

## WHEN “MEATS ARE LIKE MEDICINES”: VITORIA AND LESSIUS ON THE ROLE OF FOOD IN THE DUTY TO PRESERVE LIFE

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*Early Modern theologians Francisco de Vitoria and Leonardus Lessius analyzed the nature and limits of the obligation to preserve one's life through the use of food. Vitoria described the ethical foundations of and the circumstances that might limit such an obligation, while Lessius argued for a virtuous approach to nutrition that eschewed both indifference and excessive concern. Their analyses raise significant questions for contemporary moral theology concerning the scope and difficulties of nutritional ethics.*

ROMAN CATHOLIC MORAL THEOLOGIANS commonly acknowledge that their 16th- and 17th-century predecessors devoted significant attention to the ethics of preserving human life, and that these early modern analyses eventually gave rise to a distinction between ordinary and extraordinary means.<sup>1</sup> Although one usually associates this historical development with debates over the use of medicines and medical treatments, early modern moral theologians also examined the role of food in preserving life, and

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<sup>1</sup> See, for example, Daniel Cronin, “The Moral Law in Regard to the Ordinary and Extraordinary Means of Conserving Life,” in *Conserving Human Life*, ed. Russell Smith (Braintree, Mass.: The Pope John XXIII Medical-Moral Research and Educational Center, 1989) 3–145, at 34–66; Kevin O’Rourke, “The Catholic Tradition on Forgoing Life Support,” *National Catholic Bioethics Quarterly* 5 (2005) 537–53; O’Rourke, “Evolution of Church Teaching on Prolonging Life,” *Health Progress* 69 (1988) 28–35; Michael Panicola, “Catholic Teaching on Prolonging Life: Setting the Record Straight,” in *Death and Dying: A Reader*, ed. Thomas A. Shannon (Lanham, Md.: Sheed & Ward, 2004) 9–30, at 11–14; and Lisa Sowle Cahill, *Theological Bioethics: Participation, Justice, and Change* (Washington: Georgetown University, 2005) 102–3.

the circumstances under which one did or did not have an obligation to consume it. Particularly interesting examples of such discussions appear in the writings of Francisco de Vitoria and Leonardus Lessius. While Vitoria's arguments demonstrate that the basic obligation to sustain one's life by consuming food is limited by concrete circumstances, Lessius's analysis situates the responsibility to preserve one's life within the broader pursuit of virtue. Their work reminds us that assessments of the appropriate means for supporting human life inevitably raise questions, not only about what is required but also about what is excessive, in light of a Christian understanding of human existence.

The analysis that follows is a study in the history of moral theology rather than an exercise in applied ethics. Thus the article's first three parts consider specific historical contributions to the question of food relative to the duty to preserve life. To establish a background for the early modern arguments, part 1 offers some brief comments on the predecessors of Vitoria and Lessius, especially Jean Gerson. Part 2 examines the thought of Vitoria, and part 3 the thought of Lessius. The fourth and final part, by contrast, suggests three broad questions that these authors' ideas raise for modern theology and contemporary debates regarding the ethical significance of food. As will become clear, their arguments are not merely matters of historical interest.

### PRECURSORS TO VITORIA AND LESSIUS

While historical analyses of questions related to the distinction between ordinary and extraordinary means often begin with Vitoria,<sup>2</sup> it is clear that discussions of the duty to preserve one's life through food—and the limits of that responsibility—began considerably earlier. Particularly important were considerations of fasting and abstinence. What, if any, were the due limits for such devotional practices? To explain how “a middling good must not be preferred to a great good,” the canonist Gratian invokes Jerome on the moral dangers of excessive fasting.<sup>3</sup> As a deprecation of overzealous asceticism, the text cited by the *Decretum* appeals to Isaiah's attack on robbery: “he offers a holocaust from plunder who afflicts the body immod-

<sup>2</sup> See, for example, Panicola, “Catholic Teaching on Prolonging Life” 11–12; O'Rourke, “Evolution of Church Teaching” 29.

<sup>3</sup> Gratian, *Decretum Magistri Gratiani*, vol. 1 of *Corpus iuris canonici*, ed. Aemilius Ludwig Richter and Emil Fieberg, 2nd ed. (Graz: Akademische Druck-u. Verlagsanstalt, 1959), Pars III, *De consecratione*, dist. 5, cap. 24 (1:1418): “Mediocre bonum non est magno preferendum.” To assist scholars working with other editions of Latin texts, my citations include both the internal tract designations and, in parentheses, the volume and page numbers of the modern edition cited. Unless otherwise identified, all translations are my own.

erately, either from poverty of food beyond measure, or from scarcity of sleep.”<sup>4</sup> Although Gratian’s attribution of this statement to Jerome was apparently erroneous, the text itself proved very influential.<sup>5</sup> In his commentary on Lombard’s *Sentences*, Aquinas invokes this spurious citation to distinguish fasting as an act of virtue (performed in conformity with right reason) from fasting *de rapina* (an illicit practice that impedes completion of one’s obligatory works) and indiscrete fasting, which hinders useful, though unrequired, acts. Aquinas takes pains to emphasize that virtuous fasting is not in itself an “occasion of death [*mortis occasio*],” since it can either lengthen or shorten life, and since excess is more frequently injurious to the human body than deficiency.<sup>6</sup> A similar discussion of fasting in the *Summa theologiae* asserts: “right reason does not take away so much from [one’s] food that nature cannot be conserved.”<sup>7</sup>

In the 14th and 15th centuries, the Carthusian order’s perpetual abstinence from meat stimulated both defense and intellectual investigation of the community’s practice, especially regarding its extension to the sick.<sup>8</sup> Daniel Hobbins includes abstinence from meat in his list of common topics for treatises in theology and canon law written between 1350 and 1475. He numbers Pierre D’Ailly, Jean Gerson, and John Nyder among the commentators on the subject.<sup>9</sup> Particularly noteworthy for the present discussion is Gerson’s *De non esu carniū*, since Vitoria uses and responds directly to its arguments.<sup>10</sup>

Gerson defends Carthusian abstinence by arguing that it is not, in fact, exceptionless, even though the community expressed the prohibition in

<sup>4</sup> Ibid.: “De rapina vero holocaustum offert qui vel ciborum nimia egestate, vel somni penuria corpus immoderate affligit.” See Isaiah 61:8.

