

Peter John Olivi's Ethics of Lying and Equivocation: Casuistical Teaching drawn from his Commentaries of *Matthew 5:37* and *Luke 24:28*.

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The importance of Peter John Olivi's philosophy and eschatology has long been well known. The pioneering publications of Franz Ehrle put his writings on the map as far back as the last decades of the nineteenth century, and stimulated further work over the following years.¹ David Burr, who made Olivi's Apocalypse commentary and his contribution to the *usus pauper* controversy the subject of several books, brought Olivi's thought to more mainstream attention.² In the last twenty years, scholars have increasingly realised the very individual nature of his work on metaphysics and cognition, not to mention his political thought and eschatology.³ An issue of *Archivum Franciscanum Historicum* that was dedicated to Olivi stated the extent and limits of our knowledge of Olivi's extant works,⁴ and a range of these texts are now available in modern editions.⁵ Two important volumes of articles draw attention to Olivi's works in areas such as biblical exegesis, metaphysics and cognitive perception, and political and

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¹ Among others, F. Ehrle, *Petrus Johannis Olivi, sein Leben und seine Schriften*, in *Archiv für Litteratur und Kirchengeschichte des Mittelalters* 3 (1887) 409-552; Id., *Zur Vorgeschichte des Concils von Vienne*, in *Archiv für Litteratur und Kirchengeschichte des Mittelalters* 2 (1886) 1-55; Livarius Oligier, *Descriptio Codicis Capistranensis continentis aliquot opuscula fr. Petri Ioh. Olivi (Cod. Conv. O.F.M. Capistr. XXVI)* in *Archivum Franciscanum Historicum* [AFH] 1 (1908) 617-622; Id., *Petri Iohannis Olivi de renuntiatione papae Coelestini V Quaestio et Epistola*, in AFH 11 (1918) 309-373; B. Jansen, *Fr. Iohannis Olivi O.F.M., Quaestiones in Secundum Librum Sententiarum*, (Bibliotheca Franciscana Scholastica Medii Aevi 4-6) Ad Claras Aquas, Quaracchi 1922-1926; R. Manselli, *La "Lectura super Apocalipsim" di Pietro Giovanni Olivi, ricerche sull'escatologismo medioevale*, Roma 1955; E. Bettoni, *Le dottrine filosofiche di Pier di Giovanni Olivi*, Milano 1959.

² D. Burr, *The persecution of Peter Olivi*, Philadelphia 1976, Id., *Olivi and franciscan poverty: the origins of the usus pauper controversy*, Philadelphia 1989; Id., *Olivi's peaceable kingdom: a reading of the Apocalypse commentary*, Philadelphia 1993, Id., *The spiritual franciscans: From protest to persecution in the century after Saint Francis*, Philadelphia 2001.

³ See S. Piron, *Le métier de théologien selon Olivi. Philosophie, théologie, exégèse et pauvreté* in *Pierre de Jean Olivi – Philosophe et Théologien. Actes du colloque de Philosophie médiévale. 24-25 octobre 2008, Université de Fribourg.*, ed. C. König-Pralong – O. Ribordy – T. Suarez-Nani, (Scrinium Friburgense 29) Freiburg 2009, 17-86, at 18. For an insight into the breadth of Olivi's contributions to philosophy and theology see articles in *Pierre de Jean Olivi. Pensée scolastique, dissidence spirituelle et société*, ed. A. Boureau – S. Piron, Paris 1999.

⁴ AFH 91 (1998).

⁵ For a comprehensive list of editions of Olivi's works, see bibliography in *Pierre de Jean Olivi – Philosophe et Théologien*; bibliography and editions 2004-2012 are provided by C. König-Pralong – A. Montefusco – S. Piron – J. Toivanen, *Bibliographie des travaux récents sur Olivi, 2004-2012*, in *Oliviana* [Online] 4 (2012) published 14 mars 2013, consulted 18 November 2013. URL : <http://oliviana.revues.org/696>.

social thought.⁶ Scholars have, in a steady stream, increasingly drawn attention to Olivi's innovations, some of which, despite Olivi's condemnation, passed into the writings of Duns Scotus and a handful of other Franciscan theologians. Juhana Toivanen and Robert Pasnau have published on Olivi's theory of sensitive cognition,⁷ Stephen Mossman has shown how the fourteenth-century German Franciscan preacher Marquard von Lindau quoted Olivi's theology of Christ's interior suffering from the moment that he was conceived,⁸ and Piron's recent edition of his treatise on contracts presents a significant dimension of Olivi's economic thought.⁹ This research suggests an intelligence that was unfazed by the prevailing orthodoxies, and a theologian who wrote on unconventional parts of theology in addition to the more usual subjects.

Lying and equivocation is yet another area in which Olivi swam against the tide. Scholastic thought about lying has been remarked upon mostly because of its stability.¹⁰ Aquinas, Bonaventure and Mediavilla, who all commented on the morality of lying in their Sentence Commentaries, stuck to a limited and rather expository script: an Augustinian definition of lying, a conventional typology of lies, and a series of set-piece answers to challenges to Augustine's prohibition of lying taken from the Bible.¹¹ Olivi did not address the question of lying in a sentence commentary; he only wrote on the subject in passing, principally in his Bible commentaries and quodlibets, where he

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⁶ See *Pierre de Jean Olivi. Pensée scolastique, dissidence spirituelle et société*, ed. A. Boureau – S. Piron, Paris 1999; *Pierre de Jean Olivi – Philosophe et Théologien*, ed. C. König-Pralong – O. Ribordy – T. Suarez-Nani.

⁷ J. Toivanen, *Perception and the Internal Senses: Peter of John Olivi on the Cognitive Functions of the Sensitive Soul*, Leiden, Boston 2013. On the influence of Olivi's views concerning cognition on later Franciscan philosophers see R. Pasnau, *Theories of cognition in the later Middle Ages*, Cambridge 1997, 24-25, 148, 291.

⁸ S. Mossman, *Marquard von Lindau and the challenges of religious life in late medieval Germany: The Passion, the Eucharist, the Virgin Mary*, Oxford 2010, 62-5, 79-87.

⁹ *Pierre de Jean Olivi: Traité des Contrats*, ed. S. Piron, Paris 2013.

¹⁰ S. Vecchio, *Mensonge, simulation, dissimulation. Primauté de l'intention et ambiguïté du langage dans la théologie morale du bas moyen âge*, in *Vestigia, imagines, verba: Semiotics and logic in medieval theological texts (XIIIth-XIVth Century)*. Acts of the XIth symposium on medieval logic and semantics, San Marino, 24-28 May 1994, ed. C. Marmo, Turnhout 1997, 117-32; for a *tour d'horizon* of scholastic and moralistic thought about lying see A.M. Landgraf, *Definition und Sündhaftigkeit der Lüge nach der Lehre der Frühscholastik*, in *Zeitschrift für katholische Theologie* 63 (1939) 50-85, 157-180; I. Rosier-Catach, *La Parole Efficace: Signe, rituel, sacré*, Paris 2004, 295-323; M. Colish, *Rethinking Lying in the Twelfth Century*, in *Virtue and Ethics in the Twelfth Century*, ed. I.P. Bejczy - R.G. Newhauser, Leiden, 2005, 155-173, C. Casagrande and S. Vecchio, *I peccati della lingua: Disciplina ed etica della parola nella cultura medievale*, Rome 1987, 251-289.

¹¹ Thomas Aquinas, *Summa Theologiae*, ed. ex recensione Leonina, vol. 2. Turin 1948, IIa-IIae, q.110, 551-6; Bonaventure, *III Sententiarum*, in *Opera Omnia*, edita studio et cura PP. Collegii a S. Bonaventura, vol. 3, Ad Claras Aquas (Quaracchi) 1882-1902, D.38, 838-857, Richard of Mediavilla, *III Sententiarum*, Venice 1507, D.38, ff.147r-8v.

also discussed questions about concealing the truth. He emphasised the quasi-contractual nature of language and the duties of the speaker to his listener; it was this sensitivity towards the ethics of communication that led him to develop one of the most coherent theories of equivocation and mental restriction to appear in his century.¹²

This article presents a previously unpublished text on lying and dissimulation from Olivi's Matthew Commentary. An edition of the text, based on an early manuscript *Toulouse, Bibliothèque Municipale, MS 48* and corrected against three other manuscripts, is presented in an appendix. Although as yet unedited, the *Matthew Commentary* has been studied several times, principally because of the views on poverty and eschatology that Olivi expressed in this work.¹³ In fact, an edition of the Matthew Commentary is in the process of being published online;¹⁴ the partial edition presented here is intended as a provisional indication of one of Olivi's most important writings on the ethics of lying. This text, his most cogent and comprehensive treatment of the subject, reveals the degree to which Olivi anticipated later casuistical arguments about equivocation and mental restriction. In the first section of this paper, I present two questions on lying and deception from Olivi's Matthew Commentary. It is here that Olivi outlines his theory of equivocation. In the second half, I compare this text to a second passage on the ethics of deception from Olivi's Luke Commentary and argue that Olivi developed his own version of the doctrine of mental restriction, the teaching which allows a speaker to speak or act misleadingly, when a tacit condition is added to what is said or indicated.

