in gravamen et infamiam ipsius communitatis, et forte etiam civium in particulari, quando civitas non est ampla, et pœnitentes suspecti, atque adeo confessio fieret aliis odiosa. Vide Dian. loc. cit. et res. 36. ubi cum Malder. docet confessarium, qui paucos habet pœnitentes sibi subditos (v. gr. moniales unius monasterii), scandalum dare, si coram illis concionetur de vitiis auditis in confessione: quia confessæ facile suffunduntur pudore. (Hoc tamen intelligendum, si confessarius loquatur de aliqua culpa particulari cujusdam monialis, vel illius monasterii: secus, si loquatur de defectibus quæ communiter in omnibus monasteriis solent vel possunt

himsel of whatever knowledge is necessary for his own better direction.

“654.—‘He breaks the seal, who says that he heard in a certain monastery a great sin, although he does not name the person. Dian. p. 5. t. 11. res. 35. and others cum Mald. And he adds that he sins grievously who says, that in this or that religious order, this or that sin was committed, because he knows it from confession alone: yea it is not lawful to say concerning a state or certain place in which any one has heard confessions, that grievous sins were committed, or that they are accustomed to commit such and such sins: because such a declaration may tend to the loss, or dishonour of the community itself, and perchance even in particular of states, when the state is not large, the penitents are suspected, and, therefore, confession would be rendered odious to them. See Dian. loc. cit. et res. 36. where with Mald. he teaches, that the confessor, who has few penitents placed under him, (for example, the monks of one monastery) gives cause for scandal if before them he preach concerning vices heard in confession; because the confessed are very easily suffused with shame. (This however, is to be understood; if a confessor speak concerning any particular

perpetrari.)

“Dubitatur hic 1. an confessorius violet sigillum, si asserit in aliquo loco gravia crimina perpetrari, quæ ipse audierit in confessione. *Prima sententia* negat, et hanc tenent Nav. c. 8. n. 16. Renzi p. 322. q. 11. cum Fag. Vivald. et Onuphr. Ita Henriq. Gran. Lop. etc. apud Escob. lib. 16. num. 749. qui consentit n. 750. si nullo modo in cognitionem personæ deveniri possit, quia alias (ut dicunt) ex tali revelatione nulla fit injuria pœnitenti. *Secunda* tamen sententia communissima et longe probabilior, quam tenent Suar. d. 33. sect. 3. num. 8. Bonac. q. 6. sect. 5. part. 4. n. 3. Filliuc. c. 11. num. 322. Concina. p. 740. n. 13. Viva q. 10. art. 2. n. 7. Tamb. lib. 5. c. 3. §. 5. Holzm. n. 711. cum Laym. et Pal Sporer num. 827. cum Diana, et communi, ut asserit Lugo d. 20. n. 64. cum Vasquez, Con. et Ledesm. docet, quod, si oppidum sit parvum (puta, si non constet tribus millibus hominum circiter,) tunc violetur sigillum. Ratio, quia, licet tunc reveletur persona, tamen, non cum revelatio emanet in infamiam totius communitatis redundat etiam in gravamen pœnitentis, qui illius communitatis est membrum, et ideo ex tali revelatione

fault of a certain monk or monastery; otherwise, if he speak concerning defects which are generally wont, and are capable of being committed in all monasteries.

“It is here doubted 1. Whether a confessor violates the seal, if he assert that great crimes were committed in a certain place, which he himself heard in confession. The first opinion denies it, and Nav. c. 8. n. 16. Renzi p. 322. q. 11. cum Fag. Vivald. et Onuphr. hold this. So Henriq. Gran. Lop. &c. apud Escob. lib. 16. num. 749. who consents, n. 750. if in no way the knowledge of the person can be acquired, because otherwise, (as they say) no injury can happen to the penitent from such disclosure. However the second most common opinion, and by far the more probable one, teaches, that if a city be small, (say if it do not consist of more than 3,000 men) then the seal is violated. The reason is, because, although in that case, the person is not revealed; yet since the disclosure tends to the dishonour of the whole community, it redounds also to the loss of the penitent who is a member of that community; and therefore, by such a disclosure the confession would be rendered odious. But otherwise, if the town be large, and the crimes public, as Lugo, Conc, Spor. Viva. and

redderetur ei odiosa confessio. Secus vero, si oppidum sit amplum, et crimina sint publica, ut dicunt Lugo, Conc. Spor. Viva, et Tambur. ll. cc. contra Vasq. qui nimis rigide id reprobat. Hocque permittit Petrocorens. t. 4. p. 90. q. 4. etiam concionatoribus, modo non dicant se audisse in confessionibus. Idem sentit Habert t. 6. p. 261. q. 14. r. 3. dicens licitum esse confessariis in concionibus generatim invehere in vitia quæ occulte grassantur. Idque expresse permittitur in cap. Si sacerdos 2. de Offic. Jub. Ord. ubi dicitur: Si sacerdos sciat pro certo aliquem esse reum alicujus criminis, vel si confessus fuerit... non debet eum arguere nominatim, sed indeterminate. Id est in genere, ut explicat Panormitanus in dict. cap. 2.

“Dubitatur 2. an frangat sigillum confessarius, qui dicit religiosum ex tali conventu sibi confessum esse grave peccatum. Negat Escobar lib. 16. n. 713. cum Henriq. Nugno, Fagn, et Candido, modo non ingerat notitiam personæ particularis. Verius tamen affirmant Busemb. et Suar. d. 33. sect. 3. Concin. p. 743. n. 8. Bon. p. 4. n. 3. Diana. p. 5. tr. 11. r. 23. Pal. p. 5. §. 3. n. 11. cum Nav. Laym. et Henr. item S. Anton. Vill. et Gran. apud Escobar n. 751. Ratio, quia tunc singuli illius conventus detrimentum patiuntur. Et sic pariter confessa-

Tambur. Vasq. say, who too rigidly reprobate the opinion. And this, Petrocorens permits, t. 4. p. 90. q. 4.; also to preachers, provided they do not say that they heard them in confession. The same Habert thinks, t. 6. p. 261. q. 14. r. 3. saying that it is lawful for confessors in assemblies to inveigh in general terms against vices which develop themselves in secret. And that he expressly permits in cap. Si Sacerdos 2. de offic. Jub. Ord. where it is said, ‘If a priest know for certainty, that any one was accused of any crime, or if he have confessed it, he ought not to impeach by name, but indeterminately, that is, in general terms, as Panormitanus explains, in dict. cap. 2.

It is doubted 2. Whether a confessor breaks the seal, who says that a religious of a certain convent, confessed a great sin. Escobar lib. 16. n. 713. cum Henriq. Nugno. Fagn. et Candido deny that he does, provided that he do not convey a knowledge of the particular person. But more truly Busemb. and Suar. &c. affirm that he does. The reason is, because each member of that convent suffers loss, and thus the confessor violates the seal if he say that such sins were committed in that convent. But not (as P. Concin. contra Dian. apud Bus. as

rius violabit sigillum, si dicat, in conventu illo talia peccata committi. Non vero (ut rationabiliter ait P. Conc. contra Dian. ap. Bus. ut supra) si tantum diceret se audisse peccatum religiosi cujusdam ordinis: quia hæc neque est revelatio sigilli, neque redundat in gravamen pœnitentis, cum in quolibet ordine aliqui mali sint: unde neque oritur scandalum, neque infamatur religio, nisi (recte limitat) religio illa esset arctioris observantiæ.

“655.—‘4. Notitia in sola confessione accepta nullo casu uti licet, si periculum sit revelationis, saltem indirectæ. Verum, si nullum sit periculum, ut vel pœnitens, vel usus scientiæ innotescat, etsi probabile sit, licere uti ad alterius gubernationem, v. gr. negando suffragium ei quem ex sola confessione scit indignum esse, vel claudendo ostium, per quod quis noctu ingreditur ad peccandum: item, cognita prodicione futura, monendo de diligenti custodia, impediendo clam matrimonium, quando scitur impedimentum, uti docent Vasq. Henr. Navarr. etc. contrarium tamen verius videtur, quod docent Fumus, Sanch. Con. Laym. Dian. p. 3. tr. 4. r. 76. et p. 5. tract. 11. r. 3. et alii; quia hæc doctrina posset pœnitentem abstergere a confessione. Et quidem superioribus religionum talis gubernandi modus prohibitus est anno 1594. cum in soc. Jesu jam ante idem statutum

above rationally says) if only he should say that he heard the sin of such a religious order; because this is neither a disclosure of the seal, nor does it redound to the loss of the penitent, since in every order some are bad; whence neither can scandal arise, nor is religion defamed, unless, (he rightly limits) that religious order be of a more strict character.

“655.—‘It is in no case lawful to use knowledge received from confession alone, if there be danger of disclosure at least indirect. But if there be no peril that either the penitent, or use of knowledge may prove hurtful, although it be probable, it is lawful to use it for the direction of another; for instance, by denying a vote to him whom he knows from confession alone, to be unworthy, or by shutting the door, by which one is in the habit of going out at night to commit sin; also a future treachery being known, by giving warning concerning a diligent guard, by secretly impeding a marriage when an impediment is known, as Vasq. Henr. Navarr. &c. teach; however, the contrary appears the more true, which Fumus. Sanch. Con. Laym. Dian. p. 3. tr. 4. r. 76. and p. 5. tract. 11. r. 3. and others teach, because this doctrine might perhaps drive away

esset, prohibitumque contrarium docere. Vide. Dian. p. 4. t. 4. r. 202. Contra vero ad sui ipsius gubernationem licere tali casu ea scientia uti, videri probabilius, v. gr. abstinendo a chalice, in quo scitur esse venenum, deflectendo a sylva, in qua paratam sibi mortem sciat ex unius latronis confessione, docent Sylv. Henr. Coninck. Laymann hic c. 15. contra Suar. Dian. p. 5. d. 11. r. 46. Excipit card. de Lugo nisi actio, vel omissio confessarii inducat notitiam peccati. vel damnum afferat confitenti, contra Con. disp. 9. dub. 4. etc. qui putat licere, etsi inde mors pœnitenti immineret a sociis inferenda. Vide l. c. n. 108.

“5. ‘Denique facere aliquid, ex quo soli pœnitenti innotescere posset id fieri ex notitia confessionis, esse contra sigillum, negant D. Thom. Bon. Sot. Vasq. etc. Affirmant Sylv. Vald. Con. Dian. part. 3. t. 4. r. 46. Idque confirmant Fag. Gran. cardinal de Lugo, et Avers. q. 18. sect. 8. si tale sit, quod pœnitenti ruborem vel molestiam

the penitent from confession; and indeed to the superiors of religious orders, such a mode of governing was prohibited in the year 1594, although in the Jesuit order the same had been decreed long ago, and a prohibition issued that the contrary should be taught. See Dian. p. 4. t. 4. r. 202. But on the other hand, that it is lawful, in the governing of one's self, to use such knowledge, appears the more probable; for example, by abstaining from a chalice in which it is known that there is poison; by avoiding a wood, in which, from the confession of one robber, he may know that death is prepared for him. Sylv. Henr. Coninck. Laymann. hic c. 15. teach this against Suar. Dian. p. 5. d. 11. r. 46. Cardinal de Lugo makes an exception, unless the action or omission of the confessor may lead to a knowledge of the sin or bring loss to him that confesses, against Con. Disp. 9. dub. 4. &c. who thinks that it is lawful, although thence death would threaten to be inflicted on the penitent by his accomplices.

“‘ Finally, to do any thing from which it could become known to the penitent alone that it was done from a knowledge of confession, would be against the seal, D. Thomas, Bon. Sot. Vasq. &c. deny, Sylv. Vald. Con. Dian. part. 3. t. 4. r. 46. affirm it: and this, Fag. Grand. Cardinal de Lugo, and Avers. q. 18. sect. 8.

afferat, v. gr. si vultum ei austeriorem ostenderet, vel eum declinaret: secus, si ei sit gratum, vel saltem confessionem odiosam, aut difficiliorem non reddat; v. gr. si audisset eum ad indignationem, aut odium provocatum, vel in tentationem incidisse ex certo facto, vel dicto ipsius confessarii, indeque ipse a talibus factis, vel dictis abstineat etc.'

"656.—Omnia hæc diligentius sunt discutienda. Dubitatur I. an superior ob peccatum auditum in confessione possit amovere subditum ab officio. Affirmat Sambovius tom. 3. caus. 18. Idque prius docuit divus Thomas Quodlib. 5. quæst. 7. art. 13. modo absit revelatio peccati, sic dicens: Si ergo amotio subditi ab administratione possit inducere ad manifestandum peccatum in confessione auditum, vel ad aliquam probabilem suspicionem habendam de ipso, nullo modo prælatus deberet remove. Si vero per amotionem peccatum nullatenus manifestaretur, tunc, alia occasione accepta, posset subditum ab administratione remove, et deberet hoc facere cum debita cautela. Et idem confirmat in Suppl. q. 11. art. 1. ad 3. Idem dicunt. S. Bonav. Alexand. de Ales. Gabr. Palud. et Adrian. ap. Habert. t. 6. p.

confirm, if it be such that it brings shame, or trouble upon the penitent: for example, if he would shew a severer countenance to him, or avoid him: otherwise, if it be grateful to him, or at least, if it do not render the confession odious, or more difficult; for example, if he had heard that he had fallen into indignation, or provocation, or hatred, or temptation from a certain act or saying of the confessor himself, and thence that he may abstain from such deeds or sayings, &c.'

"656.—All these things must be more carefully discussed. It is doubted I. Whether a superior, on account of a sin heard in confession, may remove his subject from office. Sambovius tom. 3. caus. 18. affirms that he can, and that, the divine Thomas before hath taught, quodlib. 5. quæst. 7. art. 13. provided that there is no disclosure of sin, thus saying, 'If therefore, the removal of a subject from office, can lead to the manifestation of sin heard in confession, or to the entertaining of some probable suspicion concerning him, by no means should the prelate remove him. But if by removal, in no way the sin would be made known, then, another occasion being taken, he can remove the subject from office, and he ought to do this with due caution. And the same he confirms in suppl. q. 11. art.

260. q. 14. ac alii apud Suar. d. 33. sect. 7. qui hanc sententiam vocat communem, ut revera erat inter antiquos.

“Sed huic doctrinæ obstat hodie decret. Clement. VIII. (de Casib. Reservatis pro omnibus relig. c. 4.) editum 26. maii ann. 1594. ubi dictum fuit. Tam superiores pro tempore existentes, quam confessarii, qui postea ad superioritatis gradum fuerint promoti, caveant diligentissime ne ea notitia, quam de aliorum peccatis in confessione habuerunt, ad exteriorem gubernationem utantur. Quamvis autem hoc decretum emanatum fuerit tantum pro superioribus regularibus, tamen recte dicunt Holzm. n. 717. v. 20. et Croix, extendi debere ad omnes (quidquid dicat Habert l. c.), cum eadem ratio, quæ urget pro regularibus, valeat etiam pro secularibus, ne scilicet confessio reddatur odiosa. Præterquam quod id certius fiat ex alio decreto Innocentii XI. ut mox videbimus in dubio seq.

“657.—Dub. II. an superior in electione beneficii vel officii, possit negare suffragium ei quem ex sola confessione noverit indignum.

1. ad 3. The same say St. Bonav. Alex. de Ales. Gabr. Palud. et Adrian. ap. Habert. t. 6. p. 260. q. 14. and others, with Suar. d. 33. sect. 7. who calls this opinion common, as it was indeed amongst the ancients.

“But to this doctrine in this day the decree of Clement VIII. is opposed (concerning reserved cases for all religious c. 4.) published on the 26th of May, in the year 1594, where it was said, ‘So let superiors who are such for the time being, as also confessors, who afterwards may be advanced to the degree of superiors, beware most diligently lest they should use that knowledge which they acquire from confession concerning the sins of others, for the exterior government of the body.’ But although this decree was issued only for regular superiors, however Holzm. n. 717. v. 20. and Croix rightly say, that it should be extended to all, (notwithstanding what Habert. l. c. says) since the same reason which applies to regulars, may prevail also with seculars, to wit, lest the confession should be rendered odious; moreover, that certainly may be done according to the decree of Innocent XI. as we shall immediately see in the following question.

“657.—It is doubted II. Whether a superior in the election for a benefice or office, can deny his vote to him whom he knew to be

Affirmat idem Sambovius l. c. cum S. Antonino 3. p. tit. 16. c. 22. §. 1. in fine, ubi scribit: Qui liberam electionem habet, licet per solam confessionem sciat aliquem indignum ad prælaturam, ad quam eligitur, quem alias putabat dignum, non debet eligere ex conscientia sibi dictante, quia eligendo scienter dignum vel indignum negotium geritur inter ipsum et Deum. Unde potest etiam ex his, quæ scit ut Deus, judicare in proposito. Sed omnino id negandum cum Sporer n. 869. Viva Append. ad prop. damn. §. VII. p. 526. Conc. p. 744. n. 22. Croix num. 1977. Holzm. l. c. Ronc. p. 202. q. 6. Elbel loc. cit. et aliis. Hocque hodie certum est ex decret. S. C. gen. inquisitionis edito auctoritate Inn. XI. ann. 1682. 18. Nov. quo proscripta fuit sequens propositio; Scientia ex confessione acquisita uti licet, modo fiat sine directa aut indirecta revelatione, et gravamine pœnitentis, nisi aliud multo gravius ex non usu sequatur, in cujus comparatione prius merito contemnatur. Addita deinde explicatione, sive limitatione, quod sit intelligenda de usu scientiæ ex confessione acquisitæ cum gravamine pœnitentis, seclusa quacumque revelatione; atque in casu quo multo gravius gravamen ejusdem pœnitentis ex non usu sequeretur. Hanc dictam propositionem, quatenus usum dictæ scientiæ

unworthy from confession alone. Sambovius affirms the same, l. c. with S. Antonino, 3. p. tit. 16. c. 22. § 1. in fine, where he writes, 'He who has a free choice, although through confession alone he knows a certain person to be unworthy of being elected, to what he is chosen, when otherwise he is thought to be worthy, ought not to elect him, for the sake of his conscience dictating to him, because by choosing knowingly a worthy or unworthy person, the matter is carried on between himself and God. Whence he can form a judgment in purpose, even according to those things which he knows as God. But this is to be altogether denied with Sporer, &c. And this in the present day is certainly in accordance with the decree of the general inquisition published by authority of Innocent XI. in the year 1682, 18th Nov., in which the following proposition was proscribed; 'It is lawful to use the knowledge acquired by confession, provided that it be done without direct or indirect disclosure, or the injury of the penitent; unless another much more severe loss might follow from its non-use, in comparison of which, the former is justly thought nothing of.' Thence, the explanation or limitation being added, that it be understood concerning the use of knowledge acquired from confession, to the detriment of

cum gravamine pœnitentis admittit, etiam cum dicta explicatione præsentis decreto prohibent etc. Mandantes etiam universis sacramenti pœnitentiæ ministris, ut ab ea (doctrina) in praxim deducenda prorsus abstineant. Hinc bene advertunt Viva, Holzmann, Mazzotta, et Croix ll. cc. illicitum esse confessario ex notitia confessionis claudere pœnitentem in cubiculo, ne exeat ad peccandum: dimittere famulum, vel auferre ab eo claves, ne furetur: item ostendere pœnitenti vultum severiorem, vel ei negare pristinam communicationem amicitiae. Neque admittendum cum Sanch. de Matr. l. 3. d. 16. n. 3. et 4. Croix n. 1963. 1976. et 1977. Laym. c. 14. ex n. 14. et Holzm. n. 717. id, quod perperam admittit Sporer n. 870. nempe, licitum esse ex scientia confessionis abstrahere claves aut pecuniam ab arca, claudere foras, non amplius committere claves famulo; quia omnia hæc redundarent in gravamen seu exprobrationem pœnitentis.

the penitent, disclosure being altogether excluded, and in the case in which much severer detriment would arise to the penitent from its non-use. This said proposition, so far as it admits the use of knowledge derived from confession, with injury to the penitent, also with the said explication, they prohibit by the present decree, commanding, as they do, all the ministers of the Sacrament of penance, that they shall altogether abstain from carrying that doctrine into practice. Hence, Viva, Holzman, Mazzotta, and Croix, ll. cc. justly observe, that it is unlawful for a confessor, from the knowledge of confession, to shut up a penitent in his bed room, lest he should go forth to sin,—to dismiss a servant, or to take keys from him, lest he should steal; also to shew to a penitent a severer countenance, or to deny the interchange of former friendship. Neither is it to be admitted, with Sand. de Matr. l. 3. d. 16. n. 3. et 4. Croix. n. 1963, 1976, et 1977. Laym. c. 14. ex. n. 14. et Holzm. n. 717; that which Sporer n. 870, unadvisedly admits; to wit, that it is lawful, from the knowledge of confession, to take away keys or money from a chest,—to shut doors,—not any longer to give the keys to the servant;—because all these things may redound to the injury or reproach of the penitent.

“ Si vero superior ex alia via quam confessionis iudicet puta ex defectu ætatis, scientiæ, prudentiæ, vel quia noverit alios digniores ad beneficium, tunc posse eum, imo debere suffragium pœnitenti negare, dicunt Natal. de Alex. de Sig. Confess. Reg. 57. et Merb. t. 2. p. 149. q. 50. ex D. Thom. in 4. d. 21. art. 1. ad 4. ubi dixit: Ex multis aliis causis aliquis redditur indignus ad prælationis officium, quam ex peccato, sicuti ex defectu scientiæ, ætatis etc. et ideo qui contradicit, nec suspicionem de crimine facit, nec confessionem revelat. Sed hanc sententiam censeo cum Petrocor. t. 4. p. 95. tantum locum habere posse casu, quo tales occurrerent circumstantiæ aliunde cognitæ, sive ante sive post confessionem, quæ vere moverent superior-em ad suffragium negandum, etiamsi nullam ex confessione notitiam habuisset indignitatis pœnitentis. Unde minime audiendus auctor additionum ad Wigandt p. 389. ad 3. dicens, quod, esto ex sola scientia confessionis nequeat superior dirigi ad gubernationem externam, tamen poterit ex illa lumen accipere, et sumere alium exteriorem prætextum seu colorem ad negandum suffragium.

