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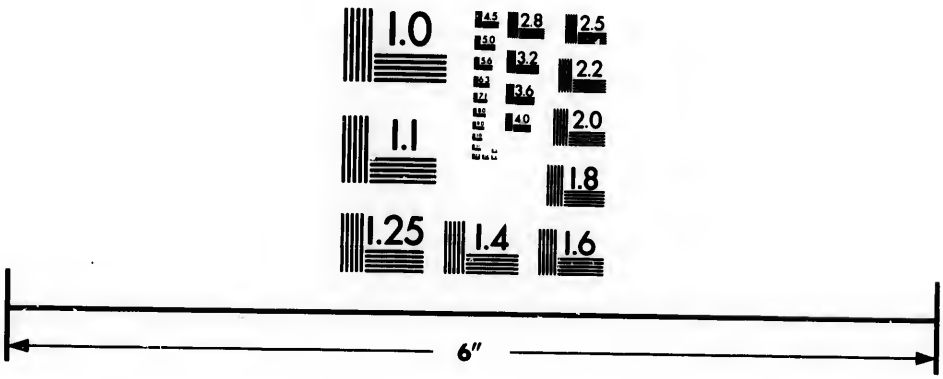

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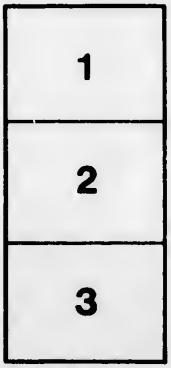

JESUIT MAXIMS

WHAT IS PROBABILISM?

Casuistry.—Anglican Writers on Casuistry. — Probabilism.

(No. 3.)

WHAT IS PROBABILISM?

PART I.

CASUISTRY.

(The MONTH, London, June, 1888, p. 185.)

It defines the limits of wrong-doing.

Casuistry is the study of cases of conscience. Its aim is to define the exact limits and frontiers of wrong-doing. The casuist says to a man: "Thus far mayest thou go, but no further: another step is wickedness." He does not invite him to go even so far. To fix a mark on the ice by way of showing that it is unsafe to go beyond, is not any recommendation of the ice immediately short of that mark to the special attention of skaters. He is a useful man who places such marks on the ice, provided he lays them judiciously, neither assuming the objects of his care to be as light as gossamer nor as heavy as wagons. So we might have thought the casuist to be a useful man, and one entitled to public favour and consideration. But in fact he is very unpopular, he and his art. If we might define it according to the ordinary English estimate of it, we should say: Casuistry is the art of minimising and teaching others to minimise moral obligations as well in speculation as in practice.

A Misconception.

Sir James Mackintosh, for example, writes thus:—"The tendency of casuistry is to discover ingenious pretexts for eluding that rigorous morality and burdensome superstition, which in the first ardour of religion are apt to be established, and to discover rules of conduct more practicable by ordinary men in the common state of the world.

The casuists first let down morality from enthusiasm to reason; then lower it down to the level of general frailty, until it be at last sunk in loose accommodation to weakness, and even vice" (1).

Abuse possible, but provided against.

It would be idle to pretend that there is no danger of this abuse ever occurring. "The Jesuits," as Sir James goes on to tell us, "were the casuists of the seventeenth century." The General Congregations of the Order in that and the following century passed repeated decrees against "novelties and laxities of opinion in matters of moral." It is not the wont of these Congregations to legislate against wholly imaginary dangers. But there is a higher authority in the Catholic Church, ever vigilant to prevent the keen intellects of Moral Professors from whittling away the law which they are set to expose. No great extravagance of casuistry will ever go unrebuked at Rome. And the rebuke is written down and preserved as a warning to future generations. Innocent the Eleventh in 1679 condemned sixty-five moral axioms together as lax or loosely worded. Here are some of them:

"With a cause it is lawful to take an oath without any intention of swearing, as well in trifles as in grave matters."

"He satisfies the Church's precept of hearing Mass, who hears two parts of it, or even four together, said by different Celebrants at the same time."

"It is lawful to steal, not only in extreme but even in grave necessity."

No Professor of Casuistry in a Catholic Seminary, who valued his place, would venture to teach any proposition that had ever been condemned at Rome.

The Church ever vigilant.

The Church has every reason for watching with jealous eyes over what we may call the purity of casuistry. For as cases are solved in her schools, so are they decided in her confessionals: the one is a preparation for the other. And the confessional is a vital organ of the Catholic Church. Where it works healthily, she flourishes and thrives: where it is out of order and ceases to act normally, her very existence is there threatened. And this lets us into the reason why casuistry is unpopular in England: it is unpopular as the confessional is unpopular. The study of the law is wrapped in the same cloud of odium which rests upon the court where that law is administered. It came very well from Pascal and other writers of Jansenist proclivities to lampoon casuists and turn casuistry into a byword of reproach: this same school virtually abolished the confessional also, by making it to be really under their direction, what the heretics at the time of the Council of Trent had mendaciously styled it, a *carnificina conscientiarum*, "a torture-chamber of consciences."(2)

(1) *Memoirs*, i. p. 411.
(2) Conc. Trid. Sess. 14, c. 5.

If Jansenism had held its way, and had not been restrained by the hand ot God, and by the vigorous action of Popes like Innocent the Tenth and Clement the Eleventh, there would have soon been no more casuistry, for people would have ceased to go to confession.

Casuistry a necessary adjunct of the Holy Tribunal.

Casuistry is the study of the law which is administered in the confessional. It is by no mere metaphor that the confessional is called "the tribunal of penance" The Council of Trent (1), speaking with dogmatic precision, says that Christ being about to ascend into Heaven "left priests behind in place of Himself as judges, that all crimes, amounting to mortal sin, into which Christ's faithful ever fell, might be brought under their cognizance, in order that, using the power of the keys, they might pronounce sentence of remission or retention;" and further, that priests "could not exercise this power of judgment without examination of the case;" and again, in the ninth canon of the same Session, the Council anathematizes "any one who shall say that the sacramental absolution of the priest is not a judicial act.' Every time that a priest is seated in the confessional, he is there as a judge. He must, then, possess Jurisdiction as well as Order: otherwise his acts are invalid, and his absolution goes for nothing. He must be in fact either the ecclesiastical superior of his penitent, or the delegate of that superior.

Being a judge, he is bound to decide according to the law of the court where he sits—the Court of Conscience it is called. The law there current presents many nice points for decision. The study of these, as I have said, is casuistry. It is essential to the training of a priest. It is matter of professional interest to him, and occasionally of keen discussion, as the treatment of wounds is to a surgeon.

Casuistry the application of the principles of Moral Theology.

The law which governs the decisions of the Tribunal of Penance is, first, the law of the Ten Commandments, which is the natural law of God: then the law of Faith and of the Sacraments, which is the positive law of God: then the Canon Law, which is made by the Church; and the Civil Law of each particular country, so far as it is addressed to consciences. The science which is conversant with all these varieties of law, so far as they have any bearing on the confessional, is called Moral Theology. Moral Theology gives the general principles, which Casuistry applies to particular cases. As a matter of fact, however, the word Casuistry is hardly ever heard in the Catholic schools. We say of one who is a referee in cases of conscience, not that he is a good Casuist, but that he is a good Moral Theologian.

