298 Perjury (*Perjurium*)

Note here that one who is perjuring is a perjurer. First, he obligates himself to the devil with that hand by which he touches the book, Prov. 6[:1-2]: “You have engaged fast your hand to a stranger. You are ensnared with the words of your mouth.”

Second, he denies all good things which are contained in that book which he touches if he knowingly spoke false.

Third, as far as it concerns himself he strives to adduce God as a false witness. Because according to Augustine,[[1]](#endnote-1) to swear the aforesaid is to adduce the Lord as a witness. And the Christian offends more when he imposes an evil God of the fault than Judas inferring evil of the fault.

¶ Again, it seems that perjurers are cursed and excommunicated daily. For daily it is sung in church, [Psal. 118:21]: “They are cursed who decline from your commandments.” But it is commanded, [Exod. 20:7]: “You shall not take the name of God in vain.” It seems that they are worse than the devil, who although he does many evil things, however he does not dare to swear by God.

¶ However because perjury may be a great evil, it is a great evil. This is to take the name of God in vain, although it may not be perjury there when it may be against the precept.

Second, when it is said, [Exod. 20:7]: “You shall not take the name of God in vain.” And for evidence of this matter, note the name of God is taken in vain in many ways.

First, he takes it in vain as if for nothing when he swears according to the gloss of Exod. 20[:7].[[2]](#endnote-2)

¶ Again, the hypocrite who takes the name in vain who carries the name of Christian and not the life.

¶ For according to Augustine, *Super Ioannem*, fifth homily,[[3]](#endnote-3) it is more noble in man that he is a Christian than that he is a man, because that he is a man is common with many, but that he is a Christian he differentiates himself from many. Wherefore who carries the name and not the life shapes himself to that of Apo. 3[:1]: “You have the name of being alive: and you are dead.”

¶ Therefore the name of God is taken in vain in three ways.[[4]](#endnote-4) In the heart when evil Christians receive the sacraments and not the reality of the sacrament.[[5]](#endnote-5)

Again, by the mouth because it happens by evil swearing, by the breaking of a vow, and by boastful preaching, either it happens with an empty intention or by inattentive prayer, about which the Psal. [61:5]: “They blessed with their mouth.”

¶ Again, by work because it happens through hypocrisy as it was said above. Who therefore swears falsely, or deceptively, or impiously, or frivolously, or as if for nothing, injures God, himself, and his neighbor. God certainly because when swearing it is not other than to call God in witness. Who swears falsely means that God loves lying.

¶ Again, he injures himself because he obligates himself to the judgement of God to be punished. For to swear to God is interpreted thus, May God condemn me if it is not just as I say.

¶ Again, he injures his neighbor who by a false swearing deceives and defrauds. This says Augustine,[[6]](#endnote-6) that swearing is not to be sought, only in necessity and for a reason is it allowed to swear. Because false swearing is destructive, true swearing is perilous, no swearing is safe. However, there are cases in which it is allowed to swear which are noted in [Causa] 22, quest. 5, [c.] *Pueri*.[[7]](#endnote-7) And they are touched upon in Raymond,[[8]](#endnote-8) where the verse:[[9]](#endnote-9)

¶ Law and reputation and faith, reverence and dread of loss, default of right give you license to swear.

¶ Law. As treated in Deut. 6[:13]: “You shall swear by his name.” Understand if it is necessary to swear. And Augustine,[[10]](#endnote-10) swearing is perilous, however swearing although it is permitted it is to be feared than avoided, lest perhaps it drags one to perjury.

¶ Reputation. One can swear for saving one’s reputation or for purging oneself, Eccli. 41[:15]: “Take care of a good name.”

¶ Faith. It is permitted to swear for building faith in the hearts of the simple. In this way sometimes, the religious swear and vow, [Causa] 14, quest. 2, [c. 1, *Super] prudencia*.[[11]](#endnote-11)

Reverence. Again, one can swear on account of reverence of God.

Dread. So that something is saved or that things lost be recovered it can be sworn, who according Apostle, Heb. 6[:16]: “An oath is the end of all their controversy.”

Default of right. It should be sworn rather than truth be endangered.

