

QUESTION 89

Oaths

Next we have to consider those exterior acts by which something divine is taken by men, i.e., either some sacrament or the divine name itself. As for the taking of a sacrament, there will be room to treat this in the Third Part of this work (*ST* 3, qq. 60-90). For now, we have to discuss the taking of the divine name.

Now there are three ways in which the divine name is taken by men: (a) in the manner of an *oath* (*per modum iuramenti*), in order to confirm one's own words (question 89); (b) in the manner of an *adjuration* (*per modum adiurationis*), in order to influence others (question 90); and © in the manner of an *invocation* (*per modum invocationis*), in order to pray to God or to praise God (question 91).

Thus, we will first deal with oaths (*iuramenta*). And on this topic there are ten questions: (1) What is an oath? (2) Are oaths permissible? (3) What are the accompanying conditions of an oath (*comites iuramenti*)? (4) Which virtue is an oath an act of? (5) Should oaths be sought after and used frequently as something useful and good? (6) Is it permissible to swear an oath by a creature? (7) Does an oath carry an obligation? (8) Which carries a greater obligation, an oath or a vow? (9) Can a dispensation be granted in the case of an oath? (10) Who is permitted to swear an oath, and when?

Article 1

Is swearing an oath the same as invoking God as a witness?

It seems that swearing an oath (*iurare*) is not the same as invoking God as a witness:

Objection 1: Anyone who appeals to the authority of Sacred Scripture appeals to the testimony of God (*inducit Deum in testimonium*), whose words are proposed in Sacred Scripture. Therefore, if swearing an oath is the same as invoking God as a witness, then whoever appeals to the authority of Sacred Scripture is swearing an oath. But this [consequent] is false. Therefore, so is the antecedent (*primum*).

Objection 2: One does not render an individual anything by appealing to him as a witness. But one who swears by God renders something to Him, since Matthew 5:33 says, "Render your oaths to the Lord," and Augustine says that to swear an oath is "to render to God the right of truth" (*ius veritatis*). Therefore, to swear an oath is not to call God as a witness.

Objection 3: As is clear from what was said above (qq. 67 and 70), the role of a judge is different from the role of a witness. But sometimes in swearing an oath a man asks for God's judgment—this according to Psalm 7:5 ("If I have paid back those who rendered evils to me, then may I deservedly fall empty before my enemies"). Therefore, it is not the case that swearing an oath is the same as invoking God as a witness.

But contrary to this: In his sermon *De Periurio* Augustine says, "What is 'by God' (*per Deum*) other than 'with God as my witness' (*testis est Deus*)?"

I respond: As the Apostle says in Hebrews 6:16, an oath is ordered "toward confirmation." Now in the case of knowable things, confirmation is effected by reason, which proceeds from what is known naturally and what is true infallibly. But the particular contingent deeds of men cannot be confirmed by a necessary reason (*per rationem necessariam*). And so what is said about them is normally confirmed by witnesses.

However, human testimony is not sufficient to confirm things of this sort, and this for two reasons.

First, because of a *lack of human truthfulness*, given that very many individuals (*plurimi*) slip into lies—this according to Psalm 16:10 ("Their mouth has spoken falsehood").

Second, because of a *lack of cognition*. For men cannot have cognition either of future things or of the secrets of hearts or even of absent things, and yet men talk about them and it expedites human affairs

to have some certitude about them.

And so it was necessary to have recourse to divine testimony, since it is not the case either that God can lie or that anything should lie hidden from Him. But to take God as a witness is called ‘swearing an oath’ (*iurare*), since it is established as a sort of law (*quasi pro iure*) that what is said under the invocation of God’s witness is to be taken as true.

Now sometimes God’s witness is appealed to in order to assert something present or past, and this is called a *declarative oath (iuramentum assertorium)*, whereas sometimes God’s witness is appealed to in order to confirm something future, and this is called a *promissory oath (iuramentum promissorium)*.

By contrast, oaths are not used for those matters that are necessary and should be investigated by reason. For it would seem ridiculous for someone involved in a scientific dispute to want to prove a thesis by means of an oath.

Reply to objection 1: Making use of divine testimony that has already been given—which is what is being done when someone appeals to the authority of Sacred Scripture—is different from invoking God’s testimony in order to show something—which is what is being done in swearing an oath.

Reply to objection 2: Someone is said to “render oaths” to God by the fact that he fulfills what he swears to—or because by the fact that he invokes God as a witness, he is acknowledging that God has cognition of all things and infallible truth with respect to all things.

Reply to objection 3: Someone’s witness is invoked in order that the witness who has been invoked might make clear the truth concerning the things that are being said. Now there are two ways in which God makes clear whether what is being said is true:

(a) *by simply revealing the truth*, either by means of an interior inspiration or, again, by means of uncovering a fact—more specifically, when He makes public things that had been hidden;

(b) *by punishing the liar*, and in such a case He is simultaneously judge and witness, when He makes the lie manifest by punishing the liar.

