







THE  
ECONOMIC MORALS  
OF THE JESUITS

AN ANSWER TO  
DR. H. M. ROBERTSON

By  
J. BRODRICK, S.J.

*La justice et la vérité sont deux pointes  
si subtiles, que nos instruments sont trop  
émoussés pour y toucher exactement. S'ils  
y arrivent ils en écachent la pointe et  
appuient tout autour, plus sur le faux que  
sur le vrai.*

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## PREFATORY NOTE

*I*N a world where there are so many better things to do, controversy of the kind to which this little book is committed must seem banal and hateful to the last degree. There is no unity in it, for one thing, and such a riot of quotations as might have fatigued the melancholy Burton himself. To make matters worse, most of these quotations are in a foreign language which refuses to be wedded with any grace to the English text, and yet could not be translated without an appearance of abominable condescension. I hope that it is not taking the bread out of reviewers' mouths to say such things. They are sadly true, but there is this much excuse for them that I had to follow where I was led. If somebody suggests that there was no compulsion, I shall suggest in my turn that he must be singularly untouched by the loyalties of brotherhood and family which ordinary people are not too emancipated to cherish. I wrote for the simple reason that I love the Society of Jesus with all my heart.

J. B.



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## I

## INDICTMENT OF JESUITS

**I**N a very interesting volume recently issued from the Cambridge University Press<sup>1</sup> Dr. H. M. Robertson, Senior Lecturer in Economics in the University of Cape-town, subjects to detailed and, in many respects, highly effective criticism the well-known thesis of Max Weber that the capitalist spirit, or, in other words, the pursuit of gain as a principle of conduct, is a product of Protestantism, chiefly in its English Puritan form. Against that thesis, which he considers to have found such wide acceptance because of its 'utility to the propagandist', Dr. Robertson wishes to show 'that the spirit of capitalism has arisen rather from the material conditions of civilization than from some religious impulse' (*Aspects*, p. xvi). Even a complete layman in these matters may be permitted to say that he thinks he has been extremely successful in his enterprise. Mr. Tawney had already reached a similar conclusion in his admirable and exhilarating book, *Religion and the Rise of Capitalism*, though, while denying that the capitalist spirit was 'the offspring of Puritanism', he allowed that 'Puritanism in its later phases added a halo of ethical sanctification to the appeal of economic expediency and offered a moral creed in which the duties of religion and the calls of business ended their long estrangement in an unanticipated reconciliation'.<sup>2</sup>

Between the two scholarly and very sincere books

<sup>1</sup> *Aspects of the Rise of Economic Individualism*: A criticism of Max Weber and his school. Pp. xvi+213. The book is the first of a new series entitled 'Cambridge Studies in Economic History', edited by Dr. J. H. Clapham.

<sup>2</sup> *O.c.*, London, 1926, pp. 239-40.

above mentioned there is, however, one striking difference. In the establishment of his case Mr. Tawney found it quite unnecessary to save the Puritans from the imputations of Weber at the expense of some other religious body. Dr. Robertson, on the contrary, makes the doings of another religious body a main plank of his argument, believing that if he can show it to have held and taught similar views to those of the Puritans on the ordering of life, and even more liberal views than they on the ethics of business relationships, then plainly the Puritans cannot be held solely responsible for the 'spirit of capitalism' which Weber sought to derive from their theology. Now, as everybody knows, in famous words, 'il n'est rien tel que les Jésuites', so to the Jesuits, on Pascal's hint, Dr. Robertson turns. He is perfectly within his rights in doing so and, indeed, he makes a *prima facie* case of no little cogency. But there would seem to be one very serious flaw in his logic. Max Weber's thesis is principally concerned with the rise of economic individualism in England and North America. He takes practically all his illustrations from the writings of English or American Puritans. To confute him, then, and to show, as Dr. Robertson attempts, that, in so far as religion had anything to do with the rise of the capitalist spirit, it was not Calvinism but the religion of the Jesuits which helped,<sup>1</sup> it would plainly be necessary to show 'Jesuitry' working towards this end *in England and North America, during the period in question*, which was roughly the century 1570-1670. What Jesuits were doing or teaching in other parts of the world

<sup>1</sup> 'The argument that Calvinism relaxed the discipline of the Christian in his conduct of commercial affairs is untrue. Jesuitry relaxed this discipline more than any other branch of religion.'—*Aspects of the Rise of Economic Individualism*, p. 109.

is irrelevant to the issue, unless it had some bearing on the development of ideas in England and America. Now the only Jesuit mentioned by Dr. Robertson who ever put foot in England was Father Jasper Haywood, uncle of the famous Donne of St. Paul's. Most of the man's sojourn here was spent in a London prison and, as to his views on the ethics of commerce, he was nothing less than notorious on the Continent for fanatical opposition to any relaxation of the traditional discipline. Other Jesuits working in England at the time can hardly be said to have had much opportunity for influencing the trend of ideas, as their only public platform was a cart at Tyburn or some other place of execution. And the same is true of the Jesuits in North America at the time, eight of whom are now canonized martyrs in the calendar of the Catholic Church. Isolated in the Indian settlements from all contact with other white men, they could scarcely have had much influence on the commercial thought of the English or Dutch colonists, and, besides, we have their own 'Relations', published under Government auspices in seventy-three volumes not so very long ago, to tell us exactly what they were about.

It must be said immediately that Dr. Robertson does not claim to have found any link connecting the English or American Jesuits with the triumphant chariot of capitalism. He never mentions them, except Haywood, and him only for his part in certain theological debates in Bavaria. All his concern is with French, German, Spanish, or Italian Jesuits, but he makes no attempt to prove that their teaching, however liberal it may have been, contributed in the slightest degree to the evolution of a capitalist mentality in England and

America. Would it not have been better, then, if, following Mr. Tawney's example, he had left the Jesuits alone? Surely they have been mauled enough already in popular histories to deserve a little peace in sober academic treatises. Yet I know of no modern book where they are made to appear in blacker colours than in *Aspects of the Rise of Economic Individualism*. Of 213 pages in that work no fewer than 31 are devoted exclusively to the denigration of their teaching and their practice, so who can blame one of them if he ventures to point out some unintentional but very grave misrepresentations in that heavy indictment?

The Jesuits first come on the scene as early as p. xiv of *Aspects*. Dr. Robertson had cited a little before two passages from English books describing what their writers conceived to be typical business men. The first was from the *Discourse upon Usury* by the amusingly vituperative Elizabethan, Dr. Thomas Wilson, and the other, a magnificent piece of satire from the *Areopagitica* which runs as follows:

A wealthy man addicted to his pleasure and to his profits, finds Religion to be a traffic so entangled, and of so many piddling accounts, that of all mysteries he cannot skill to keep a stock going upon that trade. What should he do? fain would he have the name to be religious, fain would he bear up with his neighbours in that. What does he therefore, but resolves to give over toiling, and to find himself out some Factor, to whose care and credit he may commit the whole managing of his religious affairs; some Divine of note and estimation that must be. To him he adheres, resigns the whole warehouse of his religion, with all the Locks and Keys into his custody; and indeed makes the very person of that man his Religion; esteems his associating with him a sufficient evidence and commendatory of his own Piety. So that

a man may say his Religion is now no more within himself, but is become a dividual moveable, and goes and comes near him, according as the good man frequents the house. He entertains him, gives him gifts, feasts him, lodges him; his Religion comes home at night, prays, is liberally supt, and sumptuously laid to sleepe; rises, is saluted, and after malmsey or some well-spic't bruage, and better breakfasted than He whose morning appetite would gladly have fed on green figs between *Bethany* and *Jerusalem*, his Religion walks abroad at eight, and leaves his kind entertainer in the shop trading all day without his religion.

'Nothing', comments Dr. Robertson, 'could be further from the Puritan than either of these two types. . . . Neither fits in with a Puritan setting. The second, indeed, would be much more at home among the Jesuits with their system of expert casuistry.' I do not know whether the reader will agree, but to me it seems that this is an assertion which no one, and least of all a teacher in a responsible position, has a right to make without some show of proof. Because the Jesuits employ casuistry it does not follow that they are ready to free a man of moral responsibility in the conduct of his business. Casuistry, after all, is, in Mr. Tawney's words, 'merely the application of general principles to particular cases, which is involved in any living system of jurisprudence whether ecclesiastical or secular'.<sup>1</sup> The moots held from time to time at the Inns of Court are as much casuistry as the subtlest efforts of Escobar, and if we would seek a lineage for the practice we must go back to the Stoics and to Cicero with his set treatise devoted to it in the *De officiis*. As for a merchant without a conscience finding himself at home among the Jesuits, it is pertinent to mention at least two of the

<sup>1</sup> *Religion and the Rise of Capitalism*, p. 100.

fraternity who were not quite so accommodating to moneyed interests. After St. Ignatius, the most representative and influential of the early Jesuits was Diego Laynez. For nine years he ruled the whole Society of Jesus, at the very time when the question of taking interest for loans was beginning to assume a formidable importance. To him as to their greatest theologian the Jesuits scattered throughout Europe looked for guidance, and the guidance which they received is set down for us all to read in his treatise, *De usura et variis contractibus mercatorum*.<sup>1</sup> When, in 1553-4, Laynez found himself in Genoa, the great Mecca of traders and company-promoters, he felt it was his duty to preach a course of sermons on the very live topics of contracts and financial dealings. Such an impression did he make that the civil authorities published an edict ordering all merchants to submit their books and contracts for theological revision.<sup>2</sup> Nor will it be irrelevant to the point at issue if I turn for a moment to the Jesuits at the Council of Trent. The three men, the Cardinal of Lorraine, Archbishop Guerrero, and Bishop Drascovics, whose aims and views in the Council they opposed most determinedly were the three best friends their Society had in France, Spain, and Hungary. Without the Cardinal of Lorraine the Society could not have survived in France, yet they fought his Gallican schemes inch by inch throughout the last phase of the Council, and as for the Emperor, whom Drascovics represented, his failure to secure from the Fathers the coveted grant of the lay chalice was due principally to the efforts of Laynez. At the close of a great discourse which he

<sup>1</sup> Grisar, *Jacobi Lainez disputationes Tridentinae*, vol. ii (Innsbruck, 1886), pp. 227-321.

<sup>2</sup> Grisar, *l.c.*, pp. 61\*-62\*.

delivered on the subject, Laynez, then General of the Jesuits, spoke as follows:

It is not because I am lacking in ready deference to the wishes of His Imperial Majesty, in all things unopposed to God and my conscience, that I have reached this conclusion. I know well that all of us who belong to this least Society of Jesus are bound to His Majesty's service by many ties. The Emperor was the first of Catholic princes to receive and foster our Society in his dominions. He has erected and founded colleges for us in various places, as those now in existence at Vienna, Prague, Tyrnau, and Innsbruck testify. Imitating the example of his father-in-law, the Duke of Bavaria<sup>1</sup> has likewise given us colleges in Ingolstadt and Munich and is preparing to establish others. But the more indebted we are for favours and kindness, the greater has been my obligation to say out faithfully what I thought would best promote the glory of God and the salvation of such great Princes and their subjects.<sup>2</sup>

These assuredly are not the accents of a man with whom Milton's unscrupulous merchant would have been at home, nor, if we listen to another Jesuit who ruled the Province of his Order which included the city of the Fuggers, Augsburg, for fourteen years, do we hear anything different. Indeed, St. Peter Canisius was so persistent in his denunciation of bankers' and merchants' shady dealings from the pulpit of Augsburg Cathedral that the less squeamish canons there, who were drawing incomes from questionable investments themselves, subjected him to a long period of petty persecution and eventually deprived him of his office of preacher.<sup>3</sup> Yet among St. Peter's closest friends and

<sup>1</sup> At that moment another eager petitioner for the concession of the chalice to the laity.

<sup>2</sup> Grisar, *l.c.*, pp. 68-9.

<sup>3</sup> Cf. Braunsberger, *Beati Petri Canisii epistolae et acta*, vol. iii (Freiburg, 1911), pp. 543-4, 564, 585, 628-30.



benefactors were Ursula and George Fugger, of the greatest banking family in Germany, but it was not his 'expert casuistry' that commended him to these people. Indeed, his preaching against usury raised the most serious scruples in their minds. Owing to the number of colleges and missions which he had started he was always in sore straits for money to support his men, and he could have had all he wanted had he been ready to come to terms with the busy, thriving world about him. That, however, was a thing inconceivable for him, and not for him only but for the vast majority of his brethren. If it be answered that neither he nor Laynez were typical Jesuits, one is entitled to give a gratuitous denial to a gratuitous assertion. We have Aristotle's authority for claiming that the type is the best and not the worst of its class. There have been bad, unscrupulous, ambitious, foolish Jesuits—especially foolish ones, and a Jesuit fool is much the same as any other sort of fool—but if we seek the spirit of the Society of Jesus we are absolutely justified in turning to its great army of canonized or beatified Saints and Martyrs who were the living embodiment of its rules and constitutions. Speaking of Canisius, a good Cambridge scholar wrote as follows some years ago: "To his energy and sweetness of character, to his tact and understanding of the needs of Germany, to his devoted and self-denying life, his resolve to shame the Catholic "respectables" and to uphold the highest standard of morals, both in private and commercial life, was due a success which even among Jesuit victories is remarkable and hardly has a parallel in history."<sup>1</sup> Braunsberger's eight volumes of

<sup>1</sup> Dr. J. Neville Figgis in *The English Historical Review*, vol. xxiv (January, 1909), pp. 42-3.

his correspondence afford irrefragable proof that it was because St. Peter was so true a Jesuit that he became so great and noble a man.

On p. 17 of his book Dr. Robertson points the contrast between Puritan and Jesuit ethics once again. He had been discussing Baxter's *Christian Directory*, from which famous treatise he concluded, after an admirable analysis, that there were two sides to the teaching of the grand old Puritan. In some respects liberal and forward-looking, he remained on the whole profoundly conservative and 'accepted the purposive philosophy of the social idealist rather than the mechanistic one of the individualist'. To illustrate this predominant element of Baxter's teaching, Robertson cites the following few lines which show him 'whole-heartedly on the side of the objective determination of the *just* value, quite in the medieval manner':

But if that which you have to sell be extraordinarily desirable, or worth to some other person, more than to you or another man, you must not take too great an advantage of his convenience or desire.

Having made this point, Dr. Robertson continues: 'It is only in his treatment of subordinate matters that the other Baxter appears—and this is the Baxter who is furthest from the old Puritan and nearest to the Jesuit.' Well, let us see. Cardinal de Lugo, who has his own place in Dr. Robertson's calendar of reprehensible Jesuit moralists, was an elder contemporary of Baxter, and dealt as did the Puritan with the question of just value. Like him he was strongly for its objective determination and held that a just price is either the price fixed by law or else 'quod juxta communem hominum aestimationem et judicium constitutum est, non ex

unius vel alterius privato affectu'. Baxter, we have seen, even in his conservative mood did not forbid the seller to derive some profit from the subjective need of the buyer. All he insists on is that 'you must not take too great advantage' of the buyer's convenience or desire. Let us now hear de Lugo on exactly the same point:

The common value is increased by the scarcity of the commodities, by the greater number of purchasers, by the abundance of money, just as it decreases for the contrary reasons. It is not, however, sufficient in order to increase the price of an article that the purchaser should have greater need of it, or from possession of it should have opportunity to make great profit. Nor can anyone sell bread at a dearer price to a hungry person, merely because the buyer is hungry, nor a bundle of common herbs to one who knows a secret method of making from them a valuable medicine, for these considerations do not change the common estimate of the worth of the things. But if the seller himself stands in special need of the article, or fears loss if he parts with it, or has a peculiar attachment to it, he can for these reasons increase the price by the amount at which they may be prudently estimated; not because the value of the article increases from the attachment, the loss, or the private necessity of the seller, but because beyond the just price of the article he asks something, not for the article itself, but in consideration of his attachment or loss, which also is assessable at a price. The feeling of the purchaser, on the other hand, or his special need of the article, cannot be sold, as St. Thomas says, *Quaest. LXXVII, art. 1*. The reason is that these all appertain to the purchaser and not to the seller who cannot sell what does not belong to him but only what he personally loses or ceases to gain.<sup>1</sup>

The style of this passage is not its loveliest character-

<sup>1</sup> Joannis de Lugo, *Disputationes scholasticae et morales*, vol. vii (Paris ed., 1869), pp. 273, 275. (*De Justitia et Jure*, Disp. XXVI, sec. iv, nn. 38, 43.)

istic, but the reader can hardly fail to detect a shrewd and scrupulously impartial mind behind the clumsily wrought sentences, one moreover that compares not unfavourably even with Baxter at his best and most conservative. On p. 104 of Dr. Robertson's book de Lugo appears in an odious connexion. 'The Jesuits, we are told,' writes the author, 'had a maxim that "there is nothing like business", and they certainly acted up to it. When a Jesuit cardinal (de Lugo) approves of "sweating", we know that we have found a religion which has moved far from medieval ideas into the world of *laissez-faire*.'

Leaving over the question of de Lugo's approval of 'sweating' for the moment, I think I am entitled to ask Dr. Robertson whether he can mention one single book in the whole of Sommervogel's vast *Bibliothèque des écrivains de la Compagnie de Jésus* where the maxim that 'there is nothing like business' may be found. Dr. Robertson insists a little on his quality as an historian pure and simple, and censures Max Weber for the application of non-historical methods to an historical problem (*Aspects*, p. xi). Now is it good history on his own part to attribute the maxim in question to the Jesuits because he found it attributed to them in an anonymous compilation which he admits in a belated note five pages farther on to have been put together by persons 'concerned to paint the Jesuits in as dark colours as possible'? And is it good history to say in one breath 'the Jesuits, *we are told*', and in the next 'the Jesuits *certainly . . .*'? Do historians believe everything they are told, and are they of such a sweet and guileless disposition that they take everything which they find in print for a certainty?

The title of that particular compilation is *La Morale pratique des Jésuites*, published in 1669. A few lines farther on Dr. Robertson finds in another anonymous compilation, *La Théologie morale des Jésuites*, published in 1659, that a Jesuit casuist, on being asked whether an innkeeper might invite a guest to dine on a fast day, knowing that he is issuing an invitation to sin, answered that there was a probable opinion for the lawfulness of doing so because the innkeeper's primary intention is not to incite to sin but to make profit by providing a meal. 'How does this compare', asks Dr. Robertson, 'with the prohibition of Saturday and Monday markets in Scotland?' The suggestion here is that the Jesuits, with their famous maxim about business, were ready to wink at a good deal, even to condone co-operation in sin, rather than hinder trade, whereas the godly Puritans were so other-worldly that they hedged Sunday about with two trading holidays lest any one should be tempted to desecrate it through lack of other times for recreation or through having to make a journey for the market on Monday. Dr. Robertson, following his French source-book, cites a certain Tambourin for the opinion given, and adds, as though from independent investigation: 'This opinion is in conformity with opinions of Sanchez and Diana.' But these two also are mentioned at the same place in *La Théologie morale des Jésuites*. We can leave Diana out, as it has escaped Dr. Robertson's notice that he was not a Jesuit. It is surprising that he was not transmogrified into 'Diane' by the French writers. Tambourin was Tomaso Tamburini, a Sicilian Jesuit, but, as we shall see later, he neither propounded the case mentioned nor solved it in the way he is alleged to have done, so we may dis-

pense ourselves from the task of comparing his views with those of the Scottish sabbatarians.

Dr. Robertson's next case is an interesting one. 'A Jesuit affirms', he writes, 'that a bankrupt is entitled to retain as much from his creditors as will maintain him decorously—*ut decore vivat*—and it is explained that this must not be taken as an incitement to "long-firm frauds", for the Jesuits do not favour aggrandizement by injustice, but "if the casuists have milder sentiments, it is for the good merchants who have received of their fathers an honourable estate and position, or else who have arrived by good and legitimate ways to a better position than their birth brought them". This is, of course, precisely what is alleged to be an innovation of the Puritans' (*Aspects*, p. 104). The only reference we are given for the matter is 'Pilot, *Apologie pour les Casuistes*', without any indication of date, edition, or page.<sup>1</sup> In Dr. Robertson's opinion 'Pilot represents Jesuit doctrines very admirably' (*Aspects*, p. 158), so we shall not scruple later on to devote a whole section to a person of such importance.

'All sorts of speculations', he continues, 'were allowed by the Jesuits—some even of a doubtful morality.' Here is the proof. A servant is given some gold pieces by his master to make purchases or transact other business. It was a bi-metallic country and the servant was astute. Going to a *bureau de change* he obtained silver for his gold, did business with the silver and pocketed what he had gained on the exchange. Was he bound to make restitution? A certain mysterious 'Professor of Cases of Conscience at Bourges' is reported to have answered

<sup>1</sup> Later on (*Aspects*, p. 159, n. 1), this same book is referred to in the following manner: 'Pilot, *loc. cit.*, *passim*.'

that he was not, though he committed a venial sin by keeping the money. *Voilà!* There is the proof that the whole Society of Jesus went in for speculations of all sorts, sometimes doubtfully moral. As Dr. Robertson's source-book, *La Théologie morale des Jésuites*, stops the poor Professor's mouth with an '&c.' just when he is about to give his explanations, we may seek them from his great brother in religion and contemporary, Lessius: 'If I give my servant or business agent a thousand gold pieces with which to pay my creditor, not caring in what species of money the transaction is accomplished, and he should change the gold for silver, making a profit thereby, and pay the creditor in silver, keeping the profit for himself, he is not obliged to restore the latter. The reason is that the profit is the fruit of the servant's own industry and was made at the servant's risk. It is consequently not due to me, the owner of the gold, nor to the creditor, because he did not stipulate for payment in gold and was fully satisfied with the silver. But if my intention was that the creditor should be paid in gold because I desired to gratify him and to give him the opportunity of making profit on the exchange, then, if he could and would have made the profit, the servant is obliged to make good to him to the amount at which that profit is estimated. . . . If, however, the creditor did not intend to put his money to advantage on the exchange but only to use it in the ordinary way at its legal value, then the servant is not under any obligation to restore, because, though he did wrong by not paying in gold, he caused the other to suffer no loss.'<sup>1</sup> Before permitting himself to become indignant with this solution, Dr. Robertson might con-

<sup>1</sup> *De Justitia et Jure*, lib. 2, cap. 23, de Cambiis, dubitatio 2, n. 18.

sider the consequences of other principles. Suppose, for instance, he were to write a book with pen, ink, and paper lent to him by Dr. Clapham, might not Dr. Clapham claim the book as his property, unless the principle of *fructus industriae* employed by Lessius is accepted?

Lessius himself is next invoked by Dr. Robertson (*Aspects*, p. 105) to show that 'wherever the answer to any problem of morals might have an effect on economic life, the Jesuits paid great attention to the consequences their answer would have on trade'. He does not go to Lessius direct, though that great man's treatise, *De Justitia et Jure*, is sufficiently well known and easily available, but takes his impressions from an article by V. Brants in the *Revue d'Histoire ecclésiastique*.<sup>1</sup> Through the departure of the English merchants from Antwerp owing to the religious upheaval, the trade of the city had suffered severely. Its people clamoured for their return, and Lessius, being appealed to, answered that the civil authority might very well allow it because, though the merchants were heretics, they would be more likely to become Catholics than to make Protestants of the Belgians. In any case, the Belgians would begin to emigrate to heretical lands if the merchants were not permitted to return, and that might constitute a far more serious danger to their faith. 'What a contrast this presents', writes Dr. Robertson, 'to the prohibition of the Spanish and Portuguese trade to Scotsmen on account of the possibilities of religious contamination!' (*Aspects*, p. 105). That is to say, the Scots were forbidden to go into Catholic countries for

<sup>1</sup> In referring to the article Dr. Robertson first cites the wrong volume of the *Revue*, and then, a little farther on, the wrong pagination (*Aspects*, p. 104, n. 2; p. 106, n. 1).



fear they might lose the bloom of their Calvinism. The chief argument of Lessius, on the other hand, why the English merchants should be allowed back to Antwerp was that otherwise the Belgians might emigrate to Protestant countries and so lose the bloom of their Catholicism. What a contrast!

Over the page, we are told that Lessius approved of merchants evading the decrees by which governments of the time endeavoured to make their peoples value good and bad money alike, in defiance of Gresham's law, and this is set down as proof that 'the Jesuits not only never tried to secure restrictions on trade such as the Calvinists imposed; they even made their opinions powerful solvents of the restrictions imposed by the State' (*Aspects*, p. 106). The answer to that is that the Jesuits, unlike the Calvinists, had not seized on the civil power of any country and so were in no position to secure restrictions on trade. In the one place where they were granted civil administration, namely the Reductions of Paraguay, they not only restricted the trade of outsiders with the Indians but stopped it altogether, and so made for themselves a host of bitter enemies.

Turning now to the view of Lessius that it was no sin to evade edicts standardizing the value of different currencies, we find by going to his own works and not trusting entirely to a generalized and sometimes obscure review article that he was not speaking of money as an ordinary medium of buying and selling but of money as itself a commodity in the *cambia* or exchanges. Pieces of money, he points out, can be considered from two angles, first as tokens measuring the value of things to be sold. That is their primary use, and as such they are

worth no more than the amount fixed by the civil authority or, at any rate, than the value assigned to them by common usage in buying, selling, or payment of debts. In the second place, they may be considered as having intrinsic value on account of the material of which they are made, the image stamped upon them, or their antiquity. Some coins will have more material or purer material in them than others and, considered as commodities to be bought or sold like other things, will be more valuable, though as instruments of exchange this may not be so owing to the edict of authority. At the exchanges, then, where money is bought and sold in this second sense, it is permissible to buy or sell at higher or lower rates than that fixed by law for money used in its primary sense, *juxta receptam locorum consuetudinem*. In all this Lessius is but following the lines laid down by the great Dominican theologians, Cajetan and Soto, so there is nothing peculiarly Jesuitical about his solution. 'In the discharge of debts', he concludes, 'no one is obliged to take money except at the value fixed for it by law.'<sup>1</sup>

The next theologian mentioned by Dr. Robertson is a certain Bail. This man he found in Piro's *Apologie pour les Casuistes* and assumed, therefore, that he was a Jesuit. Louis Bail, however, was no such thing, but Curé of Montmartres and a doctor of the Sorbonne.<sup>2</sup>

After him comes a man called Bauni, who said 'that it was not reprehensible to enter into contracts in which a higher rate of interest was demanded than the maximum stipulated by royal ordinance, as the debtors entered into them willingly, and for just reasons the

<sup>1</sup> *De Justitia et Jure*, de Cambiis, dubitatio 2, lib. 2, cap. 23.

<sup>2</sup> Dr. Robertson gives the name and page of Bail's book, which he found in Piro, but not, for some curious reason, the page of Piro on which they appear.

rate fixed by ordinance might be exceeded'. So they might, for *just* reasons. Dr. Robertson refers us for all this to 'Bauni, *Somme des Pechez*, 5th ed. (1639), pp. 335-6'. Here at last is a really full and exact reference, only it is the identical one given in *La Théologie morale des Jésuites*, and when Dr. Robertson has occasion to cite the same man later on (*Aspects*, pp. 158-9), it is from *La Théologie morale* that he does so. Why he should persistently misspell Bauny's name it is difficult to guess, as Pascal's fourth, fifth, sixth, and eighth *Provinciales* are full of that obscure and much maligned Jesuit.<sup>1</sup>

Bauny makes way for Pirot, who speaks this time without reference of any description. Then enters Prince Sinister of all the casuists whose name has gone into the French vocabulary as a synonym for a prevaricator, none other than Antonio de Escobar y Mendoza. He, too, will occupy our attention later, so we may pass on to Dr. Robertson's more generalized indictment.

'The Jesuits—as these examples show—left the way open', he writes, 'for an unrestrained individualism in economic affairs. Under pressure from the laity whom they had to humour, they had given their blessing to every operation of the commercial spirit; justifying everything easily by the operation of the twin doctrines of "Probabilism" and of "the Direction of the Intention".' At this point, Dr. Robertson cites a mysterious 'Bishop of Angelopolis', who appears suddenly from the pages of *La Théologie morale* like an angel of judgement, delivers sentence, and vanishes, all unexplained. An average reader must surely feel tempted to ask, 'Where in the name of creation is Angelopolis?' Suppose I was

<sup>1</sup> The Index to *Aspects* has this peculiar entry:

Bauni, E., 106, 156 n., 158, 159 n.

Bauny, E., see Bauni.

to write, 'The Bishop of Augusta Trinobantium states that Dr. Robertson picked Dr. Clapham's pocket,' would Dr. Robertson consider that I had sufficiently identified his accuser? His reverence for the word of this Roman Catholic prelate is in curious contrast with his suspicion of the Anglican Archdeacon Cunningham, whom he introduces as 'a staunch enemy of Presbyterianism' (*Aspects*, p. 89), so that we too may be on our guard. But we are not given the slightest hint that 'the Bishop of Angelopolis' was other than a calm, impartial critic of the Jesuits, with no personal reasons for blackening their reputation. However, we shall come back to His Lordship in due course.

Continuing in his own name, Dr. Robertson says: 'They [the Jesuits] had made the skill of the Church in moral affairs degenerate into probabilism and become arbitrary. Yet it is said that Calvinists were especially free in being emancipated from the Jewish law and the regulations of the Catholic Church. The Jesuits, moreover, practised what they preached. What other order, asked the Bishop of Angelopolis, had carried on a banking business in the Church of God, made loans for profit [note by Dr. Robertson: "The answer to this question is 'many others' "], held butcher and other shops in their dwellings? What other religion, he asked, had ever been involved in a bankruptcy, or covered practically all the world with its commerce by sea and land, and with commercial contracts?' At this point another Bishop is introduced, both himself and his diocese nameless. He says that 'the Genoese knew nothing in comparison with the Jesuits about exchange and re-exchange'. Taking up the story personally, Dr. Robertson continues: 'If we may believe the tales

which are told [in *La Morale pratique des Jésuites*], the Jesuit foreign missions were not to be distinguished from establishments for commercial exploitation—we are told of their attempts to monopolize the pearl-fisheries in Cochin, of their attempts to get all the trade, all the transport and banking facilities in Cartagena, Quito, Onda, Mompox and, in fact, all South America into their own hands. In Seville the Jesuit College even underwent a bankruptcy caused by trading losses. . . . This raised a clamour through the countryside [here enters Angelopolis again]. . . . The religion of the Jesuits was essentially practical. They gained their experience of practical affairs not merely through the confessional but also by actual engagement in business in many cases. They were always informed about commercial needs, and always willing to take them into account in giving opinions in cases of conscience. In this they contrasted violently with the less adaptable Calvinists. The argument that Calvinism relaxed the discipline of the Christian in his conduct of commercial affairs is untrue. Jesuitry relaxed this discipline more than any other branch of religion' (*Aspects*, pp. 107–10).