Again, but canonical rules can be sworn to for peace and affirming friendship, [Causa] 22, quest. 1, *Omne*.[[12]](#endnote-12)

And second, for saving the faith and destroying heresy, *De consecratione,* dist. 2, c. *Ego Berengarius*.[[13]](#endnote-13)

Third, for saving reputation and purgation of innocence, Extra. *De purgatione canonica*, c. [1], *Quoties [Tridentinus]*.[[14]](#endnote-14)

Fourth, for threatening obedience upon elders, especially where the care of souls is received, Extra. *De maioritate et obedientia*, c. *Cum certum*,[[15]](#endnote-15) and c. *Legebatur*,[[16]](#endnote-16) in the gloss.[[17]](#endnote-17)

Fifth, by cautioning against wasting, Distinction 28, [c.] *De Siracusanae*.[[18]](#endnote-18)

Sixth, against suspicion of heresy, Extra. *De electione et electi potestate,* c. *Significasti*.[[19]](#endnote-19)

Seventh, for speaking the truth in lack of witnesses, [Causa] 24, quest. 2, c. *Nec quisquam*.[[20]](#endnote-20)

1. Augustine, cf. Thomas Aquinas, *Summa theologica* IIª-IIae q. 89 a. 2 arg. 3: Praeterea, exquirere signum divinae providentiae est tentare Deum, quod est omnino illicitum, secundum illud Deut. VI, non tentabis dominum Deum tuum. Sed ille qui iurat videtur exquirere signum divinae providentiae, dum petit divinum testimonium, quod est per aliquem evidentem effectum. Ergo videtur quod iuramentum sit omnino illicitum. [↑](#endnote-ref-1)
2. Glossa Interlinea Ex. 20:7: iurando scilicet pro nihilo nomen Domini

<http://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/GLOSS-liber04.xml&chapitre=04_20> [↑](#endnote-ref-2)
3. Augustine, *In Joannis Evangeilum* tractatus 5 (PL 35:1420): Attendat unusquisque vestrum, fratres mei, quid habeat christianus. Quod homo est, commune cum multis: quod christianus est, secernitur a multis; et plus ad illum pertinet quod christianus, quam quod homo. [↑](#endnote-ref-3)
4. Cf. Hugh Ripelin of Strasburg, *Compendium Theologicae Veritatis* 5.61 (8:198a): A ssumitur enim nomen Dei in vanum multipliciter, scilicet, corde, ore, et opere. Corde, sicut mali, qui tantum nomine sine re dicuntur Christiani, qui licet sacramentum receperint baptismi, tamen rem sacramenti, id est gratiam, non habent. Ore, scilicet mala juratione, voti transgressione, praedicatione quae fit mala intentione, et indevota oratione, de qua dicitur: *Populus hbic labiis me honorat*, etc. Opere, secundum quod hypocritae nomen Dei assumunt in simulatione operis exterioris, non in puritate cordis. Unde sumunt illud in vanum, quia receperunt mercedem suam. [↑](#endnote-ref-4)
5. Cf. (1) The "sacramentum tantum"- which is translated as "the sign only." The sacramentum tantum has a role that is solely an active one. It is that cornerstone which has only one function (which is why it is called the sign only), namely, to signify. But it signifies two different realities; that is, two distinct and separate "res's" -- as will be explained.

Furthermore this sacramentum tantum consists of two components, both of which are already familiar to us, namely, the matter of the Sacrament, and the form of words that determine the purpose of the sacramental matter. St. Thomas calls the form the "determining principle." These two components -- the matter and the form -- always act together in the process of signifying; they must be "morally united." In the Sacrament of the Holy Eucharist, for example, the sacramentum tantum is the bread and wine joined with the Words of Consecration, which are the form of the Sacrament.

(2) The "res et sacramentum", that is, "a reality and a sign." This cornerstone fulfills two roles, an active one and a passive one. First of all, it is a reality, a res, because it is one of the two separate and distinct realities that are signified by the sacramentum tantum; that is its passive role. But although it is a reality that is itself (by definition) something that is signified, it in turn signifies something else again, thus fulfilling its active role, namely, as a sign. Hence it is readily understood why this cornerstone is said to be both "a reality and a sign" -- it is signified and it also signifies. Unlike the sacramentum tantum which consists of both matter and words (the form), the res et sacramentum is a silent sign, for it signifies by its very presence, without any words being necessary. In the Sacrament of the Holy Eucharist the True Body of Christ is the res et sacramentum.