And so there are two kinds of oath. One kind involves a simple calling on God as a witness (*per simplicem Dei contestationem*), as when one says, “with God as my witness” (*est mihi Deus testis*), or “I affirm in the presence of God” (*coram Deo loquor*), or “by God” (*per Deum*)—which, as Augustine points out, is the same thing. The other kind of oath involves an execration, viz., when someone binds himself, or something belonging to him, to punishment unless what is being affirmed is true.

Article 2

Is it permissible to swear an oath?

It seems that it is not permissible to swear an oath (*non sit licitum iurare*):

Objection 1: Nothing that is prohibited by divine law is permissible. But oaths are prohibited by Matthew 5:34 (“I say to you, do not swear oaths at all”), and James 5:12 says, “But above all, my brothers, do not swear oaths.” Therefore, oaths are impermissible.

Objection 2: What proceeds from something evil seems to be impermissible, since, as Matthew 7:18 says, “A bad tree cannot produce good fruit.” But oaths proceed from something evil, since Matthew 5:37 says, “In your speech let your ‘yes’ mean ‘yes’ and your ‘no’ mean ‘no’. Anything more than this is from evil.” Therefore, oaths seem to be impermissible.

Objection 3: To demand a sign of God’s providence is to put God to the test, which is altogether impermissible—this according to Deuteronomy 6:16 (“You shall not put the Lord your God to the test”). But one who swears an oath seems to be demanding a sign of God’s providence when he asks for God’s witness, i.e., through some evident effect. Therefore, it seems that oaths are altogether impermissible.

But contrary to this: Deuteronomy 6:13 says, “You shall fear the Lord God and you shall swear

by His name.”

I respond: Nothing prevents what is good in its own right (*secundum se bonum*) from nonetheless turning into something evil for one who does not use it appropriately. For instance, it is good to receive the Eucharist, and yet one who receives the Eucharist unworthily “eats and drinks a judgment unto himself,” as 1 Corinthians 11:29 puts it.

So, then, in the case under discussion one should reply that an oath is in its own right something permissible and upright. This is clear from its origin and its end:

(a) *from its origin*, because oaths are introduced out of a faith by which men believe God to possess infallible truth and universal cognition of, and provision for, all things;

(b) *from its end*, because oaths are introduced in order to justify men and to put an end to disagreements, as Hebrews 6:16 explains.

However, an oath turns into something bad for someone by the fact that he uses it badly, i.e., without necessity and due caution. For someone seems to have little reverence for God if he appeals to God as a witness for a frivolous reason (*ex levi causa*)—something that he would not presume to do even to an upright man. Also, the danger of perjury threatens, since a man easily goes wrong in his speech—this according to James 3:2 (“If one does not offend by his words, he is a perfect man”). Hence, Ecclesiasticus 23:9 says, “Let not your mouth become accustomed to swearing oaths, for in this there are many falls.”

Reply to objection 1: In *Super Mattheum* Jerome says, “Notice that our Savior did not prohibit swearing an oath by God (*per Deum*), but instead prohibited swearing an oath ‘by heaven and earth’. For the Jews are known to have had the very bad custom of swearing an oath by the elements.”

However, this reply is not sufficient, since James adds, “... nor by any other kind of oath.”

And so one should reply that, as Augustine says in *De Mendacio*, “In swearing oaths in his letters, the Apostle shows how one should understand the words, ‘I say to you, do not swear at all,’ viz., lest by swearing one should arrive at a facility for swearing, and from a facility for swearing arrive at a habit of swearing, and from a habit of swearing fall into perjury. And so he is not found swearing oaths except when he is writing, where more cautious thought does not possess a hasty tongue.”

Reply to objection 2: As Augustine says in *De Sermone Domini in Monte*, “If you are forced to swear an oath, know that it proceeds from the necessity of the weakness of those whom you are persuading of something, and this weakness is indeed evil. And this is why He does not say, ‘Anything more than this is evil.’ For you are not doing anything evil if you use the swearing of the oath well, in order to persuade the other individual of something that it is to his advantage for you to persuade him of. Rather, He says that it is *from the evil* of the one whose weakness forces you to swear the oath.”

Reply to objection 3: The one who swears the oath is not putting God to the test, since he is not asking for God’s help in the absence of utility and necessity. Moreover, he is not exposing himself to any danger if God does not want to give witness there and then (*in praesenti*). But he will certainly give witness in the future, when, as 1 Corinthians 4:5 says, “He will bring to light the hidden things of darkness, and will make manifest the counsels of hearts.” And that witness will not be lacking to anyone who swears an oath, either for him or against him.

Article 3

Is it appropriate to designate *justice, judgment, and truth* as three attendant conditions of an oath?

It seems that it is not appropriate to designate *justice, judgment, and truth* as three attendant conditions of an oath (*inconvenienter ponantur tres comites iuramenti iustitia, iudicium et veritas*):

Objection 1: Things that are such that one is included in the other should not be counted as diverse things. But among these three things, one is included in another, since (a), according to Tully, truth is a part of justice, and (b), as was established above (q. 60, a. 1), judgment is an act of justice. Therefore, they are inappropriately counted as the three attendant conditions of an oath.