“ But if a Superior, by some other means than confession, judge, say from defect of age, knowledge, prudence; or because he knew that others were more worthy of the benefice, then he can, yea, he ought to deny his vote to the penitent, say Natal. de Alex. de Sig. Confess. Reg. 57. et Merb. t. 2. p. 149. q. 50. ex D. Thom. in 4. d. 21. art. 1. ad 4. where he says, from many other causes, one is rendered unworthy for the office of preferring, as from sin, so also from defect of knowledge, age, &c., and therefore, he who opposes him, neither causes a suspicion to arise concerning the crime, nor reveals the confession. But this opinion I think with Petrocor. t. 4. p. 95. can only have place in a case, in which such circumstances would occur, known from another quarter, either before or after confession, which truly would move the superior to deny his vote, even though he had no knowledge from confession, of the unworthiness of the penitent. Therefore, by no means, is the author of the additions to Wigandt, p. 389. ad 3. to be heard, when he says, that although a superior be unable from the knowledge acquired in confession, to direct the external government of the Church; however, he can receive a light from it, and take another external pretext or colour for denying the vote.

“Communiter tamen admittunt posse confessarium uti notitia confessionis ad se cautio-rem reddendum in re familiari, ad socordiam excutiendam, ad diligentius invigilandum super gregem suum; modo nulla detur aliis suspicio peccati, neque ex hoc penitens gravetur, vel implicite redarguatur. Ita Habert p. 261. r. 3. Antoine p. 549. v. Hinc, Pal. p. 5 §. 3. num. 18. Viva loc. cit. §. VII. Sporer num. 870. et Bon. p. 4. n. 3. cum Soto, et Reg. ex D. Thom. in 4. loco citato ad 1. ubi ait: *Potest (confessarius) dicere praelato quod diligentius invigilet super gregem suum, ita tamen quod non dicat aliquid, per quod verbo vel nutu confitentem prodatur.* Omnia vero hæc P. Concin. p. 744, n. 23. absolute negat licere, dicens quod confessarius in omnibus se gerere debeat, ac si penitus ignoraret quæ ex sola confessione dignoscitur. Nulli dubium, quin in prædictis actibus quam maxime caute confessarius procedere debeat, cum difficile sit in his omne periculum evitare vel revelationis vel gravaminis penitentis. Ceterum, generalis regula est, fere ab omnibus recepta, licitum esse uti notitia confessionis, ubi nulla revelatio intervenit, nec ullum penitenti gravamen infertur. Ita. Sanch. de Matrim. l. 3. d. 16. num. 4. cardin. de Lugo d. 23. num. 102. Habert t. 6. p. 260. P. Suarez d. 33, sect. 7. n. 9. Viva App. l. c. §. 9. Antoine p. 549. Mazz. t. 3. p. 589.

“However, they commonly admit that a confessor can use the knowledge acquired in confession, to the rendering himself more cautious in family affairs, to the shaking off sloth, to the more diligent care of his own flock, provided that no cause for suspicion of sin be given to others, nor blame, nor loss, be attached to the penitent. So Habert p. 261. r. 3. Antoine, p. 549. v. hinc. Pal. p. 5. § 3. num. 18. Viva loc. cit. § vii. Sporer num. 870. and Bon. p. 4 n. 3. cum Soto, et Reg. ex D. Thom. in 4. loco citato ad 1., where he says: ‘a confessor can speak to a Prelate, that he should more diligently watch over his own flock; provided however, he does not say anything by which, either in word or sign, he betrays him that confesses.’ But P. Concin. p. 744. n. 23., absolutely denies that all these things are lawful; saying that a confessor ought to carry himself in all things, as if he were altogether ignorant of what he knew from confession alone. There is no doubt, but that in the above mentioned cases, a confessor ought to proceed very cautiously, since it is hard in all these cases, to avoid all danger, either of revelation, or loss to the penitent. But it is a general rule, received by almost all, that it is lawful to use the knowledge acquired in confession, when no disclosure takes place, and when no detriment is done to

Holzmann num. 717. et alii communiter: atque ipse Concin. dicto num. 23. in fine, præfatam regulam admittit, inquam posse confessarium uti notitia confessionis tum ad reformandos proprios mores, tum ad servandam propriam vitam, cum duo concurrant, nempe si se cretum custoditur, et confessio odiosa non redditur. Quapropter Holzm. Antoine, Mazzotta, Viva etc. communiter admittunt posse sacerdotem ex notitia confessionis orare pro pœnitente, vel benignius erga ipsum se gerere: item consulere libros et sapientes, rigorem temperare, ex confessione unius dirigi ad alios interrogandos vel instruendos, nullam tamen dando prioris confessionis suspicionem: item (ut ait Holzm. loco citata v. Et hinc, cum Stoz) posse præcavere a periculis et occasionibus damni spiritualis aut temporalis. Et sic pariter dicit Bon. p. 4. num. 19. cum Nav. Regin. Zerola. etc. posse monere etiam alios, in genere tamen loquendo, nempe ut sibi caveant, ne exeant e domo etc. semper tamen secluso omni periculo revelationis, vel gravaminis pœnitentis.

the penitent. So Sanch. de Matrim. 13. d. 16. num. 4. Card. de Lugo d. 23. num. 102 Habert, t. 6. p. 260. P. Suarez d. 33. sect. 7. n. 9. Viva, App. l. c. § 9, Antoine, p. 549. Mazz. t. 3. p. 589. Holzmann, num. 717. and others commonly teach; and Concin. himself, in the said num. 23. in the end, admits the above mentioned rule, saying that the confessor can use the knowledge acquired in confession, both for reforming his own manners, and for preserving his own life, when the two conditions come together; to wit, if the secret be kept, and the confession not rendered odious. Wherefore, Holzm. Antoine, Mazzotta, Viva, &c., commonly admit that a priest can from a knowledge of confession, pray for his penitent, or conduct himself more kindly towards him,—also consult books, and the wise,—moderate rigour—from the confession of one, that it should be directed to the interrogating, or instructing of others; however, by giving no suspicion of a former confession; also (as Holzm. says, loco citato, v. et hinc, cum Stoz,) that he can provide against dangers, or occasion of spiritual or temporal loss. And thus, likewise, Bon. says, p. 4. num. 19. cum Nav. Regin. Zerola, &c., that he can even admonish others, yet by speaking in general terms; for example, that they should beware, lest they should go

“658.—Dubitatur III. an confessarius possit communionem denegare pœnitenti, cui prius negavit absolutionem tanquam indisposito, si ille post hæc occulte communionem petat. *Prima sententia* affirmat, et hanc tenent D. Thom. in 4. d. 9. q. un. art. 5. q. 1. dicens: *Si sacerdos sciat peccatum alicujus qui eucharistiam petit per confessionem si in occulto, debet ei denegare et monere ne in publico petat.* Item Petrocor. t. 4. p. 95. n. 2 cum S. Bonav. et S. Anton. ac alii plures antiquiores apud Sanchez, de Matrim. l. 3. d. 16. num. 6. Ratio, quia (ut dicunt) ex una parte tunc urget præceptum negandi Sanctum canibus; ex alia ibi nulla intervenit sigilli revelatio, nec ulla injusta exprobatio, quæ redderet confessionem odiosam vere pœnitentibus: talis enim negatio vel monitio solis perire volentibus odiosam confessionem redderet, sed hoc non debet impedire quominus sacerdos peccatorem moneat, et sacramentum indigno denegat. Et sic pariter dicunt episcopum posse et teneri negare ordinem indigno ex confessione cognito, et parochum assistentiam matrimonio, cui ex confessione noverit dirimens adesse impedimentum. *Secunda* tamen vera sententia negat; et hanc tenent Sanchez loc. cit. n. 5. cardinalis de Lugo d. 25. n. 126. Lay-

out from their houses; in all cases, however, the danger of disclosure, or of injury to the penitent, must be avoided.

“658.—It is doubted III. Whether a confessor can deny communion to a penitent, to whom, as unfit, he had before refused absolution, if he, after these things, secretly seek communion. The first opinion affirms that he can, and this opinion, the divine Thomas holds, in 4. d. 9. q. un. art. 5. q. 1., saying, ‘If a priest know the sin of any one who seeks the Eucharist, through confession, if it be in secret, he ought to deny it to him, and to admonish him, lest he seek it in public.’ The reason is, because (as they say) on the one hand, the command of denying holy things to the dogs, applies, and on the other hand, no disclosure of the seal happens, nor any unjust reproach, which would render the confession odious to the penitent. For such denial or admonition would render the confession odious to those alone who wish to perish; but this ought not to prevent a priest from admonishing the sinner, and denying the sacrament to the unworthy. And this, likewise, they say, that a Bishop can, and is bound to deny holy orders to an unworthy person that is known to be such from confession, and a priest, his assistance in matrimony, to which he knew from confession, that an impediment obstructed. However, the second true

mann c. 14. n. 22. Bonacina p. 5. num. 17. Salmanticenses c. 14. n. 46. Sontin. Tournely t. 4. q. 191. cum Henno, Sporer num. 869. Mazzotta c. 3. q. 5. Holzm. n. 717. Concin. p. 742. n. 18. et Croix lib. 6. p. 2. n. 1974. Ratio, quia hujusmodi denegatio sacramenti vel monitio confessionem redderet odiosam, non solum pœnitentibus illicite petentibus, sed etiam aliis, qui, si scirent quod confessarius posset aliquando uti notitia confessionis, facile absterrentur a sacramento pœnitentiæ. Hæc sententia hodie omnino est tenenda ex supra citato decreto Innocent XI. quo vetatur quilibet notitiæ confessionis usus, ex quo sequatur qualecumque pœnitentis gravamen. Vide num. anteced. 626.

“659.—Dubit. IV. an sacerdos, qui ex confessione noverit parari sibi insidias, possit fugere, sive aliter sibi cavere, aliquo prætextu arrepto. Certum est eum posse (ut recte ait Lugo d. 23. num. 108.), si ex tali cautione minime manifestatur aliis peccatum confessum, nec ullum gravamen pœnitenti affertur. Sed dubium est an liceat ei fugere, si ex fuga alii, jam conscii peccati pœnitentis, conjiciant pœnitentem esse illi confessum tale peccatum. *Prima sententia* affirmat, modo nullum pœnitenti damnum obveniat. Ita Palaus p. 5. §. 3. num. 18. Bonac. p. 4. num. 27. Petrocorens. t. 4. p. 97. n. 4. Wigandt tr. 13. num. 122.

opinion denies it; the reason is, because such a denial of the sacrament, or admonition, would render confession odious, not only to penitents unlawfully seeking it, but also to others who if they knew that the confessor could by any means use the knowledge acquired in confession, would easily be frightened from the sacrament of penance. This opinion in the *present day*, should by all means be held according to the above mentioned quoted decree of Innocent XI., who forbids any use of the knowledge of confession, from which, any loss whatsoever would follow to the penitent.

“659.—It is doubted IV. whether a priest who knew from confession, that snares were prepared for him, can fly, or otherwise by framing some excuse, take care of himself. It is certain, that he can, (as Lugo rightly says, d. 23. n. 108.) if from such a precaution, the sin confessed would by no means become known to others, neither would the penitent incur any loss. But it is doubtful, whether it is lawful for him to fly, if from that flight, others, now conscious of the sin of the penitent, conjecture that the penitent confessed such a sin to him. The first opinion affirms it, provided that no loss happen to the

ad 4. Sporer n. 863. Renzi p. 309. q. 9. cum Con. et Fag. ac Laym. c. 14. num. 21. cum Soto, Sylv. Adr. Gabr. et Henriq. Ratio, quia aliud est revelare peccatum confessum, aliud revelare confessionem peccati jam ab aliis cogniti; tunc enim non revelatur peccatum, sed tantum confessio facta peccati, quod non est contra sigillum. *Secunda* vero sententia (quam sequor) negat id esse licitum, et hanc tenent Suar. d. 33. s. 7 n. 7. Salmant c. 14. n. 45. et 53. Antoine p. 549. Elbel n. 524. Ronc. p. 99. q. 3. cum Navarr et Led. Mazz. t. 3. p. 589. cum Viva, et La. Croix, ac Lugo d. 23. num. 110. cum Soto, Vasq. Ricch. et Medin. Ratio, quia fuga illa esset quædam indirecta revelatio peccati confessi. Nec obstat dicere, quod tum fiat revelatio indirecta, cum ponitur actio, ex qua de se conjicitur peccatum, confessum; sed hic fuga confessarii nullo modo manifestat peccatum, sed tantum alii ex propria conscientia arguunt peccatum esse confessum. Sed respondetur cum Lugo, quod, positis talibus circumstantiis, nempe scientiæ aliorum criminis, et confessionis pœnitentis, fuga illa esset vera revelatio, non solum confessionis factæ, sed etiam peccati confessi. Et licet confessarius fugam simularet ex ali quo prætextu, semper tamen aliquam rationabilem suspicionem præberet peccati confessi. Dicit autem P. Cuniliati tr. 14. c. 4. §. 7. n. 10. quod eo casu pœnitens

penitent. The reason is, because it is one thing to reveal a sin confessed, another thing to reveal the confession of a sin now known by others; for then the sin is not revealed, but only a confession made of sin, which is not contrary to the seal. But the second opinion (which I follow) denies that it is lawful. The reason is, because that flight would be an indirect disclosure of the sin confessed. The objection does not hold good, that then an indirect disclosure is made when an action is alleged, from which of itself it is conjectured that a sin was confessed. But this flight of the confessor in no way manifests the sin, but others only argue according to their own conscience, that a sin was confessed. But it is answered with Lugo, that such circumstances being supposed to wit of the knowledge of the crimes of others, and the confession of the penitent, that flight would be a true revelation, not only of confession made, but also of sin confessed. And although a confessor should feign flight from some pretext, however, he would always afford some reasonable suspicion of sin confessed. But P. Cuniliati, tr. 14. c. 4. §. 7. n. 10. says, that in that case, the penitent is bound to give license to the confessor, that he may be exempted from danger; otherwise, the confessor is not bound to absolve him. Al-

teneatur dare licentiam confessario, ut ille possit eximi a periculo; alias confessarius non tenetur ipsum absolvere, semper ac pœnitens potest licentiam præbere absque periculo sui gravis damni. Et addit, quod, si pœnitens injuste licentiam denegat, confessarius, modo non det aliis suspicionem confessionis auditæ, licite poterit fugere ex notitia per confessionem recepta, ut a periculo se liberet; tunc enim (ait) nullum pœnitenti imminet gravamen, sed tantum adest manifestatio apud ipsummet negatæ licentiæ. Id tamen minime admittendum puto; nam, licet absit gravamen pœnitentis, adest vero indirecta saltem revelatio notitiæ in confessione habitæ.

“Hic autem notandum id quod dicit Roncaglia de Sigill. c. 2. regul. prax. num. 1. nempe, quod, si confessarius noverit aliquem ex confessione solitum esse multa peccata, sive tenuem dispositionem afferre, non poterit sine justa causa se celare, sive excusari ab eo audiendo, quando aspiceretur ab aliis, et iis suspicionem talem ingereret, multoque magis si pœnitens id reputabit ut tacitam exprobrationem suorum peccatorum: secus vero (ait) si nullus aspiceret, quia tunc nulla in aliis oriretur suspicio. Sed huic ultimo non acquiesco; quia, si alias confessarius jam esset in confessionali, et ideo recedat, quia videt illum pœnitentem accedere, etiamsi alii nihil adverterent, videtur tamen hoc illi gravamen affer-

ways also, a penitent can afford a license without great loss to himself. And he adds, that, if a penitent unjustly deny the license, the confessor, provided that he does not give suspicion to others that he heard confession, can lawfully fly, according to the knowledge received in confession, that he should free himself from danger; for then, (he says) that no loss would threaten the penitent, but only there is a manifestation to himself, of a denied license. However, I think that is by no means to be admitted: for, although there be no injury to the penitent, yet there is an indirect disclosure of knowledge acquired in confession.

“But here is to be noted that which Roncaglia says, de Sigill. c. 2. regul. prax. n. 1. to wit, that if a confessor knew from confession that any one was given to much sin, or that he had an inferior disposition, that he could not without a just cause conceal himself, or be excused from hearing him, when he would be observed by others, and would convey such a suspicion to them; and much more, if the penitent thought that that was a tacit reproach for his sin. But otherwise, he says, if no one observe him, because then, no suspicion would arise in others. But I do not acquiesce in this last opinion; because, if otherwise, the confessor would now be in the confessional, and therefore departs, because he

re, et aliquo modo odiosam reddere confessionem, cum facile tunc pœnitens credat, quod, si ipsi confessus non fuisset, suam confessionem, apud illum confessarium, ut cupit, exleret. Et hoc magis est verendum post decreta, ut supra num. 656. ubi prohibentur confessarii ullo modo uti notitia confessionis ad externam gubernationem, aut cum aliquo gravamine pœnitentis; quod quidem intelligitur, ut inquit idem Ronc. cap. 2. quæst. 6. cum S. Thom, Lugo, Sanchez etc. etiamsi nulla intercedat revelatio, et etiamsi pœnitens nullo modo advertat hoc fieri ob confessionem peractam. Unde ex ipso Ronc. dico, quod licet tunc fuga illa ex prætextu apparenter justo non redderet confessionem odiosam tali pœnitenti, redderet tamen odiosam generaliter reipublicæ christianæ; quia, si fideles scirent posse confessarios ex colorato prætextu aufugere ab ipsis, ob notitiam in confessione acceptam suorum peccatorum, facile gravarentur. Licite autem confessarius se celabit, si justam habeat causam, ob quam etiam de audiendis aliis pœnitentibus incognitis æque se excusaret. Neque obstat quod pœnitens tunc etiam suspicari posset confessarium se celare ob audita ejus peccata; nam, si revera confessarius ob justam causam se excusaret, revera tunc ejus suspicio esset temeraria, quam confessarius vitare non tenetur. Hinc con-

sees the penitent approaching, although others would observe nothing, however, this appears to inflict a great loss upon him, and in some manner would render the confession odious, since the penitent might, in that case, easily believe that if he had not confessed to him, he would have made his confession to that confessor as he desired. And this rather is to be feared after the decrees, as above, n. 656. where confessors are prohibited, in any manner to use the knowledge of confession for external government, or with any loss to the penitent; which indeed is understood, as the same Ronc. cap. 2. quæst. 6. cum S. Thom. Lugo, Sanchez, &c. says, although no disclosure may occur, and although the penitent in no manner perceive that this was done on account of former confession. Whence from Ronc. himself, I say, that although that flight, apparently according to a just pretext, would not render confession odious to such a penitent; however, it would render it hateful generally to a Christian state, because, if the faithful knew that their confessors, from a pretext could fly from them, on account of the knowledge of their own sins acquired in confession, they might easily be offended. But lawfully, a confessor will conceal himself, if he have a just cause, on account of which, even be-

cludo quod circa hujusmodi pœnitentem ita se gerere debeat confessarius, ac se gereret erga alium cujus nunquam confessionem excepisset. Approbo tamen id quod dicit idem Roncagl. ibid. q. 5. cum de Lugo dist. 22. n. 116. quod si pœnitens indispositus minitetur confessario ob negatam absolutiouem, bene poterit confessarius ab illo aufugere, et non redire, quia tunc illæ minæ non sunt peccatum manifestatum ad absolutionem obtinendam, sed peccatum in confessione commissum, quod sigillo non gaudet. Sed ea fuga tantum permittitur confessario, si fugiendo non ingerat aliis suspicionem negatæ absolutionis; quod si eam ingereret, posset recitare aliquam orationem, non jam intendendo deceptionem pœnitentis, sed solam liberationem ab illa vexatione, quamvis pœnitens se decipiat credens illam orationem esse formam absolutionis. Vide dicta de Sacram. l. 6. n. 39. v. E converso.

cause of things heard from other unknown penitents, he would equally excuse himself. Neither does the objection hold good, that a penitent then also might suspect that a confessor concealed himself on account of his sins which he had heard; for if, in reality, the confessor could excuse himself for a just cause, then truly the suspicion would be rash, which the confessor is not bound to shun. Hence I conclude, that a confessor ought to conduct himself toward such a penitent, as he would conduct himself toward another, of whom he never received a confession. However, I approve that which the same Roncagl. says, ibid. q. 5. cum de Lugo, dist. 23. n. 116. that if an indisposed penitent threaten a confessor on account of absolution denied, the confessor can justly fly from him, and not return; because, in that case, these threats are not a sin made known for the purpose of obtaining absolution, but a sin committed in confession, which does not require the seal. But that flight is only allowed to a confessor, if by flying, he does not give to others the suspicion of a denied absolution, because if he would give that, he can recite some speech, not intending to deceive the penitent, but only to obtain freedom from that trouble, although the penitent may deceive himself, believing that that declaration was the form of absolution.

"660.—Dubitatur V. an confessarius sciens ex confessione ecclesiam esse pollutam, possit ibi celebrare. Hic casus quidem difficulter accidet; nam (uti diximus hoc. l. 6. n. 364.) ut ecclesia polluatur, requiritur publica violatio; tamen aliquando accidere posset, nempe, si violatio esset quidem publica, sed confessario incognita, vel si alii ignorarent per tale factum ecclesiam esse pollutam. In his autem casibus, *prima sententia*, quam tenent Sporer de Pœnit. num. 874. et Bon. eod. tit. q. 6. p. 4. num. 23. cum Sylvestr. Lavar. et aliis, dicit confessarium posse et teneri celebrare. Ratio, quia Ecclesia in favorem sigilli non videtur tunc velle obligare sacerdotem ad non celebrandum. *Secunda* tamen sententia, quam tenent Lugo dist. 23. n. 125. et Aversa ac Tambur. apud Croix l. 6. p. 2. n. 197. censet eum non posse celebrare, quia ex una parte urget præceptum non sacrificandi in ecclesia polluta, et ex alia minime urget præceptum servandi sigilli, cum nullum adsit periculum revelationis apud alios, nec damni pœnitentis. Et hæc sententia videtur satis probabilis cum Mazz. p. 589. si revera nullum sequatur pœnitentis gravamen, et nulla fiat revelatio indirecta, puta si confessarius justum exponat prætextum alibi celebrandi.

"Dubit VI. an, si ex confessione scias, aliquem (cui solitus es confiteri) non esse sacerdotem, vel non esse con-

"660.—It is doubted V. whether a confessor knowing from confession, that a church was polluted, can celebrate there. This case can scarcely happen, for (as we have said l. 6. n. 364.) that a church may be polluted, a public violation is required; however, sometimes it can happen, to wit, if the violation be indeed public, but unknown to the confessor, or if others would not know that by such a deed the church would be polluted. But in these cases, the first opinion says that he can, and is bound to celebrate. The reason is, because the church in favour of the seal, does not appear to wish in that case, that the priest should be obliged to the non-celebration. However, the second opinion thinks that he cannot celebrate; because, on the one hand, the command not to celebrate in a polluted church urges, and on the other hand, the precept of observing the seal, by no means applies, since there is no danger of disclosure amongst others, nor of loss to the penitent. And this opinion appears sufficiently probable, with Mazz. p. 589. if in truth the penitent suffer no detriment, and no indirect disclosure be made, say, if the confessor give a just pretext for celebrating elsewhere.