Towards the end of his indictment Dr. Robertson adds a lengthy note (*Aspects*, p. 109, n. 2). There he writes: 'These examples of the unrestrained speculative element which the Jesuits introduced into their own affairs are admittedly [this is the first time he has given the slightest hint] drawn from Jansenist sources, concerned to paint the Jesuits in as dark colours as possible. BUT THERE IS NO REASON TO SUPPOSE THAT THE DESCRIPTIONS OF THE TRADING ACTIVITIES OF THE JESUITS ARE UNTRUE IN ANY MATERIAL PARTICULAR. In the cases where I have quoted Jesuit opinions from Jansenist

sources it will be found that I have not allowed any Jansenist exaggerations to enter. It will be found that the opinion is justly attributed to the Jesuits by referring to the writer concerned [which Dr. Robertson did, or probably did, in the case of exactly *one* writer, Pirot], or as a rule to such a writer as Escobar [whom Dr. Robertson never looked up at all].<sup>7</sup> There is more of this note, one sentence of which I have put in capitals, but we may leave it for the present. Dr. Robertson, as has been seen, draws practically all his material from second-hand sources and principally from the two anonymous collections entitled *La Théologie morale des Jésuites* and *La Morale pratique des Jésuites*. The only way to determine whether these volumes were worthy of his credit is to inquire into their history.

## II

### THE LINEAGE OF A LIBEL

#### I. ARNAULD'S EFFORT

ALMOST from the time of their establishment in France the Jesuits had been looked upon with great suspicion by the University of Paris and its Theological Faculty, the Sorbonne. The Sorbonne, unlike the Parlement, had not been traditionally Gallican in its views, but the Jesuits soon changed all that. 'Nous croyons, en effet', writes the best authority on the subject, 'que la rivalité entre deux célèbres institutions, l'Université et la Compagnie de Jésus, n'est pas étrangère à l'adoption par la Faculté de la théorie nouvelle (indépendance politique des rois à l'égard des papes dans son sens le plus absolu): qu'elle y contribua même, au contraire, plus que tout autre facteur. L'Université comprit vite quel danger faisait courir à son prestige séculaire une congrégation qui mettait parmi ses principaux moyens d'apostolat l'instruction de la jeunesse, et dont la concurrence devenait de jour en jour plus redoutable. Elle lutta contre elle de toutes ses forces et par tous les moyens.'<sup>1</sup> *Par tous les moyens!* One of the means was to employ the services of the illustrious advocate, Antoine Arnauld, to petition for the expulsion of the Jesuits from France. In his famous *plaidoyer* before the Parlement of Paris in 1594, Arnauld spoke as follows, apostrophizing the spirit of Henri III, who had been assassinated five years earlier:

Mon grand Prince . . . assiste-moi en cette cause, et, me représentant continuellement devant les yeux ta chemise

<sup>1</sup> Martin, *Le Gallicanisme politique et le clergé de France*, Paris, 1929, pp. 89-90.

toute sanglante, donne-moi la force et la vigueur de faire sentir à tous tes sujets la douleur, la haine et l'indignation qu'ils doivent porter à ces Jésuites. . . . Quelle langue, quelle voix pourroit suffire pour exprimer les conseils secrets, les conjurations plus horribles que celle des Bacchanales, plus dangereuses que celle de Catalina, qui ont été tenues dans leur collège rue Saint-Jacques, et dans leur église rue Saint-Antoine? . . .<sup>1</sup>

Eight years later when there was question of allowing the banished Jesuits to return, the same Arnauld sprang to arms once more with his *Franc et véritable discours au roi*, a manifesto of undiluted absolutism. To prove how dangerous it would be to re-establish the Jesuits in France, he shows by a whole anthology of texts from their writings, especially the writings of 'le sieur Bellarmin', that they are the worst enemies in the world of the sacred doctrine of the Divine Right of Kings.<sup>2</sup>

Jesuit writers were certainly very prolific and, to the joy of the Sorbonne and other foes, not always discreet. 'Traités ou pamphlets', says Dr. Martin, in the work cited above, 'le Parlement et la Faculté lisaient tous ces écrits à la loupe.' Of course, the microscope revealed many an unguarded passage which could be interpreted as derogatory to the absolute power of kings, and then there followed the inevitable censure.

But the Jesuits provided their antagonists with an even happier hunting-ground than the field of ecclesiastical and political theory. As practical moralists they were very much to the fore and very productive, for the simple reason that a great part of their work lay in the confessional—'munus nostri Instituti valde proprium',

<sup>1</sup> At this point, Sainte-Beuve, the apologist of Port-Royal, who reproduces the passage, breaks off with a grimace: 'Il faut s'arrêter: on en sourit.' *Port-Royal*, 2ième éd., Paris, 1860, t. i, p. 73.

<sup>2</sup> The *Discours* is analysed by Dr. Martin, *l.c.*, pp. 101-9.



as their Founder had written in his Constitutions. But though they produced a vast number of books discussing cases of conscience, similar to the *Confessionalia* and other such works which had been common since the Middle Ages, it is advisable, lest we lose our sense of proportion, to keep in mind a few other important facts. The tenth volume of Sommervogel's *Bibliothèque des écrivains de la Compagnie de Jésus* arranges the vast number of works, entered in the previous volumes, under the various headings of science, mathematics, scripture, poetry, &c. Moral theology takes up thirty columns of titles, but books of sermons and ascetical theology require no fewer than 335 columns to accommodate them. In other words, there were ten Jesuits writing to make people perfect Christians by the practice of the Evangelical Counsels for one Jesuit writing to trace the limits of duty according to the precepts of the decalogue.<sup>1</sup>

Again, the moral theologians were very far from thinking that their minimum requirements constituted an adequate rule of life for any Christian. They were not writing for the world at large, but for confessors, and solely with a view to the confessional. They knew and insisted that in his quality of physician and guide the confessor must not allow his penitents 'to install themselves deliberately on the frontier between the permitted and the forbidden', but they knew, too, that in his quality of judge he had a strict obligation to be aware of the exact import of the laws of God which nothing could authorize him to make more severe or binding than God intended. Nevertheless, it is quite true and very regrettable that some Jesuits of the 10 per cent. who wrote on moral theology went too far in making

<sup>1</sup> Sommervogel, *l.c.*, vol. x (1909), cols. 190-220, 229-564.

things easy for the penitent, so laying themselves open to a well-grounded charge of speculative laxity. But they were neither so many nor nearly so lax as a hoary old legend would have us believe, and the two of them who figure as Pascal's principal victims, Escobar and Bauny, were men of almost excessive austerity in their private lives.

In the sphere of dogmatic theology, too, the Jesuits won for themselves no little eminence. Two of them, Laynez and Salmeron, were among the most distinguished theologians of the Council of Trent, and their brother in religion, Cardinal de Lugo, was esteemed by a good authority, St. Alphonsus Liguori, himself a Doctor of the Catholic Church, as the greatest of all theologians after St. Thomas. One notable characteristic of Jesuit theology in general is its special concern to defend the fortress of the human will so sorely beleaguered of old by Lutherans and Calvinists. St. Ignatius had laid this charge upon his sons in his *Spiritual Exercises*, and with filial loyalty they have never forgotten it.

Within the Catholic Church the first set attack on the freedom of the human will in modern times was engineered by Dr. Michael de Bay or Baius, Chancellor of the University of Louvain towards the close of the sixteenth century. Baianism, which included the aristocratic doctrine of divine Providence common to Puritanism and all forms of Calvinism that Christ did not die for all men and that numbers of men, strive how they may, are predestined to damnation, found in Leonard Lessius and his brethren of Louvain its most determined and indefatigable antagonists. As a large number of the Louvain doctors sided with their Chan-

cellor, the Jesuits by no means obtained a bloodless victory. The University, for reasons similar to those which inspired the University of Paris, declared war on their Order, using the same well-tried weapons of censure and ban that had proved effective in France.

—In the early seventeenth century, two of the Jesuits' own pupils, Cornelius Jansen and his friend Duvergier de Hauranne, better known from his later title as the Abbé Saint-Cyran, made a solemn pact not only to defend the theories of Baius but to carry them a stage farther and to win the world for their acceptance. It was a tremendous ambition and was carried out with a skill and energy hardly believable. Those strange, austere men would lead the Church back to the stern discipline of her primitive ages in morals and to what they conceived to be the pure doctrine of St. Augustine in belief. For them, nothing of doctrine or practice beyond what they claimed to have prevailed in the fourth and fifth centuries had any validity. It was not a question of back to Christ but back to Augustine, the familiar cry of so many who have broken with the Church of Rome.

With a view to better progress, the two friends divided their work, Jansen undertaking the theoretical exposition and defence of the opinions which they held in common, and Saint-Cyran devoting himself to securing acceptance for the practical reforms which followed as the corollary of those opinions. In the pursuit of his Herculean task Jansen said that he had read all of St. Augustine's works, a library in themselves, ten times, and his works on grace, thirty times. Saint-Cyran, who was a splendid tactician, gained an ascendancy over the

nuns of Port-Royal, where a daughter of Advocate Arnauld reigned as Superior, the famous Mère Angélique. No fewer than twelve of the Port-Royal community belonged to the Arnauld family, and there also was Pascal's sister, Jacqueline. On all these genuinely devout and greatly gifted women Saint-Cyran's spiritual direction made a profound and lasting impression. He introduced among them a penitential spirit and discipline corresponding to that which he believed to have been the practice of the primitive Church and warned them ceaselessly to beware of going to Confession unless they had perfect contrition or to Holy Communion unless they possessed the pure love of God. That meant, of course, that the frequentation of the Sacraments ceased practically altogether. It was Saint-Cyran's conviction that such abstinence was all to the good, for, in consequence of his theory of grace, he tended to minimize, nearly to vanishing-point, the effect of Holy Communion *ex opere operato*, and to exalt in proportion the importance of the human effort. It was a theory absolutely in contradiction to the teaching of the Council of Trent, of which the Jesuits were the chief practical propagators, but the Council of Trent did not mean much to Saint-Cyran.

The Jesuits did mean much to him, though, so much that he conceived it to be a necessary part of his programme to blacken and discredit them at every opportunity. While himself holding the heretical opinions of Wyclif on episcopal orders, he set up as the champion of the rights of bishops, which, he maintained, the Jesuits were bent on usurping. It is significant that the tracts in which he endeavoured to establish his charge were collected and republished in 1642 'by the order

and at the expense of the Clergy of France'.<sup>1</sup> The Jesuits are treated there as 'ridicules pédants, qui, après s'être accoutumés à régenter les enfants dans la poussière et les ténèbres des classes, s'enivrent de leur souveraineté imaginaire, et portent leur ambition jusqu'à vouloir gouverner les vrais empires et s'arroger le soin des rois'. That was a very sore point with Jansenists and Gallicans, that kings and princes should have been so strangely deluded as to choose Jesuits for their confessors.<sup>2</sup> The tone of the book throughout is enough by itself to show that Bishop Zamet, who appointed Saint-Cyran to his post of spiritual director at Port-Royal, was not giving too much rein to his imagination when he testified publicly afterwards to having recognized in him 'en diverses rencontres son esprit oultrageux et violent, fort mal respectueux aux personnes qui font la moindre opposition à ses pensées'.<sup>3</sup> Here lay the great crime of the Jesuits; they opposed Saint-Cyran's ideas, being obliged by their very rule to do all in their power to stimulate the practice of at least weekly or monthly Communion. On this point let us listen for one moment to St. Peter Canisius, writing to a young student of Louvain who had expressed concern at the revival of the habit of more frequent Communion that was then taking place, due in good measure to the efforts of the early Jesuits:

You tell me that you do not like the custom of more

<sup>1</sup> Sainte-Beuve has some interesting remarks on the work, *Port-Royal*, 2ième éd., t. i, p. 325, n. 3. The 'Cleri Gallicani' thought better of their action in 1656 and condemned the *Petri Aurelii opera*, as the work was called.

<sup>2</sup> Whether the Jesuits particularly wanted such honours may be seen by consulting Fouqueray, *Histoire de la Compagnie de Jésus*, t. ii (Paris, 1913), pp. 144-51; Braunsberger, *Beati P. Canisii epistulae*, vol. iv, pp. 148-50, to give but two of a multitude of references.

<sup>3</sup> Cited by Fouqueray, *l.c.*, t. v, seconde partie (1925), p. 403, from the Dupuy collection in the Bibliothèque Nationale.

frequent Communion. You point out the dangers that may arise, quoting what St. Basil says in his treatise on Baptism. But our business is with young men serving their apprenticeship to learning. Surely they will not serve Christ the worse by more frequent Confessions and Communions? Where, I ask you in all earnestness, is to be found a more certain remedy for sickness of soul and a better spur to holy living than in Holy Communion? Again, where do studies thrive best, where are the cold and apathetic set on fire most easily, where are men of the world taught with least effort obedience and the fear of God, where, finally, do married people learn best how to conquer and control the desires of the flesh? Is it not in those places where the practice of frequent Communion flourishes?

You will object, however, that we cannot be sure if communicants are rightly disposed. My answer is, what harm can the perversity of those who abuse the Holy Sacrament do to It or to us? Be careful, I beg of you, not to require too much from your brother. He is to be led on gradually in the way of holiness by the reception of this divine food, and by assiduous careful instruction. St. Augustine laid it down that it behoved all Christians to approach the Holy Table every Sunday, and that was the custom in the Church for many centuries. To be brief, for the worthy reception of this Sacrament it is enough that a man's will should be turned away from evil and resolved, in the strength of Christ, to pursue virtue. What would you answer if I were to ask you which is the better course—to abstain from Communion through humility, or to approach It out of loving confidence in God? The man who partakes of the Body and Blood of Christ floods with new light the temple of his heart, strengthens his power of doing good, fortifies his soul against every evil, establishes himself in unfeigned love, and weakens and casts off the last relics of his sins. . . . Good-bye, and pray for me, a poor fellow with more words than wisdom.<sup>1</sup>

Those lines were written in August, 1546, some time

<sup>1</sup> Braunsberger, *l.c.*, vol. i, pp. 208-9.

before the Council of Trent raised its voice on the subject. When it did speak, it spoke exactly in St. Peter's sense, and exactly contrary to Saint-Cyran's ideas.

Turning now to Jansen, busy on his huge treatise, we find that he too considered the Jesuits to be his dearest enemies. In his letters to Saint-Cyran their Society figures as 'le Satan romaniste', and he says in one place with an air of satisfaction: 'Il me semble que dans le dernier livre j'ai bien donné sur les doigts aux Jésuites.' He certainly had, for in his *Augustinus*, the great bible of Jansenism, they figure as modern pelagians or semi-pelagians who seek novelty, renown, glory, flattery; who pretend to holiness and are nothing but boasters and hypocrites; who pursue riches under cover of poverty; who have great esteem for profane knowledge and are the apes of Aristotle in their abuse of the syllogism; who have an itch to write many works but despise the works of other men and travesty their thought, attributing to them what they never set down; who simulate holiness but are found to be full of vices and shameful debauchery; who are as deceitful as foxes and make a trade of lies, equivocations, and mental restrictions.<sup>1</sup>

If it meant an opportunity of doing the Jesuits damage Jansen was even willing to forgo work on his book temporarily, which involved a considerable sacrifice for a man so wedded to his pen. Thus, he undertook a mission to Spain to defend the rights of the Louvain doctors against them when they desired to start a course

<sup>1</sup> *Augustinus, seu doctrina Sancti Augustini de humanae naturae sanitate aegritudine medicina, adversus Pelagianos et Massilienses*, vol. i (Rouen, 1643), lib. vi, cc. xix-xxiv. By the Pelagians and 'men of Marseilles' in this title Jansen meant first and foremost the Jesuits, especially Suarez and Molina, two great defenders of the freedom of the human will under the action of divine grace.

of philosophy at their college, contrary to the privileges of the University. He died in 1638, two years before the *Augustinus* was printed with great secrecy by his Louvain friends. A week after his death, Saint-Cyran was thrown into prison by Richelieu, and his informal brotherhood of 'Solitaries' at Port-Royal had to disband.

That might have seemed the end of their ambitions, but sometimes a man in his grave can be more powerful for good or evil than when he moved among the living. In 1641 the *Augustinus* was reprinted at Paris and came out fortified with enthusiastic approbations from five doctors of the Sorbonne. Thus was the veil of secrecy withdrawn and Jansenism made an issue which the authorities could not disregard. The book was promptly forbidden by Urban VIII, together with the theses which the Louvain Jesuits had drawn up in answer to it, but the Louvain secular theologians, rallying to the defence of Jansen's theories, made light of the Pope's prohibition and so provoked the Bull, *In eminenti*, where it was stated that the *Augustinus* contained propositions of Baius already condemned. At this juncture, the beginning of the year 1643, there came on the scene a portentous figure, the greatest of all Jansenist defenders and propagandists, Maître Arnauld's youngest son, Antoine, Doctor of the Sorbonne. In his *Observations contre la bulle prétendue*, this illustrious man's prejudice against the Jesuits, learned both from his father according to the flesh and from his spiritual father, Saint-Cyran, led him so far as to say that they had actually forged the Bull, though their own theses were condemned<sup>1</sup> in it! A short résumé of these theses will

<sup>1</sup> Not as unorthodox, as they contained nothing but the teaching of the Church, but because they infringed an order of Pope Paul V that books on grace were not to be published without the express sanction of the Inquisition.



show what the Jesuits stood for as against Jansen and his party: (1) Though children who die without baptism are deprived of the vision of God, they will not be punished with the pain of sense. (2) God truly desires to save all men and grants to all sufficient graces for salvation. (3) Jesus Christ died for all men in this sense that He desired His death to be truly advantageous to all. (4) Jesus prayed for the salvation of all men without exception. (5) For an action to be free, it is necessary that the will should be able to do or not to do it at the moment when all the requisite conditions for action are present. (6) There is no commandment of God impossible for man to keep. (7) God would be a tyrant if He made man responsible for the violation of precepts which it was impossible for him to carry out. (8) In certain cases, invincible ignorance excuses entirely from responsibility. (9) Not all the actions of unbelievers are sins, nor were all the virtues of the philosophers vices. (10) The love of God, considered as manifested in His goodness towards us, though less perfect than charity, is nevertheless licit, and can, like the fear of Hell, constitute a legitimate motive for imperfect contrition, or attrition. (11) Attrition suffices in the Sacrament of Penance for the remission of sins.

Jansen's pitiless, nightmare creed taught the opposite of all these doctrines. It closed the gates of God's mercy to all but a select coterie, the *mignons* of Divine Providence who, do what they listed, could not fail of Heaven, any more than the others, the poor scape-goats of eternity, could by even the most desperate efforts escape the fires of Hell. Christ died for all men, of course. St. Paul had said that, but what he meant was that Christ had died for all classes and conditions of men,

not for all the individual persons in each class. So the horrible propositions roll out, one after another, in those sombre tomes, where it is very difficult to descry 'la beauté sinon dantesque du moins miltonienne' attributed to them by Saint-Beuve. Milton, at any rate, does not make God out to be a monster of injustice and cruelty.

Hardly less forbidding, in spite of the moral fervour that glows in it, was Arnauld's long French treatise, *De la fréquente communion*, which appeared in 1643. His preface, longer even than one of Bernard Shaw's, explains the circumstances under which the book came to be written. The Marquise de Sablé had for her director the Jesuit Père de Sesmaisons. Though a society lady, she went to Holy Communion at least once a month and did not hesitate to take her part in balls, even on days when she had been to the Altar. Her friend the Princesse de Guéméné, who had Saint-Cyran for her guide, was shocked by such conduct. The two ladies talked it over, whereupon the Marquise submitted to Père de Sesmaisons the objections of the Princesse, together with a little treatise of Saint-Cyran bearing upon the point in dispute. Sesmaisons then composed a little treatise of his own, calling it *Question, s'il est meilleur de communier souvent ou rarement?* In this he advocated weekly Communion, very much on the principles now accepted by all Catholics in accordance with the teachings of Pope Pius X. The Marquise, highly pleased with herself, no doubt, ran off to show her defence to the Princesse, who promptly took it to Saint-Cyran. Saint-Cyran was indignant but left the vindication of his theories to the abler pen of Antoine Arnauld. Hence the book that did more than any other book to propa-

gate Jansenism in France, and hence a long and noisy war of pamphlets, brochures, treatises, which reverberated down the centuries until, in our own time, Pope Pius X finally ruled out the erroneous discipline of Holy Communion advocated by the Jansenists.

In 1643, however, the Jesuit view of the Christian life did not commend itself to everybody, and Arnauld's book came on the scene duly munitioned with the warm approval of sixteen bishops and twenty doctors of the Sorbonne. People overlooked the fact that a hundred bishops and two hundred doctors of the Sorbonne either remained silent or disapproved of the book. In Paris, at the time, there was a well-known Jesuit spiritual writer and preacher named Jacques Nouet. He judged, and he was right in judging, as St. Vincent de Paul bore sorrowful witness, that Arnauld's work must inevitably have the effect of withdrawing people from the Sacraments altogether, so, greatly daring, and no doubt unwisely, he attacked and refuted it from the pulpit. *Tableau!* The sixteen approving prelates, headed by the Archbishop of Sens, later a notable Jansenist, fulminated against him as though he had been some dangerous heresiarch, and compelled him to read on his knees in their presence a retraction of his sermons.<sup>1</sup> Thus did Port-Royal, to its exceeding joy, find a phalanx of bishops on its side, at least in its battles against the Jesuits.

Nor must we forget the University of Paris. Quite apart from the Jansenist debate, the Paris doctors and masters had their own private bone to pick with the good

<sup>1</sup> The fairest and most temperate judgement that was passed on *La Fréquente Communion* came from the pen of a representative contemporary Jesuit, Cardinal de Lugo. It is reproduced in Laemmer's *Meletematum Romanorum mantissa*, Ratisbon, 1875, pp. 391-4.

Fathers. For one thing, in the teeth of the most determined opposition on their part, the Jesuits had obtained royal permission to re-open their College of Clermont in 1618. Eight years later came the doctors' first opportunity for a really satisfying revenge. To use such a term is not in the least to suggest that the Jesuits were all in the right and the doctors all in the wrong. The best way to put it is to say that it was a quarrel between two parties of human beings, neither of which had been exempted from the frailties common to humanity. In those days the Jesuits generally held a theory to the effect that the Pope possessed an indirect power of jurisdiction over secular rulers, meaning that it was within his competence to interfere if the action or legislation of king or prince should trench on the domain of faith or morals. This theory seemed right and reasonable to most theologians outside France, but in France it was accounted so villainous that the works in which its two greatest champions, Bellarmine and Suarez, expounded it were condemned to be burnt publicly in Paris by the common executioner. The Paris doctors contended that the theory was tantamount to a justification of regicide, which no one with the least sense of fairness would be prepared to admit. However, it was the contention that mattered and not the truth, so one of the superiors of the unfortunate Jesuits in Paris wrote to the Provincials of Italy and Spain begging them to keep their theologians in restraint. 'If in future', he said, 'even one single Jesuit should write anything of this sort, behold us once again, exiles from France, and, I fear, for good.'<sup>1</sup> The General of the Jesuits, Claude Acquaviva, issued a terribly stringent prohibition

<sup>1</sup> Martin, *l.c.*, p. 90.

against any of his subjects daring to suggest, even in private conversation, that it might ever be lawful under any conceivable circumstances to remove a tyrant by violent means. The order was issued 'in virtue of Holy Obedience' which involved mortal sin for its transgressor and he was declared further to incur excommunication, suspension, disqualification for all offices, and other penalties.<sup>1</sup>

That document seems plain enough, but the Gallicans would have none of it. The Jesuits taught the theory of the Pope's indirect temporal power and therefore the Jesuits taught the lawfulness of regicide. On February 6, 1626, a Paris bookseller received a consignment of his wares from Rome. As he opened the box, Père de la Tour, Superior of the Maison de Saint-Louis, entered the shop and noticed six copies of a new treatise by the Roman Jesuit Antonio Santarelli entitled: *Tractatus de haeresi, schismate, apostasia, sollicitatione in sacramento poenitentiae, et de potestate Romani Pontificis in his delictis puniendis*. The last words, 'the power of the Pope to punish these offences', at once made him uneasy. He opened a copy and began to read hastily a chapter headed 'The power of the Pope to punish heretical princes'. It was as he feared, so he purchased the whole six copies, requested the bookseller to send them to the Maison Saint-Louis, and himself rushed off to tell his Provincial, the famous Père Coton, of his discovery. Coton, the King's confessor, knew even better than de la Tour what a find this work would be for the Parlement and the Sorbonne. He sent a messenger immediately for the books but, to his intense anxiety, the man returned with only five.

<sup>1</sup> The Latin text is given by Pachtler, *Ratio Studiorum et Institutiones Scholasticae Societatis Jesu*, vol. iii (Berlin, 1890), p. 47.

Père Coton then repaired to the bookseller, who told him that a doctor of the Sorbonne had entered his shop shortly after the departure of Père de la Tour and, noticing the six volumes, asked if he might have the loan of one for a few hours. By good fortune this doctor's brother was a Jesuit student at Clermont. That same evening the young religious was sent to the doctor's house. 'Hélas, mon frère,' exclaimed the latter, 'je sais bien ce qui vous emène icy. Voila un livre qui est capable de vous ruiner entièrement.' The young Jesuit replied eagerly that it was the very thing he had come for, and implored his brother to give him the book and not to say a word about it. The doctor agreed willingly, but remarked that, while he was studying the volume, one of his confrères of the Sorbonne, very hostile to the Jesuits, had paid him a visit and hastily jotted down some passages in a note-book. Within twenty-four hours copies of the passages were in circulation among members of the University, the Parlement, and even the Court. 'Our enemies', wrote one of the Jesuits concerned, 'went off in their hundreds to the shops of the booksellers demanding *Antonius Santarellus, De Omnipotentia Pontificis.*'

As the book was not procurable in Paris, a special messenger was sent to Lyons for a copy which was put at once in the hands of a certain Dr. Filesac, notoriously hostile to the Jesuits. This man's one idea in making his selection of passages was to furnish the Parlement with as strong a weapon as possible. All modifying clauses and other explanations were omitted. Yet even as thus travestied the work was unobjectionable to any but the out and out Gallicans. It bore the *Imprimatur* of the Dominican Master of the Sacred Palace, Rome,

and the approbation of another Dominican, a professor of theology, to the following effect: 'I have read the *Tractatus de Haeresi, Schismate, &c.*, with the greatest attention and have found therein nothing contrary to sound faith or good morals. Moreover, this work appears to me full of erudition and composed with remarkable intelligence. The author rests his doctrine very appropriately on the authority of illustrious writers and on opinions of great weight. I therefore judge that this book is very worthy of publication for the good and advantage of great numbers.'

Nevertheless, the Paris Jesuits were compelled under threat of expulsion from France to sign a declaration disavowing Santarelli, and the book itself was publicly delivered to the flames. It was only the death of Père Coton, whom the King and Queen loved, that prevented worse consequences. The Parlement having vented its spleen, it became the turn of the Sorbonne doctors, who issued a resounding censure which may be read in *La Théologie morale des Jésuites* (1659).<sup>1</sup>

Seventeen years after the Santarelli incident the Jesuits of Clermont had the effrontery to demand that their students should be admitted to stand for the University's degrees. The Rector of the University, Louis Gorin de Saint-Amour, who afterwards became a leader among the Jansenists and their great champion in Rome, turned at this crisis to Dr. François Hallier, 'défenseur attitré du clergé contre les Jésuites'. According to an authority who shows anything but a desire to justify the opponents of Antoine Arnauld, those two men 'avaient en commun une haine profonde contre

<sup>1</sup> Both Martin and Fouqueray deal with the Santarelli affair at great length and most interestingly. Martin, *Le Gallicanisme politique*, pp. 163-244; Fouqueray, *Histoire de la Compagnie de Jésus en France*, t. iv (1925), pp. 141-90.

les Jésuites'.<sup>1</sup> They enrolled in the service of the University a young canon of Beauvais named Godefroy Hermant, who promptly came out with two little volumes showing up the incapacity of the Jesuits as professors, the faults of their teaching, their sham zeal which was nothing but self-interest, and the danger of their doctrines for Church, State, and Christian souls in general. 'A entendre les discours emportés de Hermant', writes the authority referred to above, 'la Compagnie de Jésus n'était qu'un ramassis d'ignorants, de fourbes, d'hérétiques, de révolutionnaires.'<sup>2</sup> Five weeks later Hermant had another book ready: *Vérités académiques en réfutation des préjugés populaires dont les Jésuites se servent contre l'Université de Paris*. This refutation of popular prejudice consisted in showing that the Jesuit professors were bad grammarians and bombastic rhetoricians, while as for their preaching it was something to make a cat laugh. But Hermant had a sharper weapon than mere ridicule in reserve. The moral theology of the Jesuits is a 'poison sucré qui corrompt les esprits en les flattant', and to it is due before all things the depravity of the age. The one idea of the Jesuit moralists is to accommodate the law of God to the corruption and vicious habits of the century, nor are they ever reluctant to betray the truth in order to serve their politics.<sup>3</sup>

This was the first public denunciation of 'la morale relâchée', and it made a great stir. Emboldened by the success of their effort, the University, 'qui confondait souvent le Saint-Siège et la Compagnie dans ses attaques passionnées',<sup>4</sup> decided to seek the protection of the Pope. The idea first occurred to Hallier, who

<sup>1</sup> Albert de Meyer, *Les Premières Controverses jansénistes en France*, Louvain, 1917, p. 376.

<sup>2</sup> de Meyer, *l.c.*, p. 377.

<sup>3</sup> Passage cited by de Meyer, *l.c.*, p. 378.