Objection 2: Many additional things are required for an oath, e.g., devotion and faith, through which we believe that God knows all things and is incapable of lying. Therefore, it seems insufficient to enumerate just three attendant conditions of an oath.

Objection 3: The three things in question should be looked for in every human act whatsoever. For nothing should be done contrary to justice or to truth, or without judgment—the last according to 1 Timothy 5:21 (“Do not do anything without pre-judging (*sine praeiudicio*),” i.e., without a preceding judgment). Therefore, these three conditions should not be associated with an oath more than with other human acts.

But contrary to this: Jeremiah 4:2 says, “And you shall swear an oath, ‘As the Lord lives in truth, in judgment, and in justice ...’” In expounding this passage Jerome says, “Notice that an oath has these attendant conditions: truth, judgment, and justice.”

I respond: As was explained above (a. 2), an oath is good only for someone who uses the oath well. Now two things are required for the good use of an oath:

First, that one swear the oath for a necessary and determinate reason, and not frivolously. And on this score, *judgment* is required—viz., a *judgment of discretion* on the part of the one swearing the oath.

Second, as regards what is confirmed by the oath, that it be neither false nor anything illicit. And on this score, what is required is (a) the *truth* through which one confirms by the oath that it is true, and (b) *justice*, through which one confirms that it is licit.

Now an *incautious* oath lacks *judgment* and a *false* oath lacks *truth*, whereas a *wicked* or *illicit* oath lacks *justice*.

Reply to objection 1: ‘Judgment’ here is being taken not for an execution of [the virtue of] justice, but, as has been explained, for a judgment of discretion. Again, ‘truth’ is being understood here not insofar as it is a part of justice, but insofar as it is a certain condition of speech.

Reply to objection 2: Devotion and faith, along with all the things of this sort that are needed for the due manner of swearing an oath, are understood under *judgment*. For, as has been explained, the other two conditions pertain to the thing about which one is swearing the oath—though one could claim that *justice* pertains to the reason why the oath is being sworn.

Reply to objection 3: In the case of an oath there is a great danger, both because of the greatness of God, whose witness is being invoked, and also because of the slipperiness of the human tongue (*propter labilitatem linguae humanae*), the words of which are being confirmed by the oath. And so the conditions in question are required more for an oath than for other human acts.

Article 4

Is swearing an oath an act of [the virtue of] religion, i.e., an act of worship?

It seems that swearing an oath is not an act of [the virtue of] religion, i.e., an act of worship (*non sit actus religionis sive latriae*):

Objection 1: Acts of worship have to do with things that are sacred and divine. But as the Apostle points out in Hebrews 6:16, oaths are applied to human disagreements. Therefore, swearing an oath is not an act of religion or of worship.

Objection 2: As Tully explains, it belongs to religion to offer worship to God. But one who swears an oath offers nothing to God, but instead appeals to Him as a witness. Therefore, to swear an oath is not

an act of religion.

Objection 3: The end of religion or worship is to show reverence to God. But the end of swearing an oath is not this, but is instead to confirm one's words. Therefore, swearing an oath is not an act of [the virtue of] religion.

But contrary to this: Deuteronomy 6:13 says, "You shall fear the Lord your God, and Him alone shall you serve, and you will swear by His name." But it is speaking here of the service of worship (*de servitute laetiae*). Therefore, swearing an oath is an act of [the virtue of] worship.

I respond: As is clear from what has been said (a. 1), one who swears an oath invokes God's witness to confirm what he says. But nothing is confirmed except through something that is more certain and more powerful. And so by the fact that a man swears by God, he professes that God is more powerful inasmuch as His truth is indefectible and His cognition universal, and so in a certain way he shows reverence for God.

Hence, in Hebrews 6:16 the Apostle says, "Men swear by those who are greater than themselves." And in *Super Matthaem* Jerome says, "One who swears an oath either venerates or loves the one by whom he swears." Likewise, in *Metaphysics* 1 the Philosopher says, "Swearing an oath is most honorable."

Now to show reverence to God belongs to [the virtue of] religion, i.e., to [the virtue of] worship. Hence, it is clear that swearing an oath is an act of religion or of worship.

Reply to objection 1: There are two things to consider in an oath, viz., (a) the witness that is appealed to, and this is divine, and (b) that for which the witness is appealed to, or what makes it necessary to appeal to the witness, and this is human. Therefore, swearing an oath belongs to [the virtue of religion] by reason of the first thing and not by reason of the second thing.

Reply to objection 2: By the very fact that someone takes God as his witness in the manner of an oath, he professes that God is greater than himself, and this involves reverence for God. And in this way he does indeed offer something to God, viz., reverence and honor.

Reply to objection 3: We ought to do everything that we do in reverence for God. And so nothing prevents it from being the case that we are showing reverence for God in the very fact that we intend to certify a man. For we should do something in reverence for God in such a way that some benefit thereby accrues to our neighbors. For God likewise operates both for His own glory and for our benefit.

Article 5

Is swearing an oath to be desired and used frequently as something good and useful?