"It is doubted VI. whether if you know from confession that any one (to whom you were accustomed to con-

fessarium, possis et tenearis pergere ad ei confitendum. Negat Sanchez de Matrim. lib. 3. d. 16. n. 5. et probabile putat Sporer n. 871. quia ex una parte non potes simulare susceptionem sacramenti, ex altera non violas sigillum omittendo confiteri; sic enim nihil revelas de crimine pœnitentis, cum innumeræ possint esse causæ mutandi confessarium. Communius tamen, et verius, tenent oppositum Lugo d. 23. n. 105. Mazz. t. 3. n. 189. et Croix n. 1978. cum Viva, Dic. et Stoz, ac etiam probabile censet Sporer l. c. Ratio, quia in tali omissione, quamvis non adsit revelatio sigilli, semper tamen adest quædam odiosa exprobratio pœnitentis. Neque tunc oportet tibi simulare sacramentum (quod revera esset intrinsece malum), sed potes illi ficto sacerdoti vel confessario simpliciter aliquod peccatum manifestare sine intentione absolutionis: quod in hoc casu non esset illicitum, cum tua cooperatio ad peccatum illius esset tantum materialis.

“661—Ceterum, generaliter loquendo, dico, quod, esto confessarius in hac materia, tam gravi et periculosa, debeat esse valde cautus, ne pœnitentes ex confessione aliquod injustum gravamen subeant, ut sub initio animadversum volumus, tamen non teneatur cavere omnes leves conjecturas, quas facile malitiosi faciunt, sed tantum ne præbeat

fess) was not a priest, or that he was not a confessor, you can, and are bound to confess to him. Sanchez. de matrim. lib. 3. d. 16. n. 5. denies it, and Sporer, 871. thinks it probable, because on the one hand, you cannot feign the reception of a sacrament; on the other, you do not violate the seal by omitting to confess; for thus you reveal nothing concerning the crime of the penitent, since there may be innumerable causes for changing a confessor. However, the more common and true opinion holds the opposite. The reason is, because in such an omission, although there is not a disclosure of the seal; however, there is always a certain reproach attached to the penitent. Neither then does it behove you to feign a sacrament (which verily would be intrinsically evil) but you can make known to that feigned priest or confessor, some sin without the intention of absolution, which in this case would not be unlawful, since your cooperation to his sin, would be only material.

“661.—But, I say, generally speaking, although a confessor in this matter, so grave and perilous, ought to be very cautious, lest penitents may incur any unjust injury from confession, (as at the beginning we wished him to take care) however, he is not bound to avoid all trifling conjectures, which the malicious can easily make, but only lest he

suspiciones probabiles de peccatis auditis, ut dicunt Lugo d. 23. n. 106. cum Scot. Palat. et Med. ac Croix n. 1749. cum Gob. Tambur. et Gorm. ex D. Thom. Quodlibet 5. art. 13. ubi sic ait: *Si amotio subditi ab administratione possit inducere ad manifestandum peccatum in confessione auditum, vel ad aliquam (nota) probabilem suspicionem habendam de ipso, nullo modo prælatus deberet subditum remove.*”

afford probable suspicions concerning sins heard; as say Lugo, d. 23. n. 106. cum Scot. Palat. et Med. ac Croix n. 1749 cum Gob. Tambur. et Gorm. ex D. Thom. Quodlibet. 5. art. 13. where he thus says: ‘If the removal of a subject from office, can lead to the disclosure of a crime heard in confession, or to any (mark) probable suspicion to be held concerning himself, by no means ought the prelate to remove the subject.’”

The necessity for the seal will at once appear. The Romanist is bound to unbosom himself, to lay bare every thought, word, and deed of a sinful character to the Confessor Priest. It is then necessary that he should have some guarantee for strict secrecy. With all her pretensions to authority and infallibility, Rome could not maintain a dominion over the minds of men, and hold their souls in bondage through the confessional, if she did not appear to remove all hazard of disclosure on the part of the confessor. Hence the obligation of the seal—her object is to bring mankind within her power, to sway the minds of all through the confessional, and, therefore, she promises that the disclosure of sins and iniquities shall not be so taken advantage of as to prove injurious to the penitent.

The reason given again and again by Liguori for the observance of the seal is, that otherwise the “confessional would be rendered odious.” What then does he mean by these words? Let the Saint answer for himself. He says:

“No. 641.—*For truly that only renders the confession odious which draws away penitents from the confessional, and this odium is altogether to be avoided, in accordance with the institution*

of the sacrament, but not whatsoever odium which others would irrationally take from the confession of penitents."

again,—

"No. 643.—Because these defects are offensive, and the confessor knew them from the occasion of confession, whilst the penitent was explaining his own sins, *their disclosure would in some manner render confession odious, and would drive persons from it.*"

again,—

"Since these defects are known from the confession of sin by the confessor, *their publication would drive penitents from the confessional.*"

The confessional is by no means to be rendered odious, that is, so distasteful to the people that they would not frequent it;—hence the seal of the confessional—the Romanist thinks that he is safe in disclosing his sins to the Priest, otherwise he would not do so—*Domination is the object of Rome*—in the confessional the sinner is her slave, and to maintain that power she would accomplish any end.

The Penitent discloses his intention to murder his fellow-men—the Priest may entreat, but he can do no more, he cannot disclose. Why? lest the confessional should be rendered odious, and her members cease to frequent it. Penitents disclose their intention (as in the reign of James it was confessed to Garnet the Jesuit) to destroy human life by wholesale murder—at one fell blow to sweep away the Royal Family, the Lords and Commons. The Priest can not disclose, lest the confession would be rendered odious, or in other words, lest Rome should lose her ascendancy over the human mind; nay, the confessor himself, who learns from confession that his life is endangered, cannot take precautionary measures, if a disclosure of the confessional would thence

follow, and men henceforth be deterred from confessing all their sinful intentions and acts.

Ascendancy over body and soul is the object of Rome. She claims the right to know the thoughts of the heart—she would hold the human family with an iron grasp; and if the safety of a whole state, the life and well-being of men, nay, even the existence of the confessor himself, afford an obstacle—then perish the state, perish the individual, nay, perish the confessor, and let penitents still with confidence commit all their sinful thoughts, words, and deeds to her keeping.

“ Earthly, sensual, and devilish ” Tyrant, who gave thee the right to search the Heart ? Where in the Bible is there any mention made of the seal of the confessional ? God is the sole searcher of the heart—“ I the Lord search the heart and try the reins.”—“ To God alone all hearts are open, all desires known, and from him alone no secrets are hid,” but thou dost assume the prerogative of the living God, sitting in His temple, and virtually exalting thyself above Him.

Let it not however be supposed that Rome cannot turn the disclosures to her own account, as it will be seen, the confessor, with the license of the penitent, can act upon the communications made; and what devout Romanist, who is bound to regard the confessor “ as God in the confessional ” (*See No. 646.*) would not willingly give such a license for the meritorious purpose of serving “ Holy Mother Church ? ” This license may be written or unwritten, nay, the confessor can judge by certain acts on the part of the penitent that a *virtual* license was given; and if a difference should arise between the Priest and the penitent, the latter alleging that such a license was not granted, *the Priest is to be believed and not the Penitent !*

I would now give a synopsis of the statements made by Liguori on the seal :

No. 633.—The probable opinions cannot be acted upon in the matter of the seal. Those opinions, maintained by the Saint and acted upon generally, cannot be regarded here.

No. 634.—The seal, of divine right, is to be observed most strictly in every case, even where the safety of a *whole nation is at stake!*

This was remarkably exemplified in the Gunpowder Plot. Garnet the Jesuit in his trial admitted, that the plot was revealed under the seal of the confessional, and yet he could not avert it. In a letter recently written by the Rev. Roderick Ryder, lately reformed, to his quondam Bishop, he asserts that the Priests are cognizant of murders which take place in Ireland. This statement is quite accordant with the above principle.

No. 635.—The violation of the seal is a sin of fearful character.

No. 636.—When a matter is received under the seal, extra-confessionally, or out of confession, the obligation is not undergone.

No. 638.—The seal is not broken, if in general terms the confessor say that Titius confessed venial sins, provided that he do not mention particulars.

639.—If a testimonial be required from students, courtiers, &c., of having attended confession, the confessor may give it to them, even if they were so unworthy as not to have been meet for the reception of absolution ; hence murderers, adulterers, robbers, and all sorts of vile characters may thus receive a testimonial preparatory to the reception of the Sacrament. And why ? that the secrecy of the seal may be inviolate, for example, if a testimonial

were refused to such characters, that refusal would at once make it evident that they had confessed some great guilt.

However Cardinal de Lugo and others think that it would not be an infringement of the seal to deny a testimonial to such persons, but Liguori opposes the Cardinal, and says, that if it be simply written in the testimonial that the penitent confessed without any mention being made of absolution, *he may grant it*—he cannot, he says, deliberately *write* that the penitent was absolved when he was not, but if a *printed* form or certificate be put into the hands of the confessor, in which it is stated that the penitent *was absolved, he may sign it!*

Thus the confessor may give a printed testimonial to the most abandoned character, certifying that he was duly confessed and absolved, when he was not!!!

This is no lie, the saint adds, because the confessor only performs a *material act!*

No. 640.—All sins of the penitent, future and past, told for the purpose of accusing, fall under the seal, hence, if a man reveal his intention to commit murder, the Priest cannot divulge it! but if sins are mentioned by way of simple narration, they do not fall under the seal. According to the Thomists, accomplices can be brought under the influence of the Priest—*inquiry* can be made concerning them.

No. 641.—With the license of the penitent, an accomplice can be corrected;—odiousness is that which is calculated to drive away penitents from the confessional.—Penance imposed comes under the seal; circumstances not pertaining to the subject do not fall under the Seal.

Here the Saints and Doctors disagree; some think that defects and circumstances mentioned irrelevantly do not fall under the seal.

Cardinal de Lugo, Fagundez, Averza, &c., maintain this, while other authorities think otherwise, on the ground that their disclosure would render confession odious, or drive away penitents from it. Liguori appears to agree with the latter. The same difference exists as to the defect of scrupulosity,—by the way, it is worthy of notice that the Saint makes the following strange statement, “otherwise if it be said of a prelate, confessor, and the like, in whom *scrupulosity is a mark of a confused and irresolute mind.*”

No. 645.—In considering the persons bound by the seal, Liguori authorizes the confessor to swear that he does not know a sin which in reality was made known to him in the confessional. I have had occasion before when treating the subject of equivocation to notice this. The confessor is considered in a twofold point of view; as God and man. God in the confessional, man out of it. If the confessor should be asked to swear without equivocation, *even in that case he may persist in his denial.* Thus there is no means by which the Church of Rome can be bound by an oath; she will even swear that she does not use equivocation when in reality she does, and her conduct she justifies by that most convenient word,—*distinguo.*

British legislators exact an oath from Romish members of Parliament, in which those members swear that they use no equivocation. I give the oath and a passage from Liguori in parallel columns, and it will be seen how its obligation can be evaded, if it be not improper for a confessor to evade an oath, “a fortiori” it is not for a layman.

<p>“I do swear that I will defend to the utmost of my power, the settlement of pro-</p>	<p>“What if he should be asked to answer without equivocation? <i>Even in that</i></p>
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perty within this realm, as established by the laws; and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm: and I do solemnly swear that I will never exercise any privilege to which I am or may be entitled, to disturb or weaken the Protestant Religion or Protestant government in this kingdom, and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever."—*Oath for Roman Catholic members of Parliament.*

case he can answer with an oath that he does not know it, as more probably Lugo, n. 79. Croiz l. c. cum Stoz. et Holzm. num. 722. with Michel teach against others. The reason is, because then the confessor verily answers according to the oath made, which is always understood to be made in the manner in which it was possible to be made: to wit, of manifesting the truth without equivocation, that is, without that equivocation which can be lawfully omitted. But as to the necessary equivocation which could not be omitted without sin, the other has not a right that an answer should be given to him without equivocation, neither moreover is the confessor bound to answer without equivocation.—No. 646.

No. 647.—The superior who grants licenses for reserved sins is bound by the seal—so also a confidant, a person who stealthily overhears, a layman supposed to be a Priest, a Doctor consulted on the case—he who writes the confession of an unlearned man—he who hath found a written confession and reads it, and according to some the penitent himself.

No. 648.—As to the doctor consulted with the license of the penitent, there is a variety of opinion;—according to the third opinion mentioned by Liguori he is bound by the seal.

No. 649.—The question arises, whether a "consiliarius," or person consulted preparatory to confession, be bound to the seal? some answer in the affirmative, but the general opinion is in the negative.

650.—The person who reads a written confession

with a few exceptions, is not bound by the seal according to the more probable opinion.

No. 651. A Confessor can act on the knowledge acquired in the confessional, if he have a license from the penitent. St. Thomas says, that the penitent "can so act, that that which the Priest knew as God he may also know as man, which he does, when he gives him permission to speak concerning them, and moreover, if he speak he does not break the seal."

As to the license it must be free, but a most important statement is made; "*If it be doubtful whether the confessor may have spoken with the permission of the penitent, the Priest is to be believed rather than the penitent.*"

Nos. 652, 653.—The confessor can speak to the penitent of sins made known in former confessions.

In No. 656, he discusses more minutely the subject considered in No. 655.

Here he maintains that a superior cannot remove his subject, Priest, or otherwise from office, though from confession he knows him to be a murderer, an adulterer, the guiltiest character. If a man confess his intention to commit murder, he cannot be delivered up to justice, and the Priest must coolly look on while the murderer commits his guilty work. A Bishop cannot deny holy orders to a man whom by confession he knows to be unfit for the office.

So binding is the seal that a Priest cannot save his own life, though from confession he knew that it was endangered, if thereby he should render confession odious.

No. 660.—If it be known from confession that the supposed Priest to whom the penitent is accustomed to confess, is not in reality a Priest or confessor, but a de-

ceiver, the penitent is still bound to confess to him, lest the seal should be broken.

This co-operation, says Liguori, is not sin, but only a *material* act.

Remarkable are the words with which the Saint closes his dissertation :—

“If the removal of a subject from office can lead to the disclosure of a crime heard in confession, or to any (mark) probable suspicion to be held concerning himself, by no means ought the prelate to remove the subject.”

II.—We will consider the subject matter of conversation or confession between the Priest and the Penitent. In one word it is *Sin*,—sin in all the varieties in which it can be committed. In the secrecy of the confessional, secrecy, the inviolable character of which we have been considering—inviolable to suit the purposes of Rome,—the Priest and the penitent converse not “on righteousness and true holiness,” but *Sin*.

The Romanist kneels down beside the Priest, and having asked his benediction repeats the *confiteor* as follows :—

“I confess to Almighty God, to the blessed Virgin Mary, to the blessed St. Michael, archangel, to the blessed St. John, baptist, to the holy apostles St. Peter and St. Paul, to all the Saints, and to *you* my ghostly Father, that I have grievously offended in thought, word, and deed, *through my fault, through my fault, through my most grievous fault.*

“Therefore, I beseech the blessed Virgin Mary, the blessed St. Michael the archangel, the blessed St. John, baptist, the holy apostles St. Peter and Paul, and all the Saints in Heaven, and *you* my ghostly Father, to pray to our Lord God for me.”

Some at the words “through my fault” make the confession, and afterwards close the *confiteor*; while others make the confession at the end of the *confiteor*.

Speaking on the necessity of confession, &c., the Councils of Lateran and Trent say ;

“ Let every one, both men and women, truly make confession of all their sins *at least* once a year to their own Priests, or to some other, having permission first from their own Priests, else he can neither absolve nor bind them.”

The Council of Trent says,—

“ The Universal Church has always understood, that an *entire confession* of sins was ordained by Christ, and that it is of divine right, necessary to be observed by all who have fallen into sin after baptism, for our Lord Jesus Christ being taken from earth to heaven, left His priests as His vicars, to be judges and presidents; before whom the faithful should bring *all* the mortal sins into which they have fallen, to the end that using the power of the keys committed to them, for the remission or retaining of sins, they pronounce sentence; as it is manifest that the priests *could not exercise this jurisdiction, without knowledge of the causes of sin*, nor maintain equity in the infliction of penances, if penitents should confess their sins only in general and not in detail it follows, that they ought to disclose and enumerate *all the mortal sins* with which they are conscious that they are chargeable, even the *most secret* of their transgressions; and not only the sins themselves, but **ALL THE CIRCUMSTANCES** which gave a particular complexion to them.”

Thus it is necessary for Romanists to attend the confessional at least once a year. Devout Romanists attend frequently. All mortal sins and the circumstances connected with them must be detailed—Doctors have been disagreed to a great extent in their views upon sin. Some doctors think certain sins mortal, while others think the same only venial. The devout Romanist will therefore confess all his sins, and it is the part of the confessor to adjudicate accordingly. The most unholy thoughts and actions are detailed in the confessional; the Priest, well instructed in all the forms and varieties of sin, gently leads the penitent and elicits a full confession. The penitent confesses as to God. Liguori, for the instruction of confessors, has written his treatise, and from it we learn the disgusting character of the confessional—

so obscene is the treatise that the Saint feels it necessary to make an apology for it, similar to that which he offered when about to enter on the consideration of the sixth and ninth commandments,

His apology is as follows;—

“It grieves me concerning this matter which contains so much filthiness, as by its very name will disturb pure minds, to give a longer dissertation; but, OH THAT THIS SUBJECT WERE NOT SO FREQUENT AS IT IS IN CONFESSIONS, THAT IT WOULD NOT BEHOVE THE CONFESSOR ALTOGETHER TO BE FULLY, BUT ONLY BRIEFLY INSTRUCTED;—BESIDES, LET THE CHASTE READER PARDON ME IF I SPEAK LARGELY, AND ENTER INTO DETAILS WHICH EXHIBIT MORE UNSEEMLY UGLINESS; but, if it appear strange to any one that authors, moreover prudent and pious, should have treated largely concerning this matter, and described even minute circumstances of various cases, let him hear the most illustrious Ludovicus, who vindicates the excellent work on matrimony of the most learned Thomas Sanches from this censure, in the following words; ‘although he treats concerning the matter of filthy acts, yet hell is more filthy, and if the discourse be filthy, it is more so to be corrupt in sin, as Petrus Blessensis says, that author stirs up the filthy mire, for the purpose of curing the diseased. If men were angels, they would not need such things.’—*De usu matrimonii*.

From this apology we learn:—

I.—The absolute filthiness of the Saint’s treatise on matrimony.

II.—That it is written specially for the instruction of confessors, who must be fully instructed in all these matters, that they may be able to discharge the duties of their office.

III.—That these filthy subjects are debated in the confessional. Liguori now proceeds to discuss minutely all these questions.

In the “*praxis confessarii*” he considers the offices of a confessor, which are fourfold, viz. Father—Physician—Doctor—and Judge.

First, as a Father he must be full of love, and when

penitents who have committed atrocious wickedness approach, Liguori exhorts the confessor to address them to the following effect:—

“ Brother, be of good cheer, fear nothing, *confess thy sins without fear, disclose every thing with confidence*, BE ASHAMED OF NOTHING ; it matters not if you have not explored the secrets of your conscience—*it suffices if you answer my interrogations*. Give God thanks who hath invited you to such penitence. Now let your life be changed; rejoice, for God will certainly pardon all your sins, however grievous, if you have a good will, and therefore he hath invited thee that he should spare thee; *therefore tell every thing with a cheerful mind, conceal nothing through unwillingness.*”—*Prax Conf., No. 3.*

If it be necessary in the course of the confession, the confessor shall add:—

“ Brother, do you wish to recover from this wickedness? Is it not so. And since you are prepared to do this, be of a cheerful spirit; *therefore narrate your remaining sins, concealing nothing*. Beware, I beseech you, lest you commit sacrilege, for this is the greatest of all sins which you have hitherto committed. *Therefore tell every thing with a cheerful spirit—conquer yourself—confess all things sincerely, for God is ready to spare thee.*”—*Ibid. No. 4.*

Liguori exhorts that the confessor, as a father, must be bland in his manners.

Secondly, he is a Physician, “ therefore he should know the origin and cause of all spiritual diseases.”

Some confessors enquire only the number and the species of sin, but says our Saint:—

“ Good confessors act otherwise, for they, in the first place, begin to investigate the cause and seriousness of the disease **BY INTERROGATING CONCERNING THE HABIT OF SINNING—THE OCCASION—THE TIME—THE PLACE—THE PERSONS WITH WHOM—THE COMBINATION OF CIRCUMSTANCES.**”—*Ibid. No. 6.*

Thirdly he is a Doctor,—as such he must be fully acquainted with sin in all its varieties, hence the Saint says, that

“ The office of hearing confessions is, of all others, the most important and the most difficult.”—*Ibid. No. 17.*

Fourthly, he is a Judge—because,

“In the first place, he ought to know the state of the penitent’s conscience, after that observe his disposition; and then either grant or withhold absolution.”—*Ibid. No. 19.*

The following instructions are given as to the interrogations which are to be made by the confessor:—

“As to the sixth command, penitents are to be interrogated concerning thoughts, whether they may have desired or dwelt with delight on ill-favoured subjects, and whether they have given their consideration or consented to these things; then . . .

As to the sins of married persons, with regard to AD DEBITUM MARITALE GENERALLY SPEAKING THE CONFESSOR IS BOUND, AND OUGHT ONLY TO INTERROGATE THE WIVES !*

Ibid, No. 41.

Liguori enters largely upon the sins of the married state, for the purpose of enabling the confessor to examine the penitent fully upon all the varieties of sin. I dare not translate any part of his treatise “de usu matrimonii;” I will however give a portion of it in the latin, as a further proof of the obscenity of the confessional.

“ 914.—An autem liceat marito delectari de copula aliena cogitata, ut se excitet ad coitum cum uxore? Ex una parte videtur negandum, cum objectum, de qua delectatur, sit per se turpe. Ex alia non videtur damnandus talis conjux, cum ideo solutis est illicita spectatio concubitus humani, sive delectatio de visu cogitato talis concubitus; quia in tali visu vel delectatione adest proximum periculum commotionis spirituum generationi deservientium; et, cum ipsis copula sit prohibita, consequenter etiam est vetita commotio spirituum: conjugatis autem, cum eis jam permissa sit copula, non videtur vetita saltem sub gravi talis commotio spirituum, quamvis ipsa ex delectatione illa oriatur. Hanc tamen cogitationem, si esset de copula inter personas determinatas, non excusarem a mortali, ob facile periculum consentiendi in delectationem de copula cum conjuge aliena. Ceterum, quia hoc dubium apud nullum inveni discussum, sapientibus remitto decernendum. Illud autem, quod probabile putat Arriaga de Peccat. d. 47.