<sup>5</sup> On the erroneous attribution, see the unnumbered editorial footnote on page 1780, volume 3 of the English Dominicans’ translation of Aquinas’s *Summa theologiae*, rev. ed. (1948; repr., Westminster, Md.: Christian Classics, 1981) 2–2, q. 147, a. 1, ad 2.

<sup>6</sup> Thomas Aquinas, *Scriptum super sententiis Magistri Petri Lombardi*, ed. Maria Fabianus Moos, O.P. (Paris: Lethielleux, 1947) lib. 4, dist. 15, q. 3, a. 1, ad secund. quaest., ad 2 and 3 (4:706).

<sup>7</sup> Thomas Aquinas, *Summa theologiae: Cura fratrum eiusdem ordinis*, 3rd ed. (Madrid: Editorial Católica, 1963) 2–2 q. 147, a. 1, ad 2 (3:842): “Non tamen ratio recta tantum de cibo subtrahit ut natura conservari non possit.”

<sup>8</sup> For background, see E. Margaret Thompson, *The Carthusian Order in England* (London: Society for Promoting Christian Knowledge, 1930) 103–7.

<sup>9</sup> Daniel Hobbins, “The Schoolman as Public Intellectual: Jean Gerson and the Late Medieval Tract,” *American Historical Review* 108.5 (2003) 45 paras., <http://www.historycooperative.org/journals/ahr/108.5/hobbins.html> (accessed October 24, 2007). See para. 19 and appendix, tables 1 and 2.

<sup>10</sup> Jean Gerson, *De non esu carniū*, in *Oeuvres complètes*, 10 vols., ed. Palémon Glorieux (Paris: Desclée, 1962) 3:77–95.

absolute terms to avoid abuses and declining standards.<sup>11</sup> In reality, Gerson argues, the rule includes implicit exceptions, acknowledged by the Carthusians with whom he has discussed the problem.<sup>12</sup> Gerson maintains that Carthusians must eat meat under circumstances of extreme necessity, as, for example, when circumstances render other food unavailable, or when a sick religious is expected to die without it.<sup>13</sup> The Carthusian's vow must yield to observance of the Deuteronomic commandment, "thou shalt not kill." Just as a religious who has vowed to remain perpetually in his cell must leave it to aid the person dying on his doorstep, the Carthusian who can survive only by eating meat must do so in order to avoid self-slaughter.<sup>14</sup>

Having offered this general conclusion, however, Gerson qualifies it in several important ways. If a Carthusian reasonably fears his action will lead other members of the community into sin, he may and perhaps even must continue to abstain from meat.<sup>15</sup> Gerson also warns that the health benefits of meat for someone accustomed to abstinence are quite uncertain. An unfamiliar food can become "like a poison," and who can be sure that the novelty of eating meat will not induce decline? Gerson seems quite sympathetic to sick monks who choose abstinence rather than nausea.<sup>16</sup> In addition, he asserts that one may legitimately do many things, both spiritual and temporal, that tend to shorten one's life or injure one's health. Activities such as farming, traveling as a merchant, military service, and monastic asceticism can all lead to physical problems.<sup>17</sup> If we must avoid anything that might shorten our lives, Gerson argues, we will have no choice but to devote ourselves to "the study of medicine, or the counsels of doctors, and thus [we will be obliged] continually to use their regimens."<sup>18</sup> He obviously regards this conclusion as absurd. As his text makes clear, Gerson fears that anxieties about the medical impact of ascetic practices may overshadow the spiritual benefits of such devotions. Medicine, he argues, is an ancillary discipline for theology. It does not benefit the patient

<sup>11</sup> Ibid. 82–83, 84.

<sup>12</sup> Ibid. 83.

<sup>13</sup> Ibid. 80, 82, 83. As examples of the first situation, Gerson mentions the cases of persons imprisoned by tyrants and of those alone in isolated places.

<sup>14</sup> Ibid. 81: "non occides." The reference is to Deuteronomy 20:13. Gerson also argues that a religious constitution does not override the requirements of charity.

<sup>15</sup> Ibid. 89–90.

<sup>16</sup> Ibid. 91: "ut venenum."

<sup>17</sup> Ibid. 84–85.

<sup>18</sup> Ibid. 84: "studio medicinae, aut medicorum consiliis, atque regiminibus continue uti. . . ." Gerson's reasoning is that ignorance or omission of medical treatment can shorten life.

to preserve the body's health at the expense of the soul.<sup>19</sup> As will be seen, Gerson's insistence on the priority of spiritual concerns in his evaluation of the ethical use of food also characterizes the works of his successors, Francisco de Vitoria and Leonardus Lessius.

### FRANCISCO DE VITORIA<sup>20</sup>

Francisco de Vitoria, O.P., was born in Burgos in the late 15th century—the exact date is uncertain. He studied theology at the University of Paris, where he received his doctorate in 1522. In 1526, he was elected to the first chair of theology at Salamanca.<sup>21</sup> Vitoria is known particularly for his writings on ethical issues surrounding the conquest of the Americas and just war; indeed, he is sometimes cited as one of the fathers of international law.<sup>22</sup> His own health was not robust; he died in 1546.<sup>23</sup>

During his lifetime, Vitoria published only prefaces to the works of others. We know his positions primarily through lecture notes, recorded by students at Salamanca.<sup>24</sup> At Salamanca, one of a professor's periodic duties was to present a *relectio*—literally, a relecture—during which he discussed, in a presentation open to the entire university, some aspect of the material covered in his classes. Vitoria gave 15 of these relectures, most of which were first printed, on the basis of his students' notes, just over a decade after his death. They have exercised an enormous influence on later moral theologians.<sup>25</sup> From two of these texts, the relections on temperance and homicide, one can draw particularly interesting insights regarding the use of food.