It seems that swearing an oath is to be desired and used frequently as something good and useful:

Objection 1: Just as making a vow is an act of [the virtue of] worship, so, too, is swearing an oath. But as was explained above (q. 88, a. 5), doing something from a vow is more praiseworthy and more meritorious because a vow is an act of worship. Therefore, by parity of reasoning, to do or say something with an oath is more praiseworthy. And so swearing a vow should be desired as something that is good in its own right (*per se bonum*).

Objection 2: In *Super Matthaem* Jerome says, "One who swears an oath either venerates or loves the one by whom he swears." But to venerate or to love God is to be desired as something that is good in its own right. Therefore, the same holds for swearing an oath.

Objection 3: Swearing an oath is ordered toward a confirmation or certification. But it is good for a man to confirm what he says. Therefore, swearing an oath is to be desired as something good.

But contrary to this: Ecclesiasticus 23:12 says, "A man who swears too many oaths will be filled with iniquity." And in *De Mendacio* Augustine says that our Lord's precept concerning the prohibition of

oaths “is posited in order that to the extent that it lies within your power, you will not be fond of swearing oaths, and not desire it with a certain pleasure as something good.”

I respond: What is sought after only in order to remedy some defect is not counted among the things that are to be desired in their own right; instead, it is counted among the things that are necessary. This is clear in the case of medicine, which is sought after in order to remedy illness.

Now swearing an oath is sought after in order to remedy a defect, viz., the defect by which one man disbelieves another. And so swearing an oath should be counted not as being among the things that are to be desired in their own right, but instead as being among the things which are necessary in this life and which are such that anyone who uses them beyond the limits of necessity is using them inappropriately. Hence, in *De Sermone Domini in Monte* Augustine says, “One who understands that swearing oaths is to be thought of not as being among the good things”—that is, among the things that are to be desired in their own right—“but instead as being among the things that are necessary, will restrain himself as much as he can, so that he does not make use of swearing an oath unless necessity forces him to.”

Reply to objection 1: The line of reasoning in the case of a vow is different from that in the case of an oath. For through a vow we order something toward reverence for God, and so by this very fact it is an act of [the virtue of] religion. But in the case of a vow, conversely, reverence for the divine name is assumed in order to confirm something that has previously been said. And so the fact that something is confirmed by an oath is not the reason why the oath is an act of [the virtue of religion], since moral acts receive their species from their end.

Reply to objection 2: One who swears an oath is, to be sure, making use of his veneration or love for the one by whom he swears, but he is ordering the oath not toward venerating or loving the one by whom he swears, but instead toward something else that is necessary for the present life.

Reply to objection 3: Just as medicine is useful for healing, and yet the more powerful it is, the more harm it leads to if it is not taken in the appropriate way, so, too, an oath is useful for confirming, and yet the more revered it is, the more dangerous it is if it is brought into play in an inappropriate way. For as Ecclesiasticus 23:3-14 says, “if he makes it void”—i.e., if he has deceived his brother—“his crime will be upon him, and if he has dissembled”—in the sense of swearing to something false by putting up a pretense—“his sin is doubled”—because simulated justice is twofold wickedness— “and if he has sworn an oath in vain”—that is, without due reason and necessity—“he will not be pardoned.”

Article 6

Is it permissible to swear an oath by creatures?

It seems that it is not permissible to swear an oath by creatures:

Objection 1: Matthew 5:34ff. says, “Do not swear at all, either by heaven or by the earth or by Jerusalem or by your head.” In expounding this passage Jerome says, “Consider that our Savior did not here prohibit swearing by God, but did prohibit swearing by heaven and earth, etc.”

Objection 2: Punishment is due only for sin. But a punishment is assigned to one who swears by creatures, since *Decretals* 22, q. 1 says, “A cleric who swears by a creature is to be sharply rebuked, and if he persists in this vice, it is appropriate to excommunicate him.” Therefore, it is impermissible to swear by creatures.

Objection 3: As has been explained (a. 4), swearing an oath is act of [the virtue of] worship (*actus latría*). But as is clear from Romans 1:23ff., the cult of worship is not appropriate for any creature. Therefore, it is not permitted to swear an oath by any creature.

But contrary to this: As we read in Genesis 42:15-16, Joseph swore “by the health of Pharaoh.” Also, it is customary to swear by the Gospel, by relics, and by the saints.

I respond: As was explained above (a. 1), there are two kinds of oaths:

One of them is effected by a simple *corroboration* (*per contestationem*), viz., insofar as God's witness is invoked. And this sort of oath, like faith, depends on divine truth. Now faith is *per se* and principally from God, who is truth itself, whereas it is secondarily from creatures, in whom, as was established above (q. 1, a. 1), the truth of God shines forth. Similarly, an oath is principally referred to God Himself, whose witness is invoked, and, secondarily, certain creatures are taken up into the oath not in their own right, but insofar as God's truth is made manifest in them—in the way that we swear by the Gospel, i.e., by the God whose truth is made manifest in the Gospel, and in the way that we swear by the saints, who accepted this truth on faith and followed it.

The second mode of swearing an oath is through an *execration*. And in this kind of oath some creature is put forth as a thing on which God's judgment might be exercised. And it is in this way that a man is wont to swear by his head, or by his son, or by something else that he loves—just as the Apostle swore in 2 Corinthians 1:7 when he said, "I call God to witness upon my soul."