* The Confessor’s interrogation of wives, is too filthy to be translated.

num. 16. scilicet licitum esse marito delectari de copula cogitata inter ipsum, et alienam, dico cum La-Croix num. 331. omnino rejiciendum, cum talis delectatio sit de objecto intrinsece malo, et ipsi conjugii omnino vetito.

“915.—VI. Si fiat modo indebito, verbi gratia, 1. si non servetur vas naturale: quod multi docent esse veram sodomiam, alii esse grave peccatum contra naturam. Vid. 6. præceptum. 2. Si sine justa causa situs sit innaturalis, præposterus etc. quod aliqui dicunt esse mortale, alii, secluso periculo effusionis seminis, veniale tantum, etsi grave, et graviter increpandum. Dian. part. 3. t. 4. res. 204. 3. Si alter conjugum ex morositate, vel alia ratione seminationem cobibeat, quod quidam generatim dicunt esse mortale, quia finis actus conjugalis, scilicet generatio, impeditur; quidam tamen, ut Præposit. et Sanchez dicunt in femina nullum esse. Vid. Bonac. p. 6. n. 15. et p. 1.’

“916.—Quæritur. I. An peccet mortaliter vir inchoando copulam in vase præpostero, ut postea in vase debito eam consummet. Negant Navarr. l. 5. Consil. de Pœnit. cons. 7. ac Angel, Zerola, Graff. Zenard. et Gambac. apud Dian. p. 2. tract. 17. r. 37. modo absit periculum pollutionis; quia alias, ut aiunt, omnes tactus etiam venerei non sunt graviter illiciti inter conjugatos. Sed comm. et verius affirmant Sanch. l. 1. d. 17. num. 5. Pont. lib. 10. c. 11. n. 5. Pal. p. 4. § 2. n. 6. Bon. p. 11. n. 12. Spor. n. 497. Tamb. l. 7. c. 3. § 5. n. 31. et Boss. c. 7. n. 171. cum Fill. Perez, Aversa, Fagund. et Leandro. Ratio, quia ipse hujusmodi coitus (etsi absque seminatione) est vera sodomia, quamvis non consummata, sicut ipsa copula in vase naturali mulieris alienæ est vera fornicatio, licet non adsit seminatio. An autem sit mortale viro perfricare virilia circa vas præposterum uxoris? Negant Sanchez num. 5. et Boss. n. 175. cum Fill. et Perez, quia tangere os vasis præposteri non est ordinatum ad copulam sodomiticam. Sed verius pariter affirmant Pontius loco citato, Pal. n. 6. Diana p. 4. tr. 4. r. 104. et p. 5. tr. 7. r. 7. item Fagund. Leander etc. apud Boss. loc. cit. atque Tambur. n. 32 (qui testatur ex aliquibus codicibus sententiam Thomæ Sanch. esse deletam; imo Moyas asserit ipsum Sanch. se retractasse in editione Antuerpiensi anno 1614.) Ratio est, quia saltem talis tactus non potest moraliter fieri sine affectu sodomitico.

“917.—Quærit. II. An et quomodo peccent conjuges coeundo situ innaturali. Situs naturalis est, ut mulier sit succuba, et vir incubus; hic enim modus aptior est effusioni seminis virilis, et receptioni in vas femineum ad prolem procreandam. Situs autem innaturalis est, si coitus aliter fiat, nempe sedendo, stando, de latere, vel præpostere more pecudum,

vel si vir sit succubus, et mulier incuba. Coitum hunc, præter situm naturalem, alii apud Sanch. l. 9. d. 16. num. 2. generice damnant de mortali; alii vero dicunt esse mortale ultimos duos modos, dicentes ab his ipsam naturam abhorrere. Sed communiter dicunt alii omnes istos modos non excedere culpam venialem. Ratio, quia ex una parte, licet adsit aliqua inordinatio, ipsa tamen non est tanta, ut pertingat ad mortale, cum solum versetur circa accidentalialia copulæ; ex alia parte, mutatio situs generationem non impedit, cum semen viri non recipiatur in matricem mulieris per infusionem, seu descensum, sed per attractionem, dum matrix ex se naturaliter virile semen attrahit. Ita S. Ant. 3. p. tit. 2. c. 2. § 3. in fine, cum Alb. M. Nav. c. 16. n. 42. Pont. l. 10. c. 11. num. 1. Petrocor. t. 4. p. 445. v. Tertius casus, Salm. c. 15. n. 73. Boss. c. 7. num. 68. Hol. n. 458. Sporer num. 493. Ronc. p. 184. q. 4. Croix num. 332. Pal. de Sponsal. d. 3. p. 4. § 3. n. 1. cum Sa, Tolet. Hurtad. Con. et Henr. ac Sanch. l. 9. d. 16. num. 3. cum Gers. Cajet. P. Soto, Dom. Sylv. Arm. Vict. etc. Et aperte favet D. Thom. in 4. d. 31. in fin. in Exp. Lit. ubi sic ait. *Sed in secundo modo (nempe mutando situm naturalem) non semper est peccatum mortale, ut quidam dicunt, sed potest esse signum mortalis concupiscentiæ.* Ergo ex D. Thoma mutatio situs per se non est mortalis, sed potest esse mortalis ex prava concupiscentia, puta ex affectu bestialitatis, vel sodomiae, vel si hujusmodi voluptas habeatur ut finis ultimus. Hinc communiter dicunt præfati AA cum Conc. p. 403. n. 2. conjuges minime peccare, si mutant situm ex justa causa, nempe ob ægritudinem, vel pinguedinem viri, vel ob periculum abortus, aut scandali aliorum, idque expresse dicit Angelicus l. c. ubi subdit: *Quandoque sine peccato esse potest, quando dispositio corporis alium modum non patitur; alias tanto est gravius, quanto magis a naturali modo receditur.* E converso, conveniunt omnes (ut asserunt Sanch. n. 5. Pal. l. c. Boss. n. 171. etc.) quod, si experientia constaret quod mutato naturali situ nihil seminis femina retineret ob nimiam vasis laxitatem, vel humiditatem, vel propter aliquam infirmitatem naturalem, ut ait Palaus, tunc esset mortale: secus vero dicit Sanchez, si non ex situ, sed ex aliquo morbo mulieris talis effusio provenit.

“Dicunt autem Sanch. d. n. 5. Pont. d. cap. 11. n. 3. Pal. d. n. 1. et Boss. num. 171. cum Perez, Hurt. et Aversa, non esse mortale, si ob variationem situs pars tantum seminis decidat, reliquo intra vas retento suffiçiendo ad generationem; quod dicunt Sanch. et Boss. aliquando evenire; imo fere semper evenire aiunt Pal. et Pontius, qui testetur sic medicos asserere. Verum Salm. cap. 15. num. 74. hanc opinionem vocant minis laxam, quia, ut inquirunt, prodigere semen humanum sine rationabili causa non potest excusari a mortali; certum dicunt ipsi Salm.

l. c. ac Sanchez num. 5. et Sporer n. 493. cum Aversa, non teneri confessarium interrogare conjugem de hoc se accusantem, an semen effusum sit, vel non, quia raro, ut aiunt, accidit semen effundi; et sic etiam ego plures audivi ab eis, qui apud me in confessione se accusabant præpostere coivisse. Eos vero, qui coeunt stando, vel sedendo, vel mulierem incubam, puto esse in majori periculo semen effundendi. Sed per hoc non audeo damnare sententiam Sanch. Pontii, Palai, et aliorum ut supra; nam possent ipsi Salmant. respondere, quod sine justa causa prodigere semen, sive (ut melius Salm. dicere debebant) permittere, ut semen prodigatur, nunquam licet, quando semen extra vas uxoris effunditur, non vero quando intra immittitur, et per accidens, non autem ex ipso actu prodigitur; quia tunc matrix, ut dicunt AA. præfati, jam attrahit quod est sufficiens ad generationem, et reliquum tanquam superfluum expellit. Utrum autem teneatur conjux addere alteri petenti debitum situ innaturali sine justa causa? Vide dicenda n. 946.

“918.—Quær. III. an peccent mortaliter conjuges, si incepta copula cohibeant seminationem. Respondetur: Si conjuges ambo in hoc consentiunt, nec adsit periculum seminandi extra vas, id per se loquendo non est mortale; illa enim penetratio vasis feminei tunc reputatur instar tactus verendorum, qui inter conjuges permittitur, vel saltem non est mortalis, secluso periculo pollutionis. Ita communiter S. Anton. 3. p. tit. 1. c. 20 § 6. Pont. l. 10. c. 11. num. 9. Pal. p. 4. § 3. n. 3. Laym. l. 6. § 14. n. 19. Bonac. q. 4. p. 6. n. 15. Less. l. 4. c. 3. num. 55. Sporer n. 490. Salm. c. 15. num. 82. cum Aversa, et Dic. Boss. c. 9. n. 58. cum Fill. Hurt. et Perez, ac Sanch. lib. 9. d. 19. n. 3. cum Pal. Cajet. Ang. Sa, Arm. Tasi. etc. Dixi 1. *si ambo consentiunt*; nam, si alter se retrahit sine alterius consensu, certe graviter peccat, ut dicunt omnes AA. præfati. Dixi 2. *per se loquendo*; nam sapienter advertit Sanchez l. c. cum Veracrux, id ordinarie esse mortale, quia ordinarie adest periculum ex tali retractione effundendi semen, nisi conjuges experti sint oppositum; quo casu tamen puto nullo modo posse eos excusari saltem a veniali, quidquid dicat Sanch. ib. cum aliis.

“Si vero femina jam seminaverit, vel sit in probabili periculo seminandi, non potest quidem vir data opera a seminatione se retrahere, sine gravi culpa, quia tunc ipse est causa, ut semen uxoris prodigatur, communiter dicunt S. Anton. l. c. Salm. n. 81. Holzm. n. 451. et Sanch. n. 4. cum Palud. Caj. Ang. Sa, et alii passim. Hoc tamen non erit ita intrinsece malum, ut aliquo casu permitti non possit, puta si vir desisteret a copula ob periculum mortis, vel scandali aliorum, tunc enim licite potest se retrahere etiam cum periculo pollutionis, quia hæc per accidens, et præter intentionem eveniret, et contra non tenetur cum periculo tanti damni generationem procurare. Ita

communiter Sanchez d. num 4. Pal. num. 5. Dian. 3. p. tr. 4. r. 204. Boss. n. 60. cum Less. Aversa, et Perez, ac Salm. n. 81. cum Cajet. Dicast. Henr. etc. Hæc sunt certa apud omnes.

“ Si autem vir jam seminaverit, dubium fit, an femina lethaliter peccet, si se retrahat a seminando; aut peccet lethaliter vir non expectando seminationem uxoris. *Prima sententia* affirmat, et hanc tenent Aversa, Hurt. et Ochagav. ap. Boss. c. 9. n. 51. et probabilem putat Diana part. 5. tr. 14 r. 37. atque videtur cohærere Tabien. et Arm. apud Sanch. l. 9. d. 19. n. 5. dum indistincte dicunt esse mortale, si altero seminante conjux a seminatione se retrahit. Ratio, quia, ut aiunt, etiam semen mulieris active concurrat ad generationem, prout censent ex medicis Hippocrates, Galenus, Valesius, et Petrus Matha ap. Sanch. l. 2. d. 21. n. 11. et ex theologis Suar. t. 2. in 3. p. d. 10. sect. 1. v. Secundo infertur, ubi ait: *Semen maternum simpliciter necessarium est ad concipiendum filium.* Item B. Bonav. et Major ap. Boss. d. n. 60. ac Caj. Abul. et plures alii ap. Sanch. l. c. et ipsi Sanchez et Boss. hanc opinionem satis probabilem putant; saltem, ait Bossius, semen mulieris juxta omnes valde confert prolis perfectionis, cum ad hoc saltem fuerit a natura institutum. *Secunda* vero sententia communior negat; et hanc tenent Sanch. l. 9. d. 19. num. 5. Pont. l. 10. c. 11. n. 2. Bon. p. 6. n. 14. et Salm. c. 15. num. 80. cum Caj. Henr. Dic. Veracr. etc. Hi contrario nituntur fundamento, nempe quod semen mulieris non sit necessarium ad generationem, ut asserunt Aristoteles, Avicenna, Galenus sibi contrarius, ac Hugo Senensis, et Alb. M. ap. Sanchez l. 9. d. 17. n. 2. qui ait hanc esse sententiam communem theologorum, exceptis Scotistis. Nec obstare dicunt AA. hujus secundæ sententiæ, quod semen feminæ conferat perfectionem prolis; nam respondent quod non teneantur conjuges ad convenientiorem modum generandi. sed satis sit, si generationi non obstant. Quamvis autem dicant præfati AA. non teneri virum expectare seminationem mulieris, si ipse jam seminaverit, concedunt tamen ei posse continuare copulam, usque dum seminet femina, quia hoc pertinet ad complementum copulæ uxoris, ut censent Pontius et Dian. ll. cc. Bonac. n. 14. cum Caj. et Sanch. d. 17. n. 11. cum Tab. et Graff. contra Henriq. (ap. Bon. l. c.) qui sentit virum non teneri expectare seminationem feminæ, quia periculum est ut hoc pacto impediatur generatio, quod non videtur satis probabile, nec cohærens; nam, si adesset tale periculum, non debuisset dicere non teneri, sed non posse, quod nemo asserit; nemo enim hoc periculum supponit.

“ Sed redeundo ad primam quætionem, esto secunda sententia sit quidem commnior, et probabilior, ut videtur, censeo tamen cum Boss. l. c. n. 52. primam sententiam esse satis pro-

babilem, et ideo in praxi tenendam. Ratio, quia non licet sequi opinionem probabilem cum damno tertii; cum autem hic agatur de damno prolis, sive generationis, adversus naturam, quæ jus habet ut non impediatur generatio, cum ad hoc instituerit actum conjugalem, propterea ubi est periculum impediendi generationem, non licet uti opinione probabili; ubi enim, ut diximus l. 1. n. 33. agitur non de honestate actionis, sed de veritate rei, illicitum est sequi, ut omnes fatentur, opinionem probabilem pro libertate, adversus aliam stantem pro lege. Hinc neque practice probabile puto id quod dicunt Sanch. num. 5. et Spor. n. 491. cum Perez, Escob. Dic. et Gobato, nimirum posse mulierem in actu coitus animum ad alia divertere, ne concitetur ad seminationem.

“ 919. — An autem, si vir se retrahat post seminationem, sed ante seminationem mulieris, possit ipsa statim tactibus se excitare ut seminet? Negant auctor addit. ad Wigandt. t. 16. post n. 106. ac Dian. et Rodr. ap. Boss. l. 9. n. 54. adhæretque Pal. p. 4. § 3. n. 6. dicens id non esse licitum, si mulier posset se continere. Ratio, quia semen mulieris non est necessarium ad generationem; item quia effusio illa mulieris, utpote separata, non fit una caro cum viro. Communius vero affirmant Wigandt tr. 116. n. 103. v. Solve, Less. l. 4. c. 3. num 94. Bon. q. 4. p. 6. num 17, in fin. cum Sanchez lib. 9. d. 17. n. 10. Pot. t. 1. cap. 4. n. 44. 10. Tamb. Dec. l. 1 c. 3. § 5. n. 18. Salm. cab. 15. n. 80. in fin. cum Dic. Filliuc. tr. 10. num. 330. Sporer, n. 491. Boss. c. 9. num. 55. cum Aversa, Perez, Fagund. et Leandr. ac Elb. p. 479. num. 425. cum Cleric. Hom. Dian. Gob. et Bosco, et non reprobatur Concin. p. 406. num. 11. Ratio, tum quia seminatio mulieris pertinet ad complendum actum conjugalem, qui consistit in seminatione utriusque conjugis; unde, sicut potest uxor tactibus se præparare ad copulam, ita etiam potest actum copulæ perficere, tum quia, si mulieres saltem post irritationem tenerentur naturam compescere, essent ipsæ jugiter magno periculo expositæ peccandi, cum frequentius viri, quia calidiores, prius seminent (sed hæc ratio non suadet; nam si hoc permetteretur uxoribus, deberet permitti etiam viris, casu quo mulier post suam seminationem se retraheret, et vir maneret irritatus; at DD. communiter dicunt id vetitum esse viris, ut Sanch. n. 10. Wigandt et Bonac. l. c.); tum quia, ut plures sentiunt, seminatio mulieris est necessaria, vel saltem multum confert ad generationem: nihil enim a natura frustraneum agitur. Omnes autem concedunt uxoribus, quæ frigidioris sunt naturæ, posse tactibus se excitare ante copulam, ut seminent in congressu maritali statim habendo. Vide Conc. n. 13.

“ 920.— VII. Si in loco indebito, v. gr. sacro, qui inde vio-

letur, vel in loco publico. (Vel dicta de hoc puncto lib. 3. num. 485. ubi diximus cum Navarro, Vasq. Tol. Azor. Con. Pont. etc. quod, licet probabile sit, per copulam conjugalem occultam in ecclesia non committi sacrilegium, neque ecclesiam pollui, probabilius tamen est oppositum, nisi adsit necessitas, cum Suar. Sanch. Less. Bonac. Holzm. Croix, Salm. etc. etsi eo casu non tenenter clerici ibi abstinere a divinis officiis celebrandis, nisi concubitus ille habitus publicetur, ut dicunt iidem auctores et probatur in hoc lib. 6. n. 364. quia ecclesia non censetur polluta quoad celebrationem officiorum, nisi crimen sit notorium notorietate facti.)

“921.—‘VIII. Si absque urgente causa fiat tempore debito: 1. in magna solemnitate, ut paschæ, vel pridie communionis. Vid. M. Perez d. 49. s. 2. 2. Quando uxor est gravida, saltem si sit periculum abortus. Nav. Sylv. Sanch. Conc. Fill. n. 337. Hoc enim si non sit, non erit saltem mortale: quod enim tunc fine suo frustretur semen, non sequitur per se ex actu. Unde Dian. p. 3. tr. 1. r. 204. et Coninck. d. 34. dub. 9. nullum peccatum agnoscunt. 3. Cum uxor laborat fluxu menstruo. Quod tamen non esse mortale, contra Azor. docet Sanch lib. 9. d. 21. n. 2. Imo aliqui apud Dian. l. c. ut Pont. l. 10. c. 11. et c. 14. num. 5. et 6. docent nec veniale esse, si periculum urgeat, quod Sanchez l. c. docet esse probabile; additque M. Perez, si ob finem honestum fiat, nullum esse; et teneri reddere debitum uxorem, si maritus exigat. Vide dist. 49. sess. 3.’

“922.—Quæritur I. an liceat conjugi coire die communionis. Vide quæ fusius diximus hoc l. 6. num 274. et 275. ubi tenuimus esse veniale accedere ad eucharistiam die copulæ habitæ ob voluptatem, nisi excuset aliqua rationabilis causa. Si vero copula est habita causa procreandæ prolis, vel etiam incontinentiæ vitandæ, tunc est solnm consilii S. communionem abstinere, ex cap. Si vir 7. Canus 33. q. 7. Et sic pariter est consilii abstinere die quo conjux reddidit debitum; a quo autem reddendo, ordinarie loquendo, propter communionem non potest eximi; nam aliquando potest honestis precibus resistere. Quid autem debeat confessarius respondere conjugi interroganti, an teneatur reddere die communionis? Vide d. n. 274. v. Quid. Sed post communionem sumtam nullum est peccatum reddere. An autem petere? Alii dicunt esse veniale: alii nullum. Vide ibid. verb. Die autem.

“923.—Quæ. III. an diebus festivis, vel jejuni, aut rogationum, sic illicitus actus conjugalis. Commune est non esse venitum tunc debitum reddere cum D. Thoma Suppl. q. 64. a. 7. ubi dicit: *Cum mulier habeat potestatem in corpore viri, et e converso, tenetur unus alteri debitum reddere quocunque tempore, et*

quacumque hora. An autem sit vetitum petere? *Prima sententia* affirmat; et hanc tenent D. Thom. loc. cit. art. 1. S. Ant. 3. p. tit. 1. c. 20. §. 11. Concin. t. 10. p. 395. n. 10. item Mag. Sent. Alb. Palud. Gers. Sylv. Tab. etc. ap. Sanch. lib. 9. d. 12. n. 3. Hoc tamen sub culpa veniali, ut ait D. Thom. cum aliis, non vero sub mortali, ut aliqui improbabiler tenent apud Sanch. quia tempus sacrum *non est circumstantia* (ratio S. D.) *trahens in aliam speciem peccati, unde non potest in infinitum aggravare.* Rationem autem cur sit veniale, assignat idem Angelicus, dicens: Actus matrimonialis, quamvis culpa careat, tamen, quia rationem deprimit propter carnalem delectationem, hominem reddit ineptum ad spiritualia: et ideo in diebus in quibus præcipue spiritualibus est vacandum, non licet petere debitum. *Secunda* vero communior negat esse illicitum: et hanc tenent Sanch. lib. 9. d. 12. num. 5. cum S. Bon. Scoto, Cajetan. Arm. Soto, Ang. Valent. etc. item Pont. l. 10. cap. 9. per totum, Pal. p. 4. §. 4. n. 5. Bon. p. 4. p. 6. n. 28. Salm. c. 15. num. 58. cum Henr. Dic. Con. Aversa. Led. etc. ac Boss. cap. 7, n. 84. cum Azor. Regin. Fill. Perez etc. Ratio, quia id non habetur vetitum ullo jure non divino, quia in festis sola opera servilia prohibentur; non ecclesiastico, quia diebus festis et jejunii, non obstante congressu maritali, possunt conjuges servare ea quæ sunt de præcepto. Quod si canones et sancti patres videantur iis diebus expresse prohibere usum conjugii, dicunt præfati AA. id intelligi de consilio, non de præcepto, ut multis nititur probare Sanchez cum Gloss. in canones et aliis interpretibus.