<sup>4</sup> de Meyer, *l.c.*, p. 378.



suggested that Saint-Amour should write to Urban VIII. The following are some lines from his letter:

Que Votre Sainteté ne nous soupçonne pas d'un esprit d'envie ni du désir de nous emporter contre eux à la médisance dans une occasion où la pureté de la doctrine chrétienne et de la vérité ecclésiastique est visiblement exposée à un si grand péril. . . .

Qu'elle nous permette, s'il lui plaît, de toucher délicatement des plaies qui coulent encore et qui sont toujours sanglantes, et de déplorer ces nouveautés des jésuites dont nous promettons de vous donner pour témoins les yeux de toute l'Europe. Comme ils ont des sentiments plus conformes à la chair qu'à Jésus-Christ, et qu'oubliant la simplicité chrétienne, ils détournent l'industrie de leurs esprits à des subtilités politiques, quelles tragédies ne font-ils pas tous les jours, quels tumultes n'excitent-ils point? Quelles armes, quels flambeaux funestes ne mettent-ils point entre les mains des profanes? Ils remplissent la théologie scholastique de nouveaux dogmes par je ne sais quelle démangeaison de publier des maximes extraordinaires, et il n'y a presque point de partie dans tout le corps de cette espèce de théologie qu'ils n'aient entrepris ou de mutiler entièrement ou de corrompre par le fard et le déguisement de la nouveauté.

Est-ce qu'ils ont été plus réservés et plus retenus par les disputes qu'ils ont faites touchant la morale? Au contraire, ils manient comme il leur plaît les dogmes les plus importants comme si c'était une cire molle à qui l'on fait prendre toutes les formes qu'on veut; ils rendent un ministère honteux à la paresse et au dégoût des peuples dont ils favorisent les inclinations; ils attribuent faussement l'innocence aux plus grand crimes et leur promettent l'impunité par une flatterie dangereuse et une cruelle miséricorde. C'est par ces artifices qu'ils s'efforcent d'acquérir de la réputation à leur société qui a une si grande démangeaison d'écrire.<sup>1</sup>

<sup>1</sup> Reproduced by de Meyer, *l.c.*, p. 379, from Jourdain's *Histoire de l'Université de Paris*.

Ten years later the writer of this letter, whom the novelties of the Jesuits in the domain of scholastic theology so greatly grieved, was in Rome as the special delegate of Port-Royal to defend might and main the famous Five Propositions in which the majority of the bishops of France had summed up and condemned the errors of Jansenism. There, too, by a piquant turn of fate, was his former friend and ally, Hallier, entirely converted to the side of the Jesuits and more eager than they or anybody to see the Propositions anathematized.<sup>1</sup>

For the present, however, Hallier is the Jesuits' unappeasable foe. In his first *Apologie pour l'Université Hermant* had sought to frighten the Fathers by telling them that a *Theologia moralis Societatis Jesu* was in preparation, for, as de Meyer remarks, 'les chefs du parti universitaire savaient trop bien que les erreurs de certains jésuites leur fournissaient de précieuses armes dont ils pouvaient se servir dans leur œuvre de combat'.<sup>2</sup> Hallier himself was secretly preparing the materials, assisted by the diligence and inherited anthological ability of Antoine Arnauld. Towards the end of August, 1643, there appeared anonymously a thin octavo volume entitled *Théologie morale des Jésuites. Extraict fidèlement de leurs livres*. Thus, in circumstances that could hardly be deemed favourable to impartiality, was born the little book which, when it had grown up and waxed fat by 1659 on a multitude of other assaults on the Jesuits, provided Dr. H. M. Robertson in 1933 with material to prove them the begetters or fosterers of a capitalist mentality.

The book in its primitive form contained upwards of

<sup>1</sup> Pastor, *Geschichte der Päpste*, vol. xiv, part i (1929), pp. 194-205.

<sup>2</sup> *L.c.*, p. 381.

a hundred 'propositions scandaleuses', collected by Arnauld. He performed his labour of love with remarkable skill, exploiting to the full the fifth edition of Père Étienne Bauny's *Somme des péchés*, which had been placed on the Index in 1640. It did not worry him in the least that Bauny had since publicly disavowed some of his objectionable propositions and that after Rome's condemnation a new sixth edition of his book had been brought out with the censured theories altogether omitted. The Jansenists liked to harp on the fact that the *Somme* was in French, seeing in this circumstance a design of the Jesuits to get at the common people. But the full title of the book shows exactly for whom it was intended: 'Somme des péchés qui se commettent en tous états; de leurs conditions et qualités . . . et en quelle façon le confesseur doit interroger son pénitent.'

Four Jesuits wrote answers to *La Théologie morale*, but Arnauld and his allies, who were far more skilful in that kind of controversy, turned their efforts to ridicule. Though Bauny was in fact a very poor specimen of a moral theologian and an abominably involved writer, they cleverly pretended that he represented the general doctrines of the Jesuits better than Suarez, de Lugo, Vasquez, Lessius, Laymann, or anybody else. Indeed, the poor man became a sort of mascot *à rebours* with the Jansenists.

Another who at this very time presented them with a glorious opportunity for an outcry was Père Héreau, 'Professor of Cases of Conscience' at the College of Clermont. In August, 1643, the month when appeared *La Théologie morale*, Godefroy Hermant secured possession of two theme-books containing students' notes on the cases propounded by Père Héreau. Most of them

dealt with the question of a gentleman's honour and the lengths to which he could go in defence of it. Honour was at that time little less than a religion in Spain and France, and Héreau, arguing on the principle that if a man may kill another who attacks him in order to save his life, inclined to the belief that he might also kill another who attacked his honour, which he valued as much as his life. The actual case he propounded was this: 'Sçavoir, si tu tasches de detracter de mon nom par fausses accusations vers un Prince, un Juge, ou des gens d'honneur, et que je ne puisse en aucune façon détourner cette perte de ma renommée, sinon en te tuant clandestinement et en cachette, si je le puis faire licitement?' He does not answer for himself but says, 'Bannes l'asseur, Quaest. 64, Art. 7, Doute 4', Bañes being the famous Dominican theologian of *praedeterminatio physica*, who had been no more fond of Jesuits, though for very different reasons, than was Antoine Arnauld. But that case was not the one that chiefly interested the University doctors. Immediately after it came this one in Latin: 'Whether it be lawful for any one to kill a legitimate ruler who abuses his authority to the ruin of the people.' What Héreau actually said on this subject we do not know, as the doctors did not reproduce his words. They wrote instead: 'Il traite subtilement et malicieusement la doctrine commune aux théologiens de sa Société [the theory of the Pope's indirect power] contre la seureté de la vie des Roys et Princes souverains, lesquels pour plusieurs et divers pretextes elle dégrade, déthronne, et prive de leurs Royaumes et Estats, déclarant qu'ils ne sont point ou ne sont plus Roys ny Princes souverains. Car, bien qu'il réponde à la question cy-dessus, en niant que cela soit permis, il faut remarquer,' &c. There

follows a page of remarks to prove that, though the Father explicitly *denied* that it is ever lawful for any one to kill a tyrant, yet what he really intended to say was that it *is* lawful. Their two principal arguments are drawn from the fact that he mentions only legitimate rulers and therefore implies that it is licit to kill those whom the Jesuits do not consider to be such, and, secondly, he says that it is not lawful for *any one*, any individual, implying, of course, 'qu'il est loisible et permis à quelques-uns de tuer celui qui a autorité legitime de regner, et en abuse à la ruine du peuple'! On the strength of this monstrous disfigurement of Héreau's ideas, the good Sorbonne doctors had the grave satisfaction of seeing him publicly condemned and humiliated and his superiors severely reprimanded by the Parlement and Court. That catastrophe effectively shut the mouths of the Jesuits on the question of their students being allowed to stand for University degrees, and the doctors, happy in their victory, lost interest in Jesuit moral theologians till next they should have need of their services.<sup>1</sup>

As a contrast to the easy judgements of the Sorbonne doctors and their modern imitator, Dr. H. M. Robertson, we may close this chapter with some words of an historian whose authority to speak will hardly be questioned. Writing of the dawn of the reign of Louis XIV, M. Louis Madelin says:

Voici le règne des sages. En masse, le siècle restera sage. Il a le goût de l'autorité, de toutes les autorités, Dieu, le Roi,

<sup>1</sup> The whole story may be read in *La Théologie morale des Jésuites* (1659), seconde partie, pp. 178-85. Albert de Meyer is singularly unjust to Héreau when he says: 'Mais le Père Héreau avait aussi toléré, sous certaines conditions, le régicide' (*Les premières controverses jansénistes en France*, p. 385). He did no such thing, as anybody may see at once by glancing at the texts in *La Théologie morale*.

la Tradition, la Loi, la 'Règle'. L'éducation a formé ce goût. Les Jésuites en sont les maîtres. . . . Dans la seule province de Paris, 13,000 élèves par an se courbent sous la férule, d'ailleurs douce,<sup>1</sup> de la célèbre Société. Qu'enseigne-t-elle? Une religion imperturbable s'il s'agit de l'âme, et, s'il s'agit de l'esprit, l'antiquité grecque et latine, surtout la latine, mais une antiquité qui elle aussi enseigne la règle.

Ainsi, à l'origine, deux sources de discipline: la chrétienne et l'antique. De cette éducation le siècle est sortie grave, prenant fort au sérieux la vie et la mort.<sup>2</sup>

<sup>1</sup> Contrast Dr. Robertson's authority, Antoine Arnauld: 'On a vu des enfants mourir entre leurs mains . . . sous les coups de fouet dans votre Collège de Clermont' (Arnauld, *Œuvres complètes*, t. xxx (Lausanne, 1775-83), p. 76).

<sup>2</sup> Cited by Fouqueray, *l.c.*, vol. v, p. 463, from an article by Madelin in the *Revue Universelle*, February 15, 1924, p. 423. The same thesis is to be found splendidly worked out and sustained in a remarkable book, *L'Éducation morale dans les collèges de la Compagnie de Jésus en France sous l'ancien régime* (Paris, 1913), by André Schimberg, who was not a Jesuit nor in any way connected with the Society of Jesus.

### III

#### THE LINEAGE OF A LIBEL (*continued*)

##### 2. FROM PASCAL TO PIROT

**D**URING the decade that followed the appearance of *La Théologie morale*, 1643-53, Jansenism had spread to all parts of Belgium and France and split both countries into two hostile camps. The *Augustinus* had stout defenders amongst the bishops and clergy of both countries, but in France the great majority of the hierarchy were opposed to it and eventually submitted five propositions, summing up Jansen's theories, to the judgement of the Holy See. The fifth proposition ran: 'It is semi-pelagianism to say that Jesus Christ died or shed His Blood for all men without exception.' By a Constitution of May 31, 1653, Pope Innocent X condemned all five propositions as heretical and declared the fifth to be not only heretical but 'false, temerarious, scandalous, and, understood in the sense that Christ died only for the salvation of the predestined, impious, blasphemous, contumelious and derogatory to the Divine Goodness'.<sup>1</sup> With this particular condemnation the Jesuits had next to nothing to do. The initiative came from the Sorbonne and the French bishops, while in Rome, of the thirteen men appointed by the Pope to examine the Five Propositions only one was a Jesuit, Sforza Pallavicini, the historian of the Council of Trent. His judgement, incidentally, was one of the most temperate pronounced, and he was balanced by two Dominicans and one Augustinian who defended the Five Propositions with great ardour. Despite all this, Saint-Amour, the envoy in

<sup>1</sup> Denzinger-Bannwart, *Enchiridion Symbolorum* (1928), n. 1096.

Rome of Port-Royal and the pro-Jansenist bishops, gave out that the Jesuits were at the back of the condemnation, though Cardinal Spada had assured him on oath that they had nothing whatever to do with it.<sup>1</sup>

Meantime, the indefatigable Arnauld had come out with a whole series of 'Apologies' for the doctrines of Jansen, one of which ran to the astounding length of 1,069 quarto pages. When, in spite of all his efforts, the doctrines were condemned, he invented the famous distinction of 'right' and 'fact', which at once became the great refuge of his fellow Jansenists. While allowing that the Pope had the 'right' to condemn the Five Propositions they denied the 'fact' that Jansen had taught them in his book. They were, they said, the inventions of the Jesuits for the purpose of discrediting St. Augustine's doctrine of grace. For once in a way, nobody but themselves believed that tall story, and Arnauld soon found himself with his back to the wall, as the bishops united at Paris on March 9, 1654, and Pope Innocent on September 29 of the same year declared emphatically that the Five Propositions *were* in the *Augustinus*.

Then a famous incident happened. A curé of Saint-Sulpice, inspired by the saintly M. Olier, refused absolution to a prominent Jansenist, the Duc de Liancourt. Arnauld at once protested in a *Lettre d'un docteur de Sorbonne à une personne de condition*, February 24, 1655, which drew no fewer than eight replies. Finally, on May 26, there appeared a *Réponse* from the Jesuit Père François Annat,<sup>2</sup> confessor to the King, in which he declared that

<sup>1</sup> Pastor, *Geschichte der Päpste*, vol. xiv, part i (1929), pp. 200-3.

<sup>2</sup> There is a story that this man's name was really Canard, which, being too dangerous to carry in that time of outrageous punning, he Latinized as Annatius, *anas* meaning a duck.



the Jansenists were heretics, as they professed the theories of Calvin on the subject of grace. In July, Arnauld retorted with a *Seconde Lettre à un duc et pair de France*, running to 254 pages. Therein he maintained the distinction of right and fact, and, to pulverize Annat's contention that the interior grace necessary for the human will to do the will of God never fails it in presence of temptation, he pointed to the denial of St. Peter as proof that indispensable grace is not always accorded to the just. This *Seconde Lettre* was denounced to the Sorbonne by the Syndic, Guyot. Now, the Sorbonne, as a judicial tribunal, was about equally divided on the question of Jansenism, but, according to Arnauld and his allies, the hostile half adopted the clever, unstatutory ruse of bringing in a contingent, forty strong, of friar-doctors to their assistance.<sup>1</sup> Thus fortified, they proceeded on January 14, 1656, to a condemnation of Arnauld on the first point, the question whether the Five Propositions were in the *Augustinus*, by a majority of 130 votes to 71, with 15 abstentions. A fortnight later, January 19, the same majority condemned Arnauld's doctrine of grace as impious, scandalous, and heretical. He and his adherents were given a fortnight in which to sign a form of retraction, the penalty for refusal being expulsion from the Sorbonne and the forfeiture of their doctorate.

It looked like the end for Arnauld. He had been repudiated by every tribunal, the Pope, the Hierarchy, the Sorbonne, the Parlement. There seemed to remain

<sup>1</sup> Though there does not appear to be a shred of evidence that the Jesuits had anything to do with the proceedings (and how could they, considering the attitude of the Sorbonne in their regard?) yet that ardent champion of Port-Royal, M. Gazier, sees Père Annat at the back of the whole affair (*Histoire générale du mouvement janséniste*, t. i (Paris, 1922), p. 101).

only one court of appeal, public opinion, and to that, by a splendid piece of luck for himself, he was driven to turn. During the course of his trial, when he kept carefully hidden, he used secretly to visit Port-Royal des Champs with his two devoted friends, Nicole and Le Maître. At a conference there one day, which included Port-Royal's new and enthusiastic recruit, Blaise Pascal, a solitary asked Arnauld whether he was going to allow himself to be condemned like a child without letting the public at large know the facts of the case. Thus stimulated he set about the composition of yet another 'Apologie', which he proceeded to read aloud to his friends. They listened in silence and without showing any mark of approval. 'Je vois bien,' said Arnauld sadly, 'que vous ne trouvez pas cet ouvrage bon, et je crois que vous avez raison.' Then, turning to Pascal, he went on: 'Mais vous qui êtes jeune, vous devriez faire quelque chose.' Little could he have dreamed how happily his suggestion was inspired. Pascal retired to his cell and came back after some hours with the first of the *Lettres Provinciales*.<sup>1</sup>

It is hardly necessary now to say anything about a classic so renowned, which put 'les objets les plus graves à la portée des sociétés les plus frivoles, et, prodiguant à pleine main le sel d'une plaisanterie fine et amère, transformait en scènes comiques et amusantes des discussions qui jusqu'alors avaient été renfermées dans les formes sérieuses de l'école'. As everybody knows, the first three *Lettres* were taken up practically entirely with the defence of Arnauld and an attempt to win over the Thomist theologians to his side against the hated

<sup>1</sup> Petitot, *Collection de mémoires relatifs à l'histoire de France*, t. xxxiii (Paris, 1824), pp. 120-1.

Molinists. Though they enjoyed a popular success rarely equalled in the history of literature, they failed in their main object, and Arnauld was degraded by the Sorbonne on February 15, six days after the publication of the third *Lettre*.

At this moment Pascal quitted Port-Royal and came to live in Paris under an assumed name in a house opposite the college of the Jesuits. Whether it was the view out of his window which gave him the idea, or the advice of his friends to turn from defence to attack, he began his fourth *Lettre* with the abrupt address: 'MONSIEUR, Il n'est rien tel que les Jésuites.' Up to then he had referred to them only in their capacity of Molinists, but from the fourth *Lettre* to the sixteenth he consecrates all his matchless ability to the ridicule of their moral theology and ascetical teaching. Where did he obtain his material? Let us listen to one of the best authorities, a very warm admirer of Pascal:

Au total, pur les citations, les *Provinciales* sont faites de trois apports: 1° textes pris par Pascal lui-même aux ouvrages d'Arnauld déjà parus, par exemple à la *Remontrance*, à la *Lettre à Polémarque*, surtout à la *Théologie morale des Jésuites*; 2° textes pris encore par Pascal lui-même à Escobar; 3° textes enfin fournis à Pascal, par ses amis—ces derniers extraits n'étant guère que la recherche des sources d'Escobar.<sup>1</sup>

It amounts to this then, that for his terrible onslaught on the whole Society of Jesus, Pascal had two authorities only, Arnauld and Escobar. Were the texts which he borrowed from those two sources cited by him accurately? 'La question est singulièrement difficile à résoudre,' writes Strowski. Having shown why this should be, Strowski continues: 'De là vient que, si on

<sup>1</sup> Strowski, *Pascal et son Temps*, t. iii (Paris, 1908), p. 96.

mettait d'un côté les citations de Pascal, et de l'autre les originaux de ces citations, on aurait souvent à noter des inexactitudes matérielles. Tantôt on trouverait que Pascal a omis tel ou tel mot, tantôt on remarquerait qu'il a coupé trop tôt sa citation, tantôt enfin l'air de son français ne paraîtrait pas avoir l'air même des textes latins.<sup>1</sup> Is Pascal, then, to be called a falsificator? asks our authority. By no means, and we are given the edifying spectacle of Strowski taking no less a person than Sainte-Beuve to task for having weakened a little in the faith. Strowski has what he considers a triumphant defence of Pascal, for, when that great man omits essential words, truncates citations, or translates with less than exactitude, he is but following an example, and what an example, for it is none other than that of Escobar! The fact that Pascal followed Escobar faithfully is his complete justification: 'l'autorité d'Escobar le couvre'. But does it? Would it exonerate him in an English Court of Justice, if we could imagine one of the Jesuits truncated, &c., by their brother Escobar bringing a libel action against him? We know well that it would not. And we know too, if we have any consciences at all, that if a man elects to make a serious charge against another on the strength of something which he is alleged to have written, then the accuser has a bounden duty to go straight to the source and see how the words which he would attribute to his victim stand in the original context. Nor would it be much extenuation if the accuser pleaded that he had given the words exactly as he had found them in a book by one of his victim's friends. The victim might well say: 'If an angel from Heaven had brought you the words you had

<sup>1</sup> *L.c.*, p. 98.

no right to use them for my defamation until you had looked them out in my book.' What a contrast to all this special pleading of Pascal's friends are the third and fourth rules which Pope Benedict XIV laid down for the Congregations of the Index and Inquisition, in a Constitution of July 9, 1753:

They are to know that they must pass judgement on the various opinions and views contained in every book with a mind free from all prejudice. Let them, therefore, shake off inclinations in favour of nation, family, school, or manner of living, and put aside party zeal. . . . And this also, we admonish, is to be carefully borne in mind, that no right judgement on the true sense of an author can be formed unless his book is read from end to end, the statements made in various places of it compared together, and the author's whole design taken into consideration. Nor must judgement be pronounced on the book from inspection and examination of one or other proposition contained therein, isolated from its context, for it often happens that what is set down by an author perfunctorily and obscurely in one part of his work is explained distinctly, fully and clearly in another part, so that the obscurity shrouding the previous expression of the proposition, which made it appear to have an ill meaning, is completely dissipated, and the proposition is recognized to be free from all blemish.<sup>1</sup>

There is a great deal more to be said on this subject, if this were the place to say it, but we must content ourselves for the present with a more general judgement on the *Lettres Provinciales*. In the Preface to his *Aspects of the Rise of Economic Individualism*, Dr. Robertson mentions that Dr. H. F. Stewart very kindly lent him 'a rare book of Jesuit casuistry'.<sup>2</sup> Dr. Stewart, who is Fellow

<sup>1</sup> *Bullarium Romanorum Pontificum. Sanctissimi D. N. Benedicti Papae XIV Bullarium*, t. iv (Romae, 1758), p. 74.

<sup>2</sup> Pirot's *Apologie*?

and Praelector in French Studies, Trinity College, Cambridge, brought out an excellent edition of the *Lettres Provinciales* in 1920. He admires Pascal greatly, and says everything, and perhaps more than everything, that there is to be said in his favour. He stresses the general accuracy of Pascal's quotations, emphasizes his sincerity, and holds that it was 'natural' for him to make the most of every advantage and never to give his adversary the benefit of the doubt, for he 'was writing, not as a judge, but as an advocate'.<sup>1</sup> Dr. Stewart, however, who is the soul of fairness, writes not as an advocate but as a judge, and here is his verdict:

Granting the clearness of the controversy, was his [Pascal's] mind clear of prejudice? Was his reading of the evidence unbiased? Was his interpretation of motive true? Was the laxity which he deplored entirely due to the Jesuits and their teaching? Was 'Probabilism' the poison which he proclaimed it to be? History and common sense compel us to answer 'no'.

Secondly, was he on the right side? Was the cause which he espoused worthy of his fiery zeal and of his unmatched genius? Was he best serving his Master when he thus furiously assailed men who, with all their shortcomings, were devoted to the same service? Was Jansenism, whose spirit he so perfectly expressed in his Letters, and in his own practice, more apt than the opposing creed—not to win individual souls for Christ, for that it indubitably did—but to regenerate the world? Christian experience compels us once again to a reluctant negative. . . . Jansenism was im-

<sup>1</sup> Is that a good argument, and hasn't an advocate got some duty to be fair? Arnauld justified the satire and bitterness of the Jansenists in a curious work entitled: *Dissertation selon la méthode des géomètres pour la justification de ceux qui emploient en écrivant, dans de certaines rencontres, des termes que le monde estime durs*. How fond they were of geometry, those Jansenists! In another writing, entitled *Réponse à une lettre d'une personne de condition*, Arnauld carefully cited all the passages of Scripture and the Fathers which, in his opinion, authorized the liberties a man took to insult and cruelly mock his opponents (*Œuvres complètes*, t. xxvii, p. 1).

possible alike in theory and in practice. Of its doctrine of Grace and its appalling results I have already spoken. Its practice was counter to the most innocent instincts of humanity. . . . When [Pascal] wrote the *Lettres Provinciales* he was blinded by enthusiasm, friendship, and a sense of cruel injustice. . . . If he had lived longer we may believe that experience would have cleared his vision and that he would have found better weapons wherewith to fight the 'morale relâchée' against which he was pledged almost with his last breath than those which he fetched from the armoury of an extreme and narrow sect.<sup>1</sup>

It is worth remembering that during the single half century, 1600-56, when, according to Pascal from his arm-chair at Port-Royal, the Society of Jesus was endeavouring to put 'des coussins sous les bras des pécheurs', no fewer than eighty-two of her sons gladly suffered horrible deaths in far-away Japan for the love of Christ; while in Cartagena, where, according to Dr. Robertson, the Jesuits were attempting 'to get all the trade, all the transport and banking facilities into their own hands', St. Peter Claver, S.J., was kissing with tears of compassion the wounds and sores of the negro slaves and providing night and day for their wants with more than a mother's tenderness. That, however, is another story, as is the record of St. Francis Regis, S.J., at the same time, among the outcasts of Ardèche and the Lyonnais.

The first answers to Pascal's devastating attack did not come from the Jesuits. It was only after the appearance of the seventh Letter that they intervened, Pères

<sup>1</sup> Modern Language texts: *Les Lettres Provinciales de Blaise Pascal*. Edited by H. F. Stewart, D.D. Manchester, at the University Press, 1920. Introduction pp. xxxiv-xxxvi. Dr. Stewart goes more deeply into the same subject in Lecture II of his most interesting and delightfully written book, *The Holiness of Pascal* (Cambridge University Press, 1915).

Nouet and Annat again being their principal champions. Neither man had much style or wit to commend him, but a certain sturdy logic in their criticism, which was by no means entirely urbane, forced Pascal to abandon his exquisite ridicule for a tone of aggrieved personal apology. Meantime he and Arnauld had found some eager allies among the curés of Paris who, in Strowski's dry words, 'avaient quelques petites raisons d'être jaloux des réguliers'. These men, about eight in number, headed by the Sorbonne doctors, Rousse and Mazure, professed to be greatly grieved and shocked by the revelations of Pascal and started a campaign of their own against the Jesuits which, however, soon linked up with that of the Jansenists. In July, 1656, a curé of Rouen launched forth against the Jesuits from his parish pulpit and was answered vigorously by Père de Brisacier. Other curés of the city who had already been won over to Jansenism by that matchless proselytizer, the Duchesse de Longueville, rallied to the support of their brother and in two extensive, fervently worded *Requestes* begged the Archbishop of Rouen to save Christian morality by a public condemnation of the Jesuits. They then suggested an alliance with the curés of Paris for a general campaign against the common foe. The idea was well received, and caused the cabal, though numerically only a fraction of the French secular priesthood, to assume the grand title of 'Le Clergé de France'.

Not long after the preliminary skirmishes of this new crusade, Rome pronounced finally against Jansenism. By a Constitution of October 16, 1656, Pope Alexander VII declared and defined that the Five Propositions were in the *Augustinus* and that they had been con-



demned in the sense in which Jansen understood them. At once both Arnauld and Pascal rose to the challenge, but for some mysterious reason the author of the *Provinciales* suddenly broke off his work in the middle of a sentence, just as he seemed about to declare for a policy of passive resistance. Some say that it was the charitable persuasion of Mère Angelique which caused him to desist, while others, of Catholic sympathies, cherish the theory that weariness of Jansenism and loyalty to the Pope were the reasons. But if an excellent authority, M. Lanson, is right in attributing to Pascal the *Lettre d'un avocat au Parlement à un de ses amis*, which appeared on June 1, 1657, it was certainly not regard for the Pope, as that pamphlet took the form of an appeal to the Gallicanism of Parlement and Hierarchy.<sup>1</sup> Pascal's desertion of Jansenism for an orthodox Thomism is hardly better established, as the French Dominican scholar, Père Henri Petitot, has shown with admirable lucidity.<sup>2</sup> It is therefore more likely that the *Provinciales* came to an end not because their author had tired of baiting the Jesuits or become suddenly alive to his obligations as a Catholic but because the curés of Paris had discovered to him a better and safer way to confound the enemies of Jansenism. By going on with the *Provinciales*, which had been condemned in France by the Parlement of Provence and in Rome by the Holy Office, he might only have endangered his friends without doing much more harm to his enemies. Far better, then, to fight under the banner of the good curés whose sympathies with Jansenism and hostility to Jesuitism

<sup>1</sup> Lanson's article, 'Après les Provinciales', appeared in the *Revue d'histoire littéraire de la France*, année 1901, t. i.

<sup>2</sup> In his fine study, *Pascal: sa vie religieuse et son Apologie du Christianisme*, Paris, 1911, pp. 345-419.

he had every reason to trust. The 'Grand Vicars' who governed the diocese of Paris in the compulsory absence of its intriguing Archbishop, Cardinal de Retz, had played their cards skilfully and made a dead letter of the formula against Jansenism which the General Assembly of the Clergy promulgated and required all ecclesiastics to sign. The Jesuits might have the King and Court on their side, but the Jansenists had de Retz and his allies of the Fronde, including the 'Grand Vicars' and other prominent priests of Paris. Moreover, a good number of the French provincial bishops showed distinct leanings towards Jansenism, though only the Archbishop of Sens, Henri de Gondrin, had as yet openly declared himself the protector and friend of its initiates.

It was in circumstances such as these, tense with the possibility of trouble, that a Paris Jesuit, Père Georges Pirot, elected to publish a most provocative little volume entitled, *Apologie pour les casuistes contre les calomnies des Jansénistes*. Pirot was an estimable and learned man, but he certainly chose the wrong method and the wrong moment for answering the charges against Jesuit moral theology. In sum, his method consisted in an attempt to justify the various opinions which Pascal had denounced. Now, many of the cases cited in the *Lettres Provinciales* were what might be called border-line ones, and the collection of them all in a single book could not fail to give a bad impression. Further, Pirot let his temper get the better of him and wrote in a hectoring tone which had none of Pascal's wit to redeem its unpleasantness. How, then, did it come about that he was allowed to publish the book?