One of the more curious aspects of the *relectio* on temperance is that the lecture has little to do with temperance, that is, the virtue that moderates

<sup>19</sup> Ibid. 94.

<sup>20</sup> For background information regarding Vitoria, see Teófilo Urdánoz, "Introducción biográfica," in *Obras de Francisco de Vitoria: Relecciones teológicas*, ed. Teófilo Urdánoz (Madrid: Editorial Católica, 1960) 1–107, at 1–67; and John P. Doyle, "Introduction," in Francisco de Vitoria, O.P., *Relection on Homicide; and, Commentary on Summa theologiae 2–2, q. 64 (Thomas Aquinas)*, trans. John P. Doyle (Milwaukee: Marquette University, 1997) 11–48, at 11–14. For a brief account of Vitoria's life and significance for the development of moral theology, see Louis Vereecke's multivolume, unpublished lecture notes, "Storia della teologia morale moderna" (Rome: Academia Alfonsiana, 1980) 2:32–53.

<sup>21</sup> Urdánoz, "Introducción biográfica" 2–6, 17, 19–20.

<sup>22</sup> See Doyle, "Introduction" 13; Urdánoz, "Introducción biográfica" 45, 53, 57–60, 70–71.

<sup>23</sup> Urdánoz, "Introducción biográfica" 61–65.

<sup>24</sup> Doyle, "Introduction" 14. On the different categories of these notes, see 13, 14–15, 24–25; Urdánoz, "Introducción biográfica" 74–84.

<sup>25</sup> Doyle, "Introduction" 12–15. Only 13 were published (ibid. 15); on the other two see Urdánoz, "Introducción biográfica" 80.

our desires and choices and brings them into accord with right reason. The original title of the 1537 lecture seems to have been *De usu ciborum* (on the use of foods).<sup>26</sup> In this public presentation, Vitoria addresses a wide range of issues, from exegetical questions, such as the legitimacy of eating meat before the Flood, to ethical problems regarding the selection and even the preparation of food (e.g., is the use of spices acceptable?).<sup>27</sup> The text devotes extensive attention to cannibalism, and one suspects that this is the issue that most interested Vitoria, because it was one of the grounds invoked to justify Spanish military incursions in the New World—a 16th-century claim of humanitarian intervention.<sup>28</sup> Yet, within the lecture Vitoria also considers the basic responsibility and limits of the use of food in supporting human life.

In the section on preserving life, Vitoria begins with the observation that persons are required to conserve their lives through the use of food, because failure to do so is a violation of (1) natural law, as reflected in the natural inclination to preserve life in this way; (2) necessary charity toward oneself; and (3) the prohibition against suicide.<sup>29</sup> In this respect, Vitoria sharply distinguishes food from drugs. Although he does not think it advisable or praiseworthy, he has no moral objection if a person determines to live without medicine of any kind. Using a medicine might be obligatory if a sufferer could be morally certain (1) that he could regain his health only by taking the drug and (2) that without it he would die; however, Vitoria regards the attainment of such assurance as extremely unlikely in practice.<sup>30</sup> Instead he makes two distinctions. First, persons are not required to use “all possible means to conserve life, but means *per se* established [*ordinata*] for this.”<sup>31</sup> Food belongs to this category; medicine does not.

<sup>26</sup> For the text, see the Urdánoz edition, *Relectio de temperantia* 1004–69. On the date and the original title, see the “Introducción” 995–96.

<sup>27</sup> *Relectio de temperantia* nos. 3, 4 (1018–24). My citations will give the paragraph numbers followed by the page numbers in parentheses.

<sup>28</sup> Note Vitoria’s lengthy discussion over this and related issues, extending from 1024–1059. For background, see Paul Cornish, “Spanish Thomism and the American Indians: Vitoria and Las Casas on the Toleration of Cultural Difference,” in *Difference and Dissent: Theories of Toleration in Medieval and Early Modern Europe*, ed. Cary J. Nederman and John Christian Laursen (Lanham, Md.: Rowman & Littlefield, 1996) 99–117; and Antony Pagden, “The Forbidden Food: Francisco de Vitoria and José de Acosta on Cannibalism,” in *The Uncertainties of Empire: Essays in Iberian and Ibero-American Intellectual History* (Burlington, Vt.: Ashgate, 1994) 17–29.

<sup>29</sup> *Relectio de temperantia* no. 1 (1006–8).

<sup>30</sup> *Ibid.* no. 1 (1008–9). See also no. 14 (1069). This question is raised by Gerson (*De non esu carniū* 85).

<sup>31</sup> *Relectio de temperantia* no. 1 (1008): “omnia media possibilis ad conservandam vitam, sed media per se ad hoc ordinata.”