“924.—Quær. III. an liceat coire conjugibus tempore prægnationis. Commune est id non esse mortale, nisi adsit periculum abortus. Ita omnes cum Sanch. l. 9. d. 22. num. 3; Pont. l. 10. c. 14. n. 7. Pal. p. 4. §. 4. num. 12. Salm. c. 15. num. 78. Ronc. p. 184. q. 3. r. 2. et Boss. cap. 9. n. 33. ex D. Augustino de Bono Conjug. cap. 6. ubi: Conjugalis enim concubitus generandi gratia non habet culpam: concupiscentiæ vero satiandæ, sed tamen cum conjugate, propter fidem tori, venialem habet culpam. Idem docet D. Ambrosius in Luc. c. 1. ibi: At vero homines nec conceptis ipsis, nec Deo parent, illos contaminant, hunc exasperant. Notatò *contaminant*; igitur supponit S. doctor periculum abortus. Item divus Hieronymus in c. Origo 32. q. 4. *Postquam venter intumuerit, non perdat filios.* Item divus Thom. in 4. dist. 81. in fin. in Exposit. Lit. ibi: Ideo Hieronymus vituperat accessum viri ad uxorem imprægnatam, non tamen ita quod semper sit peccatum mortale, nisi forte quando probabiliter timetur de periculo abortus.

“Censent autem Sylvest. Ang. et Tab. apud Sanch. l. c. n. 1. adesse periculum abortus, si copula habetur circa initium con-

ceptionis, quia ex novo coitu materia illa nondum plene formata, facile dispergitur; nam, licet matrix post conceptionem statim claudatur, tamen, ut ait Avicenna, ex vehementi delectatione coitus irritata, aliquando aperitur, et materia effunditur. Hoc tamen non obstante, dicunt Pontius dict, num. 7. Pal. n. 11. Sanch. dict. n. 1. cum Ang. et Sylv. (contra Tabien.) ac Boss. n. 18. cum Fill. Hurt. Perez, et Raynaud. quod coire cum tali periculo non reputetur mortale, quia, ut aiunt Sanch. et Boss. cum materia non sit adhuc formata, et conjuges dent operam rei licitæ, utendo jure suo, modo abortum non intendant, damnum illud non est tantum, ut lethalem constituat culpam. Sed hæc ratio mihi non probatur, quia, cum per copulam noceatur vitæ, vel formationi prolis, conjux tunc non habet jus ad copulam. Potius videtur dicendum non adesse tale periculum, quia (ut dicunt idem Sanchez n. 7. Pal. d. n. 11. Boss. d. num. 18. Holzmann p. 463. cum Illsung. et Bon. q. 6. part. 6. num. 12. cum Con. et Reg.) communiter non adest tale periculum, dum matrix recepto semine arctissime constringitur, nec ordinarie reseratur per coitum, ut tradunt ipse Avic. et Valverdu. apud Boss. loco citato, cum conjuges indiscriminatim accedant, et tamen abortus non succedant; unde ait Boss. quod, usquedum non constet experientia, aliquam uxorem ex coitu pluries fetum emisisse, non sit præsumendum periculum abortus. Tanto minus autem aderit tale periculum, si habeatur copula tempore proximo partui, ut perperam aliqui dixerunt, putantes tunc exponi prolem discrimini suffocationis; nam verius, ut ait Boss. num. 30. cum Rayn. fetus humanus ita secundinis involvitatur, ut eum non possit semen contingere. Hinc ait Petrocor. t. 4. p. 447. periculum abortus non ita facile præsumendum; et ideo non esse vexandos conjuges importunis interrogationibus, ut abstineant tempore prægnationis: Quæ enim (ait) spes eos a concubitu avocandi? et quale non timendum periculum, si a sua bona fide perturbentur?

“Utrum autem, secluso periculo abortus, sit culpa venialis habere coitum cum prægnante? Affirmant D. Antoninus 3. p. titul. 1. cap. 20. §. 4. item Sotus, Palud. Alens. Pallac. et ap. Sanchez d. d. 22. num. 4. quia stante fetu concepto, frustratur semen suo fine generationis. Idque confirmant ex auctoritate plurium SS. patrum. Negant vero Sanch. loc. citat. n. 6. cum Gabr. et Henriq. Bonac. p. 6. n. 11. cum Fill. Pal. p. 4. §. 4. n. 12. Ronc. p. 154. quæst. 3. r. 2. Holzm. n. 463. Elb. n. 390. et Salm. c. 15. num. 78. cum Dic. Aversa, et Diana, tum quia nullibi habetur id per se esse vetitum; tum quia esset onus gravissimum, et res exposita innumeris periculis peccandi venialiter, si conjuges tenerentur tandiu abstinere ab usu conjugii, manendo in eodem toro. Respondent autem ad rationem

oppositam, quod, ut coitus sit licitus in matrimonio, sufficiat ut per se actus ad generationem idoneus: quod autem ipsa non eveniat, per accidens se habet. Ceterum, mihi arridet sententia quam tenent Pont. lib. 10. c. 14. num. 7. Azor. t. 3. c. 31. q. 14. Boss. cap. 9. n. 36. cum Guill. Paris. Perez, Con. Barb. Fill. Hurt. Avers. etc. et huic se adnectunt etiam Pal. et Roncagl. ll. cc. nempe quod coitus cum prægante non possit excusari a culpa veniali, nisi adsit periculum iucontinentiæ, vel alia honesta causa, juxta dicta n. 882. v. Dub. 1. etc.

“925.—Quærit. IV. an licitum sit conjugibus coire tempore menstrui. Hic prænotandum quod fluxus mulieris alius sit naturalis et ordinarius, et iste proprie dicitur menstruus, quia communiter singulis mensibus solet in feminis accidere, et durat ut plurimum per duos vel tres dies. Alius extraordinarius, proveniens ex aliquo morbo diuturno, qui aliquando durat usque ad 12. dies et ultra. Tempore fluxus extraordinarii certum est licere tam reddere quam petere. Ita communiter Sanchez l. 9. d. 21. n. 7. Pont. l. 10. c. 14. n. 6. Holzm. num. 462. Salm. c. 15. n. 76. et Boss. cap. 9. n. 13. cum. Azor. Reb. Fill. Hurtad. etc. ex divo Thom. in 4. d. 32. q. unic. art. 2. q. 2. ubi expresse hoc docet, et rationem adducit, dicens: In fluxu menstruorum innaturali non est prohibitum ad menstruatam accedere in lege nova, tum propter infirmitatem, quia mulier in tali statu concipere non potest; tum quia talis fluxus est perpetuus et diuturnus, unde oportet, quod vir perpetuo absteret. Tempore autem fluxus naturalis adsunt tres sententiæ. *Prima* damnat coitum de mortali; et hanc tenent idem D. Thom. loc. cit. q. 3. ad 1. ubi dicit tempore hujus menstrui peccare mortaliter tam virum voluntarie petentem, quam uxorem voluntarie reddentem: excipit si mulier quasi coacta debitum redderet. Eandem sententiam tuentur S. Ronc. Alens. Scotus, Tab. Pallac. etc. apud Boss. c. 9. n. 16. Probatur 1. ex Levit. cap. 20. v. 18. ubi dicitur: Qui coierit cum muliere in fluxu menstruo; et revelaverit turpitudinem ejus, ipsaque aperuerit fontem sanguinis sui, interficientur ambo. Objiciunt huic Sanch. l. c. n. 2. et Boss. n. 16. quod lex illa fuerit cæremonialis, et ideo non obliget in lege evangelica. Sed respondet D. Thom. dict. q. 2. quod, licet illud præceptum fuerit cæremionale quoad immunditiam, fuerit tamen morale quantum ad *nocumentum* (verba S. D.) *quod in prole ex hujusmodi commixtione frequenter sequebatur*. Probatur 2. ex can. fin. dist. 5. ubi Gregor. Papa: Cum et sine partus causa, cum (uxores) in consuetis menstruis detinentur, viris suis misceri prohibeantur. Probatur 3. ratione, tum quia proles eo tempore nascitura exponitur periculo nascendi leprosa, et monstruosa; tum quia adest periculum semen frustra effundendi, cum raro vel nunquam eo tempore mater sit apta conceptioni.

“*Secunda* sententia totaliter opposita dicit accessum ad menstruatam omni culpa carere; hanc tenent Glossa in can. Si caus. v. Conceptus 33. q. 14. item Perez, Fill. et Hurtad. apud Boss. n. 20. eamque Sanch. lib. 9. d. 21. n. 7. putat æque probabilem ac tertiam, quam mox referemus. Ratio, quia hodie id nullo jure prohibetur; non divino, cum lex Levitica, adveniente lege nova, jam cessaverit. Nec obstare dicunt, quod prohibitio illa non cessaverit, quatenus fuit moralis propter vitandum damnum prolis; nam respondent, quod testetur S. Hier. in 18. Ezech. rationem prohibitionis in Levitico fuisse, quia illo tempore, ob sanguinem femineum infectum ex coitu, fetus leprosi, et elephantiaci nascebantur: sed hodie incertum est adesse damnum, et multo certius est mulierem tempore menstrui non concipere, ut dicunt Sanch. Pal. Boss. et Salmantic. ll. cc. ac demum, etiamsi concipiat cum aliquo damno prolis, dicunt Sanch. l. 9. d. 21. num. 7. et Boss. c. q. n. 22. id non obstare, quia melius est prolem sic nasci, quam non nasci; forte enim postmodum non gigneretur, vel non esset eadem proles, unde proles beneficium recipit, non damnum; nec obstat dicere, quod, si non proli, saltem sic inferatur damnum naturæ, quæ postulat ut proles modo convenientiori generetur: nam respondent, quod, si non inferatur damnum proli, neque inferatur naturæ. Non prohibetur igitur jure divino; non jure ecclesiastico, nam ad textum Gregorii respondet Pontius l. 10. c. 14. n. 6. prohibitionem illam ecclesiasticam hodie exolevisse; imo verbum illud Pontificis, *prohibeantur*, explicatur ab aliis, ut dicit ibi Gloss. *prohibeantur, id est sub forma prohibitionis dissuadeantur*. Nec jure naturali, quia, licet sit facile periculum eo tempore frustrandi semen, tamen ad coitum cohonestandum non requiritur, ut ex eo sequatur generatio, sed sufficit, quod coitus ille per se sit aptus generationi, esto per accidens semen dispergatur, ut accidit in accessu ad mulierem prægnantem, aut sterilem. Neque (aiunt) in tali coitu adest indecentia culpabilis; nam, ut dicit Per. illa est potius materialis. Hinc, concludunt nullo modo peccare conjuges, si eo tempore coeant, non jam ex affectu libidinis (quod non posset excusari a veniali), sed ut utantur jure suo cum moderata delectatione.

“*Tertia* demum sententia, communissima et probabilior, dicit coitum tempore menstrui non esse mortale, sed non excusari a veniali. Ita S. Anton. 3. part. tit. 1. c. 20. §. 3. Nav. cap. 16. num. 32. Conc. p. 398. n. 20. Pont. l. 10. c. 14. n. 6. Pal. p. 4. §. 4. n. 8. Ronc. p. 184. q. 3. resp. 3. Holzm. n. 462. Bonac. p. 5. n. 9. cum Henr. Ledesm. et Rodr. Salm. cap. 15. n. 76. cum Aversa, Vivald. Corneio, et Soto, Boss. c. 9. num. 22. cum Sa, Con. Palud. Regin. Vill. Vega, Graff. etc. ac Sanch. d. 21. n. 5. et cum Cajet. Abul. Armill. Vict. et Lopez. Quod non sit mortale, probat ratio adducta mox supra pro secunda

sententia. Quod autem sit veniale, probatur, quia talis concubitus, cum nolint conjuges expectare tempus generationi aptius, et jam brevi adventurum, involvit quamdam turpitudinem, et deordinationem. cum femina tunc sit inepta commodæ receptioni et retentioni seminis, et ideo coitus tunc minus convenit fini generationis. Conveniunt autem Nav. Pal. Sanch. Salm. ll. cc. et Boss. num. 15. cum Hurt. quod nullum sit peccatum coire tali tempore, si adsit aliqua causa turpitudinem illam cohonestans, nempe ad vitanda dissidia, aut incontinentiam in se vel in altero, aut alia similia.

“An autem casu quo nulla adsit causa, uxor menstruata possit et teneatur debitum reddere, si maritus monitus nolit desistere? Affirmant Pal. p. 4. §. 4. n. 9. cum Con. Salm. cap. 15. n. 77. et Sanchez d. 21. n. 96. cum Pal. Soto, Led. etc. qui citat pro se etiam D. Thom. d. 32. art. 2. q. 3. sed non bene, ut mox videbimus. Verum probabilius negandum cum Pontio c. 14. n. 5. et Bonac. p. 6. n. 10. qui citat Sylv. Reb. et Henr. Ratio, quia cum culpa, etiamsi venialis, se teneat ex parte actus, probabilius non tenetur conjux, neque potest licite debitum reddere. Vide dicenda n. 946. Nec contrarius est nostræ sententiæ D. Thom. nam. l. c. in resp. ad 3. dicit tunc uxorem posse et teneri ad reddendum, *quando majus periculum timeretur in non reddendo*. Sed hoc non supponitur in nostro casu.

“926.—Quær. V. an sit illicitum coire tempore purgationis post partum. Certum est non teneri conjuges hodie observare tempus purgationis præscriptum Lev. 12. ubi, cum mulier arcebatur ab ingressu templi per 40 dies in partu masculi, et 80 feminæ. videtur eo tempore fuisse ei etiam interdictus conjugii usus. Sed hoc præceptum jam cessavit, et sicut hodie puerperæ non tenentur abstinere ab ingressu Ecclesæ, ut dicitur in cap. un. de Purificat. post part. ita nec a conjugii usu, uti communiter dicunt Sanch. l. 9. d. 22. n. 8. Boss. c. 7. n. 130. et alii passim cum S. Anton. 3. part. tit. 1. cap. 20. §. 4. in fin. qui tamen addit, hoc non obstante, posse mulierem abstinere ab ecclesiæ ingressu et auditione missæ, ubi talis est consuetudo, toto eo tempore, vel saltem per sex hebdomadas, ut testantur esse communem usum, Spor. et Elb. Vide dicta lib. 3. num. 330. v. Bene. Circa quæsitum autem triplex adest sententia. *Prima* dicit esse mortale; et hanc tenent Butrius, et Alexander de Nevo, apud Sanch. l. c. d. 22. num. 9. Ratio, tum quia in c. c. fin. dist. 5. D. Gregorius id expresse vetitum declaravit, dicens: *Nisi purgationis tempus prius transierit, viris suis non debent admisceri*; tum quia damnum infertur proli, si eo tempore concipiatur, ut ait Galenus ap. Pontium l. 10. c. 14. n. 8. *Secunda* sententia dicit nullum esse peccatum. Ita Sanch. n. 11. cum Ang. Henriq. Pallac. Turrecr. Holzm. num. 464. ac Fill. Perez, Vill. et Hurtad. apud Boss. cap. 9. n. 42. quia, ut

aiunt, huiusmodi immunditia est tantum materialis, non moralis. *Tertia* sententia probabilior, et communior, quam tenet S. Anton. l. c. cum Ricch. et Petr. de Palud. Pont. d. num. 8. Pal. p. 4. §. 4. n. 16. Ronc. p. 184. q. 3. r. 3. Boss. n. 44. cum Azor. Ochag. et Ledesm. item Sot. Palud. Tab. Lop. etc. apud Sanch. num. 10. dicit esse veniale, non autem per se mortale. Est veniale, quia talis coitus continet aliquam indecentiam; unde, nisi excuset causa honesta, nempe periculum incontinentiæ, vel dissidii, vel alia similis, nequit ab omni culpa excusari. Non autem est mortale per se loquendo, quia talis indecentia non videtur tanta, ut mortalem culpam inducat. Ad prohibitionem vero D. Gregor. respondet Pontius illam hodie exolevisse; at D. Antonin. cum Guill. respondet eam fuisse de congruitate, non de præcepto. Ad rationem autem nocimenti prolis, respondetur quod non sit futurum ut tale damnum accidat, cum difficile sit eo tempore mulierem concipere; vel non sit futurum grave. Dicitur autem *per se loquendo*; nam poterit aliquando esse mortale, si ex concubitu gravis morbus, vel notabilis aggravatio morbi immineret, ut dicunt S. Anton. et Sanch. num. 11. cum Palud. Sylvestr. Ang. etc. Huiusmodi periculum etiam prudenter timeri potest, ut ait Ronc. si coitus habeatur statim post partum; nempe eodem die vel sequenti, ut medicus valde peritus mihi asseruit.

“927.—Ex dictis casibus consequenter resolvitur licitum esse uti matrimonio, I. prolis causa, etsi hæc non necessario debeat intendi, dum exercetur, dummodo positivè non impediat; imo etiam aliquando simplici affectu licite excludatur, v. gr. a paupere, ne nimium prolibus gravetur. II. Ad vitandum periculum incontinentiæ in se, vel comparte, Mart. Perez d. 40. sess. 2. ex Con. Pont. Hurt. etc. contra Sanch. qui vult esse veniale, nisi tamen stimuli carnis aliter sedari non possint. *(*Vide dicta num. 882. d. 1. iidem enim fines quos habere licet ad matrimonium contrahendum, cohonestant etiam petitionem copulæ.*) III. Valetudinis causa, vel alios ob fines extrinsecos: quia honestum ex natura sua, et relatum ad unum finem licite refertur ad alium isti non repugnantem, ut docent Sa, Coninck. Laym. l. 5. t. 1. p. 3. cap. 4. Mart. Perez d. 49. sect. 2. num. 4. Vide Dian. p. 2. t. 4. r. 218. Solius tamen sanitatis causa uti, probabile est esse veniale, ut docent S. Thom. Henriq. Laym. loc. cit. contra Mart. Perez etc. ll. cc. (*Vid. n. 883. v. Dub. 2.*)’

“928.—Hic quæritur I. an aliquando vir teneatur petere. Per se loquendo, non tenetur petere: tenetur vero per accidens, nimirum si uxor tacite exigat; puta si ostendat aliquod indicium, quo tacitam petitionem significet; quia in mulieribus ob innatam etiam verecundiam talia signa habentur pro vera petitione. Ita communiter Sanch. lib. 9. d. 2. n. 3. et alii universe

ex divo Thoma Suppl. 3. q. 64. art. 2. ubi : *Quando vir percipit per aliqua signa, quod uxor vellet sibi debitum reddi, sed propter verecundiam tacet. .tenetur reddere.* E converso, recte dicit Sanchez n. 5. cum Soto et Palao, ex eodem D. Thom. in 4. d. 32. q. unic. art. 3. ad 2. non teneri mulierem reddere viro, nisi hic expresse petat : cum enim non pudeat viros expresse exigere, bene possunt uxores præsumere quod viri expresse non petentes nolint ipsas obligare ad petendum ; imo ego sentio, nec posse, quia nequit maritus obstringere mulierem, ut cum tanta sua erubescencia debitum petat. Recte tamen excipit Sanch. l. c. cum S. Antonin. Nav. Sylv. et Manuel, nisi talis erubescencia potius præsumatur aliquandò (quod ceterum raro accidit) esse ex parte viri, quam feminæ ; puta si illa esset maximæ auctoritatis, aut feræ conditionis, et vir valde pusillanimis ac verecundus. Regulariter tamen, bene subdit Sanch. non tenetur uxor reddere, nisi evidenter ei constet de hac pusillanimitate et pudore mariti.

“ 929.—Quærit II. an uxor teneatur aliquando petere debitum. Certum est primo ordinarie non teneri uxorem ad petendum, quia hoc est mulieribus notabiliter inverecundum. Certum secundo, quod, cum alter conjux est in periculo incontinentiæ, tam vir quam uxor teneatur petere, ad liberandum alterum a periculo. Ita communiter Pontius l. 10. c. 2. num. 3. Sanch. l. 9. d. 2. n. 9. cum Soto, Adr. etc. ac Boss. c. 1. n. 17. cum Filliuc. Henr. etc. Sed dubium fit an teneatur uxor tunc petere ex caritate, vel ex justitia. *Prima sententia*, quam tenent Pont. l. c. et Boss. n. 21. cum Led. Henr. Diana et P. Soto dicit teneri ex justitia. Ratio, quia, cum teneantur conjuges servare bonum fidei, quando alter est in periculo incontinentiæ, tunc esto non petat alter, ipsa tamen necessitas petit, ut bonum fidei servetur vitando alterius incontinentiam ; ideoque tunc potius est redditio, quam petitio debiti. Confirmatur exemplo : si enim medicus teneatur ex contractu mederi ægroto, tenetur ex justitia exhibere ei medicinam, quamvis ille non petat. Et huic sententiæ videtur adhærere D. Thom. Suppl. q. 49. a 5. ad 2. ubi dicit : *Si aliquis per actum matrimonii intendat vitare fornicationem in conjuge, non est aliquod peccatum, quia hæc est quædam redditio debiti, quæ ad bonum fidei pertinet.* *Secunda vero sententia*, quæ videtur probabilior, et quam tenent Sanchez dict. d. 2. num. 7. cum Pal. et Durando, ac Con. apud Boss. n. 22. dicit teneri tantum ex caritate. Ratio, quia, ubi nulla est petitio alterius conjugis expressa vel tacita, nulla adest obligatio justitiæ ad reddendum. Ad bonum autem fidei matrimonii spectat quidem, ut conjux non adulteretur, non vero ut avertat alterum ab adulterio ; licet enim hoc etiam quodammodo pertineat ad bonum fidei, non tamen ita pertinet, ut stricte obliget ex justitia ad petendum : ideo a D. Thoma hujusmodi petitio non

dicitur absolute reddito, sed *quædam reddito debiti*; et hoc adducit S. doctor tantum ad excusandum petentem, si petat ad vitandam incontinentiam in altero, non vero ad obligandum ut petat. Nec obstat exemplum medici; medicus enim tenetur utique præbere medicinam infirmo non petenti, quia ex contractu se obligavit ad eum curandum: conjux autem se obligavit ad non frangendam fidem, non vero ad impediendum alterum quominus fidem frangat. Ex hac sententia infertur quod conjux, cum non teneatur ex justitia, sed tantum ex caritate eo casu ad petendum, non teneatur petere cum magno incommodo; hinc probabiliter tunc excusatur uxor a petendo, si in hoc magnam verecundiam subire deberet.

