

How can a doubtful law impose a certain obligation?

When therefore there is a speculative doubt affecting solely our subjective obedience, we affirm that it can be resolved with the help of a probable opinion in favour of liberty of action against even a more probable opinion in favour of the law. For when there is a solidly probable opinion in favour of liberty, it is clear that the contradictory assertion in favour of the law cannot be certain, and this is true even if the opinion in favour of the law be the more probable of the two. Because either the reasons and authorities in favour of the law, are such as to diminish the solid probability of the contrary opinion in favour of liberty, or they are not. If they be such as to render the opinion in favour of liberty doubtfully or slightly probable, then that is not our hypothesis—the case is changed, and the opinion in favour of liberty is no longer solidly probable, no longer to be relied upon. But if after full examination and consideration by competent judges of all the reasons and authorities alleged in favour of the law, the opinion in favour of liberty retains its solid probability, it is clear that the contrary reasons cannot produce certainty; and it evidently follows from the probability in favour of liberty, that the law or obligation in question is absolutely doubtful, because by its definition a probable opinion is founded on a motive so weighty as to be sufficient to draw to itself the assent of a prudent and competent judge. How therefore can the contrary be *certain*? And if the law be doubtful, how can it impose a certain obligation?

What would be the difference between a doubtful and a certain obligation if men were equally obliged to obey in both cases? and would it not follow from such a conclusion that the same obligation was at the same time certain and doubtful, which is a contradiction in terms?

True Probabilism consonant to Reason.

When the doctrine of Probabilism is rightly understood it commends itself to our reason. To say that man is bound to obey in all doubts is simply absurd. It is well for a man to obey all certain laws, whether natural, Divine, or human. Happy is he who can say, "All these have I kept from my youth" (St. Matt. 19, 20). It may be indeed a matter of perfection or counsel, to obey in doubtful cases out of reverence for the lawgiver, and to avoid even a material violation of the law. But it is quite unreasonable to oblige all men to do so under pain of sin. St. Thomas Aquinas (in 4 sent. d. 15 a. 6. ad. 2m) declares that "what is prohibited by no law is lawful." And again, (De Verit. 9. 11. a. 3) "that no one is bound by a law unless through the knowledge of such law," and he clearly holds that knowledge is incompatible with a contrary probable opinion. From these, and a crowd of other authorities and reasons St. Alphonsus deduces the fundamental principle of his system of Probabilism: "*Lex dubia non potest certam inducere obligationem*" St. Alph., l. 1, n. 26). *Lex dubia non obligat* n. 55.)