(3) Finally, the res tantum, which means "the reality only," is the third cornerstone. It does no signifying; its nature is solely that of a res; hence, res tantum. It is, so to speak, hit from two different directions. It is signified twice; first by the matter and the form of the sacramentum tantum; and also without words by the res et sacramentum.

Instead of res tantum it is often called by that other term with which we are already familiar, namely, the "Res Sacramenti," which is translated as "the Reality of the Sacrament." Notice the definite article, "the"; it is the reality of the Sacrament, not just a reality. Other ways of expressing this are "the effect" or the "grace proper" of the Sacrament. This third cornerstone, the effect of the

Sacrament of the Holy Eucharist, is the union of the Mystical Body. Or perhaps it is better said that the effect on the recipient is his more intense and firmer incorporation in the Mystical Body. This effect is sacramental grace.

<https://www.cathinfo.com/crisis-in-the-church/res-sacramenti-what-is-it-why-does-it-matter/> [↑](#endnote-ref-5)
6. Augustine, *Sermo De scripturis* 180.4.4 (PL 38:974): Duo sunt, inquit, quae non damno unquam; veram jurationem, et nullam jurationem: damno autem falsam jurationem. Falsa juratio exitiosa est, vera juratio periculosa est, nulla juratio secura est. [↑](#endnote-ref-6)
7. Decretum, Causa 22, quest. 5, c. 15, Pueri ante quatuordecim annos non cogantur iurare. Puella quoque, si in puerili etate sita in domo patris, illo nesciente, se iuramento constrinxerit, et pater eius, ut audierit, statim contradixerit, uota eius et iuramenta irrita erunt, et facilius emendabitur. [↑](#endnote-ref-7)
8. Raymond of Peñafort, *Summa de Paenitentia* lib. 1, tit. 9, c. 1 (B:363): Ex his patet quod iuramentum licitum est, et bonum, et etiam meritorium, cum per ipsum proximo subveniatur ad quod tenemur ex praeceptio: “Diliges proximum tuum sicut teipsum; et Psalmus: Domine quis hatitabit in tabernaculo tuo? Qui jurat proximo suo et non decipit.” [↑](#endnote-ref-8)
9. Versus, cf. Digital index of Middle English verse #3037: Law and lose and rich

On oaths — one couplet translating ‘Lex et fama fides reuerencia caucio dampni / Defectus veri tibi dant iurare licenter’ which precedes it in John Grimestone’s sermon notebook

Author(s): John Grimestone

Subjects: translations; aphorisms

Versification: — two-line — aa

Manuscript Witnesses:

Source: Edinburgh, National Library of Scotland, Advocates’ 18.7.21, f. 70v

Transcription:

Lawe an los & rich worchipe & of lore drede

& defaute of rith maket man to sueren in nede

Attributed Title: De Iuramento (f. 70v)

Editions:

Wilson, Edward. A Descriptive Index of the English Lyrics in John of Grimestone’s Preaching Book. Medium Ævum Monographs n.s. 2. Oxford, 1973: 20. [↑](#endnote-ref-9)
10. Augustine, cf. *De civitate Dei* 1.25 (PL 41:38): At enim timendum est et cavendum, ne libidini hostili subditum corpus illecebrosissima voluptate animum alliciat consentire peccato. Proinde, inquiunt, non jam propter alienum, sed propter suum peccatum, antequam hoc quisque committat, se debet occidere. Nullo modo quidem hoc faciet animus, ut consentiat libidini carnis suae aliena libidine concitatae, qui Deo potius ejusque sapientiae, quam corporis concupiscentiae subjectus est. [↑](#endnote-ref-10)
11. Decretum, Causa 14, quest. 2, c. 1, *Super prudentia.* ... Si ergo idem clerici idonei sunt ad assertionem causæ illius, nullatenus remoueantur, sed, sicut aliis litteris deliberatum est, inter S. Iohannis et S. Stephani canonicos lis illa plenius decidatur. [↑](#endnote-ref-11)
12. Decretum, Causa 22, quest. 1, c. 1, Omne, quod in federa pacis uenit, tunc solidius subsistit, cum iuramenti hoc interpositio roborat. Sed et omne, quod amicorum animos conciliat, tunc fidelius durat, cum eos sacramenti uincula ligant. Omne enim, quod testis adstipulatur, uerius constat, cum id iurationis adiectio affirmat. Quod et si testis deficiat, innocentis fidem sola iurisiurandi taxatio manifestat. [↑](#endnote-ref-12)
13. Decretum, *De consecratione*, dist. 2, c. 42, Ego Berengarius, indignus ecclesiae S. Mauritii Andegauensis diaconus, cognoscens ueram, catholicam et apostolicam fidem, anathematizo omnem