“930.—Quærit. III. an conjux prohibitus a petendo ratione voti, vel affinitatis, aut cognationis spiritualis post matrimonium contractæ, possit quandoque licite exigere debitum. Id admittunt communiter DD. cum Sanchez l. 9. d. 7. n. 5. (qui citat J. Andr. Præpos. Adrian. Victor. etc.) si adsit periculum incontinentiæ in altero conjuge. Imo dicunt Boss. c. 1. n. 261, et idem Sanch. n. 11. cum Sot. Henr. Palac. Angles. etc. tunc teneri petere, quia hæc obligatio oritur ex ipsa institutione matrimonii. Idem admittunt etiam communiter S. Thom. in 4. d. 38. q. 1. a. 3. q. 2. ad 4. Boss. c. 1. n. 261. et Sanchez d. 8. n. 1. cum Sa, Sylv. Ang. Turrecr. Henr. Led. etc. posse conjugem impeditum petere, si alter interpretative exigat, nempe quando *mulier* (ut ait Thomas) *verecunda est, et vir sentit ejus voluntatem de debiti redditione*. Tunc enim potest conjux impeditus se offerre, quia tunc potius est reddere, quam petere. Quoties autem liceat ei se offerre? Led. apud Sanch. dicit hoc licere quater in mense: sed melius Boss. num. 260. et idem Sanch. cum Victoria, dicunt id ex circumstantiis esse pensandum, nempe ex majori vel minori propensione alterius ad venerem. Censent autem idem Boss. n. 263. et Sanch. n. 2. cum Angel. non licere marito voto impedito se ad coitum offerre, quando uxor ei concessit licentiam vovendi castitatem, quia tunc censetur ipsa cessisse jure suo, nempe quod vir in ejus gratiam debitum petat; nisi (excipiunt Sanch. et Bossius, contra Coninck. et Pal.) uxor esset in periculo incontinentiæ, quo casu dicunt quod vovens teneatur petere ex obligatione orta, ut supra dictum est ex ipsa institutione matrimonii.

“An autem liceat petere conjugi impedito, si ipse sit in periculo incontinentiæ? Affirmant Viguerius, et Quintanady, apud Boss. num. 262. maxime si ille esset impeditus ratione affinitatis vel cognationis spiritualis, et commode non posset haberi dispensatio, essetque periculum in mora, quia lex ecclesiastica in tanto discrimine non obligat. Negant vero Sanch. num. 7. cum Guttier et Covarr. Bossius n. 262. cum Coninck. etc. quia periculum incontinentiæ est quidem justa causa dispensandi, non

autem coeundi. Sed prima sententia respectu ad impedimentum ab Ecclesia impositum, mihi non videtur improbabilis, si revera dispensatio brevi obtineri nequeat, et magnum periculum sit in mora; idque magis firmatur ex quæst. seq.

“931.—Quær. IV. an liceat conjugi excommunicato petere debitum: et an petere ab excommunicato? Quod liceat conjugi petere ab excommunicato, certum est ex c. Quoniam multos, caus. 11. quæst. 3. ubi D. Greg. VII. expresse id concedit. An autem liceat excommunicato etiam petere? Negat Gloss. in cap. cit. v. Uxores: et aperte videntur consentire Archid. Sylv. Lop. et Tab. apud Sanch. lib. 9. d. 14. num. 19. quia in bulla Martini V. Ad evitanda, excommunicatis, quoad communicationem cum fidelibus, nullum privilegium conceditur. Sed communiter et verius affirmant Suar. de Censur. d. 15. sess. 4. n. 9. Bonac. eod. tit. 2. d. 2. p. 6. §. 2. n. 20. Sanch. n. 20. cum Henriq. et Ugol. ac Boss. c. 1. n. 282. cum Palud. Sayro. Con. Avila, Fill. Bordon. etc. Ratio, quia lex ecclesiastica non obligat cum tanto periculo, in quo esset quidem excommunicatus, si ipse non posset separari ab altero conjugè (ut revera non potest), et non posset petere.

“932.—‘Quæres. an, et quando liceant tactus, aspectus, et verba turpia inter conjuges.

“ ‘Resp. Tales actus per se iis licent: quia cui licitus est finis, etiam licent media; et cui licet consummatio, etiam licet inchoatio. Unde licite talibus naturam excitant ad copulam. Quod si vero separatim, et sine ordine ad copulam, v. gr. voluptatis causa tantum fiant, sunt venialia peccata, eo quod ratione status, qui illos actus cohonestat, habeant jus ad illos: nisi tamen, ut sæpe contingit, sint conjuncti cum periculo pollutionis; aut conjuges habeant votum castitatis, tunc enim sunt mortalia, ut dictum supra l. 3. t. 4. c. 2. d. 4. Dian. p. 3. t. 4. r. 204. et 216.’

Unde Resolves.

“933.—‘1. Conjug venialiter tantum peccat l. tangendo seipsum ex voluptate, et tactum non ita expresse referendo ad copulam, ut contra Vasquez et alios probabiliter docet Sanch. lib. 9. d. 44. 2. Oblectando se veneree sine periculo pollutionis de actu conjugali cogitato, dum abest compars, vel actus exerceri non potest. Fill. Laymann. Tann. Malder cum Dian. p. 3. t. 4. res. 224. contra Nav. Azor. etc.

“ ‘2. Peccat graviter l. vidua, quæ se veneree oblectat de copula olim habita; quia est illi illicita per statutum. 2. Bigamus, qui in actu conjugali, cum secunda exercito, repræsentat sibi priorem, et de ea carnaliter delectatur, quia est permix-

tio cum aliena. Laym. l. 1. t. 9. c. 6. Vide supra l. 3. t. 4. c. 2. et l. 5. cap. 1. d. 2. a. 2. (*Et idem diximus lib. 5. num. 24. de sponsis, quibus illicitum est delectari de futura, etiam ex appetitu rationali, etsi non carnali.*)'

“ Quæritur I. an sint mortales tactus et aspectus turpes inter conjuges propter solam voluptatem, sine ordine ad copulam, si non adsit periculum pollutionis. Affirmant S. Antonin. Sylv. Margar. etc. apud Sanchez lib. 9. d. 44. n. 11. quia (ut dicunt) omnis actus venereus, non relatus ad copulam conjugalem est mortalis. Negat vero sententia communis et verior, eamque tenent Laym. l. 3. s. 4. num. 12. Pal. p. 4. §. 2. Less. lib. 4. c. 3. n. 125. Bonacina q. 4. p. 8. n. 12. Sporer n. 502. Sanch. dict. d. 44. n. 12. cum Albul. Vict. Angel. Arm. Sa, Med Led etc. Salm. c. 15. num. 84. cum Henr. Aversa, Per. et Diana, Boss. c. 7. n. 157. cum Vasq. Fagn. Vill. et Hurt. ac Croix num 341. cum Soto, Tol. Cajet. Con. Fill. et pluribus aliis. Ratio, quia status conjugalis sicut cohonestat copulam, ita etiam hujusmodi tactus et aspectus: alias enim, cum sit tanta inter conjuges societas, et ipsi multoties non possint coire, jugibus periculis essent expositi, si tales actus essent eis graviter illiciti. Sicut autem delectatio quæsitæ in copula culpam venialem non excedit, ita etiam in his tactibus et aspectibus. Et hoc etiamsi copula tunc ipsis esset vetita ob morbum, vel esset impossibilis ob impotentiam quæ supervenisset, ut dicunt Sanchez n. 20. et 22. Croix. n. 339. et Boss. n. 199. cum Con. Fagnan. Avers. Filluc. Vill. etc. quia, cum copula sit licita inter conjuges, tactus inter ipsos non possunt esse graviter illiciti. Secus vero dicendum, si conjux esset ligatus voto castitatis, quia tale votum excludit omnem voluptatem veneream voluntarie captam. Ita communiter Sanch. d. 44. num. 26. et Boss. c. 7. n. 201. cum Vasquez, Fill. Con. et aliis. An autem idem procedat, si conjux sit impeditus a copula ob affinitatem vel cognationem spiritualem contractam? Affirmat Aversa apud Boss. n. 200. quia cui vetita est copula, vetiti etiam sunt tactus, qui sunt dispositiones ad copulam. Sed negat Bossius ibi cum Fag. Fill. et Perez, quia lex prohibens copulam, cum sit pœnalis, aut inhibitiva, non est extendenda ad tactus. Ceterum, in praxi impeditus ordinarie debet abstinere ab hujusmodi tactibus, præsertim turpibus, propter periculum proximum vel pollutionis, vel petitionis copulæ contra prohibitionem petendi.

“ 934.—Quærit. II. quid, si conjuges ex his turpibus actibus prævideant pollutionem secuturam in se vel in altero. Plures adsunt sententiæ. *Prima sententia*, quam tenent Sanch. lib. 9. d. 45. ex n. 34. Fill. tract. 3. c. 9. n. 356. Viva q. 7. art. 4. n. 4. Escob. l. 26. n. 207. Elb. n. 393. cum Herinex, et Spor. n. 500. cum Perez. et Gob. id excusat ab omni culpa etiam in petente, si pollutio non intendatur, nec adsit periculum consensus in

eam, et modo tactus non sit adeo turpis, ut judicetur inchoata pollutio (prout esset digitorum morose admovere intra vas femineum); ac præterea adsit aliqua gravis causa talem tactum adhibendi, nempe ad se præparandum ad copulam, vel ad fovendum mutuam amorem. Ratio, quia tunc justa illa causa tales actus cohonestat, qui alioquin non sunt illiciti inter conjuges; et si pollutio obvenit, hoc erit per accidens. Dicitur *si adsit gravis causa*; nam, si non adsit, prædicti actus non excusantur a mortali. *Secunda* sententia, quam tenent Pal. p. 4. §. 2. n. 2. Boss. cap. 7. n. 213. et Salm. cap. 15. num. 86. cum Soto, Cajet. Dec. Led. Hurt. Aversa, et communi, ut asserunt, distinguit et dicit esse mortalia tactus impudicos, si prævideatur pollutio ex eis proventura; quia, cum hi proxime influant ad pollutionem, et non sint per se instituti ad fovendum affectum conjugalem, censentur voluntarii in causa: secus, si sint pudici, ut oscula et amplexus, quia actus isti per se inter conjuges sunt liciti, cum per se apti sint ad fovendum conjugalem amorem. *Tertia* sententia, quam tenet Diana p. 6. tr. 7. r. 65. cum Præpos. et Vill. dicit tactus tam impudicos quam pudicos esse mortalia, si prævideatur periculum pollutionis. Ratio, quia ideo tactus licent inter conjuges, in quantum quærentur intra limites matrimonii, in quantum nihil sequitur repugnans fini et institutioni seminis: cum autem prævidetur seminis dispersio, licet non intendatur, qualescumque tactus sunt illiciti.

“ His sententiis positis, puto probabilius dicendum, quod tactus turpes into conjuges cum periculo pollutionis, tam in petente quam in reddente sint mortalia, nisi habeantur ut conjuges se excitent ad copulam proxime secuturam; quia, cum ipsi ad copulam jus habeant, habent etiam jus ad tales actus, tametsi pollutio per accidens copulam præveniat. Tactus vero pudicos etiam censeo esse mortalia, si fiant cum periculo pollutionis in se vel in altero, casu quo habeantur ob solam voluptatem, vel etiam ob levem causam: secus, si ob causam gravem, puta, si aliquando adsit urgens causa ostendendi indicia affectus ad fovendum mutuam amorem, vel ut conjux avertat suspicionem ab altero, quod ipse sit erga aliam personam propensus. Probabiliter dicunt Sanchez d. d. 45. num. 34. Boss. d. n. 203. et Escob. n. 207. in reddente tactus etiam impudicos, nisi sint tales ut videantur inchoata pollutio, esse licitos, quamvis adsit periculum pollutionis in alterutro; quia tunc reddens dat operam rei licitæ, ad quam obligatur propter jus petentis, qui, tametsi peccet, non tamen jus amittit, cum culpa se teneat ex parte personæ, juxta dicenda ex n. 944.

“ 935.—An autem sit semper mortale, si vir immittat pudenda in os uxoris? Negant Sanch. lib. 9. d. 17. n. 5. et Boss. cap. 7. n. 175. et 193. cum Fill. ac Perez, modo absit periculum pollutionis. Sed verius affirmant Spor. de Matrim. n. 498.

Tamb. lib. 7. c. 3. §. 5. n. 33. et Diana p. 6. tract. 7. r. 7. cum Fagund. tum quia in hoc actu ob calorem oris adest proximum periculum pollutionis, tum quia hæc per se videtur nova species luxuriæ contra naturam (dicta ab aliquibus *irrumnatio*): semper enim ac quæritur a viro aliud vas, præter vas naturale ad copulam institutum, videtur nova species luxuriæ. Excipit tamen Sporer l. c. cum Fill. et Marchant. si id obiter fiat; et hoc revera sentire videtur etiam Sanch. dum excusat actum illum a mortali, si cesset omne periculum pollutionis. Excipit etiam Pal. p. 4. §. 2. num. 6. si vir hoc faceret, ut se excitet ad copulam naturalem. Sed ex prædictis neutrum admittendum puto. Eodem autem modo Sanchez loc. cit. n. 32. in fin. damnat virum de mortali, qui in actu copulæ immitteret digitum in vas præposterum uxoris, quia (ut ait) in hoc actu adest affectus ad sodomiam. Ego autem censeo posse quidem reperiri talem effectum in actu; sed per se loquendo hunc effectum non agnosco in tali actu insitum. Ceterum, graviter semper increpandos dico conjuges hujusmodi fœdum actum exercentes.

“ 936.—“ Quær. III. an sint mortalia tactus turpes, quos conjux habet cum seipso, altero absente, et secluso periculo pollutionis. *Prima sententia* negat, quam tenent Pal. p. 4. §. 2. n. 5. Escob. n. 201. Boss. c. 7. n. 205. et 297. cum Per. Hurt. et Ochag. apud Sanch. l. 9. d. 44. n. 15. cum Palud et Lopez, et pro hac sententia Salm. c. 15. n. 87. citant etiam D. Thom. q. 6. de Bon. Matr. dub. 26. num. 188. Ratio, quia hujusmodi tactus ab ipso statu conjugali cohonestantur, cum de natura sua ordinentur ad copulam; et ideo, secluso periculo pollutionis non possunt esse in conjuge graviter illiciti, etsi copulam de præsentī ipse non posset consummare. *Secunda* vero sententia probabilior, et in praxi omnino suadenda, affirmat; et hanc tenent Laym. tr. 3. c. 6. n. 12. in fine, Diana p. 3. tr. 4. r. 215. (quamvis hic auctor sit valde benignus) Sporer n. 503. cum Arm. et Vasq. ac Salm. cum Avers. Sancio, Salas, Mont. Dic. et Ant. a Sp. S. Ratio, tum quia conjux non habet jus per se in proprium corpus, sed tantum per accidens, nempe tantum, ut possit se disponere ad copulam; unde, cum copula tunc non sit possibilis, tactus cum seipso omnino ei sunt illiciti; tum quia tactus pudendorum, quando fiunt morose, et cum commotione spirituum, per se tendunt ad pollutionem, suntque proxime connexi cum ejus periculo.

“ 937.—“ Quær. IV. an sit mortalis delectatio morosa in conjuge de copula habita vel habenda, quæ tamen non possit haberi de præsentī. Adsunt tres sententiæ. *Prima sententia* affirmat; et hanc tenent Pont. lib. 10. c. 16. n. 21. Wigandt tr. 4. n. 59. Sylv. ac. Vega, Rodriq. et Dic. apud Salm. c. 15. n. 88. qui probabilem vocant. Ratio, quia talis delectatio est quasi in-

choata pollutio, quæ, cum eo tempore non possit haberi modo debito, omnino fit illicita. *Secunda* vero sententia communior negat; eamque tenent Pont. p. 4. q. 8. n. 12. Escob. num 204. Spor. n. 505. Croix num. 337. cum Suar. et Gers. Boss. c. 1. n. 215. cum Fill. et Perez, et Sanch. l. 9. d. 44. num. 3. cum S. Anton. Palud. Arm. Cajet. Met. Viguer. Tab. et communi, ut asserit, utque fatetur etiam Pontius, item Coninck. Avers. Gabr. et Dian. apud Salm. c. 15. n. 89. qui etiam probabilem putant. Hæc sententia dicit talem delectationem non esse mortalem, si absit periculum pollutionis, sed tantum venialem. Est venialis, quia ipsa caret debito fine, cum non possit ordinari ad copulam præsentem. Non est autem mortalis, quia delectatio sumit suam bonitatem vel malitiam ab objecto; et cum copula sit licita conjugatis, non potest esse eis graviter illicita illius delectatio. Et huic expresse favet id quod ait D. Thom. de Malo, q. 15. art. 2. ad 17. ubi: Sicut carnalis commixtio non est peccatum mortale conjugato, non potest esse gravius peccatum consensus in delectationem, quam consensus in actum. Idque admittit Spor. etiamsi habeatur delectatio venerea orta ex commotione spirituum. *Tertia* demum sententia, quam tenent Salm. d. c. 15. num. 90. distinguit et dicit, quod, si delectatio sit absque commotione spirituum, non erit mortalis; secus, si cum commotione et titillatione partium.

“Ego meum iudicium proferam. Si delectatio habeatur non solum cum commotione spirituum, sed etiam cum titillatione seu voluptate venerea, sentio cum Conc. p. 408. num. 10. (contra Sporer ut supra) eam non posse excusari a mortali, quia talis delectatio est proxime conjuncta cum periculo pollutionis. Secus vero puto dicendum, si absit illa voluptuosa titillatio, quia tunc non est delectationi proxime adnexum periculum pollutionis, etiamsi adsit commotio spirituum; et sic revera sentit Sanch. l. c. n. 4. cum Vasq. cum ibi non excuset delectationem cum voluptate venerea, sed tantum, ut ait, cum commotione et alteratione partium absque pollutionis periculo. At, quia talis commotio propinqua est illi titillationi voluptuosæ, ideo maxime hortandi sunt conjuges, ut abstineant ab hujusmodi delectatione morosa. Item advertendum eam esse omnino illicitam in conjugate, qui esset obstrictus voto castitatis, ut dicunt communiter Sanch. d. d. 44. num. 26. et Boss. c. 7 n. 201. cum Vasq. Fill. et aliis.”

I think it is indisputable, after the mass of evidence which I have given, that the most obscene subjects are debated in the confessional, between the Priest and the Penitent.

III. We will consider the tendency and direct influence of the confessional.

1st.—It enslaves the mind and lays the people prostrate at the feet of the Priest. The confessor knows the state, the circumstances, and the future intentions of the penitent, and it is his duty to withhold absolution and visit him with the penalties of the Church, if he be not prepared to act according to the admonitions given. All must confess—from the monarch to the lowest subject—all must kneel at the feet of the confessor, who is considered as “God in the confessional,” and place themselves under his controul; the will of princes must yield to that of the Priest, and the awful consequences of *non*-absolution await those who would be their own masters. Here is despotism of the worst kind; Rome lays claim to absolute power, and to the world as her kingdom.

2ndly.—It demoralizes the mind. I have proved largely and indisputably, that the Priest is instructed in the nature of sin with all its varieties, preparatory to his examination of the penitent in the confessional—he is bound by the unnatural law of celibacy under the most fearful obligations. Let us suppose the case of a young Bachelor Priest placed in a large parish—at a time when he was unable to form a decided opinion whether he possessed the gift of celibacy or not, he was led to vow eternal dedication to that state: he is instructed in such treatises as that on “the use of matrimony” to which we have directed attention, and of which Liguori himself says, that it is sufficient to “disturb pure minds.” He is conscientious—he struggles under the yoke which was imposed upon him, and sighs beneath the corruptions of the heart, which is described by the inspired men as being “deceitful above all things and desperately wicked”—the carnal propensities of which are drawn out and in-

flamed by the foul and obscene treatises in which he is instructed; he groans beneath the wickedness of his nature and exclaims, "Oh wretched man that I am, who shall deliver me from the body of this death?" He is at length convinced that the way to avoid unholy thoughts is to avoid those things which suggest them; he determines that henceforth he will not think or speak of the things that are done of them in secret, but obey the apostolic injunction, "Finally, Brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, if there be any praise, think on these things." With righteous indignation he casts the unholy book from him, he feels that impurity is in its contents. Wretched man! the remembrance of his eternal vow seizes upon him—he must either approve of the duties of the confessor's office, or become in his estimation a wretched, perjured, sacrilegious heretic. He must go forward—penitents of every grade and condition present themselves; his time is for the most part occupied in hearing confessions. Now in private, he is brought into personal contact with sinners of every kind—the sins of which before he had only read, are now poured out by *human* lips into a *human* heart—all secrets are made known; unchastity, in all its varieties and with all its circumstances, is minutely detailed—the young, the lovely, pour into his yet tender heart every emotion,—the debauched, the profligate, the unchaste are there to make known their guilty state. Thus he listens to and is bound to elicit the most unholy thoughts; he is brought into private personal contact with all his parishioners, and that constantly. The wife tells the secrets of her husband—aye, secrets peradventure which the hus-

band knows not. Mothers, wives, daughters, sisters, make confessions of which the children, the husbands, the fathers, the brothers know nothing. The things which are done in a world that "lieth in the wicked one," are here fully and freely canvassed.

The Confessional becomes a very hell, and that young man, once conscientious and virtuous, who under other circumstances would have been an ornament to society, must necessarily feel the baneful influence. His conscience becomes seared,—his mind—the receptacle of all obscenity, must itself become obscene. He is familiarized with sin. He can at length converse on it unblushingly with even the most modest of the opposite sex. He must be an angel and not a man if he be not ultimately demoralized, debased, and wretched.—Accursed and thrice accursed system,—most powerful engine for the destruction of all modesty and virtue;—thrice accursed, for this system is called by the name of religion,—christianity. If the confessional demoralize the mind of the confessor himself, what effect will it have on the penitent?—A youthful wife, who has promised undivided allegiance to the man of her choice, must detail thoughts and secrets to the confessor, which modesty would forbid to mention even to her husband. At first she shrinks from the office,—she kneels besides the priest,—her bosom heaves with modest emotion, but it must be told.—Modesty in the confessional is sin, and if through modesty any circumstance be not detailed, then the penitent must answer for the sin of sacrilege. The father priest,—the young man it may be,—must now gently interfere. "Be ashamed of nothing" he says, "remember that I am your father, and hold the office of God's representative, therefore tell all."—She hesitates,—she weeps,—her heart strings are ready to

burst,—the disclosure is made, the secrets of her husband are unfolded,—the sacredness of the marriage state is intruded upon.—*The confessor knows as much as, nay more than, her own partner.* He is now her master. She goes to confession again,—again,—again,—the oftener the more devout. At length she no longer feels the glow of modesty to crimson her cheek,—she has now learned to speak unblushingly in private to a *man* on subjects which she could not mention to her own sex or her husband. The confessor is her confidant,—her adviser, her ruler;—weak and confiding as her sex is, she has committed her all to him, and she is in his power.—Roman Catholic Husbands is it possible that you know of these things? Yes, you do. Then blush when you meet the confessor of your wife, and remember that he is in reality her virtual lord.—Have you the feelings of our common humanity, and does not your blood boil with indignation at these things?—Slaves of priestly despotism be free; let no man rule your homes.