Olivi in the context of thirteenth-century thought about lying

Olivi's originality in his discussion of practical moral questions lies in his distinctive theory of language.¹⁵ In common with his contemporaries, Olivi thought that lying was

¹² Olivi's thought about lying and equivocation can also be understood in the context of two distinct traditions of casuistry; biblical commentaries, and manuals on penitence. In a separate paper, *Lying, Equivocation and Mental Reservation: Peter John Olivi in the context of thirteenth century thought*, forthcoming in *Studi Francescani*, I will outline Olivi's debt to earlier casuistical works, and specify his original contributions to these two traditions.

¹³ For a description of Olivi's Matthew Commentary and discussion of its date, see M.-Th. d'Alverny, *Un Adversaire de Saint Thomas: Petrus Iohannis Olivi*, in *St. Thomas Aquinas 1274-1974. Commemorative studies*, Toronto 1974, ii, 179-218; D. L. Douie, *Olivi's "Postilla super Matthaem"* (*Ms. New College MS 49*), in *Franciscan Studies* 35 (1975) 66-92, D. Burr, *The Date of Petrus Iohannis Olivi's Commentary on Matthew*, in *Collectanea Franciscana* 46 (1976) 131-8, K. Madigan, *Olivi and the Interpretation of Matthew in the High Middle Ages*, Notre Dame 2003.

¹⁴ Petrus Iohannis Olivi, '*Lectura super Mattheum, prologus*', ed. S. Piron, *Oliviana* 4 (2012) [Online], uploaded 31 December 2012, consulted 16 September 2014. URL : <http://oliviana.revues.org/498>.

¹⁵ Olivi's theory of language had a bearing on several other areas of his thought: the meaning of the Franciscan vow, the words of the sacraments and the force of legal obligations. A particularly clear account of his understanding of the significance of

always wrong, but gave a different set of reasons for this judgement. In order to bring out the unusual nature of Olivi's thought, it is worth considering a more conventional treatment of lying: Bonaventure's discussion in his *Commentary on the Third Book of the Sentences*.

Bonaventure agrees with the Lombard in affirming that lying is always wrong because it inherently includes the intention to deceive, which, he said, is simply evil and cannot be good for any reason.¹⁶ He states that it is impossible to tell a lie out of charity, since charity presupposes truth; in Bonaventure's eyes it would be as meaningless to talk about a charitable lie as to say that someone does evil in order to bring about good.¹⁷ He and other theologians of the time see lying as a contradiction of language itself; as Thomas Aquinas puts it, 'since speech was invented in order to express what the heart conceives, whenever someone says what they do not believe in their heart, he says something that ought not to be said.'¹⁸ Accordingly, when Bonaventure turns to apparent Biblical instances of lying, he seeks to demonstrate that patriarchs simply never lied. Against the suggestion that Isaac, when he said Rebecca was his sister (Gen 26:7), and Joseph, when he accused his brothers of being spies (Gen 42:9), told holy lies, he replies that they actually both told the truth, since Rachel was both Isaac's sister and wife, and Joseph only spoke as if posing a question.¹⁹ In the fourth book of the *Sentences*, he considers the case of a confessor who under oath denies any knowledge of crimes that were confessed to him in private. This was a genuine dilemma because confessors in this position seemed to be telling an untruth, but at the same time were forbidden by the constitution *Omnis utriusque sexus* from revealing anything that was said to them in confession.²⁰ Bonaventure's answer was to say that that the priest heard confessions and answered questioning in two separate personas. A

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performative language can be found in the question *Quid ponat ius?* ed. P.F. Delorme, O.F.M., in *Antonianum* 20 (1945), 309-330, in which Olivi discusses whether in matters of justice, authority, power of jurisdiction, debts and obligations, there is any real change or addition to the essence of the person subject to the bond and whether, in the reception of sacraments, anything is added to the substance of the person baptised, confirmed or ordained. I have not discussed this question here, because Olivi is not concerned with the morality of formulating phrases with double meanings, but in determining the exact nature of the ties instigated by such locutions. At 328, l.32 ff., he states explicitly that language should be understood as the signification both intended by the speaker and understood by his listeners; the fact that language can have double meanings does not impact on the reality of the obligations expressed in speech. For comments on the question *Quid ponat ius?*, cf. Rosier-Catach, *La parole efficace*, 160-6.

¹⁶ Bonaventure, *III Sententiarum* d.38, q.2. iii, 843.

¹⁷ Bonaventure, *III Sententiarum* d.38, q.2 ad sextam. iii, 844.

¹⁸ Thomas Aquinas, *Scriptum super Sententiis Liber III* in *Opera Omnia* ed. R. Busa S.I., vol. 1, Stuttgart-Bad Cannstatt 1980, d.38 q.1 art.3, 411. 'Cum autem locutio inventa sit ad exprimendam conceptionem cordis, quandocumque aliquis loquitur quod in corde non habet, loquitur quod non debet.'

¹⁹ Bonaventure, *III Sententiarum* d.38, q.2 ad primam. iii, 845.

²⁰ *Decretales Gregorii IX*, ed. Ae. Friedburg, Leipzig 1879-81, V, Tit.38 c.12.

confessor hears not as a man but as God (*ut Deus*), and therefore cannot be said to know what was said to him in any personal capacity. When he is questioned in court, his oath only requires him to say what he knows as a man (*quod novit ut homo*) and so he can truthfully say that he does not know about the crimes confessed to him.²¹ In this way, Bonaventure claimed that the rules about the secrecy of confession and telling the truth under oath were compatible and that circumstances did not force the confessor to lie. In both of these cases, what was most important to him was to show that the patriarchs and the Christian confessor did not consciously speak a falsehood.

When Olivi discusses the ethics of lying, he repeats many of these arguments about the purpose of language and the imperative to tell the truth, but in addition, he stresses the moral dimension of language as a human institution. In his Matthew Commentary, next to the verse ‘Let your words be yes yes, no no’ (Matt. 5:37), Olivi gives a general account of truthful communication, in which he states the importance of speaking in a way that is comprehensible for the audience as well as in keeping with factual truth:

But let your words be yes yes, no no that is, let them be in accordance with the thing and with both your and the listener’s understanding. This is explained in three ways: firstly, with respect to the thing itself, that the meaning should be in your speech just as it is in fact. And if the thing does not exist, it should not be in what you say. Secondly, with respect to your own understanding, so that you say yes or no according to what is in your heart. Thirdly, with respect to those listening, namely, by employing the meaning that your listeners and enquirers normally attach to words.²²

Also in the Matthew Commentary, Olivi poses the question, familiar from distinction 38 of Peter’s Lombard’s third book of the *Sentences*, whether lying is ever justified. Olivi agrees with most of his contemporaries that lying is always wrong, and cites as his primary reason the inherent contradiction that he, like other medieval philosophers, saw in using language, which was instituted for communication, to tell a falsehood. However, he also expounds a more unusual set of arguments, based on the rights of the listener, and the need for shared understanding of the significance of words:²³

[Lying is wrong] fourthly with respect to the speaker’s duty to the natural desire of any listener, which is never to wish to be deceived, and always to wish to have

²¹ Bonaventure, *IV Sententiarum*, in *Opera Omnia*, vol. 4, D.21. p.2 art.2 q.1, 565-567; cf. Thomas Aquinas, *Scriptum super Sententiis Liber IV*, in *Opera Omnia*, ed. Busa, vol. 1, D.21 q.3 a.1a, 561; Mediavilla, *IV Sententiarum*, Venice 1507, D.21 dist.4 q.4, ff.114r-v.

²² *In Matth*, See transcription below, §1.

²³ Olivi develops further the idea that the legal force of language depends on the speaker and listener having a common understanding of the significance of the words in his question *Quid ponat ius?* 329 l.32 ff. cf. Rosier-Catach, *La parole efficace*, 166.

the truth spoken to him. Therefore every liar always acts against the natural rectitude of the will of all listeners, and in consequence, against his own will, in so far as he is a listener, or born able to listen

Fifthly, with respect to the whole community and interaction of men. For it is agreed that almost all communication between humans is achieved by means of the act of signification. For no one can communicate anything of what is in his heart to another unless it is by some intermediary sign, among which speech has the principle place. Therefore the corruption of a signification is the corruption of all human communication. And so we judge that it follows from this that no one believes another without some mutual belief, there is no society, no friendship, no hope, no pact, no constancy between men. Therefore a lie between men is the root of the highest evil. And who doubts that it is the root of all misdemeanour and fraud? Remove the lie and there is no fraud in the world, and no cunning, but pure candour.