(1) Sess. 14, c. 5.

The component parts of Moral Theology.

Moral Theology is principally made up of two other sciences, that of Moral Philosophy and that of Canon Law, without however being identical with either of them singly or with both of them put together. We will examine how each of the two sciences named enters into Moral Theology. And first of Moral Philosophy. That science has two branches—Ethics, which deal principally with the theory of right and wrong, and the exact import of those two ideas; and Natural Law, which defines what actions are obligatory or wrong of themselves and by the nature of things, antecedently to any positive law, human or divine, but not of course antecedently to the Eternal Law, which is the will of God enacting whatever the nature of things requires. Ethics concern the Moral Theologian much as Biology is the concern of the Physician. The latter must have correct biological notions, the former right ethical notions. A biological *fad* might set a doctor wrong in his practice in a nice point and extraordinary case, where he would have to be guided by theory rather than by routine and direct experience. Many patients in bygone ages suffered from their doctor's biological *fads*, ideas of "humours," "vital spirits," *contraria contrariis*, and so forth. In like manner, one who held the utilitarian view of morality, which we presume is not a correct ethical notion, would be likely to be over liberal in allowing deception or the taking of life, where the public good seemed to require it. He would not have that idea of the sanctity of human life, or of divine truth, or of heavenly purity either, which comes of sound ethics, and is necessary in practical issues to enable us firmly to refuse to barter golden right for brazen expediency.

The Confessor not necessarily a controversialist in Ethics.

On the other hand the Physician need not remember all the grounds and arguments on which his correct biological notions rest. It is well that in youth he should have made some study of these grounds, and even have been examined in them as in a point of preparatory learning, previous to his taking his degree: but this learning is after all only preparatory, and the increase of it, or even the retention of it, is not necessary to that competency of science and skill, which warrants him, not only in bearing the name, but in doing the work of a Doctor of Medicine. Nor need the Moral Theologian and practising Confessor be versed in the controversies which lead to correct conclusions and to the refutation of errors in Ethics: though it is well that some of his youthful ardour of inquiry should have been expended upon these points.

All Natural Law practically contained in Moral Theology.

Not the whole of Ethics, then, enters into Moral Theology. But when we come to inquire how much knowledge of Natural Law the

Moral Theologian as such should possess, the answer must be a universal and a sweeping one: *all Natural Law*. The whole of this science seems to be comprehended in Moral Theology. Even the labour question, rent and usury, the origin of property and of the civil power, the respect due to the one and to the other, the exposition of the follies of Rousseau and of the Socialists, – all these topics are full of matter of conscience; and a scientific grasp of them belongs to the Confessor who is thoroughly prepared to deal with all sorts and conditions of souls.

The proportion it contains of Canon Law.

To Moral Theology there also belongs a considerable portion, but by no means the whole, of Canon Law. The latter is the law of the exterior tribunals of the Church; and as this law binds the conscience, and is made expressly for the salvation of souls and deals with spiritual matters, such as the sacraments, it needs must largely guide the procedure in the interior tribunal, or Court of Conscience, which is the Sacrament of Penance. One has but to take up any of the ordinary text-books of Moral Theology, and mark the quantity of Canon Law that it contains, making perhaps as much as one third of the whole. The Commandments of the Church belong to Canon Law: so also do the provisions for the lawful administration of the Sacraments and the celebration of Mass: also questions of jurisdiction in the Sacrament of Penance, and Reserved Cases: likewise the Censures, as they are called, of excommunication, suspension, and interdict; and last but not least, the ecclesiastical impediments of Matrimony. On the other hand, the Moral Theologian does not study Canon Law in its sources: he is not versed in the Decretals as such: he is not a master of the phraseology and procedure of the ecclesiastical courts and the supreme Roman Congregations: nor is he conversant with more than the outline of the vast subject of Benefices. But, most noticeable difference of all, the Moral Theologian keeps quite clear of the *forum contentiosum*, where Canonist meets Canonist and there comes the clang of (canonical) war. His *forum*, the tribunal of Penance, is not a place of contention and strife between man and man, for there is only one man present in his own proper person, the other is there as God's delegate, and the transaction between them is of submission on the part of earth and pardon on the part of Heaven.

The Court of Conscience and the "Forum Externum."

It sometimes happens that one human being who has a contention with another, which should go before the Church's exterior court, brings the matter into the interior court of Conscience. This he does that he may be enabled so to conduct his suit with men and before men as not to offend God, the Sovereign Lord and Judge. The judge of the interior court must know just enough of the procedure of the other court as to be able to direct his penitent to this effect. In particular he must know where his own jurisdiction ceases, and the jurisdiction of the exterior court begins. Thus, however convinced a confessor

may be of the invalidity of a marriage,—even though his conviction be so strong and certain that he cannot allow the parties to live together as man and wife,—yet he can never sanction either party's making a new match, until a juridical sentence of the nullity of the previous marriage has been obtained from or through the Bishop.

Confessor and Canonist.

The Moral Theologian, as every ecclesiastical student knows, has the name of being more indulgent than the Canonist. The Canonist, it is believed, will bring the law down upon you, if he can : whereas the Moralist will let you off if he can. The effect of the two courses followed together is supposed to be to keep the student's mind in equilibrium between laxity and undue rigour. However this may be there are not wanting reasons why we should expect a larger and more liberal allowance for human nature from the Moral Theologian than from the Canonist,—in the Court of Conscience than in the Exterior Tribunal. The Moral Theologian and Confessor *gets nearer* to his penitent than the Canonical Judge does to the defendant that comes before him. In this sense the Confessor gets nearer, that he hears excuses and pleas that cannot be substantiated, sometimes even are not allowed to be pleaded at all, in the outer Court. In the Court of Conscience the accused is the witness against himself, and the only witness. Now a man cannot be witness against himself without being to some extent also counsel for himself. He has done *this*, but with *these* extenuating circumstances : he has done *this*, but not *that ;* simply *this* and no more. And it is a rule of law, that *credendum est pœnitenti* The penitent must be believed, except where he is manifestly lying or mistaken. But in the outer Court there are a multitude of witnesses against the defendant ; and these may create a legal presumption against him, which he is not able juridically to dispel. Or he may have incurred an obligation, which in conscience binds him only remotely, or as they say, *post sententiam judicis*, that is, after sentence has been pronounced upon him in the outer Court. If he comes only into the interior Court, and never into the outer Court at all, this obligation will not be pressed upon him.

A Court of God's own personal erection.

It is a good thing for morality and public order that there should exist a court so favourable to the delinquent as the tribunal of Penance. Most certainly it is a good thing, for the Court is God's own personal erection ; and all God's works are good and conducive in themselves to that beauty and tranquillity of order which He loves. This is answer sufficient for Catholics. Moreover Catholics alone have experience of the tribunal of Penance : and their experience of it is practically unanimous, that the frequentation of it makes them as well more inwardly pure before God as also more just in outward act towards their neighbour than they otherwise would have been. For others who are not Catholics, and who have no such experience, it may be well to remark that it is dangerous to drive a delinquent to

desperation; that it is well there should be some place where the fallen or the falling man may appear, and have the law of God administered to him exactly as it binds him with all his peculiar dispositions and circumstances, every abatement being made that the calmest and kindliest reason can allow for his case. It is this compassion dwelling in the heart of the priest for them that are ignorant and err (1), that has prompted what Puritans have named "the subtleties of casuistry." Certainly this compassion has at times gone to unwise and unlawful lengths, and to airy and unreal distinctions between right and wrong; and as often as it has done so, it has been sternly repressed by the Church. But the motive that prompted this occasional excess might have inspired more respect than it has received.