Second, he makes a distinction between “not prolonging” one’s life (*non protelare*), and actually destroying one’s life (*abrumperere*). The person who refuses medicine simply fails to prolong life, and dies of the disease.<sup>32</sup>

At first glance, this distinction between what we might call “natural” and “artificial” means seems quite straightforward. However, Vitoria posits a qualification. If a sick person cannot take food “except through the hardest labor and, as it were, a kind of torture,” then eating is regarded as impossible, and the person is excused “at least from mortal sin, especially when there is little hope of life—or none.”<sup>33</sup>

Vitoria further nuances his position regarding the obligation to eat when he considers the morality of abstinence under extreme conditions. Just as a person has no obligation to emigrate to a healthier climate in order to live longer, one need not extend life by using the best and most expensive foods, even when they are the most salubrious; indeed, Vitoria describes such behavior as “reprehensible.”<sup>34</sup> On the other hand, one cannot legitimately decide to live only on noxious and inedible foods. In respect to quality and quantity of food, therefore, one need use only what people normally use, even if one’s life is shortened as a result.<sup>35</sup>

Finally, Vitoria offers a very interesting observation about the limits of the obligation to eat in his treatment of Carthusian abstinence. Must such a monk eat meat, in a situation of necessity? It depends on the nature of the necessity, Vitoria answers. If the problem is that meat is the only food available, the religious must eat. But if the problem is medical—that is, only by eating meat can the monk get well—then the answer is no. In this case, Vitoria notes, “meats are like medicines,” and the fasting monk will die from his sickness. “For this is not to kill oneself, but not to prolong life as much as one is able, as has been said above about other medicines.”<sup>36</sup> (In other words, when food is functioning as a medicine rather than as food, it takes on the character of medicine in terms of moral obligation.)

In reference to food, Vitoria’s earlier and better-known relection on homicide complements the relection on temperance. Here the central issue is the distinction between deliberately taking one’s life (suicide), an act that is always forbidden, and making choices that one understands may or will shorten one’s life. Vitoria considers four different cases regarding food. In

<sup>32</sup> Ibid. no. 1 (1008–9).

<sup>33</sup> Ibid. no. 1 (1008): “nisi per summum laborem et quasi cruciatum quendam . . . saltem a mortali, maxime ubi est exigua spes vitae, aut nulla.” See O’Rourke, “Evolution of Church Teaching” 29.

<sup>34</sup> *Relectio de temperantia* no. 13 (1069): “reprehensible.”

<sup>35</sup> Ibid. nos. 13–15 (1069).

<sup>36</sup> Ibid. no. 10 (1065): “carnes se habent tanquam medicinae . . . hoc enim non est se interficere, sed non protelare vitam quantum potest, sicut supra dictum de aliis medicinis.”

a situation of scarcity, can one person relinquish the bread needed to preserve him- or herself from starvation in order to save the life of another? Vitoria praises this behavior, justifying it through reference to Aristotle and the Scriptures.<sup>37</sup> Must criminals sentenced to death by starvation accept offered food? Drawing upon an argument from Aquinas, Vitoria believes that this action is obligatory. Judges may sentence criminals to death but may not condemn them to commit suicide.<sup>38</sup> Thus, Vitoria regards these two scenarios of anticipated death by starvation as morally distinct.

A third case worthy of comment is Vitoria's reference to a person who can return to good health only at extreme expense—for example, the patient who requires “some herb . . . such as a root from Pontus.”<sup>39</sup> Although the solution to the case suggests that Vitoria is thinking of the herb as a drug rather than as a food, the original statement is ambiguous. His evaluation of this case is certainly consistent with his conclusions about the use of very expensive foods, in *De temperantia*. Here he asserts that the patient has no obligation to preserve life by purchasing every conceivable remedy.<sup>40</sup>

Vitoria focuses upon food more directly in his discussion of shortening one's life through abstinence. Arguing that it would be wrong to attempt to live only on foods that are naturally injurious to human health (here specified as mushrooms and bitter herbs), he insists that it is unnecessary to choose the healthiest foods. Assuming that persons are not especially susceptible to injury on account of current illness, they are free to choose nonnoxious foods that lack their counterparts' advantages in promoting longevity. A doctor's promise that drinking wine instead of water will add ten years to one's life does not compel one to substitute the former for the latter.<sup>41</sup> Indeed, Vitoria offers this interesting observation: “God did not wish us to be so much concerned about long life.”<sup>42</sup>

<sup>37</sup> The Latin text of *De homicidio* appears in the Doyle edition with his English translation on facing pages (see n. 20 above; citations to this text will be given by paragraph numbers followed by the page numbers of the Doyle edition). This case is discussed in nos. 22, 25 (86, 96). Note Vitoria's discussion of the significance of the order of charity in this regard at no. 26 (96). One can also find the Latin text below the Spanish translation in the Urdánoz edition, *De homicidio* (1083–130). See Urdánoz (1070–71) on the different manuscripts' dates for the *relectio*: 1529 or 1530.

<sup>38</sup> *De homicidio* nos. 22, 28 (88, 98). The relevant passage from Aquinas is *Summa theologiae* 2–2, q. 69, a. 4, ad 2.

<sup>39</sup> *De homicidio* no. 22 (88): “herba aliqua, ut . . . radice pontica.”

<sup>40</sup> *Ibid.* nos. 33–35 (102).

<sup>41</sup> *Ibid.* no. 34 (102). Vitoria does insist that it is wrong for sick persons to use foods that are harmful for them, even if such foods are nutritious for the healthy.

<sup>42</sup> *Ibid.* no. 33 (102): “Nec enim Deus voluit nos tam sollicitos esse de longa vita.”

In Vitoria, therefore, one finds a basic explanation of the responsibility to preserve one's life through food grounded in natural and divine law as well as in the obligations of charity. Yet, as in the arguments of Gerson, this obligation is nuanced by attention to other values. One may starve if it is the only way to save the life of another. Saving one's life through food can impose such hardships (either physical or financial) that it becomes excessive. Food can sometimes function as a medicine, so that its moral character is transformed. Finally, not extending life is distinct from deliberately taking life, and the pursuit of long life can become a matter of disproportionate concern.