heresim, precipue eam, de qua hactenus infamatus sum,

que astruere conatur, panem et uinum, que in altari ponuntur,

post consecrationem solummodo sacramentum, et non

uerum corpus et sanguinem Domini nostri Iesu Christi … [↑](#endnote-ref-13)
14. Decretales, X.5.34.5: Quoties Tridentinus ... episcopus *in nostra et vestra praesentia* de simonia impetitus sit, vos latere non credimus, sed accusatores, scriptum afferentes, testes secundum formam canonicam producere nequiverunt, scilicet quod ecclesiam sancti Petri presbytero P. dederit pro quatuor modiis frumenti.... [↑](#endnote-ref-14)
15. Decretales, X.1.33.1: *Cum certum* ... Sit *vero inter Londoniae et Eborace civitatis episcopos in posterum* honoris ista distinctio, ut ipse prior et maior habeatur, qui prius communitatis consilio et concordi fuerit actione ordinatus.... [↑](#endnote-ref-15)
16. Decretales, X.1.33.3 *Legebatur ...* in literis tuis ... quod frater Atticus....chartulam de obedientiae sponsione conscripserat, in qua signum prodebatur iniuriae. Non enim necessarium fuerat, ut obligaretur scripto qui obedientiam suam ipso voluntarii adventus officio comprobabat. .... [↑](#endnote-ref-16)
17. *Glossa Ordinaria* at X.1.33.3 *Legebatur*: Potest textus iste intelligi dupliciter. Primo quod iste frater Atticus scripturam de obedientia prestanda episcopo nomine proprio scripsit. Secundo potest intelligi quod scripsit nomine alterius. Et non est vis quis intellectus teneatur. Senius enim litterae est, quod clericus non habens curam animarum, non tenetur promittere episcopo obedientiam per scripturae confectionem, vel per iuramenti praestationem; sed satis est verbo obdientiam promittere. Et hoc intendit littera iuncta gl. Abbas. [↑](#endnote-ref-17)
18. Decretum, Dist. 28, c. 13 *De Siracusanae* …. Qua de re summo studio ab eodem Siracusanae urbis episcopo priusquam a nobis contingeret ordinari, huiusmodi exegimus cautionem, per quam et suam fateretur, quantula esset, presentis temporis habita rerum descriptione substantiam, et nichil umquam per se, aut per filios et uxorem, siue quamlibet propinquam aut domesticam uel

extraneam forte personam de rebus audeat usurpare ecclesiae, et uniuersa sui episcopatus quesita tempore ecclesiae suae dominio sociaret, nichil ultra id, quod modo descriptum est, suis filiis uel heredibus relicturus. [↑](#endnote-ref-18)
19. Decretales, X.1.6.4 *Significasti* ... reges et regni maiores admiratione permotos, quod pallkium tibi ab apocrisariis nostris tali conditione oblatum fuerit, si sacramentum, quoa a nobis scriptum detulerant, exhiberes..... [↑](#endnote-ref-19)
20. Decretum, Causa 24, quest. 2, c. 4, *Nec quisquam* uobis omnino persuadeat, Achatio preuaricationis suæ crimen fuisse laxatum, quia qui post, quam in collegium recidens prauitatis iure meruit ab apostolica conmunione secludi, in hac eadem persistens dampnatione defunctus est, absolutionem, quam superstes non quesiuit omnino, nec meruit, mortuus iam non potest inpetrare. ... [↑](#endnote-ref-20)