Sixthly, with respect to the public pact or public institution of signs. For to infringe common law or the common pact is not permitted, especially to one who is subject to that pact and that community. The greater the strength of that pact, the more it is publicly shared, necessary and beneficial, so much the worse is its infringement. But the pact of signs of which we speak is of such a kind, since the law of tongues and expression flows from a certain natural and common agreement of men.²⁴

Olivi sees the ethical force of language as a human pact based on trust and co-operation. He sees lying not only as a transgression against correctness of language and intention to signify the truth, but as a practice that would have disruptive effects on human relationships and society. These concerns operate below the surface in much of Olivi's more applied ethical thought.

Olivi on Equivocation

In medieval grammar, the term *equivocatio* simply referred to a single word with more than one meaning and so had no moral significance. The ethical theory of equivocation, however, was concerned with the deliberate use of misleading or ambiguous language. More precisely, the doctrine of equivocation states that in situations where it is imperative not to reveal the truth, one can use a deliberately deceptive but true statement to mislead a questioner. The doctrine of mental restriction states that one can also make a statement that would be false, were it not for an internally added condition. Both concepts are largely known today because of the considerable opposition they attracted in the late sixteenth and seventeenth century. Most famously, Pascal attacked the doctrines as a Jesuitical corruption of moral law, eventually leading to Innocent XI passing legislation against some forms of mental restriction in 1679. The upshot has

²⁴ *In Matth.*, *ibid.* §8-10.

been that the reputation of equivocations and mental restrictions as moral corruptions has been charted in scholarly literature more than the genesis of the ideas themselves.

In fact, the moral concepts of equivocation and mental restriction were first developed in the late twelfth and early thirteenth centuries in penitential literature, and were, for better or worse, an uncontroversial part of Christian ethics for over three centuries.²⁵ Raymond of Penyafort says in his *Summa* from 1235-6 that if a murderer at the door asks for a friend hiding within, it is permissible to mislead him by using equivocal words such as *Non est hic*.²⁶ The murderer would understand by these words that the friend is not in the house, whereas the speaker would only mean that the friend does not eat there (The Latin word 'est' can mean both 'he is' and 'he eats'). The canonist Hostiensis also includes arguments in favour of equivocation in the chapter 'De Penitentiis et remissionibus' of his influential manual on canon law, *Summa Aurea* (c.1253).²⁷ In essentials, these medieval authors advocate the same ethical theories as those espoused by the Jesuits in the sixteenth century. Olivi does not invent the idea of equivocation or of mental restriction, but contributes to an already established tradition. However, he is original in two points. Firstly, in his Matthew Commentary, he offers a detailed theory of equivocation which specifies exactly when ambiguous speech is justifiable. Secondly, in his Luke Commentary, he offers a novel explanation why mental restriction should not be considered deceitful.

It is paradoxically because Olivi acknowledges the duties the speaker has towards the listener that he develops an unusually permissive theory of equivocation.²⁸ Unlike his scholastic predecessors, he sets out clearly what the conditions for equivocation ought to be, and specifically considers the question why a deceptive equivocation is better than a lie. Olivi makes a substantial contribution to thought in this area; although his writings on the subject had limited influence on his immediate successors, his

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²⁵ Vecchio, *Mensonge, simulation, dissimulation*, 117; on philosophic discussions of equivocal oaths: Rosier-Catach, *La parole efficace*, 318-319; J.-P. Cavaillé describes a later deployment of the theory of equivocation: the idea, which appears in inquisitors manuals from the fourteenth century on, that inquisitors might be justified in deceiving sophisticated heretics. See *L'art des équivoques: hérésies, inquisition et casuistique. Questions sur la transmission d'une doctrine médiévale à l'époque moderne*, in *Médiévales* 21 (2002), 119-145, esp. 127.

²⁶ Raymond of Penyafort, *Summa de poenitentia et matrimonio*, Rome 1603, repr. Farnborough 1967, 100.

²⁷ Hostiensis, *Summa Aurea* Book 5, 'De Penitentiis et Remissionibus', Venice 1574, col.1810.

²⁸ Olivi comments on the morality of equivocation several times in his various works: this article is not meant to provide a comprehensive study of Olivi's writings on the subject, but to use a few texts to show the substance of his thought. Other discussions of equivocation can be found in his *Quaestiones Textuales*, in *Quodlibeta Petri Johannis Provenzalis*, Venice 1509, *Quaestiones Textuales*, q.10 *Queritur de Judith an in hiis que pro liberatione sui populi fecit aliquot modo peccavit*, ff.37vb-40rb; *Petri Iohannis Olivi quodlibeta quinque*, ed. S. Defraia, Editiones Collegii S. Bonaventurae (Grottaferrata) 2002, Quod. 4.7-10, 227-239.

teachings did eventually re-enter the intellectual tradition, partially by way of Bernardino of Siena, who quoted Olivi's teaching on equivocation in his sermons.²⁹

Throughout his writings, Olivi makes it clear that all kinds of deception, whether through a lie or equivocation, are in normal circumstances wrong. In his *Matthew Commentary*, next to the verse, 'Let your words be yes yes, no no', after posing the conventional question whether lying is always wrong, he attaches a more original subsidiary question, whether duplicitous or simulating words are ever justified.³⁰ He states explicitly that,

duplicity always has an inherent ring of evil. For it inherently contains a lie together with some form of deceit and some kind of image of the truth. It employs words having several meanings with the intention to deceive, in such a way that [the equivocator] intends a false meaning rather than the true one as commonly understood in the minds of those hearing.³¹

However, Olivi goes on to say that under some conditions, the use of equivocal words can be justified. Immediately afterwards, he says:

For the utterance of equivocal words or words with multiple meanings to have the duplicity we mentioned earlier, we should pay attention to five things, the intention of the speaker, his feelings, the reason and motive for his using or speaking these words, whether it be one of necessity or utility, the way the speaker delivers these words and his authority for their use.

For when he does this with an intention that is not straightforward but duplicitous, and with perverse or carnal feelings, and without legitimate utility or necessity, and he is someone who does not have the authority to change the common sense and common understanding of words or of signs, nor does either his status or his life or behaviour show any image or raise any doubt of this aforementioned change of signs or meanings to men; then he is completely duplicitous. If any of the aforementioned considerations are present in any way, then there is duplicity in these cases as well.³²

The use of equivocal words and double meanings is thus sometimes allowed, although Olivi restricts possibility of justified equivocation to prophecy and figurative speech that is inspired by the Holy Spirit. He goes on to apply these principles to the case of Jacob, who, in order to win the blessing of primogeniture from Isaac, pretended to be Esau. It was common in medieval Sentence commentaries to read Isaac's words 'I am

²⁹ Bernardinus Senensis, *Quadragesimale de christiana religio*, in *Opera Omnia*, ed. PP. Collegii S. Bonaventurae, vol. 1, Florence 1950, semo XXXII, a.2, c.2; 394.

³⁰ *In Matth.* See my transcription of *Toulouse, Bibliothèque Municipale MS 49*, which is corrected against three other manuscripts below, §2.

³¹ Olivi, *In Matth.* §15.

³² *ibid.* §15.

Esau' as mystically or allegorically true.³³ Olivi is unusual in acknowledging that Jacob's words were deceptive, and explains why it was morally permissible for him to deceive Isaac on this occasion:

But God and his prophets in their figurative and prophetic speeches and actions had none of these five [qualities]: thus Jacob, saying to his father, "I am Esau" etc., was motivated by the most simple of intentions and deep feelings for the spiritual and Divine, and by the authority of the Holy Spirit, who can licitly use metaphorical or figurative speech since He is not bound by the human laws of speech, or by human statutes or pacts. He [Jacob] was also motivated by the necessity to obey, since God's will was made known to him through his mother, as well as through his internal instinct. He was also motivated by the spiritual advantage that God intended to bring about by a deed of this kind; along with this, his life and status were such that one paying close attention to his life and judging it could clearly infer that such a holy and simple man would by no means undertake something like this, unless within a sound framework of virtue and solid truth. And this as a general rule should always be noted in every place in Scripture where God's prophets seem to have spoken mendaciously or duplicitously [...].³⁴

Underlying this passage is the additional idea that Jacob's speech was not entirely deceptive; for, in a sense, he was speaking a spiritual truth, and someone sufficiently enlightened would be able to perceive the truth latent in his words. In a previous section of the Matthew Commentary, Olivi considers whether God can knowingly deceive humans, and concluded that God only ever tells the truth: it is sin that causes human beings to misunderstand divine truth:

Just as the light of truth blinds some by accident, so do the works of light deceive some by accident. This deception is inherently created by the defect of the person who is deluded; this defect sometimes comes from the guilt of original corruption, and sometimes from actual guilt.³⁵

In cases like Jacob's words to Isaac, Olivi does not deny that a deception has taken place, nor does he deny that God might will that some people be deceived, but the responsibility lies with those who are deluded. God has provided enough information for enlightened people to be able to understand the deeper truth of His words.