### LEONARDUS LESSIUS

Another early modern theologian who analyzed the moral aspects of nutrition was the Jesuit Leonardus Lessius.<sup>43</sup> Born in Antwerp in 1554, Lessius was associated for many years with the Jesuit college at Louvain, where he served as professor of Scholastic theology. Although poor health forced him to give up teaching in 1600, he continued his theological work until his death in 1623. Lessius is best known today for his treatments of grace and economic ethics, yet he wrote on a variety of theological topics, producing ethical, dogmatic, spiritual, and polemical works.<sup>44</sup>

Like many other theologians during this period, Lessius discussed the limits of persons' duty to maintain their lives in the context of analyzing the moral problems posed in the *Summa theologiae*, specifically in its treatment of suicide.<sup>45</sup> In his discussions, Lessius makes several references to the use of food: two concern cases already proposed by Vitoria, to whom the text explicitly refers. Lessius agrees with Vitoria that persons may legitimately give their only supply of food to another in a case of necessity, even if the benefactors know that they will starve as a result. He disagrees, however,

<sup>43</sup> For a basic introduction to Lessius's life and work, as well as additional bibliography, see Toon Van Houdt, "Lessius, Leonardus," in *Nationaal biografisch woordenboek*, ed. Gilbert DeSmet (Brussel: Paleis der Academiën, 1992), vol. 14, cols. 416–24. For further information on Lessius's moral thought, see M. W. F. Stone and T. Van Houdt, "Probabilism and Its Methods: Leonardus Lessius and His Contribution to the Development of Jesuit Casuistry," *Ephemerides theologicae Lovanienses* 75 (1999) 359–94, at 360–70.

<sup>44</sup> See *ibid.* 360, 362, 363, 366–67, 391–94; Van Houdt, "Lessius, Leonardus" 419–21.

<sup>45</sup> Lessius's *De iustitia et iure ceterisque virtutibus cardinalibus* was initially published in 1605 (Stone and Van Houdt, "Probabilism and Its Methods" 363). I have used the text reprinted in J. P. Migne, *Theologiae cursus completus* (Paris: Apud Editores, 1841) vol. 15, cols. 445–820. The relevant passage is sect. 2, cap. 9, dub. 6 (600–605). My citations to Lessius's works will include the various internal designations, followed by the column or page numbers within parentheses.

with his predecessor's claim that criminals condemned to death by starvation have a duty to consume food secretly supplied to them. In Lessius's view, felons who refuse to eat do not kill themselves; instead they allow their lives "to be destroyed . . . by internal heat" for a sufficiently grave reason, that is, conformity to a just sentence.<sup>46</sup> Lessius draws an analogy between their circumstances and those of persons unwilling to stay alive by eating human flesh or meat sacrificed to idols.<sup>47</sup> While these references to food in his best-known moral work are interesting, they are by no means extensive.

However, Lessius also published a book of a different kind, which has not typically been consulted in reference to this question. It is called the *Hygiasticon*, "or a true plan for conserving good health and life, together with integrity of the senses, judgment, and memory, into extreme old age."<sup>48</sup> From a theological perspective, the most interesting elements of this text are Lessius's arguments concerning the ultimate purpose of long life and good health, and his plea for a type of temperance in methods for pursuing temperance.

There is no shortage, Lessius acknowledges, of books and regimens designed to extend one's life and health. Why should he, as a theologian, take any interest in contributing to this literature? Lessius points out that the subject is certainly connected with the virtue of temperance and therefore represents a moral question.<sup>49</sup> He also emphasizes its relevance for the common good. Excellent people are dying too young because they are not taking proper care of themselves, and many scholars are distracted from their studies for the same reason.<sup>50</sup> At the individual level, the sober life (*vita sobria*) enhances the quality of one's existence, since it supports proper functioning of both the senses and the rational faculties—advantages that the *Hygiasticon* describes in great detail.<sup>51</sup> But particularly interesting is the first reason Lessius gives for writing his book: most of the regimens proposed for people are far too complex and impractical in their demands. Thus, the effort to conform to such regimes becomes "pure slavery [*mera servitus*]." Rejecting an extreme discipline that they find

<sup>46</sup> Ibid. sect. 2, cap. 9, dub. 6, no. 29 (603): "calore interno . . . absumi."

<sup>47</sup> Ibid. (604). In a later *dubitatio*, Lessius also mentions the case of a private person forcibly (and legitimately) despoiled of his only food for the benefit of a starving prince, in order to preserve the common good. See sect. 2, cap. 9, dub. 7, no. 39 (606).

<sup>48</sup> *Hygiasticon, seu vera ratio valetudinis bonae et vitae una cum sensuum, iudicii, & memoriae integritate ad extremam senectutem conservandae*, 3rd ed. (1613; Antwerp: Officina Plantiniana, 1623).

<sup>49</sup> Ibid. chap. 1, nos. 1, 4 (19–20, 22).

<sup>50</sup> Ibid. chap. 1, no. 2 (20–21).

<sup>51</sup> Ibid. chaps. 8–12, nos. 42–61 (72–92).

impossible to sustain, people instead accept the conclusion that “qui medice vivit, misere vivit,” and choose instead to eat and drink whenever and whatever they please.<sup>52</sup> Although Lessius does not make the point explicitly, he is, in fact, offering a medical variant of the advice often given to confessors during these centuries: demand too much, and you will drive people to despair.<sup>53</sup>

Lessius believes that he offers a reasonable alternative. For most of his adult life, he had endured debilitating illnesses.<sup>54</sup> Writing with the enthusiasm of a convert, he claims that his own doctors had basically despaired of his survival before he adopted the regimen outlined in the *Hygiasticon*. One might facetiously call this method “the desert fathers’ diet,” because Lessius grounds it explicitly in the writings of patristic authors such as Cassian.<sup>55</sup> Lessius advocates strict moderation in the quantity of one’s food and drink, either taken at one meal or divided into two. Though he claims that one should shun fatty meats, he has few other rules about the type of food or drink consumed. What is important is to avoid banquets and excessive variety in one’s diet, since these will tempt a person to eat too much.<sup>56</sup> For those who cannot maintain the strict observance of the diet, Lessius suggests purges twice a year to restore the equilibrium of the body’s humors.<sup>57</sup> Beyond this, a little exercise is all that is necessary.<sup>58</sup>