The Casuist before and after the deed.

An opinion as indulgent as a strict regard for the facts and likelihoods of the case will allow, is especially desirable where a deed of a questionable character is not under debate, but has actually been done and the debateable point in the mind of the Confessor is as to the amount of reparation that it is necessary to exact of a penitent, whose good dispositions must not have a needlessly heavy load laid upon them. Supposing A has been guilty of a piece of gross partiality and favouritism in the making of some appointment. When he enters into himself and repents, the question arises, whether the appointment was a violation of strict justice. If it were, he would have to offer some satisfaction to the injured party. Obviously it will be easier for A to make his peace with God, if a solid ground can be found for thinking that no violation of justice strictly so called has been committed, and consequently no obligation of making satisfaction can be urged upon him. Otherwise, he may refuse to make satisfaction: or what is more likely, he will promise and then not make it. A well founded opinion in favour of liberty here is not a smoothing of the way down the abyss that the man may fall into it, but a smoothing of the way up that the man may come out of it. It may be asked: Is not the way up also the way down? Yes, it is the same way, but salutary or dangerous according to the direction in which it is traversed: and we will warn people from going down it. In other words, consult a wise casuist before you leap, and he will hold you back: when you have taken the leap, he will not call a sprain a fracture, and he will not put you through more surgical treatment than necessary.

Perplexities of Conscience, the "raison d'être" of Casuistry.

As for the subtlety of casuists being made matter of complaint against them, the complaint is no more reasonable, and no less so, than the complaining which we hear of lawyers and their subtleties, especially when the latter call for payment in pounds, shillings and

(1) Heb. v. 2.

pence. All law is subtle, divine law and human law, natural and positive law : every law has its nice points. We have conscience indeed for our guide, but not an omniscient guide : on the contrary, conscience cries to be instructed, and often stands perplexed. We may disregard the perplexities of conscience, and act as our humour prompts us, but that is hardly the behavior of a conscientious man, or of one who has much horror of sin. Much better bring our reason to bear on studying the path of duty. After all, it concerns us more to know the path of duty than the paths of the stars. Yet Astronomy is an honourable science : so also should be Moral Theology, or if you will, Casuistry.

The Theoretical and the Practical Casuist differ.

There is a difference between a theoretical and a practical casuist. The difference is this, that the latter, with all the knowledge of the former, has also an eye to take in all the relevant circumstances that attach to the case in hand, and has, moreover, the invaluable moral gift of being able to make up his mind. There are men, stored with erudition, who can never give you a plain *you may* or *you may not* in any perplexity of conscience. They will tell you what consideration to add in, and what to subtract, but they never can trust themselves to pronounce what the reckoning comes to. Such theoretical advisers are useful to intelligent people, who can imbibe their erudition, and thence make up their minds for themselves : but they are no use as guides to the common run of humanity.

Their endowments not identical.

It follows that the endowments of the Confessor and of the Moral Theologian are not quite identical. The Confessor must be a practical casuist, such as we have described him, able to make up his mind and to " intue " present facts. This intuition of the facts of the case is matter of considerable tact. The facts of any case met with in a book of Moral Theology are described by an expert : they are reliable, and they are *all* the facts. But the one witness in the tribunal of Penance, the penitent himself, is often anything but an expert in moral matters, often obtuse of perception and incoherent in his explanations, often frightened and shy, often self-deceived, and sometimes something of a wilful deceiver. The Confessor has to take his measure of his man, and calculate the import of what he hears accordingly. This power of divining the facts of the case is quite as important as the knowledge of the principles to judge them by.

A tending to perfection requisite.

Lastly, besides moral theology and insight and tact and decision, the Confessor needs some measure of personal holiness, not certainly for the validity of his absolution, but for the security of his direction. It must be borne in mind that the Confessional is intended, not merely

to withdraw souls from sin, but to lead them on to greater and greater good. It justifies the sinner and perfects the saint. But on this road of positive goodness, holiness and perfection, he must prove an indifferent guide, whose own steps and longing eyes are not at all set that way.

JOSEPH RICKABY, S. J.

PART II.

SOME ANGLICAN WRITERS ON CASUISTRY.

(The MONTH, London, January 1868, p. 75.)

Revival of Casuistry in the Anglican Establishment.

It was to be expected that the movement in the Anglican Establishment which calls itself a revival of Catholicism, and has certainly done much to familiarise the minds of some classes of our countrymen with doctrines, rites, and practices that have been proscribed for three hundred years, should at last turn the attention of some Anglican student in the direction of Casuistry. Casuistry is a term which has a very forbidding sound in the ears of all good Protestants, and as we shall have reason to see, not good Protestants alone, but many Englishmen who repudiate the Reformation, thoroughly misunderstand what it means. The ignorance which prevails about casuistry is almost as intense as the prejudice. The structure of study and reasoning which goes by the name has naturally been entirely neglected among Anglicans, because the Sacrament of Penance, the practice of Confession, and the consequent continual application of the principles of moral theology have been thrown to the winds among them. This fact is confessed on all hands, and by none more clearly than by some Anglicans themselves, who, strange to say, seem not to be aware how seriously it damages the claim of their own Establishment to the character of a "branch" of the Catholic Church. It would really almost seem as though everything Catholic had to be implanted *de novo* in that Establishment, as if a new Reformation must create afresh what the first destroyed; and that this is somehow or other a proof that the first Reformation did destroy the Catholicity of the Establishment, and that by practically abandoning such doctrines as that of the Real Presence, the Eucharistic Sacrifice, Sacramental Absolution, and the like, Anglicanism had shewn itself to have failed entirely in guarding the sacred deposit of the truth, and in providing for the spiritual welfare of its children. However, what we are now concerned with is the fact that, along with the assumption of the powers of the Catholic priesthood, by a certain school of Anglican ministers, has come a revival of interest in the science of Casuistry. This is undoubtedly a good and healthy sign. At present, as we shall see, even the

most promising of Anglican students in this field are very much at fault; but this is a matter for no surprise, and ought not to discourage us. The first step is the great point here—to get good, honest and intelligent men to lay aside their prejudices against Casuistry as such, and to look in the face of their own need of it. We can wish them no better reward for their intelligent industry in the study of Casuistry, than that they should learn from it how to deal practically with the difficulties of their own very anomalous position.

Mr. F. D. Maurice of Cambridge University, Casuist.