Now Joseph's swearing by the health of Pharaoh can be understood in both ways, either in the manner of an *execration*, in the sense of his having bound Pharaoh's health to God, or in the manner of a *corroboration*, in the sense of calling to witness the truth of divine justice, for the execution of which the princes of the earth are established.

Reply to objection 1: What our Lord prohibited was swearing by creatures in such a way as to show those creatures divine reverence. Hence, in the same place Jerome adds, "When the Jews swore by angels and other things of this sort, they were venerating creatures with God's honor." And it is for the same reason that, according to the canons, a cleric is punished if he swears by a creature, viz., that this involves the blasphemy of infidelity. Hence, the chapter that follows says, "If someone in an ecclesiastical order swears by the hair or head of God or employs blasphemy against God in some other way, then let him be deposed."

Reply to objection 2: Through this the reply to the second objection is clear.

Reply to objection 3: The cult of worship is shown to the one whose witness is invoked by swearing the oath. And so Exodus 23:13 commands, "You shall not swear by the name of strange gods."

However, the cult of worship is not shown to creatures that are taken up into oaths in the manner explained above.

Article 7

Does an oath have the force of obligating one?

It seems that an oath does not have the force of obligating one (*non habeat vim obligandi*):

Objection 1: An oath is sworn in order to confirm the truth of what is said. But when one says something about the future, he speaks the truth even what he says does not happen; for instance, as is clear from 2 Corinthians 1:15ff., even though Paul did not go to Corinth as he said he would, he nonetheless did not lie. Therefore, it seems that an oath does not impose an obligation (*iuramentum non sit obligatorium*).

Objection 2: As is asserted in the *Categories*, a virtue is not contrary to a virtue. But as has been explained (a. 4), swearing an oath is the act of a virtue. However, it would sometimes be contrary to virtue, or an impediment to something virtuous, if one fulfilled what he had sworn to do—as, for instance, when someone swears that he will commit a sin, or when he swears that he will refrain from some act of virtue. Therefore, an oath is not always obligatory.

Objection 3: Sometimes an individual is unwillingly compelled to promise something under oath. But, as one sees in *Extra, De Iureiurando*, chap. *Verum*, such individuals are absolved of the bonds of the

oath by the Roman Pontiffs. Therefore, an oath is not always obligatory.

Objection 4: No one can be obligated to two opposites. But sometimes what the one swearing the oath intends is the opposite of what is intended by the one to whom the oath is presented. Therefore, an oath cannot always be obligatory.

But contrary to this: Matthew 5:33 says, “Render your oaths unto the Lord.”

I respond: An obligation involves something that has to be done or has to be left undone (*obligatio refertur ad aliquid quod est faciendum vel dimittendum*). Hence, it does not seem to have anything to do with either (a) declarative oaths (*iuramenta assertoria*), which are about either the present or the past, or (b) oaths concerning what is going to be done by other causes—as, for example, if someone were to assert with an oath that it is going to rain tomorrow. Instead, obligation is relevant only in those cases where something is to be done by the one who swears the oath.

Now just as a declarative oath, which is about the past or the present, must contain truth, so, too, must an oath concerning what is to be done by us in the future. And so both sorts of oath carry a certain obligation, though in diverse ways.

For in an oath that concerns the present or the past, the obligation has to do not with something that has already existed or now exists, but rather with the very act of swearing the oath, viz., that one is swearing to what is now true or to what already has been true.

By contrast, in the case of an oath that is sworn concerning things that are going to be done by us, the obligation falls conversely on the thing that one has promised in swearing the oath (*obligatio cadit super rem quam aliquis iuramento firmavit*). For one is obligated to make true what he has sworn to; otherwise, his oath would lack *truth*.

Now if the deed in question is such that it was not within his power, then the oath lacks *judgment of discretion*—unless, perhaps, the deed was possible for him when he swore the oath and was afterwards rendered impossible by some turn of events, as when someone has sworn that he will repay money that was afterwards taken from him by force or by theft. For in such a case he seems to be excused from doing what he had sworn to do, even though he is obligated to do what is within his power, just as we likewise said above (q. 88, a. 3) with respect to the obligation belonging to a vow.

On the other hand, if the deed is in fact something possible but something that ought not to be done, either because it is bad in its own right or because it would impede something good, then the vow lacks *justice*. And so an oath should not be kept in a case in which it involves committing a sin or doing something that impedes what is good. For in both these case it leads to a worse outcome.

So, then, one should claim that if someone swears that he will do something, then he is obligated to do it in order that *truth* be fulfilled—though only as long as the other two attendant conditions are present, viz., *judgment* and *justice*.

Reply to objection 1: It is not the same with simple speech as it is with an oath in which God’s witness is asked for. It suffices for the truth of [simple] speech that one says what he proposes to do in the future, since this is already true in its causes, i.e., in the doer’s intention. By contrast, an oath should be used only in a matter about which one is unshakably certain. And so if an oath is used, then out of reverence for the divine witness that is being invoked, the man is obligated to make true what he has sworn to, as far as he is able to (*secundum suam possibilitatem*)—unless, as has been explained, this will lead to a worse outcome.