It is important not to lose sight of the biological theory with which Lessius is working. Too much food or the wrong sort of food, he believes, creates noxious vapors that rise from the stomach to the brain and interfere with the intellectual faculties. By fostering an overproduction of seed, overeating increases lust and disturbs the balance of the humors, rendering the emotions more difficult to control, and the body susceptible to disease.<sup>59</sup> Thus, the consequences of overindulgence are emotional and spiritual as well as physical. For Lessius, one of the marks of an appropriate use of food is the capacity to engage in contemplation or study following a meal—although he has no strong objection to the brief postprandial nap.<sup>60</sup>

Lessius believes that his regimen offers many advantages, including bet-

<sup>52</sup> Ibid. chap. 1 (19, 20): “he who lives medically, lives miserably” (20).

<sup>53</sup> See Jean Delumeau, *L’aveu et le pardon: Les difficultés de la confession xiii<sup>e</sup>–xviii<sup>e</sup> siècle* (Paris: Fayard, 1990) 25–39.

<sup>54</sup> See Charles Van Sull, *Léonard Lessius de la Compagnie de Jésus (1554–1623)* (Louvain: Museum Lessianum, 1930) 48–54.

<sup>55</sup> *Hygiasticon*, chap. 1, no. 3; chap. 3, no. 14 (21, 34–35).

<sup>56</sup> Ibid. chap. 4, no. 22; chap. 3, nos. 16–20 (48–49, 38–46).

<sup>57</sup> Ibid. chap. 4, no. 27 (53).

<sup>58</sup> Ibid. chap. 5, no. 32 (61–62).

<sup>59</sup> Ibid. chap. 3, no. 9; chap. 12, no. 57; chap. 9, nos. 46–47; chap. 5, no. 30 (29–30, 88–89, 75–78, 56–57).

<sup>60</sup> Ibid. chap. 3, nos. 9–10 (29–31).

ter health, better control of one's faculties as one grows old, the possibility of a longer life, and even an easier experience of death.<sup>61</sup> However, he claims that its prime benefits are intellectual and moral. The person who balances the body's humors in this way will excel in contemplation, will be able to concentrate more easily, and will be less subject to wrath and lust. The explicit goal of Lessius's work is to help the devout apply themselves more easily to the service of God.<sup>62</sup> Even longer life, which Lessius recognizes is a possible (though not an inevitable) outcome of his regimen, is of value primarily because it provides greater spiritual opportunities, and because experience teaches the elderly to discern the vanity of the world. There is an aptness in old age for the devout pursuits of the soul.<sup>63</sup>

Lessius acknowledges that some people will live to be old no matter what they do.<sup>64</sup> However, he thinks that the moral implications of the intemperate life make such survival a misery. "A long life is too little advantageous," he writes, "if it serves the world rather than God."<sup>65</sup> Never in the *Hygiasticon* does Lessius suggest that there is any moral obligation to pursue long life as a good in itself. Instead, long life is a possible outcome of one's pursuit of the moral life by using food and drink in accordance with right reason. It is not the agent's primary goal. Indeed, Lessius warns that those who attain long life without sobriety endure affliction:

And thus, even if they seem to live in body for a long time, nevertheless, in soul and character they live too little; because [only] for a short time are they fit for the functions of the soul, and most [of their] time must be devoted to the service of the body. What else is that than to make the soul the slave of its own slave, i.e., its flesh? Such a life is not fitting for a human being, especially for a Christian.<sup>66</sup>

The *Hygiasticon*, therefore, is perhaps less a prescription for long life than a method for avoiding spiritual slavery—a slavery occasioned not only by abuse of the body through overindulgence but also by the popularity of overly demanding medical regimens. Like Gerson and Vitoria, Lessius is

<sup>61</sup> Ibid. chap. 5, no. 29? (margin number missing); chaps. 10–11, nos. 49–56; chap. 7, nos. 35–37, 40 (55–56, 81–88, 63–67, 70–72).

<sup>62</sup> Ibid. intro.; chap. 11, nos. 51–56; chap. 9, no. 48; chap. 12, no. 58; chap. 1, no. 4 (5, 82–88, 78–79, 89–90, 22–23).

<sup>63</sup> Ibid. chap. 11, nos. 55–56 (86–88).

<sup>64</sup> Ibid. chap. 7, no. 38 (67).

<sup>65</sup> Ibid. chap. 11, no. 56 (88): "parumque utilis est longa vita, si saeculo potius quam Deo servit. . . ."

<sup>66</sup> Ibid. chap. 7, no. 38 (68): "Itaque etiamsi diu videantur vivere corpore, tamen animo & ingenio parum vivunt, cum exiguo tempore ad functiones animi sint idonei, & maior pars temporis debeat impendi obsequio corporis. Quod quid aliud est, quam animum suae carnis, hoc est sui mancipii, facere mancipium? Talis vita non decet hominem, praesertim Christianum."

concerned to situate the pursuit of health through food within an appropriate spiritual context.

### CONTEMPORARY SIGNIFICANCE

While one can draw on the thought of Vitoria and Lessius to investigate the history of moral theology, their ideas also have implications for the present. What lessons do their discussions provide for a contemporary investigation of the duty to preserve life through the use of food? Without attempting to be exhaustive, one can point to three important issues for modern moral theology arising from a consideration of these early modern authors: the moral significance of the distinction between food and medicine; the problem of establishing an everyday standard for the use of food in a modern context; and the need to evaluate concern for food and health within an appropriate spiritual framework, in light of the Christian tradition.