We have now before us several Anglican writers on the subject on which we have been speaking, and we shall proceed without further preface to remark upon them in order. First in the dignity of position or at all events in point of time, comes Mr. F. D. Maurice (1), "Knightsbridge Professor of Casuistry, Moral Philosophy, and Moral Theology, in the University of Cambridge." But for his position, however, Mr. Maurice would hardly claim our notice as a writer on Casuistry. His ideas on that subject are generally incorrect, and they are often so vague as to be unintelligible. With great respect to the University of Cambridge, it must be said that its Professor of Casuistry has yet to learn what he has been appointed to teach. He seems to consider that Casuistry is the science of choosing, or teaching people to choose, between right and wrong. His illustrations of it are, the fable of the choice of Hercules by Prodicus; Hamlet's soliloquy "To be or not to be," and Lancelot Gobbo's discussion with himself, whether he shall follow his conscience or listen to the tempter's voice. It would seem therefore that Cambridge students are to be taught that Casuistry is to guide them in such choices as these. This is about the same thing as to say that the study of equity is to help people to choose between acting equitably and acting iniquitously.

What he thought of the Schoolmen and the Jesuits.

After this, it is not wonderful that we should find Mr. Maurice denying that the Schoolmen understood Casuistry. "The Schoolmen," he tells us, "thought themselves casuists, but they could not reach its problems. They could discuss everything about the man, only the man himself was lost. He lay crushed under the huge mass of opinions and propositions....." On the other hand, Luther appears to Mr. Maurice, "to have restored Casuistry: to have vindicated the reality and the hopefulness of the conflict between the man himself and the oppressors that hold him down, which is the very root and ground of Casuistry!" (2) Then he jumbles together things which are

(1) *Inaugural Lecture on Casuistry, Moral Philosophy, and Moral Theology.* Macmillan, 1866.

(2) Quite of a piece with this absurdity is the statemant, p. 42, that "the great aim of a Professor of Moral Philosophy should be to counteract the danger of belief in—an infallible authority." He might just as well have said the Eternity of Punishments and the Temporal Power of the Pope at once; or anything else in the world which he dislikes.

perfectly distinct. Thus, he has read the common stories about the Casuistry of the Jesuits, and he has heard of a perfectly different charge, namely. that among them the individual is entirely sacrificed to the advancement of the Society. Of course if this charge were true, it would fall on the Constitutions of the Society, and not on its Casuistry. But Mr. Maurice must needs confound them together in a sentence which is one of the finest specimens of grandiloquent nonsense that ever was written. Speaking of "what some suppose to be the complete Casuistry which was elaborated by the disciples of Ignatius Loyola," p. 19, he says: "There were certain intelligible maxims which were always recognized in it; beneath them all lay that demand of utter death to the individual man that the Society should flourish and reign, which is, as I think, the hugest falsehood concealing the grandest truth that was ever expressed in speech or embodied in acts. What the falsehood is, what the truth, each man must learn in himself! It is the ultimate problem of Casuistry. The business of a Professor of Casuistry is to assist the student in working it out!"

His notion of Probabilism.

We need only trouble our readers with one more remark upon this very original "Professor of Casuistry." It is obvious that he considers *Probabilism* to be the main vice of the Casuistry he rejects, and of course he misunderstands it like the rest. He says, p. 23: "That which made straight-forward action impossible, was the doctrine that questions of right and wrong may be treated as questions of probability." And later on he calls it "a plea for uncertainty in moral questions, developed into full proportions in the Jesuit system." We hope to shew before we conclude that perhaps it would be more accurate to call Probabilism "A plea for certainty in moral questions."

Fraser's Magazine on "Penance and Absolution."

We pass on from Mr. Maurice to a more favourable specimen of an Anglican writer on casuistry. We speak of the author of a clever article which appeared nearly a year ago in *Fraser's Magazine*, on "Penance and Absolution." This article probably represents the views on the subject of by far the greater number of Anglicans. The writer is a man of ability: he is entirely above the use of any of those unworthy means which are sometimes employed to make this subject more attractive to certain classes of readers. Of course he is prejudiced on many points, and must be looked upon rather as a "careless Gallio,' than as the representative of any strong and positive religious idea. Of the power of absolution he says:—"The English Protestant rejects it altogether as superstitious,..... but to the High Churchman the subject is full of perplexities—fuller, perhaps than any other. Yet he cannot but see..... that the Church of England nowhere asserts it in her articles of belief at all..... Newspaper controversy assures us that the practice of confession exists, otherwise we should hardly know the fact. But how many *men* does the great High Church Bishop X., or the greater Anglican director Y., absolve in a year? or, which

is still more to the purpose, how often are they absolved themselves?" He then goes on to speak of it in a way which, if it manifests entire disbelief in the sacrament—which he rejects with a kind of vehemence —at the same time displays a strange yearning that such a power might be true.

This Reviewer's estimate of Gury and Probabilism.

He seems, therefore to be one of that large number of fine-minded men who have been so utterly poisoned against the Catholic faith as to be, as it were, under a moral incapacity of understanding it. His article is a review of the late Father Gury's "Cases of Conscience." He writes with a fairness unusual in Protestants. He speaks kindly and even repectfully of Father Gury. One would think that the genial and charitable spirit of that venerable old man had breathed forth from his writings, and exercised some attractive influence on his reviewer. Still this author cannot divest himself of the prejudices of education. He misrepresents (unintentionally, it would seem,) the whole theory and practice of confession. Without attempting to go through the various misrepresentations of the writer, we shall confine ourselves for the present to his notion that Catholic casuists reduce morality to a question of probability. We subjoin his words :—

"Hence arose the much talked of science of Casuistry—and inasmuch as actions vary infinitely in their moral quality, and it is by no means always clear on principle whether an action is sinful or not, the confessor must be sometimes helped by the aid of authority. His conscience may be at rest—and consequently that of his penitent—if the sentence he pronounces, though by no means assuredly right, is fortified by the consent of doctors of sufficient number and weight and *proveable* as such out of their works. Hence the very singular chapter in that science called *Probabilism.*"

And then the critic proceeds to enumerate the evil effects of this system.

"It is the peculiarly mechanical lowering tone in which virtue and vice, good and evil, come to be habitually spoken of. They lie so very near each other. So many an act is probably right, probably wrong. The distinction in minor cases is so very technical, so very evanescent, that the mind almost unavoidably loses sight of the breadth and reality of the abstract distinction between right and wrong altogether. All the radical, honest, spontaneous repulsion with which the enlightened conscience shrinks from what its own sympathies infallibly tell it to be wicked, is speedily obliterated in the mind of the student of this realistic code of ethics if he really takes it in earnest."

Natural sympathies no criterion of the malice of sin.

All this displays great ignorance of the practical working of casuistry The author sits down in his study with a compendium of that science before him, and he spins this web of imaginary consequences. We

clearly see that he does not understand the nature of sin, the malice of which he measures by its opposition to our natural sympathies. It is true that in some sins there is such an opposition; but other sins actually proceed from natural sympathies not sufficiently controlled. The true malice of sin is in the offence against God: that is its essence. Again, the author does not seem to know that the most fervent and devoted members of the Catholic body are those who frequent this Sacrament, while those who neglect it soon lose their piety, and often become a disgrace to the Church. Above all he displays a complete misconception of the nature of Probabilism.

Rev. Orby Shipley.—"Tracts for the Day, No. 6."

