

Consilium LVIII

Argument

Although at the age of sixty four the most eminent and reverend D. Berlingerus Cardinal Gypsius was living the life of an invalid and as a result, without any hesitation or scruple and from the most sound of reasons, he could use meats every day, even on Friday, the Sabbath and on vigils, without any fast days at all, in accordance with the indulgence of the Holy Church, yet nevertheless, moved by true Christian piety, not acquiescing to these conditions and knowing that sometimes there are contrary precepts in the cognizance of religious medicine, *c. Contraria de Consecr. dist. 5. 3. part. decret.*, he asks and entreats that we inquire by means of a thorough examination whether, in this chronic state of health and at his age, he can suffer such harm from the observance of fasts, from eating fish and abstaining from meat that, in accordance with right judgement, he may be considered to be absolved from these observances absolutely and completely, while in the meantime he refuses to indulge himself in this way.

Summary

1. The Church does not intend to prejudice bodily health in the imposition of fasts.
2. If observance in respect to fasts exceeds the common tolerance of men, it is not considered laudable.
3. If a person who is fasting incurs significant bodily harm from the fasting, he is bound to abstain from fasting.
4. Experience is a guide in this matter.
5. In old age fish are often especially harmful.

Consilium LVIII

6. The age of decline is very subject to cold and moist humours.
7. In the case of joint disease, use of fish is quite harmful and so must be avoided.
8. All vegetables are lacking in nourishment.
9. Legumes cause flatulence, are melancholic and harmful to the joints.
10. Fish are digested poorly and easily cause putrefaction.
11. Some people habitually digest animal flesh more easily than the most excellent fish and eggs
12. Because of their lack of heat, little should be offered to the elderly but the best nourishment.

In my opinion it is unnecessary to question whether the most Eminent Cardinal Gypsius, who is settled in full old age and burdened by a number of afflictions which affect his life by reason of his age rather than on account of a less robust nature, ought to be prevented from the observance of fasts and compelled to eat meats, and also that eggs ought to be forbidden for this reason, concerning which in the proper place, for it is very clear that there are several powerful reasons in the case of the most eminent D. exempting him from the observance of every fast, as will be clearly evident from the following arguments.

1 and 2. Nevertheless, before all else, let us establish as the foundation of our assertion the fact that, in the imposition of fasts and of any kind of abstinence, the Church certainly never intends to cause harm to our human bodies, or oblige us to observe such abstinence despite significant harm to our nature. *C Quadragesima,*

there, if no infirmity provides an impediment: & c. Quia de Sabbathi. de consecr. dist. 5. 3. par. Decret. Lepsius de iustit. & iur. lib. 4. cap. 6. dub. 6. vers. ob impotentiam. Vinc. Filiucc. Moral. quaest. par. 2. tract. 27. cap. 16. num. 115: & other Canons where they deal with fasting, and from our doctors there is this comment Jo. Alphons. a Fonseca. in spec. Med. christ. lumin. 2. pag. 51, follows in the third verse: On account of which when tolerance in respect to fasting exceeds the common capacity of men, this is considered by Holy Church as not meriting praise in as much as it is unacceptable to God, and is de facto condemned, as by Tex. in c. Non mediocriter de consecr. where 5. in these words. De rapina vero. D. Thom. in 4. sentent. dist. 51.

3. Therefore, from this foundation, there is drawn this most firm and unbreakable conclusion, namely that whenever, from any sort of abstinence, whether in fasting or on the specified days on which we are required to abstain from meats, either because of the quality of the foods or because of insufficient quantity of the foods, the person fasting or abstaining sustains significant bodily harm on this account, not only is he rightly considered absolved from the obligation of fasting and abstinence, but is absolutely bound to refrain from any fasting or abstinence whatsoever.

In these circumstances, since in our case it is clear that the most eminent Lord is troubled by many infirmities and has reached an advanced age, and that he can suffer significant harm on these occasions if he is compelled to use other foods instead of meats, not only is he able rightly to receive a dispensation to eat meats even on days on which he should abstain from them according to the precepts of the Church, but to prevent the occurrence of this blameworthy and reprehensible abstinence, he must

absolutely be compelled to submit to the advice of his doctors and always to abstain from fish and other foods harmful to him.

4. For that the most eminent Lord suffers significant harm from the use of fish and even of eggs is very evident in the first place from experience, which is the best guide in such matters *c. Quam sit in 6. decret. lib. 1. For it is the most certain judge of all things Galen. lib. 1. de simpl. Med. fac. cap. 38.* from which we can be quite certain that, however often the most eminent Lord, moved by Christian piety, tried to abstain from meats on account of his observance of some fast, and to be content with only fish or even eggs, on subsequent days he always experienced great weakness of body, distress of the stomach and a recurrence of his usual symptoms; so that from this one cause he was compelled to remain in his bed for several days; but all these troubles he avoided at other times when, at our urging and persuasion, he used meats and foods of higher quality.

Therefore, although this experience alone should be sufficient to persuade the most eminent man that he has been rightly excused from all observance of fasts, yet that he may satisfy the goad of his conscience in greater measure, in addition we will demonstrate from physical reasons and medical discourse that his very excellence from any use of fish or other food, even eggs, which we employ on fasts and any abstinences, will bring significant harm to his health so that henceforth he may easily be persuaded by his spiritual physician to abandon the above mentioned foods and direct himself to the use of meats at any time whatsoever, as this is suitable for his health and much more beneficial.