According to the account given in his *Mémoires* by

Père René Rapin, a contemporary of the events, this is what happened. Pirot's provincial superior, Père Jacques Renault, thoroughly disapproved of the *Apologie* and refused to permit its publication. The author then sought the permission of the General of the Jesuits and obtained it through the good offices of his friend and fellow townsman, Père le Cazre, who represented the French Jesuits in Rome. As a consequence, continues Rapin, 'le livre parut, contre l'avis des plus sages de la maison professe, du Collège et des meilleurs amis de la Société. . . . Quoi qu'il en soit, jamais livre ne parut plus à contre-temps: on le prit pour un aveu dans le monde de tout ce qui avait été objecté aux Jésuites de leur morale, si décriée par Pascal, et pour une déclaration en forme des sentiments de leur Compagnie.'<sup>1</sup>

In his *History of the Popes*, Pastor follows this account of Rapin, but it is not quite correct. First of all, at the time when the book was published, December 1657, the Provincial was Père Cellot, whom Renault did not succeed until January 1, 1658. Now Cellot was one of the men who had suffered at the hands of Pascal, and it is possible that he may have given Pirot permission to go ahead. On the other hand, we know for certain that the General of the Society of Jesus did not sanction the publication of the book. Thus, on April 1, 1658, he wrote as follows to the new Provincial, Père Renault: 'In a letter of February 15th, your Reverence informed me that the book of Father Georges Pirot entitled *Apology for the Casuists against the Jansenists*, recently published anonymously by order of Father Louis Cellot, the late Provincial, has stirred up great commotion

<sup>1</sup> Rapin, *Mémoires sur l'Église et la Société*, publiés pour la première fois par Léon Aubeneau, Paris, 1865, t. iii, p. 15.

against the Society in France. Your Reverence is to reprehend Father Louis Cellot for allowing that book to come out without our permission, and you are also to admonish all subjects to abstain from such matters which are capable of giving offence. . . .' In another letter of February 18, 1659, to Père Renault, the General wrote as follows: 'Assuredly, if superiors in France had, as was their duty, prevented the publication of that Apology, instead of urging the author to rush into print too hastily, without permission from the General, we should not have been subjected to the tempest of spite and ill-will which we now suffer and bewail. And perhaps this is a punishment for the transgression of the 42nd rule of the Summary,<sup>1</sup> sent to us that we may learn to overcome by patience rather than by contention.'<sup>2</sup>

It is clear, then, that, so far from sanctioning the book, the General strongly disapproved. The fault, it would seem, lay primarily with Père Cellot, who, being human, must have felt sore at the way he had been mauled by Pascal. Once the damage was done the question arose whether the book should be defended. On that point there came to light a sharp division of opinion. Père d'Avrigny, who, like Rapin, was contemporary with the events, wrote in strong terms about what he considered the intrigues of Pirot. 'The Author and his friends prevailed,' he says. 'In societies of men generally, it is not always the majority of suffrages which

<sup>1</sup> Summary of the Jesuit Constitutions, Rule 42: 'Let us all be of one mind and, as much as may be, let all say the same thing, according to the Apostle. Wherefore different doctrines are not to be admitted, either in word in public discourses, or in written books, which are not to be published without the General's approbation and consent. . . .'

<sup>2</sup> From a transcript of the original Latin in the archives of the French Jesuits, which I owe to the courtesy of M. l'Abbé Becdelièvre.

carries the day. Sometimes, a little energy is sufficient to set these huge machines in motion. Usually, five or six dexterous or active men find the secret of getting to the head of affairs. Everything passes through their hands and with them rests the final decision. The reputation of the whole Body is in their keeping, and it is obliged to them if they do not ruin it. . . .'<sup>1</sup> These are hard words, but who can deny the truth of them? Certainly the Jesuits, for all their famous martial discipline, know the truth of them only too well.

What, then, was the judgement of the French Jesuits in general on Pirot's book? It would appear from the documentary evidence to have been as follows: The doctrines of Pirot can be sustained, since there are to be found good and solid moralists who defend them, but, collected in a single book, they give an unfortunate impression, as though it was the author's express purpose to defend the most indulgent and liberal views. Père Philippe Briet, a Paris Jesuit, wrote in exactly these terms to the General on February 21, 1659. The gist of his very interesting letter is in this sentence: 'Though otherwise I would pass this work because I think its views can be defended, I am compelled at present to reject it, since I have heard with my own ears what men in high esteem think of it . . .' Similar was the view of Père François Annat, a good and wise man whom the Jansenists could not forgive the crime of being confessor to the King. But the man best qualified to speak for the French Jesuits was their Provincial, and the reader may wonder whether he left any judgement on record. He did, not only in letters to the General, but in a document which he caused to be appended to Pirot's book when

<sup>1</sup> *Mémoires Chronologiques et Dogmatiques*, t. ii, p. 376.

it was reissued in 1658. To that document we shall return a little later. After telling the General in a letter of June 14, 1658, of the terrible storm that had swept down on the Society of Jesus in France apropos of the *Apologie*, Père Renault continued:

I do not see a more efficacious remedy for this evil than that your Paternity should order me to instruct all the rectors of this Province in your name as to the reply that our Fathers must make to those not of the Society concerning this affair, namely that our Society embraces and defends nothing proper to itself in the domain of moral theology, except what the Church and her Supreme Pontiffs lay down and approve. As for what are called probable opinions, none other are permitted by the same Society to our Fathers than those which the Church permits to all orthodox doctors, namely such as are commonly received in the schools without any taint of suspicion, while from laxer opinions, which seem to foster licence, the Society, according to its zeal for the glory of God and the salvation of the neighbour, is far removed.

Finally, your Paternity should enjoin on superiors and rectors to be assiduously vigilant that henceforth none of our men may write or say, whether privately or in public, anything savouring of the mildness of laxer discipline with which our enemies reproach us. And if superiors find that anybody has erred in this respect, they must not let him go unpunished.

Should these suggestions appear good to your Paternity, I hope that we shall be able in future to avert the dislike of good men and the calumny of enemies, when it shall be manifest from our unanimous agreement that we are very much strangers to those opinions which are fastened on to us, as though we were promoters of laxity. . . .

The General replied on July 22, entering completely into Père Renault's views and instructing him to have them carried out, 'omnibus quibus potest modis'.

And now, to do Père Pirot justice, we may consider

for a moment whether he deserved all the opprobrium that was visited upon him. Here is a considered judgement kindly communicated to me by one who has a very good right to speak, the successor to Père Fouqueray as official historian of the French Jesuits:

Nous devons parler avec réserve et modération d'un ouvrage qui a été comme l'*Apologie*, vivement attaqué et condamné. Cependant, à tout prendre, il semble que les contemporains de l'auteur, même les amis de la Compagnie, même plusieurs Jésuites, mal impressionnés par le bruit que soulevait ce livre et le tort qu'il rendait à la cause de la Compagnie, l'ont jugé trop sévèrement. Et de nos jours, on continue, pêut-etre sans l'avoir lu, à le juger de même (voyez le P. Alexandre Brou, *Les Jésuites de la Légende*, t. ii, pp. 8 et 9).

J'ai sous les yeux une longue lettre du Père Jacques de Blic, écrite au début de 1922, lorsqu'il préparait son article du *Dictionnaire de Théologie*.<sup>1</sup> Il avait étudié très soigneusement l'*Apologie* et il m'écrivait que—excepté sur la question de l'usure qu'il n'avait pas encore examinée—il était à peu près certain que la doctrine du Père Pirot est inattaquable. Elle n'a été condamnée que par les Jansénistes. Il a manqué, ça et là, d'exprimer dans les termes certains réserves ou restrictions, mais elles étaient évidemment dans sa pensée. Où l'auteur a eu tort, c'est dans la forme: il a traité ses adversaires d'une manière insolente et peu religieuse, qui ne pouvait manquer de les exaspérer.

We shall have occasion later to see how Pirot and his casuists compare with modern non-Jesuit moral theologians in the solution of a case exploited of old by Pascal and recently by Dr. H. M. Robertson. As already indicated, the *Apologie* gave rise to a terrible outcry against

<sup>1</sup> *Dictionnaire de théologie catholique*, commencé sous la direction de A. Vacant et E. Mangenot, continué sous celle de E. Amann. This, by far the most extensive and learned of Catholic Dictionaries, is now at its eleventh volume. None of its editors are Jesuits. Père de Blic's article is under the title 'Jésuites' and on the subject of Jesuit moral theology.

the Jesuits all over France. The curés of Paris were the first to the attack with a *Requete présentée aux Vicaires Généraux de M. l'Archevesque contre cette Apologie*, February 1658, according to which the Jesuits in that book not only defended the very proposition already censured by the suppliants 'mais encore de nouvelles plus estranges et plus impies: en sorte qu'il n'y a plus de crimes qu'ils ne permettent en conscience, simonie, usure, meurtre, vengeance, fraudes, larcins, occasions prochaines et inévitables de péché, calomnies, profanation des sacraments, et une infinité d'autres, dont les Payens mesmes auroient horreur.'

Already in January these same zealous curés had determined to enlist the help of their friends the Jansenists, and so it was that, at their request, none other than Pascal himself drew up a *Factum pour les Curés de Paris*, beginning with the brave words, 'Notre Cause est la cause de la Morale Chrestienne'. It did not seem to worry them that 'la foi Chrestienne' was, by the express declarations of the Holy See, in danger from those with whom they now sealed a close but carefully disguised alliance. Not to be outdone, the curés of Rouen published a huge *Factum* of their own, beginning in the same style as that of their Paris brethren: 'Nous continuons de combattre pour la Morale Chrestienne contre ceux qui ne cessent point de la corrompre.' According to his biographers the real author of this candescent piece of invective was Nicole, Arnauld's right-hand man and the translator of the *Lettres Provinciales* into Latin. With it, the curés sent to their Archbishop a letter of close on ten thousands words, urging him for every conceivable reason, including the fact that his uncle had not liked Jesuits, to condemn the *Apologie*.



Meantime, the Jesuits had answered the Paris *Factum*, pointing out, as was perfectly true, that it consisted largely of a rehash of the *Lettres Provinciales*. To this the curés replied with a *Second Écrit*, couched in a tone of such authoritativeness that one might look to see at its foot the name of a Pope denouncing *ex cathedra* some terrible heresy. But again, in the judgement of scholars, the voice is the voice of Pascal, and Pascal, too, was the real author of the fifth and sixth of these *Écrits* which followed shortly afterwards.<sup>1</sup> In the fifth, he allowed that it was impossible to deny 'au moins un bien dans les Jésuites', namely, that unlike the Calvinists, they had not broken away from Catholic unity. Continuing in the same generous strain, he said: 'Aussi il n'est pas impossible que parmy tant de Jésuites il ne s'en rencontre qui ne soient point dans leurs erreurs.' In other words, it was conceivable that there might be here and there a Jesuit who did not share the sentiments of 'cet Apologiste blasphémateur'.

The campaign against the Jesuits, very skilfully directed by the Jansenists through their willing tools, the cabal of Paris curés, resulted in the stern condemnation of the *Apologie* by no fewer than twenty-one bishops. But the fact must not be forgotten that there were close on a hundred other bishops in France who could not be cajoled into hostility, while of the twenty-one all but two are known for their open sympathy with the Jansenist cause. Among them, the most ruthless censurer was Henri de Gondrin, Archbishop of Sens, an old friend of Saint-Cyran, whose name headed the list of bishops approving of Arnauld's *De la fréquente communion*, and

<sup>1</sup> All are included in the *Œuvres de Blaise Pascal*, published by Brunschwieg, Boutroux and Gazier in 14 volumes, Paris, 1904-14, t. vii, pp. 278-99; 308-27; 355-73; t. viii, pp. 42-63.

who, on January 26, 1653, had pronounced and solemnly promulgated sentence of excommunication against any of his diocesans who should dare to go to confession to a Jesuit. As is well known, Gondrin came near to being excommunicated himself for his resistance to the Bull of Innocent X condemning Jansenism.<sup>1</sup> And then there were the famous four, the Bishops of Angers (Antoine Arnauld's brother, Henri!), Pamiers, Beauvais, and Alet, all ardent censurers of the *Apologie*, who have won a sad immortality in church history for their contumacious refusal to sign the formula against Jansenism promulgated by the Pope. The last of them, Pavillon of Alet, a man of fierce temper and stern morals, went the length of excommunicating two of his clergy for putting their names to the Formula.<sup>2</sup>

Other Bishops who pronounced against the *Apologie* and Jesuit moral theology as a whole in the harshest terms were Godeau of Vence, one of the principal defenders of the Five Propositions; Vialart of Châlons and Choiseul of Comminges, who warmly supported Godeau's Jansenist activities; Delbene of Orléans and de Caumartin of Amiens, approvers of Arnauld's communion book, who, with nine others, had written to the Pope in April 1651 an extraordinary letter expostulating against the condemnation of the *Augustinus*;<sup>3</sup> and Gilles, Bishop of Évreux, whose curés, when petitioning him to condemn the *Apologie*, gave the following very significant reason:

La seconde raison, Monseigneur, qui est personelle, est que

<sup>1</sup> For his activities see Pastor, *Geschichte der Päpste*, vol. xiv, part i, pp. 191-2, 215-21, 431-2, 444-5, 555-9, 568-70, &c.

<sup>2</sup> He lifted the sentence on condition that they retracted in writing, left off saying Mass for two months, fasted every Friday for six months, paid 25 livres fine, and promised to read nothing except what emanated from the printing-press of Port-Royal (Petitot, *Collection de Mémoires*, t. xxxiii, p. 157).

<sup>3</sup> Pastor, *l.c.*, pp. 192-3.

ce livre infame combat ouvertement vos propres sentiments, touchant la pénitence; nous voulons dire l'approbation solennelle que vous avez donnée au livre *De la Fréquente Communion*, que vous recommandez à tous les fidèles, comme *un don très particulier de la providence*. . . . Ce grand livre ayant opposé aux erreurs des nouveaux Casuistes la doctrine de tous les Pères et des Conciles, qui nous avertissent de prendre garde que les laïques ne soient pas trompez et jetez dans l'enfer par de fausses pénitences, cet Apologiste, au contraire ne travaille qu'à rétablir ces abus si dangereux, et à entretenir les pécheurs dans une révolution continuelle de confessions et de crimes. . . .

These interesting words enable us to see that there were two opposing conceptions of the Christian life at war just then, the Jesuit conception, which to all intents and purposes was that of their own great pupil and warm friend St. Francis de Sales, and Saint-Cyran's conception, which, in Dr. Stewart's words, 'was counter to the most innocent instincts of humanity'. The main error of the Jansenists with regard to the moral discipline of Christianity was to consider it as a static, immutable thing instead of a life which develops and adapts itself to the needs of different epochs and civilizations. Confounding precepts with counsels, they preached an ideal perfection, a 'morale géométrique', impossible to nine-tenths of mankind, and so circumscribed the pale of Christianity that, in Saint-Beuve's words, to find inclusion in it one must be an 'individu paradoxique de l'espèce humaine'.

The Jesuits, on the other hand, remembering their Master's words that His yoke was sweet and His burden light, taught tirelessly that God was much more of a Friend to be loved than a 'Rex tremendae majestatis' to be placated. In the application of moral principles

to the constantly changing conditions of human life, they allowed for the changes and refused, in opposition to the Jansenists, to consider the Ten Commandments as ten propositions in geometry. Unfortunately for them, it was the age of the *Art Poétique*, when large numbers of men had fallen in love with straight lines and antique formulae. With brilliant strategy, the Jansenists seized upon those rigid, archaic habits of thought as a lever in the movement against casuistry. We have seen that there were other levers, too, the sensitiveness of the Universities of Paris and Louvain with regard to the Jesuit colleges, the rivalry of seculars and regulars, the Gallicanism of the Parlement and Sorbonne. All these forces, which could hardly be looked upon as disinterested, combined under Jansenist provocation for the assault on Pirot's *Apologie*. Is it to be believed that, in the circumstances, they were likely to do that unfortunate book even a minimum of justice?

Let us now see what the French Jesuit Provincial Père Renault had to say in his short answer to Pascal entitled, *Le Sentiment des Jésuites sur le livre de l'Apologie pour les Casuistes*. He begins by protesting that, while the Society of Jesus does her best to form good and learned writers and directors of souls, she makes no claim to be able to render them impeccable. For her, the law of God, the precepts of the Church, the decrees of Councils, and the Constitutions of Popes are the foundations of moral theology:

Elle s'attache inviolablement à l'autorité de l'Église, qui est la *Colonne de vérité*: Elle reconnoist le Chef qui gouverne cette mesme Église pour Juge souverain de la doctrine des mœurs: Elle rejette ce qu'il condamne: Elle reçoit avec reverence ce qu'il approve: Elle fait sa science des Oracles

de sa bouche et, comme il ne peut faillir dans ses Décisions, elle ne pense pas se pouvoir tromper dans la déférence qu'elle rend à ses jugements. Qu'il parle sur les opinions que l'on soupçonne d'erreur et de scandale, elle ne fera point de difficulté de signer ses Bulles; elle n'éludera point ses Anathèmes par des distinctions *de droit et de fait*; elle n'épargnera point le nom de ses auteurs, s'ils se trouvent atteints des foudres de Rome; elle retranchera de leurs ouvrages tout ce qui ne sera pas conforme à la règle suprême de sa conduite. Voilà en un mot sa Morale.

Père Renault then goes on to prove that the Society of Jesus was not attempting to form 'any sect in theology'. She allowed her sons exactly the same liberty that the Church allowed all theologians, namely to seek the truth wherever they could find it, and, when it proved inaccessible, to embrace the most likely solution. Contenting herself with prescribing the limits within which all wise men find their security, she obliges her sons to shun equally the two pitfalls of attachment, on the one hand, to opinions condemned by the public conscience, and, on the other, of inventing novelties of speculation. Though, in this matter, it is hardly less dangerous to err by excessive rigour than by too great laxity, the Society of Jesus for her part inclines rather to the side of rigour. As for Jesuits straying beyond accepted boundaries,

Il se peut faire que quelque particulier sorte de ces limites, et que, charmé par l'image d'une apparente vérité, il s'emporte trop avant à sa poursuite: et il n'y a pas lieu de s'en estonner. Si de tous les livres qui paroissent sous le nom des Jésuites, il ne s'en trouvoit aucun qui ne fust pas sans tache, ce seroit une exemption aussi rare que celle du péché originel; ce seroit un privilège sans exemple, puis qu'il n'a pas été accordé aux Pères ny aux Docteurs de l'Église. . . .

D'où vient donc que l'on condamne les Jésuites parce que le P. Héreau (car nos ennemis se servent toujours de cet

exemple), abandonnant presque tous les écrivains de son Ordre, a suivi Monsieur Duval, Docteur de Sorbonne, sur le sujet de l'homicide, et que l'on n'accuse pas les Sorbonnistes, parce que le premier homme de leur Maison a servi d'écueil à ce Jésuite? D'où vient que l'on impute à tout le Corps la faute d'un seul, et qu'on ne luy attribue pas le mérite de tous les autres? Le péché d'un Jésuite, est-il de la nature de celui d'Adam? Passe-t-il par une contagieuse transfusion à tous ceux qui viennent après lui? . . . Le P. Bauny, dites-vous, s'est trop relasché sur le sujet des *occasions prochaines*, et vous m'en donnez le blâme parce que je suis Jésuite comme luy. Je ne dispute pas si vous luy imposez, si vous alterez sa doctrine pour la rendre criminelle: je vous demande pourquoy vous vous en prenez à moy? Pourquoy me jugez-vous par l'imprudence, soit véritable ou supposée, d'un seul Auteur, me pouvant absoudre, si vous estiez tant soit peu raisonnable, par la saine doctrine de cent Théologiens et Prédicateurs qui sont tous Jésuites et qui enseignent neantmoins tout le contraire de ce que vous dites? Vous m'appellez, parce qu'il vous plaist ainsi, le Corrupteur des mœurs, le Protecteur des simoniaques et des *Casuistes charnels qui publient un second Alcoran* parmy les Chrestiens. Vous faites retentir de ces noms les Chaires et les Tribunaux, les Écoles et les Ruelles. Qui d'entre les Jésuites vous a donné sujet d'exciter contre eux ce scandale public dans la ville capitale du Royaume? Sont-ce les Prédicateurs qui portent la parole de Dieu aux fidèles? Sont-ce les Confesseurs qui leur dispensent la grâce des Sacrements? Sont-ce les Directeurs qui les éclairent par la lumière de leurs conseils? Si leur Compagnie estoit, comme vous le voulez faire croire, une source corrompue d'où naissent toutes les ordures de la terre, ce seroit sans doute par ces canaux qu'elle répandroit son venin. On les écoute néantmoins (et c'est peut-estre la cause de vostre douleur), on les écoute, dis-je, avec édification; on les consulte sans défiance; on leur découvre dans le dernier secret les plus intimes mouvements de l'âme, et personne ne s'en trouve mal, grâce à Dieu, personne ne s'en plaint,

personne n'apprend dans leur conversation ces horribles Maximes qu'on lit avec étonnement dans vos Satyres outrageuses. . . .

Vous m'apportez, pour justifier l'excez de vostre passion, une nouvelle Apologie qui défend les Casuistes à qui vous avez déclaré la guerre? Mais je vous réponds que je ne prends point de part à cet ouvrage, et que je ne veux point estre parti dans une guerre que j'estime funeste aux victorieux et aux vaincus, puisqu'elle ne peut produire que le mépris de la Religion, et la ruine de la Charité, qui est un bien commun. . . . Vous me dites que la doctrine qu'il enseigne est criminelle, mais il soustient, au contraire, qu'elle est en partie de Monsieur Duval, en partie de Major, et en partie, d'autres Docteurs de Sorbonne, tous excellents Auteurs. Quoy qu'il en soit, je vous assure que ce n'est point la mienne, que ce n'est point celle de nostre Compagnie. . . . Souffrez que j'entretienne la paix avec vous sans blesser l'honneur qui est due à ces grands hommes, dont la mémoire survivra à vos querelles. . . . Contentez-vous que j'évite les fautes où je croy que quelques-uns sont tombez sans les faire connoistre au peuple, qui n'en peut tirer que du scandale. S'il estoit question d'attaquer les Hérétiques, je ferois gloire de combattre sous vos enseignes, et d'apprendre de vous à manier ces armes de lumière qu'un véritable zèle met entre les mains des enfants de Dieu; mais tandis qu'il s'agit de flestrir le nom des plus célèbres Théologiens, pardonnez-moy si je dis que c'est une entreprise dont je ne me sens pas capable, et que j'aime mieux attendre la censure de leur doctrine d'une autorité souveraine que de précipiter la mienne.

There speaks the best accredited voice among the Jesuits of France, and perhaps some will prefer its quiet tone even to the seductive music of the *Provinciales*. With Père Renault's words, written in the blackest hour of his Order's desolation, our long quest reaches its term, the year 1659, when there came into the world a stout octavo volume of 822 pages, bearing the imprint, 'A

Cologne, chez Nicolas Schoute', and the title, *La Théologie morale des Jésuites et nouveaux Casuistes: Représentée par leur pratique et par leur livres: Condamnée il y à déjà long-temps par plusieurs Censures, Decrets d'Universitez, et Arrests de Cours souverains: Nouvellement combattue par les Curez de France: et CENSURÉE par un grand nombre de Prélats, et par des Facultez de Théologie Catholiques*. The work is divided into five parts, the first being occupied with 'Diverses plaintes de l'Évesque d'Angelopolis contre les entreprises et les violences des Jésuites'. Parts two and three are devoted to the old censures against Santarelli, Bauny, Héreau, &c., as well as to a variety of Louvain censures and letters against the Jesuits from the two most notoriously Jansenist Prelates of Belgium, Mgr Boonen, Archbishop of Malines, and Mgr Triest, Bishop of Ghent. Finally, parts four and five, more than half the whole volume, enshrine all the thunders let loose on the *Apologie* of Pirot.

This is the source-book to which Dr. H. M. Robertson refers with complete confidence. Other authorities of this class, on which he relies, need not detain us long, as they were inspired by exactly the same *parti pris*. The *Morale des Jésuites* of 1667 is a collection of texts made by the declared Jansenist Nicholas Perrault to show that the Jesuits were bent on profaning all the Sacraments, destroying all the virtues, and authorizing every sort of vice. Nicholas was the brother of the man who gave us Little Red Riding Hood, Cinderella, and Puss in Boots, such gay and lovely fairy-tales compared with the tedious, lack-lustre ones of which the *Morale des Jésuites* is composed. In 1669 there came down on the battle-field of Jesuits and Jansenists the famous, curious 'Peace of Pope Clement IX'. Arnauld solemnly promised the



King of France that he would do nothing to disturb it, but the words were hardly out of his mouth when there appeared the first volume of *La Morale pratique des Jésuites*, yet another collection of old libels against the Order, made under Dr. Antoine's direction by Mère Angelique's 'Clerk of the Holy Thorn', the Abbé de Pont-Château. Pont-Château, though a Port-Royal solitary, was very much addicted to 'le tourisme' and went on a special voyage into Spain to secure a copy of the *Teatro Jesuitico*, a pseudonymous anthology of anti-Jesuit stories which circulated there. The second volume of *La Morale pratique* was also the fruit of his industry, but bibliographers attribute the remaining six volumes, which appeared at intervals between 1690 and 1695, to Arnauld's indefatigable research, and they are included in his *Œuvres Complètes*. A scrap of the preface to this colossal *réquisitoire* may be given: 'On desire de tout son cœur que ce travail puisse être utile aux Jésuites, car, quoi qu'ils en puissent dire, on les aime et l'on a pour eux toute la charité que l'on doit; mais on n'ose l'espérer.' Comment on such a passage would be superfluous. *On les aime!* Even Sainte-Beuve, who was no friend to Jesuits, could not stomach such hypocrisy any more than he could abide Port-Royal's ridiculous anti-Jesuit collections: 'Ils me dégoûtent et m'ennuient à n'en pouvoir parler,' he wrote. 'Que vous dirai-je? Il y eut la *queue* de Pascal, . . . ce tas de volumes communs et copiés, de compilation polémique . . . accueillant tout, croyant tout.'<sup>1</sup> Yes; they welcome and believe everything, even the pitiful ravings of the Bishop of Angelopolis.

<sup>1</sup> *Port-Royal*, 2<sup>ième</sup> éd., t. iii, p. 151.

## IV

### THE BISHOP OF ANGELOPOLIS

AMONG other extracts from *La Théologie morale des Jésuites* which Dr. Robertson puts before his readers as serious proof that those men encouraged the spirit of capitalism by both precept and example is the following question addressed to Pope Innocent X by the Bishop of Angelopolis: 'Quelle autre Religion . . ., au grand étonnement et scandale des séculiers, a rempli presque tout le monde de leur commerce par mer et par terre, et de leurs contrats pour ce sujet?' As an historian of economics Dr. Robertson must surely have known that the good Bishop was talking the most palpable nonsense. Histories of commerce are numerous, but not one of them has a syllable to indicate that the Jesuits 'covered practically all the world by sea and land' with their trading activities. It is very strange indeed that a learned man should repeat such a story without comment, so strange that we must be content to leave it a mystery. On the other hand, there is no mystery at all about the motives which led the Bishop of Angelopolis to make his wild statement. A short account of his career will show them plainly, and at the same time give a clue to the origin and propagation of myths about the Society of Jesus.

First, who was this Bishop of Angelopolis? A Spanish hidalgo, illegitimate, born ugly and deformed, 'persecuted', he says in his autobiography, 'both before and after his birth' by his wicked mother, who had tried to destroy him in her womb, and afterwards to drown him. At his baptism, the autobiography continues, he was

restored to permanent physical beauty and health by a miracle.<sup>1</sup> After recognition by his aristocratic father he bore the name of Don Juan de Palafox y Mendoza, and so may have been related in some way, *horribile dictu*, to Antonio Escobar y Mendoza, S.J. A clever man, he attracted the notice of King Philip IV of Spain and was made treasurer of the Council of the Indies in 1626, at the age of twenty-six. There followed what he called his conversion, ordination, and appointment in 1639 to the richest bishopric in Mexico, Puebla de los Angeles, which in Graeco-Latin is Angelopolis. At the same time, King Philip created him 'Visitor of the Audiencia' in Mexico, a post carrying with it jurisdiction over all the courts of the country.

Within a year of his arrival in the New World in 1640, he had superseded the King's representative and combined in his own person the offices of Viceroy, Captain General, Bishop of Puebla, Administrator of the vacant Bishopric of Mexico City, and Visitor of the Audiencia. How did he use his vast power? We do not require any biased Jesuits to tell us, for we have a letter on the subject, addressed to Philip IV by the magistrates of Mexico City, November 10, 1645. The following is an extract from this document:

It is not so much the troubles to which reference has been made that Mexico feels as the affliction in which it has found itself lately throughout the last five and a half years, owing to the presence of Don Juan de Palafox. . . . The only fruits visible during this long period have been great expenses and salaries for his servants, ministers, and partisans, paid from Your Majesty's royal treasury, and by the residents of this

<sup>1</sup> The autobiography is entitled *Vida interior de un peccador arrepentido*. There are besides a number of biographies, all of Jansenist origin. One of them occupies the whole of volume iv of *La Morale pratique des Jésuites*.

City, now in such a bad state owing to the troubles referred to above. . . .

He [Palafox] is ever with the whip raised, ready to strike, and making threats that his power shall never cease. No sooner are law-suits begun than he carefully delays them. He is continually absent from his Bishopric, while prisoners remain in confinement, disputes without any means of settling them, and the Courts of Justice in suspense. The Religious Orders are offended because he interferes with everything, and, in his itch to command, he will have nothing reserved from him, thereby giving his allies and helpers a pretext for sending out new commissions and secret orders every day, in Your Majesty's name. . . .

At the same time his own household is so little controlled and corrected that its members have been the cause of death to people, under scandalous circumstances. . . . Not a member of his suite but has great crimes to his account . . . their object apparently being to capture the government of the country. . . . To attain this end, the Bishop, assisted by his partisans, is to be found writing at his house during the night and at all hours against all those, whether alive or dead, who failed or fail to take sides with him . . . so that all is fear, suspicion and sorrow of heart for the people at large and for each individual. . . .<sup>1</sup>

<sup>1</sup> Cited by Astrain, *Historia de la Compañía de Jesús en la Asistencia de España*, t. v (Madrid, 1916), pp. 360-1, from the original in the *Archivo de Indias*. Astrain has long since come to be recognized by all who know his work as an historian *sans peur et sans reproche*. His long account of the dispute between Palafox and the Jesuits (*l.c.*, pp. 356-411) is a model of scrupulous impartiality, in which he spares his brethren nothing that tells against them and not infrequently adds a personal unfavourable judgement which, in my poor opinion, another Jesuit could well contest. To give but one example of his methods, it is well known that Charles III of Spain, who was one of those chiefly instrumental in bringing about the suppression of the Society of Jesus in 1773, made great efforts to secure the beatification of Palafox. In connexion with the process there are eight volumes of reports and documents extant. 'At first sight', writes Astrain (*l.c.*, p. 357, n. 1), 'one could believe from the title that the volumes treated of the beatification of Palafox. But that is not so. As appears from the sub-title (*Summarium objectionale*), what they contain are the objections officially proposed against his beatification. Here is collected all that could in

Within five days of the date of that letter, the new Viceroy of Mexico, the Conde de Salvatierra, wrote on his own account to the King, complaining that Palafox, when supposed to be engaged on his duties as Visitor of the Audiencia, 'passed all his time in composing an essay on the life of St. Peter and in giving publicity to an attack on the Franciscan Friars'. Almost from the moment of his arrival in Mexico he had declared war on the religious orders, Dominicans, Franciscans, Augustinians, with one notable exception. For some time he kept on quite good terms externally with the Jesuits, visited at their houses, and made considerable use of their services for missions in his diocese. In a letter to the King, he warmly commended the work of the Fathers, took one of them, Lorenzo Lopez, with him on his pastoral visitations, and *for at least two years and a half regularly made his confession to another Jesuit, Padre Dávalos.*<sup>1</sup>

The first sign of coming trouble appeared in 1642. A canon of Puebla thought of endowing the Jesuit College of Veracruz with a property which he possessed. That was in 1639, before Palafox's arrival. The chapter informed the canon that he must not carry out his project without adding a clause enjoining on his beneficiaries the obligation of paying tithes to the Cathedral of Puebla. In 1642, however, the canon made his first bequest without the clause, whereupon Palafox, then

one way or another damage the memory of Palafox, and, since the work was written with the manifest design of *objecting*, it is not possible to trust it for the formation of a judgement on him. We have recurred to those volumes, then, only in order to consult some documents reproduced in them textually which we could not find elsewhere.' Rather a contrast this, is it not? to the methods of those who go to *La Théologie morale* and *La Morale pratique* for enlightenment on the subject of Jesuits.