But certainly the most important of the recent Anglican essays on Casuistry is that edited by the Rev. Orby Shipley, which forms number six of the *Tracts for the Day*. It may be considered as a Ritualist manifesto on the subject. It formally proposes the establishment of a "purified school of Casuists" (1). It closes by declaring that "if the men of the same school which is 'improving' Anglican worship and Dogmatic Theology should be able to carry out this design and inform the conscience, and make men more saintly in their intercourse with one another they will have achieved a work which will cover them with glory." His work will help, like other publications of the Ritualists, to dissipate many Protestant errors, and so prepare the way for Catholic faith. Moreover this writer is singular among those Anglicans whom we have as yet met with in understanding something of the nature and object of Casuistry. This evidently comes from his belief in the Sacrament of Penance. He sets forth the meaning and value of Casuistry in a very interesting manner, and his tract is certainly worth reading, as well on account of its general interest as for the insight which it gives us into the dispositions and tendencies of the Ritualist party. No Catholic writer would be listened to at the present time by those who will read and appreciate this essay, and it will thus do a work which we could not do, and tend to expose another Protestant misrepresentation, and bring some Anglicans a step nearer to the Church.

A mesure of fairness.

For these reasons we cannot refuse our sympathy to what has been well done by this writer, and we can afford not to be surprised or offended if he seems to be still in many points under the influence of "the Protestant View." The same spirit of fairness which has already enabled him to overcome many prejudices will in time enable him to shake off those under which he still labours, and to correct many theological errors. But, having said so much, the spirit of justice obliges us to add that where the essay treats directly of Catholic writers, it abounds in faults. Most of all ought its author to regret that he should have stained the pages of his essay with the most atrocious and

(1) That is, purified from the "vicious casuistry" of the Jesuits, against whom he repeats the calumnies of Mosheim and the Jansenists.

often refuted calumnies of the Jansenists and Mosheim. This is the less pardonable, because he confesses the virulence of Mosheim at the same time that he declares him the best historical guide (p. 25). He never seems to have looked at the Catholic historians, or even to have consulted those Protestant writers, such as Schœll, who wrote without party spirit.

"And immortal lie."

It would be impossible for us to find space to refute the multitude of calumnies which are here heaped together. We are not bound to do so, for there is not one of them that has not been refuted over and over again. The writer is evidently not aware that the Jansenists have been convicted of in numerable falsifications of texts (1), that their works were condemned as infamous libels by the courts of Law, and also as impious by the Holy See. He is not aware that in France no one believes the "Provinciales" to be anything but a pungent satire, in which the Catholic Church is ridiculed in her ministers. He does not know that even Voltaire protests against the chief charge of the Jansenists, a charge which we find repeated in the Tract (2), p. 9. If this author had read Catholic authorities, or even liberal Protestant writers, he would certainly have never staked his literary reputation on the "consummate honesty" of Pascal. Tract 6, p. 21.

The most effectual way of meeting false charges.

We regret that we cannot now enter into particulars, because there is much in the way in which this writer brings forward his charges to shew that he does not do so from a spirit of hostility to the Church, but rather because he has given credit to bad authorities. For example, he guards himself against being understood to make any charge against Casuistry in general. Also, he certainly might have found in Mosheim accusations still more slanderous than those he has reproduced. But he seems to have thought, not indeed without some foundation, that he had already gone far enough in that direction. Lastly, he seems to misunderstand Probabilism less than the generality of Protestant writers. Yet it must be said that in more than one passage, he speaks of it in language which shews that he participates, to some extent, in the general ignorance of Protestants on the subject. And, as ignorance of the true nature of Probabilism, wherever it is found, is invariably connected with other mistakes in Casuistry, we shall try to unfold the meaning of the term. This is the best way to answer one of the gravest charges of Protestant writers against the Casuists.

(1) De Ravignan says that the answers to the "Provinciales" and the "Extraits des Assertions," have proved that they contain as many as nine hundred alterations or falsifications of passages. Institut des Jésuites, 7e Edit., p. 20.

(2) Voltaire (Siècle de Louis Quatorze, l. 3. c. 37.) "Pascal attempted to prove that the Jesuits had a design to corrupt morality, a design which no society ever had or could have; but the point was, not to be right, but to amuse the public". Chateaubriand says of the *Provinciales*, "After all, Pascal is only a calumniator of genius; he has bequeathed us an immortal lie."

PART III.

WHAT IS PROBABILISM?

(The MONTH, London, January, 1868, p. 82.)

Probabilism is the name of a doctrine or rule by which theologians ascertain the existence of rights and duties in certain doubtful cases. It has been utterly misrepresented by the Jansenists and Protestants, and it is misunderstood by well meaning Anglicans, and even by some Catholics. It is well worth our while, therefore, to set this matter in a clear light. When it is fairly examined, it will be seen that Probabilism is grounded on the fundamental laws of our free intellectual nature. We accept the issue as it is put forward by the author of Tract No. 6, p 19, where he speaks of the "very dangerous doctrine that it was lawful to follow a probable opinion in opposition to one more probable." He adds that "this was among the *propositiones damnatæ* of Innocent XI., and that it led to the dangerous development of casuistry, which has brought reprobation on the whole study." We pass over a crowd of other charges brought against Casuists, in order to examine this one more fully. In the first place, therefore it is an error to suppose that Innocent XI. ever condemned the doctrine of Probabilism (1). Any one acquainted with theology will see this at a glance. We recommend our Anglican Casuist to read Viva on the Condemned Propositions, before he undertakes to interpret them, a task requiring some theological discrimination.

Nature and object of Moral Theology and Casuistry.

In order to understand the meaning of Probabilism, we must call to mind the nature and object of moral theology and casuistry. They constitute the science of moral and conscientious duties, a science which is indispensable for the proper administration of the Sacrament of Penance. The spiritual director is liable to be consulted by all classes of persons upon all sorts of conscientious obligations, and he should be able and ready to give prudent advice to all who consult him. Hence the science of moral theology and casuistry (which is nothing else than applied moral theology) embraces the entire circle of moral and religious duties, considered from a religious and practical point of view.

(1) What really was condemned by Innocent XI. was the doctrine "that it is lawful *in any case* (*generaliter*) to act upon a probable opinion, *no matter how slight* (*quantumvis tenui*) the probability might be." Everybody will see that the writer before us does not understand what he quotes.

No room for Probabilism wh en obligations are evident.

In by far the greater number of cases, the rights and duties of men are easily and clearly ascertainable. The natural law, the positive divine law, the human law, whether ecclesiastical or civil, impose a multitude of obligations which are evident and certain, and about which there can be no question. In these Probabilism has no place. We may, therefore, put aside the consideration of all obligations and duties which are certain, because, by its very definition, Probabilism has no operation except in cases of doubt. But on the outskirts, as it were, of all laws, there are doubts: not only doubts of ignorant persons (of such persons indeed there is no question in the present enquiry), but doubts of able and educated professional men. As eminent lawyers will differ about undetermined points of law, so do eminent theologians differ about uncertain moral obligations. And as legal doubts are sometimes insoluble except by the interpretation of the supreme juridical tribunal, so also theological doubts are sometimes insoluble except by the decision of the Church. It is with undetermined and insoluble doubts of this sort that Probabilism has to do; it is where the Church has not spoken, and where theologians are in doubt, that it is in some cases lawful to follow a probable opinion against one that is more probable. But it is necessary to explain this matter much more fully, and our readers must excuse us for entering into some technical details which are necessary for the clearness and accuracy of the proof.