3rdly. The confessional has led, according to the admission of Rome herself, to acts of immorality. Can this be otherwise? The confessional must necessarily demoralize the mind, and the immoral priest through the confessional has full scope for carrying out his wicked designs.

The female sex are generally confiding and easily led. How immense is the power which the priest must obtain over women in the confessional.

Michelet in his work “Priests, Women, and Families” ably describes this:—

“Cruel man! do you not see that the poor woman is dying? that she is becoming weaker at every burst of grief? What is it you want; her downfall! But in this prostration of strength, in this terror of despair and abandonment of dignity,

is there not already a complete downfall? No; what he wants till now, is, that she may suffer as he does, resemble him in sufferings, and be his partner in his woes and frenzy. He is alone: then let her be alone. He has no family; he hates her as a wife and mother; he wants to make her a lover, a lover of God: he is deceiving himself in deceiving her.

“But in the midst of all this, and fascinated as she is, she is not, however, so blind as you might believe. Women, even children, are penetrating when they are afraid; they very soon get a glimpse of what may comfort them. This woman, while she was dragged at his feet as a frightened yet caressing suppliant, did not fail to notice, through her tears, the emotion she excited: They were both in emotion together—this is to be an accomplice. They both know (without, however, knowing it clearly, but confusedly through instinct and passion,) that they have a hold upon each other, she by desire, and he by fear.

“Fear has much to do with love. The husband in the middle ages was loved by the wife for his very severity. His humble Griselda recognised in him the right of the paternal rod. The bride of William the Conqueror, having been beaten by him, knew him by this token for her lord and husband. Who has this right in our age? The husband has not preserved it—the priest has it and uses it; he ever holds over woman the rod of authority; he beats her submissive and docile with spiritual rods. But he who can punish, can also pardon; the only one who can be severe, he alone has also what with a timid person is accounted supreme grace—clemency. One word of pardon gains for him instantly, in that poor frightened heart, more than the most worthy would obtain after years of perseverance. Kindness acts just in proportion to the severities and terrors that have preceded it. No seduction is comparable to this.

“How can that man be resisted, who, to force one to love him, can entice by the offer of Paradise, or frighten by the terrors of hell? This unexpected return of kindness is a very dangerous moment for her, who, conquered by fear, with her forehead in the dust, expects only the fury of the thunderbolt. What! that formidable judge, that angel of judgement, is suddenly melted! She, who felt already the cold blade of the sword, feels now the warmth of a kind friendly hand, which raises her from the earth. The transition is too great for her; she had still held up against fear, but this kindness overcomes her. Worn out by her alternate hopes and fears, the feeble person becomes weakness itself. * * *

“To be able to have all, and then abstain, is a slippery situation! who will keep his footing on this declivity?

It is indisputable that the confessional has led to immorality. This we learn from the statements of Liguori himself—he gives an appendix concerning those confessors who solicit the penitents to immoral acts. I will translate the heading of the chapter, and the matter of which it treats will be seen :

“ 676.—Concerning the clause I. of seduction, in the act of sacramental confession. 677.—Clause II, either before or immediately after. 678. Clause III.—from the occasion or pretext of confession—what the occasion of confession means. Dub. I. whether he is to be denounced who solicits a woman asking that he may hear her to-morrow. Dub. II. whether he is to be denounced who, having heard the weakness of a woman, solicits her afterwards at home. 679.—What the pretext of confession means, and what, if according to agreement, the woman pretending illness send for the confessor to commit sin with her. 680.—On the clause, in the confessional box or some other place pretending to hear confession there, what feigning means? and what, if the confessor solicit in the confessional box, without however the pretence of confession?”—*Liber VI.*

Liguori largely treats all these questions. It will be at once seen that such things *have been* and are likely to be done.

The Priest who *solicits may* be denounced to the authorities of the Church, but how absurd is this—Rome places a man in such a position that, if he persist in it, he must at length be demoralized and demoralizing, and the difficulty of detection is so great that the immorality can seldom be disclosed. The confessor knows the state of each penitent—by degrees he acquires an unlimited ascendancy over his flock, and he can fix upon and hold his prey. To save appearances, however, Rome speaks of denouncing the confessor, but the very existence of the law proves the necessity for it, while the law itself is disregarded.

The *Saint* considers various cases in which it is

doubted whether the confessor should be denounced. The authors differ in their views. He asks :

“ Whether the confessor is to be denounced who praises a woman for her beauty ? ”

Some answer in the affirmative, others in the negative, but Liguori accords with the opinion of Escobar, as follows :—

“ But more justly the above mentioned Escobar, num. 640 distinguishes the matter, saying, ‘ that if from the manner of speaking or other circumstances, the confessor is known to praise her beauty with a depraved intention, then he should be denounced—but he should not be denounced, if he praise her merely from imprudence or levity of mind.’ ”

again :—

“ ‘ If he say to a woman, *Remember me, because I love thee from the heart.*’ Some doctors think he should be denounced.

“ But Bardonus excuses him, ‘ this more justly, I think, is to be determined according to circumstances.’ ”

So that according to Liguori, there are circumstances when a confessor may so speak without any wrong.

The immoral acts of the confessional are again and again admitted by the Saint, for example in the “ Praxis confessarii, No. 119. he says :

<p>“ 119.—IV. Summe cautus debet esse confessarius in excipiendis confessionibus mulierum. Et primo notandum, quod in decreto S. C. episcoporum 21. januarii 1610. dicitur : Confessarii sine necessitate audire non debent mulierum confessiones post crepusculum vespertinum et ante auroram. Loquendo autem de prudentia confessarii, ipse regulariter in confessionali cum junioribus sit potius rigidus, quam suavis ; nec permittat illas ante confessionale</p>	<p>“ A confessor ought to be exceedingly cautious in receiving the confessions of women : and in the first place is to be noted, what is said in the decree of the Sacred Congregation of Bishops, on the 21st January, 1610. Confessors without necessity, ought not to hear the confessions of women after evening twilight, or before morning. But in speaking concerning the prudence of the confessor, he should generally in confession be rather rigid with his</p>
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accedere, ut ei loquantur, et multo minus ut manus deosculentur. In actu confessionis non ostendat se eas agnoscere; aliquæ enim, quæ religiosæ haberi volunt, aliquando advertentes se nosci a confessorio, non faciunt integram confessionem. Imprudentia quoque est oculos conjicere in pœnitentes, cum e confessionali recedunt, easque per aliquod tempus intueri. Extra confessionale nec etiam immoretur colloquendo cum ipsis in ecclesia, omnemque familiaritatem devitet. Abstineat etiam a recipiendis munusculis; et præcipue illarum domos nunquam accedat, uno excepto casu gravis infirmitatis, et tunc non nisi vocatus accedat; et tunc magnam adhibeat diligentiam in audiendis illarum confessionibus: uude januam apertam relinquat, sedeat in loco ubi videri possit ab aliis, oculosque in faciem pœnitentis nunquam defigat. Et hoc præsertim currit, si sint personæ spirituales, quibuscum est periculum majoris adhæSIONIS. Dicebat ven. P. Sertorius Capotus diabolum ad conjungendas inter se personas spirituales ab initio uti prætextu virtutis, ut deinde affectus a virtute transeat ad personam: unde ait S. Augustinus apud S. Thomam (Opusculo 64. de Famil. Dom. etc.): Sermo brevis, et rigidus cum his mulieribus habendus est; nec tamen quia sanctiores, ideo minus cavendæ; quo enim sanctiores fuerint, eo magis alli-

juniors than pleasant, nor should he allow them to come to him before confession to speak to him, and much less to kiss his hands. In the act of confession he ought not to appear to know them, for some females who wish to be thought religious, when they perceive that they are known by the confessor, do not make a complete confession:—also, it is imprudent to fix the eyes on the penitents when they depart from the confessional, to gaze upon them for some time. Out of the confessional also he should not continue speaking with them in the Church, and he should avoid all familiarity. Also, let him abstain from receiving gifts, and especially let him never approach their homes, except in the case of great sickness, and then not unless he be called for, in which case he ought to take great care in hearing their confessions; wherefore, let him leave the door open—let him sit in a place where he may be seen by others—and let him never fix his eyes on the penitent; and this especially ought to be attended to, if they be spiritual persons with whom there is a greater danger of attraction. The venerable P. Sartorius Capotus says that, the devil in order to unite spiritual persons together, from the beginning made use of the pretext of virtue, that thence the passion may pass from the virtue to the person, hence says St. Augustine, ac-

ciunt. Et idem angelicus doctor addit: Licet carnalis affectio sit omnibus periculosa, ipsis tamen magis pernicioosa, quando conversantur cum persona quæ spiritualis videtur; nam, quamvis principium videatur purum, frequens tamen familiaritas domesticum est periculum: quæ quidem familiaritas quanto plus crescit, infirmatur principale motivum et puritas maculatur. Et subjungit quod tales personæ hoc non statim advertant, quoniam diabolus ab initio non immittit sagittas venenatas, sed illas tantummodo, quæ aliquantulum feriunt, et augment affectum. Sed brevi hujusmodi personæ eo deveniunt ut non amplius agant secum tanquam angeli, quemamodum cœperant, sed tanquam carne vestiti; vicissim se intuentur mentesque sibi feriunt blandis allocutionibus, quæ adhuc a prima devotione videntur procedere: hiuc alter alterius præsentiam incipit appetere; sicque (concludit) spiritualis devotio convertitur in carnalem. Et quidem, oh quot sacerdotes, qui antea erant innocentes, ob similes adhæSIONES quæ spiritu cœperant, Deum simul et spiritum perdiderunt! Advertatur hic, quod ex decreto S. C. epis. sub 21. jan. 1620. confessarii sine necessitate audire non debeant mulierum confessiones post crepusculum vespertinum, et ante auroram.

“ 120.—Deinde confessarius non adeo mulierum confessionibus sit addictus, ut per hoc

according to St. Thomas, (opusculo 64. de Famil. Dom. etc.) ‘The discourse with these women should be strict and brief, neither are they to be the less guarded against, because the more holy they are, the more attractive;’ and the same angelic doctor adds, ‘although carnal affections be dangerous in all, however, it is more so to themselves when they converse with a person who appears spiritual; for although the beginning may appear pure, however, a frequent familiarity renders danger familiar, which familiarity indeed, in proportion as it increases, the principal motive is weakened, and purity is spotted.’ And he adds, that ‘such persons do not immediately perceive this, since the devil does not always throw poisoned arrows, but only those which strike but lightly and increase the affection. *But in a short time such persons come to this, that they no longer act towards each other as angels, as they commenced, but as those who are clothed in flesh; they interchange looks and their minds are affected by soft expressions, which still seem to proceed from the first devotion; hence the one begins to long for the presence of the other, and thus (he concludes) the spiritual devotion is converted into carnal.*’ AND INDEED, OH HOW MANY PRIESTS, WHO BEFORE WERE INNOCENT ON ACCOUNT OF SIMILAR ATTRACTIONS, WHICH BEGAN IN THE SPIRIT, HAVE LOST BOTH

homines ad se venientes audire recuset. Oh! qualis miseria est cernere tot confessarios, qui impendunt bonam diei partem in audiendis religiosis aliquibus mulierculis, quas vulgo dicunt bizocas; et cum postea vident ad se accedere homines aut feminas uxoratas qui sunt pleni angustiis, et molestiis, et qui ægre domos, et negotia sua relinquere poterunt, dimittunt eos, dicendo: *Habeo aliud quod agam, ite ad alios*; unde fit ut isti, non convenientes cui sua peccata confiteantur, vivant per tot menses et annos sine sacramentis, et sine Deo."

GOD AND THEIR SOUL. Here is to be observed what is prescribed according to the decree of the sacred congregation, that confessors, unnecessarily, ought not to hear the confessions of women after evening twilight, or before morning.

" 120.—Moreover, the confessor ought not to be so addicted to the confessions of women, that on this account he would refuse to hear the confessions of men who come to him. OH WHAT MISERY IT IS TO OBSERVE SO MANY CONFESSORS, WHO SPEND A LARGE PORTION OF THE DAY IN HEARING THE CONFESSIONS OF CERTAIN RELIGIOUS WOMEN, WHO ARE COMMONLY CALLED, BIZOCAS, and when they afterwards observe men or married women coming to them, who are filled with cares and grievances, and who can scarcely leave their homes and business, dismiss them, saying, 'I have something else to do, go to some one else,—whence it happens, that they not coming to confess their sins, live through whole months and years, without the Sacraments and without God.'

The warnings here given and the statements shew the great dangers of the confessonal. Again, he says :

" 193.—XXI. In audiendis confessionibus mulierum, illisque pertractandis, adhibeat eam austeritatem quæ conveniens est secundum prudentiam; et ideo recuset munuscula, effugiat familiaritatem, et omnia alia quæ possunt esse

" In hearing the confessions of women, and in discoursing with them, he ought to use that austerity which is in accordance with prudence, and moreover refuse gifts, avoid familiarity and all those other things which can be the cause

causa adhæſionis. Ob aliquam circa hoc negligentiam, oh, quot confessarii et suas, et pœnitentium animas perdidērunt!"

of adhesion. OH, HOW MANY CONFESSORS HAVE LOST THEIR OWN SOULS AND THOSE OF THEIR PENITENTS, ON ACCOUNT OF SOME NEGLIGENCE IN THIS RESPECT!!!—No. 193.

The unholy influence which the confessional is calculated to have on the mind of the priest, may be deduced from the following passage which propriety forbids me to translate in full.—

"483.—Excipitur tamen, si præfatæ actiones ponantur excausa necessaria, vel utili, vel convenienti animæ aut corpori; tunc enim pollutiones ex ipsis provenientes, adhuc prævisæ, non sunt peccata dummodo absit consensus, vel ejus periculum. Ita communiter Sylvius 2. 2. q. 154. a. 11. ad 2. Tourn. tract. 3. p. 498. cum Henr. a. S. Ignat. et communi, Salmant. n. 45. et 46. Croix l. 3. p. 1. n. 925. Roncaglia de 6. præc. c. 7. q. 9. et alii ex D. Th. loc. cit. Ratio, quia tunc homo potius patitur, quam agit, dam pollutione non ex sua malitia, sed ex infirmitate naturæ procedit, ut loquitur D. Gregorius in cap. Testamentum, dist. 6. et juxta D. Thomam, quando unius causæ est duplex effectus æque immediatus. unus bonus, alter malus, et bonus æquivalet malo, nihil prohibet bonam intendi, et malum permitti. Hinc etiam, prævisa pollutione involuntaria, licet I. parochis, et etiam aliis confessariis, audire confessiones

"483.—However there is an exception if the above mentioned actions are designed for a necessary or useful cause, or for the convenience of soul or body, for then the coming of themselves, although expected, are not sins, provided that consent and the danger of consent be absent. Thus Sylvius, 2. 2. q. 154. a. 11. ad 2. Tourn. &c., &c. commonly teach. The reason is, because in that case the man is rather passive than active, whilst does not proceed from his own wickedness but from the infirmity of his nature, as Gregorius says in cap. Testamentum dub. 6. and according to St. Thomas, when there is a two-fold effect equally immediate from the same cause, one good, the other evil, and the good equals the evil, nothing prohibits me that I should intend the good and permit the evil. Hence also, when an involuntary is foreseen it is lawful I. for parish priests and also other confessors to hear

mulierum. ac legere tractatus de rebus turpibus; chirurgis aspicere, et tangere partes feminæ ægrotantis, ac studere rebus medicis; licet quoque aliis alloqui, osculari aut amplexari mulieres juxta morem patriæ, servire in balneis, et similia. Ita S. Th. p. 3. qu. 80. a. 7. Sanch. dict. d. 45. ex num. 4. usque ad 8. Bon. de Matrim. q. 4. p. 10. n. 6. Spor. l. c. n. 650. Anacl. de 6. præcn. 53. P. Holzm. eod. tit. n. 690. Salm. l. c. n. 45. in fin. item Petroco, t. 2. de Temp. pag. 215. cum Nav. Cajet. et S. Ant. p. 2. tit. 6. c. 4. in fine, ubi sic ait: Sed ubi pollutio sit omnino involuntaria, contra intentionem, non est peccatum, sicut, cum quis audit in confessione turpia, aut loquens cum mulieribus ex causa honesta, et inde sequitur pollutio. Et idem docet Nav. cap. 16. n. 7. II.

the confessions of women, and to read treatises concerning foul actions. * * *

* * * * *
But where * * * is altogether involuntary, contrary to the intention, it is not a sin, just as when any one hears in confession unclean subjects, or conversing with women for a just cause; thence * * * ensues.

The passage which follows I can not attempt to translate:—

“Licet alicui, qui magnum pruritus patitur in verendis, illum tactu abigere, etiamsi pollutio sequatur. Ita Busemb. supra n. 419. in fin. Bon. loc. cit. n. 8. Laym. l. 3. sect. 4. n. 13. March. Salm. n. 49. cum Trull. et Diana; item Caj. Nav. Vill. Led. Zanard. Bass. apud Moyam. Forte dices, posse accidere, ut pruritus ille proveniat ex ipso ardore libidinis, unde extinctio pruritus, quæ per fornicationem fit, venerea delectatio potius censi debeat. Sed respondetur, rationabilius judicandum, quod talis pruritus, quando est valde molestus, oriatur potius ex acrimonia sanguinis, quam ex ardore luxuriæ. Saltem, in dubio, prævalet libertas se liberandi ab hujusmodi molestia per tactum de se licitum, dum licite quisque potest tactu pruritus corporis abigere; etsi accidit pollutio, absque periculo consensus, per accidens, et involuntarie, ac proinde inculpabiliter accidit: ut autem iste ab eo tactu abstinere teneretur, probandum pro certo esset, pruri-

tum illum a libidine procedere. Cæterum sapienter monet Croix loc. cit. eos, qui puritatem amant, ut abstineant (intellige quantum moraliter est possibile) ab hujusmodi tactibus. Idque absolute, et merito prohibet Roncaglia loc. cit. si pruritus non sit valde molestus; permittit tamen eo casu pati aliquam commotionem, si quis non habeat virtutem illum tolerandi. III. Sic etiam licet, prævisa pollutione, equitare causa utilitatis; Bonac. n. 7. Sanch. n. 7. cum Navarr. Armill. Vasq. Lop. etc. Salm. n. 53. cum Less. Azor. et Dic. Et etiam causa recreationis, ut Sporer n. 650. Anacl. n. 53. et Holzm. n. 690 cum Pichler, et communi, ut asserit. IV. Licet decumbere aliquo situ ad commodius quiescendum. Salm. n. 53. et 56. in fin. Spor. n. 650. Sanchez, Pal. Laym. etc. apud Croix n. 925. Holzm. n. 690. cum aliis communiter. V. Cibos calidos aut potus moderate sumere, et honestas choreas ducere. Sporer. n. 650. Salm. loc. cit. cum S. Ant. Tol. Less. Holzm. d. n. 690. cum Pichler etc. communiter.

Liguori now asks, "if a Surgeon who has often unhappily consented to these impurities, be bound to resign his office?"

"Probabile est, quod non teneatur, modo proponat debitis mediis se munire, ut dicunt Nav. Summ. c. 3. in fine ex Salm. de 6. præc. c. 2. n. 47. cum Hurt. Anton. a Sp. S. etc. Vide dicenda in l. 5. n. 63. v. Quæritur. Idem dicitur de parrocho, qui in eamden miseriam pluries lapsus fuerit in excipiendis confessionibus."

"It is probable that he is not bound, provided that he use due means to fortify himself.—THE SAME IS SAID CONCERNING A PARISH PRIEST, WHO OFTENTIMES MAY HAVE FALLEN INTO THE SAME DISTRESS IN HEARING CONFESIONS."

Liguori adds, that a simple confessor may resign the office of hearing confessions in such a case, not however a Parish Priest, save when the impurity of the confessional lays such hold on his mind, that in every or almost every instance he falls: *occasional* falls with a *hope* of amendment, will not oblige him to leave the confessional.

Let me again revert to the subject of denunciation.—The confessor who solicits a penitent in the confessional to base acts, is to be denounced; but the question is

asked, if the confessor should be denounced who yields to the penitent soliciting? some answer in the affirmative, but a host of authors and *Liguori* say that he should not. The reason is because the penitent solicits and not the confessor, though even he should yield. Again:—

“ 682.—Quær. II. an sit denuntiandus confessarius, qui, sollicitatus a pœnitente ad copulam, renuit, et divertit ad solos tactus. Affirmant Salm. n. 40. cum Leandr. et Dian. Sed probabiliter negant Pal. part 5. n. 4. Escob. n. 656. ac Trullench. Hurtad. etc. apud Salm. n. 39. Ratio, quia femina sollicitans ad copulam, virtualiter provocat etiam ad tactus, qui ordinarie sunt prævii ad copulam; unde verificatur quod confessarius (ut supra) tunc non sollicitet, sed sollicitatus consentiat. Recte vero notat Pal. etc. d. n. 36. quod confessarius sollicitatus ad sodomiam, si ipse divertat ad fornicationem, vel contra, tunc certe sit denuntiandus, cum ipse tunc sollicitet ad actum, ad quem non fuit sollicitatus; fornicatio enim non continetur sub sodomiam, nec contra.

“ Quær. III. an denuntiandus sit confessarius sollicitans ad actus tantum venialiter inhonestos. *Prima sententia* affirmat, et hanc tenent Diana r. 5. Mazz. p. 438. Viva in prop.

“ 682.—It is asked whether a confessor should be denounced, who, solicited by a penitent to * * * refuses, but turns to other immodest actions. Salm. n. 40. with Leandr. and Dian. answer in the affirmative, but Pal. part 5. n. 4. Escob. n. 656. ac Trullench. Hurtad. etc. apud Salm. n. 3. *with greater probability. deny that he should be denounced.* The reason is, because the woman soliciting him to * * * virtually incites him to other immodest actions which generally precede * * * whence it is established that the confessor (as above) does not then solicit, but *being solicited consents*; but justly Pal. etc. d. n. 36. observes, that a confessor solicited to commit * * * if he turn to * * * or, vice versa, should then certainly be denounced, because he in that case solicits the penitent to an act, *to which he was not solicited*, for fornication is not contained under sodomy, nor vice versa.