Implicit Meaning and Convention

³³ e.g. Bonaventure, *III Sententiarum*, in *Opera Omnia*, vol. 3, D.38, Dubia IV, 857.

³⁴ Olivi, *In Matth.* §16.

³⁵ *ibid.* §14.

More remarkably, Olivi sees equivocation not only as a means of prophetic communication, but as an accepted part of conventional speech. In a discussion of equivocation in his commentary on Luke, he describes the actions of Christ on the road to Emmaus both as spiritual communication, similar to Jacob's prophetic words to Isaac, and as a polite gesture.³⁶ Implicit in his discussion is the suggestion that Jesus's actions provide a model for passing ethical judgements on social interactions among people generally.

On the road to Emmaus, Jesus appeared to two travellers. When they stopped at their destination, Jesus 'made as if he would go farther',³⁷ but the travellers urged him to stay with them. This passage was often cited in medieval discussions of whether or not deception can be ethical because Jesus appears to have deliberately created a false impression. The more usual explanation for Jesus's actions was to say, in accordance with a text from Augustine, that he conveyed a spiritual meaning by this gesture, in a comparable way to his figurative language.³⁸

When Olivi discusses the passage, he gives a more original explanation that he develops from his own theory of equivocation. He first describes Christ's pretence in very similar language to that of Jacob's simulation in the Matthew Commentary:

But in order to know that this pretence was, and could exist, without any indecency or sin, you should note that when the pretence inherently contains and gives rise to a false signification, arising from a deceitful, fraudulent, vain or base intention, then it is improper and illicit. But when the pretence has none of these [qualities], but rather their opposites, that is, a high level of truth and benefit in its signification, and the highest level of sincerity and piety in its intention, and along with these [qualities], the renowned authority of its author, and other appropriate congruities in the way one acts; then it works most appropriately and when it is explained to him or her later, wonderfully pleases the person to whom the gesture is made. And it was so for many of the predictions and sometimes for the miraculous deeds of the prophets and it is true in this case.³⁹

³⁶ *Lectura Super Lucam*, ed. F. Iozzelli, Editiones Collegii S. Bonaventurae (Grottaferrata) 2010; on Olivi's method of exegesis in this work see F. Iozzelli, *La parabola del buon Samaritano (Lc 10, 25-37) in Pietro de Giovanni Olivi*, in *Studi Francescani* 107, 1-2 (2010) 61-88, on its eschatological themes see M. Bartoli, *Vivere il vangelo alla fine dei tempi. Le Lecturae super Lucam et super Marcam di Petrus Iohannis Olivi*, in *AFH* 104 (2011) 271-283.

³⁷ Lk 24:28.

³⁸ Thomas de Aquino, *Catena Aurea, In Lucae Evangelium*, ed. VIII Taurinensis emendatissima stereotypa, Turin 1925, c.24, 344; cf. Bonaventure says that Christ gave the impression that he wanted to go on further in order to offer the travellers the opportunity to invite him in more warmly and so to do more good. *Commentarius in Evangelium S. Lucae in Opera Omnia tom. VII*, ed. PP. Collegii a S. Bonaventura, Florence 1895, c.24, 596.

³⁹ *Lectura Super Lucam*, ed. F. Iozzelli, 658; 'Ut autem scias quod hec fictio fuit et esse potuit absque omni indecentia vel peccato, nota quod, quando fictio habet in se et ex se significationem falsam et ab intentione fallaci et dolosa aut vana vel cupida

The criteria for a licit falsehood that Olivi lists here - good intention, an honourable reason for the falsehood, authority to pronounce it and an appropriate way of employing the deceptive words or actions – are the same as those he names in the Matthew Commentary. Olivi is reading Christ's pretence of going on further as an instance of figurative communication similar to that of the Old Testament prophets.

However, Olivi takes his discussion in a different direction:

It should be known that, when the reason for a signification proceeds principally from an institution founded voluntarily by men and from the will and the intention of the agent, then falsity of signification is principally in the intention of the agent, and not in the sign, or only in so far as it [the sign] follows from [the intention] as from its cause. But when it is only by its nature that the signification corresponds to [the thing signified], then if there was any falsity in that signification, this cannot be ascribed to the voluntary intention of the agent. Thus, although it signifies this according to natural consequence, it does not follow from any other rational cause, and on account of this there will be no real falsity in its natural meaning, since it does not mean this in every case, but only in as much as it is in the normal course of its nature. And so if anyone is deceived thereby or anyone takes the signification to be false, that falsity is rather in his or her false estimation than it is in the sign itself. And this is how it was in this case.

Hence, given that a poor man, who is travelling with a rich man as far as the rich man's home, wants to be invited in by him, but out of shame goes a little further, expecting nevertheless to be invited in, and actually does this so that the rich man will more willingly invite him; it is clear that he is not deceitful or false in this, at least when he does so out of pure holy virtue and from a sober modesty and without any sinfully greedy or disordered desire.⁴⁰

procedentem, tunc est indecens et illicita. Quando vero nichil horum habet, sed potius opposita, utpote veritatem altam et utilem in sua significatione, et summam sinceritatem et pietatem in intentione, et cum hoc auctoritatem celebrem in auctore, et alias decentes congruentias in modo agendi: tunc decentissime currit et ipsimet, cui fit, miro modo complacet, cum sibi postmodum aperitur. Et hoc modo fuit in multis presagiosis et aliquando prodigiosis operibus prophetarum, et sic est in proposito.⁷

⁴⁰ *ibid.* p.659; '[...] sciendum quod, quando ratio significationis principaliter procedit a voluntaria hominum institutione et ab agentis voluntate et intentione, tunc falsitas significationis est principaliter in intentione agentis, nec est in signo, nisi in quantum refertur ad illam tamquam ad suam causam. Quando vero ratio illius significationis sibi solum competit ex sua natura, tunc si qua falsitas ibi fuerit, non potest voluntarie intentioni agentis ascribi. Tunc etiam, quamvis id quod secundum naturalem consequentiam significat, ex causa alia rationali non sequatur, non propter hoc erit aliqua realis falsitas in naturali significatione ipsius, quia non significat hoc in omnem eventum, sed solum quantum est de communi cursu sue nature. Et ideo si aliquis inde decipitur, aut si significatio illa alicui falsa videtur, falsitas illa potius est in illius falsa estimatione, quam sit in ipso signo. Sic autem fuit in proposito. Unde dato quod aliquis pauper, vadens cum divite usque prope divitis domum, cupiat invitari ab eo, sed ex

This passage is based on an Augustinian distinction between given and natural signs: Given or voluntary signs, such as those of which language is composed, only exist in order to communicate a truth deliberately, whereas natural signs, such as smoke signifying a fire or a face involuntarily expressing emotion, have meaning as a natural consequence of the thing they are signifying.⁴¹ Olivi says that the gesture of proceeding further is not a voluntary but a natural sign; we only infer that Jesus meant to carry on because of a judgement based on the usual course of events ('de communi cursu sue nature'). Therefore, if someone falsely infers the gesture to mean something that it does not in fact mean (i.e. if the travellers falsely thought Jesus was continuing his journey) there is no basis for saying they were taken in by a deliberate falsehood since there was no intention to signify in the gesture at all. The responsibility for the deception lies not in the person who made the gesture, but in the person who erroneously interpreted it.

However the analogy which Olivi employs to illustrate this point suggests a rather different construction. Christ's actions are comparable to those of the poor man who pretends not to stop at the rich man's house despite expecting the rich man to invite him in. Apparently, Olivi's point is that the action of the poor man carrying on a little further could equally mean that he is not stopping there or that he does not want to invite himself into the rich man's house. Thus, when he makes the gesture with an honest intention, there can be no falsehood. But, read on a simpler level, Olivi is certainly also suggesting, without stating it, that a politely false gesture is not really meant to deceive: it is just a convention and therefore could not be sinful or immoral. The poor man's actions are motivated by honest intentions of modesty, and are so interpreted by the rich man. Olivi attributes such honest motives to Christ: he states that the first reason why Christ pretended to continue on his way was so as not to impudently demand hospitality and a meal from the travellers.⁴²

In using this example, Olivi departs from other scholastic discussions of the truth and falsehood of signs, in that he acknowledges that the true meaning of signs depends as much on social convention as on inherent significance. He regards communication not only as a God-like and God-given ability to convey meaning, but as a human institution which is held in place by agreement and mutual understanding. This difference of perspective informs the way Olivi interprets the meaning of Christ's acts of communication: in this example, he implies that Christ's actions should be

verecundia vadat aliquantulum ultra, expectans tamen adhuc invitari ab eo, et etiam hoc faciens ut ab eo libentius invitetur: constat quod talis non est in hoc fallax vel falsus, saltem ubi hoc ex sola virtute sancte et sobrie verecundie facit et absque omni vitio gulosi vel cupidi appetitus.'