Conscience the rule of our actions.

The idea of conscience is the central point of moral theology: the whole theory of morality depends upon it. The conscience is the proximate rule of morality, which, when rightly informed and illuminated by faith, puts our moral actions into harmony with the supreme rule of right, which is the eternal law of God. The conscience is an act of the intellect, by which we apply our knowledge to the things which we do, and this may take place in one of three ways:—First, when we recognise that we have done anything or omitted anything, and in this sense the conscience is said to *testify*; secondly, when we judge that anything ought to be done or ought not to be done, and in this sense the conscience is said to *oblige*; thirdly, when by our conscience we judge that what we have done was ill done or well done, and in this sense the conscence is said to *accuse* or *reproach*, or the reverse, as the case may be. (St. Thos. 1a 2æ, q. 79., a. 13. c.)

Certainty, Doubt, Opinion.

The conscience may be modified by certain qualities; for example, by certainty, doubt, or opinion. Certainty is the firm adhesion of the intellect to its judgment, without apprehension of the contrary; doubt is the suspension of the intellect between two opposite judgments; opinion is the adhesion of the intellect to one of two opposite judgments, with the fear or apprehension that the other may be true. A

doubt is said to be negative when there is little or no reason on either side; as, for example, if we were to ask ourselves whether the number of the fixed stars be odd or even. There is no foundation for either assertion: it is a negative doubt. A doubt is positive when there are serious reasons on both sides, as when there is conflicting evidence in a trial. A speculative doubt is about the existence of an obligation in general; as, for example, in the American war, the question whether the Southerns had a *bellum justum*, a just cause for war against the Northerns. A practical doubt is of the subjective lawfulness of a particular action: as, for example, if in the same case a citizen had doubted whether in his own particular circumstances he could then and there take up arms in the Southern cause. A doubt of law is of the existence of an obligation; as in the question, Is it lawful to paint on a Sunday? A doubt of fact is of the existence of a fact upon which depends the application of a law; as, for example, Is this day a holiday of obligation? These definitions are necessary for the examination of the nature and lawfulness of Probabilism in its more elementary form, which is all that we can here attempt.

Jeremy Taylor's view of Probabilism.

Before proposing our own theory, we shall lay before the reader an abridgement of the Protestant author Jeremy Taylor's view of Probabilism. The extracts are taken from the "*Ductor Dubitantium*," Edit, Lond. 1856, vol. 9., p. 150. This book is styled the "Guide of Doubters, the rule of conscience in all her general measures, serving as a great instrument for the determination of cases of conscience." The work is evidently based on some Catholic theologian's treatise on casuistry. The arrangement of the books and chapters is almost identical with that of all the well-known casuists, but it embraces only a few of the principal treatises, and omits the greater part of the practical questions—which, indeed, to a Protestant casuist are not necessary. In his dissertations on the Probable Conscience, he speaks as follows:—

"A probable conscience is an imperfect assent to an uncertain proposition, in which one part is indeed clearly and fully chosen, but with an explicit or implicit notice that the contrary is also fairly eligible. For a doubtful conscience considers the probabilities on either side, and dares not choose, and cannot; but the probable (conscience) does choose, though it considers that in the thing itself there can be no certainty; and from them both, (a sure conscience and a doubtful) it is distinguished by the intervening of the will. For in a sure conscience, the will works not at all, because it is wholly conducted by the understanding and its proper motives. In the doubtful, the will cannot interpose, by reason of fear and an uncertain spirit. But in the probable it can intervene, not directly, but collaterally and indirectly, because the motives of the probable conscience are not always sufficient to make the conclusion without something of the will applied to extrinsical motives which reflect also on the understanding.

For it is remarkable that a probable conscience, though it be in speculation uncertain, may be practically certain. For if it were not

safe to do that which is only probable, then nothing could be done till something were demonstrated, and then in moral theology, we should often stand still and suspend our act, but seldom do anything. Yea, sometimes it happens that false things are made more probable than true. And it is remarkable that Cicero (*Pro font. c. IX.*) saith that "*Arbitror*" is "*verbum consideratissimum.*" Aristotle (*Eth. Nic.* l. 1. c. 1) says: "He is well instructed who expects that manner of proof of things which the nature of things will bear." And in moral things it is sufficient that a thing be judged true and certain though by an uncertain argument and the opinion may be practically certain, when the knowledge of it is in speculation only probable."

Again, in his Rules, Bishop Taylor says, Book 1, c. 4. Rule 11:—

"He that hath given assent to one part of a probable opinion may lawfully depose that conscience and that opinion upon confidence of the sentence (opinion) of another. Rule 13. He that is asked concerning a case that is on either side probable may answer against his own opinion, if the contrary be probable and more safe or more expedient and favourable. Rule 14. When the guide of souls is of a different opinion from his charge or penitent, he is not bound to exact conformity to his own opinion which is but probable, but may proceed according to the conscience of the penitent. Rule 15. The sentence (opinion) or arbitrament of a good man, though it be of itself but probable, yet it is more than a probable warranty in actions otherwise undeterminable. "*Sicut vir prudens eam definierit*" is the great measure which Aristotle (*Eth. Nic.* l. 11. c. 6, tom 2, p. 1107) and all the moral philosophers assign to very many cases and questions.—Book 1, c. 5, Rule 6. It is lawful for the conscience to proceed to action against a doubt that is merely speculative. For there is nothing but a weak man may be made to doubt of; for if the speculative doubting conscience should always prevail in practice, the weak and ignorant might be abused and made miserable in all things, and the most knowing in very many."

So far writes Jeremy Taylor. All that is valuable in his work, its plan, order, and the subjects he treats of, are evidently taken from some Catholic casuists of the time, and of course he changes what he does not like. For example, in the chapters on laws, he destroys the beautiful order of the Catholic *Treatise de Legibus*, which sets forth the independence of the Church; and, in the true spirit of protestantism, he makes the civil power supreme.

Book 3, c. 2. The supreme civil power is also supreme over all persons and in all causes ecclesiastical. Rule 6. Kings have a legislative power in the affairs of religion and the Church.

Bishop Butler—"Probability the guide of life."

Bishop Butler, in his *Analogy*, Introd. p. 7, has the following remarks on Probability:

"Probable evidence, in its very nature, affords but an imperfect kind of information, and is to be considered only as relative to

beings of limited capacities. For nothing which is the possible object of knowledge, whether past, present, or future, can be probable to an infinite Intelligence; since it cannot but be discerned absolutely as it is in itself, certainly true or certainly false. *But to us Probability is the very guide of life.*"

Probabilism no invention of the Jesuits.

We have extracted these passages partly to give some notion of the older Anglican casuistry, and partly to show that what is called "*Direct Probabilism*" was not confined to the Jesuits, but was a general philosophical view, and in fact, as Voltaire said, "If Pascal had wished it, he could have found matter for his "*Provinciales*" in the writings of Casuists of the other schools; but his purpose was to assail the Jesuits, and he confined himself to them."