<sup>1</sup> Astrain, *l.c.*, pp. 363, 372.

Bishop, promptly excommunicated and imprisoned the unfortunate man. At the same time he composed a disquisition to show that all religious orders had an obligation to pay tithes, in spite of their very clear privileges to the contrary, and in this work made such wildly exaggerated statements about the wealth of the Jesuits and the poverty of his own Cathedral Church that the Fathers felt compelled to reply. From that moment they were doomed. Further orders were issued to all the Bishop's diocesans that, when bequeathing property to religious orders, they must insert a clause ensuring the payment of tithes in perpetuity or else the testator would incur excommunication and other grave penalties.

As the question of Jesuit wealth has cropped up so soon, it may be as well before proceeding further to see how the matter really stood. In another part of his work, unconnected with Palafox, Astrain prints the text of an official audit of Jesuit properties in Mexico made on December 16, 1653. To save space, I have ventured to tabulate this document on the next page. It shows that the Jesuits of Mexico possessed all told an annual income of 156,300 silver pesos between 332 men, and a capital debt, due to the raising of loans, of 740,120 silver pesos. With these figures for 21 Colleges or missions we may contrast what Don Juan de Palafox received, namely 30,000 pesos on taking office, an annual personal income of 60,000 pesos, and fees in connexion with his office of Visitador of 290,000 pesos. No wonder that he was able to bank for himself in Castille out of his savings a sum of 80,000 pesos.<sup>1</sup>

For four years after the dispute about the tithes, Bishop Palafox left the Jesuits unmolested and never by

<sup>1</sup> Astrain, *l.c.*, pp. 321-5, 382, 402.

<i>Property.</i>	<i>Number of Men.</i>	<i>Annual Revenue in silver pesos.</i>	<i>Debts in silver pesos.</i>
House of Professed, Mexico City.	28	None ('with great difficulty they support themselves on ordinary alms').	None.
College of SS. Peter and Paul, Mexico City.	66	30,000	292,000 of which 13,000 must be paid off annually.
Novitiate of Santa Ana.	4	6,300	114,000
Seminary of San Ildefonso.	6	8,000	6,950
College and Novitiate of Tepozotlán.	33	14,000	33,000
College of the Holy Ghost, Puebla.	28	20,000	29,000
College of San Ildefonso, Puebla.	16	16,000	55,000
Seminary of St. Jerome, Puebla.	2	None.	1,500
College of Veracruz.	7	6,000	10,670
College of Mérida.	7	3,000	None.
College of Oajaca.	8	4,000	33,000
College of Guatemala.	13	4,000	17,000
College of Valladolid.	7	7,000	14,000
College of Pázcuaró.	8	14,000	10,000
College of Guadalajara.	12	4,000	8,000
College of Querétaro.	7	4,000	28,000
Residence of San Luis de la Paz.	4	3,000	None.
College of San Luis de Potosí.	5	4,000	48,000
College of Zacatecas.	6	5,000	40,000
College of Guadiana.	5	4,000	None.
Missions of Cinaloa and the Sierras.	60	None.	None.
<i>Total</i>	332	156,300	740,120

a word or deed questioned the validity of their right to preach and hear confessions in his diocese. Then suddenly, on Ash Wednesday, 1647, he caused the rectors of the Jesuit houses within his jurisdiction to be informed that their faculties were suspended and that they must

present the same to him for examination before the expiry of twenty-four hours. Now, many years earlier, Pope St. Pius V, in a desire to facilitate the work of missionaries in America, had decided that the members of certain religious orders, if licensed to preach and hear confessions by *any* bishop in 'the Indies', might lawfully continue to exercise their ministry in the dioceses of other bishops without it being necessary for them to obtain fresh faculties. On January 2, 1597, Pope Clement VIII extended this privilege to the Society of Jesus, at the same time putting the bishops of America under 'an order of holy obedience' not to oblige the Fathers to seek fresh approbation when they passed from one diocese to another. This privilege was confirmed to the Society by Paul V and again, in even clearer terms, by Gregory XIII. Gregory XV, however, withdrew the privilege from all orders in 1622 by the Bull *Inscrutabili*, but his successor, Urban VIII, exempted all Spanish territories from the new legislation.<sup>1</sup>

The Jesuits of Puebla, thinking that if they submitted their faculties as the Bishop demanded they would be renouncing their privilege, made the great mistake of refusing.<sup>2</sup> When the General of the Society of Jesus came to know of their action, he condemned it in the strongest terms, saying that it was beyond his comprehension how they could have failed to give that gratification to the Bishop, no matter how brusquely he had demanded it. 'You know the great respect and reverence which we owe to bishops, a respect and reverence

<sup>1</sup> Astrain, *l.c.*, pp. 393-5, where the Latin text of the Papal decrees is cited.

<sup>2</sup> Here is Astrain's judgement: 'Our Fathers ought to have known that [the Bishop's] demand was just and according to law. By not presenting the faculties they put themselves in a false position from which they did not get a chance to retire throughout the whole course of the dispute' (*l.c.*, p. 366).



taught us by the example of St. Ignatius, St. Francis Xavier, and other Saints and Superiors of our Society.’

The upshot was that Palafox excommunicated the Jesuits and any persons of the diocese who should go to confession to them or listen to their sermons, giving out that they possessed no faculties, and that their absolutions were consequently invalid and sacrilegious. But this was the very point in dispute, and the Bishop must have been very well aware that they *did* possess faculties, or why had he allowed them all these years to pursue their ministry in peace, often as his own employees?<sup>1</sup> The remainder of this very painful story, which may be read in *Astrain* or *Pastor*,<sup>2</sup> does not concern us here. Suffice it to say that Palafox appealed to Pope Innocent X and won his case, though the Brief ends with these words: ‘For the rest, the holy Congregation<sup>3</sup> seriously exhorts in our Lord and advises the said Bishop that, remembering Christian meekness, he act with paternal affection towards the Society of Jesus, which, according to its praiseworthy institute, has laboured so usefully in the Church of God and still labours unweariedly, and that, recognizing the Society for a very useful helper in the conduct of his diocese, he treat it favourably and assume towards it again his first friendliness, which the Sacred Congregation, knowing his zeal, piety, and vigilance, is sure he will.’<sup>4</sup>

<sup>1</sup> *Astrain* mentions another point. Confessions were heard daily in the Jesuit churches; on feast-days in hundreds and even thousands. Now it is clearly sacrilegious to hear confessions without faculties, but ‘to suppose that a religious order systematically committed hundreds and thousands of sacrileges a day is so absurd that the idea could not have occurred to anybody except Palafox’ (*l.c.*, pp. 372-3).      <sup>2</sup> *Geschichte der Päpste*, vol. xiv, part i, pp. 154-9.

<sup>3</sup> A Congregation of cardinals appointed by the Pope to try the case.

<sup>4</sup> I take pleasure in quoting this from *La Théologie morale des Jésuites* (1659), p. 61. Port-Royal could not very well leave out the words when printing the rest of the Brief.

Palafox's way of complying with the Pope's wishes was to demand that the Jesuits should submit to being publicly absolved from the excommunication which he had imposed on them. Notice to this effect was posted throughout Puebla, including the interesting detail that the Fathers must appear with ropes around their necks and lighted candles in their hands. When the Bishop made known the contents of the Pope's Brief to them, they at once submitted their faculties and, behold, it was found that of twenty-four Jesuit priests working in Puebla, *sixteen* held express licences from none other than Señor Don Juan de Palafox himself, while three others held the licence of his predecessor in office! In other words these nineteen men, without the use of any privileges whatever, were fully authorized to preach and hear confessions in the diocese.<sup>1</sup> The remaining five had obtained their faculties from other Ordinaries and now lost them. With that the miserable affair might be thought to be over, but Palafox wanted to taste the last drop of his revenge by the public humiliation of the Jesuits. As they appealed and worsted him, he sat down instead and wrote to Pope Innocent on January 8, 1649, the letter of close on 20,000 words (forty-three pages) with which *La Théologie morale des Jésuites* (1659) begins.

That letter is its own completest and most shattering refutation and I only wish I could put every word of it before the reader. How any man, after looking through it, as Dr. Robertson must have done, could cite it as an authority is a thing as mysterious as the dark, irrational prejudices which sometimes hold the intellects, even of professors, in bondage. For what does Palafox say? That these Jesuits, 'que j'ai aimé d'abord en Nostre

<sup>1</sup> Astrain, with documentary proof, *l.c.*, pp. 398-9.

Seigneur, comme estant mes amis, et que j'aime aujourd'huy plus ardemment par l'esprit du mesme Sauveur, comme estant mes ennemis', had roused the whole diocese against him, bribed the Viceroy who 'hated him mortally' to persecute him, declared war on his dignity, his person, and his flock, thrown his priests into prison, and assembled 'une troupe de gens armés, composée des plus méchants hommes et des plus scélérats qu'ils pûrent trouver, afin de s'en servir pour me prendre, pour me dépouiller de ma dignité et pour dissiper mon troupeau, choisissant pour cela le jour de la Feste du S. Sacrement, comme par une providence divine; puisque pour prendre un Évesque, il estoit raisonnable de choisir le mesme jour auquel l'Évesque des Évesques avoit été pris'.

He then relates how, considering that it would be 'une entreprise funeste et tragique de défendre la justice de ma cause par les armes et l'effusion du sang de mes enfans spirituels' (who, he assures the Pope, 'aimoient leur Évesque avec tendresse'), he was in doubt what to do when suddenly he seemed to hear sound in his ears the words of our Lord: When men persecute you in one town, fly into another. So he decided to preserve his life by hiding, 'car j'avois reconnu que le dessein de mes ennemies tendoit principalement à me prendre ou à me tuer dans quelque meslée, afin qu'estant venus à bout de l'un ou de l'autre, ils puissent triompher de ma dignité, de mon peuple, et de la justice de ma cause'. The account of his so-called flight, which he undertook, he says, purely to save the State and soften the rage of his enemies, is as follows:

Je m'enfuis dans les montagnes, et je cherchay dans la compagnie des scorpions, des serpens, et des autres animaux

vénimeux, dont cette région est très abondante, la seureté et la paix que je n'avois pû trouver dans cette cruelle Compagnie de Religieux. Après avoir ainsi passé vingt jours avec grand péril de ma vie et un tel besoin de nourriture que nous estions quelques fois réduits à n'avoir pour tout mets et pour tout breuvage que le seul pain de l'affliction et l'eau de nos larmes, enfin nous trouvâmes une petite cabane, où je fus caché près de quatre mois. Cependant, les Jésuites n'oublièrent rien pour me faire chercher de tous costez, et employèrent pour cela beaucoup d'argent, dans l'espérance, si on me trouvoit, de me contraindre d'abandonner ma dignité, ou de me faire mourir.

Ainsi par l'extremité où je fus réduit, et par les périls où je m'exposay, le public fut sauvé de cet orage, et la tranquillité temporelle rendue à tout un royaume. Car pour ce qui est de la spirituelle, T.S.P., lorsque l'on a les Jésuites pour ennemis il n'y a que Jésus Christ, ou V.S. comme son Vicaire, qui soit capable de la rendre et de l'établir. Leur puissance est aujourd'huy si terrible, &c.

A little later, the poor man's persecution-mania causes him to lose all sense of the plausible. He tells how the Jesuits caused the boys of their colleges to hold lewd dances on the feast of St. Ignatius, 'où par des représentations horribles et des postures abominables, ils se moquent publiquement de l'Évesque, des Prestres, des Religieuses, de la dignité Episcopale et mesme de la Religion Catholique'. After that, their filling 'presque tout le monde de leur commerce par mer et par terre' is a mere trifle. The reader has probably had more than enough by now, so let me conclude with one or two points of detail. In his 127th paragraph Palafox says that the Jesuit Provincial Ildefonso de Castro expelled EIGHTY of his subjects from the Order. Astrain, with the records before him (*l.c.*, vol. iv, p. 422), gives the exact

number. It was six, or at the most seven. To save appearances, Port-Royal doctored the Bishop's Latin text when putting it into French. In the Latin, paragraph 26, he says that he 'knew for absolutely certain' that the Jesuits did not possess faculties either from him or from his predecessors, but in paragraph 82 he writes: 'Licentias exhibitas accepi, et *quas a meis Antecessoribus concessas inveni*, quae paucissimae erant (because most of the Jesuits held faculties from himself!) approbavi.'<sup>1</sup> With regard to the Fathers' persecution of bishops, on which the letter dilates, there is this tell-tale passage: 'Mais les Jésuites, T.S.P., se voyant armés d'un costé du bras séculier, et se confiant de l'autre sur ce que *Jean de Munnozça, Archevesque de Mexique, non seulement les favorisoit, mais estoit l'auteur et le chef de leur faction . . .*' In other words, the Jesuits had appealed to Palafox's own Metropolitan and he had decided in their favour. *Hinc illae lachrymae*. The last fifty-nine paragraphs of his letter are taken up with wild charges against the Jesuits' Constitutions, their moral teaching, and their private behaviour. In Mexico they are described as being as wealthy as Croesus, though at the time they owed five times more than they possessed, and throughout the world they are declared to be the greatest danger threatening the Church, though successive Popes believed them to be the Church's ablest defenders. With tears of sorrow that he should be compelled by his conscience to do such a thing, Palafox concludes with an appeal to the Pope in language of mingled vehemence and pathos either to suppress the Jesuits altogether or radically to change their Constitutions. The letter had no effect whatever

<sup>1</sup> Cited in Astrain, *l.c.*, p. 404. I have not seen the Latin text. The French version of the above extracts makes changes to get rid of the glaring contradiction.

in Rome. Rome was old and wise and had met such men as Palafox before. He was patently unbalanced, a headstrong, domineering man who, whatever his private virtue on which the Jansenists were so given to harping, had no capacity at all for government. The Spanish authorities realized it after some further experience of his unhappy character and recalled him to his native country, where he died in peace. According to the *Encyclopaedia Britannica* it was the Jesuits who frustrated the efforts made by Jansenists and Bourbon kings to secure his beatification but, unfortunately for the story, the Jesuits had been some years suppressed when the *non-placet* of the Holy See put an end to his chances. And now we must say good-bye to him, though we have given only a small sample of his quality. It is difficult to believe that he was quite sane, and so the more strange that any man possessed of the least critical sense should trust a word of his letter without plenty of corroborative evidence. Yet, on the sole strength of it, and of a similar document in *La Morale pratique des Jésuites*, Dr. Robertson assures his readers that 'there is no reason to suppose that the descriptions of the trading activities of the Jesuits are untrue in any material particular'.<sup>1</sup>

As a result of the legend of Jesuit wealth, sanguine romantic souls still dream of buried treasure in the wilds of Paraguay. Was it not only a year or two ago that a party of stalwarts left England to find it? And never a peso did they find, any more than did the other numerous expeditions and treasure-hunting parties which have been organized from time to time in various countries for the same purpose. As for the Jesuits of South America attempting 'to get all the trade, all the

<sup>1</sup> *Aspects of the Rise of Economic Individualism*, p. 109, n. 2.

transport and banking facilities into their hands' (*Aspects*, p. 108), it would, perhaps, be too much to expect of Dr. Robertson that he should have studied Pablo Hernandez' exhaustive and conclusive work, *Organización Social de las Doctrinas Guaraníes de la Compañía de Jesús*,<sup>1</sup> but he might have glanced at Muratori's essay on the South American Jesuits, which has been translated into English, or turned a page or two of Cunninghame Graham's little classic, *A Vanished Arcadia*. It will be pleasant to conclude with a few paragraphs of that great gentleman who has made the subject of which he speaks peculiarly his own, not merely out of books but by much brave and splendid adventuring:

Your Jesuit is, as we know, the most tremendous wild-fowl that the world has known. . . . But into the question of the Jesuits I cannot enter, as it entails command of far more foot and half-foot words than I can muster. Still, in America, and most of all in Paraguay, I hope to show that the Order did much good, and worked amongst the Indians like apostles, receiving an apostle's true reward of calumny, of stripes, of blows, and journeying hungry, athirst, on foot, in perils oft, from the great cataract of the Paraná to the recesses of the Tarumensian woods. Little enough I personally care for the political aspect of their commonwealth. . . . For theories of advancement, and as to certain arbitrary ideas of the rights of man . . . I give a fico—yes, your fico of Spain—holding that the best right that a man can have is to be happy after the way that pleases him most. And that the Jesuits rendered the Indians in Paraguay happy is certain. . . . It is certain the Jesuits in Paraguay had faith fit to remove all mountains, as the brief stories of their lives, so often ending with a rude field-cross by the corner of some forest, and the incscription '*hic occisus est*', survive to show. . . .

All the reports of riches amassed in Paraguay by the

<sup>1</sup> Two volumes of 1,324 pages, fully documented. Barcelona, 1913.

Jesuits, after the expulsion of their Order, proved to be untrue; nothing of any consequence was found in any of the towns, although the Jesuits had no warning of their expulsion, and had no time for preparation or for concealment of their gold. Although they stood to the Indians almost in the light of gods, and had control of an armed force larger by far than any which the temporal power could have disposed of, they did not resist, but silently departed from the rich territories which their care and industry had formed.

Rightly, or wrongly, but according to their lights, they strove to teach the Indian population all the best part of European progress of the times in which they lived, shielding them sedulously from all contact with commercialism, and standing between them and the Spanish settlers, who would have treated them as slaves. These were their crimes. . . .<sup>1</sup>

<sup>1</sup> *A Vanished Arcadia*, London, 1901, pp. viii-xii.



## DR. ROBERTSON'S MISLEADING CASES

THE contents of this little book must seem annoyingly unrelated, but that is due to the diversity of complaint which Dr. Robertson has against the Jesuits. In his pages they are everything by turns and nothing good, traders out of their sphere, exploiters disguised as evangelists, time-servers, and unscrupulous casuists. All their sympathies, we are to believe, were for pushful, progressive people who had dedicated their pieties to the new god of Big Business. To make the burden of a Christian conscience light for such men would appear to have been their chief concern, nor could any one guess from reading this historian that they often beggared themselves to relieve other people's necessities and had made almost a habit of dying in the service of the plague-stricken. Sophists, economists, and calculators, that is what they were, we must understand, for all their Xaviers and Clavers. To prove it, Dr. Robertson provides a variety of cases, derived from his usual repertory or from some magazine articles. An examination of these will not be alien to the demands of fair play which even Jesuits have a right to expect from their critics.

## I. CARDINAL DE LUGO

On page 104 of *Aspects of the Rise of Economic Individualism* we read: 'When a Jesuit cardinal approves of "sweating" we know that we have found a religion which has moved far from medieval ideas into the world of *laissez-faire*.' No one will deny that that is a serious charge against the Jesuits in general, since the Cardinal

in question was Juan de Lugo, probably the greatest and most representative of their theologians. We might expect, then, to find it based on very full and careful evidence, but all we get from Dr. Robertson is a passage of four lines out of a Belgian review. They are as follows: 'Le card. de Lugo dit que le salaire, qui ne donne pas à l'ouvrier de quoi se nourrir et se vêtir décemment, et a fortiori de quoi entretenir sa famille, n'est pas toujours injuste. Tout cela, traité ainsi incidemment, révèle une coutume conforme.'<sup>1</sup> The writer of these words gives a reference to de Lugo which Dr. Robertson strangely omits. Do the words embody a faithful account of de Lugo's teaching, and, above all, is Dr. Robertson justified in proceeding, on the strength of them, to charge with such abominable opinions a man who is known to have spent most of his income as a cardinal on the poor of Rome?<sup>2</sup> Let us see.

The context of the incriminated passage runs as follows: 'That is considered a just wage for a household employee (*famulus*) which amounts at least to the lowest grade of wage usually and customarily paid to such persons in that place for that type of work. But observe that you must not argue, in estimating the just wage due, from the fact that some people may be in the habit of giving more than is usual to their servants. . . . Nor, in the third place, is even that wage always unjust which does not suffice for the proper maintenance and clothing of the servant, and, much less so, one with which the servant may not be able to support himself, his wife, and his children. For the case occurs where

<sup>1</sup> V. Brants in the *Revue d'Histoire Ecclésiastique*, Louvain, t. xiii, no. i (15 Janvier 1912), p. 88, n. 1.

<sup>2</sup> For de Lugo's charities cf. Hurter, *Nomenclator Literarius*, Innsbruck 1871, vol. i, p. 693.

the service rendered is not deserving of so large a wage, and many are satisfied with the one given them because they are able at the same time to attend to other business whereby they may supply and provide for themselves what is lacking for their sustenance and clothing, as Molina observes, n. 2.<sup>1</sup> All through this passage de Lugo uses the word *famulus*, which the French writer quoted by Dr. Robertson incorrectly translates *ouvrier*. An *ouvrier* is a wage-earner in the modern sense, but de Lugo was thinking of quite a different type of worker, and not at all of full-time wage-earners such as we know, who derive no advantage from their work beyond the wage given for it and are not allowed time to make good its possible shortcomings by employing their energies in other directions. That this was the truth of the matter becomes obvious in the Cardinal's next sentences, for he goes on to illustrate what he means from the cases of apprentices, choristers, pages in noble families, and others, who make a bargain with the parties they serve, and are not only willing to take less than what we call a living wage, but even to pay for the concomitant opportunities of training and education which are put within their reach.

If there is no such bargain, the servant leaving the matter to the master's discretion, then, says de Lugo, the master 'is obliged to give a just wage, such as is commonly and usually given to others for work of the same kind', and, if he fails to do so, 'servants are not to be blamed who, in such circumstances and unable without great difficulty to obtain their rights, secretly take from their master's goods what is necessary for their

<sup>1</sup> Joannis de Lugo, *Disputationes scholasticae et morales*, editio nova, Parisiis 1860, t. vii, pp. 456-7. *Tractatus de Justitia et Jure*, disp. xxix, sec. iii, n. 62.

support'. So far, then, from approving 'sweating', the Cardinal justified recourse to occult compensation, but, before jumping to the conclusion that he thus condoned petty thefts, it would be well to read what he has to say *De furtis famulorum*.<sup>1</sup> We have seen already in Chapter I what de Lugo taught on the subject of the just price, and that in buying and selling he does not allow any advantage whatever to be taken of another's subjective need. That principle applies to the purchase or hire of labour in exactly the same way as it does to the purchase or hire of goods. The *communis aestimatio* may not have been a perfect standard of just values, but it was the fairest standard men could think of in those days before the modern organization of industry. When the Cardinal said that a non-living wage need not *always* be unjust, he was thinking exclusively of servants with other employments to eke out their earnings or of such as derived educational advantages from their work to compensate them for the smallness of their pay. What fair-minded man will say that such people were 'sweated', and with Juan de Lugo's approval? Instead, then, of having found a religion 'which has moved far from medieval ideas into the world of *laissez-faire*', Dr. Robertson has found a mare's nest.

## 2. TAMBURINI AND THE INNKEEPER

'A Jesuit casuist is asked whether an innkeeper may ask a guest to dine on a fast day, knowing that he is issuing an invitation to sin. He answers that it may be taken as a probable opinion that it is lawful, because the innkeeper's primary intention is not to incite to sin, but to make a profit out of the provision of a meal.

<sup>1</sup> Disp. XVI, sec. iv, par. 2.

How does this compare with the prohibition of Saturday and Monday markets in Scotland?" (*Aspects*, p. 104.) Through being too dependent on *La Théologie morale des Jésuites*, Dr. Robertson has propounded this case quite incorrectly. Tambourin, to whom he refers, meaning Tamburini, says nothing about an innkeeper inviting a guest to dine. In those old times the Lenten regulations were much more severe than at present. On fast days, not only were people obliged as at present to confine themselves to one square meal, but at that meal as well as at the two permitted collations they might not eat anything except Lenten fare, which excluded all flesh meat, milk, butter, cheese, and eggs. In other words, one was more or less confined to dry bread, fish, and vegetables. Tamburini's case turns on the question whether innkeepers and shopkeepers may sell such lawful fare to purchasers whom they know will use it for two square meals or in some other way contrary to Lenten discipline. The easiest means of determining Tamburini's doctrine will be to give a translation of his section, *De cauponibus et vendentibus cibos*:

You ask, in the third place, how innkeepers and other tradesmen ought to act during Lent towards customers who are not going to fast? I answer that, in order to meet your query, we must distinguish various cases.

1. When the innkeeper or tradesman has a good idea that his customers will not break the fast, you may take it for certain that it is lawful for him to serve them, procure goods for them, and even invite them to buy, because he is not co-operating with any sin.

2. But what if the innkeeper or tradesman, dealing in Lenten fare, has a doubt as to whether his customers may not break the fast by making a number of meals of the said

Lenten fare? I reply that it is still lawful for him to sell, because no one is to be presumed bad without proof to the contrary. The innkeeper has no right to think that his customers are desirous of sinning, and consequently he may freely serve them and sell to them.

3. But what if the seller of Lenten fare knows that the purchasers will probably or certainly violate the fast? I reply with Sanchez and Diana that even so the lawfulness of his selling is sufficiently probable. The reason for this concession is that the provision of goods by the innkeeper or tradesman, or even their spontaneous solicitation of custom, is not done by them as a direct allurements to disregard of the fast and so, not as a direct allurements to sin, but for the sake of making a profit. The purchasers know that right well, and, on the other hand, the act of supplying the Lenten fare and of inviting the customer to buy it is in itself indifferent, since the food could be purchased for a lawful use.

But you will say that the purchase is connected with the sin of violating the fast? I answer that it is so connected through the malice of the purchasers, and the sellers are excused by their very trade which they exercise honestly when they sell the permitted Lenten fare about which we are now speaking. . . .

4. Having dealt with the case of those who sell lawful fare, there arises a twofold question, first, as to what is to be thought of an innkeeper who sells or serves dairy-produce (*lacticinia*) on fast-days? and, secondly, what is to be thought of one who sells or serves meat on the same days?

To these questions Tamburini, following Sanchez, replies that if a person does not possess a dispensation, in the shape of a 'Crusader's Bull' or otherwise, to take milk, butter, cheese, and eggs, and the innkeeper knows that he does not possess it, then it is not lawful for the latter to sell those goods on a fast day, nor does his trade excuse him in the matter. Still less does it

provide him with an excuse to sell meat. Following Loth, Tamburini writes: *In Catholic districts it is a grave sin for innkeepers to put meat on the table of their guests on a fast day and whoever did so indifferently would be heavily punished. . . . I have said 'indifferently', because it is allowed in some special cases by reason of evident necessity, arising from the illness of a guest, or because there is nothing else to put before the company.*

In Protestant countries where meat is provided on fast days by all other innkeepers, Tamburini, still following Loth, permits a Catholic member of the trade to serve it in two sets of circumstances, (1) if his failure to do so might cause him to be prosecuted in the Courts, and (2) on condition that he does not serve the meat unless expressly asked for it.<sup>1</sup> I think that Tamburini's teaching, as thus unfolded from his own text, does not serve Dr. Robertson's purpose quite so well as the tendentious and misleading version which he gives out of *La Théologie morale*.

### 3. THE SEVILLE COLLEGE FAILURE

'In Seville the Jesuit College even underwent a bankruptcy caused by trading losses. The steward of the College borrowed 450,000 ducats at interest. With this he carried on trade. He shipped linens, iron, saffron, cinnamon; he built houses and mills; bought estates and gardens and flocks. Then the College went bankrupt—in suspicious circumstances, as the account books were removed, and the courts were unable to secure information about the affair. This raised a clamour through the countryside' (*Aspects*, pp. 108-9). Here I bow to Dr. Robertson and say, 'Well hit!' The

<sup>1</sup> Thomae Tamburini, *Tractatus Quinque, in Quinque Ecclesiae Praecepta*, opus posthumum, Venetiis 1719, p. 105, nn. 10-18.

story as he tells it is substantially true, though, as I shall show, the conclusion he would have us draw from it is a complete *non sequitur*. His reference is to *La Morale pratique des Jésuites*, but it was too good a story to be omitted from *La Théologie morale* either, and here it is as Monseigneur of Angelopolis saw it:

Toute la grande et populeuse ville de Séville est en pleurs, T.S.P. Les veuves de ce pays, les pupilles, les orphelins, les vierges abandonnées de tout le monde, les bons Prestres, et les séculiers se baignent avec cris et avec larmes d'avoir esté trompez misérablement par les Jésuites, qui après avoir tiré d'eux plus de quatre cent mille ducats, et les avoir despensez pour leurs usages particuliers, ne les ont payez que d'une honteuse banqueroute. . . . Ainsi cette grande multitude de personnes qui sont réduites à l'aumosne, demande aujourd'huy avec larmes devant les Tribunaux séculiers l'argent qu'ils ont presté aux Jésuites, qui estoit aux uns tout leur bien, aux autres leur dot, aux autres ce qu'ils avoient en réserve, aux autres ce qui leur restoit pour vivre; et ils déclament en mesme temps contre la perfidie de ces Religieux, et les couvrent de confusion, et de déshonneur dans le public.<sup>1</sup>

The nonsense about widows and orphans is Palafox's invention, as the creditors of the College were practically all traders like the 'steward' himself, and a considerable number were the 'steward's' kinsmen, including two of his brothers. But let us see who he was and to what extent the Jesuits in general may be fairly accounted responsible for his misdemeanours. He was a lay-brother named Andrew Villar Goitia from the Province of Biscay, who, before becoming a Jesuit, had acquired some reputation as an able man of affairs. In 1632 Villar was appointed procurator of the flourishing

<sup>1</sup> *La Théologie morale des Jésuites*, première partie, p. 36.