⁴¹ Augustinus, *De Doctrina Christiana*, ed. R.P.H. Green, (Oxford 1995), ii, I.2-III.4; cf. M. Colish, *The Stoic theory of verbal signification and the problem of lies and false statement from antiquity to St. Anselm*, in *Archéologie du signe*, ed. L. Brind'Amour – E. Vance, Toronto, 1983, 17-43 at 28; Rosier-Catach, *La parole efficace*, 57-65.

⁴² *Lectura Super Lucam*, 659, 'Si autem queras, quare Christus hoc fecit, ad hoc est triplex ratio. Prima est, ne importune et improbe se videretur ingerere hospitio et comestioni illorum, et ut pauperibus daret formam se non improbe ingerendi.'

interpreted as much as a polite formulation as a figurative communication of spiritual truth.

In equal measure, Olivi applies this understanding of language to moral dilemmas faced by members of the clergy in the real world. We have seen that Bonaventure and his contemporaries debated the case of a priest who is asked under oath about crimes he has heard in confession. The more common answer that academics gave in the thirteenth century was to say that the priest who denied the crimes spoke the truth because he answered in a different identity from his persona as confessor. Olivi, in contrast, applies his own theory of language to the problem; he considers that the confessor who denies knowledge of crimes under oath tells the truth, not because of any split identity, but because it is universally understood that a confessor cannot reveal in court the crimes confessed to him. Therefore, ‘according to the common usage’, any questioning of a confessor according to due process would carry the implicit knowledge that the confessor would only reply according to due process and what is subject to human law, that is, the confessor would answer under the proviso that he would not mention anything confessed to him during his administering of the sacrament.⁴³ Because everyone understood this to be so, Olivi claims, there is no falsehood; the confessor can deny the crimes confessed to him ‘most truthfully’.⁴⁴ Olivi takes into account the implicit meaning of words and standard legal conventions as valid aspects of the meaning of speech. As such, his solution to the confessor’s dilemma appeals to common understanding rather than spiritual or literal truth.

When Olivi answers the question ‘Can I deliberately say without lying that someone, whom I suspect to be evil, is good?’ he again uses a theory of language defined by common understanding.⁴⁵ Olivi identifies the subject of the question as a decretal of Innocent III. Innocent was petitioned whether a bishop, who in the course of consecrating a priest was asked whether the candidate was worthy of office, sinned when he knows nothing about the candidate, but publicly stated that he was worthy.⁴⁶ Innocent replied that the prelate could say that the candidate was worthy, even if he had only heard this from others, since it must be commonly understood that he ‘knows him to be worthy as far as human fragility allows’.⁴⁷ Olivi unpacks this judgement. If the

⁴³ *Petri Iohannis Olivi quodlibeta quinque*, ed. Defraia, Quod. 4.9. ll. 41-49; 232; ‘Constat autem quod cum communiter de noticia hominum huius vite loquimur, loquimur de humana conversatione in communi modo habita. Cum etiam secundum ordinem iuris aliquis interrogatur, non interrogatur nisi de eo quod secundum iuris ordinem debet respondere. Unde nullus debet interrogationem vel locutionem intelligere nisi secundum quod est informata communi sensu et ordine iuris; et ideo cum confessor interrogatur de aliquo sibi confesso, nec ipse nec alter debet hoc intelligere, nisi de his que scit via communi et que subest humano iuri.’

⁴⁴ *ibid.* ll.49-50; ‘Quando ergo per viam communem et talem nihil mali scit de illo, tunc verissime dicit se nihil scire de eo.’

⁴⁵ Quod 4.8, ll.6-7, p.228.

⁴⁶ *Decretales Gregorii IX*, Book 1 Tit. 12 c.1.

⁴⁷ ‘Unde in tali responsione aliquem peccare non credimus, dummodo contra conscientiam non loquatur, quia non simpliciter illum asserit esse dignum, sed in

prelate is certain that the candidate is unsuitable, he should secretly say so before the official scrutiny.⁴⁸ However, if he is uncertain, then the prelate would not be lying in saying that he is good and worthy. On an official occasion, language should rather reflect the true form of law than human, fickle or ill-judged human suspicion.⁴⁹ According to the correct form of law, people should be presumed good unless the opposite is proved.⁵⁰ When Paul addressed Festus as ‘most noble Festus’, and when Judith praised Holofernes as a good and powerful king, both were speaking according to their public reputation and Paul referred to the presumed external goodness that must be presumed of any judge or prefect. Neither Judith nor Paul spoke according to their personal suspicions.⁵¹

Again, Olivi eschews an explanation based solely on semantics or picking apart the precise grammatical significance of legal formulations. He understands the true significance of language in a particular context to be based on convention and the mutual codes of understanding established between speaker and listener. Olivi’s originality lies in citing this convention as a theological justification for speaking fictive words in formal legal proceedings. He does not feel the need to claim, as earlier Masters had, that these formulaic words were true on a deeper level; it was enough to say that according to human institutions, such formulations have a certain meaning in these specific contexts.

Conclusion

These passages amount to a theory of **equivocation**: Olivi enumerates in the Matthew and the Luke commentaries a list of conditions under which it is morally permissible to deceive others by using ambiguous speech; while in his quodlibets, he offers reasons why certain apparent falsehoods are in fact justified instances of speech carrying implicit *provisos* – what would later be known as ‘mental restrictions’. Olivi is therefore an early and important figure in the evolution of casuistical arguments concerning equivocation, mental restriction and telling the truth.

Olivi was not **engaged** in using sophisticated arguments to soften moral prohibitions, as later casuists were accused of doing. His explanations rest on a coherent theory of language as a community of understanding. In Olivi’s view, the infringement of common understanding demands a proper theory and justification; he specified which special circumstances permit the use of simulation and deception precisely

quantum humana fragilitas nosse sinit, quum illum quem indignum esse non novit, dignum debeat aestimare.”

⁴⁸ Quod 4.8 ll. 16-18.

⁴⁹ *ibid.* ll. 21-4; ‘non mentitur dicendo eum bonum vel dignum, et precipue cum hoc dicit in loco vel negocio solemnium, ubi verba potius debent secundum rectam formam iuris dici et interpretari, quam secundum humanam aut levem vel temerariam suspicionem.’

⁵⁰ *ibid.* ll. 24-5; ‘Est autem de recta forma iuris quod aliquis presumatur bonus nisi contrarium probetur’.

⁵¹ *ibid.* ll. 30-47.

Commented [EC6]: justifiable om.

Commented [EC7]: merely om.

because he acknowledges a duty to ensure the listener's comprehension. This is the deeper originality of Olivi's moral thought about language: he regards speech as an institution used instrumentally for human understanding, rather than as an imitation of God's truth. It is this theory which motivates his unusual approach to casuistical questions about telling the truth.

Commented [EC8]: purely om.

Peter John Olivi, *In Matth.* 5:37: Some extracts

It has not been possible to consult more than four of the twenty extant manuscripts in order to prepare this transcription.⁵² The manuscripts consulted are Toulouse, Bibliothèque Municipale, MS 48, ff. 71v-75r (**T**), Oxford, New College, MS 49 ff.51va-54rb. (**N**),⁵³ Cambridge, Corpus Christi College, MS 321 ff.59ra-61vb. (**C**),⁵⁴ and Paris, Bibliothèque Nationale, MS Lat. 15588, ff.49va-51va (**P**).⁵⁵ **T** dates from the fourteenth century, is written in two columns and has the appearance of a university text. A later hand has made corrections. **N** is from the fifteenth century, and is written in a minimally abbreviated, clear textura in two columns. It is a large codex containing only this work, with almost no marginal annotations.⁵⁶ **C** is from the fourteenth century, in a very contracted, very English hand. **C** is a compilation of Olivi's Matthew Commentary, his commentary on the Lord's Prayer, some theological questions and is bound together with an Old English dialogue. The online edition of the prologue of the Matthew Commentary found evidence that **C** represents a very early redaction of the text, since it does not include some additional questions that were added early in the work's diffusion.⁵⁷ **P** is almost contemporary with the work itself, and belonged to the Parisian master, Peter of Limoges. It also contains Olivi's commentary on Romans and the Song of Songs. It is densely written in a formal Gothic book hand. I have used **T** as the base manuscript because of its relatively low number of errors, the clarity of the script and its centrality to the work's transmission.⁵⁸

All of the MSS used have some errors in common, although the distribution is uneven. The correct reading is to the left of the bracket, and the shared error is to the right:

C and N

§3 n.78 eum] eam

C and P

§3 n.78 eum] eam

⁵² A. Ciceri, O.F.M. counts twenty-four manuscripts of the *Matthew Commentary* in *Pietro de Giovanni Olivi: Censimento-Inventario dei Manoscritti*, in AFH 90 (1997): 3-83 at 9. P. Vian gives an updated list of twenty manuscripts in *L'Opera Esetetica di Pietro di Giovanni Olivi*, in AFH 91 (1998) 432-3. The online edition of the prologue to the *Matthew Commentary* lists twenty extant manuscripts, of which eighteen are complete. See *Lectura super Mattheum, Prologus*, ed. Piron, <<http://oliviana.revues.org/498#ftn25>> (consulted 18 September 2014) §1.