How a positive speculative doubt affects our liberty.

We shall now give another explanation of the matter, it being hardly necessary to say that we do not put forward the Anglican doctrine as our own; we claim to be heard and judged by our own statement. The question into which Probabilism chiefly enters is this: where there is a *positive speculative doubt* as to the existence of an obligation, how does it affect our liberty? All theologians agree that in a *practical* doubt about the lawfulness of any action we are bound, if we cannot resolve the doubt, to take the safest side. And the reason is clear. In a *practical doubt* the intellect is suspended between two opposite judgments; one, is the judgment that the act here and now to be done is unlawful; the other, that it is lawful. To act in this doubt is to act against the conscience, which apprehends the danger of sin—according to that, "*omne quod non ex fide est peccatum est.*" (Rom. xiv. 23). What is not done with a clear consciousness of being right is wrong. Our duty is in such cases to resolve the doubt, or, as it is commonly expressed, "to form our conscience" by the adoption, on prudently chosen grounds, of some practical dictamen which extricates us from *practical doubt*, though it may not, and perhaps cannot, solve the *speculative doubt*. For example, if one sees clearly that the doubt is not solidly founded, but is a mere unreasonable apprehension, he may discard it altogether by an act of his will; but if the speculative doubt (which always underlies the practical doubt) be *positive*, then it cannot be prudently discarded. It is in this case chiefly that probabilism comes in.

Opinions or Degrees of Probability.

In considering the motives in favour of either side in speculative doubts, we find that they have many shades or degrees of Probability, which qualify the opinions founded on them.

A *probable opinion* is said to be an opinion which is founded on so weighty a motive, whether intrinsical of reason or extrinsical of authority as to be capable of drawing to itself the assent of a prudent and

well-informed man (St. Alph. l. 1. t. 1, c. 3, n. 40). We may conceive it either as an act of the intellect, or as the spoken or written judgment which represents to others the probable opinion of a theologian, and this is the more usual sense.

A *slightly probable opinion*, *opinio tenuiter*, or *dubie probabilis*, is one which though not destitute of motives, is wanting in that degree of support which is necessary to constitute a probable opinion.

A "more probable" opinion, *opinio probabilior*, is one which seems to have a greater degree of probability than the contrary, without necessarily excluding the solid probability of such contrary.

A most probable opinion, *opinio probabilissima*," is one which is so probable that the contrary cannot be considered to be sufficiently probable, but at most to be "*tenuiter probabilis*."

In all these cases we are to suppose that the respective degrees of Probability have been estimated by competent judges, and after consideration and comparison of the reasons and authorities in favour of the contrary opinions. It is to be noted that when Casuists speak of probable opinions as affecting the certainty of the law, they do not mean the great general laws or precepts in themselves,—for about these there is never any doubt in Casuistry,—but by a law they signify the extension of such general precept to particular cases, or, in other words, the comprehension of any particular case under the general law; if this be doubtful the law is said in casuistry to be doubtful. We shall use the word in this sense.

A solidly probable vs. a more probable opinion in a speculative doubt.

To come back now to our speculative doubt, let us suppose that the opinion in favour of liberty is solidly probable, are we allowed to use it against a more probable opinion in favour of the law, or are we bound to obey the law? All theologians agree that where there is obligation of securing some end, which is independent of the formation of our constience, we are obliged to act so as to secure that end. This chiefly occurs in doubts of fact. For example, rose water is doubtful matter of Baptism; and as the Priest who administers the sacrament has to secure its validity, he cannot follow the probable opinion except in case of necessity—such necessity as would justify him in risking the validity of the sacrament, as for example, if a child were dying without Baptism and there were nothing but rose water at hand; and so in innumerable other cases. The question thus becomes limited to that class of doubts which relate to the mere lawfulness or unlawfulness of our own act, considered in itself; as for example, in questions concerning the obligation of fasting or hearing Mass; and even in such cases the solution must not be considered separately from collateral circumstances, such as the danger of scandal, offence, and the like, which, if they should occur, would modify the decision. It is necessary to narrow the issue to this point in order to test the validity of Probabilism in its most fundamental principle on which all its applications to other and more complicated cases are founded.

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.)

The blind not to lead the blind.

Of course these considerations are suited only to persons capable of judging of the reasons and authorities for and against any obligation of which there is question; and that is chiefly the business of Casuists. As for the simple and ignorant, they must be guided in doubtful cases by others, by their Pastor, their Confessor, or their Superior, or by some prudent friend. St Thomas Aquinas (2a 2æ., q. 4. a. 8., ad. 2) says, "*aliquis parvæ scientiæ magis certificatur de eo quod audit ab aliquo scientifico quam de eo quod sibi secundum suam rationem videtur*," that is, "one of little knowledge is more certain of that which he hears from a well-informed person than of that which seems to him according to his own reason."

Direct and Reflex Probabilism.

We are now in a position to see how we can lay aside a *practical doubt*, and within the above-mentioned limits form our conscience by a practical and certain dictamen wherever we have a probable opinion in our favour. Thus; "Where there is a probable opinion in favour of "liberty the obligation is doubtful, and therefore does not hold. Now "I have a probable opinion in favour of liberty in this case therefore "I am certainly free to act without sin." This is called "reflex probabilism," and it is distinguished from the "direct" probabilism, of which we have a good specimen in Jeremy Taylor, who maintains that in a speculative doubt we can take up and adopt as our own the probable opinion on either side, making it our own judgment by an act of the will. The principle of the reflex probabilism is "*Lex dubia non obligat*," a doubtful law does not oblige." The principle of the direct Probabilists was "*Qui probabiliter agit prudenter agit:*" he who (in doubtful cases) acts in conformity to a probable opinion acts prudently. St. Alphonsus, n. 55, asserts this latter principle to be false, because it is not sufficient for the formation of a certain dictamen of the conscience. With the greatest reverence for the wise and saintly author, we venture to think differently Surely we can form our conscience to a certain dictamen in this way: "in such and such speculative doubts we are certainly at liberty to follow a probable opinion in favour of liberty; in this particular case I have a probable opinion, therefore I am certainly at liberty to act." Here is a certain practical dictamen. Moreover the reasons of Jeremy Taylor in favour of direct Probabilism have something in them, and they concur with those of eminent theologians. However, that is merely a question of the schools, and we adhere to the system of St. Alphonsus. Practically it comes to the same thing.

"Lex dubia non obligat" holds good both for Probabilists and Probabiliorists. St. Alphonsus and the Jansenists.