College of St. Hermenegild in Seville, which at the time had upwards of nine hundred students on its roll, and an annual revenue of 8,248 ducats.<sup>1</sup> What the duties and responsibilities of a procurator in a Jesuit College were may be seen in the Society's Constitutions, which were republished, for anybody to read, at Antwerp in 1635. There we find among the 'Rules for Procurators' no fewer than six prescribing the most exact and detailed care in the keeping of books, as well as this general advertisement: 'He is to understand that everything with an appearance of secular trade in the cultivation of land, the disposal of farm-produce in markets, and similar matters, is prohibited to members of our Society.'<sup>2</sup> The examples given here are noteworthy, because to cultivate land and dispose of its products in markets is not really trade at all, in the sense in which canon law has immemorially forbidden it to clerics. It is trade in that sense to buy something with intent to sell it again, *unchanged*, at a higher price. But the seventh General Congregation of the Society of Jesus which met in 1615-16 declared in its 84th decree that it was forbidden to any Jesuit 'to buy fields with a view to drawing profit from their cultivation; to buy goods in order to work on them and then sell them improved at a dearer price; to pay printing-houses for the production of Jesuit books, and then take over the sale of the volumes; to have private printing-presses in the colleges for the purpose of producing books to be sold to externs'.

Besides this ordinary and very definite legislation

<sup>1</sup> Astrain, *l.c.*, vol. v, p. 40.

<sup>2</sup> 'Omnia, quae speciem habent saecularis negotiationis, in colendis videlicet agris, vendendis in foro fructibus, et similibus, intelligat prohibita esse nostris.' *Constitutiones Societatis Jesu et Examen cum Declarationibus*, Antwerpiae 1635, pp. 221-2.

there was the 'case-law' constituted by the replies of Jesuit Generals to questions occasionally sent them. Thus Aquaviva was asked in 1594 whether in a ship, hired to convey a cargo of wheat to some missionary country, it would be lawful to send back a cargo of salt for sale, so as to avoid returning the vessel empty. His answer was: '*Non permittendum . . . unless, perhaps, out of charitable regard for the poor the salt is to be sold at the same price as that for which it was purchased.*' On being asked whether a Jesuit procurator might lend money to a merchant, the agreement being that he should share the profit or loss of the business on which the merchant employed it, another General, Muzio Vitelleschi, answered, March 16, 1641: 'That is trading and consequently forbidden to us.'

There are plenty more examples of this kind, but neither the general nor the particular legislation counted for much with Brother Andrew of St. Hermenegild's, Seville. He was an utterly unscrupulous person, not in the least in the interests of the College, but in the interests of his own family. As came out in the judicial investigations, the College had never made a penny out of his financial transactions, which he carried on secretly with the aid of some Biscayan merchants in Seville. To keep his dealings from the notice of his superiors he did not hesitate to falsify the College accounts over a number of years. But at last, in 1642, they began to suspect that something was amiss—and high time, too! The Brother was put under an order of obedience to reveal what he had done, and, thus constrained, he admitted to having contracted a debt of 80,000 ducats. The superiors then put the affair in the hands of an outside official, who by dint of laborious inquiries found that the

debts were more than five times the amount to which Villar had confessed. According to his books, the income of the College was 13,749 ducats, but, when pressed to account for that sum a year after he had entered it, he said that the figure should have been 9,025 ducats, and finally admitted that the true amount was 5,413 ducats.

It quickly became known outside that Villar had tampered with his accounts, and the merchants who had invested money in his transactions naturally raised a clamour. Only one man, however, Juan Onofre de Salazar, accused the Jesuit superior of knowing about Villar's dealings, and he was not able to sustain his charge. That he *should* have known and that he was culpably negligent, no Jesuit would dream of denying, though it has to be said for him that Villar bore a good reputation and had never previously been suspected of underhand tricks. If we knew more about Villar's two merchant brothers, Lorenzo and Gregorio, who had invested respectively six million maravedés and twelve thousand pesos in his ventures, we might be able to understand the deplorable affair better. It resulted in the ruin, not, as Bishop Palafox would have us believe, of widows and orphans whose tears, on his showing, must have caused the Guadalquivir to overflow, but of the once splendid College, which, to pay off Villar's relatives and other creditors, had to dispose of practically all its goods and chattels. A sad story, indeed, but how much does it contribute, when told fairly, as Astrain tells it from the reports of the judicial investigation,<sup>1</sup> to the support of Dr. Robertson's universal proposition that the Jesuits 'certainly acted up to' the maxim, 'there is

<sup>1</sup> *L.c.*, pp. 40-7.

nothing like business'? I am not forgetting Lavalette, but, as he was too late for inclusion in *La Morale pratique*, Dr. Robertson seems to be unaware that he ever existed and so dispenses me from the necessity of writing about him. Instead, we may proceed to examine a speculative case of bankruptcy ethics, first rendered famous (or infamous) by Pascal and now newly edited by Dr. Robertson.

#### 4. PIROT AND THE BANKRUPT

'A Jesuit affirms that a bankrupt is entitled to retain as much from his creditors as will maintain him decorously—*ut decore vivat*—and it is explained that this must not be taken as an incitement to "long-firm" frauds, for the Jesuits do not favour aggrandizement by injustice but: "if the casuists have milder sentiments, it is for the good merchants, who have received of their fathers an honourable estate and position, or else who have arrived by good and legitimate ways to a better position than their birth brought them". This is, of course, precisely what is alleged to be an innovation of the Puritans' (*Aspects*, p. 104; reference to Pirot, *Apolo-gie pour les Casuistes*). It would be useful to know what precisely Dr. Robertson means by the adverb *decorously* in this context. In his exposition, he rather mixes up a number of distinct cases which require careful sorting, but before doing that we may consider for a moment Pascal's version of the matter. It is his Jesuit marionette, on whom with Puckish delight he has fixed an ass's head, that makes the following speech:

J'aurois bien encore d'autres méthodes à vous enseigner; mais celles-là suffisent, et j'ay à vous entretenir de ceux qui sont mal dans leurs affaires. Nos Pères ont pensé à les soulager selon l'estat où ils sont. Car s'ils n'ont pas assez de

bien pour subsister honnestement et payer leurs dettes tout ensemble, on leur permet d'en mettre une partie à couvert en faisant banqueroute à leurs créanciers. C'est ce que nostre Père Lessius a décidé et qu'Escobar confirme au tr. 3, ex. 2, n. 163: *Celuy qui fait banqueroute peut-il en seureté de conscience retenir de ses biens autant qu'il est nécessaire pour faire subsister sa famille avec honneur, ne indecore vivat? Je soutiens que ouy avec Lessius, et mesme encore qu'il les eust gagez par des injustices et des crimes connus de tout le monde, ex injustitia et notorio delicto, quoy que en ce cas il n'en puisse pas retenir en une aussi grande quantité qu'autrement.* Comment! mon Père, par quelle estrange charité voulez-vous que ces biens demeurent plustost à celuy qui les a volez par ses concussions pour le faire subsister avec honneur, qu'à ses créanciers à qui ils appartiennent légitimement et que vous réduisez par là dans la pauvreté? On ne peut pas, dit le Père, contenter tout le monde, et nos Pères ont pensé particulièrement à soulager ces miserables.<sup>1</sup>

In his answer to this passage, Pirot, who merely reproduces the view of Lessius, cries out upon Pascal for translating the phrase *ne indecore vivat* by the words *pour vivre avec honneur*. It is a famous point of contention, and some even of Pascal's good friends venture to whisper a word of criticism. Dr. Stewart, in his excellent edition of the *Provinciales* (p. 282), warmly defends him, but admits that the full opinion of Lessius concerning bankrupts is not given in the paragraph cited above. Escobar, poor man, is once again made to bear the blame. 'The fault is not Pascal's but Escobar's, who fails to chronicle the exception made by Leys [Lessius] in the case of fraudulent bankrupts and spendthrift nobles.' As I suggested before, that defence might be acceptable for a man who went astray on a point of fact affecting nobody's reputation, but surely it does not excuse a person whose whole set purpose and inten-

<sup>1</sup> Huitième Lettre.

tion is to pillory and defame living men, entitled by the law of God and nature as much as he to their good name?

What, then, precisely did Lessius teach with regard to this matter? He taught, (1) that a man reduced to extreme need and unable to pay his creditors without sacrificing both his own and his children's lives is not obliged to pay, always presupposing that he cannot by any other lawful means support his family; (2) that a man who has come down in the world, so as to be in very great need, can conscientiously defer the payment of his debts until his fortunes improve, provided that his creditor is not in the same straits as himself; (3) that a man who has ruined his estate by extravagance or by vice must pay his debts without delay, even if it means the loss of his social status (*De Justitia et Jure*, lib. 2, cap. 16, dub. 1). With regard to bankrupts who did not acquire their fortunes by unjust means nor fail through their own extravagance, he teaches first that they are not obliged to reduce themselves to beggary in order to pay in full, and that even a man who had amassed his fortune by fraud might retain enough to support life. Then comes the much more delicate point whether one who has made his fortune fairly and lost it without fault, through a shipwreck for instance, may retain enough to prevent him from altogether sinking in the social scale. Such a one, he says, 'can conceal as much as is necessary for him to live sparingly and modestly according to his station'—*ut tenuiter vivat secundum suum statum*. This, he continues, is the teaching of Pedro Navarrus, Silvestro Mazzolini, O.P., and others, who admit that the bankrupt in question can retain sufficient to keep him from want—*ut non egeat*—

or, as Silvestro says expressly, lest otherwise he be obliged to live in a way that spells disgrace—*ne aliquatenus indecenter vivat*. The same is to be gathered plainly from the Code of Law cited above, especially with regard to goods acquired by a man *after* his bankruptcy, from which even a debtor who is such through his own fault can retain as much as is necessary for him to live without dishonour, according to his condition—*ut pro sua conditione non indecore vivat*.<sup>1</sup> The three adverbs used here by Lessius, *tenuiter*, *indecenter*, and *indecore*, are plainly meant by him to convey the same idea. He is interpreting the law as it stood in the Low Countries in his day, and his view is that it allows a man who has gained his fortune lawfully and become bankrupt innocently to retain just so much of the property possessed by him at the time of his bankruptcy, or subsequently acquired, as will enable him to live without dishonour and disgrace in the eyes of those who belong to the station to which he has himself legitimately risen, while the man who has gained his fortune lawfully but become bankrupt through his own fault is allowed to retain the same amount, only from property acquired after his bankruptcy. That Lessius was a good interpreter of the law of his country would seem to be indicated by the fact that its Governor, Albert the Pious, always kept the treatise, *De Justitia et Jure*, on his table, 'uti fidelissimum Consiliarium'.<sup>2</sup>

It may interest the reader to see how this teaching of Lessius, muddled if not misrepresented by Pascal, compares with the teaching of non-Jesuit Catholic theologians at the present day. Here, then, are the opinions

<sup>1</sup> *De Justitia et Jure*, lib. 2, cap. 16, dub. 3, nn. 42-5.

<sup>2</sup> *De Vita et Moribus R. P. Leonardi Lessii*, Parisiis 1644, p. 39. Lessius died in 1626.

of two of the most eminent among them, the Dominican, Father Prümmer, and the Redemptorist, Father Aertnys:

*Prümmer*: 'A debtor who becomes bankrupt can, according to the natural and positive law, retain those goods which are absolutely necessary for an honest and humble living, and those goods too which are necessary means to the opening of a new small business. The same holds true for the wife and children of the debtor.'

*Aertnys*: 'A debtor who becomes bankrupt can, by the natural law, retain what is necessary for his own and his family's honest, though modest, support, according to his condition; for no one is obliged to reduce himself to grave need, or altogether to give up a status justly acquired, in order to make restitution. Accordingly, he does not sin by concealing such assets, but he must beware of swearing falsely before a judge.' This teaching of Aertnys is identical with that of St. Alphonsus Liguori, the Founder of the Redemptorists, on which the Catholic Church has set her official seal. It is identical too, as far as a careful scrutiny has enabled me to judge, with the teaching of Leonard Lessius, however one chooses to translate *ut non indecore vivat*, and I cannot see that it affords the least support to Dr. Robertson's thesis that the Jesuits had entered a sort of conspiracy to make the yoke of conscience light for merchants. Indeed, might not one urge that had they been in the least concerned to promote trade their cue would have been to make things utterly intolerable for the bankrupt, who is trade's most dangerous enemy? But, of course, they were not in the least concerned to promote trade. They were concerned to promote



justice and to allow unfortunate men whatever measure of mercy the law of nature and the law of their country did not deny them.

#### 5. ESCOBAR

We have reached him at last! I personally confess to a feeling of affection for this man, who, beyond all possible doubt, is the most universally decried Jesuit that ever lived. I have noticed the words used of him by a man not of his own order who knew him well, 'Pater pauperum et consolator afflictorum'—Father of the poor and consoler of people in sorrow. In the British Museum I have turned over the pages of his published poems, great long things, all about our Lady and the Saints, not remarkable for exquisite taste but redolent of a childlike piety that makes one forget the formal crudities. Here is a man, you feel, to whom the Mother of God and St. Ignatius are not figures in a niche, good for a perfunctory prayer, but warm, throbbing, living, day-to-day friends, as truly loved as the noble lady and grand señor who were his earthly parents.<sup>1</sup> For Antonio de Escobar y Mendoza came of great stock on both sides, a race of warriors and statesmen, second to none in the high romance of Spain. He was born in 1589 and became a Jesuit at the age of sixteen. As master in the schools, for which he composed no fewer than 160 dialogues and comedies to be acted by the boys on festive occasions, he probably had the

<sup>1</sup> The titles of his published poems are: (1) *San Ignacio de Loyola, Poema heroico*; (2) *Historia de la Virgen Madre de Dios desde su purisima Concepcion hasta su gloriosa Asuncion, Poema heroico*; (3) *Gonzaga, Poema lyrico*. In manuscript he left a whole series of poems in the shape of sacred allegories, *Autos sacramentales*, another series on the Blessed Virgin's Immaculate Conception, which was a doctrine exceedingly dear to him, a third series on Jesuit Saints and martyrs, and a fourth devoted to the instruction of youth, including a catechism in rhyme. He was a great friend of young people.

great poet Calderon among his pupils. When ordained priest his literary activity became well-nigh incredible. The first of his learned works to be published was a huge folio of exegesis, *In Caput VI Joannis de augustissimo ineffabilis Eucharistiae arcano*. That was followed by an enormous commentary in twelve great volumes on the Sunday and feast-day Gospels for the use of preachers, which, even to-day, they would find helpful if they had recourse to it. Then came a complete commentary on the Bible in fourteen volumes of which a non-Jesuit student wrote: 'In this book I have found united the good things which separately make the fortunes of other authors. And everything is put better, in the most suitable order, expressed with a natural eloquence, unaffected, gravely and most sweetly. Nor is anything forgotten which might conduce to the literal and moral understanding of the sacred text.'<sup>1</sup> In 1652 Escobar brought out yet another folio volume of commentary on the Old Testament to help preachers. Two more folios appeared at different times, the first, 'On Paradise, or the Beauty of Virtue', and the second 'On the Ten Plagues of Egypt, or the Foulness of Sin'. Besides these, he also published 'A hundred Spiritual Exhortations on the Rules of our Father Ignatius', and in the last year of his life, when he was eighty, a great tome, 'the child of my old age', *In Canticum Canticorum, sive de Mariae Deiparae Elogiis*. On his desk, when he died, was another volume, almost completed, *De Mariae Deiparae Conceptione immaculata*. Escobar never had a secretary and wrote every one of his millions of words with his own hand.

<sup>1</sup> Foreword by Emanuel Astete, of the Order of Minims, professor of theology in Rome and Valladolid, to the second volume of Escobar's *Universae Theologiae moralis receptiores sententiae*.

The writings mentioned afford overwhelming proof that the one big aim in life of this good man was to promote the glory of God and the salvation of his neighbour. But there is something more. In his own day he was regarded primarily as a missionary, one whose active, indefatigable work for souls made people astonished that he should have been able to write anything at all. Besides his regular sermons in Valladolid throughout the year and those which he delivered as director of the flourishing sodality of our Lady, he preached Lenten courses, involving several sermons a week, for *fifty years in succession*, and these in the most famous pulpits of Spain. Never once during the whole of that period till the last year of his life did he dispense himself from the rigorous fast of Lent, so that people used to marvel how he could do all he did without collapsing. To the poor in their homes, the sick, the inmates of hospitals and prisons he was a visitor of un-failing regularity, and nothing he could do for their comfort was ever too much. No wonder that when he died the whole town went into mourning. Such was Antonio Escobar, 'l'inéffable Escobar, célèbre et ridicule pour l'éternité!' whose doctrines 'ont été et sont encore l'objet de la réprobation universelle et du dégoût des honnêtes gens'.<sup>1</sup> One wonders what the Escobars of old, a proud and valiant race, would have thought could they have known that, by Pascal's doing, their name was going into the French language as a synonym for prevarication!<sup>2</sup>

<sup>1</sup> A Catholic opinion and (I think) a non-Catholic one. Victor Giraud, *La vie héroïque de Blaise Pascal*, Paris, 1923, p. 116; Augustin Gazier, *Blaise Pascal et Antoine Escobar*, Paris, 1912, p. 33.

<sup>2</sup> Cf. any moderate-sized French dictionary under the words, *escobar*, *escobarde*, *escobarderie*. Talking of prevarication, for which Pascal and his friends professed such a horror, there is the following good story in the *Mémoires* of the

Now it was precisely his zeal and charity which brought upon Escobar the opprobrium that we are so often invited to endorse, for just as he tried to help priests in the pulpit with his many volumes of sermon material, so did he try to help priests in the confessional by bringing out in Spanish a hand-book of moral theology for the use of confessors. Within a brief period this book ran into thirty-seven editions and never a soul was found in all Catholic Spain to do anything but praise it. Then, in 1644, Father Antonio put it into Latin under the title *Liber theologiae moralis*, and had it published at Lyons, so that it might become more widely useful. For more than ten years it circulated freely in France and went into new editions, without a word of criticism from any quarter. During the same period it was also published in Germany, Italy, and Belgium; enjoying everywhere the favour it had met with in Spain. The book was read, of course, only by priests, as no others would have been interested, or indeed able to understand it properly, however much Latin they knew. Yet to listen to some apologists for Pascal, one would think it must have had the vogue among all classes of a novel by Edgar Wallace. We are told, for instance, by M. Jacques Chevalier that the

Abbé de Pont-Château, compiler of the first two volumes of *La Morale pratique des Jésuites*. When, in March 1656, the solitaries of Port-Royal des Champs were obliged to disperse, two remained behind, disguised as poor peasants. On March 30th, Lieutenant d'Aubray made an official visit by order of the Government to see whether the solitaries had obeyed the law. Addressing himself to one of the pretended peasants named Charles, he asked where was the *imprimerie*. Charles, imitating a peasant's speech, answered that he did not know any nun of that name, whereupon the magistrate getting angry, demanded to be taken to the press at once. Charles then led him grumblingly to a shed where his brother-solitary, Bouilly, dressed as a *vigneron*, was diligently pressing out grapes! The grave doctors of Port-Royal laughed heartily over this incident, and we hope that Pascal joined in their merriment.

*Provinciales*, which were mainly an onslaught on the *Liber theologiae moralis*, 'are still a noteworthy and successful attempt to put men's consciences on their guard against laxity, to remind them of the integrity of the moral obligation [as if Escobar didn't!], the purity of Christian life, and the paramount importance of not taking the decisions of casuistry for rules of universal ethics'.<sup>1</sup> At the present day there are infinitely more manuals of moral theology in circulation than in Pascal's time, yet who will be so silly as to suggest that they are read widely by lay Catholics or have the slightest direct influence on their lives? The fact is that in so far as moral text-books have done any harm it has been through the medium of Pascal's charming French prose. When priests of old read Escobar they read him seriously, without omitting the inconvenient bits that rather negative the seeming mildness of some of his views. Also, they had the seven volumes of his great work, *Universae Theologiae moralis receptiores sententiae*, to turn to if they felt in any doubt as to his meaning. Two of the seven had appeared at Lyons in time for Pascal's use, had he wanted to use them.

Some years ago, a professor at the University of Graz, in Austria, Dr. Karl Weiss, became so puzzled by the discrepancies between the Escobar of legend and the Escobar whom a little study of the man's own works revealed to him, that he gallantly decided on a thorough investigation. His book appeared in 1911, a volume of

<sup>1</sup> *Pascal*, English tr., London, 1933, p. 120. In this Catholic book published by a London Catholic firm we find reference (p. 118) to a certain, unstated 'true principle of which probabilism is the *distortion*' (italics mine). Curious, to say the least of it, as the great majority of moral text-books used in seminaries to-day are based on this same distortion of the true principle, whatever it is. On p. 14 we are told about all the people who pay homage to Pascal to-day 'not excepting the Jesuits, whom he had used *somewhat ill*' (italics mine again).

334 large octavo pages with the title: *Antonio de Escobar y Mendoza as a Moral Theologian in Pascal's illumination and in the light of truth*.<sup>1</sup> The method of this book is the only truly scholarly one of giving the texts in full and letting the reader judge for himself. Writers favourable to Pascal, Strowski, for instance, have been willing to admit that he misjudged Escobar's intentions: 'Si l'on lit Escobar, comme l'a fait Pascal et à la suite de Pascal beaucoup d'autres, on y trouvera, je l'ai dit, les maximes singulières qui indignent Pascal: mais elles ne paraîtront point dictées par un esprit d'indulgence à l'égard du péché. Elles ne semblent pas voulues, ni amenées à dessein; elles paraissent imposées par la déduction et la méthode, et, parfois, acceptées à contre-cœur. L'excès dont elles sont le châtement, c'est l'excès de l'esprit juridique, non l'abus de l'esprit d'indulgence. . . . Escobar n'est pas un psychologue, n'est pas un moraliste, n'est pas un théologien: c'est un juriste.'<sup>2</sup> This line of argument, which Chevalier also adopts, copying it from Strowski, amounts more or less to saying: 'Don't be too hard on the poor fellow; he was only a lawyer and knew no better.' I am sure Escobar would have been very grateful to the kind gentlemen, but, in fact, he does not stand in the least need of such an apology.

Dr. Weiss makes it perfectly plain that he was a great and profound theologian, a conclusion which anybody who takes the trouble to read a few pages of the magnificently produced folios of his large work on moral theology will easily reach for himself. The learning alone embodied in them ought to have preserved him from the derision of learned men. But alas, they do not

<sup>1</sup> *P. Antonio de Escobar y Mendoza als Moralthologe in Pascals Beleuchtung und im Lichte der Wahrheit*, Freiburg im Breisgau, 1911.

<sup>2</sup> *Pascal et son temps*, t. iii, pp. 115-16.

read him. They choose to go by Pascal. For myself, I declare that I prefer him in the treatise *De Justitia et Jure* to both de Lugo and Lessius.<sup>1</sup> In twenty-seven finely argued chapters, Dr. Weiss discusses all Pascal's charges against him, confronts each charge with an array of texts which overwhelm it, and shows as plainly as man can show that Pascal not only misjudged Escobar's intentions but allowed his passion to blind him to Escobar's very meaning. True, the actual words which he cites from the *Liber theologiae moralis* are certainly in that book, but there are a great number of other words which he does not cite also in that book, and frequently they put a very different construction on Escobar's thought from that which Pascal tries to make it bear.

Dr. Robertson, in his book, refers us to Escobar with a very wide gesture: 'In the cases where I have quoted Jesuit opinions from Jansenist sources it will be found that I have not allowed any Jansenist exaggerations to enter. It will be found that the opinion is justly attributed to the Jesuits by referring to the writer concerned,<sup>2</sup> or as a rule to such a writer as Escobar' (*Aspects*, p. 109, n. 2). Well, let us refer to Escobar on the subject of bankrupts, which was discussed in the last section. The reader may remember the capital which Pascal made of the words 'ne indecore vivat', and how he rubbed in Escobar's concession that even a bankrupt who had contracted his debts *ex injustitia et ex notorio delicto* might retain what was necessary *ne indecore vivat*, though not as much as a bankrupt who had failed through no fault of his own. Immediately before making the concession, however, Escobar had said: 'A man

<sup>1</sup> This treatise has a charming epilogue to it, 'Ad Deiparentem Dominam meam' in which Escobar's love for our Lady is beautifully revealed.

<sup>2</sup> How often did Dr. Robertson refer to the writer concerned?

who has become bankrupt is obliged in conscience to make restitution if he afterwards arrives at better fortune. *Hoc certum.*' Earlier still, he had referred to the case when a creditor, through somebody's bankruptcy, is going to be reduced to as grave need as the debtor himself. What is the debtor's obligation in such a case? Escobar's answer is that a debtor, even if in great need, is 'not in the least excused' from paying what he owes—*Minime excusatur pressus gravi necessitate debitor.*<sup>1</sup> Those two sentences ought, by themselves, to have been enough to give Pascal pause, or, at any rate, to make him look up Lessius. But it was not his job to be just. He would have found in Lessius the context of Escobar's thought when he wrote, rather abruptly I agree, that even a culpable bankrupt could retain some of his property. When in 1663 the fifth volume of Escobar's *Universae theologiae moralis receptiores sententiae* appeared at Lyons Pascal had been dead nearly a year, so we cannot say whether he would have looked at it. Considering what little impression the earlier volumes had made upon him, it is unlikely. However, that fifth volume is open to our inspection and was open to Dr. Robertson's inspection. There we find (lib. xxxvii, dub. ciii) the following interesting question: 'When a bankruptcy is declared in a public place and accompanied with certain ignominious ceremonies prescribed by law, is the debtor's obligation in conscience to pay in full extinguished for good?' Escobar begins his answer with a short summary of what he has already written in volume iv on the subject of bankruptcy. Here are his words:

The immunity of bankruptcy was introduced by the civil

<sup>1</sup> *Liber theologiae moralis*, tractatus 3, examen ii, cap. 6, n. 20; tractatus 3, examen ii, c. 4, n. 13.



law for the common good, in order that debtors who are suited and cast into prison for non-payment may cede and make over all their assets juridically, with a view to the satisfaction of creditors, as far as is possible. Now, once the bankruptcy has been declared, two privileges or advantages follow for the bankrupt, first, that he is delivered from prison and may not be further molested, and secondly, that if he afterwards acquires some property he is not deprived of it altogether, but only obliged to compound as far as he conveniently can, and a means of subsistence is left to him, slender indeed, but fitting (*relicta ei parca quidem, sed congrua sustentatione*). This holds good in the tribunal of conscience also, as it is a privilege conceded by the laws according to which the contracts are made.

At this point Escobar repeats the question with which he began. He uses the *Sic et Non* method of argument throughout the whole work, giving first an affirmative answer to the various *Dubia*, and then a negative one, after which he winds up with his own opinion. Proceeding thus he first writes that all further obligation in conscience to pay in full is extinguished when the bankruptcy is public and accompanied with ignominious ceremonies. This, he says, is the opinion of some writers who argue that the ignominy involved extinguishes the obligation. Then he gives the negative opinion:

The obligation to pay in full is not extinguished because that ignominy does not destroy the natural duty of paying one's debts. Rather is it a punishment for the presumed fault of the debtor in contracting them beyond his power to pay, and a deterrent to others, lest by extravagance and negligence they come to the same state.

Assuredly, this is by all means the view to be held, as *in foro externo* the other one is admitted by nobody.

Next, in *Dubium CIV*, Escobar asks whether a man

who has become bankrupt 'may lawfully conceal some of the assets which he possessed before the bankruptcy with a view to living according to his state'. The discussion, in the same form as before, is as follows:

He can do so lawfully because this is to be plainly gathered from the civil laws. So speak Lessius and others afterwards to be cited.

He cannot do so lawfully, because there is no foundation in the laws for the assertion that he can. The laws speak only of property acquired subsequently to the man's failure, from which he can retain as much as will suffice to maintain him frugally (*parce quidem*) according to his condition. So de Lugo.

I know that theologians commonly say that a man can retain a sufficient amount of the assets which he possessed before his bankruptcy to enable him to live modestly (*tenuiter*) according to his state. So Silvestro, Navarrus, Bonacina [none of them Jesuits]. Bonacina cites Rebellus [a Spanish Jesuit], but that man seems to be speaking only of property acquired after the bankruptcy, though he does not explain himself with enough detail. All of them are speaking of a debtor who becomes bankrupt through no fault of his own, not of a culpable one, so Diana has no justification for saying that their concession applies also to a debtor who has become such through notorious crime. For this view of his he cites Lessius, but erroneously, for Lessius speaks only of property acquired after the bankruptcy.

I would say, then, about this matter, that from the nature of the case in the tribunal of conscience, a debtor can retain what is necessary for his frugal support (*necessaria ad se parce sustentandum*) from property owned by him before his failure, when, without that amount, he would be reduced to grave need [*Italics added*]. Notice, however, that, if a debtor *ex contractu* conceals and retains assets in this way, he cannot in conscience use the privileges granted by law to bankrupts, for the law declares him bankrupt on condition that he delivers up all his present assets in payment of his debts. But a man who

retains some of his property, *ad alimenta necessaria*, does not make a genuine cession of his goods, and it is for such a genuine cession that the privileges are granted. Accordingly, from property acquired subsequently to his failure, he will not be able to retain as much, perhaps, as he might otherwise have done, because the privilege by which he is not obliged to pay his debts from that subsequently acquired property, except in so far as he conveniently can, is granted only after a true cession of his goods, and when they have all been surrendered. He can, however, conscientiously retain as much as is necessary to keep him from suffering extreme or grave need. This is conceded to him, not by the privilege of human law, but by the law of nature.<sup>1</sup>

Dr. Robertson sent us to Escobar and that is what we find. Now let us hear him on the subject of a debtor *ex delicto*:

A man who is in debt through criminal folly being the culpable cause of the whole consequent loss, even though it may have happened by chance, is obliged to make restitution in full. . . . If through grave or extreme need he cannot and is not obliged to do so immediately, he will have to make up all his creditor's losses afterwards, as they are the result of his crime in the first place.<sup>2</sup>

And not only is he obliged to restore the full amount of the creditor's losses, continues Escobar, but also to recoup him for any damage he may have suffered through delay in payment. As we should say nowadays, he would be obliged in conscience to pay back not only the amount of the debt but interest at current rates on that amount. And it is to be remembered that this is Escobar's ruling for a man who had acquired his fortune lawfully, though he lost it through a crime. Does not

<sup>1</sup> R. P. Antonii de Escobar et Mendoza, *Universae theologiae moralis receptiores absque lite sententiae*, vol. v, pars prima, Lugduni 1663, pp. 86-7.