⁵³ N.R. Ker et al., *Medieval manuscripts in British libraries*, vol. 3, Oxford 1969-2002, 733.

⁵⁴ M.R. James, *A descriptive catalogue of the manuscripts in the library of Corpus Christi College Cambridge, vol. 1*, Cambridge 1912, 137-8.

⁵⁵ For descriptions of all of these MSS, see M.-Th. d'Alverny *Un Adversaire de Saint Thomas: Petrus Iohannis Olivi*, 179-218.

⁵⁶ For further discussion of this MS see D. L. Douie, *Olivi's 'Postilla super Matthaem'*.

⁵⁷ *Lectura super Mattheum*, ed. Piron, §7.

⁵⁸ See comments in the online edition, *Lectura super Mattheum*, ed. Piron, §5, 8.

§7 n.101 recte] rationem

§10 n.117 quia] om.

§14 n.150 sequatur] sequitur

§14 n.151 a deo active. Ita] om.

§14 n.154 est] om.

§15 n.158 sive] seu

§15 n.163 vel] et

§16 n.178 vir sic] nisi

§18 n.194 scienter] om.

C and T ‘correcting’ hand

§14 n.151 a deo active. Ita] om.

N and P

§3 n.78 eum] eam

§7 n.98 aut]om.

§9 n.108 etiam] et

N and T

§14 n.152 efficiendum] efficiendum per se

P and T ‘correcting’ hand

§14 n.151 a deo active. Ita] om.

*In view of the limited evidence, it has not been possible to establish a useful stemma. Nevertheless, it is possible to draw a few provisional conclusions. The common errors suggest that C and P are closely related, and there is a smaller amount of evidence for relationships between all four of the manuscripts. T is a special case: the online edition of the prologue of *Lectura super Mattheum*, identifies T as a central manuscript to the textual tradition, although it includes passages not contained in the original redaction.⁵⁹ It is the later correcting hand which erased the phrase ‘a deo active. Ita’, thus introducing the only significant error in common between T, P and C; the original copier of T did not make this mistake; overall, the corrector of T was very hit and miss. Although the editor of the online edition of the prologue point to instances where the corrector of T has emended the text correctly,⁶⁰ in this extract, the corrector has erred many more times than he has intervened correctly. This means that neither the uncorrected nor the corrected version of T is entirely unrelated to the other manuscripts: the uncorrected version has at least one minor error in common with N and P; the corrected version of T has at least one significant error in common with each of the three other manuscripts (the omission of ‘a deo active. Ita’ is shared between T, P and C; N and T both omit ‘per se’ at §14). Excluding the faulty corrections, T proves a good text, with few errors. Therefore, T has been used as the base manuscript (with the plausible corrections included in the text or apparatus). Where T agrees with one other witness, this reading has been preferred.*

⁵⁹ *Lectura super Mattheum*, ed. Piron, §1-3.

⁶⁰ *Lectura super Mattheum*, ed. Piron, n.23.

Commenting on the verse 'Let your words be yes yes, no no', Olivi answers four questions on perjury then four on lying and deception (the fourth not listed at the start of that section, but introduced in the final section). I have included Olivi's introduction to his whole discussion of Mt 5:37 followed by his second section on lying.

1.(T f.71vb) Sit autem sermo vester est est non non id est, sit concors rei et intellectui⁶¹ tam tuo quam audientis. Et secundum hoc tripliciter exponitur. Primo respectu rei, ut sit sensus sicut est in re, sic sit⁶² in tuo sermone. Si autem res non est, sic⁶³ non est⁶⁴ in tuo sermone. Secundo respectu intellectus proprii, ut scilicet⁶⁵ sic loquaris affirmative vel negative sicut habes in corde. Tertio respectu audiencium, ut scilicet loquaris concorditer secundum communem⁶⁶ intentionem verborum quam expetunt communiter audientes seu interrogantes.

[...]

2.(f.73va) Post hoc,⁶⁷ quantum ad secundam partem huius legis que est de simplici assertione veritatis, queruntur tria. Primo, scilicet, an locutio (f.73vb) mendosa sit semper peccatum? Secundo, an locutio duplex vel simulata? Tercio, an locutio fastuosa⁶⁸ ac pomposa et curiosa? Verbo enim Christi dicentis Sit sermo vester est est non non videntur⁶⁹ simul inhibere⁷⁰ hec tria predicta.

3. Sed quod primum non sit ex se peccatum videtur; sicut enim⁷¹ falsitas opponitur veritati, sic⁷² impotentia potentie,⁷³ et ignorantia sapientie, et mors vite, et sicut veritas est⁷⁴ in Deo ita et illa. Ergo secundum se non plus habet de ratione peccati falsitas quam impotentia⁷⁵ vel mors vel ignorantia. Item nichil quod Deus licite potest est de se malum, sed Deus potest exterius proferre unum verbum vel signum mendosum absque falsitate sui vel iniustitia. Probatio⁷⁶ quia ille, qui novit falsitatem signi et tanquam sciens illud profert, nullam deceptionem falsitatis ex hoc habet in scientia sua. Iudex

⁶¹ intellectum *N*

⁶² est *N*; sit (est *ras.*) *T* 'correcting' hand

⁶³ sit *T*

⁶⁴ om. *C*

⁶⁵ si *C*

⁶⁶ om. *C*; communem modum *N*

⁶⁷ hec *N*

⁶⁸ fatuosa(s *ras.*) *T* 'correcting' hand

⁶⁹ videtur *N*

⁷⁰ inhiberi *T*

⁷¹ om. *C*

⁷² fit *N*

⁷³ impossibilia possibile *N*

⁷⁴ om. *C*

⁷⁵ impossibilia *N*

⁷⁶ Proba(tio *ras.*) *T* 'correcting' hand

etiam inferens penam reo, quam⁷⁷ iustum est eum⁷⁸ pati, non iniuste hoc facit; ergo si dignus⁷⁹ est falli, iustum⁸⁰ est quod fallat eum. Item velle aliquem falli et cum hoc facere aliqua ex quibus necessario ille habet⁸¹ falli, et faciens illa, hoc bene novit; quasi idem videtur quod⁸² scienter fallere illum. Sed primum sepe fit a Deo ergo etc.

4. Dicendum quod scienter falsum dicere⁸³ et cum intentione fallendi semper est peccatum, ita quod nullo modo potest bene fieri, cuius ratio sumitur ex septemplici⁸⁴ respectu.

5. Primo, scilicet, ex⁸⁵ respectu dicentis ad obiectum volitum⁸⁶ et intentum. Constat enim quod mentiens⁸⁷ vult falsitatem et alterius deceptionem a se manare; sed voluntas conformatur⁸⁸ suo formali obiecto seu volito, ergo infra ipsum⁸⁹ est ius seu defectus illius falsitatis et fallacie, ita quod vere potest dici voluntas fallax et falsitatis amatrix seu volitrix. Falsum autem, in quantum falsum contradictionem includit, quia pretendit rem esse aliter quam sit; ergo ipsa est amatrix contradictionis et discoherencie. Sed hoc est contrarium rationi et equitati naturalis legis; ergo omnis⁹⁰ mentiens scienter voluntatem suam falsificat et depravat, et scienter (f.74ra) eam applicat et conglutinat falsitati et contradictioni.

6. Secundo ex respectu signi verbalis ad suum rectum usum. Rectitudo enim signi in quantum signum et eius rectus usus est significare verum. Ergo qui eo utitur ad significandum falsum scienter ipsum a sua rectitudine obliquat;⁹¹ obliquitas autem in moralibus est idem quod perversitas. Constat autem⁹² quod voluntaria significatio actus est moralis, et hoc in tantum, quod totum suum esse accipit a voluntate et intentione significantis.

7. Tertio ex respectu voluntatis ad actum significandi seu formandi signum sub ratione signi. Constat enim quod omnis defectus per se manans a causa potius est in causa a⁹³ qua manat quam in⁹⁴ suo effectu,⁹⁵ set falsitas significationis per se manat a

⁷⁷ quod *N*

⁷⁸ eam *NCP*

⁷⁹ dignum *P*

⁸⁰ dignum et iustum *P*

⁸¹ habeat *P*

⁸² *om. C*

⁸³ *om. P*

⁸⁴ sextemplici *N*

⁸⁵ *om. N*

⁸⁶ *om. P*

⁸⁷ metiens *T*

⁸⁸ formatur *P*

⁸⁹ eum *N*

⁹⁰ *om. N*

⁹¹ obligat *N*

⁹² *om. P*

⁹³ in causa a] a causa in *C*

⁹⁴ a *C*

⁹⁵ affectu *C*

mentiente; immo⁹⁶ vix ponit⁹⁷ aliquid reale in signo mere voluntario, sed solum in significante. Ergo aut⁹⁸ ipsa mendositas significationis est⁹⁹ in ipso mentiente, aut alia maior illa. Ergo mentiens est formaliter mendosus a¹⁰⁰ causa mendacii. Sed neutrum horum potest habere rationem boni aut recte¹⁰¹ volibilis¹⁰² ergo quicumque hoc vult non solum est mendosus, sed etiam perverse voluntatis.