In contrasting the two systems of *direct* and *reflex* Probabilism we certainly recognize two great advantages to sound casuistry which are

due to St. Alphonsus. The first is that St. Alphonsus has gone far towards destroying the ground of dispute between Probabilists and Probabiliorists; for if the opinion in favour of liberty be sufficiently well founded to shew that the obligation is doubtful (and except it be so it is not truly probable), then the principle, "*Lex dubia non obligat*," evidently has its place, whether the contrary opinion be more or less probable. It may seem that there is something of a "vicious circle" in deducing the doubtfulness of the law from the opposite probability, and then estimating the sufficiency of the probability by the doubtfulness of the law. But in truth the foundation of the probable opinion lies in its intrinsic reason and extrinsic authority, and we refer to the law merely as it may sometimes help us to correct our estimate Just as in practical astronomy, the observations regulate the clock but the clock is made use of to secure greater exactness in the observations. There is no vicious circle in either case. The second advantage is that a sound and moderate system of moral theology, equally free from laxity and rigour, has been widely diffused. The wise and moderate system of St. Alphonsus has now become generally accepted. The *quasi* approbation which his writings have received, while it does not oblige us to follow his opinion in all cases, yet warrants us in doing so, so that henceforward there will be much less cause for difference of opinion amongst Catholic Casuists. The author of the Tract on Casuistry indeed tells us that St. Alphonsus is accused of leaning too much to the side of laxity by Dr. Newman. But he has evidently mistaken the drift of Dr. Newman's words. In the passage from the Apologia, to which the author probably alludes, Dr. Newman argues against those with whom St. Alphonsus has the repute of being a lax moralist, and his object is to account for the accusation, and to defend the personal holiness and austerity of the saint. We assert confidently that Dr. Newman has never accused St. Alphonsus of leaning too much to the side of laxity. St. Alphonsus seems to have been raised up by God to stem the flood of Jansenistic rigorism with which the Church was threatened at the end of the 17th and beginning of the 18th century, and to set a stamp on many opinions of eminent Casuists whose name and authority had been assailed by the unrelenting enemies of religion. The Jansenists had endeavoured to introduce Calvinism into the Church; in their dogmatic teaching they maintained that some of the commandments of God were impossible, and that Christ had not died for all men. With the true spirit of heresy they violently resisted the authority of the Holy See, and equivocated in their interpretation of the Pontifical decisions. In their moral theology, with great consistency, they assumed everywhere a subtle and hypocritical severity which rendered the sacraments inaccessible to repetant sinners; but they were detected and overthrown at all points. Their dogmatic teaching was declared heresy; and this, and their rigorism in casuistry, were condemned by Alexander VIII and other Popes.

Danger of a material violation of the Law.

It may be well to examine the only solid objection urged against Probabilism—that it exposes us to the danger of a material violation of the law, and that out of reverence to the Law-giver we should avoid

such a danger. We answer, first, that if we sedulously observe all the known and certain laws under which we live, we shall not be wanting in reverence to the Law-giver by considering ourselves to be at liberty where we do not *know* of any obligation to the contrary, being always prepared to obey in all cases where the proper authority may intervene to determine the doubt. Secondly we have the highest authority for the safety of such a course, as will appear from the following examples: 1. Sinnich and the Jansenist Wendrock (Arnauld's assumed name) denied that it was lawful to follow even the most probable opinion in favour of liberty, and that doctrine was condemned by Alex. VIII. in prop. 3., 7 Dec. 1690. Hence we have the authority of the Church for following an *opinio probabilissima*, and thus exposing ourselvas to the *danger* of materially violating the law. 2. The whole school of Probabiliorists, including the Jesuits Gonzalez and Antoine, the Dominicans Concina and Patuzzi, and a crowd of others, maintain that it is lawful to follow a more probable opinion, and thus expose ourselves to the *probable* danger of a material violation of the law; and this may be said to be allowed by the whole body of theologians, on the ground that to oblige man to obey the law in all doubtful cases would be to expose him to intolerable perplexity.

The certainty or uncertainty of the law the key of the question.

Now this consent of the Casuists of all the schools is irresistible authority, in favour of using our liberty in doubtful cases even though we thereby expose ourselves to the *probable* danger of materially violating the law. As to the shade of difference between the probable danger and the more probable danger, it would be infinitely more perplexing to oblige us to determine that. Where there is doubt, a clever theologian may easily make his side appear a little more probable. The only solid foundation of obligation is the certainty of the law. Indeed, as we have shewn, there is no room for Probabiliorism in the system of St. Alphonsus. There was obviously a plausible reason for Probabiliorism in those who held with Jeremy Taylor that it was lawful to conform the judgment to a probable opinion *directly*. In such a course there would be a moral discomfort in choosing the less probable in contradiction to a more probable opinion, even though one might think it lawful. But where liberty depends upon the absence of any certain obligation, it is evident that the whole question turns on the certainty or uncertainty of the law. At first sight it may seem to some of our readers that we go further than St. Alphonsus in our doctrine of Probabilism, but we think we have represented his principles exactly. The key to any difficulties which may be urged from some obscure passage in his works, we think to be this. In the entire course of his works, St. Alphonsus uniformly allows the use of a solidly probable opinion; but it must be remembered that whenever he says of an opinion that it is "*verior*" or "*tutior*" or "*longe probabilior*," he does not allow that the opposite opinion is solidly probable. Those who may wish to see this matter thoroughly discussed, and our view elaborately demonstrated, would do well to read Ballerini "*Dissert. de Moral. System. S. Alphonsi*," *Romæ*, 1863.

Is Probabilism therefore a "very dangerous doctrine"?

Our readers have now before them this "very dangerous doctrine" of Probabilism, and they will be able to judge of the charges brought against it. The truth is, that modern writers do not trouble themselves to understand it at all, but take up the calumnies of Pascal and Mosheim without examination. If intelligent Protestants, such as the writers of the article on Penance in Fraser, and of Tract 6, were to examine the theory of Probabilism for themselves, they would be likely to admit that the principle was evidently true—so true, indeed, that they might add that it was hardly worth while taking such trouble to prove it. But however reasonable and well supported it may be. Probabilism is one of those things which required explanation, as it has been habitually misunderstood and misrepresented by Protestant writers even to the present hour, and so we have entered into it more fully, perhaps, than many of our readers will like.

Probabilism is a principle of natural right implying liberty, until it is known to be curtailed by lawful authority.

In conclusion, we shall only ask them to compare our doctrine with the charges of our adversaries. Is there anything in probabilism to show that is is "a plea for uncertainty in moral actions"; that "it makes right and wrong a question of probability"; that it is "a web spun by the Jesuits to make straightforward action impossible" (Maurice p. 22); that it is "one of the great scandals of casuistry" (Tract 6 p. 20); that it is, in a word, any one of those monsters which have been conjured up by Protestant imaginations? Probabilism is evidently none of these. It is a principle of natural right which signifies that we retain possession of our liberty until we know that it is curtailed by lawful authority. Moreover, it is a doctrine chiefly intended for the training of Casuists and directors, who alone are qualified to judge of solid probability. But it is wrong to suppose that the education of a Catholic Priest is confined to casuistry—besides this, and his dogmatical and scriptural studies, he has to learn and to practise ascetical theology during a protracted course of preparation for the priesthood. As for the faithful, is is well known that in the Catholic Church they have abundant means and helps to practise a life of perfection,—sermons, retreats, missions, sodalities, multitudes of pious books, and a variety of religious orders suited to every disposition. It is most unfair to fasten on a compendium of casuistry, and make it appear that it is the spiritual guide of Catholics. The work of perfection begins where the works of obligation terminate, and the promotion and cultivation of perfection is one of the chief duties of a Director. When will Protestants examine fairly the full operation of the Catholic system?

Σ.

This pamphlet and others bearing on the Jesuit Question may be had at SADLIER & CO., Montreal and Toronto.