Reply to objection 2: There are two ways in which an oath can lead to a worse outcome.

In one way, because it has a worse outcome from the very beginning, either because (a) it is something that is bad in its own right—as, for instance, when someone swears that he will commit adultery—or because (b) it impedes a greater good—as, for instance, when someone has sworn that he will not enter religious life, or that he will not become a cleric, or that he will not accept the position of being a prelate in a case in which it is expedient for him to accept it, or something else of this sort. For oaths of this sort are impermissible from the beginning, though in different ways. For if someone swears

that he will commit a sin, then he sins both by swearing the oath and also by keeping the oath. On the other hand, if someone swears that he will not do something which is a better good and which he nonetheless is not obligated to do, then he sins by swearing the oath, insofar as he puts up an obstacle to the Holy Spirit, who inspires the good intention, and yet he does not sin by keeping the oath; instead, he does much better if he does not keep the oath.

In the second way, an oath leads to a worse outcome because of something which arose suddenly (*de novo emererat*) and which was unforeseen (*impraeditatum*), as is clear in the case of Herod, who swore to the dancing girl that he would give her whatever she asked for [Matthew 14:7]. For this oath could have been licit to begin with if an appropriate condition had been understood—viz., if she were going to ask for something that it would be alright for him to give her—but the fulfillment of the oath was illicit. Hence, in *De Officiis* Ambrose says, “Sometimes it is contrary to duty to keep a promissory oath (*promissum solvere sacramentum*), as with Herod, who granted the murder of John in order not to break his promise.”

Reply to objection 3: There are two obligations in the case of an oath that an individual swears while being coerced.

One is that by which the individual is obligated to the man to whom he promises something. And this obligation is removed because of the coercion, since the one who inflicted the force deserves not to have what was promised to him fulfilled.

The second obligation is the obligation by which one is obligated to God to fulfill what he has promised by God’s name. And this obligation is not removed in the forum of his conscience, since he ought to sustain a temporal loss rather than to break his oath. However, he can seek a judgment that absolves him or make a denunciation to his prelate— even if he has sworn an oath not to do this. For such an oath would lead to a worse outcome, since it would be contrary to public justice.

Now the Roman Pontiffs have absolved men of such oaths, not in the sense of declaring that oaths of this sort are not obligatory, but in the sense of relaxing obligations of this sort for a just cause.

Reply to objection 4: When the intention of the one who swears the oath is not the same as the intention of the one to whom he swears it, then if this proceeds from the guile of the one swearing the oath, the oath ought to be kept according to the sound understanding of the one to whom the oath is presented. Hence, Isidore says, “No matter how artful the one swearing the oath is with his words, God, who is the witness of his conscience, receives the oath as it is understood by the one to whom the oath is sworn.” And the fact that Isidore means a deceitful oath is clear from what he adds, “He is guilty twice over because he both takes God’s name in vain and also tricks his neighbor by guile.”

However, if the one swearing the oath is not being deceitful, then he is obligated in accord with the intention of the one swearing the oath. Hence, in *Moralibus* 26 Gregory says, “Human ears judge our words by how they sound externally, whereas divine judgments hear the external words as they are pronounced from within.”

Article 8

Is the obligation belonging to an oath greater than the obligation belonging to a vow?

It seems that the obligation belonging to an oath is greater than the obligation belonging to a vow:

Objection 1: A vow is a simple promise. But an oath adds God’s witness over and beyond the promise. Therefore, the obligation belonging to an oath is greater than the obligation belonging to a vow.

Objection 2: What is weaker is normally strengthened by what is stronger. But a vow is sometimes strengthened by an oath. Therefore, an oath is stronger than a vow.

Objection 3: As was explained above (q. 88, a.1), the obligation belonging to a vow is caused by

the mind's deliberation. But the obligation belonging to an oath is caused by divine truth, the witness of which is invoked. Therefore, since God's truth exceeds human deliberation, it seems that the obligation belonging to an oath is stronger than the obligation belonging to a vow.

But contrary to this: By a vow one is obligated to God; by an oath one is sometimes obligated to a man. But a man is obligated more to God than to a man. Therefore, the obligation belonging to a vow is greater than the obligation belonging to an oath.

I respond: Both sorts of obligation, viz., the obligation belonging to a vow and the obligation belonging to an oath, are caused by something divine, but in different ways. For the obligation belonging to a vow is caused by the *faithfulness* that we owe to God—more specifically, that we keep our promise to Him. On the other hand, the obligation belonging to an oath is caused by the *reverence* we owe to him; we are obligated by this reverence to make true what we promise by His name.

Now all unfaithfulness includes irreverence, but not vice versa, since the unfaithfulness of a subject to the Lord seems to be the greatest irreverence. And so a vow by its nature is more obligatory than an oath.

Reply to objection 1: A vow is not just any sort of promise, but is instead a promise *made to God*, whom it is most grave to be unfaithful to.

Reply to objection 2: An oath is applied to a vow not as something more firm, but in order that a greater firmness might be brought to bear by *two* unchangeable things.