<sup>2</sup> *L.c.*, p. 84.

the evidence as thus fairly presented take a little of the shine from Pascal's elegant sarcasm? Most of the cases pilloried by that merciless satirist could be justified in the same way by reference to Escobar's own plain-spoken text. Considering the amount which he wrote it is wonderful how rarely he is wrong. He is subtle, indeed, as the passages here quoted from him show, and at times he allows a certain high-spirited exuberance to run away with his pen. But fundamentally he is as sound as a bell, for all the jangling tricks of his traducers.

What then, it may be objected, about Escobar's justification of the use of false weights and measures by merchants, and how defend his opinion, reported by Dr. Robertson from *La Théologie morale des Jésuites* (*Aspects*, p. 107), that they could afterwards deny on oath before a judge having done so? First, the economic situation of the period has to be taken into account. Owing to the different currencies circulating in the same country prices tended to fluctuate violently. The civil authority might, for reasons of its own, fix, let us say, the price of wheat at a certain amount, while the dealers in wheat *and* the people who purchased it might be generally agreed that that legal price was not fair. If the merchants sell at the legal price they will be ruined, and if they openly disregard the legal price they will find themselves in prison. What is to be done? Let us hear Escobar:

When two prices prevail, the one fixed by the Prince and the other established by the common estimate of the community, then the price fixed by the Prince must be observed, in the same way as must his just decrees. But if, all things considered, it is morally certain that the Prince's price is unjust and iniquitous, it need not be observed, and the seller

can accordingly take so much from the weight or the measure of his goods as will indemnify him. Should there be a doubt, though, as to whether the price is just, then it must be presumed just, in favour of the Prince who has authority to command and fix prices. But if all the people, or the majority of them, violate the Prince's monetary statute with impunity, he knowing or winking at such violation, then his statute is not obligatory, because he is considered to assent to its violation. I would speak otherwise if transgressors of the statute were punished.<sup>1</sup>

There is nothing very lax about that teaching, nor is there about Escobar's further opinion that a man charged with malpractices of the sort indicated might swear he was innocent. He gives short measure to recoup himself for the unfairness of the prices fixed by law. Public opinion is agreed that the prices are unfair, and the civil authority connives at the violation of the law. No one considers that he is acting unjustly, and he is morally certain himself that he is not doing so. However, by some mischance he is cited before a court on the charge of having used false weights and measures in his business dealings. The judge asks him whether he had used false weights and he answers on oath that he had not, meaning that they were not false in relation to the unjust prices which the law forced him to accept. The judge in this case, as Escobar states it, is not questioning juridically, or *ordine juris servato*, for which it is required that there should be a strong presumption of guilt arising out of the proven ill fame of the accused. We are not now dealing with English law at the present day but with Spanish law in Escobar's time. Suppose, however, that the judge *is* questioning juridically, that is to

<sup>1</sup> *L.c.*, pp. 159-60 (lib. 39, sect. 1, cap. 1, nn. 13-14).

say, with a right to be told the truth, how does Escobar solve the case? He solves it thus:

When the judge questions juridically and this is known to the accused, he is bound to confess the truth even though it should entail capital punishment for him. The reason for this is that everybody is obliged to obey a legitimate superior. But to conceal the truth in a matter of little consequence, or to tell a lie over it, is not a mortal sin, unless accompanied by an oath. So too, if the judge asks questions about an action that was at least not gravely sinful the accused is not obliged to reply according to the mind of the judge but can deny having done what he fears will get him into trouble. For instance, if Titius kills Caius in reasonable and blameless self-defence, he can deny having killed him before the judge, because what the judge means by his question is whether Titius has murdered Caius, and that Titius has not done.<sup>1</sup>

In an earlier part of his work Escobar wrote: 'It is certain that, if a judge questions in this juridical manner which obliges the person interrogated to confess the truth, such a person will commit a mortal sin if he conceals the truth, using an amphibological oath' (vol. iv, lib. 29, sect. 2, cap. 17, n. 194), and he goes on to say that the same applies if anybody uses an amphibological oath to strengthen a contract, 'because he thus deceives his neighbour in a serious matter'. Having dealt with the cases of persons who employ double-meaning oaths in courts or in connexion with contracts, he has the following words for other cases: 'Nobody can doubt that to speak and, *a fortiori*, to swear, without necessity or for some permitted cause, in any other sense than that understood by the hearers is a sin; for such a mode of

<sup>1</sup> *L.c.*, vol. vii, p. 247. Escobar does not say that a lie is no sin but that it is not necessarily a mortal sin.

speech is contrary to the relations of men as social and political beings.'

Here and there in his book, Dr. Robertson mentions Probabilism. It is the doctrine 'for which the Jesuits are so notorious' and by which they are to be found 'justifying everything easily'. Dr. Robertson plainly thinks, and, indeed, says so in as many words, that the Jesuits invented the doctrine of Probabilism and that it is and has always been something peculiar to their Society. But, as anybody with a moderate knowledge of the history of theology knows, the first man to expound and defend the doctrine explicitly was not a Jesuit at all but the great Spanish Dominican theologian, Bartholomew Medina, and that from his time to the date of the *Lettres Provinciales*, one of the most brilliant periods in all theological history, Probabilism was taught practically universally—and not with least verve and acumen by the Doctors of the Sorbonne. The Catholic Church condemned the Tutorism or rigorism for which Pascal and the Jansenists stood, just as at the other extreme she condemned the laxity of some casuists, including a few Jesuits. Probabilism she has never banned, and it is to-day, as it was of old, by far the most widely-approved system for the guidance of consciences within her fold. Before making his foolish remarks about it, Dr. Robertson might have tried to understand what it meant. This is not the place to enlighten him, but I may cite a passage from the derided Escobar on the subject, with which to conclude a chapter already too long: 'When there are two opinions, I gladly choose the one which rests more firmly on the sense and bearing of the particular law and of the whole body of laws, or which is more approved by custom and received opinion;

knowing, however, that against the divine or natural law human custom has no force. . . . When a problem arises about which opinions are equally divided, as regards the number, the testimony, and the authority of the doctors who have expressed them, I choose and give greater approval to the opinion which is more favourable to religion, piety and justice. . . . In the matter of vows, oaths and testamentary dispositions, my approval goes to the opinion which seems to agree better with the nature of such actions, and also to that which tends more to the protection of orphans, widows, strangers from foreign parts, and other persons called in law *miserabiles*.<sup>1</sup>

<sup>1</sup> *L.c.*, vol. i, *Praeloquium*, cap. 23.



## VI

### THE FIVE PER CENT. CONTROVERSY

IN support of his contention that it was the Jesuits rather than the Puritans who made nascent capitalism respectable by giving it religious encouragement, Dr. Robertson devotes a long section of his book (pp. 136-60) to the controversy about the lawfulness of interest on loans which divided Catholic theologians in the sixteenth century. His sole authority for what he says on the subject is an article entitled, 'Die deutschen Jesuiten im 5% Streit des 16. Jahrhunderts', which Father Bernhard Duhr contributed in 1900 to the Innsbruck periodical, *Zeitschrift für katholische Theologie*. This article was the result of much research in Jesuit archives, but it does not cite documents textually, nor, in the nature of the case, was it possible for its author to explain very clearly why the controversy arose. Dr. Robertson, at a further remove from the original texts, is naturally still more vague. His discussion hangs suspended in the air, without attachments to the historical context of the dispute. One feels while reading him as if one was walking in a fog out of which loom up all sorts of queer-looking and sinister objects, two bishops turning a whole city upside down with their yeas and their nays, a lot of squabbling Jesuits with funny names, the *census realis utrimque redimibilis*, written just like that without a word of explanation, and finally 'a famous book' which characterized the work of the Jesuits thus: 'The Jesuits, who profess an accommodating theology and try to indulge the passions and desires of men as far as they can, have worked hard on this matter of usury to find subtleties

and means of palliating and excusing it, in order to grant freedom to exercise it without scruple and in security of conscience to those who wish to follow their maxims.' In Dr. Robertson's opinion, 'this description of the activities of the Jesuits is not unjust'. The Jesuits, then, in Dr. Robertson's opinion worked hard to enable people to exercise usury without scruple. And what is the 'famous' book containing this truth so advantageous to the reputation of the Puritans? Of course, dear reader, you must know it well, as it is famous, and I need only mention its title, *La Morale des Jésuites* (1667), for you to know that you know.<sup>1</sup>

Now, let us see the Jesuits busily working to enable people to exercise usury without scruple. But first of all what *is* usury? It is and was and ever will be a sin committed in connexion with the bilateral contract of loan or *mutuum*. In the canon and civil law that contract consisted of a transaction whereby one party transferred to another some thing of his, consumable by use, some thing, in other words, sterile and unproductive, with the obligation on the borrower's side to return to him another thing of the same kind, exactly equal in amount and value. Goods thus transferred were called 'fungibles' because their place could be supplied by other goods of the same kind, or, as we might say, other goods could 'function' for them. A loaf of bread is a simple

<sup>1</sup> One could wish that the Jansenists had been more inventive with their titles, seeing how inventive they were in other directions. It is easy to get this last-mentioned book confused with *La Théologie morale des Jésuites* (1659) and *La Morale pratique des Jésuites* (1669-95). As already indicated, *La Morale des Jésuites* was compiled by the Jansenist Nicholas Perrault. Like the *Morale Pratique* it was printed and published by the Elzevir firm in Amsterdam, though both books have a different inscription on their title-pages. Goldsmid, *Bibliotheca Curiosa*: a complete Catalogue of all the publications of the Elzevir Presses, vol. i (Edinburgh, 1888), pp. 146-7.

example of a fungible commodity. It does not breed other loaves of bread as a cow breeds other cows, nor sprout rolls as a vine sprouts grapes. It is sterile, and to use it is to consume it. If, then, I lend you a loaf and require back two loaves of the same size, I am charging you twice, for the use of the loaf and for the loaf itself, though those two things are really only one thing. I am a usurer. Usury consisted and consists in precisely that, to loan some unfruitful thing and to require, not only the return of a similar thing, but payment for the loan, considered purely as a loan. It is a breach of contract, and so, unjust and sinful.

Among fungible goods, the canon and civil law long considered money to have its rightful place. Certainly, in the old times money did not breed money, and most people will agree that, at least until the close of the Middle Ages, it could rightly be considered unproductive. It is true that in some restricted areas it had already by then acquired a quasi-fecundity owing to trade developments, but, generally speaking, it was sterile, as there was hardly any scope for investing it in our modern way. A man kept it in a stocking or in the vaults of some obliging monastery, and, from time to time, took out what he needed to pay a debt, buy food, or lend a friend. If he demanded anything of his friend over and above the return of the sum lent, and that purely in consideration of the loan, he committed usury. At the beginning of the fourteenth century, the Council of Vienne declared that any one who should dare to affirm the lawfulness of usury was to be punished as a heretic.

While, however, insisting with great emphasis on the sinfulness of usury, the Church and her theologians did

not teach that compensation for the advancement of money was always unlawful. There might be just titles to such compensation, extrinsic to the contract of the loan, but arising on occasion of it. Thus, if a man asked me, in the long past, to lend him £100, and I was really and truly and without pretence going to spend that sum on the sowing of a crop of wheat, which I could be sure would yield me a return of at least 5 per cent., or on repairing a building, which, if left longer, must involve me in 5 per cent. extra expense, then I could quite justly require the borrower to pay me back, not a hundred, but a hundred and five pounds. The two titles arising here on occasion of the loan were called technically *lucrum cessans* and *damnum emergens*, and, after a brief period of discussion and hesitation, nearly everybody, from Pope to peasant, recognized their validity.

It was easy enough to determine whether these and other good titles<sup>1</sup> had a place in the loan contracts of medieval Europe, but, with the tremendous developments of commerce consequent on the discovery of new trade routes by sea, the old, simple tests became more difficult to apply. Money took on yearly more and more of the lineaments of productive capital, though not for centuries would it develop into the monster of fecundity which nearly throttled its Frankenstein in 1932, and thus, while the merchants, in their eagerness to get rich quick, endeavoured by Procrustean methods to make the ancient titles cover every sort of new and shady transaction, the theologians, on their side, became more and more perplexed over the increasingly complicated

<sup>1</sup> Such as the *poena conventionalis*, a fine, agreed on in the contract, to be imposed for delay in the return of the sum lent, and the *periculum sortis*, meaning the danger to the capital, which could be very real and for which some compensation was reasonable.

problems of commercial justice. The following paragraph, written by the Jesuit, Laynez, about 1554, gives some idea of the state of affairs:

As it is supremely necessary to avoid cheating one's neighbour in business or acting towards him unjustly, so is it extremely difficult to detect when such deception or injustice has place in commercial transactions. On the one hand, neither Scripture nor the ancient Fathers and philosophers deal with the matter in detail, and, on the other, the astuteness of the merchants, fostered by their lust for gain, has discovered so many tricks and dodges that it is hardly possible to see the plain facts, much less to pronounce judgement on them. This is the reason why modern writers, whether theologians or jurists, are so confused and at variance with one another.

Finally, the matter, being a question of morals, only admits of a certain probability, because its nature is such that the least change of circumstances renders it necessary to revise one's judgement of the whole affair. Consequently, to decide such variable questions exactly one would need to be an Argus with a hundred eyes. As St. Basil says very well: To understand justice is, in truth, the part of a great intellect and of a very perfect mind.<sup>1</sup>

In some parts of Europe, ever since the fifteenth century, long before the foundation of the Society of Jesus, a business arrangement by which the investor could obtain 5 per cent. for his money had become prevalent and popular. It was so widespread in Germany that it obtained throughout Europe the name of the *Contractus Germanicus*. The person in this contract on whom the theologians fastened suspicious eyes was a sort of sleeping partner or debenture holder who drew a steady 5 per cent. from his investment, without industry on his part or danger of losing his capital. This

<sup>1</sup> Grisar, *Jacobi Lainez disputationes Tridentinae*, vol. ii, p. 228.

happy arrangement was secured in the following way. The investor, when making the contract of partnership which everybody considered perfectly legitimate, also entered into, or was supposed to enter into, two other contracts, one of insurance against the loss of his capital, for which he had to pay by agreeing to accept a percentage of the total profits less than he would have otherwise obtained, and a second, also of insurance, by which he agreed to accept a still lower but guaranteed percentage or rate of interest on the profits. All theologians admitted that these contracts, if made with three separate persons, would be quite just and untainted with usury, but numbers of them doubted whether, if made with one and the same person, they could be pronounced innocent. And certainly at first sight there was a case against the Triple Contract, as the combination of the three came to be called. It seemed like pure usury, that is to say, drawing profit without labour, loss, or risk from the loan of a fungible commodity. But its defenders denied that it entailed no loss. They argued that the title, *lucrum cessans*, was involved, and undoubtedly they had the rights of the argument if the lender or investor was in a position to use his money with profit in other and legitimate ways.

Of course, it is open to any one to say that the titles to interest recognized by Catholic theologians were all moonshine, and only invented to allow usury under other names. Dr. Robertson does say as much. He informs us (*Aspects*, p. 135) that the 'prohibition of usury had broken down in practice at the beginning of the sixteenth century amongst Catholics and continued during the course of the century to become more and more unreal'. It would take much too long to argue the

point, so I can but refer the reader, if he cares enough, to the latest treatise on the subject, August Knoll's *Der Zins in der Scholastik* (Innsbruck, 1933), where he will find it abundantly proved that Dr. Robertson's ideas are wrong. The principal early defender of the legitimacy of the *Contractus Germanicus* was the famous (really famous) theologian, Johann Eck. First from his professor's chair in the University of Ingolstadt and then in a series of printed theses he maintained with great vigour and acumen that the Contract was perfectly free from usury. 'His theses', writes Dr. Robertson, 'were peddled with varying success round the Universities of Ingolstadt, Bologna, Vienna and Mainz.' The peddling is a matter of opinion, but the varying success is true, as, though Ingolstadt University declared for Eck's view, its Chancellor, the Bishop of Eichstätt, forbade the debates, moved probably by an unfavourable report from the canonists in Mainz.

But Eck was not to be crushed so easily. Encouraged by the Papal Nuncio, Campeggio, among others, he went to Bologna, the great University of law, in 1515, and there, on July 12, debated his thesis with great success. His humanist enemies in Germany spread a story in their *Epistolae obscurorum virorum* that he had explicitly defended usury, but his own words remain to prove them libellers. After his good reception at Bologna, he applied to Paris for a pronouncement on the Triple Contract argument by which he justified the *Contractus Germanicus*, and received word that the Sorbonne's foremost theologian, John Major, agreed with him as to its lawfulness.<sup>1</sup>

<sup>1</sup> Zech, *Rigor moderatus Doctrinae Pontificae circa usuras*. In Migne, *Theologiae cursus completus*, vol. xvi (Paris, 1859), cols. 932-3.

Then, with Luther, came the deluge, and Eck had to attend to more important matters than the ethics of partnership. By the year 1549, when the first Jesuits arrived to settle in Germany, Luther, Eck, and all the other early valiants of the Reformation struggle had disappeared from the scene. A decade later, St. Peter Canisius, the first German Jesuit and first provincial superior of his brethren in the country, was appointed by Cardinal Otto Truchsess to the post of Cathedral preacher in Augsburg, the greatest centre of banking and exchange in the Emperor's dominions. St. Peter was not long in discovering that the merchants and bankers of the City possessed elastic consciences, and he was not slow to tell them so. In a sermon preached on the feast of St. Matthew, September 21, 1560, he said:

Have we not many Matthews in Augsburg? They sit not only in the custom-house but in the town-hall and in the business offices. The whole earth is full of Matthews and publicans and usurers and those who grind the faces of the poor with various practices. Are not they Matthews who in all their dealing seek only gain, oppressing their neighbour in buying and selling, in lending money and . . . taking six or ten per cent. on it a year . . ., even though the poor man suffers. . . . And now come the new preachers to increase the licence, so that merchants sin without any conscience, so that nobody makes restitution and whole families are on the way to damnation, owing to the unjust riches acquired through usury.<sup>1</sup>

In the letters of Canisius to Laynez at this time there are frequent appeals for advice. Being a saint does not necessarily make a man clear-eyed on all practical problems, and Canisius, in certain respects, tended to

<sup>1</sup> Braunsberger, *Beati P. Canisii epistolae*, vol. ii (1898), p. 855.



be over-scrupulous in his regard for the letter of the law. On the usury question, his profound sympathy with poor men served to reinforce his misgivings and to render him somewhat blind to the changed conditions of social life. The consequence was that he remained an obstinate medievalist on the subject of taking interest for loans. In other words, he failed to appreciate what was certainly a fact, that in his time the old titles could justly be made to cover and legitimize transactions formerly usurious. Looking back from our superior vantage-point, it is easy for us to be scornful of the old controversies; to regard some Jesuits as fools because they failed to understand that their world had changed and other Jesuits as unprincipled because they allowed for the new circumstances.

Besides his difficulties with regard to the *Contractus Germanicus*, which he never succeeded in putting to rest, St. Peter Canisius had others on the subject of *census* or rent-charges customary in Germany. These rent-charges were annuities of two main kinds, real and personal. A real rent-charge, what the French call a *rente-foncière*, meant the right to an annual pension, based on the alienation of some fructifying property, such as lands or flocks, by the annuitant to another. The personal rent-charge was so called because founded, not immediately on the goods, but on the industry, office, credit of the person to whom the property or sum of money had been made over. On being questioned, Laynez, the General of the Society of Jesus at this time, informed Canisius that the rent-charges were lawful provided a true sale took place, that is, provided the alienation of the property was absolute. Father Elderen, the companion of Canisius in Augsburg, also asked for

advice on the same subject, and had the following reply from Laynez on December 29, 1562:

If the annuity be not a true purchase (*emptio*) but covert usury, one ought further to consider whether the owner of the capital is willing but unable to get it back from him to whom it is loaned. For then, by reason of the title, *damnum emergens*, or also by that of *lucrum cessans* if the lender is able and ready to lay out his money in some other useful way, it is legitimate for him to receive some interest. Further, it will not be usury to require some interest by reason of the *poena conventionalis* in the contract, or by reason of any other of the titles which Father Nadal has set forth. Finally, by whatever means it can be done, let not the penitents be reduced to despair nor alienated from Confession. In this matter one should not use the severest opinions, but those commonly held by theologians.<sup>1</sup>

Dr. Robertson cites the last two sentences of the foregoing letter as a pendant to the following remarks: 'The first thing which is apparent is that the hands of the Jesuits were more or less forced by the pretensions of their charges. *The Jesuits were determined to retain their influence over the laity and could not afford to strain the allegiance of their followers too far*' (*Aspects*, p. 137. Italics inserted). Now, anybody reading the passage given above from Laynez's letter with a little care will observe that he twice over alludes to the frame of mind of the person receiving the annuity. If there was no real sale and consequently no properly constituted rent-charge, the mind of the annuitant had to be explored. Was he in sober truth *willing* to recall his money, laid out usuriously, and was he able to get it back? If he seriously wanted to recall it so as to invest it in some legitimate way, but could not, as a matter of hard fact, get it out

<sup>1</sup> Braunsberger, *l.c.*, vol. iii, p. 585.

of the borrower's hands, then he plainly had a good title, *ex lucro cessante*, to indemnification. In other words, the validity of the titles depended in the last resort on the bona fides of the contracting parties. However plausible they might make things look on paper, if, in fact, their own minds and wills did not endorse their words, then, for all their trouble, they were usurers before God and guilty of mortal sin. How the investigation of a delicate problem of conscience such as this proves Jesuit determination to retain influence over the laity, I completely fail to see. Underlying Dr. Robertson's words is the chivalrous suggestion that the Jesuits were not beyond letting their principles go by the board, in case the laity pressed them too hard. He talks airily about the Jesuits in general, whereas there were only two concerned, and one of the two is a canonized Saint. Moreover, St. Peter Canisius and his companion, Father William Elderen, waged such ceaseless war against every form of commercial malpractice that they were both subjected to heavy persecution and eventually compelled to abandon their work in Augsburg.

Layne, in his letter, referred to some notes of Nadal, who, after the General himself, was the most important and influential man in the whole Society of Jesus. In 1562, Nadal, the representative in Rome of the German Jesuits, drew up a set of rules for the guidance of the Fathers at Ingolstadt and Augsburg. The following is an excerpt from this document:

In the usury cases which happen commonly in Augsburg, for instance when Socrates gives Plato money and, his capital remaining intact, receives annually 5 or 6 per cent., clearly the answer must be that the transaction is against the divine and natural law, nor can any dispensation be looked for with

regard to it. But it is lawful to receive the same gain, either if it is genuinely given as a present, without deceit or fraud, or on account of *damnum emergens* or *lucrum cessans*, provided that damage really does ensue for Socrates or that he does really cease to make profit, if Plato has his money. The *poena conventionalis* is reducible to this latter title, namely when Socrates lends Plato his money, stipulating that he must pay a certain sum over and above if it is not returned within the agreed time. The sign that this convention is not a usurer's fraud will be if Socrates is more anxious to have his money returned at the end of the agreed time, without a fine added or any gain, rather than later with a fine.<sup>1</sup>

As to whether the Jesuits professed 'an accommodating theology' or allowed their hands to be 'forced by the pretensions of their charges', we have some news from Augsburg, dated June 1564. The canons of the Cathedral chapter there drew up a long list of complaints against St. Peter Canisius and his brethren, among which were the specific charges that they showed themselves too stern in the confessional and refused to absolve those whom they judged to be usurers. St. Peter made his defence in a long document, of which the following is an excerpt:

With regard to the usurers, of whom, alas, there are too many cases in Augsburg, the Jesuit Fathers know what is in accordance with divine and human law in this matter, and also what modern doctors and canonists think. They go by the prescriptions of these authorities, lest, acting otherwise, they damn their own souls and the souls of others. . . . They consider to be usurious the custom now everywhere common among the people of taking 5 per cent. for money loaned, the

<sup>1</sup> *Monumenta Historica Societatis Jesu. Epistolae P. Hieronymi Nadal*, vol. iv (Madrid 1905), p. 247. The sixty-two volumes of the *Monumenta Historica* published so far (Madrid-Rome, 1903-32) contain the true *Morale pratique des Jésuites*.

capital remaining the creditor's property and returnable to him at choice.

It is not possible to excuse this custom in conscience, because formal and real usury is here plainly committed and the divine precept violated, *Mutuum date, nihil inde sperantes*. This is so, no matter what certain jurists oppose, who, arguing according to the prudence of this world, think that many things of this kind are to be winked at, against the common and received doctrine of both ancient and modern theologians and canonists.<sup>1</sup>

So, rightly or wrongly, did St. Peter Canisius declare himself, and he was for fourteen years the provincial superior of his brethren in Upper Germany. Neither Laynez nor Nadal had been able to tell him definitely that the *Contractus Germanicus* was lawful, and he and most of his brethren accordingly regarded it with the deepest suspicion, even though it was expressly allowed in Augsburg by a decree of the Senate. When St. Francis Borgia succeeded Laynez as General of the Society of Jesus, he, too, received anxious appeals from Germany on the subject of the Contract. It was causing the Jesuit confessors there infinite difficulty from the simple fact that they were *not* willing to have their hands forced by their charges. The first sign of any change in their attitude appeared in 1567, when Pope St. Pius V, on being asked by Borgia, declared as a private theologian, that he thought 5 per cent., derived from the combined contracts of partnership and insurance, that is to say, from the Triple Contract, might lawfully be taken, at least in the case of minors and other such persons who could not themselves traffic with their money.<sup>2</sup> On receipt of this news, Canisius gratefully recorded the comfort that

<sup>1</sup> Braunsberger, *L.c.*, vol. iv, p. 563.

<sup>2</sup> Braunsberger, *L.c.*, vol. v, pp. 486-7, 529.

it gave his men, but, at the same time, called the General's attention to other elements of the problem which had not yet been clearly defined. The reason for that was a curious hesitation in the Pope's own mind about the whole affair. He inclined to think that the Triple Contract was lawful, but, fearful of the consequences of openly sanctioning it, made reservations which had the effect of further obscuring the issues. One thing is quite plain, that the German Jesuits never dreamt of acting on their own responsibility, but were scrupulous to apply to Rome whenever a point seemed to need explanation.

In 1569<sup>1</sup> Pope Pius issued the Bull, *Cum Onus*, on the subject of rent-charges, a rigorous piece of legislation forbidding certain developments in the theory of rents which assimilated them to the Triple Contract. The Bull, in Dr. Robertson's opinion, 'was a challenge to the Jesuits and they accepted it boldly' (*Aspects*, p. 153). For any evidence to that effect, though, he has to jump four years, and then all that he can give us is a snippet out of Father Duhr, recording the verdict of some Roman Jesuits in 1573, that where the legislation of Pius V was not in force it did not bind. And neither did it, as any tiro in canon law could have told him. He allows us to think that the developments in the theory of rent-charges were due to the innovating activities of the Jesuits when, as a matter of fact, theologians such as Gabriel Biel and John Major had discussed and defended them before the Society of Jesus came into existence. Again, he mentions a certain 'Father Martin', whom he found in Duhr's article, as preaching *against* the lawfulness of the 5 per cent. Contract, and appears to deduce from that and two other completely irrelevant

<sup>1</sup> Not 1559 as in *Aspects*, p. 153, and Index, *sub verb.* 'Bulls'.

facts the somewhat remarkable conclusion that the Jesuits had become terribly lax. At any rate, immediately after recording the three facts he continues: 'And so matters went on. By 1571 the laxity of the German Jesuits was so pronounced that the Austrian Provincial complained of its spread into Austria' (*Aspects*, p. 138). Had he but known that Father Martin Gewarts was the most celebrated preacher the German Jesuits possessed, and that his influence in Munich, the seat of the Bavarian Court, was very great, he might have reckoned a sermon of his *against* the lawfulness of the universally practised contract evidence of obscurantism, or rigorism, or anything else he liked, but not surely of laxity. As for the Austrian Jesuits and their complaint, the explanation is perfectly simple. After Pope Pius V had expressed his mind in a sense at least partially favourable to the *Contractus Germanicus*, and before the publication of the Bull, *Cum Onus*, some of the German Jesuits went as far as His Holiness had done but not one step farther. In Austria, on the other hand, the 5 per cent. Contract was almost unknown, owing to different economic circumstances, and had no such sanction in the country's laws as it enjoyed in Germany. The Austrian Jesuits accordingly declared against it when the question came up, but only for fear of giving scandal by any other decision, and not on theological grounds. In any case, as Dr. Robertson must have seen in Duhr's article, the Austrian Fathers misunderstood the point at issue, thinking it to have been settled in Rome that 5 per cent. could be taken on the capital of minors, widows, and such people, without reference to any title extrinsic to the mere loan. But, of course, as already shown, that was not so at all. The 5 per cent. was permitted only if

taken according to the terms of the Triple Contract, which itself depended for its lawfulness on the titles of *damnum emergens* and *lucrum cessans*.