#### Food or Medicine?

Despite his initial attempt to draw a sharp distinction between food and drugs, Vitoria recognized that food could sometimes function as a medicine and, under those circumstances, took on the moral character of a medicine. He also applied some of the considerations typically employed in the assessment of medicines, such as cost and burden for the patient, to the assessment of food in the preservation of life. Even in the 16th century, therefore, applying distinct moral criteria to food and medicine proved more problematic than it initially appeared. In our day, technology has only compounded the problem. While artificial nutrition and hydration provides an obvious example, there are others as well. Should we regard so-called dietary supplements as foods or as drugs?<sup>67</sup> On what basis do we separate the two? And more importantly, is the distinction truly of ethical significance if we apply similar criteria (cost, burden to the patient, etc.) in assessing the obligatory character of using either food or medicine?

#### The Everyday Standard?

In their advocacy of temperance regarding the use of food, Lessius and Vitoria emphasize what is generally appropriate as the standard for moral choice. Both insist that one need not devote time and treasure to securing the healthiest foods: everyday selections (such as cheese and beer, for Lessius, and porridge and eggs, for Vitoria) are presumed to serve the

<sup>67</sup> See Tracy Hampton, "More Scrutiny for Dietary Supplements?" *Journal of the American Medical Association* 293 (2005) 27–28, at 28.

purposes of temperance quite adequately under most circumstances. One should note that, for many people in early modern Europe, obtaining enough food to avoid starvation was not an achievement to be taken for granted. Historians Andrew Cunningham and Ole Peter Grell point out that most 16th-century Western Europeans would have experienced famine, in which food supplies were simply unavailable for purchase, no matter what one's economic resources, "at least once in their lives, if not more."<sup>68</sup> The poor were also vulnerable to fluctuating grain prices, and to cycles of inflation that periodically limited their access to staple foods.<sup>69</sup> In a century when "some physicians . . . sought herbs that . . . would satisfy and cure hunger," Vitoria and Lessius would hardly have devoted much attention to specific dietary prescriptions.<sup>70</sup> Their reliance on the everyday standard as a measure of temperance makes sense, given the circumstances of the time.

At the beginning of the 21st century, the Food and Agriculture Organization of the United Nations has estimated that the world's population now includes more than 850 million undernourished persons, including 17 percent of those living in developing countries.<sup>71</sup> However, the modern world is also witnessing a disturbing, opposite trend. In 2005, the World Health Organization asserted that the planet's overweight population now exceeds one billion people, with that figure likely to increase to 1.5 billion by 2015.<sup>72</sup> As researchers from the International Food Policy Research Institute point out, we now hear "a tale of two malnutritions" shared by the developed and the developing countries, as "overweight and obesity . . . [become] problems of the poor."<sup>73</sup> Noting the disproportionate impact of weight-sensitive illnesses such as heart disease, stroke, and diabetes on the developing world, W. Philip T. James of the International Obesity Task Force explains, "the greatest burden is borne by the poorer countries in Asia, Latin America, and Africa, with these diseases being shown to affect

<sup>68</sup> Andrew Cunningham and Ole Peter Grell, *The Four Horsemen of the Apocalypse: Religion, War, Famine and Death in Reformation Europe* (New York: Cambridge University, 2000) 201.

<sup>69</sup> *Ibid.* 215–16.

<sup>70</sup> Andrew Wear, "Medicine in Early Modern Europe, 1500–1700," in *The Western Medical Tradition: 800 B.C. to A.D. 1800*, ed. Lawrence L. Conrad et al. (New York: Cambridge University, 1995) 215–342, at 220.

<sup>71</sup> See Food and Agriculture Organization of the United Nations, *The State of Food Insecurity in the World 2006* (Rome: Food and Agriculture Organization of the United Nations, 2006) 8.

<sup>72</sup> United Nations News Service, "Worldwide Overweight and Obesity Problem 'Staggering'—U.N. Health Agency," September 22, 2005, <http://www.un.org/apps/news/story.asp?NewsID=15937&Cr=health&Cr1=> (accessed October 24, 2007).

<sup>73</sup> Corinna Hawkes et al., "Diet Quality, Poverty and Food Policy: A New Research Agenda for Obesity Prevention in Developing Countries," in "Overweight and Obesity: A New Nutrition Emergency?" special issue, *SCN News* 29 (2004–2005) 20–22, at 20.

particularly the poor, underprivileged sections of society . . . especially those who have moved to live in the burgeoning slums of the big cities.”<sup>74</sup> Josef Schmidhuber and Prakash Shetty of the Food and Agriculture Organization point out that urban areas in many developing countries are experiencing the lifestyle and diet changes already seen in the developed world, including “an increase in the calories consumed in tandem with a shift towards diets that are much richer in saturated fats and cholesterol.”<sup>75</sup> The use of a new term, “globesity,” in fact, reflects the prevalence of a health problem no longer widespread only in developed nations.<sup>76</sup>

Given these changes in nutrition and public health, it is insufficient to rely on everyday practice, as Lessius and Vitoria did, to establish appropriate general standards for preserving life through food. In the United States, for example, the National Center for Health Statistics claims that almost two-thirds of American adults are overweight, and nearly half of those are obese.<sup>77</sup> Such statistics suggest a gap between common eating habits and right reason. But if one cannot counsel those interested in temperance to “eat as most people eat,” what is the reasonable alternative? One is reluctant to ascribe moral status to the Department of Health and Human Services’ *2005 Dietary Guidelines for Americans*, especially since the record of compliance with such directives is so poor.<sup>78</sup> Commenting on that history, Janet King observes: “This may be in part because of the failure to integrate experimental evidence with ‘real-life’ situations.”<sup>79</sup> Moreover, it is not difficult to confirm that the healthiest foods are not

<sup>74</sup> “The Challenge of Obesity and Its Associated Chronic Diseases,” in “Overweight and Obesity” 39–43, at 39.