8. Quarto ex respectu dicentis ad naturalem appetitum cuiuscumque audientis, qui est numquam velle falli, sed semper velle sibi dici verum. Ergo omnis mentiens semper facit contra naturalem rectitudinem voluntatis omnium audientium; ac¹⁰³ per consequens et sue in quantum¹⁰⁴ est audiens aut aptus natus audire.

9. Quinto ex respectu ad totam communionem et communitatem hominum. Constat enim quod fere tota communicatio hominum ad invicem instrumentaliter consistit in actu significationis. Nullus enim potest alteri communicare aliquid cordis sui nisi per aliquod signum intermedium in quibus vox continet principatum. Ergo corruptio¹⁰⁵ significationis¹⁰⁶ est corruptio¹⁰⁷ totius communicationis humane. Unde etiam¹⁰⁸ videmus quod ex hoc sequitur quod nullus credit alteri sine aliqua¹⁰⁹ mutua credulitate: nulla est societas, nullaque¹¹⁰ amicitia, nulla spes, nullum pactum, nulla firmitas inter homines. Ergo mendacium inter homines est summi mali radix. Et quis dubitat (f.74rb) quod radix est omnis illegalitatis et¹¹¹ fraudis? Tolle mendacium, et nulla est fraus¹¹² in terra,¹¹³ nullaque astucia, sed pura simplicitas.

10. Sexto, ex respectu ad communem pactum seu ad communem institutionem signorum. Infringere enim commune ius aut commune pactum est illicitum, saltem illi¹¹⁴ qui est subiectus illi¹¹⁵ pacto et illi communitati. Quanto autem pactum est maioris firmitatis et conradicalitatis ac necessitatis et utilitatis, tanto peius est infringere

⁹⁶ immo quod *T* 'correcting' hand

⁹⁷ potest *N*

⁹⁸ *om. NP*

⁹⁹ *om. N*

¹⁰⁰ (*a ras.*) et *T* 'correcting' hand

¹⁰¹ rationem *CP*, rect(e *ras.*)orem *T* 'correcting' hand; recte *N* (but *rationem* also would make sense).

¹⁰² nobilis *N*

¹⁰³ sic *T* 'correcting' hand

¹⁰⁴ tantus *N*

¹⁰⁵ correctio *P*

¹⁰⁶ est...communicationis] *om. C*

¹⁰⁷ correctio *P*

¹⁰⁸ et *NP*

¹⁰⁹ *om. P*; autem *T*

¹¹⁰ nulla *N*

¹¹¹ *om. P*

¹¹² falsitas *C*

¹¹³ in terra] *om. N*

¹¹⁴ ille *C*

¹¹⁵ qui est subiectus illi] *om. P*

ipsum. Sed pactum signorum quibus loquimur est huius,¹¹⁶ quia¹¹⁷ ex quadam¹¹⁸ naturali et communi¹¹⁹ conspiratione¹²⁰ gentium manat ius linguarum et idiomatum.

11. Septimo, ex respectu ad exemplar primum quod¹²¹ est prima et summa veritas, de quo esset summe¹²² blasphemum dicere aut sentire quod ipsum¹²³ secundum se esset in aliquo mendosum aut falsum, aut quod eius¹²⁴ verbum ipsum aut aliquid¹²⁵ contentum in ipso, falso et¹²⁶ mendose exprimeret. Constat autem quod creatura intellectualis seu rationalis in quantum talis est imago ipsius et omnis eius, significativa expressio est imago verbi eius¹²⁷ facta quidem et creata ad hoc, ut¹²⁸ primam veritatem cuius est imago semper attendat et in se tamen¹²⁹ scribat, et interius et exterius exprimat, et secundum illius regulam in omnibus se dirigat, et omnia faciat ab illa nullatenus¹³⁰ declinando, sed eam in omnibus amando, servando,¹³¹ venerando et laudando. Set mendacium non est aliud quam macula et depravatio omnium predictorum; ergo patens est¹³² mendacium ex se et secundum se esse peccatum.

12. Ad primum igitur dicendum quod non est simile de inpotentia et mendositate. Primo, quia mendositas est defectus voluntarius pertinens ad genus moris.¹³³ Inpotentia vero est¹³⁴ defectus naturalis pertinens ad nihilitatem¹³⁵ vel ad limitationem creature. Secundo, quia inpotentia nullam in se includit contradictionem, falsitas vero eam includit. Tertio, quia non ita incumbit nobis ymitari Dei potentiam sicut eius¹³⁶ veritatem et iustitiam, quin potius velle in omnibus imitari Dei potentiam est summe presumptionis et superbie. Idem autem¹³⁷ potest dici de ignorantia pro quanto est mere naturalis et involuntaria. (f.74va) Uterius¹³⁸ sciendum quod inpotentia peragendi bona virtutum aut vitandi vicia est mala, et precipue si sit affectata et voluntaria, et idem est

¹¹⁶ huiusmodi *N* (*huiusmodi* could also be correct).

¹¹⁷ *om. CP*

¹¹⁸ quadam] quadam enim *NT* (the phrase could read either *quia ex quadam* or *ex quadam enim*).

¹¹⁹ communitus *N*

¹²⁰ aspiratione *T*

¹²¹ qui *P*; quidem *T*

¹²² *om. C* ; summum *N*

¹²³ ipse *N*

¹²⁴ est *N*

¹²⁵ aliquod *C*

¹²⁶ ex *C*

¹²⁷ *om. P*

¹²⁸ ut quemadmodum *P*

¹²⁹ cum *P*

¹³⁰ nullatenus (detinendo alias *margin.*) *T* 'correcting' hand

¹³¹ servando et *T* 'correcting' hand

¹³² *om. C*

¹³³ mortis *N*

¹³⁴ *om. C*

¹³⁵ veritatem *N*

¹³⁶ *om. C*

¹³⁷ enim *C*

¹³⁸ Uterius est *N*

de ignorantia iuris et preceptorum que scire tenemur, quia tunc spectant¹³⁹ ad genus moris, et ita patet quod si consimiliter sumantur,¹⁴⁰ est aliquo¹⁴¹ modo simile hinc et inde.

13. Ad secundum dicendum quod sicut ex predictis patet falsitas signi voluntarie dati ponit¹⁴² falsitatem aliquam in sua causa, et precipue quando scienter formatur sub ratione falsi et ideo impossibile est quod signum falsum, in quantum falsum,¹⁴³ possit Deus facere aut velle. Passionem tamen¹⁴⁴ penalem, que includitur¹⁴⁵ in hoc quod dico falli, bene potest Deus velle in quantum est iusta, set ex hoc non¹⁴⁶ sequitur quod possit ipsum¹⁴⁷ fallere, quia iustitia passionis, in quantum passio, non infert iustitiam actionis, in quantum actio. Licet enim fuerit bonum Christum¹⁴⁸ pati mortem, non tamen ex hoc fuit bonum occidere ipsum. Et consimiliter licet sit iustum aliquem falli, non tamen ex hoc iustum aut bonum est ipsum fallere.

14. Ad tertium dicendum quod prima est falsa; non enim oportet¹⁴⁹ facere aliqua ex quibus sequatur¹⁵⁰ aliquem falli a Deo active, ita¹⁵¹ quod hoc sit idem quod fallere, nisi illa essent per se ordinata ad efficiendum¹⁵² fallaciam¹⁵³ illam in eo, sicut utique est¹⁵⁴ signum falsum in quantum falsum. Sicut autem lux veritatis excecatur aliquos¹⁵⁵ per accidens, sic et opera lucis decipiunt aliquos per accidens.¹⁵⁶ Ipsa tamen deceptio per se creatur a defectu eius qui fallitur; qui defectus aliquando manat a culpa seu corruptione originali; aliquando a culpa actuali.

15. Ad secundam questionem, dicendum quod duplicitas semper de se sonat in malum. Includit enim in se mendacium cum quadam dolositate et¹⁵⁷ cum quadam ymagine veritatis prolatum. Utitur enim verbo multiplicis sensus ex intentione fallendi, ita quod plus intendit falsum sensum quam verum qui communiter cadit in conceptione audientis. Ad hoc autem quod prolatio sermonis equivoci sive¹⁵⁸ multiplicis habeat in

¹³⁹ spectat *C*

¹⁴⁰ sumatur *C*

¹⁴¹ alio *P*

¹⁴² potest *N*

¹⁴³ in...falsum] om. *C*

¹⁴⁴ cum *C*; tam *P*

¹⁴⁵ includeret *P*

¹⁴⁶ om. *N*

¹⁴⁷ illum *N*

¹⁴⁸ Christi *C*

¹⁴⁹ potest *N*; (potest *ras.*) oportet *T* 'correcting' hand.