“ 683.—It is enquired, whether a confessor soliciting to immodest actions which are only venial, should be denounced. The first opinion is affirmative * * * BUT THE

7. damn. ab Alexandr. VII. et Trull. Sancius, Fagund, Leand. et D. Thom. num. 635. *Secunda vero sententia probabilior negat.*"

SECOND MORE PROBABLE OPINION IS NEGATIVE."

Again, he says :

"Quæritur VIII. an denuntiari debeat confessarius qui mulieri sollicitanti consentit, ob metum ab illa incussum, quod eum accusatura sit, nisi consentiat. Negat Hurtad. quia lex ecclesiastica non obligat, cum metus gravis intervenit. Hæc tamen ratio debilis est, quia talis metus non censetur gravis; iudices enim non facile credunt cuicunque mulierculæ accusanti, uti dicunt Salm. n. 59. et Escob. Sed melius dici potest hunc confessarium non esse denuntian- dum, quia tunc revera esset sollicitatus, non sollicitans, juxta dicta num. 681."

"Eighthly, it is enquired whether a confessor ought to be denounced who consents to a woman soliciting him, in consequence of a fear caused by her that she would accuse him unless he consent. *Hurtad denies that he should be denounced, because ecclesiastical law does not oblige when a great fear intervenes.* However, this reason is weak, because such a fear is not considered grievous, for judges do not readily give credence to every accusing woman, as Salm. n. 59. and Escob. say; BUT MORE JUSTLY IT CAN BE SAID THAT, THIS CONFESSOR IS NOT TO BE DENOUNCED, BECAUSE IN TRUTH HE DID NOT SOLICIT BUT WAS SOLICITED."

Now comes a most important question :

"689.—Quær. XI. an sit denuntiandus pœnitens qui in confessione sollicitat sacerdotem. Affirmant aliqui pauci apud Salm. num. 29. Sed communiter et verius negant Bonac. p. 3. n. 20. Dian. p. 1. tr. 4. r. 23. Pal. p. 9. n. 7. et Salmant. loc. cit. cum Trull. Bord. Sousa, Acunn. Sanc. et Leandr. Ratio, quia leges pœnales non sunt extendendæ de casu ad casum. Neque currit hic eadem ratio pro pœnitente quæ pro confessario sollici-

"689.— It is asked, XI. whether a penitent is to be denounced, who solicits a Priest in confession. *Some few answer in the affirmative, but more commonly and more truly, Bonac. &c. &c. deny it.* The reason is, because penal laws are not to be extended from case to case, neither does the same reason which applies for the denunciation of a confessor apply to that of a penitent, on account of the many obvious advantages, and espe-

tante, ob plura momenta quæ cuique patent, et præcise ob suspicionem revelationis sigilli, si confessarius pœnitentem denuntiaret.”

Thus the Penitent who solicits the Priest is not to be denounced.

“ 690.—Quær. XII. an sit denuntiandus sacerdos interpres qui sollicitat pœnitentem. *Prima sententia* affirmat, et hanc tenent Freita, Trim. et a Corro apud Escob. n. 689. Ratio, quia interpres non solum gerit partes pœnitentis, sed etiam confessarii; unde pariter ac confessarius injuriam irrogat sacramento. *Secunda* vero sententia communissima negat.”

“ 690.—It is asked XII. whether a Priest—a referee,* who solicits a penitent, should be denounced. The first opinion affirms it. The reason is, because a referee not only acts on the part of a penitent, but also on that of a confessor; whence equally as the confessor he injures the sacrament, BUT THE SECOND MOST COMMON OPINION DENIES THAT HE SHOULD BE DENOUNCED.”

Hence the referee Priest who avails himself of the knowledge acquired in the confessional, and communicated to him by the confessor, is not to be denounced if he solicit a penitent to base acts.

Here is full room for wicked Priests to carry out their nefarious designs. The Priest in the confessional may be morally certain of evading all punishment. He knows the mind, the weaknesses, and sins of his penitent, and can form his calculations without any danger; and there is but little probability that the penitent over whose mind and body he has obtained a complete mastery, will denounce him. *The Priest who commits sin with the penitent who solicits him, is not to be denounced.* The penitent is then at the complete mercy of the confessor; he can take care to place his victim in the position of the soliciting party, and thus evade all danger: the con-

* One consulted with the license of the penitent.

fessor's mind must necessarily be deteriorated and demoralized by the filthiness and immorality which are constantly poured into it. Regarded as God in the confessional he sways his penitents as he will; *they speak on the most disgusting subjects—they become familiarized with each other—the wicked Priest has only to place his penitent by a little management in the position of the soliciting party*; no one can witness the fact; he retains her in his grasp so long as he pleases, and if at length any qualms of conscience arise, (which is most unlikely in those who breathe such a polluted atmosphere) the penitent may seek another* confessor, from whom she receives absolution, *and by whom she cannot be compelled to denounce the former confessor, because it appears that she herself solicited him.* The guilty paramour likewise reveals his sins to his own confessor, and his crime cannot be revealed, for that would be a breach of the seal—*nay, his guilt is taken away by confession, absolution, and penance!*

Rome demoralizes the mind and gives full opportunity for the practice of immorality with impunity. Foul stain upon humanity that such a system should exist in a civilized country. In Rome is fulfilled the prediction, "AND UPON HER FOREHEAD WAS A NAME WRITTEN, MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS, AND OF THE ABOMINATIONS OF THE EARTH."

* The Priest cannot, except in some cases, absolve his own accomplice, but the matter can be managed as above.

THE PROBABLE OPINIONS.

In the treatise on conscience the Saint takes up the subject of probable consciences, and thence proceeds to the probable opinions; he says there are different kinds of probability,

“Alia enim est opinio tenuiter probabilis, alia probabilis, alia probabilior, alia probabilissima, alia certa moraliter, alia tuta, alia tutior. Opinio tenuiter probabilis est quæ aliquo fundamento nititur, sed non tali ut valeat assensum viri prudentis ad se trahere.”

“For one is an opinion slightly probable, another slightly probable, another more probable, another most probable, another morally certain, another safe, another more safe. An opinion is slightly probable which rests upon some foundation but not upon such as would secure the assent of a prudent man.”

Having said that a slightly probable opinion cannot be acted upon, he proceeds;—

“Probabilis est, quæ gravi fundamento nititur, vel intrinseco rationis, vel extrinseco auctoritatis, quod valet ad se trahere assensum viri prudentis, etsi cum formidine oppositi. Probabilior est, quæ nititur fundamento graviori, sed etiam cum prudenti formidine oppositi, ita ut contraria etiam probabilis censeatur. Probabilissima est, quæ nititur fundamento gravissimo, quapropter opposita censeatur vel tenuiter, vel dubie probabilis; hac autem opinione semper licite utimur, ut constat ex proposit. 3. damnata ab Alexandro VIII. quæ dicebat: *Non licet sequi opinio-*

“It is a probable opinion which rests upon a solid foundation, or some intrinsic reason or authority which prevails to obtain the assent of a prudent man, although he may still be in doubt. A more probable opinion is that which is based upon a more solid foundation, but even with a prudent fear of the opposite, so that the contrary also may appear probable. The most probable opinion is this, which is based upon the most solid foundation, on account of which the opposite is thought to be either slenderly or doubtfully probable; but this opinion we may al-

nem vel inter probabiles probabilissimam. Opinio sive sententia moraliter certa est, quæ omnem prudentem formidinem falsitatis excludit, ita ut opposita reputetur omnino improbabilis. Opinio demum tuta est, quæ recedit ab omni peccandi periculo. Tutior vero, quæ magis a tali periculo recedit, tametsi rationibus firmioribus non nitatur."

ways lawfully use according to the proposition condemned by Alexander VIII. which said, 'It is not lawful to follow an opinion even the most probable amongst probables.' An opinion or judgment morally certain is that which excludes all prudent fear of error, so that the opposite is thought altogether improbable. But the opinion is safe which recedes from all danger of sinning. But it is more safe which recedes more from such peril, although it is not supported by more firm reasons."

He makes the distinction between the probability of *fact* which regards the substance or verity of a matter, and the probability of *right* which regards the honesty of an action.—He gives the following example.—The questions whether a sacrament administered with a certain matter be valid, or a contract entered into with a certain form be usury are probabilities of *fact*, but whether it be lawful to administer a sacrament with a certain matter, or to enter into a compact with a certain form are probabilities of *right*. He says that it is not lawful to use the probable opinion in the probability of *fact* when it may injure another party; for example, it is not lawful to *substitute* spittle for water in the baptism of a child, though it may be probable that such a baptism would be valid, nor is it lawful for a physician to adopt less probable opinions in the treatment of his patient. However, in the probability of *right* the Saint teaches otherwise. He gives a treatise "On the choice of opinions,"—He says that if an opinion which is in favour of the observance of a law be more probable than the opinion for its *non-observance*

vance, then we should follow the more probable opinion and observe the law; but if this *opinion* be of equal weight, *we are not bound to follow that which favors the law, or in other words, which is the more safe opinion.* He quotes various authors in proof of his views, and sums up as follows;—

“Posito igitur principio a D. Thoma tradito, ac satis superque probato, nempe quod Nullus ligatur per præceptum aliquod, nisi mediante scientia illius præcepti, quod idem est ac dicere, non posse legem incertam certam obligationem inducere; necessario eruitur esse moraliter certum, quod, ubi duæ opiniones æqualis ponderis concurrunt, non sit obligatio sequendi tutiorem. Si quis autem de hujus sententiæ certitudine rationem exposcati breviter ei ex omnibus in hoc monito probatis respondebitur, quia lex dubia non obligat. Et, si quærere pergat, cur lex dubia non obliget; respondebimus hoc succincto argumento; Lex non sufficienter promulgata non obligat: lex dubia non est sufficienter promulgata (quia dum lex est dubia, promulgatur sufficienter dubium, sive quæstio, sed non promulgatur lex): ergo lex dubia non obligat.”

Again he says:—

“Dixi sub initio, quod, ubi opinio pro lege videtur certe

“The principle delivered by St. Thomas being established and proved sufficiently as above, to wit, ‘that no one is bound by any precept unless by the intervening knowledge of the precept, which is the same as to say that an uncertain law can induce no obligation; it is necessarily discovered to be morally certain that where there are two opinions of equal weight *there is no obligation of following the more safe opinion.* But if any one demand a reason for the certitude of this opinion, he will receive a brief answer from all the proofs in this lesson, because a doubtful law does not oblige. And if he proceed to enquire why a doubtful law does not oblige, we will answer him in this brief syllogism; a law not sufficiently promulgated does not oblige: a doubtful law is not sufficiently promulgated (because whilst it is doubtful, the doubt or question is sufficiently promulgated, but not the law): ergo, a doubtful law does not oblige.”

“I have said in the beginning that where an opinion

probabilior, eam sequi teneamur; secus vero si est ejusdem ponderis, quod habet opinio pro libertate." for law appears certainly more probable it ought to be followed: but otherwise, if it be of the same weight as the opinion for liberty."

The opinions of Liguori on this subject were much opposed by some Romish writers on the ground of their laxity, but he endeavours to vindicate himself and proves that his views are those of the famous St. Thomas and other great authorities. The controversy raged for a long time; Liguori's sentiments on this point were denounced by the more rigid divines, but the author is now a *Saint*, invocated and venerated,—his works have been examined and approved,—and Romanists pray that they may be "taught by his admonitions."

This subject, as to the selection of opinions, bears directly on the morals of the people and the practical working of the confessional.

"It is asked 1. whether a penitent can be absolved who wishes to follow an opinion contrary to that which is held by the confessor?"

The first opinion says that he cannot,—

"*Secunda* vero sententia communis et sequenda docet non solum posse, sed etiam teneri sub gravi, confessarium absolvere pœnitentem qui vult sequi opinionem probabilem, licet opposita videatur probabilior confessario."

"But the second opinion, which is common and ought to be followed, teaches that the confessor not only can absolve him, but is also bound under a weighty obligation to absolve a penitent who wishes to follow a probable opinion, although to the confessor, the opposite may appear more probable."

To this view even the more rigid divines, says Liguori, give their consent; he states the inconveniences which would arise if it were not so:—

“ Adde quod. si confessarius non posset absolvere eos qui volunt sequi opinionem minus probabilem, contra suam, quam ipse putat probabilior, multa videntur inconvenientia sequi. Ponamus enim casum, quod aliquis simoniace pecuniam acceperit, iste secundum aliquos tenetur restituere pretium acceptum ei qui dedit; secundum alios, Ecclesiæ, vel pauperibus: si forte hic ad duos confessarios accederet, quorum unus obligaret ad restituendum danti, putans primam opinionem probabilior, alter ad restituendum Ecclesiæ, eo quod contrariam tenet sententiam; quæro in hoc casu, cui pœnitens parere deberet, cum teneretur utriusque sui confessarii iudicio se conformare. Et, si forte paruerit primo, et postea confiteatur secundo, num his restitutionem facere debebit? ”

“ Add that, if a confessor cannot absolve those who wish to follow an opinion less probable, contrary to his own which he thinks more probable, many inconveniences appear to follow, for let us take an example, that some one hath *simoniacally* received money, he, according to some, is bound to restore the price received to him who gave it; according to others, he is bound to give it to the *Church* or the poor; if perchance, he should go to two confessors, one of whom would oblige him to restore it to him who gave it, thinking the first opinion more probable; the other would oblige him to restore it to the *Church*, because he holds the opposite opinion; I ask, in that case, to whom the penitent should render obedience, when he should be bound to conform himself to the judgment of each confessor, and if perchance he may have rendered obedience to the first, and afterwards confess to the second, whether will he be bound to make restitution twice? ”

Again, he says:—

“ Hinc alterum excogitemus casum: Duo confessarii habent duas opiniones contrarias, quorum utrique sua opinio apparet probabilior; si unus velit alteri confiteri, deberet hic (juxta sententiam Fagnani, et sociorum) suam deponere opinionem, captivando intellectum, ut confessario suo ju-

“ Hence, let us take another case; two confessors hold two opposite opinions, to both of whom his own opinion appears more probable;—if one confess to the other, he should, (according to the opinion of Fagnani and those who agree with him,) lay aside his own opinion, by

dici constituto pareat. Contra vero, si alter postea huic confiteatur, deberet hic secundus confessarius suam resumere opinionem, quæ sibi probabilior apparet; tunc enim deberet judicare secundum suum proprium iudicium, et deberet illum obligare, ut deponat opinionem quam sibi prius sequendam imposuit; et en comœdia risu digna, quæ quotidie inter confessarios eveniret."

surrendering his intellect that he may render obedience to the constituted judge,—his own confessor. But, on the other hand, if the other afterwards confess to him, he, the second confessor, should resume his own opinion, which appears to himself more probable, for then he ought to judge according to his own proper judgment, and ought to bind him, that he may lay aside an opinion which before he had imposed upon himself to follow; and lo, comedies worthy of laughter which daily would happen among confessors."

Thus Liguori shews that the penitent must be allowed to follow a probable opinion, even though the opposite may appear more probable to the confessor. He explains himself more fully thus:—

"Quoad vero alias opiniones, quæ versantur circa obligationem pœnitentis, nempe circa ea quæ a pœnitente agenda aut vitanda sunt, confessarius non est iudex, nec potest obligare ad sequendum opinionem suam pœnitentem, qui vult sequi contrariam, quam ipse putat non sine fundamento licite posse teneri, ut optime tradidit Adrian. quæst. 5. dub. 7. dicens: Si a pluribus DD. contrarium teneatur, non debet sacerdos adeo de se præsumere, ut totum velit in suam opinionem (quæ forsitan erronea est) coarctare. Hinc, quando ex una parte pœnitens sibi efformat iudicium de ho-

"But as to those opinions which relate to the obligation of the penitent, to wit, as to those things which are to be done, or avoided, by the penitent, the confessor is not judge, neither can he oblige the penitent to follow his own opinion, who wishes to follow the contrary, which he thinks can lawfully be held with some reason, as Adrian very opportunely has delivered, quæst. 5 dub. 7. saying, 'If the contrary be held by many doctors, a priest ought not to presume of himself that he may wish to press the whole into his own opinion, (which perhaps is erroneous.)

nestate alicujus actionis, et alias confessarius non habet certitudinem evidentem de illius falsitate, tenetur illum absolvere, utpote sufficienter dispositum. Et tunc potest, imo tenetur permittere quod pœnitens suam sequatur opinionem, si nequit abducere ab eam sequendo, quia, (ut diximus) confessarius non est controversiarum iudex."

Hence, when on the one hand a penitent forms a judgment concerning the honesty of some action, and the confessor, otherwise, has not an evident certitude concerning the falsity of the opinion, he is bound to absolve him, inasmuch as he is sufficiently disposed. And then he can, yea he is bound, to permit the penitent to follow his own opinion, if he be unable to withdraw the penitent from following it; because as (we said) the confessor is not a judge of controversies."

There is a great variety of opinion amongst divines of the Church of Rome as to sin and its nature, they are divided in their sentiments upon moral subjects. If a penitent adopt an opinion which is possible according to some divines, and not proscribed by authority, though the confessor think it less possible, he cannot refuse absolution to him : of this Liguori gives an example :

A penitent has been guilty of receiving money simoniacally. Some divines think that it should be restored to the man who gave it; others think that it should be given to the Church. The penitent can act upon the opinion which he thinks probable, and he cannot be compelled to abandon it.

If however the confessor think that the opinion of the penitent is altogether false, he may refuse absolution.

Let me revert to the probable opinion. Liguori teaches, that in the case of the equally probable opinion, the sinner is not bound to the observance of the law. This tends directly to laxity of conduct, for the safer way is to observe the law.

EPITOME FROM THE WORKS OF BENEDICT XIV.

APPENDED to the works of Liguori is the Epitome from the works of Benedict XIV., in which bulls, decretals, and authorities are cited, *anti-social and persecuting* in their character. This Epitome was published under the sanction of the Romish Archbishop of Dublin in the 8th vol. of Dens' Theology. The Rev. R. J. Mc Ghee, in his excellent work "The Laws of the Papacy," shews, that the authorities which it cites—authorities set up by the Romish Clergy for the governance of Ireland, render "Queen Victoria's government a nullity," placing the Roman Catholic population under the temporal authority of the Pope.

The Epitome establishes the following authorities:—the Bull "Cænæ Domini,"—Bull of Benedict XIV. for the restitution of property,—the 3rd Canon of the 4th Council of Lateran,—Bull for the establishment of the Inquisition,—Bull, called "Pastor Bonus," &c., &c.

The reader who wishes to see the character of these laws fully expounded, will consult Mc Ghee's "Laws of the Papacy."

Mr. Mc Ghee indisputably shews that those Bulls have been published by the Romish Bishops in Ireland:—but even if they were not published in that particular locality or every province, they would still bind the whole Church according to the opinion of Liguori. In vol. I., de legibus, he considers the following question:—

"Sed quæritur 1. an leges pontificiæ (et aliorum principum non subjectorum) ut obligent, promulgari debeant, non solum Romæ (sive in curia) sed etiam in singulis provinciis? Prima sententia affirmat. * * Secunda vero sententia valde

"But it is asked, in the first place, whether the pontifical laws and those of other princes in order to have force, ought to be promulgated, not only in Rome, (or in the court), but also in each of the Provinces; the first opinion affirms that

communis, et probabilior id negat, tenetque leges pontificias obligare fideles sola promulgatione Romæ peracta.

“Hoc posito, cum Pontifex statuit suas bullas tantum Romæ publicari, minime verisimile est, quod ipse non alias provincias, sed solam Romanam obligare intendat. Cum Papa tantum Romanos obstringere vult, solet peculiaria edicta emanare (et hæc italico idiomate efformat); sed statuta per totam Ecclesiam condens, eaque solemniter promulgans cum clausulis obligatoriis, procul dubio præsumitur omnes fideles obligare velle statim ac ipsis notitia pervenerit. Quæ notitia, facile est, ut e Roma ad provincias perveniat; Romæ enim conveniunt omnes fere nationes, et omnes prælati habent ibi suos procuratores, qui ordinarie sagunt suos principales de novis bullis, quæ promulgantur, certiores facere.”

“Quid in dubio, an lex usu recepta sit? Adsunt tres sententiæ. *Prima* sententia tenet tunc legem non obligare, saltem si sit pœnalis. *Secunda* sententia, quam tenet Croix, lib. 1. n. 591. dicit legem obligare, si sit ecclesiastica; secus vero, si sit civilis. *Tertia* tamen sententia sequenda affir-

they ought. * * * *

“BUT THE SECOND VERY COMMON AND MORE PROBABLE OPINION DENIES THAT, AND HOLDS THAT THE PONTIFICAL LAWS OBLIGE THE FAITHFUL, THOUGH ONLY PROMULGATED AT ROME.

“This being established, when the Pontiff has determined that his own bulls shall be published only at Rome, by no means is it probable that he intends to bind only the Roman Province, and not other Provinces. When the Pope wishes to bind only the Romans, he is wont to put forth peculiar edicts, (and these he draws up in the Italian dialect), but in making statutes for the whole Church, and promulgating them in a solemn manner with obligatory clauses, it is presumed without doubt, that he wishes to bind all the faithful to their observance, as soon as they are informed of them; for almost all nations assemble at Rome, and all Prelates have their own procurators in that city, whose business it is to inform their own superiors concerning the new bulls.”

“When it is doubtful whether the law was received by use, does it oblige? There are three opinions; the first holds that it does not oblige, at least if it be penal * * the second opinion, which Croix. holds, lib. 1. n. 591. says, that the law obliges if it be ecclesiastical, but not if it be civil.

mat legem obligare.”

HOWEVER THE THIRD OPINION WHICH OUGHT TO BE FOLLOWED, AFFIRMS THAT THE LAW DOES OBLIGE.”

It is then evident, that according to the theology which was approved in the year 1839, Papal laws are binding in every Romish country, although they may have been only published in Rome. Hence the bulls, “Cœnæ Domini,” “Bonus Pastor,” &c., and other papal authorities are binding in these countries, even if they had not been promulgated in the British dominions. When examined before the Committee of the House of Commons, the Roman Catholic divines admitted that these bulls, if acted upon by the Papal community, would interfere with the laws of the land; Dr. Doyle declared, that the 3rd canon of the 4th Lateran Council would “*drench our streets and our fields in blood;*” and they maintained that they were not obligatory, because they had not been published or promulgated in these kingdoms. Mr. McGhee has shewn, that they have been absolutely published by those very men;—*and according to the statements of Liguori, even if they were not so promulgated, they would yet be obligatory on all Romanists.*

The Roman Catholic prays that he may be “taught by this admonition.”

FINIS.