5 and 6. In the first place, therefore, because of the age which the most eminent Lord has attained, fish and other similar foods are especially harmful: for old age, and especially declining old age, is very subject to cold humours and very rich in moist humours, as all doctors teach with *Gal. in lib. de Salubr. dieta. partic. 2 .and elsewhere*, on account of which, just as they suffer harm most especially from fish and the colder foods, so they must be nourished with the opposite foods that they may be able to live their lives as healthily as possible, as *Hippocr. & Galen lib. cit. teach*; indeed for that reason they are warned by all the aforementioned to abstain from those foods which can generate phlegm and melancholy *Galen lib. 5. de sanit tuend. cap. 6., Avic. 1. doct. 3. cap. 2.* and fish have these two faults specifically, for they are both cold and moist, *Paul. lib. 1. suae Med. cap. 9. & aliis omnes.* then, on account of this, that they have much excrement, they are obstructing foods, from which foods old men ought especially to beware, as admonishes *Galen loco super cit. de San. tuend.* And although Galen himself and others have allowed old men to eat fish, they have done this in the case of healthy and robust old men, certainly not in the case of valetudinarians, who are accustomed to suffer harm easily from even the most trifling cause or fault in nourishment, *idem Galen. ubi 5. cap.4.* And it is very clear that the most eminent Lord lives the life of an invalid, nor do we need further testimony to prove this; therefore, he should not make any use of fish or similar foods, because old men, in as much as they are valetudinarians, suffer harm from the most trifling cause, although on the contrary young and healthy men suffer no harm from even from a serious cause. *Galen lib. 5. de San. tuend. cap. 6.* Therefore, this most eminent Lord can suffer significant harm from even a single consumption of fish, since he is both an old man and in ill health.

7, 8 and 9. In the second place, the use of fish and the above mentioned foods is especially harmful to the most eminent gentleman at any time, because of the illnesses by which he is always constrained; first by reason of disease of the joints, in respect to which all doctors are of the opinion that fish are harmful and ought to be completely avoided, and especially consulting *Montagn. conf. 241 and others*, second, in the case of abdominal flatulence, fish is especially harmful and according to all doctors should be avoided completely in this illness *Montan. constit. 4. and others*. Third, by reason of weakness of the stomach, fish are to be avoided, for this weakness comes from loss of heat, whence colder foods to a greater extent weaken this same heat. Also other foods which we are accustomed to use in fasts cannot be administered safely to the most eminent gentleman because, in the first place, all vegetables are of limited and even debased nourishment, *Galen. in lib. de succ. bon. & vit. Card. de mal. Med. usu. cap. 5.*; moreover, legumes produce flatulence and are prejudicial to the joints, from an experiment undertaken by those who were fed them in a bronze vessel in *Hippocr. lib. 6. de morb. vulg. sect. 4.*; besides which they are also harmful foods in every way *idem Hippoc. de vict. rat. num. 59*. Salted fish are full of vapours and give rise to melancholic blood. *Oribas. lib. 2. Collect. cap. 58.*, and finally all foods which we use for fasts are melancholic and of limited and debased nourishment, causing flatulence at war with digestion and abounding in a thousand other faults which can be especially harmful to the eminent gentleman,

10 and 11. In the third place, in our case, fish and eggs are harmful also by reason of some particular nature of the stomach itself, for it digests fish poorly and for this reason they very easily turn rotten there, (the following prove that this fault is always present in fish *Mercurial. var. lect. lib. 1. cap. 25. & Alex. Petron. de vict. Roman. lib. 3. cap. 10.*); moreover, the stomach digests eggs very poorly, since they cause inflammation there and produce *vapours*; nor is this unusual, as attests *Galen de succ. Bonit. & vit. cap. 1.* this is accustomed happen in the case of the stomachs of some people, that that they digest the meat of cattle, which is especially difficult to digest, more easily than the best fish with excellent nourishment and even eggs themselves.

12 Finally, in our case, by reason of lack of strength and of natural heat, other foods except the best meats are harmful in every way, because with old men little ought to be offered on account of this same lack of heat, and that little should be of the best nourishment and very easily digested, as *Galen shows, cit. lib. de san. tuend. 5*; moreover, in our case, the weakness is not only present in respect of his age, but also in consideration of his particular nature and of the illnesses to which he is liable, so that it is clear that the most eminent gentleman will never be able to elicit as much nourishment from fish and other foods of this kind as his nature requires, whence from their use also every day his strength, already feeble, will be overcome, disease will emerge again, more troublesome symptoms will appear, and in this way he will be forced to be confined to his bed and to abandon the better works, in addition to the danger to his life which is thus clearly imminent. From which there remains the most conclusive proof that the most eminent man ought always to use meats, and that in

Consilium LVIII

good conscience he cannot lay himself under the obligation of observing fasts and giving cause for any disease which exposes him to significant danger.

And so I always judge to be true and I decide , I Paulus Zacchias, Roman Pyhsician.

And I also, Johannes Iacobus Ubaldinus de Appro Picinus, Roman Physician, having been fully informed of his constitution and especially of the symptoms with which the Most Excellent lord has been troubled and concerning which the most excellent Zacchias has rigorously deliberated, I decide and judge in this case by determining as the most learned man has decided and judged. Dated at Rome on day 21 of October, 1629.