Reply to objection 3: The mind's deliberation gives firmness to a vow on the part of the one making the vow. However, it has a greater cause of firmness on the part of God, to whom the vow is offered.

Article 9

Can anyone grant a dispensation from an oath?

It seems that no one can grant a dispensation from a vow:

Objection 1: Just as truth is required for a *declarative* oath, which has to do with the past or present, so, too, truth is required for a *promissory* oath, which has to do with the future. But no one can grant a dispensation to an individual so that he might swear an oath about the past or the present contrary to the truth. Therefore, similarly, no one can grant a dispensation so that an individual might not make true what he has promised about the future with an oath.

Objection 2: A promissory oath is sworn for the benefit of the one to whom the promise is made. But the latter, it seems, cannot mitigate the oath, since this is contrary to reverence for God. Therefore, *a fortiori*, a dispensation cannot be granted by anyone in this matter.

Objection 3: As was explained above (q. 88, a. 12), in the case of a vow a bishop can grant a dispensation, with the exception of certain vows that are reserved to the Pope alone. Therefore, by parity of reasoning, if an oath were subject to dispensation, than any bishop could grant such a dispensation. But this seems to be contrary to the statutes (*contra iura*). Therefore, it seems that a dispensation cannot be granted in the case of an oath.

But contrary to this: As was explained above (a. 8), a vow carries a greater obligation than an oath does. But a dispensation can be granted in the case of a vow. Therefore, a dispensation can be granted in the case of an oath.

I respond: As was explained above (q. 88, a. 10), the necessity for a dispensation, both in the case of a law and in the case of a vow, arises from the fact that something that is beneficial in its own right, or when considered in general, is able, because of some particular turn of events, to be something ignoble or harmful that cannot fall either under a law or under a vow.

Now something's being ignoble or harmful is incompatible with the conditions that ought to be present in the case of an oath. For if it is ignoble, then it is incompatible with *justice*, and if it is harmful, then it is incompatible with *judgment*. And so, by parity of reasoning, a dispensation can likewise be granted in the case of an oath.

Reply to objection 1: A dispensation that is given in the case of an oath does not extend to something's being done *contrary to* the oath. For this is impossible, given that the observance of an oath falls under a divine precept, from which there can no dispensation. Rather, a dispensation in the case of an oath extends to this: that what fell under the oath no longer falls under the oath, in the sense that the appropriate subject matter (*materia*) of an oath no longer exists—just as we explained above in the case of a vow (q. 88, a. 10).

Now the subject matter of a *declarative* oath, which is about the past or the present, has already passed into a certain sort of necessity and is an unchangeable fact, and so a dispensation would have to do not with the subject matter, but with the very act of swearing the oath. Hence, such a dispensation would be directly contrary to a divine precept.

By contrast, the subject matter of a *promissory* oath is something future, which can change in such a way that, with a certain turn of events, it can be illicit or harmful, and, as a result, not be an appropriate subject matter for an oath. And so there can be a dispensation in the case of a promissory oath, since such a dispensation looks to the subject matter of the oath and is not contrary to the divine precept concerning the keeping of an oath.

Reply to objection 2: There are two ways in which one man can promise another something under oath.

In one way, he promises him something that is to his advantage—if, for instance, he promises under oath that he will serve him or give him money. And the one to whom the promise was made can release him from such a promise. For the one who promised will be understood as having already fulfilled his promise to the other when he deals with him according to the other's will.

In the second way, someone promises to another something that pertains to honoring God or benefitting others, e.g., if an individual promises someone by an oath that he will enter religious life, or he promises him that he will do some work of piety. In such a case, the one to whom the promise is made cannot release the individual who made the promise, since the promise was made principally to God and not to him—unless, perhaps, there is an interposed condition, viz., *if it is going to seem fitting to the one to whom he makes the promise*, or some other such condition.

Reply to objection 3: What falls under a promissory oath is sometimes clearly incompatible with *justice*, either because it is a sin, as when someone swears that he will commit homicide, or because it will impede a greater good, as when someone swears that he will not enter religious life. Such an oath does not need a dispensation; instead, in the first case, one is obligated not to fulfill such an oath, whereas in the second case, as was explained above (q. 88, a. 7), it is both permissible to fulfill the oath and likewise permissible not to fulfill it.

On the other hand, sometimes what is promised under an oath is such that there is doubt about whether it is permissible or impermissible, advantageous or harmful, whether absolutely speaking or in some particular set of circumstances. In a case like this, any bishop can grant a dispensation.

By contrast, sometimes what is promised under an oath is something that is clearly useful and beneficial. And in a case of this sort of oath there seems to be no room for a dispensation. But there may be room for (a) *a change in the oath (commutatio)*, if something better to do for the common welfare comes up—which seems to pertain especially to the power of the Pope, who has care of the universal Church—or (b) even *an absolute relaxation of the oath (absoluta relaxatio)*, which also pertains to the Pope in all cases in general that have to do with the disposition of ecclesiastic matters, over which he has the fullness of power—in the same way that, as Numbers 30:6ff. says and as was explained above for vows (q.88, a. 8), it pertains to each individual to invalidate an oath that has been sworn by someone

subject to him concerning things that are subject to his power, in the way that a father can invalidate an oath sworn by his daughter and a husband can invalidate an oath sworn by his wife.