¹⁵⁰ sequitur *CP*

¹⁵¹ a deo active. Ita] om. *CP*; *ras T* 'correcting' hand.

¹⁵² efficiendum per se *NT*

¹⁵³ falsam *P*

¹⁵⁴ om. *CP*

¹⁵⁵ Sicut autem...aliquos] om. *C*

¹⁵⁶ actus *N*

¹⁵⁷ om. *N*

¹⁵⁸ seu *CP*

se rationem predicte duplicitatis,¹⁵⁹ attendenda sunt quinque, scilicet, proferentis intentio et affectio et¹⁶⁰ utendi seu¹⁶¹ (f.49vb) proferendi causa et ratio, sive necessitas et utilitas, et utendi modus et utendi auctoritas. Quando enim intentione non simplici sed duplici et affectione perversa seu carnali et¹⁶² absque legitima utilitate vel¹⁶³ necessitate hoc facit ille qui non habet auctoritatem mutandi comunem sensum et communem acceptionem verborum seu signorum nec eius status, aut¹⁶⁴ vita aut gestus exhibet homini¹⁶⁵ aliquam ymaginem aut dubietatem¹⁶⁶ predicte mutationis signorum, seu significationum: tunc est plene¹⁶⁷ duplicitas. Quocumque autem¹⁶⁸ modo insint aliqua de predictis; est etiam duplicitas.

16. Deus vero et eius prophete in suis locutionibus et actionibus figurativis et propheticis nullum quinque predictorum habebant. Unde Iacob dicendo patri suo, ‘Ego sum Esau’ etc. motus est intentione simplicissima et affectione spirituali et divina et ex¹⁶⁹ auctoritate Spiritus Sanctus, qui potest licite uti locutionibus translatis seu figurativis cum Ipse non alligetur legibus ydiomatum, nec¹⁷⁰ statutis aut pactis humanis. Motus est etiam ex necessitate obedientie quia Dei voluntas per matrem sibi innotuit, et etiam per internum¹⁷¹ instinctum.¹⁷² Motus est etiam¹⁷³ ex spirituali utilitate¹⁷⁴ quam¹⁷⁵ ex huius opere Deus elicere intendebat, et cum hoc eius vita et status erat talis, quod eam plene¹⁷⁶ attendens et discernens poterat aperte¹⁷⁷ perpendere quod vir sic¹⁷⁸ sanctus et simplex nullatenus tale quid attemptaret, nisi sub certa regula virtutis et solide veritatis. Et hec¹⁷⁹ in generali semper sunt attendenda in omnibus scripture locis in quibus Dei prophete videntur mendose aut dupliciter esse locuti, explicatio tamen veridicitatis¹⁸⁰ eorum alibi habet tradi.

¹⁵⁹ multiplicitatis *C*

¹⁶⁰ seu *C*

¹⁶¹ et *C*

¹⁶² *om. C*

¹⁶³ et *CP*

¹⁶⁴ aut etiam *N*

¹⁶⁵ hominis *P*

¹⁶⁶ dubitationem *C*

¹⁶⁷ plane *C* ; p(l ras)ene *T* ‘correcting’ hand

¹⁶⁸ alio *C*

¹⁶⁹ *om. C*

¹⁷⁰ aut *P*

¹⁷¹ eternum *T* ‘correcting’ hand

¹⁷² statutum *C*

¹⁷³ autem *N*; *om. P*

¹⁷⁴ necessitate *P* (necessitate alia *margin.*) utilitate *T* ‘correcting’ hand

¹⁷⁵ quanta *N*

¹⁷⁶ *om. C*

¹⁷⁷ plene ac *C*

¹⁷⁸ vir sic] nisi *C* ; nisi sit *P*

¹⁷⁹ hoc *C*

¹⁸⁰ veritatis *C* mendacitatis *N*

17. Ad tertiam questionem dicendum quod fastuositas et curiosus ac superfluous ornatus sermonis semper sonat in malum. Sciendum¹⁸¹ tamen quod aliquis sermo est¹⁸² fastuosus ex suo genere, et hic semper est malus, ut est dicere de se maiora quam¹⁸³ sint, aut uti ornatu vel subtilitate omnino inutili aut¹⁸⁴ impertinente.¹⁸⁵ Aliquis vero solum¹⁸⁶ ex circumstanciis inter quas principalior est intentio. Unde qui ex sola vanitate et arrogancia et inani gloria (f.79ra) sermonem suum ornat aut ornare conatur, utique semper peccat contra simplicitatem et humilitatem et contra rectum finem locutionis. Uti tamen ornatu et subtilitate sermonis sub debitis circumstanciis non est contrarium simplicitati et humilitati¹⁸⁷ eloqui de qua Christus hic loquitur.

18. Posset etiam quarto queri, an Christus hic dixerit¹⁸⁸ preceptorie saltem viris apostolicis seu evangelicis, ita quod omne mendacium et omnis duplicitas sit omnibus, aut saltem talibus, mortale peccatum. Ad quod dicendum videtur¹⁸⁹ quod apostolicis et perfectis seu summis professoribus evangelii sit¹⁹⁰ simpliciter hoc in precepto, eos¹⁹¹ astringente ad mortale; ubi¹⁹² hoc¹⁹³ fieret scienter¹⁹⁴ ex plena deliberatione et¹⁹⁵ non ex aliqua subita et subitante passione, et loquendo de duplicitate non secundum quid, sed plenarie sumpta. Alias, tam ipsos quam omnes alios,¹⁹⁶ astringit semper ad veniale, et ubi¹⁹⁷ fieret cum nimia¹⁹⁸ frequentia et libidine, aut in¹⁹⁹ notabili proximi nocumentum, omnibus esset mortale. Unde Augustinus in²⁰⁰ libro de mendacio²⁰¹ pertractans illud Eccl. 7^o, ‘Noli velle mentiri omne mendacium’, dicit,²⁰² ‘nisi forte ad perfectorum preceptum sit omnino numquam non solum mentiri sed nec velle mentiri; assiduitas vero mentiendi nec proficientibus²⁰³ permittitur.’²⁰⁴ Et pro exemplo

¹⁸¹ secundum *P*

¹⁸² sermo est] sermone *C*

¹⁸³ quanta *N*

¹⁸⁴ (aut *ras.*) et in *T* ‘correcting’ hand

¹⁸⁵ aut impertinente] om. *P*

¹⁸⁶ solis *N*

¹⁸⁷ humilitati et *T* ‘correcting’ hand

¹⁸⁸ dixit *N*

¹⁸⁹ om. *C*

¹⁹⁰ sit semper *N*; hic *P*

¹⁹¹ eos simpliciter *T* ‘correcting’ hand

¹⁹² nisi *N*

¹⁹³ om. *N*

¹⁹⁴ om. *CP*

¹⁹⁵ om. *N*

¹⁹⁶ om. *P*

¹⁹⁷ nisi *N*

¹⁹⁸ om. *C*

¹⁹⁹ om. *C*

²⁰⁰ om. *C*

²⁰¹ Augustine, *De Mendacio*, ed. J. Zycha (CSEL 28.1) Turnhout, 1900, XVII.35, 453.

²⁰² om. *N*

²⁰³ nec proficientibus] om. *N*

²⁰⁴ promittitur *C*; permutatur *N*; permittatur *T*

subdit, ²⁰⁵ ‘Tanquam si cum ²⁰⁶ preciperetur numquam esse mentiendum, contradiceretur exemplis quod aliqua mendacia²⁰⁷ sunt approbata.²⁰⁸ Respondetur autem illa esse²⁰⁹ proficientium; que habent quaecumque officium misericordie. Sed usque adeo omne mendacium esse malum, et perfectis animis omnino²¹⁰ fugiendum; ut nec ipsis proficientibus assiduitas eius permittenda sit.’ Item in ²¹¹ libro contra mendacium circa finem²¹² probato et concluso quod numquam est mentiendum; subdit. ‘Sed perfectorum est, ut aliquis, solidus cibus. Multa enim secundum veniam relaxantur infirmitati, quamquam²¹³ sincerissime nequaquam²¹⁴ placeant veritati.’ Horum autem probationes ad presens pertranseo causa brevitatis, et²¹⁵ quia alibi habent locum.

²⁰⁵ Augustine, *De Mendacio*, XVII.34, 454.

²⁰⁶ tamen C

²⁰⁷ mendacia (magna auctoritate marg.) T ‘correcting’ hand

²⁰⁸ approbanda P

²⁰⁹ om. P

²¹⁰ omnino esse C

²¹¹ in ras. T ‘correcting’ hand

²¹² Augustine, *Contra Mendacium*, ed. J. Zycha (CSEL 28.1), Turnhout 1900, XVIII.39, 523.

²¹³ tamquam C; quamvis T ‘correcting’ hand.

²¹⁴ om. N

²¹⁵ ras. T ‘correcting’ hand