The unreality of Dr. Robertson's treatment of this question becomes apparent when he refers to the Jesuit commission set up in Rome in 1573 to discuss the 5 per cent. Contract. Of the fourteen decisions at which the Fathers arrived he dismisses all save one as 'not particularly interesting'. Now, why are they not particularly interesting? Can the reason be that, instead of affording support to Dr. Robertson's thesis of Jesuit laxity, they go dead against it, condemning usury, and anything bearing the semblance of usury, in the plainest terms?<sup>1</sup> The single decision on which he fastens for comment runs as follows: 'As often as two or three doctors are of the same opinion on matters pertaining to moral theology and cases of conscience, the confessor can follow their view when the common opinion of doctors does not gainsay it.'<sup>2</sup> In his footnote reference to Duhr's article for this decision, which is paraphrased there accurately enough, Dr. Robertson writes as follows: 'This is certainly one of the earliest enunciations of the doctrine of probabilism.' He plainly feels that he has made a discovery, for in his text he says: 'This might prove to be one of the beginnings of the doctrine of "probabilism" for which the Jesuits are so notorious. It is not impossible that the adoption and development of this doctrine might be traced to the efforts of the Jesuits to keep up to date in their economic casuistry.' Now,

<sup>1</sup> The decisions are given in their Latin original in Braunsberger, *l.c.*, vol. vii, pp. 672-4.

<sup>2</sup> 'Quotiescumque duo vel tres doctores idem sentiunt in rebus moralibus et conscientiae casibus, potest confessarius illos sequi quando non reclamant communis sententia doctorum.'—Braunsberger, *l.c.*, p. 674.



as we are indulging in 'mights', let us say that the decision of the Jesuits might be shown to be something quite different from probabilism. There are four different drafts of the decision. In one of them it first ran as follows: 'As often as two or three doctors are of the same opinion in matters pertaining to moral theology and cases of conscience, the confessor can follow their view, *even if he himself and other doctors think the contrary.*' If that last concessive clause had been allowed to stand, Dr. Robertson would have a good case, but it was crossed out, and the words 'when the common opinion of doctors does not gainsay it' substituted. As thus stated the doctrine taught is not probabilism at all but something more like tutorism, or, at any rate, probabiorism, for, ambiguous though it is, it seems to imply that the common opinion must be followed irrespective of the probability of other opinions. The confessor cannot follow the opinion of two or three doctors, or, as in another draft of the decision, that of four or five doctors, when the common opinion is against it. The probability of an opinion, it should be said, does not depend on a counting of heads, for or against it. It is to be deduced primarily from internal reasons and by speculative argument. The intrinsic soundness of those reasons and the cogency of the argument are what constitute a doctor's authority in the matter. The opinion of one single doctor, such as St. Thomas or St. Alphonsus Liguori, might be held as probable on the ground of their authority, whereas the common opinion of ten other doctors, or twenty or a hundred, might not be probable, because they merely copied one another and the initial reasoning was weak.

'It is not impossible', says Dr. Robertson, 'that the

adoption and development of this doctrine [probabilism] might be traced to the efforts of the Jesuits to keep up to date in their economic casuistry.' Unfortunately, the great school of Dominican theologians at Salamanca got in first. We find, for instance, the illustrious founder of the school, Vitoria, writing in 1539, before the Society of Jesus was founded, that 'if an educated man considers two opinions to be probable, then, no matter which of the two he follows, he does not sin'. Vitoria's pupil, the famous Melchior Cano, who, incidentally, was no lover of the Society of Jesus, underlined that doctrine about 1548 and added that a confessor would often be justified in following a probable opinion even if it was contrary to what he himself believed. The Jesuits of 1573, as we have seen, hesitated on this point and eventually crossed out Cano's concession. Dominic Soto, one of the most learned and authoritative Dominican commentators on St. Thomas, expressed himself in the same terms as Vitoria, in his *De Justitia et Jure*, published in 1556, and, to make a long story short, Bartholomew de Medina, the head of the Dominican school at Salamanca in 1573, taught explicitly that '*if an opinion is probable, it is lawful to follow it, even though the opposite opinion be more probable*'.<sup>1</sup> That scrap of history is enough by itself to dispose of Dr. Robertson's suggestion, but

<sup>1</sup> Medina's lectures were published in 1577 under the title, *Expositiones in Sanctum Thomam*, and there, *Prima Secundae, quaest. 10, art. 6*, we find the definitive expression of probabilism: 'Si est opinio probabilis, licitum est eam sequi, licet opposita probabilior sit.' His proof of this proposition is exactly what any probabilist of to-day would put forward: 'An opinion is said to be probable not because apparent reasons are adduced in its favour and because it has assertors and defenders, for by that argument all errors would be probable. Rather is that a probable opinion which wise men put forward and confirm with excellent arguments.' It would imply a contradiction, he maintains, if we could not lawfully follow an opinion probable in this sense, even as against another speculatively more probable.

much more could be said. The probabilism whose adoption and development he would trace to the efforts of the German Jesuits to keep up to date in their economic casuistry was taught explicitly at the beginning of the seventeenth century by the most eminent among the Jesuits' traditional foes, the Doctors of the Sorbonne!<sup>1</sup> Moreover, the Jesuits' greatest theological antagonist in Spain shortly before, the Dominican Bañes, was in his moral theology a probabilist.

In March 1575 the Bishop of Augsburg, Johann Egolph von Knöringen, moved principally by the representations of his friend Jasper Haywood, an English Jesuit professing at Ingolstadt, issued an ordinance forbidding the priests of his diocese, under pain of suspension, to absolve those who put their money out to interest according to the *Contractus Germanicus*. At the same time he declared that those who defended the Contract in writing would incur excommunication, reserved to himself. Father Paul Hoffaeus, a man of austere life but difficult temper, had by this time succeeded St. Peter Canisius as Provincial of the German Jesuits. He was very angry with Haywood for what he had done, because, according to his version, the Bishop, through Haywood's advice, was put in the humiliating position of having to withdraw his orders, so much clamour did they raise. Now, from the many letters of Hoffaeus published by Braunsberger it is easy to see that he was given to exaggerating and interpreting events according as they suited or opposed his own ideas. He certainly seems to have exaggerated on the present occasion, because

<sup>1</sup> Extracts from the writings of Gamaches, Isambert, and Duval, all professors at the Sorbonne, which expound and defend probabilism as clearly as a modern Jesuit professor could do it, are given by de Meyer, *Les premières controverses jansénistes en France*, p. 51.

everything goes to show that the Bishop did not withdraw his orders.<sup>1</sup>

A few months later Bishop Egolph died and was succeeded by Bishop Marquard von Berg, who promptly quashed his predecessor's ordinance. On this subject we have an interesting letter from Father Theodoric Canisius, half-brother of St. Peter and Rector of the Jesuit University of Dillingen. It was addressed to the General, Father Mercurian, February 12, 1576:

We daily find our Patron [Bishop Marquard] more difficult to deal with. He has already withdrawn six hundred florins of the University's annual revenue. . . . Just recently, some priests of this diocese, formerly our pupils in theology, showed themselves unwilling to absolve those who desired to use in future that *Contractus Germanicus* by which 5 per cent. is received, with power to recover the capital. Their chief reason for refusing was the very serious ordinance which the previous Bishop had published and which had been approved by leading theologians and jurists, forbidding the absolution of such persons. . . . So incensed was our patron with these priests that he gave orders for their imprisonment and said that, if they remained wedded to their opinion, he would deprive them of their pastoral office. The same was to apply to all who should in future deny absolution in such circumstances. He also suspended Father Jasper Haywood from his office of lecturer, because he had enlarged on the question in class, when dealing with the subject of usury, and threatened the rest of us with prison if we should dissuade priests subject to him from giving absolution in such cases.

On one occasion when I was present, our Patron denied that the *Contractus Germanicus* was against the divine law, for if it had been, he said, he would not permit confessors to absolve those who employed it. But those people themselves recognize and confess that it is a mere contract of loan, nor

<sup>1</sup> Zech in his *Rigor Moderatus* gives the true account of the affair, from the original documents. In Migne, *Theologiae Cursus Completus*, vol. xvi, cols. 973-4.

can learned theologians and jurists, who are often asked about the matter, find in it another legitimate contract. At last we have brought about that Father Jasper should not be stopped from lecturing at present. I have been informed by various learned men that they had more than once heard recently from our Patron's own lips that he was not such an *ignoramus* and *tiro* (he is a doctor of law) as not to know that the common *Contractus Germanicus* was usurious; but that he wished it to be tolerated by confessors, just as it is tolerated by the civil magistrates (though it has never been approved by the Estates of the Empire but often condemned). . . . This affair has caused much scandal, especially as priests throughout the whole diocese are ordered to absolve from this usury until it is condemned again by the Pope and the Imperial Courts, *et in specie et in Germania*.<sup>1</sup> . . . The Bishop, who is learned in the law, is unwilling to be advised by others, and least of all by those of our Society, with regard to the matter. The Fuggers are backing him up and so too are some of the principal officials of this diocese.<sup>2</sup> . . .

As I was writing these lines I received a summons to the Bishop. . . . In presence of his chief officials he admonished me seriously and with great weight of words that I must not henceforth suffer anything to be taught in our schools against the *Contractus Germanicus*, nor allow his parish priests to be frightened by our men from granting absolution to those who use it. He added that to condemn the Contract publicly is a heresy more pernicious than all other heresies now in Germany. . . . He also threw in some serious threats as to what he would do if he found we were not fully obedient. I replied that we should take pains to ensure of his having no just cause of complaint against us, and with that we parted.<sup>3</sup>

In Dr. Robertson's opinion, such an episode as this

<sup>1</sup> This is a reference to the Bull of Pius V which did not condemn the Contract *in specie*. The Bull was not promulgated in Germany.

<sup>2</sup> The Augsburg canons, who so strongly objected to the strict views of St. Peter Canisius on the subject of usury. There is much evidence to show what unworthy ecclesiastics these men were.

<sup>3</sup> Braunsberger, *l.c.*, vol. vii (1922), pp. 341-2.

of Bishop Marquard 'shows very clearly that the commercial spirit was working as strongly within the Catholic Church as within the Protestant Churches' (*Aspects*, p. 142). One single hot-headed German bishop is thus made to represent the whole Catholic Church, which is a most convenient method of polemics. But the Catholic Church can look after herself. It was Jesuits that Dr. Robertson set out to prove fosterers of the commercial spirit; and behold, we find them, on first-hand evidence, actually being persecuted and threatened with prison for their opposition to the spirit of commerce. There is evidence enough, even in Duhr's compressed article, to the same effect, had Dr. Robertson been sufficiently impartial to weigh it fairly, instead of allowing his preconceived ideas to entangle him in a mass of contradictions.

The Jesuit General, Father Mercurian, had consulted the new Pope, Gregory XIII, as to what attitude the German Fathers should adopt. The Pope advised that they should not absolve those who used the *Contractus Germanicus*, nor, on the other hand, publicly denounce that usage, and this being communicated to Hoffaeus, the Provincial, he answered from Munich, April 13, 1576, as follows: 'I have now instructed our Fathers to tell their friends who are unwilling to change this Contract . . . that they must look out for other confessors. If His Holiness writes to the bishops about the Contract, he will be likely to cause a sufficiently serious commotion and will succeed in changing nothing whatever. . . . As for ourselves, we shall religiously avoid hearing the confession of any one who is not prepared to give up using the Contract.'<sup>1</sup> On the Pope's instructions, Cardinal

<sup>1</sup> Braunsberger, *l.c.*, p. 343.

Morone, who was then in Germany, visited Bishop Marquard and informed him 'that he ought not to constrain the [Jesuit] Fathers to do a thing which they considered against their faith and conscience, but to leave them to their pious zeal and scruple for the salvation of souls'.<sup>1</sup>

A very good idea of the frame of mind in which a number of the German Jesuits worked may be gathered from a letter addressed to Mercurian in May 1576 by Father Gregory Rosephius, the official preacher of Augsburg Cathedral: 'I shall strive faithfully and strenuously to secure that what has been decided in Rome with regard to the 5 per cent. Contract may be carried out, for the Pope's wishes and holy obedience mean more to me than the deceitful favour of men. The Lord will not abandon us. But I have one scruple left which I shall lay before your Paternity. . . . If we must not and cannot absolve those who practise the *Contractus Germanicus*, this is a plain sign that the Contract is intrinsically wrong. Now if it is wrong, why is it not permitted to impugn it publicly, so as to make others afraid of it? For your Paternity should know that here in Augsburg, in Nuremberg, and in Ulm all the citizens, not to speak of wealthy Germans in general, are addicted to the use of this Contract. If we remain silent and they continue in their course, they will seem to be excused or, at least, we shall become sharers of their sin. For what else should the simple people do when they see that the old-established custom is defended by the magistrates, praised by the Bishop, and uncensured by the Preacher?'<sup>2</sup>

<sup>1</sup> Hansen, *Nuntiatursberichte aus Deutschland 1572-1585*, vol. ii (Berlin 1894), p. 31.

<sup>2</sup> Braunsberger, *l.c.*, vol. vii, pp. 573-4. Dr. Robertson cites a few lines of this letter from the paraphrase in Father Duhr's article, but he does not give the first lines, though they are in Duhr.

We might wonder what such eminent Catholics as the Fuggers were thinking about the controversy and about the attitude in it of their friends, the Jesuits. Dr. Robertson cites from Duhr a passage of an interesting letter on the subject written by Father Theobald Stotz, the confessor of Mark Fugger, to Mercurian, but, as so often, misses the implication of the words. Stotz quotes a letter which he had received from Mark and this is what Mark says: 'If the line of conduct which he [the late Bishop Egolph] laid down must be obeyed, then not only we Fuggers, but all Germany would be in beggary in three years. But neither the Pope *nor your Company would mind that . . .*'<sup>1</sup> Of course Mark is being sarcastic, but even so, it is plain that he did not share Dr. Robertson's conviction as to Jesuit championship of high finance.

The true facts of the story, so far, are that the Jesuits, in common with all other Catholic theologians, recognized certain valid titles to interest, but, like other Catholic theologians, were divided in opinion as to whether the true titles could be said to cover the *Contractus Germanicus*. The Provincial, Father Hoffaeus, inclined to think all along that the Contract could be justified, as Eck and others had justified it in the past, by showing it to contain implicitly other contracts, besides that of mere loan, which would allow of interest being taken. Father Jasper Haywood throughout could not see how this was so, and he consequently waged war to the death on the *Contractus Germanicus*. St. Peter Canisius, chiefly because he was a saint and had such a horror of sin, tended to side with Haywood rather than with Hoffaeus but, of course, did not go to Haywood's extremes in opposition. We have seen with what

<sup>1</sup> Dr. Robertson's translation, *Aspects*, p. 143. Italics inserted by me.



scrupulous exactness Hoffaeus and those who thought with him obeyed the Pope's instructions, though they felt sure that Rome was not cognizant with the full details of the case. Not a word of the letters written by these men affords ground for the least suspicion that they were interested in anything whatever but the triumph of justice and the avoidance of sin.

At this time (1576), the arrival in Germany of a new book on the usury question by an Italian jurist named Caballino added considerably to the worries of the Jesuits. Caballino did not, as Dr. Robertson erroneously puts it, 'throw overboard the traditional teachings of the Catholic theologians', but he argued vigorously for the lawfulness of accepting interest in a large number of cases. 'If what Caballino says is true,' wrote Hoffaeus to the General, 'we have certainly been too hasty in condemning the Germans for their 5 per cent. Contract. We therefore need fresh advice.' They certainly did, because, on the one hand, Caballino's book tended to confirm in their views those many German Catholics who deemed themselves justified in accepting 5 per cent. for their loans, while, on the other, the new Duke of Bavaria, William V, seemed determined to make the practice illegal in his dominions. According to Dr. Robertson, this situation was to reveal the Jesuits in their true colours. 'The Company of Jesus', he writes, 'was about to throw itself wholeheartedly on to the side of progress—that is to say, the side of individualism, of capitalism' (*Aspects*, p. 146).

Let us see briefly how the Company of Jesus made this remarkable *volte face*. First of all, the Duke of Bavaria applied to the faculties of law and theology in his University of Ingolstadt for an opinion on the *Contractus*

*Germanicus*. The faculty of law answered on February 8, 1580, that the Contract was always illicit and could never be sanctioned by His Highness. During Lent that year Hoffaeus preached three times before the Duke's Court on the subject of usury, maintaining the views which he and all his brethren held that it was forbidden and sinful, but at the same time showing that the taking of interest need not always be usury. Then, in August 1580, the professors of law and theology at Ingolstadt, including two Jesuits, met to discuss the Duke's question. Apparently the theologians influenced the jurists, for the whole body now signed a letter dissuading their Prince from forbidding the *Contractus Germanicus* to everybody, both because it was defended by some good authorities and because the Bavarian people would not obey an edict against it.

Shortly after the events narrated, the theologians of Ingolstadt, who, so far from being in league with the Jesuits, were definitely hostile to them, presented Duke William with a further memorandum in which they affirmed that the *Contractus Germanicus* could be assimilated to the Triple Contract and that this latter form of agreement was 'probably' lawful. In other words, they went back sixty-five years to the old theory so well defended by Johann Eck. Among them was the eminent Jesuit theologian, Gregory of Valencia,<sup>1</sup> but other Jesuits hardly less eminent did not agree with the findings of the Ingolstadt Faculty. Thus the Apostolic Nuncio in Germany, Feliciano Ninguarda, O.P., informed the Cardinal of Como that besides Peter Canisius and Jasper Haywood, two very learned Jesuits,

<sup>1</sup> Dr. Robertson, following Father Duhr, calls him Gregory of Valenzia, but the 'z' was merely an orthographical whim on Father Duhr's part and has no justification outside the German language.

Theodore Peltan and Jerome Torres, both university professors, were opposed to the memorandum.<sup>1</sup> With these dissentients there also stood Father Theodoric Canisius, the Rector of Dillingen, and Martin Dhum, a secular theologian whose saintly life caused him to be greatly esteemed by the Duke of Bavaria.

Father Hoffaeus, on the other hand, believed sincerely that the Ingolstadt Faculty had the better of the argument and it worried and annoyed him that Duke William should place so much confidence in the judgement of Father Haywood. Indeed, the controversy now developed into a sort of duel between these two men, in the course of which Hoffaeus's temper and inclination to exaggerate were given some play. He even accused St. Peter Canisius of underhand conspiracy against him, though the evidence in Braunsberger shows plainly that Peter's only interference at this time was to restrain Haywood<sup>2</sup> and to express his own view to the superior of the Society in Rome. This man, Father Oliver Manare, who had been elected Vicar-General after the recent death of Mercurian, replied to St. Peter on October 27, 1580:

I had already learned from others what your Reverence told me in your letter, that the old 5% controversy, suppressed by so many disputations, decrees, and answers, including those of Father General, *piae memoriae*, has again come to life. This happening has given me some uneasiness, especially because I have heard ascribed to Father Haywood certain utterances which help little towards the preservation

<sup>1</sup> Apud Braunsberger, *l.c.*, vol. vii, p. 575.

<sup>2</sup> *L.c.*, vol. vii, pp. 577, 588, 591. In one place Peter writes: 'Doleo vicem Patris Provincialis qui, ob hunc Anglum . . . satis affligitur et vexatur.' For the character and brusque methods of Hoffaeus, in general a saintly and austere religious, cf. Duhr, *Geschichte der Jesuiten in den Ländern deutscher Zunge*, vol. i (1907), pp. 783-98.

of concord, and also that the affair has been carried before His Serene Highness, Duke William. At present, I can do nothing to help the situation, for even if the Pope, as your Reverence says, was formerly inclined to [Father Haywood's] opinion, I suspect that not all the circumstances were put before His Holiness at the time. I certainly do not think that these new doubts could be removed by any orders of mine, until Father Provincial and the German electors come here for the Congregation. When they and others, as well as our theologians, are met here together, as they met before in another Congregation at which your Reverence was present, it will be possible to decide something which can then be referred to the Pope, that, authorized and confirmed by him, it may serve as a uniform rule for all. . . . Meantime, I greatly wish that your Reverence would use your authority to persuade and soothe Father Haywood, that he may not cause the Duke to change anything until the steps I mentioned have been taken. I heartily commend this to your Reverence for the sake of our union and brotherly concord.<sup>1</sup>

In this letter we are listening to the official voice of the Society of Jesus, and will anybody say that it has an accent of the Stock Exchange? Yet, announces Dr. Robertson pontifically: 'The official attitude of the Jesuit order was crystallizing into one decidedly favourable to the growth of financial business' (*Aspects*, p. 148). The Jesuits must not be allowed to urge what Biel, Major, Eck, Navarrus, de Castro, and a host of other eminent theologians had urged before their Society came into existence without being tarred with the aspersion that they were sacrificing their principles on the altar of Mammon.<sup>2</sup>

<sup>1</sup> Braunsberger, *l.c.*, vol. vii, p. 581.

<sup>2</sup> Dr. Robertson is so little familiar with Jesuit and Catholic ways that he tells us of the 'Prior' of a Jesuit house and constantly refers to the Jesuits' penitents as their 'confessants'.

Haywood was so determined to secure the condemnation of the *Contractus Germanicus* that, against the urgent entreaty of Peter Canisius and others, he set out for Rome to appeal to the Pope. Thither he was followed by Hoffaeus and Gregory of Valencia, who had been summoned to take part in the fourth General Congregation of the Society of Jesus. The primary business of the Congregation was to elect a new General in place of Mercurian, but the Fathers, at the wish of the Pope, also set up a special commission of theologians, including Valencia, to discuss a case submitted to His Holiness by the Duke of Bavaria, as well as twenty-seven 'conclusions' bearing on it, which had been drawn up by Father Haywood. The case, put briefly, was this: 'Titius, a German, lends Sempronius a sum of money. Sempronius is a person *cujusvis conditionis* and the money is lent to him *ad nullum certum usum*. The conditions are that Titius is to receive annually five florins for every hundred lent and afterwards to have his whole capital back. There is no danger to the capital and Titius must get his 5 per cent. whether Sempronius makes profit out of the loan or not.'<sup>1</sup> All the Fathers of the Commission answered that this case could not be decided absolutely until the circumstances had been examined in detail. They therefore stated, (1) that persons entering into such a contract should be persuaded to find some other way of investing their money, (2) that the gain made by Titius would be lawful if it rested on one of the surer titles, such as *damnum emergens* or *lucrum cessans*, (3) that such gain is 'manifestly unjust' if acquired solely in virtue of the loan without pretext of some probably valid title, (4) that

<sup>1</sup> The case is published in full in Zech, *Rigor Moderatus*, apud Migne, *Theologiae Cursus Completus*, vol. xvi, col. 975, and in Braunsberger, *l.c.*, vol. viii, p. 66.

much more is it unjust if all titles extrinsic to the loan are excluded, or if a valid title is falsely alleged to exist, contrary to the circumstances. These last three declarations are plainly nothing but the traditional doctrine of Catholic theology.

Asked whether a general knowledge of the methods employed in contracts was sufficient to justify one in approving or condemning them, without examination of the particular circumstances of each case, the Commission replied unanimously that it was not, and that one must know whether the money lent was going into the hands of a man who could make it fructify. As to the Triple Contract, the Fathers said that it was tolerable if the three contracts of partnership and double insurance ran together. They also said that the *Census realis* or rent-charge based on some definite, fruitful object, was lawful, and that the *census personalis*, or annuity derived from another person, was not tolerable if that person did not himself earn by his industry, and, 'because exceedingly dangerous through the possibility of the required conditions not being observed', rarely to be tolerated even if he did earn by his industry. As regards Father Haywood's 'conclusions', the Commission approved the greater part of them, while adding that their author was mistaken 'in thinking that every contract of 5% with insurance of the capital and the income is unlawful; for it is not unlawful unless it is in the form of a pure loan, which need not be the case if the contract is made with a merchant or other person of notable industry'.<sup>1</sup>

Such were the findings of the Commission of February 1581. Except that they go into the question in greater

<sup>1</sup> Braunsberger, *l.c.*, vol. viii, pp. 65-6.

detail they are in *no respect whatever* different from the findings of the Commission of 1573, which Dr. Robertson did not consider 'particularly interesting'. This time he is interested, and tells his readers that 'in every case the decisions were to the same effect: interpretations were made lax' (*Aspects*, p. 148). After that, I give up. Dr. Robertson has still another twelve pages on the Jesuits, but as they consist in the mere repetition, over and over again, of his fancy that they made it their business to promote the spirit of capitalism at whatever cost to justice, it is not necessary to follow him any farther. As *The Times* film critic would say: 'The story is, of course, all nonsense.' And his methods remain the same. When the Bull, *Detestabilis*, of Pope Sixtus V appeared in 1586, forbidding what looked like, but was not stated to be, the Triple Contract, the then German Provincial inquired whether it applied to his own country, as six months had gone by without its being published there. 'It was decided', writes Dr. Robertson, 'that it might be ignored' (*Aspects*, p. 152). And what authority has he for saying that it was so decided? An obscure theological work (author's name misspelt) which came out at Louvain for the first time ninety-two years after the German Provincial had put his question. Two pages later Dr. Robertson introduces Père Daniel, author of the 'celebrated answer . . . to the Letters of Pascal', in the same connexion, but he does not inform the reader that the 'celebrated answer' was published more than a hundred years after the Bull of Pope Sixtus, during which time there had been plenty of other Popes to settle whether their predecessor's legislation applied to Germany. Bauny and Pirot are brought back to help with the good work from p. 155 of *Aspects* onwards. An

opinion of Bauny is made to stand for the doctrine of the whole Society of Jesus, and, by a muddled interpretation of a second-hand source, Dr. Robertson feels himself entitled to say that the Jesuits, for all their denials, 'knew well that they were merely cloaking loans at interest with other contracts', or, in other words, that they were merely cloaking usury. Such, then, was 'the comfortable and accommodating religion of the Jesuits' which forms a 'strong contrast' to the efforts 'at strict regulation of the economic life made by the Calvinist Churches' (*Aspects*, p. 160). Well, perhaps the reader will turn to see what Max Weber has to say on *that* subject.

In an earlier part of his book Dr. Robertson found the Puritan doctrine of the 'Calling' an embarrassment. To get rid of it, he attempts to show that the French Jesuits, Bourdaloue, Crasset, and others, preached the very same thing. The proof of this is nine short passages, some of them running only to two lines, which he culled from Groethuysen's *Origines de l'esprit bourgeois en France*. In a footnote he tells us that Groethuysen obtained them from Houdry's *La Bibliothèque des Prédicateurs*, but he does not say that Houdry's work is in four folio volumes, each running to nearly 800 pages, with double columns of compressed print. The nine little passages exhorting Catholics to work hard and to fulfil the duties of their state are rather lost in that tremendous ocean of other-worldly teaching.<sup>1</sup> It really does show how hard up

<sup>1</sup> As everybody knows who has even scraped the surface of the subject, the very bases of Puritan and Catholic asceticism were utterly different. The Catholic conception was and is rooted in supernaturalism, whereas the Puritan conception, owing to the rejection of the distinction between nature and grace, remained intramundane, non-contemplative, and confined to the relatively narrow spheres of domestic life and business activities.



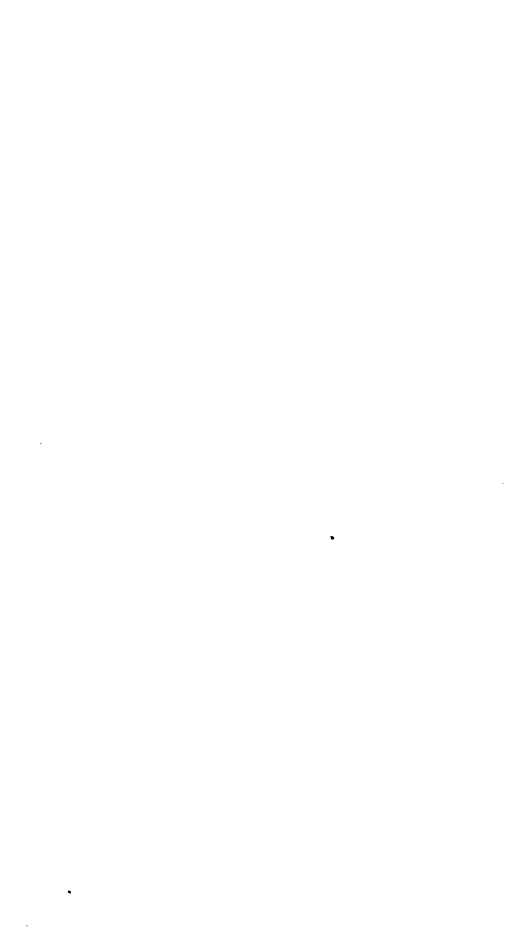
Dr. Robertson was for arguments that he should have given us this one. We think, for instance, of the late Abbé Brémond's great and vast *Histoire littéraire du Sentiment Religieux*, wherein are analysed the spiritual books produced by the Catholics of France alone during the seventeenth century, and then we think of the Puritan output of ascetical literature at the same period. Would not even Dr. Robertson admit that there is a 'strong contrast' between the two? Crasset, Croiset, Houdry, and Bourdaloue may have taught 'the necessity of living an ordered life and serving God by diligence in one's worldly occupation' (*Aspects*, p. 209), but, oh, Dr. Robertson, they taught so much besides!

One final point. It is hard for a Catholic not to smile when he finds Dr. Robertson (*Aspects*, p. 171) arguing zealously against 'any belief that Catholicism spells stagnation' in matters of trade, or that Holland's commercial greatness, either now or of old, can 'be ascribed to a rigid Calvinism', without giving Catholicism any share of the credit. A Puritan pamphleteer, writing in 1671, thought very differently. 'There is', he said, 'a kind of natural unaptness in the Popish religion to business, whereas on the contrary among the Reformed, the greater their zeal, the greater their inclination to trade and industry, as holding idleness unlawful. . . . The domestic interest of England lieth in the advancement of trade by removing all obstructions both in the city and country, and providing such laws as may help it and make it most easy, especially in giving liberty of conscience to all Protestant Nonconformists, and denying it to Papists.'<sup>1</sup> As everybody knows, until quite recently

<sup>1</sup> Cited in Tawney, *Religion and the Rise of Capitalism*, 1927, pp. 206-7. Incidentally, at the present day only about 10 per cent. of the great Dutch planters in Java, the real financial barons of Holland, are Roman Catholics.

it used to be a favourite Protestant objection against the Catholic Church that the countries under her influence had the poorest trade returns. But, of course, *laissez-faire* and capitalism were in honour then, whereas now their glory has departed.

DE LICENTIA ORDINARII LOCI ET  
SUPERIORUM ORDINIS.



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