Article 10

May the swearing of an oath be prevented by some condition pertaining to the person or the time?

It seems that the swearing of an oath may not be prevented by any condition pertaining to the person or the time (*iuramentum non impediatur per aliquam conditionem personae vel temporis*):

Objection 1: As is clear from the Apostle in Hebrews 6:16, an oath is brought forth for confirmation. But everyone is such that it is appropriate for him to confirm his own words, and at any time whatsoever. Therefore, it seems that the swearing of an oath may not be prevented because of any condition pertaining to the person or the time.

Objection 2: It is a greater thing to swear an oath by God than by the Gospels. Hence, Chrysostom says, “‘If there is a reason for swearing, he who swears by God seems to be doing a small thing, whereas he who swears by the Gospel seems to have done something bigger’. To those who say this, one should reply, ‘Fools! The Scriptures were made because of God, not God because of the Scriptures’.” But individuals of every condition of person and at every time have grown accustomed to swearing by God. Therefore, *a fortiori*, it is permissible for them to swear by the Gospels.

Objection 3: It is not the case that the same thing is caused by contrary causes, since contrary causes are the causes of contraries. But some are excluded from swearing oaths by a defect in their person, such as children under the age of fourteen and, likewise, those who once lied under oath (*illi qui semel fuerunt periuri*). Therefore, it does not seem that any individuals should be prohibited from swearing an oath either because of their [great] dignity, e.g., clerics, or because of the solemnity of the time.

Objection 4: No man living in this world is of such great dignity as the angels are, since Matthew 11:11 says, “The least in the kingdom of heaven is greater than he is,” viz., John the Baptist when he was still living in the world. But it is alright for an angel to swear. For Apocalypse 10:6 says that the angel “swore by Him who lives forever and ever.” Therefore, no man should be excused from swearing because of his [great] dignity.

But contrary to this: *Decretals* 2, q. 5 says, “Instead of swearing an oath, a priest will be interrogated with a holy consecration.” And 12, q. 5 says, “No one in ecclesiastical orders may presume to swear any oath by the holy Gospels to any lay person.”

I respond: In the case of oaths there are two things that have to be taken into account.

One is on the part of *God*, whose witness is invoked. And on this score, the greatest reverence is owed to swearing an oath. For this reason, those who are excluded from swearing an oath include (a) children before the age of puberty, who are not forced to swear oaths because they do not yet have the perfect use of reason by which they might be able to swear an oath with due reverence, and, again, (b) those who have lied under oath (*periuri*) and who are not allowed to swear an oath because it is presumed on the basis of their past actions that they will not show due reverence toward swearing an oath. And it is likewise because of this, in order that due reverence might be shown to swearing an oath, that *Decretals* 22, q. 5 says, “It is right that those who dare to swear by the saints should do this while fasting, with all righteousness and fear of God.”

The second thing to be considered is on the part of *the man whose words are confirmed by the oath*. For the words of a man need confirmation only because there is doubt about them. But it detracts from the dignity of a person that there should be doubts about the truth of what he is saying. And so it is not fitting for persons of great dignity to swear oaths. It is because of this that *Decretals* 2, q. 5, chap. *Si quis*

presbyter says, “Priests should not swear oaths for reasons of little weight (*ex levi causa*). However, if it is necessary or of great benefit (*pro aliqua necessitate vel magna utilitate*), it is permissible for them to swear oaths, and mainly concerning spiritual matters. It is likewise appropriate to swear oaths concerning spiritual matters on solemn feast days, which should be free for spiritual things, whereas oaths should not on those occasions be sworn concerning temporal matters, except perhaps because of some great need.

Reply to objection 1: There are some who cannot confirm their own words because of their defects, and there are some whose words ought be certain to such a degree that they do not need confirmation.

Reply to objection 2: As Augustine points out in *Ad Publicolam*, an oath, *considered in its own right*, is more holy and more obligatory to the extent that what it is sworn by is greater. Accordingly, it is greater to swear by God than by the Gospels.

However, the converse can be the case because of the *manner* of swearing the oath—as, for instance, if the oath that is sworn by the Gospels is done with a certain deliberation and solemnity, whereas the oath that is sworn by God is done casually and without deliberation.

Reply to objection 3: Nothing prevents a thing from being removed by contrary causes that are related as *excess* and *defect* (*ex contrariis causis per modum superabundantiae et defectus*). And it is in this way that some are prevented from swearing oaths because they have an authority greater than that which would make it appropriate for them to swear oaths, whereas others have an authority less than that which would allow their oaths to stand.

Reply to objection 4: An angel’s oath does not arise from a defect of his, as if his simple word should not be given credence, but instead arises in order to exhibit that what is being said arises from God’s infallible disposition. In the same way, as the Apostle notes in Hebrews 6:17, even God is sometimes portrayed in the Scriptures as swearing an oath in order to exhibit the immutability of what is being said.