<sup>75</sup> “Nutrition Transition, Obesity, and Noncommunicable Diseases: Drivers, Outlook, and Concerns,” in “Overweight and Obesity” 13–19 at 18, 19.

<sup>76</sup> See World Health Organization, “Controlling the Global Obesity Epidemic” (n.d.), <http://www.who.int/nutrition/topics/obesity/en/index.html> (accessed October 24, 2007).

<sup>77</sup> See National Center for Health Statistics, “Prevalence of Overweight and Obesity among Adults: United States, 2003–2004” (Hyattsville, Md.: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, n.d.), [http://www.cdc.gov/nchs/products/pubs/pubd/hestats/overweight/overwght\\_adult\\_03.htm](http://www.cdc.gov/nchs/products/pubs/pubd/hestats/overweight/overwght_adult_03.htm); National Center for Health Statistics, “Obesity Still a Major Problem” (Hyattsville, Md.: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, April 14, 2006), <http://www.cdc.gov/nchs/pressroom/04facts/obesity.htm> (accessed October 24, 2007).

<sup>78</sup> See United States Department of Health and Human Services, “New Dietary Guidelines Will Help Americans Make Better Food Choices, Live Healthier Lives,” (Washington: GPO, January 12, 2005), <http://www.hhs.gov/news/press/2005pres/20050112.html> (accessed October 24, 2007); and Janet C. King, “An Evidence-Based Approach for Establishing Dietary Guidelines,” *Journal of Nutrition* 137 (2007) 480–83, at 480.

<sup>79</sup> King, “An Evidence-Based Approach” 483.

necessarily the most affordable, or even readily available in America today, especially in certain economically depressed areas.<sup>80</sup> Any attempt to develop standards for temperate food consumption must attend to inequalities in food access. Failure to do so can only increase the marginalization of the poor, who already suffer disproportionately from both obesity and hunger.<sup>81</sup>

### Spiritual Context?

In November of 2007, Amazon.com advertised over 230,000 entries under the keyword *diet*. When arranged by publication date, the first 550 entries offered the consumer a chance to preorder books that had not yet appeared—some with publication dates as late as 2010.<sup>82</sup> Evidently, the publishing industry has concluded that the thousands of volumes already available are unlikely to satiate the public's appetite for diet books in the near future.

It is difficult to scroll through these entries without remembering Lessius's characterization of his own time and the revolt of those equating medicine and misery. When one considers the barrage of regimens presented to the health-conscious today, it is hard to avoid the conclusion Lessius drew centuries ago: people are often overwhelmed by complexity of the voices, so that the effort to preserve health becomes a virtual slavery.

Yet if Lessius were writing today, one wonders whether he would need to offer any defense of the benefits of long life, or to ground its desirability in the common good and the opportunity for spiritual growth. More common today is the tendency to treat long life as self-evidently desirable. Vitoria's comment—"God did not wish us to be so much concerned about long life"—is certainly not a message that our society typically conveys. Does not popular culture suggest that we should be very concerned about living a long life—at least in reference to our nutritional and exercise choices—even though our behavior in practice falls far short of our aspirations?

Vitoria and Lessius lived in an age when the superiority of the soul and the intellect over the body were taken for granted. Lessius urges appropriate—but not excessive—concern for the body precisely because of the higher goods he believes such concerns will serve. By contrast, our age has

<sup>80</sup> See, for example, Janet Rausa Fuller, "Early Deaths Tied to Lack of Grocery Stores," *Chicago Sun-Times*, July 18, 2006, [http://findarticles.com/p/articles/mi\\_qn4155/is\\_20060718/ai\\_n16537869](http://findarticles.com/p/articles/mi_qn4155/is_20060718/ai_n16537869) (accessed October 24, 2007).

<sup>81</sup> See Hawkes et al., "Diet Quality" 20.

<sup>82</sup> Although some of these are undoubtedly differing editions or translations of the same works, the WorldCat library database as of November 26, 2007, included more than 16,800 entries under the keywords *diet* and *health*.

recoiled against the denigration of the body and has recognized that an overemphasis on the intellect can ignore the human dignity of the disabled. We are justifiably suspicious of a theology that respects the body too little. Yet one may reasonably ask whether the opposite tendency, in which the body's survival becomes an absolute good, also poses a danger for us today. What would be the probable response within our culture to Lessius's admission that it is sometimes rational to wish for death?<sup>83</sup> Surely our appreciation of human dignity would be enhanced rather than denigrated by assessing the preservation of the body in light of the resurrection of the body, and evaluating the extension of life in light of life's Ultimate End.<sup>84</sup>

### CONCLUSION

The 21st century is not the 16th century and one cannot apply the lessons of early modern moral theologians without noting the changes in historical context between their period and our own. Nonetheless, Vitoria and Lessius effectively illuminate the difficulties in analyzing the duty to preserve one's life through food. Though he defends such a duty, Vitoria demonstrates that it is subject to limitation through concrete circumstances, while Lessius argues for a virtuous approach to nutrition that avoids the extremes of indifference and excessive concern. Each is careful to emphasize that the nutritional sustenance of health is neither an absolute obligation nor the Christian's ultimate goal. For the modern world, this is a timely reminder. Through their shared insistence on viewing the maintenance of life through the lens of life's spiritual meaning, Vitoria and Lessius have provided their theological successors with useful food for thought.<sup>85</sup>

<sup>83</sup> See Lessius, *De iustitia*, sect. 2, cap. 9, dub. 6, no. 20 (600).

<sup>84</sup> See David F. Kelly, *Medical Care at the End of Life: A Catholic Perspective* (Washington: Georgetown University, 2006) 5.

<sup>85</sup> Early drafts of this paper were presented at a roundtable sponsored by Creighton University's Center for Health Policy and Ethics and at the 2007 annual meeting of the Society of Christian Ethics.